

THE SEVENTY-EIGHTH DAY

CARSON CITY (Monday), April 24, 2023

Senate called to order at 11:56 a.m.

President Anthony presiding.

Roll called.

All present.

Prayer by the Chaplain, President Rajan Zed.

Om
bhur bhuvah svah
tat savitur varenyam
bhargo devasya dhimahi
dhiyo you nah prachodayat.

We meditate on the transcendental glory of the deity supreme, who is inside the heart of the earth, inside the life of the sky and inside the soul of the heaven. May he stimulate and illuminate our minds.

Asato ma sad gamaya
tamaso ma jyotir gamaya
mrityor mamrtam gamaya.

Lead us from the unreal to the Real
Lead us from darkness to Light
Lead us from death to immortality.

Tasmadasaktah satatam karyam karma samacara
asakto hyacarankarma paramapnoti urusha.
Karmanaiva hi samsiddhimasthita janakadayah
lokasangrahavevapi sampasyankartumarhasi.

Strive constantly to serve the welfare of the world; by devotion to selfless one attains the supreme goal of life. Do your work with the welfare of others always in mind.

Om saha naavavatu
saha nau bhunaktu
saha viiryan karavaavahai
tejasvi naavadhiitamastu
maa vidhvishhaavahai.

May we be protected together.
May we be nourished together.
May we work together with great vigor.
May our study be enlightening.
May no obstacle arise between us.

Om shanti, shanti, shanti.

Peace, peace, peace be unto all.

Om.

Pledge of Allegiance to the Flag.

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

REPORTS OF COMMITTEE

Mr. President:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 20, 82, 105, 155, 185, 226, 246, 384, 391, 433, 434, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

EDGAR FLORES, *Chair*

Mr. President:

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 118, 204, 280, 298, 385, 435, 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. 235, 243, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MELANIE SCHEIBLE, *Chair*

Mr. President:

Your Committee on Legislative Operations and Elections, to which were referred Senate Bills Nos. 162, 326, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAMES OHRENSCHALL, *Chair*

Mr. President:

Your Committee on Revenue and Economic Development, to which were referred Senate Bills Nos. 140, 429, 444, 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 21, 2023

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bills Nos. 14, 49, 55, 70, 126, 127, 169, 171, 173, 175, 190, 193, 223, 256, 274, 275, 316, 318, 334, 342, 355, 356, 358, 373, 387, 392, 398, 407, 423, 455.

CAROL AIELLO-SALA

Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Senator Cannizzaro moved that Senate Bills Nos. 25, 194, 251, 269, 318, 323 and 436 be taken from their positions on the General File and placed at the bottom of the General File, last agenda.

Motion carried.

Senator Cannizzaro moved that Senate Bill No. 26 be taken from its position on the General File and placed on the Secretary's Desk.

Motion carried.

Senator Cannizzaro moved that Senate Bills Nos. 4, 23, 43, 211 and 261 be taken from the Secretary's Desk and placed on the bottom of the General File.

Motion carried.

Senator Hammond approved the addition of Senator Cannizzaro as a cosponsor of Senate Bill No. 139.

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 14.

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

Motion carried.

Assembly Bill No. 49.

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

Motion carried.

Assembly Bill No. 55.

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

Motion carried.

Assembly Bill No. 70.

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

Motion carried.

Assembly Bill No. 126.

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

Motion carried.

Assembly Bill No. 127.

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

Motion carried.

Assembly Bill No. 169.

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

Motion carried.

Assembly Bill No. 171.

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

Motion carried.

Assembly Bill No. 173.

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

Motion carried.

Assembly Bill No. 175.

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

Motion carried.

Assembly Bill No. 190.

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

Motion carried.

Assembly Bill No. 193.

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

Motion carried.

Assembly Bill No. 223.

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

Motion carried.

Assembly Bill No. 256.

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

Motion carried.

Assembly Bill No. 274.

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

Motion carried.

Assembly Bill No. 275.

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

Motion carried.

Assembly Bill No. 316.

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

Motion carried.

Assembly Bill No. 318.

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

Motion carried.

Assembly Bill No. 334.

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

Motion carried.

Assembly Bill No. 342.

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

Motion carried.

Assembly Bill No. 355.

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

Motion carried.

Assembly Bill No. 356.

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

Motion carried.

Assembly Bill No. 358.

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

Motion carried.

Assembly Bill No. 373.

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

Motion carried.

Assembly Bill No. 387.

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

Motion carried.

Assembly Bill No. 392.

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

Motion carried.

Assembly Bill No. 398.

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

Motion carried.

Assembly Bill No. 407.

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

Motion carried.

Assembly Bill No. 423.

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

Motion carried.

Assembly Bill No. 455.

Senator Lange moved that the bill be referred to the Committee on Revenue and Economic Development.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 14.

Bill read third time.

Remarks by Senator Ohrenschall.

Senate Bill No. 14 authorizes the Chair of the Nevada Gaming Control Board (NGCB) to approve persons associated with a deceased licensee or a licensee who has been judicially declared disabled to temporarily engage in gaming activities without procuring a gaming license for such time as the Chair deems necessary to settle the estate of the licensee. Persons granted such approval are required to comply with relevant statutory and administrative provisions.

The bill also authorizes the NGCB to designate as bad debt any amount of debt it assigned to the State Controller that the Board determines is impossible or impractical to collect. If the State Controller determines that it is impossible or impractical to collect a debt assigned by the NGCB, the Controller must request that the State Board of Examiners designates the debt as a bad debt.

Any person authorized to receive a share of revenue from any slot machine operated on the premises of a licensee is liable to the licensee for a proportionate share of the license fee and is required to remit or credit the proportionate share to the licensee by a certain date. Finally, the bill exempts a person appointed as a Gaming Commissioner by the Governor from certain provisions governing the employment of retired public employees.

Roll call on Senate Bill No. 14:

YEAS—21.

NAYS—None.

Senate Bill No. 14 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 17.

Bill read third time.

Remarks by Senators Daly and SeEVERS Gansert.

SENATOR DALY:

Senate Bill No. 17 requires regional transportation commissions in counties with a population of 100,000 or more to establish an advisory committee regarding benches, shelters and transit stops. The bill also expands the authorization of a commission to grant money to conduct research and develop projects that promote emerging transportation and transit technologies. Finally, the bill authorizes certain regional transportation commissions to establish and administer the Nevada Yellow Dot Program.

SENATOR SEEVERS GANSERT:

I oppose Senate Bill No. 17. I have looked over this a few times, and it reduces the number of public members. It got rid of the terms, so there is no defined term for anyone who is appointed, and I could not find exactly how many members would be on this board as well. It may be up to the commission itself. So I am in opposition.

Roll call on Senate Bill No. 17:

YEAS—13.

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

Senate Bill No. 17 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 104.

Bill read third time.

Remarks by Senator Nguyen.

Senate Bill No. 104 removes a court's authority to suspend a person's driver's license or prohibit a person from applying for a driver's license due to a delinquent fine, assessment or fee associated with a civil penalty imposed for a traffic violation. A person who is subject to such a suspension or delay when this bill takes effect must have his or her license, or ability to pay for such a license, reinstated by the Department of Motor Vehicles at no cost and be notified.

This does a lot of other things. This is a cleanup bill from several pieces of legislation that passed during the 81st Session. This cleans up some of those provisions to make this bill more effective.

Roll call on Senate Bill No. 104:

YEAS—21.

NAYS—None.

Senate Bill No. 104 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 184.

Bill read third time.

Remarks by Senators Spearman and Goicoechea.

SENATOR SPEARMAN:

Senate Bill No. 184 makes various changes to the charter of the City of North Las Vegas, including increasing the number of wards in the city from four to six; requiring the city manager to reside in the city—that does not include the current city manager, that is going forward; requiring the city manager to prepare an annual diversity study and establish a supplier diversity program; providing that the city attorney or an attorney with whom the City Council enters into a contract to perform all or a portion of the duties of the city attorney may not opine or provide legal advice to the Mayor or a council member on any issue or matter that does not directly relate to the official duties of the Mayor or the city council member; and requiring the city manager to submit reports to certain legislative committees regarding vacant or leased space in the North Las Vegas City Hall and a report to the Joint Interim Standing Committee on Legislative Operations and Elections during the legislative interim regarding the redistricting of the wards.

Provisions requiring a report of vacant or leased space in the North Las Vegas City Hall are effective upon passage and approval. Provisions related to adding two additional wards and requiring the city manager to report certain information to the Joint Interim Standing Committee on Legislative Operations and Elections are effective upon passage and approval for the purposes of adopting ordinances, establishing the boundaries of the wards and performing any preparatory administrative tasks and on January 1, 2024, for all other purposes. All other provisions of the bill are effective on July 1, 2023.

I have a couple things to say about this. The first thing that I want to say is that this is a civil rights issue. There is a pervasive rumor that really is a lie from the pit of Hell. I am not carrying this bill to run for any of these offices. I do not want to do it. The second thing I want to say is it is not about me and, really, it is not about anybody in this chamber. It is about the people in North Las Vegas who do not have the same options that we do in terms of living arrangements and mobility.

This is a bill that was 53 years in the making. There will be some who will say, "Well, I disagree because it did not go through the Charter Committee." I will say this, "Well, it would have gone through the Charter Committee had the Charter Committee been called." Anyone who listened to the hearing on this bill heard several members of the Charter Committee say they would have done this if they had had an opportunity to meet, but they did not. I liken that to an excuse because my father said, "Anyone who wants to do something will find a way, anyone who does not will find an excuse." The excuse not to vote for this bill because it did not go through the City Charter is akin to going to a community swimming pool and someone is drowning and they are flailing their arms and crying for help, and everybody else around the swimming pool says, "Well, it is the lifeguard's duty. Somebody call the lifeguard." Are we going to let the person drown, or is somebody going to jump in and save them?

This is about civil rights. This is about civil rights. Why do we need to fight for civil rights? I am going to call some names of some people you may not know—Ruby Sales—the Selma to Montgomery March, registering voters in Lowndes County, Alabama, and her arrest in Haynesville, Alabama, she had post-traumatic stress syndrome from watching Jonathan Daniels, a seminary student who saved her life, and discusses her opinions on African-American history. Lateefah Simon won a MacArthur Genius award for helping impoverished and formerly incarcerated women. In March of 1955, 15-year-old Claudette Colvin, a student from a Black high school in Montgomery, refused to move from her seat on the bus even though the law said she must give up her seat to any white person who came and asked her for the seat. Rosa Parks, in December, nine months later, broke the Jim Crow law requiring colored people to sit on the back of the bus. Bayard Rustin, who is the author of the nonviolent strategy, went to Alabama as the bus boycott started and taught Dr. King and others how to use the nonviolent strategy to defeat racism and Jim Crow. Fannie Lou Hamer, who was refused a seat on the floor and finally said, "I am sick and tired of being sick and tired." The self-sacrifice and the commitment of Cesar Chavez and Dolores Huerta who fought to make sure that immigrants, people who worked in farms, were treated humanely and got a decent wage for a decent day's work. Mahatma Gandhi, an Indian lawyer, who fought and led a successful campaign for India's independence from British rule, inspired many movements around the world for civil rights. He said these words, "First they ignore you, then they laugh at you, then they fight you, then you win."

I do not know how many of you have heard this story, but let me take a couple of seconds to say this. I have often been asked, "Why do I fight so hard for civil rights?" I believe I was born into this fight because when I was born, I was born in a freight elevator in a hospital in Indianapolis, Indiana, because my father was refused admission through the front door and told to go around to the back door because "colored people could not come that way." By the time he rode all the way around the hospital to the back door and got my mother into the elevator—there was all kinds of trash on the floor, all kinds of medical trash, there were all kinds of food trash on the floor—my dad said as soon as the door closed, my mom passed out. When the door opened, the nurses were standing there, and they said, "Oh, the baby's head is already out." I was born amongst trash because of racism. I was born amongst trash for Jim Crowism. I was born amongst trash when we were still fighting for civil rights. I am fighting for civil rights today.

In 1969, myself and 15 other students integrated an Alabama High School. When we first got there, the very first day of school, the bus rolled up and guess who is standing there in full regalia: the Ku Klux Klan. Everyone else was afraid to get off the bus. As I started to get off the bus, they said, "Patty, do not do that. Do not do that. You are going to get killed." I said, "If they kill me, name a holiday after me." I got off the bus, went through the Klan, walked into the auditorium and sat down. I was suspended and almost expelled from school because I would not allow them to call me the "N" word. You know the "N" word. I would not allow that. I would not allow it because I am a human being designed by God, and my divine design refuses to give in to racism and Jim Crowism.

Why do I say this is a civil rights bill? It is a civil rights bill because it says that if you have more than 275,000 people who live in the City of North Las Vegas, you ought to have enough sense to know that more than four people are required on the City Council. I have often asked the question as I listen to people talk about why this was not a good bill. Everything from, "Well, it should have gone before the Charter Committee." I have already told you why it did not. Why would people fight against adequate representation? Why would people refuse 275,000 people—

when there are less than 10 people fighting against this—why would they refuse to allow them to have adequate representation? This is not new; this is not even revolutionary. If it is, it is only revolutionary because in the 21st Century, we are still fighting for equality and we are still fighting for adequate representation. I stand here today in the words of Fannie Lou Hamer, "I am sick and tired of being sick and tired."

Everybody will have a right to either vote "yes" or "no." You have your reasons to vote "yes" or "no," but I am asking you to understand that this bill, Senate Bill No. 184, is not about anybody in the North Las Vegas government. It is about the people who are asking for adequate representation, who could have had it in 2011 when we got Congressional District 4 because the folks in North Las Vegas knew that the city had grown, and who could have had it in 2021 when the census report said we have more than 262,000 people. If you want to do the right thing, you do not wait for a bill like this. You do the right thing. When you do not do the right thing, we have been sent here by the people that we represent to pick up the slack.

There have been several bills that have come before the Senate asking us to do things that local government would not do. To fall back on, "I am not going to do it because local government should have done it," is disingenuous. This is a civil rights bill. I hope and pray to God that everyone who has looked at this bill—and if you look at it again, you will understand there are 275,000 people. It has been 53 years since the City of North Las Vegas has opened the Charter and looked at adequate representation for the people.

One last thing, North Las Vegas is the most diverse city in the State. We are third in line in terms of population. We have four city council members. Reno, who is behind us, has 262,000 people, and they have six wards and a mayor. There are a couple things different. I said this to people who want me to stand down—anybody who knows me, knows I do not stand down, not when it comes to civil rights—I do not do that, and I do not back up. Reno has a mostly white population. The City of North Las Vegas is minority-majority. Why would anyone not want the majority-minority city in the State to have equal representation? Why would anyone vote against a civil rights bill? Dr. King said, "The best way to find yourself is to lose yourself." In the end, it is the silence of our friends that we will remember, not the anger of our enemies. Senate Bill No. 184, for all the lies and preposterous scenarios that have gone around this building and other places about what this may or may not be, we have a chance right now, and history will record our vote. History will record our vote. Will we stand up for civil rights, or will we cower in the face of power that says, "Do not do it." I am urging you to fight for civil rights. I have done it all my life. I ain't tired, and I ain't through yet.

SENATOR GOICOECHEA:

I oppose Senate Bill No. 184. It is clearly not about civil rights or right or wrong. I had hoped we would get there with this bill, the ability to leave the charter committee in place and put some guidelines on it. I hoped we could have some sideboards that said, "Hey, you have to meet. You set your own agenda." But to disregard the fact this is a charter city with a charter committee and bring it to this body to restructure what that city council looks like is wrong. I ask you to vote "no."

Roll call on Senate Bill No. 184:

YEAS—13.

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

Senate Bill No. 184 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 192.

Bill read third time.

Remarks by Senator Doñate.

Senate Bill No. 192 changes the name of a "hospital advisory board" to a "hospital governing board" and requires such a board to adopt bylaws and related policies and procedures.

Additionally, the bill expands the topics that may be discussed in a closed meeting of a board of hospital trustees or a hospital governing board to include privileged or confidential matters in deliberating the character, alleged misconduct, professional competence or physical or mental health of a health care provider, and a report related to conditions of participation in Medicare or Medicaid programs. Lastly, the bill authorizes a board of hospital trustees or hospital governing board to employ dentists and fix their compensation.

Senate Bill No. 192.

Roll call on Senate Bill No. 192:

YEAS—21.

NAYS—None.

Senate Bill No. 192 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 302.

Bill read third time.

Remarks by Senator Ohrenschall.

Senate Bill No. 302 addresses an issue that affects the lives and wellbeing of many of our constituents here in Nevada as well as across the country. Removing gender-affirming health care access for transgender and nonbinary Americans has been the focus of multiple lawmaking bodies across the United States in recent years, especially in the last 12 months.

This is in spite of the fact that removal of gender-affirming care for those vulnerable groups that seek this care causes long-term damage to mental health. According to research from Stanford University, which looked at data from a survey of more than 27,000 transgender adults in the United States, gender-affirming care is beneficial from a mental health perspective. In a 2018 position statement, the American Psychiatric Association noted that discrimination and lack of equal civil rights is damaging to the mental health of transgender and gender diverse individuals. Gender-affirming health care is imperative for mental health, especially because, as the Anti-Defamation League points out, gender-affirming hormone therapy has been shown to significantly decreased suicidality among transgender youth and gender-affirming care including social, medical and legal aspects, has been shown to improve the overall mental health of transgender and nonbinary people.

Senate Bill No. 302 will address the increasingly grave environment presented by state governments across the country who seek to remove access to gender-affirming health care. Senate Bill No. 302 will protect medical professionals in Nevada and those who come to our State who have provided vulnerable communities—the transgender, nonbinary communities—access to gender-affirming health care.

I believe Nevada has a chance to take a stand for what is right with Senate Bill No. 302. I ask everyone to imagine if they went to see their health care provider for them and for their family, and recommendations were given which are in line with these recommendations from the American Medical Association and the American Psychiatric Association, and a state legislature says that you are now committing a criminal offense, or you are now committing abuse and neglect.

I ask everyone to look in their hearts and please support Senate Bill No. 302. Nevada cannot stand with what is happening across the country.

Roll call on Senate Bill No. 302:

YEAS—13.

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

Senate Bill No. 302 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 330.

Bill read third time.

Remarks by Senator Lange.

Senate Bill No. 330 requires certain private health insurance policies covering mammograms to provide coverage for breast cancer screening and diagnostic imaging tests for eligible persons without requiring any deductible, copayment, coinsurance or any other form of cost-sharing. In addition, the bill requires the Public Employees Benefits Program and plans of self-insurance for employees of local government to provide coverage for mammograms every two years or annually if ordered by a provider of health care for women 40 years of age or older. A health insurance policy issued or renewed on or after January 1, 2024, must include the required coverage imposed by this measure and any provisions that conflict are void.

Roll call on Senate Bill No. 330:

YEAS—21.

NAYS—None.

Senate Bill No. 330 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 362.

Bill read third time.

Remarks by Senator Neal.

Senate Bill No. 362 requires that if a person who is in the custody of a peace officer indicates that he or she cannot breathe, the peace officer must ensure that medical aid is rendered to the person by an appropriate medical practitioner as soon as is practicable. The bill also provides that the Department of Motor Vehicles may adopt regulations governing the use of a single symbol on a driver's license to indicate that a person has a certain medical condition or conditions and to maintain a record of such so that will be accessible by law enforcement agencies. The Department also has to make available information on its website regarding how a person may obtain a license with such a symbol imprinted on it. Lastly, the bill requires law enforcement agencies to adopt policies preventing a peace officer from weaponizing copyrighted work to interfere with the sharing of recordings made by a peace officer while on duty.

Roll call on Senate Bill No. 362:

YEAS—21.

NAYS—None.

Senate Bill No. 362 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 388.

Bill read third time.

Remarks by Senator Scheible.

Senate Bill No. 388 addresses collective bargaining for certain groups of employees in the classified service of the Executive Department of State Government. Specifically, the bill requires the subjects of such bargaining to include whether the payment of the employees' portion of the contributions to the Public Employees' Retirement System must be made in lieu of

equivalent basic salary increases or cost-of-living increases, or both, or counterbalanced by equivalent reductions in the employees' salaries.

Roll call on Senate Bill No. 388:

YEAS—13.

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

Senate Bill No. 388 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 411.

Bill read third time.

Remarks by Senators Ohrenschall and Seevers Gansert.

SENATOR OHRENSCHALL:

Senate Bill No. 411 authorizes the juvenile court and judicial districts across the State to establish a program for children who are diagnosed with or who are suspected to have autism spectrum disorders and who are alleged or adjudicated to have committed a juvenile delinquent act to participate in this therapeutic diversion court program. The bill sets forth eligibility criteria for such a program and provides for informal supervision on probation for such children as appropriate.

I have a personal comment I would like to make to the chamber. There is a program down in Clark County called Detention Alternatives for Autistic Youth. It was started by Judge Bailey down in Southern Nevada, and it has been successful in diverting children from being caught up in the delinquency system, spending time in juvenile detention or even going to a youth correctional facility. Recidivism rates have been low, and many children have connected with the services they needed for years, but either, somehow, it was not caught or the families did not realize. A lot of the kids get neuropsychiatry evaluations and end up getting the help they need. I urge everyone's support for this. Hopefully, we will see therapeutic diversion courts for kids on the spectrum across the State.

SENATOR SEEVERS GANSERT:

I support Senate Bill No. 411. I appreciate the work that the Senator from District 21 has done over the years for autistic children. This makes a lot of sense and will be helpful.

Roll call on Senate Bill No. 411:

YEAS—21.

NAYS—None.

Senate Bill No. 411 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 4.

Bill read third time.

Remarks by Senator Nguyen.

Senate Bill No. 4 authorizes the Department of Health and Human Services to provide grants or enter into contracts or intergovernmental agreements financed by the Fund for a Healthy Nevada to pay for or subsidize the cost of prescription drugs, pharmaceutical services and certain other benefits for Nevada residents. The bill also authorizes the Department to establish regulations on the eligibility criteria for such residents and removes the requirement that the funds be limited to the use of senior citizens and persons with disabilities. Lastly, this bill requires the Department to submit expenditure reports annually rather than quarterly.

Roll call on Senate Bill No. 4:

YEAS—20.

NAYS—Hansen.

Senate Bill No. 4 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 23.

Bill read third time.

The following amendment was proposed by Senator Flores:

Amendment No. 493.

SUMMARY—Authorizes ~~an amendment of~~ certain legislative bodies to amend a redevelopment plan to ~~include the removal of~~ remove an area from a redevelopment area under certain circumstances. (BDR 22-367)

AN ACT relating to redevelopment; authorizing ~~an amendment of~~ certain legislative bodies to amend a redevelopment plan to ~~include the removal of~~ remove an area from a redevelopment area under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a legislative body to: (1) adopt by ordinance a redevelopment plan as the official redevelopment plan for a redevelopment area; and (2) amend the existing redevelopment plan, including the addition of one or more areas to the redevelopment area. (NRS 279.586, 279.608) Existing law prohibits the removal of an area from a redevelopment area by amendment. (NRS 279.608) Section 1 of this bill authorizes a legislative body of a city whose population is less than 25,000 to amend a redevelopment plan to remove an area from the redevelopment area if the legislative body determines following a public hearing that: (1) the removal will not impair adversely any outstanding bonds or securities; (2) the area that will be removed consists primarily of single-family residential dwellings or multi-family residential dwellings of three stories or less, or both; and (3) the removal is necessary or desirable because it is in the public interest for the property tax revenue collected from the area that will be removed to be distributed in the same manner as property tax revenue is distributed outside the redevelopment area. Under section 2 of this bill, a legislative body is prohibited from amending a redevelopment plan to remove such an area from a redevelopment area if the removal would impair adversely outstanding obligations of any political subdivision of this State or any other public entity.

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

Section 1. NRS 279.608 is hereby amended to read as follows:

279.608 1. If, at any time after the adoption of a redevelopment plan by the legislative body, the agency desires to take an action that will constitute a material deviation from the plan or otherwise determines that it would be

necessary or desirable to amend the plan, the agency must recommend the amendment of the plan to the legislative body. An amendment may include the addition of one or more areas to any redevelopment area but, except as otherwise provided in subsection 2, may not include ~~for, except as otherwise provided in NRS 279.683,~~ the removal of an area from any redevelopment area, regardless of whether that area was initially a part of the redevelopment area or was added later through amendment.

2. Except as otherwise provided in NRS 279.683, in a city whose population is less than 25,000, an amendment to a redevelopment plan may include the removal of an area from a redevelopment area only if the area proposed for removal consists primarily of single-family residential dwellings or multi-family residential dwellings of three stories or less, or both.

~~{2}~~ 3. Before recommending amendment of the plan, the agency shall hold a public hearing on the proposed amendment. Notice of that hearing must be published at least 10 days before the date of hearing in a newspaper of general circulation, printed and published in the community, or, if there is none, in a newspaper selected by the agency. The notice of hearing must include a legal description of the boundaries of the area designated in the plan to be amended and a general statement of the purpose of the amendment.

~~{3}~~ 4. In addition to the notice published pursuant to subsection ~~{2}~~ 3, the agency shall cause a notice of hearing on a proposed amendment to the plan to be sent by mail at least 10 days before the date of the hearing to each owner of real property, as listed in the records of the county assessor, whom the agency determines is likely to be directly affected by the proposed amendment. The notice must:

- (a) Set forth the date, time, place and purpose of the hearing and a physical description of, or a map detailing, the proposed amendment; and
- (b) Contain a brief summary of the intent of the proposed amendment.

~~{4}~~ 5. If after the public hearing, the agency recommends substantial changes in the plan which affect the master or community plan adopted by the planning commission or the legislative body, those changes must be submitted by the agency to the planning commission for its report and recommendation. The planning commission shall give its report and recommendations to the legislative body within 30 days after the agency submitted the changes to the planning commission.

~~{5}~~ 6. After receiving the recommendation of the agency concerning the changes in the plan, the legislative body shall hold a public hearing on the proposed amendment, notice of which must be published in a newspaper in the manner designated for notice of hearing by the agency. ~~{4}~~ The legislative body shall adopt an ordinance amending the ordinance adopting the plan if, after ~~{that}~~ the public hearing held pursuant to this subsection, the legislative body determines that the ~~{amendments in}~~ amendment to the plan ~~{are}~~ proposed by the agency ~~{are}~~ :

(a) For an amendment that includes the removal of an area from any redevelopment area ~~that~~ pursuant to subsection 2:

(1) Is not prohibited by NRS 279.683;

(2) Will only remove from the redevelopment area an area that consists primarily of single-family residential dwellings or multi-family residential dwellings of three stories or less, or both; and

(3) Is necessary or desirable because it is in the public interest for the property tax revenue collected from the area that will be removed to be distributed in the same manner as property tax revenue is distributed outside the redevelopment area; and

(b) For any other amendment, is necessary or desirable . ~~the legislative body shall adopt an ordinance amending the ordinance adopting the plan.~~

~~6.1~~ 7. As used in this section, "material deviation" means an action that, if taken, would alter significantly one or more of the aspects of a redevelopment plan that are required to be shown in the redevelopment plan pursuant to NRS 279.572. The term includes, without limitation, the vacation of a street that is depicted in the streets and highways plan of the master plan described in NRS 278.160 which has been adopted for the community and the relocation of a public park. The term does not include the vacation of a street that is not depicted in the streets and highways plan of the master plan described in NRS 278.160 which has been adopted for the community.

Sec. 2. Notwithstanding the provisions of NRS 279.608, as amended by section 1 of this act, the provisions of NRS 279.608, as amended by section 1 of this act, must not be applied to modify, directly or indirectly, any taxes levied or revenues pledged in such a manner as to impair adversely any outstanding obligations of any political subdivision of this State or other public entity, including, without limitation, bonds, medium-term financing, letters of credit and any other financial obligation, until all such obligations have been discharged in full or provision for their payment and redemption has been fully made.

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

Senator Flores moved the adoption of the amendment.

Remarks by Senator Flores.

Amendment No. 493 puts a population cap on Senate Bill No. 23.

Amendment adopted.

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

Senate Bill No. 43.

Bill read third time.

Remarks by Senator Lange.

Senate Bill No. 43 requires the Aging and Disability Services Division of the Department of Health and Human Services to update the strategic plan for persons with disabilities as it determines necessary. The bill revises the duties of the Nevada Commission on Services for Persons with Disabilities, abolishing the previous five-year strategic plan and authorizing the Commission to develop a statewide plan to improve services to persons who are deaf, hard of hearing or speech impaired. The bill authorizes the Governor to appoint any officer or employee

of a county or city government, not only members of the governing body, to the four positions of the Nevada Commission on Aging representing a city or a county.

Roll call on Senate Bill No. 43:

YEAS—21.

NAYS—None.

Senate Bill No. 43 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 211.

Bill read third time.

The following amendment was proposed by Senator Harris:

Amendment No. 496.

SUMMARY—Revises provisions relating to marriage. (BDR 11-656)

AN ACT relating to marriage; requiring, under certain circumstances, a county clerk or county recorder to issue an amended certificate of marriage to a party to a marriage whose name has changed; eliminating the authority for an applicant for a marriage license to change his or her middle or last name at the time of issuance of a marriage license; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that if any information in a certificate of marriage is incorrect, the county clerk or the county recorder may charge and collect from a person certain fees for the preparation of an affidavit of correction and the filing of a corrected certificate of marriage. (NRS 122.135) Section 1.3 of this bill provides that if a marriage was solemnized in this State and a party to the marriage receives a certified copy of a court order from a court of this State or another state, the District of Columbia or any territory of the United States changing the name of the party, the county clerk shall issue an amended certificate of marriage upon receipt of: (1) a certified copy of the original certificate of marriage; (2) a certified copy of the court order; (3) a notarized affidavit of amendment executed by the parties to the marriage; and (4) the applicable fees. Section 1.6 of this bill sets forth the form for any amended certificate of marriage that is issued pursuant to section 1.3.

If the amended certificate of marriage is issued by a county recorder or county clerk of a county other than the county which issued the marriage license, section 1.9 of this bill requires the party requesting the amended certificate of marriage to, within 10 days after receiving a certified copy of the amended certificate, deliver that copy to the county clerk or county recorder, as applicable, of the county where the marriage license was issued. Section 1.9 also requires the county clerk or county recorder, as applicable, to then record the certified copy of the amended certificate of marriage.

Existing law provides that at the time of issuance of a marriage license, an applicant or both applicants may elect to change the middle name or last name, or both, by which an applicant wishes to be known after solemnization

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

Sec. 1.3. 1. *If a marriage was solemnized in this State and a party to the marriage receives a certified copy of a court order from a court of this State or another state, the District of Columbia or any territory of the United States changing the name of the party, the county clerk shall issue an amended certificate of marriage to that party that sets forth the new name of the party, upon receipt by the county clerk of:*

- (a) A certified copy of the original certificate of marriage;
- (b) A certified copy of the court order;
- (c) A notarized affidavit of amendment prepared by the county clerk and executed by the parties to the marriage; and
- (d) The fees required pursuant to subsection 2.

2. The county clerk may charge and collect a fee of not more than \$25 for the preparation of the affidavit of amendment pursuant to paragraph (c) of subsection 1. The party requesting the amended certificate of marriage must also pay any fee required pursuant to NRS 246.180 or NRS 247.305, as applicable, for the filing or recording of the amended certificate of marriage.

3. Upon compliance with subsection 1, the county clerk shall issue ~~for uncertified~~ a certified copy of the amended certificate of marriage to the parties to the marriage.

4. The county clerk or county recorder, as applicable, shall maintain as a public record the original certificate of marriage and the amended certificate of marriage issued pursuant to this section.

Sec. 1.6. 1. *An amended certificate of marriage issued pursuant to section 1.3 of this act must be substantially in the following form:*

AMENDED CERTIFICATE OF MARRIAGE

State of Nevada }
 } ss.
County of }

This is to acknowledge that a marriage officiant, did on the day of the month of of the year, at (address or church), ... (city), Nevada, join in lawful wedlock (name), of (city), State of, date of birth, and (name), of (city), State of, date of

birth, with their mutual consent, in the presence of at least one witness.

.....
(Seal of County Clerk) Signature of County Clerk

This certificate is issued to reflect an amendment made pursuant to Instrument No. on file at the Office of the County [Clerk or Recorder] and the court order issued in County, State of, Case No.

The original Certificate of Marriage No., recorded or filed as Instrument No., is on file at the Office of the County [Clerk or Recorder].

2. All information contained in the amended certificate of marriage must be typewritten or legibly printed in black ink, except the signatures.

Sec. 1.9. 1. Each party who is issued an amended certificate of marriage pursuant to section 1.3 of this act by a county recorder or county clerk of a county other than the county where the marriage license was issued shall, within 10 days after receiving a certified copy of the amended certificate of marriage, deliver to:

(a) If the board of county commissioners has adopted an ordinance pursuant to NRS 246.100, the county clerk of the county where the marriage license was issued a certified copy of the amended certificate of marriage required by section 1.3 of this act.

(b) If the board of county commissioners has not adopted an ordinance pursuant to NRS 246.100, the county recorder of the county where the marriage license was issued a certified copy of the amended certificate of marriage required by section 1.3 of this act.

2. The certified copy of an amended certificate of marriage delivered pursuant to this section must be recorded by the county recorder or filed by the county clerk. For the recording or filing of a certified copy of an amended certificate of marriage pursuant to this section, the county recorder or county clerk is entitled to the fees designated in subsection 2 of section 1.3 of this act. All such fees must be deposited in the county general fund.

Sec. 2. NRS 122.040 is hereby amended to read as follows:

122.040 1. Before persons may be joined in marriage, a license must be obtained for that purpose from the county clerk of any county in the State. Except as otherwise provided in this subsection, the license must be issued at the county seat of that county. The board of county commissioners:

(a) In a county whose population is 700,000 or more may, at the request of the county clerk, designate not more than five branch offices of the county clerk at which marriage licenses may be issued, if the designated branch offices are located outside of the county seat.

(b) In a county whose population is less than 700,000 may, at the request of the county clerk, designate one branch office of the county clerk at which marriage licenses may be issued, if the designated branch office is

established in a county office building which is located outside of the county seat.

2. Except as otherwise provided in this section, before issuing a marriage license, the county clerk shall require each applicant to provide proof of the applicant's name and age. The county clerk may accept as proof of the applicant's name and age an original or certified copy of any of the following:

(a) A driver's license, instruction permit or identification card issued by this State or another state, the District of Columbia or any territory of the United States.

(b) A passport.

(c) A birth certificate and:

(1) Any secondary document that contains the name and a photograph of the applicant; or

(2) Any document for which identification must be verified as a condition to receipt of the document.

➡ If the birth certificate is written in a language other than English, the county clerk may request that the birth certificate be translated into English and notarized.

(d) A military identification card or military dependent identification card issued by any branch of the Armed Forces of the United States.

(e) A Certificate of Citizenship, Certificate of Naturalization, Permanent Resident Card or Temporary Resident Card issued by the United States Citizenship and Immigration Services of the Department of Homeland Security.

(f) Any other document that provides the applicant's name and age. If the applicant clearly appears over the age of 25 years, no documentation of proof of age is required.

3. Except as otherwise provided in subsection 4, the county clerk issuing the license shall require each applicant to answer under oath each of the questions contained in the form of license. The county clerk shall, except as otherwise provided in this subsection, require each applicant to include the applicant's social security number on the affidavit of application for the marriage license. If a person does not have a social security number, the person must state that fact. The county clerk shall not require any evidence to verify a social security number. If any of the information required is unknown to the person, the person must state that the answer is unknown. The county clerk shall not deny a license to an applicant who states that the applicant does not have a social security number or who states that any requested information concerning the applicant's parents is unknown.

4. Upon finding that extraordinary circumstances exist which result in only one applicant being able to appear before the county clerk, the county clerk may waive the requirements of subsection 3 with respect to the person who is unable to appear before the county clerk, or may refer the applicant to the district court. If the applicant is referred to the district court, the district

court may waive the requirements of subsection 3 with respect to the person who is unable to appear before the county clerk. If the district court waives the requirements of subsection 3, the district court shall notify the county clerk in writing. If the county clerk or the district court waives the requirements of subsection 3, the county clerk shall require the applicant who is able to appear before the county clerk to:

(a) Answer under oath each of the questions contained in the form of license. The applicant shall answer any questions with reference to the other person named in the license.

(b) Include the applicant's social security number and the social security number of the other person named in the license on the affidavit of application for the marriage license. If either person does not have a social security number, the person responding to the question must state that fact. The county clerk shall not require any evidence to verify a social security number.

➡ If any of the information required on the application is unknown to the person responding to the question, the person must state that the answer is unknown. The county clerk shall not deny a license to an applicant who states that the applicant does not have a social security number or who states that any requested information concerning the parents of either the person who is responding to the question or the person who is unable to appear is unknown.

5. When the authorization of a district court is required because the marriage involves a minor, the county clerk shall issue the license if that authorization is given to the county clerk in writing.

~~6. [At the time of issuance of the license, an applicant or both applicants may elect to change the middle name or last name, or both, by which an applicant wishes to be known after solemnization of the marriage. The first name of each applicant selected for use by the applicant after solemnization of the marriage must be the same as the first name indicated on the proof of the applicant's name submitted pursuant to subsection 2. An applicant may change his or her name pursuant to this subsection only at the time of issuance of the license. One or both applicants may adopt:~~

~~— (a) As a middle name, one of the following:~~

~~— (1) The current last name of the other applicant.~~

~~— (2) The last name of either applicant given at birth.~~

~~— (3) A hyphenated combination of the current middle name and the current last name of either applicant.~~

~~— (4) A hyphenated combination of the current middle name and the last name given at birth of either applicant.~~

~~— (b) As a last name, one of the following:~~

~~— (1) The current last name of the other applicant.~~

~~— (2) The last name of either applicant given at birth.~~

~~— (3) A hyphenated combination of the potential last names described in paragraphs (a) and (b).~~

~~—7.]~~ All records pertaining to marriage licenses are public records and open to inspection pursuant to the provisions of NRS 239.010.

~~[8.]~~ 7. A marriage license issued on or after July 1, 1987, expires 1 year after its date of issuance.

Sec. 3. NRS 122.050 is hereby amended to read as follows:

122.050 The marriage license must contain the name of each applicant as shown in the documents presented pursuant to subsection 2 of NRS 122.040 . ~~[and the name, if any, selected by each applicant for use after the applicants are joined in marriage.]~~ The marriage license must be substantially in the following form:

MARRIAGE LICENSE

(EXPIRES 1 YEAR AFTER ISSUANCE)

State of Nevada }
 } ss.

County of}

These presents are to authorize any minister, other church or religious official authorized to solemnize a marriage, notary public or marriage officiant who has obtained a certificate of permission to perform marriages, any Supreme Court justice, judge of the Court of Appeals or district judge within this State, or justice of the peace within a township wherein the justice of the peace is permitted to solemnize marriages or if authorized pursuant to subsection 3 of NRS 122.080, or a municipal judge if authorized pursuant to subsection 4 of NRS 122.080, or any commissioner of civil marriages or his or her deputy within a commissioner township wherein they are permitted to solemnize marriages or any mayor if authorized pursuant to subsection 5 of NRS 122.080, to join in marriage of (City, town or location), State of State of birth (If not in U.S.A., name of country); Date of birth Name of Parent No. 1 State of birth of Parent No. 1 (If not in U.S.A., name of country) Name of Parent No. 2 State of birth of Parent No. 2 (If not in U.S.A., name of country) Number of this marriage (1st, 2nd, etc.) Former Spouse: Deceased Divorced Annulled When Where And of (City, town or location), State of State of birth (If not in U.S.A., name of country); Date of birth Name of Parent No. 1 State of birth of Parent No. 1 (If not in U.S.A., name of country) Name of Parent No. 2 State of birth of Parent No. 2 (If not in U.S.A., name of country) Number of this marriage (1st, 2nd, etc.) Former Spouse: Deceased Divorced Annulled When Where; and to certify the marriage according to law. ~~[After (name) and (name) are joined in marriage, ... wishes to use the name (New name) and wishes to use the name (New name) OR The parties have not designated any changes of name at the time of issuance of the marriage license.]~~

Witness my hand and the seal of the county, this day of the month of of the year

(Seal)

.....
Clerk
.....

Deputy clerk

Sec. 4. NRS 122.120 is hereby amended to read as follows:

122.120 1. After a marriage is solemnized, the person solemnizing the marriage shall give to each couple being married an uncertified copy of a certificate of marriage.

2. The certificate of marriage must contain the date of birth of each applicant as contained in the form of marriage license pursuant to NRS 122.050. If two persons, regardless of gender, who are spouses of each other are being rejoined in marriage pursuant to subsection 2 of NRS 122.020, the certificate of marriage must state that the persons were rejoined in marriage and that the certificate is replacing a record of marriage which was lost or destroyed or is otherwise unobtainable. The certificate of marriage must be in substantially the following form:

STATE OF NEVADA
MARRIAGE CERTIFICATE

State of Nevada }
 }ss.
County of }

This is to certify that the undersigned, ... (a minister or other church or religious official authorized to solemnize a marriage, notary public, judge, justice of the peace of County, commissioner of civil marriages, deputy commissioner of civil marriages, marriage officiant or mayor, as the case may be), did on the day of the month of of the year, at (address or church), ... (city), Nevada, join or rejoin, as the case may be, in lawful wedlock (name), of (city), State of, date of birth, and (name), of (city), State of, date of birth, with their mutual consent, in the presence of and (witnesses). [After (name) and (name) are joined or rejoined in marriage, as the case may be, ... (name) wishes to use the name (New name) and (name) wishes to use the name (New name) OR The parties have not designated any changes of name at the time of issuance of the marriage license.] (If two persons, regardless of gender, who are the spouses of each other are being rejoined in marriage pursuant to subsection 2 of NRS 122.020, this certificate replaces the record of the marriage of the persons who are being rejoined in marriage.)

(Seal of County Clerk)

.....
Signature of person performing
the marriage

.....
Name under signature typewritten
or printed in black ink

.....
County Clerk

.....
Official title of person performing
the marriage

.....
.....
Couple's mailing address

3. All information contained in the certificate of marriage must be typewritten or legibly printed in black ink, except the signatures. The signature of the person performing the marriage must be an original signature.

Sec. 5. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 4, inclusive, of this act become effective:

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

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

Senator Harris moved the adoption of the amendment.

Remarks by Senator Harris.

Amendment No. 496 to Senate Bill No. 211 clarifies who is responsible for submitting the corrected, amended certificate to the County Recorder or Clerk, as appropriate.

Amendment adopted.

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

Senate Bill No. 261.

Bill read third time.

The following amendment was proposed by Senator Neal:

Amendment No. 492.

SUMMARY—Revises provisions relating to local governments.
(BDR 19-793)

AN ACT relating to local governments; revising the definitions of the terms "business" and "local government" for purposes of provisions relating to the adoption of rules by local governments that affect businesses; revising the notice requirements relating to the adoption of such rules; requiring ~~the governing body of a local government to hold~~ the governing body of a local government to hold ~~with certain exceptions,~~ at least one ~~at least one~~ a workshop before the adoption of such rules ~~in certain circumstances;~~ in certain circumstances; revising the requirements for a business impact statement; revising provisions relating to when an action of the governing body of a

local government to adopt rules that affect local governments is void; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires that before a governing body of a local government adopts a proposed rule that is likely to impose a direct and significant economic burden upon a business or directly restrict the formation, operation or expansion of a business, the governing body or its designee must notify trade associations or owners and officers of businesses likely to be affected by the rule. (NRS 237.080) Section 4 of this bill requires a governing body of a local government to also notify chambers of commerce of any such proposed rule. Section 4 requires that the notification of chambers of commerce and associations includes notice by electronic mail when an address is provided. Section 4 also requires a governing body of a local government to maintain an electronic mailing list of local chambers of commerce, trade associations and owners and officers of businesses and to update the list not later than January 31 of each year. Section 4 further requires, ~~[with certain exceptions,]~~ that a governing body of a local government hold ~~[not less than one]~~ a workshop to solicit comments from persons on one or more general topics to be addressed in a proposed rule ~~[.]~~ upon the timely request of two or more local chambers of commerce or trade associations, or any combination thereof.

Existing law requires that if a proposed rule is determined to likely impose a direct and significant economic burden upon a business or directly restrict the formation, operation or expansion of a business, the governing body or its designee must prepare a business impact statement which must be considered by the governing body at a public meeting held at least 10 calendar days before the meeting held to adopt the proposed rule. (NRS 237.080, 237.090) Section 5 of this bill requires that the business impact statement include: (1) the total number of businesses likely to be affected by the proposed rule; (2) a list of the chambers of commerce and trade associations notified of the proposed rule pursuant to section 4; and (3) a summary of any workshop held pursuant to section 4.

Existing law provides that any action of the governing body of a local government to adopt a proposed rule in violation of certain provisions of the Nevada Revised Statutes is void. (NRS 237.140) Section 6 of this bill clarifies that any such action is void if the governing body does not, under certain circumstances: (1) determine whether a petition objecting to a rule has merit; or (2) take action to readopt or amend the rule to which a business has objected. (NRS 237.100)

Section 1 of this bill revises the definition of "business" to mean any trade or occupation conducted for profit, regardless of whether the trade or occupation is a small business. Section 2 of this bill revises the definition of "local government" to include a quasi-municipal agency, ~~[including]~~ a special improvement district, a municipal utility and a regional transportation commission.

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

Section 1. NRS 237.040 is hereby amended to read as follows:

237.040 1. "Business" means ~~any~~ any trade or occupation conducted for profit ~~any~~, regardless of whether the trade or occupation is a small business.

2. As used in this section, "small business" has the meaning ascribed to it in NRS 233B.0382.

Sec. 2. NRS 237.050 is hereby amended to read as follows:

237.050 "Local government" means a political subdivision ~~any other entity~~ of this State ~~any~~ or a quasi-municipal agency, ~~including~~ and includes, without limitation, a city, county, ~~health district~~, irrigation district, local health district, municipal utility, regional transportation commission, special improvement district, water district or water conservancy district.

Sec. 3. (Deleted by amendment.)

Sec. 4. NRS 237.080 is hereby amended to read as follows:

237.080 1. Before a governing body of a local government adopts a proposed rule, the governing body or its designee must make a concerted effort to determine whether the proposed rule will impose a direct and significant economic burden upon a business or directly restrict the formation, operation or expansion of a business. The governing body of a local government or its designee must notify *chambers of commerce*, trade associations or owners and officers of businesses which are likely to be affected by the proposed rule that they may submit data or arguments to the governing body or its designee as to whether the proposed rule will:

- (a) Impose a direct and significant economic burden upon a business; or
- (b) Directly restrict the formation, operation or expansion of a business.

↪ Notification provided pursuant to this subsection must include the date by which the data or arguments must be received by the governing body or its designee, which must be at least 15 working days after the notification is sent.

2. After the period for submitting data or arguments specified in the notification provided pursuant to subsection 1 has expired ~~any~~ and, if applicable, after a workshop held pursuant to subsection 5, the governing body or its designee shall determine whether the proposed rule is likely to:

- (a) Impose a direct and significant economic burden upon a business; or
- (b) Directly restrict the formation, operation or expansion of a business.

↪ If no data or arguments were submitted pursuant to subsection 1, the governing body or its designee shall make its determination based on any information available to the governing body or its designee.

3. If the governing body or its designee determines pursuant to subsection 2 that a proposed rule is likely to impose a direct and significant economic burden upon a business or directly restrict the formation, operation or expansion of a business, the governing body or its designee shall consider methods to reduce the impact of the proposed rule on businesses, including, without limitation:

- (a) Simplifying the proposed rule;
- (b) Establishing different standards of compliance for a business; and
- (c) Modifying a fee or fine set forth in the rule so that a business is authorized to pay a lower fee or fine.

4. After making a determination pursuant to subsection 2, the governing body or its designee shall prepare a business impact statement.

5. ~~Except as otherwise provided in subsection 6, a~~ A governing body of a local government shall hold ~~not less than one~~ a workshop to solicit comments from persons on one or more general topics to be addressed in a proposed rule ~~if~~ if two or more local chambers of commerce or trade associations, or any combination thereof, submit a request for the holding of a workshop on the proposed rule to the governing body on or before the date by which data or arguments must be received on the proposed rule as specified in the notification provided pursuant to subsection 1. The governing body or its designee must notify chambers of commerce, trade associations or owners and officers of businesses which are likely to be affected by the proposed rule of the date, time and location of the workshop.

6. ~~Unless two or more local chambers of commerce or trade associations submit a request to hold a workshop to a governing body of a local government on or before the date by which data or arguments must be received as specified in the notification provided pursuant to subsection 1, a governing body of a local government may accept a report provided by a chamber of commerce, trade association or owner or officer of a business of the estimated effect of the proposed rule in lieu of holding a workshop pursuant to subsection 5. The report must contain the estimated economic effect of the proposed rule on the businesses which it is to regulate, including, without limitation:~~

- ~~(a) Both adverse and beneficial effects; and~~
- ~~(b) Both direct and indirect effects.~~

~~7.~~ The governing body of a local government shall maintain an electronic mailing list of chambers of commerce, trade associations and owners and officers of businesses. The electronic mailing list must be updated on or before January 31 of each year. The governing body of a local government must provide notification pursuant to this section to each chamber of commerce and trade association by electronic mail regardless of whether the chamber of commerce or trade association has requested that it be placed on the electronic mailing list. Nothing in this section prohibits the governing body from also providing notification pursuant to this section by mail.

Sec. 5. NRS 237.090 is hereby amended to read as follows:

237.090 1. A business impact statement prepared pursuant to NRS 237.080 must be considered by the governing body at a public meeting held at least 10 calendar days before the public meeting of the governing body held to adopt the proposed rule. The business impact statement must set forth the following information:

(a) A description of the manner in which comment was solicited from affected businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary.

(b) *The total number of businesses likely to be affected by the proposed rule.*

(c) *A list of the chambers of commerce and trade associations notified of the proposed rule pursuant to NRS 237.080.*

(d) *A summary of any workshop held pursuant to NRS 237.080.*

~~[(b)]~~ (e) The estimated economic effect of the proposed rule on the businesses which it is to regulate . ~~[-including,]~~ *The statement of estimated economic effect must include, without limitation:*

(1) Both adverse and beneficial effects; and

(2) Both direct and indirect effects.

~~[(c)]~~ (f) A description of the methods that the governing body of the local government or its designee considered to reduce the impact of the proposed rule on businesses and a statement regarding whether the governing body or its designee actually used any of those methods.

~~[(d)]~~ (g) The estimated cost to the local government for enforcement of the proposed rule.

~~[(e)]~~ (h) If the proposed rule provides a new fee or increases an existing fee, the total annual amount the local government expects to collect and the manner in which the money will be used.

~~[(f)]~~ (i) If the proposed rule includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary.

~~[(g)]~~ (j) The reasons for the conclusions regarding the impact of the proposed rule on businesses.

2. The county manager, city manager or other chief executive officer for the governing body of a local government shall sign the business impact statement certifying that, to the best of his or her knowledge or belief, the information contained in the statement was prepared properly and is accurate.

3. The governing body of a local government shall not include the consideration of a business impact statement on the agenda for a public meeting unless the statement has been prepared and is available for public inspection at the time the agenda is first posted.

Sec. 6. NRS 237.140 is hereby amended to read as follows:

237.140 Any action of the governing body of a local government to adopt a proposed rule in violation of the provisions of NRS 237.030 to 237.150, inclusive, is void ~~[-]~~ , *including, without limitation, if the governing body does not comply with the provisions of subsection 3 of NRS 237.100.*

Sec. 7. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Senator Neal moved the adoption of the amendment.

Remarks by Senator Neal.

Amendment No. 492 to Senate Bill No. 261 basically says that upon a timely request, two or more local chambers of commerce, trade associations or any combination thereof may request a workshop.

Amendment adopted.

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

REPORTS OF COMMITTEE

Mr. President:

Your Committee on Education, to which were referred Senate Bills Nos. 158, 292, 313, 347, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERTA LANGE, *Chair*

Mr. President:

Your Committee on Growth and Infrastructure, to which were referred Senate Bills Nos. 164, 303, 334, 346, 422, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DALLAS HARRIS, *Chair*

Mr. President:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 35, 38, 234, 266, 294, 321, 343, 367, 379, 407, 415, 417, 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*

WAIVERS AND EXEMPTIONS

NOTICE OF EXEMPTION

April 24, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 185, 246, 385, 435.

WAYNE THORLEY
Fiscal Analysis Division

SECOND READING AND AMENDMENT

Senate Bill No. 20.

Bill read second time.

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

Amendment No. 524.

SUMMARY—Revises provisions relating to the process for filling a vacancy in ~~[a board of county commissioners]~~ the office of county commissioner. (BDR 20-393)

AN ACT relating to counties; ~~[authorizing a board of county commissioners to establish a process for]~~ revising provisions relating to the process for filling a vacancy in the [board]; office of county commissioner; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires that ~~[]~~, except in Carson City: (1) any vacancy occurring in any board of county commissioners must be filled by appointment of the Governor; and (2) the Governor's appointee must ~~[with certain exceptions,]~~ be a member of the same political party as the most

recent holder of the vacant office. (NRS 244.040) This bill makes various changes to the process for filling such a vacancy.

First, this bill authorizes a board of county commissioners to submit to the Governor a list of two persons to fill the vacancy who are members of the same political party and meet the qualifications for the office of county commissioner. If the Governor receives such a list within 30 days after the vacancy occurs, the Governor shall appoint a person to fill the vacancy from the list not more than 15 days after the date on which the Governor receives the list.

Second, this bill provides that the provisions of existing law that require the Governor to fill a vacancy occurring in a board of county commissioners do not apply if, within 30 days after the vacancy occurs, the board of county commissioners: (1) declares by resolution a special election to fill the vacancy; or (2) fills the vacancy pursuant to a process established by ordinance of the board of county commissioners for filling a vacancy.

Third, this bill authorizes a board of county commissioners, except in Carson City, to establish by ordinance a process for filling a vacancy on the board. ~~If a board of county commissioners has not established such a process by ordinance, the Governor must, with certain exceptions,~~ Any such process must, without limitation, require that the board of county commissioners fill the vacancy at a public meeting by ~~appointment with~~ appointing a person who is a member of the same political party as the most recent holder of the vacant office ~~and who meets the qualifications for the~~ office of county commissioner.

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

Section 1. NRS 244.040 is hereby amended to read as follows:

244.040 1. ~~Any~~ Except as otherwise provided in ~~subsection 2,~~ this section, any vacancy occurring in any board of county commissioners must be filled by appointment of the Governor. Except in Carson City, the Governor shall appoint a ~~suitable~~ person who is a member of the same political party as the most recent holder of the vacant office ~~and meets the qualifications set forth in NRS 244.020. The board of county commissioners may submit to the Governor a list of two persons to fill the vacancy who are members of the same political party as the recent holder of the vacant office and meet the qualifications set forth in NRS 244.020. If the Governor receives such a list from the board of county commissioners within 30 days after the vacancy occurs, the Governor shall appoint a person from the list to fill the vacancy not more than 15 days after the date on which the Governor receives the list.~~

2. The provisions of subsection 1 that require the Governor to fill a vacancy occurring in a board of commissioners do not apply if, within 30 days after the vacancy occurs, the board of county commissioners, by a majority vote of the remaining members:

(a) Declares by resolution a special election to fill the vacancy for the unexpired term; or

(b) Fills the vacancy pursuant to the process established pursuant to subsection 3, if any.

3. A board of county commissioners, except in Carson City, may establish by ordinance a process for filling any vacancy occurring in the board. ~~If a board of county commissioners has not established such a process by ordinance, a vacancy occurring in the board must be filled by the Governor pursuant to subsection 1.~~

~~3.~~ Any such process must, without limitation, require that the board of county commissioners fill the vacancy at a public meeting by appointing a person who is a member of the same political party as the most recent holder of the vacant officer and meets the qualifications set forth in NRS 244.020.

4. The term of office of a person ~~appointed to~~ who fills a vacancy in the office of county commissioner does not, by virtue of the appointment ~~to~~ or special election, as applicable, extend beyond 12 p.m. of the day preceding the first Monday of January next following the next general election.

Senator Flores moved the adoption of the amendment.

Remarks by Senator Flores.

Amendment No. 524 to Senate Bill No. 20 creates a process for filling a vacancy on a county commission either by an appointment made by the Governor from a list provided by the county through a special election or by a county pursuant to a process established by ordinance.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 82.

Bill read second time.

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

Amendment No. 457.

SUMMARY—Revises provisions related to public works. (BDR 28-535)

AN ACT relating to public works; revising provisions relating to the use of apprentices on public works; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires contractors or subcontractors engaged on public works to ~~employ~~ use one or more apprentices for a certain percentage of the total hours performed on a public work, depending on the number of ~~apprentices or~~ workers employed ~~to~~ on the public work, and to enter into an apprenticeship agreement for all apprentices so required. (NRS 338.01165) ~~[This] Section 1 of this bill: (1) [modifies the percentage of labor hours that are required to be worked for certain projects depending on how many hours the apprentices will be working; and (2)] eliminates the threshold number of workers for the applicability of the requirements for using apprentices; (2) applies those requirements based on all public works~~

performed by a contractor or subcontractor during a calendar year instead of based on each public work; and (3) limits the requirement to enter into an apprenticeship agreement to those contractors or subcontractors who are not signatories to a collective bargaining agreement with a sponsoring union.

Existing law: (1) sets forth a procedure that authorizes the Labor Commissioner, upon request by a public body, to ~~adjust this percentage and~~ grant a modification or waiver from ~~these~~ the requirements for using apprentices upon a finding of good cause; and (2) defines the circumstances that constitute "good cause." (NRS 338.01165) ~~[This bill amends the definition of good cause to include any other circumstance set forth by regulation of the Labor Commissioner. This bill further provides that only the public body that awards the contract for the public work may request that the Labor Commissioner modify or waive these requirements.]~~ Section 1: (1) eliminates that procedure; (2) requires a contractor or subcontractor to maintain and provide to the Labor Commissioner any supporting documentation to show that the contractor or subcontractor made a good faith effort to comply with the annual requirements to use one or more apprentices for a certain percentage of the total hours performed on public works; and (3) sets forth certain requirements for such supporting documentation.

Existing law provides that an apprentice who graduates from an apprenticeship program while employed on a public work is deemed to be an apprentice on the public work for purposes of the requirements for using apprentices and a journeyman for certain purposes, including the payment of wages. (NRS 338.01165) ~~[This bill]~~ Section 1 expands the circumstances ~~[that treat]~~ under which a person is treated as an apprentice ~~[as a journeyman to include when the apprentice is working for a contractor or subcontractor who is a signatory to a collective bargaining agreement with a sponsoring union.]~~ for those requirements.

Section 1 also requires, on or before February 15 of each year, a contractor or subcontractor to submit certain information to the Labor Commissioner regarding the hours that were worked in a calendar year on vertical or horizontal construction for each apprenticed craft or type of work performed. Section 2 of this bill requires that the first such annual report be submitted on or before February 15, 2025, and address calendar year 2024.

Finally, section 1 sets forth a penalty schedule for violations of certain provisions relating to the requirements for a contractor or subcontractor to use one or more apprentices for a certain percentage of the total hours performed on a public work.

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

Section 1. NRS 338.01165 is hereby amended to read as follows:

338.01165 1. Notwithstanding any other provision of this chapter and except as otherwise provided in this section, a contractor or subcontractor engaged in vertical construction who employs ~~[a worker]~~ workers on ~~[a]~~ one or more public ~~[work]~~ works during a calendar year pursuant to

NRS 338.040 shall use one or more apprentices for at least 10 ~~7~~ percent, or any increased percentage established pursuant to subsection 3, of the total hours of labor worked for each apprenticed craft or type of work to be performed on ~~the~~ those public ~~work for which more than three, if workers are will be employed, for more than 350 hours of work for each apprenticed craft or type of work.]~~ works.

2. Notwithstanding any other provision of this chapter and except as otherwise provided in this section, a contractor or subcontractor engaged in horizontal construction who employs ~~a worker]~~ workers on ~~a]~~ one or more public ~~work]~~ works during a calendar year pursuant to NRS 338.040 shall use one or more apprentices for at least 3 ~~5~~ percent, or any increased percentage established pursuant to subsection 3, of the total hours of labor worked for each apprenticed craft or type of work to be performed on ~~the~~ those public ~~work for which more than three, if workers are will be employed, for more than 500 hours of work for each apprenticed craft or type of work.]~~ works.

3. On or after January 1, 2021, the Labor Commissioner, in collaboration with the State Apprenticeship Council, may adopt regulations to increase the percentage of total hours of labor required to be performed by an apprentice pursuant to subsection 1 or 2 by not more than 2 percentage points.

4. An apprentice who graduates from an apprenticeship program while employed on a public work shall:

(a) Be deemed an apprentice on the public work for the purposes of subsections 1 and 2.

(b) Be deemed a journeyman for all other purposes, including, without limitation, the payment of wages or the payment of wages and benefits to a journeyman covered by a collective bargaining agreement.

5. ~~[An apprentice who graduates from an apprenticeship program and works for]~~ If a contractor or subcontractor who is a signatory to a collective bargaining agreement with ~~the~~ a union that sponsors ~~the~~ an apprenticeship program for an apprenticed craft or type of work ~~+~~ requests an apprentice from that apprenticeship program and an apprentice in the appropriate craft or type of work is not available, the apprenticeship program may provide a person who graduated from the apprenticeship program in that craft or type of work within the 3 years immediately preceding the request from the contractor or subcontractor. Such a person:

(a) Shall be deemed an apprentice on the public work for the purposes of subsections 1 and 2. ~~+~~

~~(1) Except as otherwise provided in subparagraph (2), for up to 36 months after graduation from the program; or~~

~~(2) If the apprentice is employed on the public work 36 months after graduation from the program, until the completion of the public work.]~~

(b) Shall be deemed a journeyman for all other purposes, including, without limitation, the payment of wages and benefits to a journeyman pursuant to the collective bargaining agreement.

6. A contractor or subcontractor engaged on a public work is not required to use an apprentice in a craft or type of work performed in a jurisdiction recognized by the State Apprenticeship Council as not having apprentices in that craft or type of work.

~~{6.—A}~~

7. A contractor or subcontractor ~~{may request that the public body that awarded the contract for}~~ engaged on a public work ~~{submit a request to the Labor Commissioner to modify or waive the percentage of hours of labor provided by one or more apprentices required pursuant to subsection 1 or 2 for good cause. Such a contractor or subcontractor must submit}~~ shall maintain and provide to the ~~{public body}~~ Labor Commissioner any supporting documentation to show that the contractor or subcontractor made a good faith effort ~~{was made}~~ to comply with subsection 1 or 2, as applicable, ~~{, including, without limitation, proof of denial of or failure to approve a request for apprentices. Only the public body that awards the contract for a public work may, upon the request of a contractor or subcontractor, submit a request}~~ For purposes of this subsection, a contractor or subcontractor:

(a) Makes a good faith effort to comply with subsection 1 or 2, as applicable, if the contractor or subcontractor:

(1) Submits to the apprenticeship program, on the form prescribed by the Labor Commissioner ~~{to modify or waive the percentage of hours of labor provided by one or more apprentices required pursuant to subsection 1 or 2 for good cause. A If a public body submits a request to the Labor Commissioner, the public body must submit such a request, before an advertisement for bids has been placed, the opening of bids or the award of a contract for a public work or after the public body has commenced work on the public work. Such a request must include to the Labor Commissioner any supporting documentation, including, without limitation, proof of denial of or failure to approve a request for apprentices pursuant to subparagraph (3) of paragraph (d) of subsection 10.~~

~~7.—that shows good cause.}~~ , a request for an apprentice not earlier than 10 days before the contractor or subcontractor is scheduled to begin work on the public work and not later than 5 days after the contractor or subcontractor actually begins work on the public work.

(2) If the apprenticeship program does not provide an apprentice for the appropriate apprenticed craft or type of work upon a request pursuant to subparagraph (1), submits additional requests to the apprenticeship program, on the form prescribed by the Labor Commissioner, at least once every 30 days during the period that the contractor or subcontractor is working on the public work. If a contractor or subcontractor does not work continuously on the public work, the contractor or subcontractor shall

submit an additional request each time that the contractor or subcontractor resumes work on the public work not earlier than 10 days before the contractor or subcontractor is scheduled to resume work on the public work and not later than 5 days after the contractor or subcontractor actually resumes work on the public work. The requirement for the submission of an additional request in this subparagraph does not apply whenever a contractor or subcontractor has one or more apprentices employed for that apprenticed craft or type of work.

(b) Does not make a good faith effort to comply with subsection 1 or 2, as applicable, if the contractor or subcontractor is required to enter into an apprenticeship agreement pursuant to subsection 16 and refuses to do so.

8. The supporting documentation required pursuant to subsection 7 must include, without limitation:

(a) Documentation of the submission by the contractor or subcontractor of one or more requests, as applicable, pursuant to subsection 7; and

(b) Documentation that the apprenticeship program denied such a request, did not respond to such a request or responded that the program was unable to provide the requested apprentice.

9. The contractor or subcontractor and the apprenticeship program shall coordinate the starting date for any apprentice provided by the program.

10. On or before February 15 of each year, a contractor or subcontractor engaged in vertical or horizontal construction, as applicable, who employs a worker on one or more public works pursuant to NRS 338.040 shall report to the Labor Commissioner, on the form prescribed by the Labor Commissioner ~~(shall issue a determination of whether to grant a modification or waiver requested pursuant to subsection 6-7 within 15 days after the receipt of such request. The Labor Commissioner may grant such a request if he or she makes a finding that the public body demonstrated that there is good cause to modify or waive justify the modification or waiver of the percentage of hours of labor provided by one or more apprentices required pursuant to subsection 1 or 2.~~

~~—8, 9—~~ , the following information regarding those public works for the previous calendar year:

(a) For each apprenticed craft or type of work, the total number of hours worked on vertical construction.

(b) For each apprenticed craft or type of work, the total number of hours worked on horizontal construction.

(c) For each apprenticed craft or type of work, the total number of hours worked by apprentices on vertical construction.

(d) For each apprenticed craft or type of work, the total number of hours worked by apprentices on horizontal construction.

(e) For each apprenticed craft or type of work, the percentage of the total number of hours worked on vertical construction that were worked by apprentices.

(f) For each apprenticed craft or type of work, the percentage of the total number of hours worked on horizontal construction that were worked by apprentices.

11. The information required to be reported pursuant to subsection 10 must not include any identifying information about a public work or an apprentice or employee.

12. If the Labor Commissioner, on his or her own initiative or based on a complaint, makes a determination based on the information submitted pursuant to subsection 10 that a contractor or subcontractor did not make a good faith effort to comply with the provisions of subsection 1 or 2, as applicable, the Labor Commissioner shall notify the contractor or subcontractor in writing of the determination and:

(a) Except as otherwise provided in paragraph (b), shall assess a penalty as follows:

(1) If the apprentice utilization rate by the contractor or subcontractor on vertical construction of a public work is:

(I) Seven and one-half percent or more but less than 10 percent of the total hours of labor worked for an apprenticed craft or type of work, a penalty of \$2,500 or \$2 for each hour below the percentage required, whichever is higher.

(II) More than 4 percent but less than 7.5 percent of the total hours of labor worked for an apprenticed craft or type of work, a penalty of \$3,000 or \$4 for each hour below the percentage required, whichever is higher.

(III) Four percent or less of the total hours of labor worked for an apprenticed craft or type of work, a penalty of \$5,000 or \$6 for each hour below the percentage required, whichever is higher.

(2) If the apprentice utilization rate by the contractor or subcontractor on horizontal construction of a public work is:

(I) Two percent or more but less than 3 percent of the total hours of labor worked for an apprenticed craft or type of work, a penalty of \$2,500 or \$2 for each hour below the percentage required, whichever is higher.

(II) More than 1 percent but less than 2 percent of the total hours of labor worked for an apprenticed craft or type of work, a penalty of \$3,000 or \$4 for each hour below the percentage required, whichever is higher.

(III) One percent or less of the total hours of labor worked for an apprenticed craft or type of work, a penalty of \$5,000 or \$6 for each hour below the percentage required, whichever is higher.

(b) Shall not assess a penalty if the total number of hours of labor required to be worked by apprentices:

(1) On vertical construction pursuant to subsection 1, as applicable, during the previous calendar year is less than 40 hours.

(2) On horizontal construction pursuant to subsection 2, as applicable, during the previous calendar year is less than 24 hours.

13. Except for good cause, the Labor Commissioner may not initiate his or her own investigation or accept a complaint based on the information

submitted by a contractor or subcontractor pursuant to subsection 10 after May 1 immediately following the date on which the report was received by the Labor Commissioner.

14. In addition to the penalties set forth in subsection 12, if the Labor Commissioner, on his or her own initiative or based on a complaint, makes a determination that a contractor or subcontractor did not submit the report required pursuant to subsection 10 or did not make a good faith effort to comply with the provisions of subsection 1 or 2, as applicable, the Labor Commissioner shall:

(a) Impose a penalty of not less than \$10,000 but not more than \$75,000;
or

(b) Disqualify the contractor or subcontractor from being awarded a contract for a public work for at least 180 days but not more than 2 years.

15. A ~~public body~~ contractor or subcontractor may request a hearing on the determination of the Labor Commissioner pursuant to subsection 12 or 14 within 10 days after receipt of the determination of the Labor Commissioner. The hearing must be conducted in accordance with regulations adopted by the Labor Commissioner. If the Labor Commissioner does not receive a request for a hearing pursuant to this subsection, the determination of the Labor Commissioner is a final decision for the purposes of judicial review pursuant to chapter 233B of NRS.

~~{9-10-}~~ 16. A contractor or subcontractor who is not a signatory to a collective bargaining agreement with the union sponsoring the apprenticeship program for an apprenticed craft or type of work engaged on a public work shall enter into an apprenticeship agreement for ~~all apprentices~~ each apprentice required to be used in the construction of a public work. ~~{If the Labor Commissioner granted a modification or waiver pursuant to subsection 7 because the Labor Commissioner finds that a request for apprentices was denied or the request was not approved within 5 business days as described in subparagraph (3) of paragraph (d) of subsection 10 and apprentices are later provided, then the contractor or subcontractor shall enter into an apprenticeship agreement for all apprentices later provided.~~

~~10-11. The Labor Commissioner shall adopt any regulations necessary to carry out the provisions of this section.~~

~~12-1~~ 17. As used in this section:

(a) "Apprentice" means a person enrolled in an apprenticeship program recognized by the State Apprenticeship Council.

(b) "Apprenticed craft or type of work" means a craft or type of work for which there is an existing apprenticeship program recognized by the State Apprenticeship Council.

(c) "Apprenticeship program" means an apprenticeship program recognized by the State Apprenticeship Council.

(d) ~~["Good cause" means: includes, without limitation,~~

~~(1) There are no apprentices available from an apprenticeship program within which covers the jurisdiction where the public work is to be completed as recognized by the State Apprenticeship Council;~~

~~(2) The contractor or subcontractor is required to perform uniquely complex or hazardous tasks on the public work that require the skill and expertise of a greater percentage of journeymen; or~~

~~(3) The contractor or subcontractor has requested apprentices from an apprenticeship program and the request has been denied, or the apprenticeship program has not responded to a request has not been approved for an apprentice within 5 business days, or the apprenticeship program is unable to fill the request within 10 business days; and~~

~~(4) Any other circumstance that the Labor Commissioner has set forth by regulation as demonstrating good cause.~~

~~The term does not include the refusal of a contractor or subcontractor to enter into an apprenticeship agreement pursuant to subsection 9, 10.~~

~~(e)}~~ "Journeyman" has the meaning ascribed to it in NRS 624.260.

~~{(f)}~~ (e) "State Apprenticeship Council" means the State Apprenticeship Council created by NRS 610.030.

Sec. 2. The initial report required pursuant to subsection 10 of NRS 338.01165, as amended by section 1 of this act, must be submitted on or before February 15, 2025, and must include information for the period which begins on January 1, 2024, and ends on December 31, 2024.

~~{Sec. 2.}~~ Sec. 3. 1. This section becomes effective upon passage and approval.

2. ~~{Section}~~ Sections 1 and 2 of this act ~~{becomes}~~ become effective:

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

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

Senator Flores moved the adoption of the amendment.

Remarks by Senator Flores.

Amendment No. 457 to Senate Bill No. 82 provides that requirements for employing apprentices are applied on the basis of public works performed during a calendar year instead of on a per public work basis; makes contractors or subcontractors responsible for maintaining and providing any supporting documentation that demonstrates a good faith effort to employ one or more apprentices for a certain percentage of the total hours performed on a public work; requires a contractor or subcontractor, beginning in 2025, to submit an annual report to the Labor Commissioner regarding the employment of apprentices; and creates a penalty schedule for violations of certain provisions relating to the requirements for a contractor or subcontractor to employ one or more apprentices for a certain percentage of the total hours performed on a public work.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 105.

Bill read second time.

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

Amendment No. 458.

SUMMARY—Revises provisions relating to the Department of Corrections. (BDR 18-320)

AN ACT relating to the Department of Corrections; making the Department subject to the provisions of Nevada Administrative Procedure Act ~~[under certain circumstances]~~ for purposes of adopting certain regulations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law enacts the Nevada Administrative Procedure Act, which establishes procedural requirements for the adoption of regulations and adjudication of contested cases by certain agencies of the Executive Department of the State Government. (Chapter 233B of NRS) With certain exceptions, existing law exempts the Department of Corrections from the requirements prescribed by the Act. (NRS 233B.039) Section 1 of this bill ~~[removes]~~ revises this exemption and makes the Department of Corrections subject to the Act for the purpose of adopting regulations ~~[but not with respect to contested cases. Sections 2 and 3 of this bill make conforming changes related to the removal of the exemption in section 1.]~~ relating to fiscal policy, correspondence with inmates and visitation with inmates of the Department. Section 4 of this bill provides that the regulations currently adopted by the Department remain in effect until replaced by new regulations adopted by the Department in accordance with the Act.

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

Section 1. NRS 233B.039 is hereby amended to read as follows:

233B.039 1. The following agencies are entirely exempted from the requirements of this chapter:

(a) The Governor.

(b) Except as otherwise provided in subsection 7 and NRS 209.221 and 209.2473, the Department of Corrections.

(c) The Nevada System of Higher Education.

~~(d) ~~(e)~~~~ The Office of the Military.

~~(e) ~~(d)~~~~ The Nevada Gaming Control Board.

~~(f) ~~(e)~~~~ Except as otherwise provided in NRS 368A.140 and 463.765, the Nevada Gaming Commission.

~~(g) ~~(f)~~~~ Except as otherwise provided in NRS 425.620, the Division of Welfare and Supportive Services of the Department of Health and Human Services.

~~(h) ~~(g)~~~~ Except as otherwise provided in NRS 422.390, the Division of Health Care Financing and Policy of the Department of Health and Human Services.

~~(i) ~~(h)~~~~ Except as otherwise provided in NRS 533.365, the Office of the State Engineer.

(j) ~~[(j)]~~ The Division of Industrial Relations of the Department of Business and Industry acting to enforce the provisions of NRS 618.375.

(k) ~~[(k)]~~ The Administrator of the Division of Industrial Relations of the Department of Business and Industry in establishing and adjusting the schedule of fees and charges for accident benefits pursuant to subsection 2 of NRS 616C.260.

(l) ~~[(l)]~~ The Board to Review Claims in adopting resolutions to carry out its duties pursuant to NRS 445C.310.

(m) ~~[(m)]~~ The Silver State Health Insurance Exchange.

(n) ~~[(n)]~~ The Cannabis Compliance Board.

2. Except as otherwise provided in subsection 5 and NRS 391.323, the Department of Education, the Board of the Public Employees' Benefits Program and the Commission on Professional Standards in Education are subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

3. The special provisions of:

(a) Chapter 612 of NRS for the adoption of an emergency regulation or the distribution of regulations by and the judicial review of decisions of the Employment Security Division of the Department of Employment, Training and Rehabilitation;

(b) Chapters 616A to 617, inclusive, of NRS for the determination of contested claims;

(c) Chapter 91 of NRS for the judicial review of decisions of the Administrator of the Securities Division of the Office of the Secretary of State; and

(d) NRS 90.800 for the use of summary orders in contested cases,
↪ prevail over the general provisions of this chapter.

4. The provisions of NRS 233B.122, 233B.124, 233B.125 and 233B.126 do not apply to the Department of Health and Human Services in the adjudication of contested cases involving the issuance of letters of approval for health facilities and agencies.

5. The provisions of this chapter do not apply to:

(a) Any order for immediate action, including, but not limited to, quarantine and the treatment or cleansing of infected or infested animals, objects or premises, made under the authority of the State Board of Agriculture, the State Board of Health, or any other agency of this State in the discharge of a responsibility for the preservation of human or animal health or for insect or pest control;

(b) An extraordinary regulation of the State Board of Pharmacy adopted pursuant to NRS 453.2184;

(c) A regulation adopted by the State Board of Education pursuant to NRS 388.255 or 394.1694;

(d) The judicial review of decisions of the Public Utilities Commission of Nevada;

(e) The adoption, amendment or repeal of policies by the Rehabilitation Division of the Department of Employment, Training and Rehabilitation pursuant to NRS 426.561 or 615.178;

(f) The adoption or amendment of a rule or regulation to be included in the State Plan for Services for Victims of Crime by the Department of Health and Human Services pursuant to NRS 217.130;

(g) The adoption, amendment or repeal of rules governing the conduct of contests and exhibitions of unarmed combat by the Nevada Athletic Commission pursuant to NRS 467.075;

(h) The adoption, amendment or repeal of regulations by the Director of the Department of Health and Human Services pursuant to NRS 447.335 to 447.350, inclusive;

(i) The adoption, amendment or repeal of standards of content and performance for courses of study in public schools by the Council to Establish Academic Standards for Public Schools and the State Board of Education pursuant to NRS 389.520;

(j) The adoption, amendment or repeal of the statewide plan to allocate money from the Fund for a Resilient Nevada created by NRS 433.732 established by the Department of Health and Human Services pursuant to paragraph (b) of subsection 1 of NRS 433.734; or

(k) The adoption or amendment of a data request by the Commissioner of Insurance pursuant to NRS 687B.404.

6. The State Board of Parole Commissioners is subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

7. *The Department of Corrections is subject to the provisions of this chapter for the purpose of adopting regulations ~~but not with respect to any contested case,~~ relating to fiscal policy, correspondence with inmates and visitation with inmates of the Department of Corrections.*

~~Sec. 2. [NRS 209.221 is hereby amended to read as follows:
209.221 1. The Offenders' Store Fund is hereby created as a special revenue fund. All money received for the benefit of offenders through contributions, and from other sources not otherwise required to be deposited in another fund, must be deposited in the Offenders' Store Fund.~~

~~2. The Director shall:
(a) Keep, or cause to be kept, a full and accurate account of the Fund;
(b) Submit reports to the Board relative to money in the Fund as may be required from time to time; and
(c) Submit a monthly report to the offenders of the amount of money in the Fund by posting copies of the report at locations accessible to offenders generally or by delivery of copies to the appropriate representatives of the offenders if any are selected.~~

~~3. Except as otherwise provided in subsections 4 to 10, inclusive, money in the Offenders' Store Fund, except interest earned upon it, must be~~

~~expended for the welfare and benefit of all offenders or for any other purpose authorized by the Legislature.~~

~~4. If necessary to cover a shortfall of money in the Prisoners' Personal Property Fund, the Director may, after obtaining the approval of the Interim Finance Committee, authorize the State Controller to transfer money from the Offenders' Store Fund to the Prisoners' Personal Property Fund, and the State Controller shall make the transfer.~~

~~5. If an offender has insufficient money in his or her individual account in the Prisoners' Personal Property Fund to repay or defray costs assessed to the offender pursuant to NRS 209.246, the Director shall authorize the State Controller to transfer sufficient money from the Offenders' Store Fund to the appropriate account in the State General Fund to pay costs remaining unpaid, and the State Controller shall make the transfer. Any money so transferred must be accounted for separately. The Director shall cause the Offenders' Store Fund to be reimbursed from the offender's individual account in the Prisoners' Personal Property Fund, as money becomes available.~~

~~6. If the Department incurs costs related to state property that has been willfully damaged, destroyed or lost or incurs costs related to medical examination, diagnosis or treatment for an injury to an offender, the Director may authorize the State Controller to transfer money from the Offenders' Store Fund to the appropriate account in the State General Fund to repay or defray those costs if:~~

~~(a) The Director has reason to believe that an offender caused the damage, destruction, loss or injury; and~~

~~(b) The identity of the offender is unknown or cannot be determined by the Director with reasonable certainty.~~

~~7. The State Controller shall make the transfer if authorized by the Director. Any money transferred must be accounted for separately. If the identity of the offender is determined after money has been transferred, the Director shall cause the Offenders' Store Fund to be reimbursed from the offender's individual account in the Prisoners' Personal Property Fund, as money becomes available.~~

~~7. The Director may, with approval of the Board, establish by regulation criteria for a reasonable deduction from money credited to the Offenders' Store Fund to repay or defray the costs relating to the operation and maintenance of the offenders' store, coffee shop, gymnasium and correctional officers' salaries for visitation posts where they exist in each facility. [Any regulations adopted pursuant to this subsection must be adopted in accordance with the provisions of chapter 233B of NRS.]~~

~~8. The Director may, with approval of the Board, establish by regulation a charge on the purchase of electronic devices by offenders to defray the costs relating to the operation of the devices. The Director shall utilize the proceeds collected from the charge established for operation of the devices to offset the energy costs of the facilities within the Department. [Any~~

~~regulations adopted pursuant to this subsection must be adopted in accordance with the provisions of chapter 232B of NRS.]~~

~~9. The Director may, with approval of the Board, establish by regulation a charge on the use by offenders of videoconferencing equipment for conducting visits to defray the costs relating to the operation and maintenance of the equipment. The Director shall utilize the proceeds collected from the charge established for the operation and maintenance of the equipment to offset the costs of operating and maintaining the videoconferencing equipment and correctional officers' salaries for posts for conducting visits by videoconference where the posts exist in each facility.~~

~~10. If an offender who has been assigned to a center for the purpose of making restitution is returned to an institution for committing an infraction of the regulations of the Department and the center has not been fully compensated for the cost of providing the offender with housing, transportation, meals, or medical or dental services at the center, the Director may authorize the State Controller to transfer money from the Offenders' Store Fund to the appropriate account in the State General Fund to repay or defray those costs. The State Controller shall make the transfer if authorized by the Director. Any money transferred must be accounted for separately. The Director shall cause the Offenders' Store Fund to be reimbursed from the offender's individual account in the Prisoners' Personal Property Fund, as money becomes available.~~

~~11. If an offender has insufficient money in his or her individual account in the Prisoners' Personal Property Fund to repay or defray costs assessed to the offender pursuant to NRS 209.246, the offender shall sign a statement under penalty of perjury concerning his or her financial situation. Such a statement must include, but is not limited to, the following information:~~

- ~~(a) The value of any interest the offender has in real estate;~~
- ~~(b) The value of the personal property of the offender;~~
- ~~(c) The assets in any bank account of the offender; and~~
- ~~(d) The employment status of the offender.~~

~~12. The statement required by subsection 11 must also authorize the Department to access any relevant document, for the purpose of verifying the accuracy of the information provided by the offender pursuant to this section, including, but not limited to, information regarding any bank account of the offender, information regarding any bank account held in trust for the offender and any federal income tax return, report or withholding form of the offender.~~

~~13. An offender who conceals assets from the Department or provides false or misleading information on a statement prepared pursuant to this section is guilty of a gross misdemeanor.~~

~~14. A person who aids or encourages an offender to conceal assets from the Department or to provide false or misleading information on a statement prepared pursuant to this section is guilty of a gross misdemeanor. (Deleted by amendment.)~~

Sec. 3. ~~[NRS 209.2473 is hereby amended to read as follows:~~
~~209.2473 [1.] The Department may adopt regulations necessary to~~
~~carry out the provisions of NRS 209.247 and 209.463.~~
~~[2. Any regulations adopted pursuant to this section must be adopted in~~
~~accordance with the provisions of chapter 233B of NRS.] (Deleted by~~
~~amendment.)~~

Sec. 4. 1. Any current regulations adopted by the Department of Corrections ~~[, except for those regulations adopted by the Department pursuant to NRS 209.221 and 209.2473, as those sections existed before July 1, 2023,]~~ related to fiscal policy, correspondence with inmates and visitation with inmates must remain in effect until regulations are adopted pursuant to chapter 233B of NRS, as amended by section 1 of this act, to replace those regulations, as required pursuant to subsection 2.

2. The Department shall, as soon as practicable, adopt regulations pursuant to chapter 233B of NRS, as amended by section 1 of this act, to replace the current regulations adopted by the Department ~~[, except for those regulations adopted by the Department pursuant to NRS 209.221 and 209.2473, as those sections existed before July 1, 2023,]~~ relating to fiscal policy, correspondence with inmates and visitation with inmates.

Sec. 5. This act becomes effective on July 1, 2023.

Senator Flores moved the adoption of the amendment.

Remarks by Senator Flores.

Amendment No. 458 to Senate Bill No. 105 provides that the Department of Corrections will remain exempt from the requirements of the Nevada Administrative Procedure Act except as provided in NRS 209.221 and 209.2473 and for administrative regulations pertaining to fiscal policy, visitation and mail and correspondence.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 118.

Bill read second time.

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

Amendment No. 351.

SUMMARY—Revises provisions relating to public health. (BDR 40-334)

AN ACT relating to public health; requiring that an account for public health improvement be created in the State General Fund; prescribing the manner in which money is allocated from the account; authorizing the creation of a health district by certain counties which are not physically adjacent; ~~[making an appropriation,]~~ allocating money from a tax on tobacco products other than cigarettes to the account; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates a health district in any county whose population is 700,000 or more (currently Clark County), which has jurisdiction over all

public health matters in the health district. (NRS 439.361, 439.362, 439.366) Existing law authorizes the creation of a health district with similar jurisdiction in counties whose population is less than 700,000 (currently all counties other than Clark County), subject to approval by the State Board of Health, by affirmative vote of: (1) the boards of county commissioners of two or more adjacent counties; (2) the governing bodies of two or more cities or towns within any county; or (3) the board of county commissioners and the governing body or bodies of any incorporated city or cities, town or towns, in such a county. (NRS 439.370) Sections 7 and 8 of this bill remove the requirement that two counties must be physically adjacent in order to create a health district.

Section 5 of this bill requires that an account be created in the State General Fund, to be administered by the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services, for the purpose of improving public health in this State. ~~[Section 9 of this bill makes an appropriation to the Division for that purpose.]~~ Section 5 also authorizes the Administrator to apply for and accept any gift, bequest, grant and donation for credit to the account. Section 4 of this bill defines the term "health authority" to mean the district health department or, in a location that is not part of a health district, the Division or a designee of the Division. Section 6 of this bill : (1) requires the Administrator to allocate money in the account annually, according to population, to be used ~~(in)~~ by each health ~~[district or in the area for which a health district has not been created. Section 6 also]~~ authority; and (2) prohibits ~~[an entity to which money is allocated from the account]~~ a health authority from using such money to replace or supplant other sources of funding. Section 6 requires each entity to which money is allocated to annually report to the Legislature concerning the allocation and use of the money. ~~[Sections]~~ Section 3 ~~[and 4]~~ of this bill ~~[define certain terms]~~ defines the term "account" for purposes related to the use of money in the account.

Existing law imposes a tax upon the receipt, purchase or sale of tobacco products other than cigarettes in this State at a rate of 30 percent of the wholesale price of those products. (NRS 370.450) Section 8.5 of this bill requires the Department of Taxation to annually transfer 35 percent of the proceeds of that tax to the account created by section 5.

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

Section 1. Chapter 439 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. *As used in sections 2 to 6, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.*

Sec. 3. "Account" means the account created pursuant to section 5 of this act.

Sec. 4. "Health authority" means the district health department or, in a location that is not part of a health district, the Division ~~for~~ or a designee of the Division.

Sec. 5. 1. The Administrator may apply for and accept any gift, donation, bequest, grant or other source of money for the purpose of improving public health in this State. Any money so received or from any other source, including, without limitation, legislative appropriation, must be deposited in the State Treasury and accounted for separately in the State General Fund.

2. The Administrator shall administer the account. Money in the account must be expended in the manner prescribed by this section and section 6 of this act.

3. The interest and income earned on the money in the account, after deducting any applicable charges, must be credited to the account. Any money remaining in the account at the end of the fiscal year does not revert to the State General Fund, and the balance in the account must be carried forward to the next fiscal year.

4. All claims against the account must be paid as other claims against the State are paid.

5. The Administrator may use not more than 5 percent of the money in the account to administer the account and to fund statewide projects for the purpose prescribed in subsection 1.

Sec. 6. 1. The Administrator shall, on or before December 31 of each year:

(a) Determine the total amount of money in the account after deducting any amount allocated for the uses described in subsection 5 of section 5 of this act; and

(b) Allocate money among the health authorities in this State in proportion to the populations of the areas under the jurisdiction of those health authorities.

2. A health authority to which money is allocated pursuant to subsection 1 shall:

(a) Evaluate the public health needs of residents of the area under the jurisdiction of the health authority;

(b) Determine the level of priority of the public health needs identified pursuant to paragraph (a); ~~and~~

(c) Expend the money in accordance with the levels of priority identified pursuant to paragraph (b) ~~and~~ ; and

(d) Not later than 90 days after the end of the fiscal year in which the health authority receives the money;

(1) Prepare a report which must include, without limitation, a description of:

(I) The process used by the health authority pursuant to paragraph (a) to evaluate the public health needs of residents of the area

under the jurisdiction of the health authority and the public health needs identified through that process;

(II) The process used by the health authority pursuant to paragraph (b) to determine the level of priority of the public health needs identified pursuant to paragraph (a) and the levels of priority assigned to those public health needs through that process; and

(III) Each expenditure made by the health authority pursuant to paragraph (c); and

(2) Submit the report to the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee.

3. A health authority shall not use money allocated to the health authority pursuant to subsection 1 to replace or supplant money available from other sources.

Sec. 7. NRS 439.370 is hereby amended to read as follows:

439.370 By affirmative vote of:

1. The boards of county commissioners of two or more ~~[adjacent]~~ counties;

2. The governing bodies of two or more cities or towns within any county; or

3. The board of county commissioners and the governing body or bodies of any incorporated city or cities, town or towns, in such county, ➤ and with the approval of the State Board of Health, there may be created a health district with a health department consisting of a district health officer and a district board of health.

Sec. 8. NRS 439.383 is hereby amended to read as follows:

439.383 When two or more ~~[adjacent]~~ counties establish a district board of health, all county boards of health in such district shall thereupon be abolished.

Sec. 8.5. NRS 370.500 is hereby amended to read as follows:

370.500 1. All amounts of tax required to be paid to the State pursuant to NRS 370.440 to 370.490, inclusive, must be paid to the Department in the form of remittances payable to the Department.

2. The Department shall deposit these payments with the State Treasurer for credit to the Account for the Tax on Products Made From Tobacco, Other Than Cigarettes, in the State General Fund.

3. At the end of each fiscal year, the Department shall transfer from the Account for the Tax on Products Made From Tobacco, Other Than Cigarettes to the account created pursuant to section 5 of this act an amount equal to 35 percent of the tax collected pursuant to NRS 370.440 to 370.490, inclusive, during the fiscal year.

Sec. 9. ~~[1. There is hereby appropriated from the State General Fund to the Division of Public and Behavioral Health of the Department of Health and Human Services for the purpose of improving public health in this State in accordance with the provisions of sections 5 and 6 of this act the following sums:~~

~~For the fiscal year 2023-2024 \$15,000,000~~

~~For the fiscal year 2024-2025 \$15,000,000~~

~~2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.} (Deleted by amendment.)~~

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

Sec. 10. This act becomes effective on July 1, 2023.

Senator Doñate moved the adoption of the amendment.

Remarks by Senator Doñate.

Amendment No. 351 to Senate Bill No. 118 updates the definition of "health authority" and requires money from the tax on tobacco products other than cigarettes be allocated to a public health improvement account within the State General Fund.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 140.

Bill read second time.

The following amendment was proposed by the Committee on Revenue and Economic Development:

Amendment No. 507.

SUMMARY—~~{Revises provisions relating to the distribution of the excise tax on live entertainment.}~~ Authorizes certain counties to obtain reimbursement of costs incurred for certain activities that are subject to the excise tax on live entertainment. (BDR 32-166)

AN ACT relating to taxation; ~~{revising the distribution of the proceeds from the excise tax on live entertainment.}~~ authorizing a board of county commissioners in certain smaller counties to apply to the Department of Taxation for reimbursement of costs incurred by the county for certain activities provided by a tax-exempt organization or nonprofit corporation ~~in certain smaller counties.}~~ that are subject to the excise tax on live entertainment; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law imposes an excise tax on admission to certain facilities where live entertainment is provided. (Chapter 368A of NRS) Existing law further excludes from the tax on live entertainment certain activities provided by a

nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c) or by a nonprofit corporation organized or existing under the provisions of chapter 82 of NRS. This exclusion from the tax on live entertainment does not apply if the number of tickets to the activity that are offered for sale or other distribution by such a tax-exempt organization or nonprofit corporation is 15,000 or more. (NRS 368A.090, 368A.200) Existing law requires, with certain exceptions, all taxes, interest and penalties received from the tax on live entertainment to be deposited in the State Treasury for credit to the State General Fund. (NRS 368A.220)

This bill provides that if such a tax-exempt organization or a nonprofit corporation provides an activity in a county whose population is less than 9,000 (currently Esmeralda, Eureka, Lander, Lincoln, Mineral, Pershing and Storey Counties) and the number of tickets to the activity offered for sale or other distribution is 15,000 or more, the board of county commissioners of the county may submit an application to the Department of Taxation ~~is required to remit 50 percent of the taxes on live entertainment that are received for the activity to the county treasurer for deposit into a separate, segregated fund in the county treasury. Money in such a fund is to be used to mitigate the costs to the county, or any agency thereof,~~ for reimbursement of certain costs incurred by the county that are related to the activity. This bill further prohibits such a board of county commissioners from requesting reimbursement for: (1) any costs relating to the activity that were paid for or reimbursed to the county by the tax-exempt organization or nonprofit corporation; and (2) more than \$750,000 in total direct, indirect and incidental costs to the county for a fiscal year. If the board of county commissioners requests reimbursement for indirect or incidental costs, the request must not exceed an amount that is equal to 20 percent of the total direct costs relating to the activity for which the board of county commissioners is requesting reimbursement for the fiscal year. Finally, this bill: (1) requires the Executive Director of the Department of Taxation to review any such application for reimbursement; (2) authorizes the Executive Director to request additional information from the county relating to the application; (3) requires, under certain circumstances, the Executive Director to submit the application to the Nevada Tax Commission for approval; and (4) authorizes a board of county commissioners to appeal a decision of the Commission.

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

Section 1. ~~[NRS 368A.220 is hereby amended to read as follows:~~

~~368A.220 1. Except as otherwise provided in this section:~~

~~(a) Each taxpayer who is a licensed gaming establishment shall file with the Board, on or before the 15th day of each month, a report showing the amount of all taxable receipts for the preceding month or the month in which~~

~~the taxable events occurred. The report must be in a form prescribed by the Board.~~

~~— (b) All other taxpayers shall file with the Department, on or before the last day of each month, a report showing the amount of all taxable receipts for the preceding month. The report must be in a form prescribed by the Department.~~

~~— 2. The Board or the Department, if it deems it necessary to ensure payment to or facilitate the collection by the State of the tax imposed by NRS 368A.200, may require reports to be filed not later than 10 days after the end of each calendar quarter.~~

~~— 3. Each report required to be filed by this section must be accompanied by the amount of the tax that is due for the period covered by the report.~~

~~— 4. Except as otherwise provided in this subsection [,] and subsection 5, the Board and the Department shall deposit all taxes, interest and penalties they receive pursuant to this chapter in the State Treasury for credit to the State General Fund. On or before October 1 of each year, the Department shall deposit \$150,000 from the taxes, interest and penalties it receives pursuant to this chapter in the State Treasury for credit to the Nevada Arts Council created by NRS 233C.025. The amount deposited in the State Treasury for credit to the Nevada Arts Council pursuant to this subsection is hereby authorized for expenditure by the Nevada Arts Council as a continuing appropriation.~~

~~— 5. If a nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c), or a nonprofit corporation organized or existing under the provisions of chapter 82 of NRS, provides an activity in a county whose population is less than 9,000 and the number of tickets to the activity offered for sale or other distribution is 15,000 or more, the Department shall remit 50 percent of the taxes received pursuant to this chapter for the activity to the county treasurer for deposit into a separate, segregated fund in the county treasury to be used to mitigate the costs to the county, or any agency thereof, that are related to the activity. The provisions of this subsection apply regardless of whether the board of county commissioners of the county in which the activity is held has entered into an agreement with the tax-exempt organization or nonprofit corporation pursuant to NRS 244.35425. (Deleted by amendment.)~~

Sec. 1.5. Chapter 368A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, if a nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c), or a nonprofit corporation organized or existing under the provisions of chapter 82 of NRS, provides an activity in a county whose population is less than 9,000 and the number of tickets to the activity offered for sale or other distribution is 15,000 or more, the board of county commissioners of the county may submit an application to the Department for reimbursement of costs that were incurred by the county in relation to the activity.

2. Any application submitted by a board of county commissioners pursuant to this section:

(a) Must be submitted to the Department, on a form prescribed by the Department, not later than 90 days after the activity; and

(b) Must include, without limitation:

(1) An itemized list of any direct costs for which the county is applying for reimbursement;

(2) An itemized list of any costs relating to the activity that were paid for or reimbursed to the county by the tax-exempt organization or nonprofit corporation that provided the activity; and

(3) Any other information required by the Department.

(c) May include a request for reimbursement of indirect and incidental costs incurred by the county in relation to the activity in an amount not to exceed 20 percent of the total direct costs for which the board is applying for reimbursement.

3. A board of county commissioners shall not request reimbursement pursuant to this section for:

(a) Any costs relating to the activity that were paid for or reimbursed to the county by the tax-exempt organization or nonprofit corporation that provided the activity.

(b) More than \$750,000 in total direct, indirect and incidental costs that were incurred by the county in relation to the activity in any 1 fiscal year. If the board of county commissioners requests reimbursement pursuant to this section for indirect or incidental costs relating to an activity, such a request must not exceed an amount that is equal to 20 percent of the total direct costs relating to the activity for which the board is requesting reimbursement for the fiscal year.

4. The Executive Director shall review any application for reimbursement received pursuant to this section to determine whether the board of county commissioners is eligible to receive reimbursement pursuant to this section. If the Executive Director requests any additional information from the board of county commissioners, the board of county commissioners must submit such information not later than 15 days after the Executive Director makes such a request.

5. If the Executive Director determines that a board of county commissioners is eligible to receive reimbursement pursuant to this section, the Executive Director shall submit the application to the Nevada Tax Commission for approval. If the Commission:

(a) Approves the request, the State Controller shall transfer from the State General Fund the amount approved by the Commission to the county for deposit in the county general fund.

(b) Denies the request, the board of county commissioners may submit an appeal to the Commission within 30 days. The board of county commissioners may only appeal once the denial of a request for reimbursement by the Commission.

Senator Neal moved the adoption of the amendment.

Remarks by Senator Neal.

Amendment No. 507 to Senate Bill No. 140 deletes the provisions of the bill and instead allows an eligible county to request an allocation of the Live Entertainment Tax to reimburse direct, indirect and incidental costs associated with certain events organized by a nonprofit corporation or tax-exempt corporation.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 155.

Bill read second time.

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

Amendment No. 478.

SUMMARY—Revises provisions relating to certain crimes committed by homeless persons. (BDR ~~{20-244}~~ 14-244)

AN ACT relating to homeless persons; ~~[prohibiting a county board of commissioners and the city council or other governing body of an incorporated city from enacting and enforcing ordinances that discriminate against a homeless person;]~~ revising provisions relating to certain crimes committed by homeless persons; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law ~~[authorizes a county board of commissioners and the city council or other governing body of an incorporated city to enact and enforce certain ordinances related to health and safety. (Chapters 244 and 268 of NRS) Sections 1 and 2 of this bill prohibit a county board of commissioners and the city council or other governing body of an incorporated city, respectively, from enacting and enforcing any ordinance that discriminates against a homeless person by prohibiting a homeless person from engaging in life-sustaining activities in a public space, including, without limitation: (1) resting in a nonobstructive manner; (2) sheltering from the elements in a nonobstructive manner; (3) eating, sharing, accepting or giving food in public spaces where food is not prohibited; and (4) with certain exceptions, occupying a motor vehicle. Sections 1 and 2 also define certain terms related to life-sustaining activities.]~~

~~—Section 3 of this bill declares that any ordinance enacted by a board of county commissioners or a city council or other governing body of an incorporated city before, on or after October 1, 2023, that conflicts with the provisions of section 1 or 2 is void and unenforceable.]~~ establishes certain diversionary and specialty court programs to which certain defendants may be assigned, such as the preprosecution diversionary program and specialty court programs for veterans and members of the military, persons with mental illness and persons who use alcohol or other substances. (NRS 174.032, 176A.230, 176A.250, 176A.280) Sections 4-8 of this bill

authorize homeless persons who commit certain misdemeanor offenses to be assigned to such diversionary and specialty court programs. Section 5 of this bill authorizes a court that assigns a homeless person to complete such a program of treatment to waive or reduce any fine, administrative assessment or fee that would otherwise be imposed upon the homeless person for committing such an offense.

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

Section 1. ~~{Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. A board of county commissioners shall not enact or enforce any ordinance that discriminates against a homeless person by prohibiting a homeless person from engaging in life sustaining activities in a public space, including, without limitation:~~

~~(a) Resting in a nonobstructive manner;~~

~~(b) Sheltering from the elements in a nonobstructive manner;~~

~~(c) Eating, sharing, accepting or giving food in any public space where food is not prohibited; and~~

~~(d) Occupying a motor vehicle, provided that the motor vehicle is legally parked on public property or parked on private property with the permission of the property owner.~~

~~2. As used this section:~~

~~(a) "Nonobstructive manner" means in a manner that does not render a passageway impassable or hazardous.~~

~~(b) "Public space" means an outdoor property that is owned or leased by the State, a county or a city, or an easement designated for public use.~~

~~(c) "Resting" means a state of not moving and holding certain postures in a nonobstructive manner, including, without limitation, sitting, standing, leaning, kneeling, squatting, sleeping or lying down.] (Deleted by amendment.)~~

Sec. 2. ~~{Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. A city council or other governing body of an incorporated city, shall not enact or enforce any ordinance that discriminates against a homeless person by prohibiting a homeless person from engaging in life sustaining activities in a public space, including, without limitation:~~

~~(a) Resting in a nonobstructive manner;~~

~~(b) Sheltering from the elements in a nonobstructive manner;~~

~~(c) Eating, sharing, accepting or giving food in any public space where food is not prohibited; and~~

~~(d) Occupying a motor vehicle, provided that the motor vehicle is legally parked on public property or parked on private property with the permission of the property owner.~~

~~2. As used this section:~~

~~(a) "Nonobstructive manner" means in a manner that does not render a passageway impassable or hazardous.~~

~~(b) "Public space" means an outdoor property that is owned or leased by the State, a county or a city, or an easement designated for public use.~~

~~(c) "Resting" means a state of not moving and holding certain postures in a nonobstructive manner, including, without limitation, sitting, standing, leaning, kneeling, squatting, sleeping or lying down.] (Deleted by amendment.)~~

Sec. 3. ~~[Any ordinance enacted by a board of county commissioners or a city council or other governing body of an incorporated city before, on or after October 1, 2023, which conflicts with the provisions of this act is void and unenforceable.] (Deleted by amendment.)~~

Sec. 4. NRS 174.032 is hereby amended to read as follows:

174.032 1. A justice court or municipal court may establish a preprosecution diversion program to which it may assign a defendant if he or she is determined to be eligible pursuant to NRS 174.031.

2. If a defendant is determined to be eligible for assignment to a preprosecution diversion program pursuant to NRS 174.031, the justice or municipal court must receive input from the prosecuting attorney, the attorney for the defendant, if any, and the defendant relating to the terms and conditions for the defendant's participation in the program.

3. A preprosecution diversion program established by a justice court or municipal court pursuant to this section may include, without limitation:

(a) A program of treatment which may rehabilitate a defendant, including, without limitation, educational programs, participation in a support group, anger management therapy, counseling or a program of treatment for veterans and members of the military, mental illness or intellectual disabilities, ~~for~~ the use of alcohol or other substances ~~or~~ chronic homelessness;

(b) Any appropriate sanctions to impose on a defendant, which may include, without limitation, community service, restitution, prohibiting contact with certain persons or the imposition of a curfew; and

(c) Any other factor which may be relevant to determining an appropriate program of treatment or sanctions to require for participation of a defendant in the preprosecution diversion program.

4. If the justice court or municipal court determines that a defendant may be rehabilitated by a program of treatment for veterans and members of the military, persons with mental illness or intellectual disabilities or the use of alcohol or other substances, the court may refer the defendant to an appropriate program of treatment established pursuant to NRS 176A.230, 176A.250, 176A.280 or 453.580, ~~section 5 of this act.~~ The court shall retain jurisdiction over the defendant while the defendant completes such a program of treatment.

5. The justice court or municipal court shall, when assigning a defendant to a preprosecution diversion program, issue an order setting forth the terms

and conditions for successful completion of the preprosecution diversion program, which may include, without limitation:

- (a) Any program of treatment the defendant is required to complete;
- (b) Any sanctions and the manner in which they must be carried out by the defendant;
- (c) The date by which the terms and conditions must be completed by the defendant, which must not be more than 18 months after the date of the order;
- (d) A requirement that the defendant appear before the court at least one time every 3 months for a status hearing on the progress of the defendant toward completion of the terms and conditions set forth in the order; and
- (e) A notice relating to the provisions of subsection 3 of NRS 174.033.

6. A defendant assigned to a preprosecution diversion program shall pay the cost of any program of treatment required by this section to the extent of his or her financial resources. The court shall not refuse to place a defendant in a program of treatment if the defendant does not have the financial resources to pay any or all of the costs of such program.

7. If restitution is ordered to be paid pursuant to subsection 5, the defendant must make a good faith effort to pay the required amount of restitution in full. If the justice court or municipal court determines that a defendant is unable to pay such restitution, the court must require the defendant to enter into a judgment by confession for the amount of restitution.

Sec. 5. Chapter 176 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A justice court, municipal court or district court, as applicable, that has jurisdiction over an eligible defendant who is charged with or convicted of an eligible offense may order the eligible defendant to complete a program of treatment.

2. Notwithstanding any other provision of law, a court that orders an eligible defendant to complete a program of treatment pursuant to this section may waive or reduce any fine, administrative assessment or fee that would otherwise be imposed upon the eligible defendant for commission of the eligible offense pursuant to specific statute.

3. As used in this section:

(a) "Eligible defendant" means a homeless person who is charged with or convicted of an eligible offense.

(b) "Eligible offense" means a violation of any of the following statutory provisions, or any local ordinance prohibiting the same or similar conduct, that is punishable as a misdemeanor:

- (1) NRS 202.450.
- (2) NRS 205.860.
- (3) NRS 206.010.
- (4) NRS 206.040.
- (5) NRS 206.140.

(6) NRS 206.310.

(7) NRS 207.030.

(8) NRS 207.200.

(9) NRS 207.203.

(c) "Homeless person" means a person:

(1) Who lacks a fixed, regular and adequate nighttime residence;

(2) With a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including, without limitation, a car, a park, an abandoned building, a bus or train station, an airport or a camping ground; or

(3) Living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements, including, without limitation, transitional housing, hotels or motels paid for by any federal, state or local governmental program or any charitable organization.

↪ For the purpose of this paragraph, a person shall be deemed to be a homeless person if the person provides sufficient proof to the court that the person meets the criteria set forth in subparagraph (1), (2) or (3) or the person has recently used public services for homeless persons or if a public or private agency or entity that provides services to homeless persons provides sufficient proof to the court that the person is a homeless person.

(d) "Program of treatment" means a preprosecution diversion program, specialty court program or other program designed to assist homeless persons that is established pursuant to NRS 174.032, 176A.230, 176A.250, 176A.280 or another specific statute or by court rule or court order.

Sec. 6. NRS 176A.235 is hereby amended to read as follows:

176A.235 1. A justice court or a municipal court may, upon approval of the district court, transfer original jurisdiction to the district court of a case involving an eligible defendant.

2. As used in this section, "eligible defendant" means a person who:

(a) ~~Has~~ Except as otherwise provided in section 5 of this act, has not tendered a plea of guilty, guilty but mentally ill or nolo contendere to, or been found guilty or guilty but mentally ill of, an offense that is a misdemeanor;

(b) Has been diagnosed as having a substance use disorder after an in-person clinical assessment; and

(c) Would benefit from assignment to a program established pursuant to NRS 176A.230.

Sec. 7. NRS 176A.255 is hereby amended to read as follows:

176A.255 1. A justice court or a municipal court may, upon approval of the district court, transfer original jurisdiction to the district court of a case involving an eligible defendant.

2. As used in this section, "eligible defendant" means a person who:

(a) ~~Has~~ Except as otherwise provided in section 5 of this act, has not tendered a plea of guilty, guilty but mentally ill or nolo contendere to, or

been found guilty or guilty but mentally ill of, an offense that is a misdemeanor;

(b) Appears to suffer from mental illness or to be intellectually disabled; and

(c) Would benefit from assignment to a program established pursuant to NRS 176A.250.

Sec. 8. NRS 176A.285 is hereby amended to read as follows:

176A.285 If a justice court or municipal court has not established a program pursuant to NRS 176A.280, the justice court or municipal court, as applicable, may, upon approval of the district court, transfer original jurisdiction to the district court of a case involving a defendant who meets the qualifications of subsection 1 of NRS 176A.280 and , except as otherwise provided in section 5 of this act, has not tendered a plea of guilty, guilty but mentally ill or nolo contendere to, or been found guilty or guilty but mentally ill of, an offense that is a misdemeanor.

Senator Flores moved the adoption of the amendment.

Remarks by Senator Flores.

Amendment No. 478 to Senate Bill No. 155 deletes section 1 through 3 and clarifies that a person charged with certain misdemeanors associated with homelessness who shows sufficient evidence that they are homeless may be ordered to complete a program of diversion, a specialty court program or any assistance deemed applicable by the court, sentenced in accordance with statute, exempt from the fines, administrative assessments or fees related to the charge; provides a definition of sufficient proof of homelessness; permits, but does not require, justice courts and municipal courts to create treatment courts for preprosecution diversion for individuals who are chronically homeless; and makes various conforming changes.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 162.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 364.

SUMMARY—~~[Provides for the establishment of polling places]~~ Revises provisions relating to voting in county and city jails. (BDR 24-812)

AN ACT relating to elections; ~~[providing for the establishment of polling places in county and city jails;]~~ requiring a person who administers a county or city jail to establish a policy that ensures that a prisoner in the jail who is a registered voter may vote in any election in which the prisoner is eligible to vote; setting forth certain requirements for such a policy; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a county clerk to ~~[establish polling places for a primary election, presidential preference primary election or general election. (NRS 293.2731, 298.690)]~~ Existing law further requires, under certain circumstances, a county or city clerk to establish a polling place in certain

~~locations such as an Indian reservation or Indian colony located in whole or in part within the county or city and in a residential development exclusively for elderly persons. (NRS 293.2733, 293.2735, 293C.2675, 293C.268))~~
~~cancel the registration of a voter upon the determination that the person has been convicted of a felony and is currently incarcerated. (NRS 293.540)~~
Unless the person has been convicted of a felony, existing law does not prohibit a prisoner in a county or city jail from registering to vote or voting in an election.

Section 1 of this bill requires each ~~county clerk, county sheriff and~~ person who administers ~~the~~ a county or city jail ~~for a city in the county to coordinate to establish one polling place in each county jail and city jail exclusively for prisoners,~~ to establish a policy that ensures a prisoner in the jail who ~~are~~ is a registered ~~voters in the county to vote in person on the day of a~~ voter may vote in each primary election, presidential preference primary election, ~~for~~ general city election, ~~primary city election, general election or special election. Each such policy must: (1) be developed in coordination with the county clerk and, if applicable, the city clerk; (2) be consistent with existing provisions of law relating to elections; (3) ensure the safety of any election board officer or other person who assists in the conduct of voting at the jail; and (4) ensure the secrecy of the ballot of each prisoner. Section 1 further~~ ~~provides that if prisoners of the county or city are detained in another county pursuant to certain interlocal agreements, the county clerk shall coordinate with the sheriff or person who administers the jail of the city in the county where the prisoners are located to establish a polling place for those prisoners. Also, section 1 clarifies that, with certain exceptions, the provisions of election law apply to the polling places established in jails, voting at such polling places and registering to vote on the day of the election at these polling places.~~ requires each person who administers a county or city jail to submit a copy of the policy established pursuant to section 1 on or before October 1 of each odd-numbered year to the Secretary of State and the Director of the Legislative Counsel Bureau. Finally, section 1 clarifies that nothing in section 1 authorizes a person convicted of a felony in this State who has not had his or her right to vote or register to vote restored to vote or register to vote, ~~at a polling place established in a county or city jail.~~

~~Section 2 of this bill provides that no member of the general public may observe the conduct of voting at a polling place established pursuant to section 1 without approval from the sheriff or person who administers the jail of the city.~~

~~Section 4 of this bill sets forth requirements for each city clerk to coordinate with the person who administers the city jail to establish a polling place for each primary city election or general city election, similar to the provisions of section 1.~~

~~Section 3 of this bill requires the county clerk to prepare a roster for each polling place established in a county or city jail pursuant to section 1 or 4.~~

Section 5.5 of this bill requires, on or before January 1, 2024, each person who administers a county or city jail to: (1) establish the policy required pursuant to section 1 that will apply to the 2024 Presidential Preference Primary Election, 2024 Primary Election, 2024 Primary City Election, 2024 General Election and 2024 General City Election; and (2) submit a copy of the policy to the Secretary of State and the Director of the Legislative Counsel Bureau.

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

Section 1. Chapter 293 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~Each county clerk, county sheriff and~~ person who administers ~~the~~ a county or city jail ~~for a city in the county~~ shall ~~coordinate to establish one polling place in each county jail and city jail exclusively for prisoners~~ establish a policy that ensures that a prisoner in the jail who ~~are~~ is a registered ~~voters in the county to vote in person on the day of a~~ voter may vote in each primary election, presidential preference primary election ~~for~~, primary city election, general election ~~for~~. ~~If prisoners of a county or city are detained in a jail located in another county pursuant to an agreement described in subsection 2 of NRS 211.010, the county clerk shall coordinate with the sheriff or person who administers the jail of the city, as applicable, in the county where the prisoners are detained to establish a polling place for those prisoners who are registered voters to vote in person on the day of the~~, general city election and special election ~~for~~ in which the prisoner is eligible to vote.

2. ~~Except as otherwise provided in this section or by specific statute,~~ Each policy established pursuant to subsection 1 must:

~~(a) Be developed in coordination with the county clerk and, if applicable, the city clerk;~~

~~(b) Be consistent with the provisions of this title relating to elections, including, without limitation:~~

~~(a) Polling places apply to a polling place established pursuant to this section.~~

~~(b) Voting in person on election day apply to a prisoner who is a registered voter who applies to vote at a polling place established pursuant to this section.~~

~~(c) Same day voter registration apply to a prisoner who is an elector who applies to vote on election day at a polling place established pursuant to this section.~~

~~(c) Ensure the safety of any election board officer or other person who assists in the conduct of voting at the jail; and~~

~~(d) Ensure the secrecy of the ballot, including, without limitation, the mail ballot of each prisoner.~~

3. On or before October 1 of each odd-numbered year, each person who administers a county or city jail shall submit a copy of the policy established

pursuant to subsection 1 to the Secretary of State 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. If a special election is held, each person who administers a county or city jail shall also submit a copy of the policy established pursuant to subsection 1 to the Secretary of State at least 30 days before the date of the special election.

4. Nothing in this section authorizes a person convicted of a felony in the State who has not had his or her right to vote restored pursuant to NRS 213.157 to vote or register to vote. ~~at a polling place established pursuant to this section.~~

~~4.7~~ 5. The Secretary of State shall adopt regulations to carry out the provisions of this section.

Sec. 2. ~~[NRS 293.274 is hereby amended to read as follows:~~

~~293.274 1. [The] Except as otherwise provided in this subsection, the county clerk shall allow members of the general public to observe the conduct of voting at a polling place. No member of the general public may observe the conduct of voting at a polling place established pursuant to section 1 of this act without the approval of the sheriff of the county or the person who administers the jail of the city, as applicable.~~

~~2. A member of the general public shall not photograph the conduct of voting at a polling place or record the conduct of voting on audiotape or any other means of sound or video reproduction.~~

~~3. For the purposes of this section, a member of the general public does not include any person who:~~

~~(a) Gathers information for communication to the public;~~

~~(b) Is employed or engaged by or has contracted with a newspaper, periodical, press association, or radio or television station; and~~

~~(c) Is acting solely within his or her professional capacity.] (Deleted by amendment.)~~

Sec. 3. ~~[NRS 293.563 is hereby amended to read as follows:~~

~~293.563 1. During the interval between the closing of registration and the election, the county clerk shall prepare for:~~

~~(a) Each polling place;~~

~~(1) A roster containing the registered voters eligible to vote at the polling place; and~~

~~(2) A roster designated for electors who apply to register to vote or apply to vote at the polling place pursuant to NRS 293.5772 to 293.5887, inclusive; and~~

~~(b) Each polling place established pursuant to NRS 293.3072 or 293C.3032 or section 1 or 4 of this act a roster containing the registered voters eligible to vote in the county or city, respectively.~~

~~2. The rosters must be delivered or caused to be delivered by the county or city clerk to an election board officer of the proper polling place before the opening of the polls.] (Deleted by amendment.)~~

Sec. 4. ~~{Chapter 293C of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. Each city clerk and person who administers the jail of the city shall coordinate to establish one polling place in the city jail exclusively for prisoners in the jail who are registered voters in the city to vote in person on the day of a primary city election or general city election.~~

~~2. Except as otherwise provided in this section or by specific statute, the provisions of this title relating to city elections, including, without limitation:~~

~~(a) Polling places apply to a polling place established pursuant to this section;~~

~~(b) Voting in person on election day apply to a prisoner who is a registered voter who applies to vote at a polling place established pursuant to this section;~~

~~(c) Same day voter registration apply to a prisoner who is an elector who applies to vote on election day at a polling place established pursuant to this section;~~

~~3. Nothing in this section authorizes a person convicted of a felony in the State who has not had his or her right to vote restored pursuant to NRS 213.157 to vote or register to vote at a polling place established pursuant to this section;~~

~~4. The Secretary of State shall adopt regulations to carry out the provisions of this section.} (Deleted by amendment.)~~

Sec. 5. ~~{NRS 293C.269 is hereby amended to read as follows:~~

~~293C.269 1. [The] Except as otherwise provided in this subsection, the city clerk shall allow members of the general public to observe the conduct of voting at a polling place for a city election. No member of the general public may observe the conduct of voting at a polling place established pursuant to section 4 of this act without the approval of the person who administers the city jail.~~

~~2. A member of the general public shall not photograph the conduct of voting at a polling place for a city election or record the conduct of voting on audiotape or any other means of sound or video reproduction.~~

~~3. For the purposes of this section, a member of the general public does not include any person who:~~

~~(a) Gathers information for communication to the public;~~

~~(b) Is employed or engaged by or has contracted with a newspaper, periodical, press association, or radio or television station; and~~

~~(c) Is acting solely within his or her professional capacity.} (Deleted by amendment.)~~

Sec. 5.5. On or before January 1, 2024, each person who administers a county or city jail shall:

1. In coordination with the county clerk, and if applicable, the city clerk, establish the policy required pursuant to section 1 of this act that will apply to the 2024 Presidential Preference Primary Election, 2024 Primary Election,

2024 Primary City Election, 2024 General Election and 2024 General City Election; and

2. Submit a copy of the policy established pursuant to subsection 1 to the Secretary of State 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.

Sec. 5.7. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 6. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 7. 1. This section and ~~section~~ sections 5.5 and 6 of this act become effective upon passage and approval.

2. Sections 1 to 5, inclusive, and 5.7 of this act become effective:

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

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

Senator Ohrenschall moved the adoption of the amendment.

Remarks by Senator Ohrenschall.

Amendment No. 364 to Senate Bill No. 162 requires a person who administers a county or city jail to establish a policy that ensures that a prisoner in the jail who is a registered voter may vote in any election in which the prisoner is eligible to vote. On or before October 1 of each odd-numbered year, a copy of each policy must be submitted to the Secretary of State and the Director of the Legislative Counsel Bureau. The amendment also requires the adoption and submittal of similar policies for 2024 presidential elections.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 185.

Bill read second time.

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

Amendment No. 461.

SUMMARY—Establishes provisions relating to businesses. (BDR 18-35)

AN ACT relating to economic development; creating the Business Opportunity Outreach Unit within the Purchasing Division of the Department of Administration; requiring the Administrator of the Purchasing Division to appoint the Director of the Unit; setting forth the duties of the Unit; requiring local governments and state agencies to cooperate with the Unit; requiring certain local governing bodies and the Administrator of the Purchasing Division to establish certain procedures for microbusinesses to submit proposals or bid on certain state and local contracts; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Purchasing Division within the Department of

Administration. (NRS 232.213) Section 2 of this bill establishes certain policies of this State relating to small businesses and microbusinesses. Section 3 of this bill defines "microbusiness" as a business : (1) with an annual gross revenue of less than \$75,000 that employs not more than ~~(10)~~ nine persons ~~or~~ ; or (2) that exclusively provides professional services and that has one employee who is the owner of the business.

Section 3: (1) creates the Business Opportunity Outreach Unit within the Purchasing Division; and (2) requires the Administrator of the Purchasing Division to appoint a Director of the Business Opportunity Outreach Unit.

Section 3 also requires the Business Opportunity Outreach Unit to: (1) conduct outreach to minority-owned businesses, women-owned businesses, businesses owned by persons with disabilities, local emerging small businesses and microbusinesses to inform such businesses of contracting and procurement opportunities; (2) provide training and assistance to minority-owned businesses, women-owned businesses, businesses owned by persons with disabilities, local emerging small businesses and microbusinesses to assist such businesses in obtaining government contracts and participating in the state and local governmental procurement process; (3) develop and implement an online data dashboard to provide information pertaining to the awarding of government contracts and purchase orders; (4) submit an annual report to the Joint Interim Standing Committee on Revenue and the Director of the Legislative Counsel Bureau or, if the Legislature is not in session, to the Legislative Commission, relating to the online data dashboard; (5) establish a database of minority-owned businesses, women-owned businesses, businesses owned by persons with disabilities, local emerging small businesses and microbusinesses ~~or~~ in coordination with state and local agencies who maintain similar databases; (6) establish annual goals concerning the awarding of contracts to minority-owned businesses, women-owned businesses, businesses owned by persons with disabilities, local emerging small businesses and microbusinesses; (7) establish a program to facilitate microbusinesses in joining together to submit a proposal or bid on procurement contracts; (8) coordinate with existing diversity supplier programs implemented by other governmental entities or organizations within the State; (9) consolidate information contained in reports submitted to the Office of Economic Development concerning local emerging small businesses; (10) prepare and submit a report to the Purchasing Division regarding the policies and programs implemented by the Unit; and (11) provide transparency into the state and local governmental procurement process. Section 3 further requires all state and local governmental agencies to cooperate with the Business Opportunity Outreach Unit.

The Local Government Purchasing Act and the State Purchasing Act govern the purchasing of services, supplies, materials and equipment by local governments and, with certain exceptions, agencies of the Executive Department of the State Government, respectively. (Chapters 332 and 333 of

NRS) Sections 5 and 8 of this bill require local governing bodies and the Administrator of the Purchasing Division to adopt procedures for microbusinesses to: (1) submit proposals for or bid on contracts for goods and services; and (2) join together to submit a proposal or bid or satisfy any bonding or insurance requirements of the local governing or using agencies of the Executive Department. Section 8 of this bill also requires the Administrator of the Purchasing Division to establish procedures, where possible, to prioritize receiving proposals for or bids on contracts for goods and services from local emerging small businesses, including microbusinesses, and to encourage awarding contracts to such businesses.

Sections 6 and 7 of this bill require local governments and using agencies of the Executive Department to cooperate with and submit information to the Business Opportunity Outreach Unit.

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 the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *The Legislature declares that it is the policy of this State:*

1. *To encourage and create economic opportunities for small businesses and microbusinesses by reducing barriers to contracting and procurement opportunities.*

2. *To be inclusive of all types of small businesses and microbusinesses in awarding state and local government purchasing contracts.*

Sec. 3. 1. *The Business Opportunity Outreach Unit is hereby created within the Purchasing Division of the Department.*

2. *The Administrator of the Purchasing Division shall appoint a Director of the Business Opportunity Outreach Unit.*

3. *The Business Opportunity Outreach Unit shall:*

(a) *Conduct outreach to minority-owned businesses, women-owned businesses, businesses owned by persons with disabilities, local emerging small businesses and microbusinesses to inform such businesses of both private and public sector contracting and procurement opportunities.*

(b) *Provide information, educational training and assistance to minority-owned businesses, women-owned businesses, businesses owned by persons with disabilities, local emerging small businesses and microbusinesses to assist such businesses in obtaining state and local government contracts and participating in the state and local governmental procurement process. The educational training and assistance must include, without limitation, in-person or online training to help such businesses:*

(1) *Register as suppliers and apply for state and local government purchasing contracts;*

(2) *Utilize online bidding systems, including, without limitation, the Nevada Government eMarketplace;*

(3) *Improve marketing strategies to increase procurement opportunities;*

(4) ~~Gain an understanding of how~~ Participate in any programs created in coordination with state and local governmental agencies, including, without limitation, the Regional Business Development Advisory Council for Clark County, to assist microbusinesses ~~can join~~ in joining together to bid on procurement contracts and meet any insurance or bonding requirements; and

(5) ~~Gain an understanding of~~ Become eligible to meet any insurance or bonding requirements to participate in the government procurement process.

(c) Develop and implement an online data dashboard that provides for each fiscal year:

(1) The procurement thresholds for state and local governmental agencies;

(2) The total dollar amount of all purchases by state and local governmental agencies;

(3) The total dollar amount of all purchases by state and local governmental agencies from minority-owned businesses, women-owned businesses, businesses owned by persons with disabilities, local emerging small businesses and microbusinesses;

(4) The total dollar amount of all purchases from minority-owned businesses, women-owned businesses, businesses owned by persons with disabilities, local emerging small businesses and microbusinesses by demographic;

(5) The total dollar amount of all purchases by each state and local governmental agency;

(6) The total dollar amount of all purchases from minority-owned businesses, women-owned businesses, businesses owned by persons with disabilities, local emerging small businesses and microbusinesses by each state and local governmental agency;

(7) The total number of requests for proposals for contracts for goods or services issued by state and local governmental agencies to minority-owned businesses, women-owned businesses, businesses owned by persons with disabilities, local emerging small businesses and microbusinesses and the number of proposals submitted by such businesses in response to requests.

(8) The total number of contracts or purchase orders awarded by state and local governmental agencies; and

~~+(9)~~ (9) The total number of contracts or purchase orders awarded by state and local governmental agencies to minority-owned businesses, women owned businesses, businesses owned by persons with disabilities, local emerging small businesses and microbusinesses.

(d) Submit an annual report of the information described in paragraph (c) to the Joint Interim Standing Committee on Revenue 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.

(e) Establish a centralized database of minority-owned businesses, women-owned businesses, businesses owned by persons with disabilities, local emerging small businesses and microbusinesses, in coordination with state and local agencies who maintain similar databases, including, without limitation, the Office of Economic Development and the Regional Business Development Advisory Council for Clark County, and which can be shared with state and local governmental agencies.

(f) Establish annual goals concerning the awarding of contracts to minority-owned businesses, women-owned businesses, businesses owned by persons with disabilities, local emerging small businesses and microbusinesses. The goals must be based on tax revenue, historical underrepresentation and the access to contracts by minority-owned businesses, women-owned businesses, businesses owned by persons with disabilities, local emerging businesses and microbusinesses.

(g) Establish a program to facilitate microbusinesses in joining together to submit proposals or bid on procurement contracts. The program must coordinate with all state and local agencies, including, without limitation, the Nevada System of Higher Education, the Department of Transportation, the Office of Economic Development and the Regional Business Development Advisory Council for Clark County, to offer procurement opportunities to microbusinesses that join together to submit proposals or bid on procurement contracts.

(h) Coordinate the activities and goals of the Business Opportunity Outreach Unit with those of existing diversity supplier programs implemented by other governmental entities or organizations within the State, including, without limitation, the Nevada System of Higher Education, the Department of Transportation, the Office of Economic Development and the Regional Business Development Advisory Council for Clark County.

(i) Consolidate information contained in reports submitted to the Office of Economic Development pursuant to NRS 332.201 and 333.177 concerning local emerging small businesses.

(j) Prepare, in cooperation with the Regional Business Development Advisory Council for Clark County, and submit to the Purchasing Division of the Department, a written report regarding the policies and programs implemented by the Business Opportunity Outreach Unit, including, without limitation, any data or information submitted by state and local governmental agencies concerning minority-owned businesses, women-owned businesses, businesses owned by persons with disabilities, local emerging businesses and microbusinesses.

(k) Provide transparency into the state and local governmental procurement process.

4. All state and local governmental agencies shall cooperate with the Business Opportunity Outreach Unit in carrying out the provisions of this section.

5. As used in this section:

(a) "Local emerging small business" has the meaning ascribed to it in NRS 231.1402.

(b) "Microbusiness" means a business:

(1) That has an annual gross revenue of less than \$75,000 and that employs not more than ~~10~~ nine persons; or

(2) That exclusively provides professional services and that has one employee who is the owner of the business.

Sec. 4. Chapter 332 of NRS is hereby amended by adding thereto the provisions set forth as sections 5 and 6 of this act.

Sec. 5. 1. A governing body shall adopt procedures for microbusinesses to:

(a) Submit proposals for or bid on contracts for goods and services; and

(b) Join together to:

(1) Submit proposals or bid on procurement contracts; or

(2) Satisfy any bond or insurance requirement to submit a proposal or bid.

2. As used in this section, "microbusiness" means a business that employs not more than 10 persons.

Sec. 6. All local governments shall cooperate with the Business Opportunity Outreach Unit in carrying out the provisions of section 3 of this act, including, without limitation, submitting information to the Business Opportunity Outreach Unit upon request.

Sec. 7. Chapter 333 of NRS is hereby amended by adding thereto a new section to read as follows:

All using agencies shall cooperate with the Business Opportunity Outreach Unit in carrying out the provisions of section 3 of this act, including, without limitation, submitting information to the Business Opportunity Outreach Unit upon request.

Sec. 8. NRS 333.135 is hereby amended to read as follows:

333.135 The Administrator shall adopt regulations establishing procedures for awarding contracts pursuant to this chapter. The regulations must include, without limitation, provisions that set forth requirements relating to:

1. The establishment and membership of committees to evaluate proposals;

2. The establishment of procedures for microbusinesses to:

(a) Submit a proposal for or bid on contracts for goods and services; and

(b) Join together to:

(1) Submit proposals or bid on procurement contracts; or

(2) Satisfy any bond or insurance requirement to submit a proposal or bid;

3. The establishment of procedures, where possible, to prioritize receiving proposals for or bids on contracts for goods and services from local emerging small businesses, including, without limitation, microbusinesses, and to encourage awarding contracts to such businesses.

4. Notices that must be given to persons who submit proposals before and after a contract is awarded;

~~{3.-4.}~~ 5. The confidentiality of information submitted in proposals and any communication between a person who submits a proposal and the chief of a using agency, the Administrator of the Purchasing Division or a member of a committee to evaluate proposals;

~~{4.-5.}~~ 6. The submission of revised proposals; and

~~{5.-6.}~~ 7. The awarding of contracts on a contingency basis.

~~{7.}~~ 8. *As used in this section, "microbusiness" ~~{means a business that employs not more than 10 persons.}~~ has the meaning ascribed to it in section 3 of this act.*

Sec. 9. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 10. 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. 11. This act becomes effective on July 1, 2023.

Senator Flores moved the adoption of the amendment.

Remarks by Senator Flores.

Amendment No. 461 to Senate Bill No. 185 revises the definition of "microbusiness"; requires the Business Opportunity Outreach Unit to coordinate with state and local agencies to establish a database of minority- and women-owned businesses, businesses owned by persons with disabilities and local emerging small and microbusinesses; and requires the Administrator of the Purchasing Division of the Department of Administration to establish procedures, where possible, to prioritize receiving proposals for or bids on contracts for goods and services from local emerging small businesses, including microbusinesses, and to encourage awarding contracts to such businesses.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 204.

Bill read second time.

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

Amendment No. 233.

SUMMARY—Provides for the limited practice of medicine by certain medical school graduates. (BDR 54-49)

AN ACT relating to health care; providing for the limited licensure of certain graduates of a foreign medical school; providing for the licensure of associate physicians and associate osteopathic physicians; prescribing the conditions under which a limited licensee, associate physician or associate osteopathic physician is authorized to practice medicine; updating certain references; authorizing an associate physician or associate osteopathic physician to register to possess, administer, prescribe or dispense controlled substances; requiring certain insurers to cover medical services provided by

an associate physician or associate osteopathic physician; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensing of physicians and physician assistants by the Board of Medical Examiners and for the licensing of osteopathic physicians by the State Board of Osteopathic Medicine. (NRS 630.160-630.1607, 630.258-630.2665, 630.271-630.2755, 633.305-633.469) Existing law also authorizes a graduate of a foreign medical school to obtain a restricted license to teach, research or practice medicine at a medical facility, medical research facility or medical school by completing certain requirements that are less stringent than the requirements to obtain an unrestricted license. (NRS 630.2645) If the holder of such a restricted license wishes to obtain an unrestricted license, existing law requires the holder to meet all of the qualifications ordinarily required to obtain an unrestricted license. (NRS 630.160, 630.2645)

Sections 3-13 and 23-30 of this bill create special license types that authorize certain medical school graduates to engage in the supervised practice of medicine in a medically underserved area of this State. Sections 2 and 22 of this bill define the term "medically underserved area" for those purposes. Sections 14 and 31 of this bill make conforming changes to indicate the appropriate placement of sections 2 and 22, respectively, in the Nevada Revised Statutes.

Section 3 authorizes the Board of Medical Examiners to issue a limited license to practice medicine to a graduate of a foreign medical school who agrees to practice in a medically underserved area and possesses certain other qualifications related to the practice of medicine. Section 4 of this bill requires the holder of a limited license to practice medicine only under the supervision of a physician who holds an unrestricted license and with whom the holder of the limited license has entered into a practice agreement. Section 5 of this bill: (1) provides for the expiration and renewal of a limited license; and (2) ~~authorizes a limited licensee to apply for an unrestricted license upon completion of certain requirements; and (3)~~ requires the Board of Medical Examiners to adopt regulations governing the limited license. Sections 16, 17, 19 and 20 of this bill update references to certification by the Educational Commission for Foreign Medical Graduates in existing law to reflect the current practices of the Commission. Sections 32 and 33 of this bill make revisions to reflect that internships for osteopathic physicians are currently approved by the Accreditation Council for Graduate Medical Education.

Sections 6 and 23 of this bill authorize the Board of Medical Examiners and State Board of Osteopathic Medicine, respectively, to issue a limited license as an associate physician or associate osteopathic physician to an applicant who: (1) has graduated from certain medical schools in the United States or Canada; (2) agrees to perform medical services in a medically underserved area in this State; and (3) possesses certain other

qualifications. Sections 7 and 24 of this bill limit the practice of an associate physician or associate osteopathic physician to: (1) certain primary care services that are within the skill, training and competence of the associate physician or associate osteopathic physician; and (2) practicing under the supervision and control of a supervising physician or supervising osteopathic physician and in a medically underserved area. Sections 7 and 24: (1) deem an associate physician or associate osteopathic physician working in a rural health clinic to be a physician assistant for certain purposes under federal law; and (2) exempt such an associate physician or associate osteopathic physician and his or her supervising physician or supervising osteopathic physician from state requirements governing supervision that are more stringent than federal law and regulations.

Sections 7 and 24 require an associate physician or associate osteopathic physician to enter into a collaborative practice agreement with his or her supervising physician or supervising osteopathic physician. Sections 7 and 24 require a supervising physician or supervising osteopathic physician to be on the same premises and available to assist an associate physician or associate osteopathic physician who is practicing in a medically underserved urban area for the first 30 days of supervision. Sections 7 and 24 require a supervising physician or supervising osteopathic physician, or a designee thereof, to be on the same premises and available to assist an associate physician or associate osteopathic physician, as applicable, who is practicing in a medically underserved rural area at all times. Sections 7 and 24 also require the employer of an associate physician or associate osteopathic physician to bill for services rendered by an associate physician or associate osteopathic physician in the same manner as a physician assistant. Sections 8 and 25 of this bill require a supervising physician and associate physician or supervising osteopathic physician and associate osteopathic physician to take certain measures to notify the public of their respective statuses and their relationship. Sections 9 and 26 of this bill prescribe the required qualifications of a supervising physician or supervising osteopathic physician. Sections 9 and 26 also: (1) provide that a supervising physician or supervising osteopathic physician is responsible for the practice of medicine or osteopathic medicine by the associate physician or associate osteopathic physician that he or she is supervising; and (2) require a supervising physician or supervising osteopathic physician to maintain liability insurance that covers malpractice by an associate physician or associate osteopathic physician. Sections 9 and 26 prohibit a supervising physician or supervising osteopathic physician from entering into a collaborative practice agreement with more than three associate physicians or associate osteopathic physicians. Sections 9 and 26 additionally prohibit the Board of Medical Examiners and the State Board of Osteopathic Medicine from disciplining a supervising physician or supervising osteopathic physician for legal activity of an associate physician or associate osteopathic physician that is within the scope of the relevant collaborative practice

agreement. Sections 10 and 27 of this bill prescribe the required provisions of a collaborative practice agreement. Sections 18 and 34 of this bill require a physician or osteopathic physician to biennially submit to the Board of Medical Examiners or the State Board of Osteopathic Medicine, as applicable, a list of the names of each associate physician or associate osteopathic physician supervised by the physician or osteopathic physician.

Sections 11 and 28 of this bill authorize an associate physician or associate osteopathic physician to prescribe or dispense certain controlled substances and establish the conditions under which an associate physician or associate osteopathic physician may prescribe or dispense such controlled substances. Existing law: (1) authorizes the State Board of Pharmacy to issue a registration certificate to authorize a physician assistant to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices in or out of the presence of his or her supervising physician; and (2) requires the Board to adopt regulations governing the storage, security, recordkeeping and transportation of controlled substances, poisons, dangerous drugs or devices by a physician assistant. (NRS 639.1373) Section 34.5 of this bill authorizes the State Board of Pharmacy to additionally issue such a registration certificate to associate physicians and associate osteopathic physicians and to regulate associate physicians and associate osteopathic physicians with such a certificate in the same manner as physician assistants. Sections 12 and 29 of this bill provide for the expiration and renewal of the licenses. Sections 13 and 30 of this bill require the Board of Medical Examiners and the State Board of Osteopathic Medicine to: (1) adopt regulations to carry out the provisions of law governing associate physicians and associate osteopathic physicians; and (2) work with medical schools in this State to develop and implement a program for associate physicians and associate osteopathic physicians to gain knowledge and experience that may count as credit towards a residency program in this State.

Sections 15 and 33 of this bill make conforming changes to ensure that the limited licenses created by this bill are treated the same as other special licenses for physicians or osteopathic physicians, as applicable. Section 35 of this bill makes a conforming change to clarify the meaning of the terms "associate physician" and "associate osteopathic physician."

Existing law requires public and private policies of insurance regulated under Nevada law to include certain coverage. (NRS 287.010, 287.04335, 422.2712-422.27241, 689A.04033-689A.0465, 689B.0303-689B.0379, 689C.1655-689C.169, 689C.194-689C.195, 695A.184-689A.1875, 695B.1901-695B.1949, 695C.1691-695C.176, 695G.162-695G.177) Existing law also requires employers to provide certain benefits to employees, including the coverage required of health insurers, if the employer provides health benefits for its employees. (NRS 608.1555) Sections 37-40, 42, 43, 45-48 and 50 of this bill require public and private health plans, including Medicaid, to provide coverage for medical services

provided by an associate physician or associate osteopathic physician, if the health plan covers the same medical services when performed by a different provider of health care. Sections 36, 41 and 44 of this bill make conforming changes to indicate the proper placement of sections 39, 40 and 43 in the Nevada Revised Statutes. Section 49 of this bill authorizes the Commissioner of Insurance to suspend or revoke the certificate of a health maintenance organization that fails to comply with the requirement of section 47 of this bill to cover medical services provided by an associate physician or associate osteopathic physician. The Commissioner would also be authorized to take such actions against other health insurers who fail to comply with the requirements of sections 40, 42, 43, 45, 46 and 50.

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

Section 1. Chapter 630 of NRS is hereby amended by adding thereto the provisions set forth in sections 2 to 13, inclusive, of this act.

Sec. 2. *"Medically underserved area" means an area designated as:*

1. *A health professional shortage area for primary care by the United States Secretary of Health and Human Services pursuant to 42 U.S.C. § 254e; or*

2. *An area with a medically underserved population by the United States Secretary of Health and Human Services pursuant to 42 U.S.C. § 254b.*

Sec. 3. *Except as otherwise provided in NRS 630.161, the Board may issue a limited license to practice medicine to an applicant who:*

1. *Is a graduate of a foreign medical school and is certified by the Educational Commission for Foreign Medical Graduates;*

2. *Has passed the Step 1 Exam and Step 2 CK Exam of the United States Medical Licensing Examination; and*

3. *Commits to serving at least ~~1~~ 2 years in a medically underserved area of this State.*

Sec. 4. 1. *The holder of a limited license issued pursuant to section 3 of this act shall not practice medicine except:*

(a) *Under the supervision and control of a physician who holds an active unrestricted license to practice medicine in this State and practices in the same or a substantially similar medical specialty; and*

(b) *In a facility or office or for an organization that has authorized the licensee to practice medicine in the facility or office or for the organization, as applicable.*

2. *The holder of a limited license issued pursuant to section 3 of this act shall file with the Board a written practice agreement between the limited licensee and the physician supervising him or her pursuant to paragraph (a) of subsection 1.*

3. *A physician supervising a limited licensee pursuant to paragraph (a) of subsection 1:*

(a) *Is responsible for any act that constitutes the practice of medicine by the limited licensee; and*

(b) Must have insurance that includes coverage for any claim of malpractice against the limited licensee.

Sec. 5. 1. A limited license issued pursuant to section 3 of this act expires 2 years after it is issued. The Board may renew the license upon application by the limited licensee.

2. ~~The Board may issue an unrestricted license to practice medicine upon the submission of an application by the holder of a limited license issued pursuant to section 3 of this act who has:~~

~~(a) Completed at least 3 years of practice as a full time physician under the limited license;~~

~~(b) Fulfilled all other statutory requirements for licensure pursuant to NRS 630.160 except the requirements of paragraph (c) of subsection 2 of NRS 630.160; and~~

~~(c) Not been the subject of disciplinary action by a medical board in any jurisdiction.~~

~~3.]~~ The Board shall adopt regulations necessary to carry out the provisions of this section and sections 3 and 4 of this act, including, without limitation:

(a) Any additional requirements for the issuance or renewal of a limited license to which this section and sections 3 and 4 of this act apply;

(b) The required fees for the issuance and renewal of such a limited license; and

(c) The required provisions of a practice agreement between a limited licensee and his or her supervising physician pursuant to subsection 2 of section 4 of this act.

Sec. 6. 1. Except as otherwise provided in NRS 630.161, the Board may issue a limited license for a person to practice medicine as an associate physician if the applicant:

(a) Has received the degree of doctor of medicine from a medical school in the United States or Canada:

(1) Approved by the Liaison Committee on Medical Education of the American Medical Association and Association of American Medical Colleges; or

(2) Which provides a course of professional instruction equivalent to that provided in medical schools in the United States approved by the Liaison Committee on Medical Education;

(b) Except as otherwise provided in subsection 2, has passed the Step 1 Exam and Step 2 CK Exam of the United States Medical Licensing Examination or an examination deemed equivalent by the Board, not earlier than:

(1) Three years before receiving the degree of doctor of medicine, if the applicant received the degree of doctor of medicine within 3 years before applying for licensure; or

(2) Three years before applying for licensure, in all other cases;

(c) Commits to practicing in a medically underserved area of this State; and

(d) Is proficient in the English language.

2. An applicant who has passed the examinations required by paragraph (b) of subsection 1 at any time is otherwise exempt from the requirements of that paragraph if the applicant:

(a) Served as a resident in a program described in sub-subparagraph (I) of subparagraph (1) of paragraph (c) of subsection 2 of NRS 630.160 within 30 days before applying for licensure under this section; and

(b) Served continuously as such a resident beginning on or before the most recent date on which the applicant met the requirements of paragraph (b) of subsection 1.

Sec. 7. 1. An associate physician shall only practice medicine:

(a) In the areas of family medicine, pediatrics, internal medicine, psychiatry and obstetrics and gynecology;

(b) Under the supervision and control of a physician:

(1) Who meets the requirements of section 9 of this act; and

(2) With whom the associate physician has entered into a collaborative practice agreement that meets the requirements of section 10 of this act; and

(c) In a medically underserved area of this State.

2. An associate physician shall not practice medicine in a manner that exceeds the skill, training and competence of the associate physician or his or her supervising physician.

3. For the first 30 days during which an associate physician practices medicine in a medically underserved urban area under the supervision of a new supervising physician, the supervising physician must be physically present on the same premises and available to assist the associate physician.

4. An associate physician shall not practice medicine in a medically underserved rural area unless the supervising physician or another physician designated by the supervising physician is physically present on the same premises and available to assist the associate physician.

5. An associate physician working in a rural health clinic, as defined in 42 U.S.C. § 1395x(aa)(2), shall be considered to be a physician assistant for the purposes of the regulations of the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services. Such an associate physician and his or her supervising physician are not required to comply with the requirements of any regulations adopted pursuant to section 13 of this act governing the supervision of an associate physician that are more stringent than the requirements of federal law and regulations.

6. A person or entity that employs an associate physician shall credential the associate physician and bill for services rendered by the associate physician in the same manner as the person or entity credentials and bills for the services of a physician assistant.

7. As used in this section:

(a) "Medically underserved rural area" means a medically underserved area in a county whose population is less than 100,000.

(b) "Medically underserved urban area" means a medically underserved area that is located in a county whose population is 100,000 or more.

Sec. 8. 1. The supervising physician of an associate physician shall prominently display a disclosure at every office where the associate physician practices medicine explaining to patients that the patient may be seen by an associate physician and the patient may instead request to be seen by the supervising physician.

2. An associate physician shall clearly identify himself or herself as an associate physician, including, without limitation, by wearing an identification badge that clearly identifies the person as an associate physician. An associate physician may identify himself or herself as a doctor.

3. While acting as the supervising physician of an associate physician, a physician shall wear an identification badge that clearly identifies the person as a supervising physician of an associate physician.

Sec. 9. 1. A physician shall not serve as the supervising physician of an associate physician pursuant to paragraph (b) of subsection 1 of section 7 of this act or the designee of a supervising physician pursuant to subsection 4 of section 7 of this act unless the physician:

(a) Holds an active unrestricted license to practice medicine in this State; and

(b) Practices in the same specialty area as the associate physician or a substantially similar specialty area as the associate physician.

2. The supervising physician of an associate physician:

(a) Is responsible for any act that constitutes the practice of medicine by the associate physician;

(b) Must have insurance that includes coverage for any claim of malpractice against the associate physician; and

(c) May not enter into a collaborative practice agreement with more than three associate physicians.

3. The Board may not deny, revoke, suspend or take any other disciplinary action against the supervising physician of an associate physician for any act performed by the associate physician that:

(a) Is performed in accordance with the collaborative practice agreement entered into pursuant to section 7 of this act; and

(b) Does not violate applicable federal, state or local laws or the regulations of the Board.

Sec. 10. 1. A collaborative practice agreement entered into pursuant to section 7 of this act must be in writing and must include, without limitation:

(a) The names, home and business addresses and telephone numbers of the supervising physician and associate physician;

(b) A list of each location where the associate physician may practice medicine, including, without limitation, the prescribing and dispensing of controlled substances;

(c) Any specialty or board certification held by the supervising physician;

(d) Any certification held by the associate physician;

(e) Requirements governing collaboration between the supervising physician and the associate physician, including, without limitation;

(1) The geographic proximity which ~~is, except as otherwise provided in subsection 4,1~~ must exist between the supervising physician and the associate physician while the associate physician is practicing medicine; and

(2) A plan for alternative supervision if the supervising physician is absent, incapacitated or otherwise unavailable;

(f) Any controlled substance the supervising physician authorizes the associate physician to prescribe or dispense in accordance with section 11 of this act;

(g) The procedure by which the supervising physician will review the standard of care the associate physician is providing to patients, ~~including, without limitation, a requirement that, at least every 14 days, the associate physician submit to the supervising physician:~~

~~—(1) At least 10 percent of the charts for patients whom the associate physician cared for and did not prescribe or dispense a controlled substance; and~~

~~—(2) At least 20 percent of the charts for patients whom the associate physician cared for and prescribed or dispensed a controlled substance;]~~
which must comply with the regulations adopted pursuant to section 13 of this act;

(h) The duration of the collaborative practice agreement; and

(i) A statement of any other collaborative practice agreements into which:

(1) The supervising physician has entered into with another associate physician; and

(2) The associate physician has entered into with another supervising physician.

2. Upon entering into a new collaborative practice agreement with an associate physician, a supervising physician shall file with the Board:

(a) A copy of the agreement; and

(b) Proof that any controlled substance listed pursuant to paragraph (f) of subsection 1 is within the skill, training and competence of the associate physician and his or her supervising physician to prescribe and dispense.

3. A supervising physician or associate physician may terminate a collaborative practice agreement or a relationship with a supervising physician or an associate physician, as applicable, at any time. Any provision of a collaborative practice agreement or any other agreement that limits the authority of a supervising physician or an associate physician to terminate a collaborative practice agreement or such a relationship is void.

~~[4. If an associate physician is able to communicate at any time with a supervising physician through electronic communication, videoconferencing or other telecommunication, the supervising physician may waive any provision of a collaborative practice agreement described in subparagraph (1) of paragraph (c) of subsection 1 for not more than 28 days in a year while the supervising physician is practicing in a rural health clinic, as defined in 42 U.S.C. § 1395x(aa)(2), that:~~

- ~~—(a) Is operating independently of other health care facilities;~~
- ~~—(b) Is operating jointly with a critical access hospital designated pursuant to 42 U.S.C. § 1395i-4; or~~
- ~~—(c) Is operating jointly with a hospital that is located more than 50 miles from the clinic.]~~

Sec. 11. 1. An associate physician may prescribe or dispense the controlled substances listed in subsection 2 under the conditions prescribed by this section if the associate physician:

(a) Is registered with the State Board of Pharmacy pursuant to NRS ~~[453.231]~~ 639.1373;

(b) Has entered into a collaborative practice agreement pursuant to section 7 of this act authorizing the associate physician to prescribe controlled substances; and

(c) Meets all other requirements prescribed by federal and state law to prescribe controlled substances.

2. ~~[An]~~ Subject to the limitations prescribed in NRS 639.1373, an associate physician who meets the requirements of subsection 1 may prescribe or dispense:

(a) Any controlled substance listed in schedule III, IV or V; and

(b) Any controlled substance listed in schedule II that contains hydrocodone.

3. Except as otherwise provided in this subsection, an associate physician shall not prescribe or dispense more than a 5-day supply of a controlled substance listed in schedule II or III. An associate physician may prescribe or dispense a 30-day supply of buprenorphine for the treatment of a substance use disorder under the direction of his or her supervising physician.

4. An associate physician shall not prescribe or dispense controlled substances unless:

(a) The supervising physician of the associate physician is physically present on the same premises; or

(b) The associate physician has, at any time, completed 120 hours practicing medicine over a period of not more than 4 months with his or her supervising physician physically present on the same premises.

Sec. 12. 1. A limited license to practice medicine as an associate physician issued pursuant to section 6 of this act expires 2 years after it is issued.

2. The Board may renew a limited license to practice medicine as an associate physician upon application by the associate physician. An application for renewal must include, without limitation, proof that the associate physician has actually engaged in the practice of medicine under a collaborative practice agreement entered into pursuant to section 7 of this act during the immediately preceding 2 years.

Sec. 13. 1. The Board shall adopt regulations necessary:

(a) To carry out the provisions of sections 6 to 13, inclusive, of this act, including, without limitation:

(1) Any additional requirements for the issuance or renewal of a limited license to practice medicine as an associate physician. ~~---~~

(2) The required fees for the issuance and renewal of such a license. ~~---~~

(3) Standards of practice for associate physicians, including, without limitation, limitations on the practice of medicine by an associate physician in addition to those prescribed by sections 6 to 13, inclusive, of this act. ~~---~~

(4) ~~[Any additional requirements]~~ Requirements governing collaborative practice agreements entered into pursuant to section 7 of this act ~~---~~ and, including, without limitation, requirements governing the review by the supervising physician of the standard of care the associate physician is providing to patients. Such regulations must not be more stringent than any similar requirements that apply to physician assistants.

(5) Any additional requirements concerning the supervision of an associate physician by a supervising physician.

(b) For an associate physician to be eligible to work in a clinic that receives federal funding.

2. The regulations adopted pursuant to this section and NRS 630.253 must not require an associate physician to complete a greater amount of continuing education than a physician licensed pursuant to NRS 630.160.

3. The Board shall coordinate with the State Board of Osteopathic Medicine and schools of medicine and osteopathic medicine in this State to develop and implement a program enabling associate physicians to gain knowledge and experience as an associate physician that may count as credit towards a residency program in this State.

4. The Board shall publish on the Internet website maintained pursuant to NRS 630.144 the name of each associate physician and the physician or physicians supervising the associate physician.

Sec. 14. NRS 630.005 is hereby amended to read as follows:

630.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 630.007 to 630.026, inclusive, and section 2 of this act have the meanings ascribed to them in those sections.

Sec. 15. NRS 630.160 is hereby amended to read as follows:

630.160 1. Every person desiring to practice medicine must, before beginning to practice, procure from the Board a license authorizing the person to practice.

2. Except as otherwise provided in NRS 630.1605 to 630.161, inclusive, and 630.258 to 630.2665, inclusive, *and sections 3 to 13, inclusive, of this act*, a license may be issued to any person who:

(a) Has received the degree of doctor of medicine from a medical school:

(1) Approved by the Liaison Committee on Medical Education of the American Medical Association and Association of American Medical Colleges; or

(2) Which provides a course of professional instruction equivalent to that provided in medical schools in the United States approved by the Liaison Committee on Medical Education;

(b) Is currently certified by a specialty board of the American Board of Medical Specialties and who agrees to maintain the certification for the duration of the licensure, or has passed:

(1) All parts of the examination given by the National Board of Medical Examiners;

(2) All parts of the Federation Licensing Examination;

(3) All parts of the United States Medical Licensing Examination;

(4) All parts of a licensing examination given by any state or territory of the United States, if the applicant is certified by a specialty board of the American Board of Medical Specialties;

(5) All parts of the examination to become a licentiate of the Medical Council of Canada; or

(6) Any combination of the examinations specified in subparagraphs (1), (2) and (3) that the Board determines to be sufficient;

(c) Is currently certified by a specialty board of the American Board of Medical Specialties in the specialty of emergency medicine, preventive medicine or family medicine and who agrees to maintain certification in at least one of these specialties for the duration of the licensure, or:

(1) Has completed 36 months of progressive postgraduate:

(I) Education as a resident in the United States or Canada in a program approved by the Board, the Accreditation Council for Graduate Medical Education, the Royal College of Physicians and Surgeons of Canada, the Collège des médecins du Québec or the College of Family Physicians of Canada, or, as applicable, their successor organizations; or

(II) Fellowship training in the United States or Canada approved by the Board or the Accreditation Council for Graduate Medical Education;

(2) Has completed at least 36 months of postgraduate education, not less than 24 months of which must have been completed as a resident after receiving a medical degree from a combined dental and medical degree program approved by the Board; or

(3) Is a resident who is enrolled in a progressive postgraduate training program in the United States or Canada approved by the Board, the Accreditation Council for Graduate Medical Education, the Royal College of Physicians and Surgeons of Canada, the Collège des médecins du Québec or the College of Family Physicians of Canada, or, as applicable, their successor

organizations, has completed at least 24 months of the program and has committed, in writing, to the Board that he or she will complete the program; and

(d) Passes a written or oral examination, or both, as to his or her qualifications to practice medicine and provides the Board with a description of the clinical program completed demonstrating that the applicant's clinical training met the requirements of paragraph (a).

3. The Board may issue a license to practice medicine after the Board verifies, through any readily available source, that the applicant has complied with the provisions of subsection 2. The verification may include, but is not limited to, using the Federation Credentials Verification Service. If any information is verified by a source other than the primary source of the information, the Board may require subsequent verification of the information by the primary source of the information.

4. Notwithstanding any provision of this chapter to the contrary, if, after issuing a license to practice medicine, the Board obtains information from a primary or other source of information and that information differs from the information provided by the applicant or otherwise received by the Board, the Board may:

- (a) Temporarily suspend the license;
- (b) Promptly review the differing information with the Board as a whole or in a committee appointed by the Board;
- (c) Declare the license void if the Board or a committee appointed by the Board determines that the information submitted by the applicant was false, fraudulent or intended to deceive the Board;
- (d) Refer the applicant to the Attorney General for possible criminal prosecution pursuant to NRS 630.400; or
- (e) If the Board temporarily suspends the license, allow the license to return to active status subject to any terms and conditions specified by the Board, including:

- (1) Placing the licensee on probation for a specified period with specified conditions;
- (2) Administering a public reprimand;
- (3) Limiting the practice of the licensee;
- (4) Suspending the license for a specified period or until further order of the Board;
- (5) Requiring the licensee to participate in a program to correct an alcohol or other substance use disorder;
- (6) Requiring supervision of the practice of the licensee;
- (7) Imposing an administrative fine not to exceed \$5,000;
- (8) Requiring the licensee to perform community service without compensation;
- (9) Requiring the licensee to take a physical or mental examination or an examination testing his or her competence to practice medicine;

(10) Requiring the licensee to complete any training or educational requirements specified by the Board; and

(11) Requiring the licensee to submit a corrected application, including the payment of all appropriate fees and costs incident to submitting an application.

5. If the Board determines after reviewing the differing information to allow the license to remain in active status, the action of the Board is not a disciplinary action and must not be reported to any national database. If the Board determines after reviewing the differing information to declare the license void, its action shall be deemed a disciplinary action and shall be reportable to national databases.

Sec. 16. NRS 630.195 is hereby amended to read as follows:

630.195 1. Except as otherwise provided in NRS 630.1606 and 630.1607, in addition to the other requirements for licensure, an applicant for a license to practice medicine who is a graduate of a foreign medical school shall submit to the Board proof that the applicant has received:

(a) The degree of doctor of medicine or its equivalent, as determined by the Board; and

(b) The ~~[standard]~~ certificate of the Educational Commission for Foreign Medical Graduates . ~~[for a written statement from that Commission that the applicant passed the examination given by the Commission.]~~

2. The proof of the degree of doctor of medicine or its equivalent must be submitted directly to the Board by the medical school that granted the degree. If proof of the degree is unavailable from the medical school that granted the degree, the Board may accept proof from any other source specified by the Board.

Sec. 17. NRS 630.265 is hereby amended to read as follows:

630.265 1. Unless the Board denies such licensure pursuant to NRS 630.161 or for other good cause, the Board shall issue to a qualified applicant a limited license to practice medicine as a resident physician in a graduate program approved by the Accreditation Council for Graduate Medical Education if the applicant is:

(a) A graduate of an accredited medical school in the United States or Canada; or

(b) A graduate of a foreign medical school and ~~[has received the standard certificate of]~~ is certified by the Educational Commission for Foreign Medical Graduates . ~~[for a written statement from that Commission that the applicant passed the examination given by it.]~~

2. The medical school or other institution sponsoring the program shall provide the Board with written confirmation that the applicant has been appointed to a position in the program. A limited license remains valid only while the licensee is actively practicing medicine in the residency program and is legally entitled to work and remain in the United States.

3. The Board may issue a limited license for not more than 1 year but may renew the license if the applicant for the limited license meets the requirements set forth by the Board by regulation.

4. The holder of a limited license may practice medicine only in connection with his or her duties as a resident physician or under such conditions as are approved by the director of the program.

5. The holder of a limited license granted pursuant to this section may be disciplined by the Board at any time for any of the grounds provided in NRS 630.161 or 630.301 to 630.3065, inclusive.

Sec. 18. NRS 630.267 is hereby amended to read as follows:

630.267 1. Each holder of a license to practice medicine *for which the procedure for renewal is not otherwise prescribed by specific statute* must, on or before June 30, or if June 30 is a Saturday, Sunday or legal holiday, on the next business day after June 30, of each odd-numbered year:

(a) Submit a list of all actions filed or claims submitted to arbitration or mediation for malpractice or negligence against him or her during the previous 2 years.

(b) Pay to the Secretary-Treasurer of the Board the applicable fee for biennial registration. This fee must be collected for the period for which a physician is licensed.

(c) *Submit a list of the names of each associate physician supervised by the holder of the license.*

(d) Submit all information required to complete the biennial registration.

2. When a holder of a license fails to pay the fee for biennial registration and submit all information required to complete the biennial registration after they become due, his or her license to practice medicine in this State expires. The holder may, within 2 years after the date the license expires, upon payment of twice the amount of the current fee for biennial registration to the Secretary-Treasurer and submission of all information required to complete the biennial registration and after he or she is found to be in good standing and qualified under the provisions of this chapter, be reinstated to practice.

3. The Board shall make such reasonable attempts as are practicable to notify a licensee:

(a) At least once that the fee for biennial registration and all information required to complete the biennial registration are due; and

(b) That his or her license has expired.

➡ A copy of this notice must be sent to the Drug Enforcement Administration of the United States Department of Justice or its successor agency.

Sec. 19. NRS 630A.270 is hereby amended to read as follows:

630A.270 1. An applicant for a license to practice homeopathic medicine who is a graduate of a foreign medical school shall submit to the Board through its Secretary-Treasurer proof that the applicant:

(a) Has received the degree of doctor of medicine or its equivalent, as determined by the Board, from a foreign medical school recognized by the Educational Commission for Foreign Medical Graduates;

(b) Has completed 3 years of postgraduate training satisfactory to the Board;

(c) Has completed an additional 6 months of postgraduate training in homeopathic medicine;

(d) ~~Has received the standard certificate of~~ *Is certified by* the Educational Commission for Foreign Medical Graduates; and

(e) Has passed all parts of the Federation Licensing Examination . ~~or has received a written statement from the Educational Commission for Foreign Medical Graduates that the applicant has passed the examination given by the Commission.~~

2. In addition to the proofs required by subsection 1, the Board may take such further evidence and require such further proof of the professional and moral qualifications of the applicant as in its discretion may be deemed proper.

3. If the applicant is a diplomate of an approved specialty board recognized by this Board, the requirements of paragraphs (b) and (c) of subsection 1 may be waived by the Board.

4. Before issuance of a license to practice homeopathic medicine, the applicant who presents the proof required by subsection 1 shall appear personally before the Board and satisfactorily pass a written or oral examination, or both, as to his or her qualifications to practice homeopathic medicine.

Sec. 20. NRS 630A.320 is hereby amended to read as follows:

630A.320 1. Except as otherwise provided in NRS 630A.225, the Board may issue to a qualified applicant a limited license to practice homeopathic medicine as a resident homeopathic physician in a postgraduate program of clinical training if:

(a) The applicant is a graduate of an accredited medical school in the United States or Canada or is a graduate of a foreign medical school recognized by the Educational Commission for Foreign Medical Graduates and has completed 1 year of supervised clinical training approved by the Board.

(b) The Board approves the program of clinical training, and the medical school or other institution sponsoring the program provides the Board with written confirmation that the applicant has been appointed to a position in the program.

2. In addition to the requirements of subsection 1, an applicant who is a graduate of a foreign medical school must ~~have received the standard certificate of~~ *be certified by* the Educational Commission for Foreign Medical Graduates.

3. The Board may issue this limited license for not more than 1 year, but may renew the license.

4. The holder of this limited license may practice homeopathic medicine only in connection with his or her duties as a resident physician and shall not engage in the private practice of homeopathic medicine.

5. A limited license granted under this section may be revoked by the Board at any time for any of the grounds set forth in NRS 630A.225 or 630A.340 to 630A.380, inclusive.

Sec. 21. Chapter 633 of NRS is hereby amended by adding thereto the provisions set forth as sections 22 to 30, inclusive, of this act.

Sec. 22. *"Medically underserved area" means an area designated as:*

1. *A health professional shortage area for primary care by the United States Secretary of Health and Human Services pursuant to 42 U.S.C. § 254e; or*

2. *An area with a medically underserved population by the United States Secretary of Health and Human Services pursuant to 42 U.S.C. § 254b.*

Sec. 23. 1. *Except as otherwise provided in NRS 633.315, the Board may issue a limited license for a person to practice osteopathic medicine as an associate osteopathic physician if the applicant:*

(a) Has received the degree of doctor of osteopathic medicine from a school of osteopathic medicine in the United States approved by the Commission on Osteopathic College Accreditation of the American Osteopathic Association;

(b) Except as otherwise provided in subsection 2, has passed the Level 1 Exam and Level 2 CE Exam of the Comprehensive Osteopathic Medical Licensing Examination of the United States of the National Board of Osteopathic Medical Examiners, the Step 1 Exam and Step 2 CK Exam of the United States Medical Licensing Examination or an examination deemed equivalent by the Board not later than:

(1) Three years before receiving the degree of doctor of osteopathic medicine, if the applicant received the degree of doctor of osteopathic medicine within 3 years before applying for licensure; or

(2) Three years before applying for licensure, in all other cases;

(c) Commits to practicing in a medically underserved area of this State; and

(d) Is proficient in the English language.

2. *An applicant who has passed the examinations required by paragraph (b) of subsection 1 at any time is otherwise exempt from the requirements of that paragraph if the applicant:*

(a) Served as a resident in a program described in subparagraph (2) of paragraph (c) of subsection 1 of NRS 633.311 within 30 days before applying for licensure under this section; and

(b) Served continuously as such a resident beginning on or before the most recent date on which the applicant met the requirements of paragraph (b) of subsection 1.

Sec. 24. 1. *An associate osteopathic physician shall only practice osteopathic medicine:*

(a) In the areas of family medicine, pediatrics, internal medicine, psychiatry and obstetrics and gynecology;

(b) Under the supervision and control of an osteopathic physician:

(1) Who meets the requirements of section 26 of this act; and

(2) With whom the associate osteopathic physician has entered into a collaborative practice agreement that meets the requirements of section 27 of this act; and

(c) In a medically underserved area of this State.

2. An associate osteopathic physician shall not practice osteopathic medicine in a manner that exceeds the skill, training and competence of the associate osteopathic physician or his or her supervising osteopathic physician.

3. For the first 30 days during which an associate osteopathic physician practices medicine under the supervision of a new supervising osteopathic physician ~~for~~ in a medically underserved urban area, the supervising osteopathic physician must be physically present on the same premises and available to assist the associate osteopathic physician.

4. An associate osteopathic physician shall not practice medicine in a medically underserved rural area unless the supervising osteopathic physician or another osteopathic physician designated by the supervising osteopathic physician is physically present on the same premises and available to assist the associate osteopathic physician.

5. An associate osteopathic physician working in a rural health clinic, as defined in 42 U.S.C. § 1395x(aa)(2), shall be considered to be a physician assistant for the purposes of the regulations of the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services. Such an associate osteopathic physician and his or her supervising osteopathic physician are not required to comply with the requirements of any regulations adopted pursuant to section 30 of this act governing the supervision of an associate osteopathic physician that are more stringent than the requirements of federal law and regulations.

6. A person or entity that employs an associate osteopathic physician shall credential the associate osteopathic physician and bill for services rendered by the associate osteopathic physician in the same manner as the person or entity credentials and bills for the services of a physician assistant.

7. As used in this section:

(a) "Medically underserved rural area" means a medically underserved area in a county whose population is less than 100,000.

(b) "Medically underserved urban area" means a medically underserved area that is located in a county whose population is 100,000 or more.

Sec. 25. 1. The supervising osteopathic physician of an associate osteopathic physician shall prominently display a disclosure at every office where the associate osteopathic physician practices osteopathic medicine explaining to patients that the patient may be seen by an associate

osteopathic physician and the patient may instead request to be seen by the supervising osteopathic physician.

2. An associate osteopathic physician shall clearly identify himself or herself as an associate osteopathic physician, including, without limitation, by wearing an identification badge that clearly identifies the person as an associate osteopathic physician. An associate osteopathic physician may identify himself or herself as a doctor.

3. While acting as the supervising osteopathic physician of an associate osteopathic physician, an osteopathic physician shall wear an identification badge that clearly identifies the person as a supervising osteopathic physician of an associate osteopathic physician.

Sec. 26. 1. An osteopathic physician shall not serve as the supervising osteopathic physician of an associate osteopathic physician pursuant to paragraph (b) of subsection 1 of section 24 of this act or the designee of a supervising osteopathic physician pursuant to subsection 4 of section 24 of this act unless the osteopathic physician:

(a) Holds an active unrestricted license to practice osteopathic medicine in this State; and

(b) Practices in the same specialty area as the associate osteopathic physician or a substantially similar specialty area as the associate osteopathic physician.

2. The supervising osteopathic physician of an associate osteopathic physician:

(a) Is responsible for any act that constitutes the practice of osteopathic medicine by the associate osteopathic physician;

(b) Must have insurance that includes coverage for any claim of malpractice against the associate osteopathic physician; and

(c) May not enter into a collaborative practice agreement with more than three associate osteopathic physicians.

3. The Board may not deny, revoke, suspend or take any other disciplinary action against the supervising osteopathic physician of an associate osteopathic physician for any act performed by the associate osteopathic physician that:

(a) Is performed in accordance with the collaborative practice agreement entered into pursuant to section 24 of this act; and

(b) Does not violate applicable federal, state or local laws or the regulations of the Board.

Sec. 27. 1. A collaborative practice agreement entered into pursuant to section 24 of this act must be in writing and must include, without limitation:

(a) The names, home and business addresses and telephone numbers of the supervising osteopathic physician and associate osteopathic physician;

(b) A list of each location where the associate osteopathic physician may practice osteopathic medicine, including, without limitation, the prescribing and dispensing of controlled substances;

(c) Any specialty or board certification held by the supervising osteopathic physician;

(d) Any certification held by the associate osteopathic physician;

(e) Requirements governing collaboration between the supervising osteopathic physician and associate osteopathic physician, including, without limitation;

(1) The geographic proximity which ~~is, except as otherwise provided in subsection 4.1,~~ must exist between the supervising osteopathic physician and the associate osteopathic physician while the associate osteopathic physician is practicing osteopathic medicine; and

(2) A plan for alternative supervision if the supervising osteopathic physician is absent, incapacitated or otherwise unavailable;

(f) Any controlled substance the supervising osteopathic physician authorizes the associate osteopathic physician to prescribe or dispense in accordance with section 28 of this act;

(g) The procedure by which the supervising osteopathic physician will review the standard of care the associate osteopathic physician is providing to patients, ~~including, without limitation, a requirement that, at least every 14 days, the associate osteopathic physician submit to the supervising osteopathic physician:~~

~~— (1) At least 10 percent of the charts for patients whom the associate osteopathic physician cared for and did not prescribe or dispense a controlled substance; and~~

~~— (2) At least 20 percent of the charts for patients whom the associate osteopathic physician cared for and prescribed or dispensed a controlled substance; }~~ which must comply with the regulations adopted pursuant to section 30 of this act;

(h) The duration of the collaborative practice agreement; and

(i) A statement of any other collaborative practice agreements into which:

(1) The supervising osteopathic physician has entered into with another associate osteopathic physician; and

(2) The associate osteopathic physician has entered into with another supervising osteopathic physician.

2. Upon entering into a new collaborative practice agreement with an associate osteopathic physician, a supervising osteopathic physician shall file with the Board:

(a) A copy of the agreement; and

(b) Proof that any controlled substance listed in paragraph (f) of subsection 1 is within the skill, training and competence of the associate osteopathic physician and his or her supervising osteopathic physician to prescribe and dispense.

3. A supervising osteopathic physician or associate osteopathic physician may terminate a collaborative practice agreement or a relationship with a supervising osteopathic physician or an associate osteopathic physician, as applicable, at any time. Any provision of a

collaborative practice agreement or any other agreement that limits the authority of a supervising osteopathic physician or an associate osteopathic physician to terminate a collaborative practice agreement or such a relationship is void.

~~[4. If an associate osteopathic physician is able to communicate at any time with a supervising osteopathic physician through electronic communication, videoconferencing or other telecommunication, the supervising osteopathic physician may waive any provision of a collaborative practice agreement described in subparagraph (1) of paragraph (c) of subsection 1 for not more than 28 days in a year while the supervising osteopathic physician is practicing in a rural health clinic, as defined in 42 U.S.C. § 1395x(aa)(2), that:~~

- ~~— (a) Is operating independently of other health care facilities;~~
- ~~— (b) Is operating jointly with a critical access hospital designated pursuant to 42 U.S.C. § 1395i 4; or~~
- ~~— (c) Is operating jointly with a hospital that is located more than 50 miles from the clinic.]~~

Sec. 28. 1. An associate osteopathic physician may prescribe or dispense the controlled substances listed in subsection 2 under the conditions prescribed by this section if the associate osteopathic physician:

(a) Is registered with the State Board of Pharmacy pursuant to NRS ~~[453.231,] 639.1373;~~

(b) Has entered into a collaborative practice agreement pursuant to section 24 of this act authorizing the associate osteopathic physician to prescribe controlled substances; and

(c) Meets all other requirements prescribed by federal and state law to prescribe controlled substances.

2. ~~[Am.]~~ Subject to the limitations prescribed by NRS 639.1373, an associate osteopathic physician who meets the requirements of subsection 1 may prescribe or dispense:

- (a) Any controlled substance listed in schedule III, IV or V; and
- (b) Any controlled substance listed in schedule II that contains hydrocodone.

3. Except as otherwise provided in this subsection, an associate osteopathic physician shall not prescribe or dispense more than a 5-day supply of a controlled substance listed in schedule II or III. An associate osteopathic physician may prescribe or dispense a 30-day supply of buprenorphine for the treatment of a substance use disorder under the direction of his or her supervising osteopathic physician.

4. An associate osteopathic physician shall not prescribe or dispense controlled substances unless:

(a) The supervising osteopathic physician of the associate osteopathic physician is physically present on the same premises; or

(b) The associate osteopathic physician has, at any time, completed 120 hours practicing medicine over a period of not more than 4 months with

his or her supervising osteopathic physician physically present on the same premises.

Sec. 29. 1. A limited license to practice osteopathic medicine as an associate osteopathic physician issued pursuant to section 23 of this act expires 2 years after it is issued.

2. The Board may renew a limited license to practice osteopathic medicine as an associate osteopathic physician upon application by the associate osteopathic physician. An application for renewal must include, without limitation, proof that the associate osteopathic physician has actually engaged in the practice of osteopathic medicine under a collaborative practice agreement entered into pursuant to section 24 of this act during the immediately preceding 2 years.

Sec. 30. 1. The Board shall adopt regulations necessary:

(a) To carry out the provisions of sections 23 to 30, inclusive, of this act, including, without limitation:

(1) Any additional requirements for the issuance or renewal of a limited license to practice osteopathic medicine as an associate osteopathic physician. ~~---~~

(2) The required fees for the issuance and renewal of such a license. ~~---~~

(3) Standards of practice for associate osteopathic physicians, including, without limitation, limitations on the practice of osteopathic medicine by an associate osteopathic physician in addition to those prescribed by sections 23 to 30, inclusive, of this act. ~~---~~

(4) Any additional requirements governing collaborative practice agreements entered into pursuant to section 24 of this act. ~~---~~ ~~and~~

(5) ~~Any additional requirements~~ Requirements concerning the supervision of an associate osteopathic physician by a supervising osteopathic physician. ~~---~~, including, without limitation, requirements governing the review by the supervising osteopathic physician of the standard of care the associate osteopathic physician is providing to patients. Such regulations must not be more stringent than any similar requirements that apply to physician assistants.

(b) For an associate osteopathic physician to be eligible to work in a clinic that receives federal funding.

2. The regulations adopted pursuant to this section and NRS 633.471 must not require an associate osteopathic physician to complete a greater amount of continuing education than an osteopathic physician licensed pursuant to NRS 633.311.

3. The Board shall coordinate with the Board of Medical Examiners and schools of medicine and osteopathic medicine in this State to develop and implement a program enabling associate osteopathic physicians to gain knowledge and experience as an associate osteopathic physician that may count as credit towards a residency program in this State.

4. The Board shall publish on an Internet website maintained by the Board the name of each associate osteopathic physician and the osteopathic

physician or osteopathic physicians supervising the associate osteopathic physician.

Sec. 31. NRS 633.011 is hereby amended to read as follows:

633.011 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 633.021 to 633.131, inclusive, *and section 22 of this act* have the meanings ascribed to them in those sections.

Sec. 32. NRS 633.061 is hereby amended to read as follows:

633.061 "Hospital internship" means a 1-year internship in a hospital ~~[conforming]~~ that:

1. *Conforms* to the minimum standards for intern training established by the American Osteopathic Association ~~[;]~~ ; or
2. *Has been approved by the Accreditation Council for Graduate Medical Education.*

Sec. 33. NRS 633.311 is hereby amended to read as follows:

633.311 1. Except as otherwise provided in NRS 633.315 and 633.381 to 633.419, inclusive, *and sections 23 to 30, inclusive, of this act*, an applicant for a license to practice osteopathic medicine may be issued a license by the Board if:

- (a) The applicant is 21 years of age or older;
- (b) The applicant is a graduate of a school of osteopathic medicine;
- (c) The applicant:
 - (1) Has graduated from a school of osteopathic medicine before 1995 and has completed:
 - (I) A hospital internship; or
 - (II) One year of postgraduate training that complies with the standards of intern training established by the American Osteopathic Association ~~[;]~~ *or approved by the Accreditation Council for Graduate Medical Education;*
 - (2) Has completed 3 years, or such other length of time as required by a specific program, of postgraduate medical education as a resident in the United States or Canada in a program approved by the Board, the Bureau of Professional Education of the American Osteopathic Association or the Accreditation Council for Graduate Medical Education; or
 - (3) Is a resident who is enrolled in a postgraduate training program in this State, has completed 24 months of the program and has committed, in writing, that he or she will complete the program;
- (d) The applicant applies for the license as provided by law;
- (e) The applicant passes:
 - (1) All parts of the licensing examination of the National Board of Osteopathic Medical Examiners;
 - (2) All parts of the licensing examination of the Federation of State Medical Boards;
 - (3) All parts of the licensing examination of the Board, a state, territory or possession of the United States, or the District of Columbia, and is

certified by a specialty board of the American Osteopathic Association or by the American Board of Medical Specialties; or

(4) A combination of the parts of the licensing examinations specified in subparagraphs (1), (2) and (3) that is approved by the Board;

(f) The applicant pays the fees provided for in this chapter; and

(g) The applicant submits all information required to complete an application for a license.

2. An applicant for a license to practice osteopathic medicine may satisfy the requirements for postgraduate education or training prescribed by paragraph (c) of subsection 1:

(a) In one or more approved postgraduate programs, which may be conducted at one or more facilities in this State or, except for a resident who is enrolled in a postgraduate training program in this State pursuant to subparagraph (3) of paragraph (c) of subsection 1, in the District of Columbia or another state or territory of the United States;

(b) In one or more approved specialties or disciplines;

(c) In nonconsecutive months; and

(d) At any time before receiving his or her license.

Sec. 34. NRS 633.471 is hereby amended to read as follows:

633.471 1. Except as otherwise provided in subsection 14 , ~~and~~ NRS 633.491 ~~and~~ *section 29 of this act*, every holder of a license, except a physician assistant, issued under this chapter, except a temporary or a special license, may renew the license on or before January 1 of each calendar year after its issuance by:

(a) Applying for renewal on forms provided by the Board;

(b) Paying the annual license renewal fee specified in this chapter;

(c) Submitting a list of all actions filed or claims submitted to arbitration or mediation for malpractice or negligence against the holder during the previous year;

(d) Subject to subsection 13, submitting evidence to the Board that in the year preceding the application for renewal the holder has attended courses or programs of continuing education approved by the Board in accordance with regulations adopted by the Board totaling a number of hours established by the Board which must not be less than 35 hours nor more than that set in the requirements for continuing medical education of the American Osteopathic Association; ~~and~~

(e) *Submitting a list of the names of each associate osteopathic physician supervised by the holder; and*

(f) Submitting all information required to complete the renewal.

2. The Secretary of the Board shall notify each licensee of the requirements for renewal not less than 30 days before the date of renewal.

3. The Board shall request submission of verified evidence of completion of the required number of hours of continuing medical education annually from no fewer than one-third of the applicants for renewal of a license to practice osteopathic medicine or a license to practice as a physician assistant.

Subject to subsection 13, upon a request from the Board, an applicant for renewal of a license to practice osteopathic medicine or a license to practice as a physician assistant shall submit verified evidence satisfactory to the Board that in the year preceding the application for renewal the applicant attended courses or programs of continuing medical education approved by the Board totaling the number of hours established by the Board.

4. The Board shall require each holder of a license to practice osteopathic medicine to complete a course of instruction within 2 years after initial licensure that provides at least 2 hours of instruction on evidence-based suicide prevention and awareness as described in subsection 9.

5. The Board shall encourage each holder of a license to practice osteopathic medicine to receive, as a portion of his or her continuing education, training concerning methods for educating patients about how to effectively manage medications, including, without limitation, the ability of the patient to request to have the symptom or purpose for which a drug is prescribed included on the label attached to the container of the drug.

6. The Board shall encourage each holder of a license to practice osteopathic medicine or as a physician assistant to receive, as a portion of his or her continuing education, training and education in the diagnosis of rare diseases, including, without limitation:

(a) Recognizing the symptoms of pediatric cancer; and

(b) Interpreting family history to determine whether such symptoms indicate a normal childhood illness or a condition that requires additional examination.

7. The Board shall require, as part of the continuing education requirements approved by the Board, the biennial completion by a holder of a license to practice osteopathic medicine of at least 2 hours of continuing education credits in ethics, pain management, care of persons with addictive disorders or the screening, brief intervention and referral to treatment approach to substance use disorder.

8. The continuing education requirements approved by the Board must allow the holder of a license as an osteopathic physician or physician assistant to receive credit toward the total amount of continuing education required by the Board for the completion of a course of instruction relating to genetic counseling and genetic testing.

9. The Board shall require each holder of a license to practice osteopathic medicine to receive as a portion of his or her continuing education at least 2 hours of instruction every 4 years on evidence-based suicide prevention and awareness which may include, without limitation, instruction concerning:

(a) The skills and knowledge that the licensee needs to detect behaviors that may lead to suicide, including, without limitation, post-traumatic stress disorder;

(b) Approaches to engaging other professionals in suicide intervention; and

(c) The detection of suicidal thoughts and ideations and the prevention of suicide.

10. A holder of a license to practice osteopathic medicine may not substitute the continuing education credits relating to suicide prevention and awareness required by this section for the purposes of satisfying an equivalent requirement for continuing education in ethics.

11. The Board shall require each holder of a license to practice osteopathic medicine to complete at least 2 hours of training in the screening, brief intervention and referral to treatment approach to substance use disorder within 2 years after initial licensure.

12. The Board shall require each psychiatrist or a physician assistant practicing under the supervision of a psychiatrist to biennially complete one or more courses of instruction that provide at least 2 hours of instruction relating to cultural competency and diversity, equity and inclusion. Such instruction:

(a) May include the training provided pursuant to NRS 449.103, where applicable.

(b) Must be based upon a range of research from diverse sources.

(c) Must address persons of different cultural backgrounds, including, without limitation:

(1) Persons from various gender, racial and ethnic backgrounds;

(2) Persons from various religious backgrounds;

(3) Lesbian, gay, bisexual, transgender and questioning persons;

(4) Children and senior citizens;

(5) Veterans;

(6) Persons with a mental illness;

(7) Persons with an intellectual disability, developmental disability or physical disability; and

(8) Persons who are part of any other population that a psychiatrist or physician assistant practicing under the supervision of a psychiatrist may need to better understand, as determined by the Board.

13. The Board shall not require a physician assistant to receive or maintain certification by the National Commission on Certification of Physician Assistants, or its successor organization, or by any other nationally recognized organization for the accreditation of physician assistants to satisfy any continuing education requirement pursuant to paragraph (d) of subsection 1 and subsection 3.

14. Members of the Armed Forces of the United States and the United States Public Health Service are exempt from payment of the annual license renewal fee during their active duty status.

Sec. 34.5. NRS 639.1373 is hereby amended to read as follows:

639.1373 1. A physician assistant or an associate physician licensed pursuant to chapter 630 or 633 of NRS may, if authorized by the Board, possess, administer, prescribe or dispense controlled substances, or possess, administer, prescribe or dispense poisons, dangerous drugs or devices in or

out of the presence of his or her supervising physician only to the extent and subject to the limitations specified in the registration certificate issued to the physician assistant or associate physician by the Board pursuant to this section.

2. Each physician assistant and associate physician licensed pursuant to chapter 630 or 633 of NRS who is authorized by his or her physician assistant's or associate physician's license issued by the Board of Medical Examiners or by the State Board of Osteopathic Medicine, respectively, to possess, administer, prescribe or dispense controlled substances, or to possess, administer, prescribe or dispense poisons, dangerous drugs or devices must apply for and obtain a registration certificate from the Board, pay a fee to be set by regulations adopted by the Board and pass an examination administered by the Board on the law relating to pharmacy before the physician assistant or associate physician can possess, administer, prescribe or dispense controlled substances, or possess, administer, prescribe or dispense poisons, dangerous drugs or devices.

3. The Board shall consider each application separately and may, even though the physician assistant's or associate physician's license issued by the Board of Medical Examiners or by the State Board of Osteopathic Medicine authorizes the physician assistant or associate physician to possess, administer, prescribe or dispense controlled substances, or to possess, administer, prescribe or dispense poisons, dangerous drugs and devices:

(a) Refuse to issue a registration certificate;

(b) Issue a registration certificate limiting the authority of the physician assistant or associate physician to possess, administer, prescribe or dispense controlled substances, or to possess, administer, prescribe or dispense poisons, dangerous drugs or devices, the area in which the physician assistant or associate physician may possess controlled substances, poisons, dangerous drugs and devices, or the kind and amount of controlled substances, poisons, dangerous drugs and devices; or

(c) Issue a registration certificate imposing other limitations or restrictions which the Board feels are necessary and required to protect the health, safety and welfare of the public.

4. If the registration of the physician assistant or associate physician licensed pursuant to chapter 630 or 633 of NRS is suspended or revoked, the physician's controlled substance registration may also be suspended or revoked.

5. The Board shall adopt regulations controlling the maximum amount to be administered, possessed and dispensed, and the storage, security, recordkeeping and transportation of controlled substances and the maximum amount to be administered, possessed, prescribed and dispensed and the storage, security, recordkeeping and transportation of poisons, dangerous drugs and devices by physician assistants and associate physicians licensed pursuant to chapter 630 or 633 of NRS. In the adoption of those regulations, the Board shall consider, but is not limited to, the following:

(a) The area in which the physician assistant or associate physician is to operate;

(b) The population of that area;

(c) The experience and training of the physician assistant ~~or~~ or associate physician;

(d) The distance to the nearest hospital and physician; and

(e) The effect on the health, safety and welfare of the public.

6. For the purposes of this section, the term "supervising physician" includes a supervising osteopathic physician as defined in chapter 633 of NRS.

Sec. 35. NRS 0.040 is hereby amended to read as follows:

0.040 1. Except as otherwise provided in subsection 2, "physician" means a person who engages in the practice of medicine, including osteopathy and homeopathy.

2. The terms "physician," "associate physician," "osteopathic physician," "associate osteopathic physician," "homeopathic physician," "chiropractic physician" and "podiatric physician" are used in chapters 630, 630A, 633, 634 and 635 of NRS in the limited senses prescribed by those chapters respectively.

Sec. 36. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

(1) The Administrator of the Aging and Disability Services Division;

(2) The Administrator of the Division of Welfare and Supportive Services;

(3) The Administrator of the Division of Child and Family Services;

(4) The Administrator of the Division of Health Care Financing and Policy; and

(5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, *and section 39 of this act*, 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the

plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department.

Sec. 37. NRS 287.010 is hereby amended to read as follows:

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

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

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

(c) Provide group life, accident or health coverage through a self-insurance reserve fund and, where necessary, deduct contributions to the maintenance of the fund from the compensation of officers and employees and pay the deductions into the fund. The money accumulated for this purpose through deductions from the compensation of officers and employees and contributions of the governing body must be maintained as an internal service fund as defined by NRS 354.543. The money must be deposited in a state or national bank or credit union authorized to transact business in the State of Nevada. Any independent administrator of a fund created under this section is subject to the licensing requirements of chapter 683A of NRS, and must be a resident of this State. Any contract with an independent administrator must be approved by the Commissioner of Insurance as to the reasonableness of administrative charges in relation to contributions collected and benefits provided. The provisions of NRS 686A.135, 687B.352, 687B.408, 687B.723, 687B.725, 689B.030 to 689B.050, inclusive, *and section 42 of this act*, 689B.265, 689B.287 and 689B.500 apply to coverage provided pursuant to this paragraph, except that the provisions of NRS 689B.0378, 689B.03785 and 689B.500 only apply to coverage for active officers and employees of the governing body, or the dependents of such officers and employees.

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

2. If a school district offers group insurance to its officers and employees pursuant to this section, members of the board of trustees of the school district must not be excluded from participating in the group insurance. If the amount of the deductions from compensation required to pay for the group insurance exceeds the compensation to which a trustee is entitled, the difference must be paid by the trustee.

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

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

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

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

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

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

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

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

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

Sec. 38. NRS 287.04335 is hereby amended to read as follows:

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 686A.135, 687B.352, 687B.409, 687B.723, 687B.725, 689B.0353, 689B.255, 695C.1723, 695G.150, 695G.155, 695G.160, 695G.162, 695G.1635, 695G.164, 695G.1645, 695G.1665, 695G.167, 695G.1675, 695G.170 to 695G.174, inclusive, 695G.176, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, and 695G.405, and section 50 of this act in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 39. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Director shall include in the State Plan for Medicaid a requirement that the State must pay the nonfederal share of expenditures incurred for services that are within the authorized scope of practice of an associate physician and which are reimbursed when provided by another provider of health care.*

2. *The State Plan for Medicaid must not limit:*

(a) *Coverage for services provided by such an associate physician to a number of occasions less than for services provided by another provider of health care.*

(b) *Reimbursement for services provided by such an associate physician to an amount less than the amount reimbursed for similar services provided by a physician assistant.*

3. *The State Plan for Medicaid must not require a recipient to obtain prior authorization for any services provided by an associate physician that is not required for the service when provided by a physician assistant.*

4. As used in this section, "associate physician" means an associate physician licensed pursuant to chapter 630 of NRS or an associate osteopathic physician licensed pursuant to chapter 633 of NRS.

Sec. 40. Chapter 689A of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a policy of health insurance provides coverage for services that are within the authorized scope of practice of an associate physician and which are reimbursed when provided by another provider of health care, the insured is entitled to reimbursement for services provided by such an associate physician.

2. The terms of the policy must not limit:

(a) Coverage for services provided by such an associate physician to a number of occasions less than for services provided by another provider of health care.

(b) Reimbursement for services provided by such an associate physician to an amount less than the amount reimbursed for similar services provided by a physician assistant.

3. A policy of health insurance must not require an insured to obtain prior authorization for any service provided by an associate physician that is not required for the service when provided by a physician assistant.

4. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by this section, and any provision of the policy or the renewal which is in conflict with this section is void.

5. As used in this section, "associate physician" means an associate physician licensed pursuant to chapter 630 of NRS or an associate osteopathic physician licensed pursuant to chapter 633 of NRS.

Sec. 41. NRS 689A.330 is hereby amended to read as follows:

689A.330 If any policy is issued by a domestic insurer for delivery to a person residing in another state, and if the insurance commissioner or corresponding public officer of that other state has informed the Commissioner that the policy is not subject to approval or disapproval by that officer, the Commissioner may by ruling require that the policy meet the standards set forth in NRS 689A.030 to 689A.320, inclusive ~~{-}~~ , and section 40 of this act.

Sec. 42. Chapter 689B of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a policy of group health insurance provides coverage for services that are within the authorized scope of practice of an associate physician and which are reimbursed when provided by another provider of health care, the insured is entitled to reimbursement for services provided by such an associate physician.

2. The terms of the policy must not limit:

(a) Coverage for services provided by such an associate physician to a number of occasions less than for services provided by another provider of health care.

(b) Reimbursement for services provided by such an associate physician to an amount less than the amount reimbursed for similar services provided by a physician assistant.

3. A policy of group health insurance must not require an insured to obtain prior authorization for any service provided by an associate physician that is not required for the service when provided by a physician assistant.

4. A policy of group health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by this section, and any provision of the policy or the renewal which is in conflict with this section is void.

5. As used in this section, "associate physician" means an associate physician licensed pursuant to chapter 630 of NRS or an associate osteopathic physician licensed pursuant to chapter 633 of NRS.

Sec. 43. Chapter 689C of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a health benefit plan provides coverage for services that are within the authorized scope of practice of an associate physician and which are reimbursed when provided by another provider of health care, the insured is entitled to reimbursement for services provided by such an associate physician.

2. The terms of the plan must not limit:

(a) Coverage for services provided by such an associate physician to a number of occasions less than for services provided by another provider of health care.

(b) Reimbursement for services provided by such an associate physician to an amount less than the amount reimbursed for similar services provided by a physician assistant.

3. A health benefit plan must not require an insured to obtain prior authorization for any service provided by an associate physician that is not required for the service when provided by a physician assistant.

4. A health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by this section, and any provision of the plan or the renewal which is in conflict with this section is void.

5. As used in this section, "associate physician" means an associate physician licensed pursuant to chapter 630 of NRS or an associate osteopathic physician licensed pursuant to chapter 633 of NRS.

Sec. 44. NRS 689C.425 is hereby amended to read as follows:

689C.425 A voluntary purchasing group and any contract issued to such a group pursuant to NRS 689C.360 to 689C.600, inclusive, are subject to the

provisions of NRS 689C.015 to 689C.355, inclusive, *and section 43 of this act to the extent applicable and not in conflict with the express provisions of NRS 687B.408 and 689C.360 to 689C.600, inclusive.*

Sec. 45. Chapter 695A of NRS is hereby amended by adding thereto a new section to read as follows:

1. *If a benefit contract provides coverage for services that are within the authorized scope of practice of an associate physician and which are reimbursed when provided by another provider of health care, the insured is entitled to reimbursement for services provided by such an associate physician.*

2. *The terms of the benefit contract must not limit:*

(a) *Coverage for services provided by such an associate physician to a number of occasions less than for services provided by another provider of health care.*

(b) *Reimbursement for services provided by such an associate physician to an amount less than the amount reimbursed for similar services provided by a physician assistant.*

3. *A benefit contract must not require an insured to obtain prior authorization for any service provided by an associate physician that is not required for the service when provided by a physician assistant.*

4. *A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by this section, and any provision of the contract or the renewal which is in conflict with this section is void.*

5. *As used in this section, "associate physician" means an associate physician licensed pursuant to chapter 630 of NRS or an associate osteopathic physician licensed pursuant to chapter 633 of NRS.*

Sec. 46. Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:

1. *If a contract for hospital, medical or dental services subject to the provisions of this chapter provides coverage for services that are within the authorized scope of practice of an associate physician and which are reimbursed when provided by another provider of health care, the insured is entitled to reimbursement for services provided by such an associate physician.*

2. *The terms of the contract must not limit:*

(a) *Coverage for services provided by such an associate physician to a number of occasions less than for services provided by another provider of health care.*

(b) *Reimbursement for services provided by such an associate physician to an amount less than the amount reimbursed for similar services provided by a physician assistant.*

3. *A contract for hospital, medical or dental services subject to the provisions of this chapter must not require an insured to obtain prior*

authorization for any service provided by an associate physician that is not required for the service when provided by a physician assistant.

4. *A contract for hospital, medical or dental services subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by this section, and any provision of the contract or the renewal which is in conflict with this section is void.*

5. *As used in this section, "associate physician" means an associate physician licensed pursuant to chapter 630 of NRS or an associate osteopathic physician licensed pursuant to chapter 633 of NRS.*

Sec. 47. Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:

1. *If a health care plan issued by a health maintenance organization provides coverage for services that are within the authorized scope of practice of an associate physician and which are reimbursed when provided by another provider of health care, the enrollee is entitled to reimbursement for services provided by such an associate physician.*

2. *The terms of the plan must not limit:*

(a) *Coverage for services provided by such an associate physician to a number of occasions less than for services provided by another provider of health care.*

(b) *Reimbursement for services provided by such an associate physician to an amount less than the amount reimbursed for similar services provided by a physician assistant.*

3. *A health care plan issued by a health maintenance organization must not require an enrollee to obtain prior authorization for any service provided by an associate physician that is not required for the service when provided by a physician assistant.*

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, 2024, has the legal effect of including the coverage required by this section, and any provision of the plan or the renewal which is in conflict with this section is void.*

5. *As used in this section, "associate physician" means an associate physician licensed pursuant to chapter 630 of NRS or an associate osteopathic physician licensed pursuant to chapter 633 of NRS.*

Sec. 48. NRS 695C.050 is hereby amended to read as follows:

695C.050 1. Except as otherwise provided in this chapter or in specific provisions of this title, the provisions of this title are not applicable to any health maintenance organization granted a certificate of authority under this chapter. This provision does not apply to an insurer licensed and regulated pursuant to this title except with respect to its activities as a health maintenance organization authorized and regulated pursuant to this chapter.

2. Solicitation of enrollees by a health maintenance organization granted a certificate of authority, or its representatives, must not be construed to

violate any provision of law relating to solicitation or advertising by practitioners of a healing art.

3. Any health maintenance organization authorized under this chapter shall not be deemed to be practicing medicine and is exempt from the provisions of chapter 630 of NRS.

4. The provisions of NRS 695C.110, 695C.125, 695C.1691, 695C.1693, 695C.170, 695C.1703, 695C.1705, 695C.1709 to 695C.173, inclusive, 695C.1733, 695C.17335, 695C.1734, 695C.1751, 695C.1755, 695C.1759, 695C.176 to 695C.200, inclusive, and 695C.265 do not apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

5. The provisions of NRS 695C.1694 to 695C.1698, inclusive, 695C.1701, 695C.1708, 695C.1728, 695C.1731, 695C.17333, 695C.17345, 695C.17347, 695C.1735, 695C.1737, 695C.1743, 695C.1745 and 695C.1757 *and section 47 of this act* apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid.

Sec. 49. NRS 695C.330 is hereby amended to read as follows:

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

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

(b) The health maintenance organization issues evidence of coverage or uses a schedule of charges for health care services which do not comply with the requirements of NRS 695C.1691 to 695C.200, inclusive, *and section 47 of this act* or 695C.207;

(c) The health care plan does not furnish comprehensive health care services as provided for in NRS 695C.060;

(d) The Commissioner certifies that the health maintenance organization:

(1) Does not meet the requirements of subsection 1 of NRS 695C.080;

or

(2) Is unable to fulfill its obligations to furnish health care services as required under its health care plan;

(e) The health maintenance organization is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees;

(f) The health maintenance organization has failed to put into effect a mechanism affording the enrollees an opportunity to participate in matters relating to the content of programs pursuant to NRS 695C.110;

(g) The health maintenance organization has failed to put into effect the system required by NRS 695C.260 for:

(1) Resolving complaints in a manner reasonably to dispose of valid complaints; and

(2) Conducting external reviews of adverse determinations that comply with the provisions of NRS 695G.241 to 695G.310, inclusive;

(h) The health maintenance organization or any person on its behalf has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive or unfair manner;

(i) The continued operation of the health maintenance organization would be hazardous to its enrollees or creditors or to the general public;

(j) The health maintenance organization fails to provide the coverage required by NRS 695C.1691; or

(k) The health maintenance organization has otherwise failed to comply substantially with the provisions of this chapter.

2. A certificate of authority must be suspended or revoked only after compliance with the requirements of NRS 695C.340.

3. If the certificate of authority of a health maintenance organization is suspended, the health maintenance organization shall not, during the period of that suspension, enroll any additional groups or new individual contracts, unless those groups or persons were contracted for before the date of suspension.

4. If the certificate of authority of a health maintenance organization is revoked, the organization shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs and shall conduct no further business except as may be essential to the orderly conclusion of the affairs of the organization. It shall engage in no further advertising or solicitation of any kind. The Commissioner may, by written order, permit such further operation of the organization as the Commissioner may find to be in the best interest of enrollees to the end that enrollees are afforded the greatest practical opportunity to obtain continuing coverage for health care.

Sec. 50. Chapter 695G of NRS is hereby amended by adding thereto a new section to read as follows:

1. *If a health care plan issued by a managed care organization provides coverage for services that are within the authorized scope of practice of an associate physician and which are reimbursed when provided by another provider of health care, the insured is entitled to reimbursement for services provided by such an associate physician.*

2. *The terms of the plan must not limit:*

(a) Coverage for services provided by such an associate physician to a number of occasions less than for services provided by another provider of health care.

(b) Reimbursement for services provided by such an associate physician to an amount less than the amount reimbursed for similar services provided by a physician assistant.

3. A health care plan issued by a managed care organization must not require an insured to obtain prior authorization for any service provided by an associate physician that is not required for the service when provided by a physician assistant.

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, 2024, has the legal effect of including the coverage required by this section, and any provision of the plan or the renewal which is in conflict with this section is void.

5. As used in this section, "associate physician" means an associate physician licensed pursuant to chapter 630 of NRS or an associate osteopathic physician licensed pursuant to chapter 633 of NRS.

Sec. 51. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 50, inclusive, of this act become effective:

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

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

Senator Doñate moved the adoption of the amendment.

Remarks by Senator Doñate.

Amendment No. 233 to Senate Bill No. 204 requires the employer of an associate physician or associate osteopathic physician to credential and bill for services rendered in the same manner as a physician assistant. It authorizes the State Board of Pharmacy to distribute registration certificates to associate and osteopathic physicians for the purpose of the possession, administration or prescribing of a controlled substance and requires the supervising physician to be on the premises and available to assist an associate physician or associate osteopathic physician at all times in underserved rural areas.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 226.

Bill read second time.

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

Amendment No. 477.

SUMMARY—Revises provisions governing public works. (BDR 28-494)

AN ACT relating to public works; providing a declaration of legislative intent regarding the payment of prevailing wages on public works projects; ~~(deeming) providing that certain projects~~ ~~to be financed in whole or in part from public money for purposes of determining whether a project is a public~~

~~work; excluding certain public works projects from certain procedures for awarding contracts;] require the payment of prevailing wages; revising [certain definitions relating to] the definition of "public [works; requiring the payment of prevailing wages to workers who perform custom fabrication on a public work or for certain performance contracts of local governments or state agencies;] work"; and providing other matters properly relating thereto.~~

Legislative Counsel's Digest:

Existing law provides that every contract to which a public body of this State is a party, requiring the employment of skilled mechanics, skilled workers, semiskilled mechanics, semiskilled workers or unskilled labor in the performance of a public work, must contain in express terms the hourly and daily rate of wages to be paid to each of the classes of mechanics and workers. The hourly and daily rate of wages must not be less than the prevailing wage in the region in which the public work is located, as determined by the Labor Commissioner. (NRS 338.020) ~~[Section 9 of this bill provides that workers who perform custom fabrication on a public work must also be paid such a prevailing wage. Section 5 of this bill revises the definition of "worker" to include a worker who performs custom fabrication.~~

~~Existing law provides that performance contracts for certain operating cost savings measures entered into by local governments and state agencies must contain in express terms the hourly and daily rate of wages to be paid to each class of mechanics and workers. Such wages must not be less than the prevailing wage in the region in which the local government or state agency is located. (NRS 332.390, 333A.120) Similar to section 5, sections 13 and 14 of this bill, respectively, provide that workers who perform custom fabrication must also be paid such a prevailing wage.]~~

Section 2 of this bill makes a declaration of legislative intent finding that: (1) the payment of prevailing wages to workers on public works projects that are funded in whole or in part by public money is essential to the economic well-being of this State, increasing the number of skilled construction workers in this State, enhancing the workforce of the State and increasing redevelopment opportunities in the State; and (2) ~~[to the extent practicable, the interpretation of the provisions of the Nevada Revised Statutes, and regulations adopted pursuant thereto, must be aligned with the provisions of the federal Davis Bacon Act, 40 U.S.C. §§ 3141 et seq., to ensure uniformity and consistency on federal and state public works projects in this State; and (3) any interpretation of the Act applies to the interpretation of chapter 338 of NRS, and any regulations adopted pursuant thereto, unless the interpretation of the Act directly conflicts with a clear and specific requirement set forth in chapter 338 of NRS and any regulations adopted pursuant thereto.]~~ careful scrutiny of novel leasing and financial arrangements entered into and incentives offered by a public body is necessary to ensure workers are paid the prevailing wage. Section 8 of this bill provides that any regulation adopted by the Labor Commissioner relating to public works must be consistent with the declaration of legislative intent set forth in section 2.

Existing law ~~defines the term "public work" to mean any project for the new construction, repair or reconstruction of a project financed in whole or in part from public money for certain publicly owned works and property. (NRS 338.010))~~ makes the prevailing wage requirements applicable to certain, specific construction projects. (NRS 244.286, 244A.058, 244A.763, 268.568, 271.710, 271.800, 278C.240, 279.500, 318.140, 318.144, 321.416, 332.390, 333A.120, 349.670, 349.956, 349.981, 388A.635, 408.3886, 543.545, 701B.265, 701B.625) Section 3 of this bill ~~provides that for purposes of determining whether a project is a public work, it shall be deemed that a project is financed in whole or in part from public money~~ requires, with certain exceptions, the payment of prevailing wages on any project if, ~~[without limitation]~~ pursuant to certain agreements or partnerships between a developer and a public body: (1) the property or premises on which the project will be constructed or developed is owned by a public body ; (2) the property or premises on which a project will be constructed or developed is, in whole or in part, subject to a lease or lease-purchase agreement by a public body; (3) a public body pays money or other compensation directly to or on behalf of the developer or contractor of the project or any subcontractor who performs any work on the project; ~~[(2)]~~ (4) a public body pays, credits, reduces, forgives or waives any fee, cost, rent, insurance premium, bond premium, obligation or expense, including, without limitation, an incidental expense, in relation to the project that is normally required in the execution of a contract for a public work ~~[(3)]~~ on which the estimated cost exceeds \$100,000; (5) a public body loans money in relation to the project that is required to be repaid to the public body ~~on a contingent basis; (4) any employee of~~ ; (6) a public body ~~performs skilled work or labor in furtherance of~~ retains any right to ownership of the property or premises after construction work begins on the project; ~~[(5)]~~ (7) in relation to the project, a public body sells, leases or otherwise transfers for less than fair market value any developed or undeveloped real property or any other property or asset; or ~~[(6)]~~ (8) in relation to the project, a public body transfers property of the State or political subdivision for less than fair market value. Section 3 exempts from these provisions certain projects relating to affordable housing.

Existing law defines the term "public work" to mean any project for the new construction, repair or reconstruction of a project financed in whole or in part from public money for certain publicly owned works and property. (NRS 338.010) Section 5 of this bill amends the definition of "public work" to include ~~[the construction, demolition, alteration, custom fabrication or repair work on any property or premises, regardless of whether]~~ a project financed in whole or in part from public money . ~~[if, at the time the contract for the project is entered into: (1) the property or premises is owned by a public body; (2) the property or premises, in whole or in part, is leased by a public body or is subject to an agreement to be subsequently leased by a public body; (3) the property, or any horizontal construction or vertical~~

~~construction relating thereto, is in an improvement district; (4) the project, or any horizontal construction or vertical construction relating thereto, is a redevelopment project; (5) the project qualifies for certain tax credits; (6) the property, or any horizontal construction or vertical construction relating thereto, has been or will be conveyed, in whole or in part, to a public body pursuant to the terms of a development agreement with the public body; or (7) a public body retains any right, including, without limitation, a contingent right, to retake ownership of the property or premises after the commencement of work on the project. Section 4 of this bill provides that certain procedures relating to awarding contracts for public works do not apply to such public works projects. Section 5 also revises the definition of the terms "horizontal construction" and "vertical construction."~~

~~Sections 10 12 of this bill make conforming changes to indicate the proper placement of sections 2 and 3 within the Nevada Revised Statutes. Section 7 of this bill makes conforming changes to indicate the proper placement of section 4 within the Nevada Revised Statutes.]~~

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

Section 1. Chapter 338 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. *The Legislature hereby finds and declares that:*

1. *The payment of prevailing wages to workers on public works projects that are funded in whole or in part by public money is essential to:*

- (a) *The economic well-being of this State;*
- (b) *Increasing the number of skilled construction workers in this State;*
- (c) *Enhancing the workforce in this State; and*
- (d) *Increasing redevelopment opportunities in this State.*

2. ~~To [the extent practicable, the interpretation of provisions of the Nevada Revised Statutes, and regulations adopted pursuant thereto, relating to public works and prevailing wages must be aligned with provisions of the federal Davis-Bacon Act, 40 U.S.C. §§ 3141 et seq., to ensure uniformity and consistency on federal and state public works projects in this State.~~

~~3. It is the intent of the Legislature that any interpretation of the federal Davis-Bacon Act, 40 U.S.C. §§ 3141 et seq., applies to the interpretation of provisions of this chapter, and any regulation adopted pursuant thereto, unless the interpretation of the federal Davis-Bacon Act, 40 U.S.C. §§ 3141 et seq., directly conflicts with a clear and specific requirement set forth in this chapter or a regulation adopted pursuant thereto.]~~ ensure the intentions set forth in subsection 1 are upheld, careful scrutiny of novel leasing and financing arrangements entered into or incentives offered by public bodies for the construction of public works is necessary to ensure that workers on public works projects are paid prevailing wages.

Sec. 3. ~~[For purposes of determining whether a project is a public work, it shall be deemed that a project is financed in whole or in part from public money.]~~

1. The provisions of NRS 338.013 to 338.090, inclusive, apply to any project if, ~~[without limitation]~~ pursuant to the provisions of a contract or a lease agreement, lease-purchase agreement, development agreement, improvement district, redevelopment project or public-private partnership between a private developer and a public body:

~~[1.]~~ (a) The property or premises on which a project will be constructed or developed is owned by a public body:

(b) The property or premises on which a project will be constructed or developed are, in whole or in part, subject to a lease or lease-purchase agreement by a public body:

(c) A public body pays money or other compensation directly to or on behalf of the developer or contractor of the project or any subcontractor who performs any work on the project;

~~[2. A] or~~

(d) Except as otherwise provided in subsection 2, a public body ~~[pays,]~~ :

(1) Pays, credits, reduces, forgives or waives any fee, cost, rent, insurance premium, bond premium, obligation or expense, including, without limitation, an incidental expense, in relation to the project that is normally required in the execution of a contract for a public work ~~[.]~~

~~3. A public body loans] on which the estimated cost exceeds \$100,000;~~

(2) Loans money in relation to the project that is required to be repaid to the public body ~~[on a contingent basis;~~

~~4. Any employee of a public body performs skilled work or labor in furtherance of the project;~~

~~5. In] , regardless of the terms of the loan or the interest charged;~~

(3) Retains any right, including, without limitation, a contingent right, to retake ownership of the property or premises after construction work begins on the project;

(4) In relation to the project, a public body sells, leases or otherwise transfers for less than fair market value any developed or undeveloped real property or any other property or asset; or

~~[6. In]~~

(5) In relation to the project, a public body transfers property for less than fair market value.

2. The provisions of paragraph (d) of subsection 1 are not applicable if a local government takes an action set forth in paragraph (d) of subsection 1 for the construction of affordable housing, if such affordable housing is less than three floors, regardless of whether each or any floor is above or below ground.

3. As used in this section:

(a) "Affordable housing" means:

(1) Multifamily housing that is:

(I) Tier one affordable housing or tier two affordable housing; and

(II) Subject to a legally binding agreement or other instrument that includes restrictions for the resale of the property to require that such

property continue to be used as tier one affordable housing or tier two affordable housing; or

(2) Single-family residential housing that is:

(I) Built on property that the homeowner leases under an agreement that includes restrictions for the resale of the property to require that such property continue to be used as tier two affordable housing or tier three affordable housing;

(II) Owned by a household that qualifies for tier two affordable housing or tier three affordable housing; and

(III) Subject to a legally binding agreement or other instrument that includes restrictions for the resale of the property to require that such property continue to be used as tier two affordable housing or tier three affordable housing.

(b) "Improvement district" has the meaning ascribed to it in NRS 271.130.

(c) "Tier one affordable housing" has the meaning ascribed to it in NRS 278.01902.

(d) "Tier three affordable housing" has the meaning ascribed to it in NRS 278.01904.

(e) "Tier two affordable housing" has the meaning ascribed to it in NRS 278.01906.

~~Sec. 4. {1. The general procedures for awarding contracts, as described in NRS 338.1373 to 338.139, inclusive, do not apply to a public work completed on a property or premises if, at the time of entering into the contract:~~

~~—(a) The property or premises, in whole or in part, is leased by a public body or is subject to an agreement to be subsequently leased by a public body;~~

~~—(b) The property, or any horizontal construction or vertical construction relating thereto, is in an improvement district, as defined in NRS 271.130;~~

~~—(c) The project, or any horizontal construction or vertical construction relating thereto, is a redevelopment project, as defined in NRS 279.412, that is financed pursuant to chapter 279 of NRS;~~

~~—(d) The project is a qualified project, as defined in NRS 360.888;~~

~~—(e) The property, or any horizontal construction or vertical construction relating thereto, has been or will be conveyed, in whole or in part, to a public body pursuant to the terms of a development agreement with the public body; or~~

~~—(f) A public body retains any right, including, without limitation, a contingent right, to retake ownership of the property or premises after the commencement of work on the project.~~

~~2. This section must not be construed to abrogate the requirement to pay prevailing wages on a public work described in subsection 1.] Deleted by amendment.)~~

Sec. 5. NRS 338.010 is hereby amended to read as follows:

338.010 As used in this chapter:

1. "Authorized representative" means a person designated by a public body to be responsible for the development, solicitation, award or administration of contracts for public works pursuant to this chapter.

2. "Bona fide fringe benefit" means a benefit in the form of a contribution that is made not less frequently than monthly to an independent third party pursuant to a fund, plan or program:

(a) Which is established for the sole and exclusive benefit of a worker and his or her family and dependents; and

(b) For which none of the assets will revert to, or otherwise be credited to, any contributing employer or sponsor of the fund, plan or program.

➡ The term includes, without limitation, benefits for a worker that are determined pursuant to a collective bargaining agreement and included in the determination of the prevailing wage by the Labor Commissioner pursuant to NRS 338.030.

3. "Contract" means a written contract entered into between a contractor and a public body for the provision of labor, materials, equipment or supplies for a public work.

4. "Contractor" means:

(a) A person who is licensed pursuant to the provisions of chapter 624 of NRS.

(b) A design-build team.

5. "Day labor" means all cases where public bodies, their officers, agents or employees, hire, supervise and pay the wages thereof directly to a worker or workers employed by them on public works by the day and not under a contract in writing.

6. "Design-build contract" means a contract between a public body and a design-build team in which the design-build team agrees to design and construct a public work.

7. "Design-build team" means an entity that consists of:

(a) At least one person who is licensed as a general engineering contractor or a general building contractor pursuant to chapter 624 of NRS; and

(b) For a public work that consists of:

(1) A building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS.

(2) Anything other than a building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS or landscape architecture pursuant to chapter 623A of NRS or who is licensed as a professional engineer pursuant to chapter 625 of NRS.

8. "Design professional" means:

(a) A person who is licensed as a professional engineer pursuant to chapter 625 of NRS;

(b) A person who is licensed as a professional land surveyor pursuant to chapter 625 of NRS;

(c) A person who holds a certificate of registration to engage in the practice of architecture, interior design or residential design pursuant to chapter 623 of NRS;

(d) A person who holds a certificate of registration to engage in the practice of landscape architecture pursuant to chapter 623A of NRS; or

(e) A business entity that engages in the practice of professional engineering, land surveying, architecture or landscape architecture.

9. "Discrete project" means one or more public works which are undertaken on a single construction site for a single public body. The term does not include one or more public works that are undertaken on multiple construction sites regardless of whether the public body which sponsors or finances the public works bundles the public works together.

10. "Division" means the State Public Works Division of the Department of Administration.

11. "Eligible bidder" means a person who is:

(a) Found to be a responsible and responsive contractor by a local government or its authorized representative which requests bids for a public work in accordance with paragraph (b) of subsection 1 of NRS 338.1373; or

(b) Determined by a public body or its authorized representative which awarded a contract for a public work pursuant to NRS 338.1375 to 338.139, inclusive, to be qualified to bid on that contract pursuant to NRS 338.1379 or 338.1382.

12. "General contractor" means a person who is licensed to conduct business in one, or both, of the following branches of the contracting business:

(a) General engineering contracting, as described in subsection 2 of NRS 624.215.

(b) General building contracting, as described in subsection 3 of NRS 624.215.

13. "Governing body" means the board, council, commission or other body in which the general legislative and fiscal powers of a local government are vested.

14. "Horizontal construction" means any ~~the~~ construction, alteration, repair, renovation, demolition or remodeling necessary to complete a ~~fixed~~ ~~of any~~ public work, including, without limitation, any irrigation, drainage, water supply, flood control, harbor, railroad, highway, tunnel, airport or airway, sewer, sewage disposal plant or water treatment facility and any ancillary vertical components thereof, bridge, inland waterway, pipeline for the transmission of petroleum or any other liquid or gaseous substance, pier, and any other work incidental thereto. The term does not include vertical construction, the construction of any terminal or other building of an airport or airway, or the construction of any other building.

15. "Local government" means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties,

cities, towns, boards, school districts and other districts organized pursuant to chapters 244A, 318, 318A, 379, 474, 538, 541, 543 and 555 of NRS, NRS 450.550 to 450.750, inclusive, and any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision. The term includes a person who has been designated by the governing body of a local government to serve as its authorized representative.

16. "Offense" means:

(a) Failing to:

(1) Pay the prevailing wage required pursuant to this chapter;

(2) Pay the contributions for unemployment compensation required pursuant to chapter 612 of NRS;

(3) Provide and secure compensation for employees required pursuant to chapters 616A to 617, inclusive, of NRS; or

(4) Comply with subsection 5 or 6 of NRS 338.070.

(b) Discharging an obligation to pay wages in a manner that violates the provisions of NRS 338.035.

17. "Prime contractor" means a contractor who:

(a) Contracts to construct an entire project;

(b) Coordinates all work performed on the entire project;

(c) Uses his or her own workforce to perform all or a part of the public work; and

(d) Contracts for the services of any subcontractor or independent contractor or is responsible for payment to any contracted subcontractors or independent contractors.

↪ The term includes, without limitation, a general contractor or a specialty contractor who is authorized to bid on a project pursuant to NRS 338.139 or 338.148.

18. "Public body" means the State, county, city, town, school district or any public agency of this State or its political subdivisions sponsoring or financing a public work.

19. "Public work" means any project ~~for the new construction, repair or reconstruction of a project~~ financed by

~~(a) Financed~~ in whole or in part from public money for:

(a) ~~Public buildings;~~

(b) ~~Jails and prisons;~~

(c) ~~Public roads;~~

(d) ~~Public highways;~~

(e) ~~Public streets and alleys;~~

(f) ~~Public utilities;~~

(g) ~~Publicly owned water mains and sewers;~~

(h) ~~Public parks and playgrounds;~~

(i) ~~Public convention facilities which are financed at least in part with~~ from public money; and

~~(i) ~~[(10)]~~ All other publicly owned works and property ~~and publicly leased property where construction, reconstruction, demolition, alteration, custom fabrication, repair, maintenance, painting or decorating is performed by skilled mechanics, skilled workers, semiskilled mechanics, semiskilled workers or unskilled labor.~~~~

~~— (b) That includes construction, demolition, alteration, custom fabrication or repair work on any property or premises, regardless of whether financed in whole or in part from public money if, at the time the contract for the project is entered into:~~

~~— (1) The property or premises is owned by a public body;~~

~~— (2) The property or premises, in whole or in part, is leased by a public body or is subject to an agreement to be subsequently leased by a public body;~~

~~— (3) The property, or any horizontal construction or vertical construction relating thereto, is in an improvement district, as that term is defined in NRS 271.130;~~

~~— (4) The project, or any horizontal construction or vertical construction relating thereto, is a redevelopment project, as that term is defined in NRS 279.412, that is financed pursuant to chapter 279 of NRS;~~

~~— (5) The project is a qualified project, as that term is defined in NRS 360.888;~~

~~— (6) The property, or any horizontal construction or vertical construction relating thereto, has been or will be conveyed, in whole or in part, to a public body pursuant to the terms of a development agreement with the public body; or~~

~~— (7) A public body retains any right, including, without limitation, a contingent right, to retake ownership of the property or premises after the commencement of work on the project.]~~

20. "Specialty contractor" means a person who is licensed to conduct business as described in subsection 4 of NRS 624.215.

21. "Stand-alone underground utility project" means an underground utility project that is not integrated into a larger project, including, without limitation:

(a) An underground sewer line or an underground pipeline for the conveyance of water, including facilities appurtenant thereto; and

(b) A project for the construction or installation of a storm drain, including facilities appurtenant thereto,

↪ that is not located at the site of a public work for the design and construction of which a public body is authorized to contract with a design-build team pursuant to subsection 2 of NRS 338.1711.

22. "Subcontract" means a written contract entered into between:

(a) A contractor and a subcontractor or supplier; or

(b) A subcontractor and another subcontractor or supplier,

↪ for the provision of labor, materials, equipment or supplies for a construction project.

23. "Subcontractor" means a person who:

(a) Is licensed pursuant to the provisions of chapter 624 of NRS or performs such work that the person is not required to be licensed pursuant to chapter 624 of NRS; and

(b) Contracts with a contractor, another subcontractor or a supplier to provide labor, materials or services for a construction project.

24. "Supplier" means a person who provides materials, equipment or supplies for a construction project.

25. "Vertical construction" means any ~~the~~ construction, alteration, repair, renovation, demolition or remodeling necessary to complete a public work for ~~for~~ any building, structure or other improvement that is predominantly vertical, including, without limitation, a building, structure or improvement for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind, and any other work or improvement appurtenant thereto.

26. "Wages" means:

(a) The basic hourly rate of pay; and

(b) The amount of pension, health and welfare, vacation and holiday pay, the cost of apprenticeship training or other bona fide fringe benefits which are a benefit to the worker.

27. "Worker" means a skilled mechanic, skilled worker, semiskilled mechanic, semiskilled worker ~~for~~ or unskilled worker ~~for worker who performs custom fabrication~~ in the service of a contractor or subcontractor under any appointment or contract of hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed. The term does not include a design professional.

Sec. 6. ~~[NRS 338.010 is hereby amended to read as follows:~~

~~338.010 As used in this chapter:~~

~~1. "Authorized representative" means a person designated by a public body to be responsible for the development, solicitation, award or administration of contracts for public works pursuant to this chapter.~~

~~2. "Bona fide fringe benefit" means a benefit in the form of a contribution that is made not less frequently than monthly to an independent third party pursuant to a fund, plan or program:~~

~~(a) Which is established for the sole and exclusive benefit of a worker and his or her family and dependents; and~~

~~(b) For which none of the assets will revert to, or otherwise be credited to, any contributing employer or sponsor of the fund, plan or program.~~

~~* The term includes, without limitation, benefits for a worker that are determined pursuant to a collective bargaining agreement and included in the determination of the prevailing wage by the Labor Commissioner pursuant to NRS 338.030.~~

~~3. "Contract" means a written contract entered into between a contractor and a public body for the provision of labor, materials, equipment or supplies for a public work.~~

- ~~4. "Contractor" means:~~
~~(a) A person who is licensed pursuant to the provisions of chapter 624 of NRS.~~
~~(b) A design-build team.~~
- ~~5. "Day labor" means all cases where public bodies, their officers, agents or employees, hire, supervise and pay the wages thereof directly to a worker or workers employed by them on public works by the day and not under a contract in writing.~~
- ~~6. "Design-build contract" means a contract between a public body and a design-build team in which the design-build team agrees to design and construct a public work.~~
- ~~7. "Design-build team" means an entity that consists of:~~
~~(a) At least one person who is licensed as a general engineering contractor or a general building contractor pursuant to chapter 624 of NRS; and~~
~~(b) For a public work that consists of:~~
~~(1) A building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS.~~
~~(2) Anything other than a building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS or landscape architecture pursuant to chapter 623A of NRS or who is licensed as a professional engineer pursuant to chapter 625 of NRS.~~
- ~~8. "Design professional" means:~~
~~(a) A person who is licensed as a professional engineer pursuant to chapter 625 of NRS;~~
~~(b) A person who is licensed as a professional land surveyor pursuant to chapter 625 of NRS;~~
~~(c) A person who holds a certificate of registration to engage in the practice of architecture, interior design or residential design pursuant to chapter 623 of NRS;~~
~~(d) A person who holds a certificate of registration to engage in the practice of landscape architecture pursuant to chapter 623A of NRS; or~~
~~(e) A business entity that engages in the practice of professional engineering, land surveying, architecture or landscape architecture.~~
- ~~9. "Discrete project" means one or more public works which are undertaken on a single construction site for a single public body. The term does not include one or more public works that are undertaken on multiple construction sites regardless of whether the public body which sponsors or finances the public works bundles the public works together.~~
- ~~10. "Division" means the State Public Works Division of the Department of Administration.~~
- ~~11. "Eligible bidder" means a person who is:~~
~~(a) Found to be a responsible and responsive contractor by a local government or its authorized representative which requests bids for a public work in accordance with paragraph (b) of subsection 1 of NRS 338.1373; or~~

~~—(b) Determined by a public body or its authorized representative which awarded a contract for a public work pursuant to NRS 338.1375 to 338.139, inclusive, to be qualified to bid on that contract pursuant to NRS 338.1379 or 338.1382.~~

~~—12. "General contractor" means a person who is licensed to conduct business in one, or both, of the following branches of the contracting business:~~

~~—(a) General engineering contracting, as described in subsection 2 of NRS 624.215.~~

~~—(b) General building contracting, as described in subsection 3 of NRS 624.215.~~

~~—13. "Governing body" means the board, council, commission or other body in which the general legislative and fiscal powers of a local government are vested.~~

~~—14. "Horizontal construction" means the construction of any fixed public work, including, without limitation, any irrigation, drainage, water supply, flood control, harbor, railroad, highway, tunnel, airport or airway, sewer, sewage disposal plant or water treatment facility and any ancillary vertical components thereof, bridge, inland waterway, pipeline for the transmission of petroleum or any other liquid or gaseous substance, pier, and any other work incidental thereto. The term does not include vertical construction, the construction of any terminal or other building of an airport or airway, or the construction of any other building.~~

~~—15. "Local government" means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to chapters 244A, 318, 318A, 379, 474, 538, 541, 543 and 555 of NRS, NRS 450.550 to 450.750, inclusive, and any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision. The term includes a person who has been designated by the governing body of a local government to serve as its authorized representative.~~

~~—16. "Offense" means:~~

~~—(a) Failing to:~~

~~—(1) Pay the prevailing wage required pursuant to this chapter;~~

~~—(2) Pay the contributions for unemployment compensation required pursuant to chapter 612 of NRS;~~

~~—(3) Provide and secure compensation for employees required pursuant to chapters 616A to 617, inclusive, of NRS; or~~

~~—(4) Comply with subsection 5 or 6 of NRS 338.070.~~

~~—(b) Discharging an obligation to pay wages in a manner that violates the provisions of NRS 338.035.~~

~~—17. "Prime contractor" means a contractor who:~~

~~—(a) Contracts to construct an entire project;~~

- ~~— (b) Coordinates all work performed on the entire project;~~
- ~~— (c) Uses his or her own workforce to perform all or a part of the public work; and~~
- ~~— (d) Contracts for the services of any subcontractor or independent contractor or is responsible for payment to any contracted subcontractors or independent contractors.~~
- ~~— The term includes, without limitation, a general contractor or a specialty contractor who is authorized to bid on a project pursuant to NRS 338.139 or 338.148.~~
- ~~— 18. "Public body" means the State, county, city, town, school district or any public agency of this State or its political subdivisions sponsoring or financing a public work.~~
- ~~— 19. "Public work" means any project:~~
 - ~~— (a) Financed in whole or in part from public money for:~~
 - ~~— (1) Public buildings;~~
 - ~~— (2) Jails and prisons;~~
 - ~~— (3) Public roads;~~
 - ~~— (4) Public highways;~~
 - ~~— (5) Public streets and alleys;~~
 - ~~— (6) Public utilities;~~
 - ~~— (7) Publicly owned water mains and sewers;~~
 - ~~— (8) Public parks and playgrounds;~~
 - ~~— (9) Public convention facilities which are financed at least in part from public money; and~~
 - ~~— (10) All publicly owned works and property and publicly leased property where construction, reconstruction, demolition, alteration, custom fabrication, repair, maintenance, painting or decorating is performed by skilled mechanics, skilled workers, semiskilled mechanics, semiskilled workers or unskilled labor.~~
 - ~~— (b) That includes construction, demolition, alteration, custom fabrication or repair work on any property or premises, regardless of whether financed in whole or in part from public money if, at the time the contract for the project is entered into:~~
 - ~~— (1) The property or premises is owned by a public body;~~
 - ~~— (2) The property or premises, in whole or in part, is leased by a public body or is subject to an agreement to be subsequently leased by a public body;~~
 - ~~— (3) The property, or any horizontal construction or vertical construction relating thereto, is in an improvement district, as that term is defined in NRS 271.130;~~
 - ~~— (4) The project, or any horizontal construction or vertical construction relating thereto, is a redevelopment project, as that term is defined in NRS 279.412, that is financed pursuant to chapter 279 of NRS;~~
 - ~~— (5) [The project is a qualified project, as that term is defined in NRS 360.888;~~

~~— (6) The property, or any horizontal construction or vertical construction relating thereto, has been or will be conveyed, in whole or in part, to a public body pursuant to the terms of a development agreement with the public body; or~~

~~— [(7)] (6) A public body retains any right, including, without limitation, a contingent right, to retake ownership of the property or premises after the commencement of work on the project.~~

~~— 20. "Specialty contractor" means a person who is licensed to conduct business as described in subsection 4 of NRS 624.215.~~

~~— 21. "Stand alone underground utility project" means an underground utility project that is not integrated into a larger project, including, without limitation:~~

~~— (a) An underground sewer line or an underground pipeline for the conveyance of water, including facilities appurtenant thereto; and~~

~~— (b) A project for the construction or installation of a storm drain, including facilities appurtenant thereto;~~

~~→ that is not located at the site of a public work for the design and construction of which a public body is authorized to contract with a design build team pursuant to subsection 2 of NRS 338.1711.~~

~~— 22. "Subcontract" means a written contract entered into between:~~

~~— (a) A contractor and a subcontractor or supplier; or~~

~~— (b) A subcontractor and another subcontractor or supplier;~~

~~→ for the provision of labor, materials, equipment or supplies for a construction project.~~

~~— 23. "Subcontractor" means a person who:~~

~~— (a) Is licensed pursuant to the provisions of chapter 624 of NRS or performs such work that the person is not required to be licensed pursuant to chapter 624 of NRS; and~~

~~— (b) Contracts with a contractor, another subcontractor or a supplier to provide labor, materials or services for a construction project.~~

~~— 24. "Supplier" means a person who provides materials, equipment or supplies for a construction project.~~

~~— 25. "Vertical construction" means the construction or remodeling of any building, structure or other improvement that is predominantly vertical, including, without limitation, a building, structure or improvement for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind, and any other work or improvement appurtenant thereto.~~

~~— 26. "Wages" means:~~

~~— (a) The basic hourly rate of pay; and~~

~~— (b) The amount of pension, health and welfare, vacation and holiday pay, the cost of apprenticeship training or other bona fide fringe benefits which are a benefit to the worker.~~

~~— 27. "Worker" means a skilled mechanic, skilled worker, semiskilled mechanic, semiskilled worker, unskilled worker or worker who performs~~

~~custom fabrication in the service of a contractor or subcontractor under any appointment or contract of hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed. The term does not include a design professional.] (Deleted by amendment.)~~

Sec. 7. ~~[NRS 338.0115 is hereby amended to read as follows:~~

~~338.0115 1. Except as otherwise provided in subsection 2, the provisions of this chapter and chapters 332 and 339 of NRS do not apply to a contract under which a private developer, for the benefit of a private development, constructs a water or sewer line extension and any related appurtenances:~~

~~—(a) Which qualify as a public work pursuant to NRS 338.010; and~~

~~—(b) For which the developer will receive a monetary contribution or refund from a public body as reimbursement for a portion of the costs of the project.~~

~~2. If, pursuant to the provisions of such a contract, the developer is not responsible for paying all of the initial construction costs of the project, the provisions of NRS 338.0117, 338.013 to 338.090, inclusive, and 338.1373 to 338.148, inclusive, and section 4 of this act apply to the contract.] (Deleted by amendment.)~~

Sec. 8. NRS 338.012 is hereby amended to read as follows:

338.012 1. The Labor Commissioner may adopt such regulations as are necessary to enable the Labor Commissioner to carry out his or her duties pursuant to the provisions of this chapter.

2. *Any regulation adopted by the Labor Commissioner pursuant to this chapter must be consistent with the declaration of legislative intent set forth in section 2 of this act.*

Sec. 9. ~~[NRS 338.020 is hereby amended to read as follows:~~

~~338.020 1. Every contract to which a public body of this State is a party, requiring the employment of skilled mechanics, skilled workers, semiskilled mechanics, semiskilled workers, [or] unskilled labor or workers who perform custom fabrication in the performance of a public work, must contain in express terms the hourly and daily rate of wages to be paid each of the classes of mechanics and workers. The hourly and daily rate of wages must:~~

~~—(a) Not be less than the rate of such wages then prevailing in the region in which the public work is located, which prevailing rate of wages must have been determined in the manner provided in NRS 338.030; and~~

~~—(b) Be posted on the site of the public work in a place generally visible to the workers.~~

~~2. When public work is performed by day labor, the prevailing wage for each class of mechanics and workers so employed applies and must be stated clearly to such mechanics and workers when employed.~~

~~3. Except as otherwise provided in subsection 4, a contractor or subcontractor shall pay to a mechanic or worker employed by the contractor or subcontractor on the public work not less than one and one-half times the~~

~~prevailing rate of wages applicable to the class of the mechanic or worker for each hour the mechanic or worker works on the public work in excess of:~~

~~— (a) Forty hours in any scheduled week of work by the mechanic or worker for the contractor or subcontractor, including, without limitation, hours worked for the contractor or subcontractor on work other than the public work; or~~

~~— (b) Eight hours in any workday that the mechanic or worker was employed by the contractor or subcontractor, including, without limitation, hours worked for the contractor or subcontractor on work other than the public work, unless by mutual agreement the mechanic or worker works a scheduled 10 hours per day for 4 calendar days within any scheduled week of work.~~

~~4. The provisions of subsection 3 do not apply to a mechanic or worker who is covered by a collective bargaining agreement that provides for the payment of wages at not less than one and one half times the rate of wages set forth in the collective bargaining agreement for work in excess of:~~

~~— (a) Forty hours in any scheduled week of work; or~~

~~— (b) Eight hours in any workday unless the collective bargaining agreement provides that the mechanic or worker shall work a scheduled 10 hours per day for 4 calendar days within any scheduled week of work.~~

~~5. The prevailing wage and any wages paid for overtime pursuant to subsection 3 or 4 to each class of mechanics or workers must be in accordance with the jurisdictional classes recognized in the region where the work is performed.~~

~~6. Nothing in this section prevents an employer who is signatory to a collective bargaining agreement from assigning such work in accordance with established practice.] (Deleted by amendment.)~~

Sec. 10. NRS 338.050 is hereby amended to read as follows:

338.050 For the purpose of NRS 338.010 to 338.090, inclusive, *and sections 2 and 3 of this act*, except as otherwise provided by specific statute, every worker who performs work for a public work covered by a contract therefor is subject to all of the provisions of NRS 338.010 to 338.090, inclusive, *and sections 2 and 3 of this act*, regardless of any contractual relationship alleged to exist between such worker and his or her employer.

Sec. 11. NRS 338.070 is hereby amended to read as follows:

338.070 1. Any public body awarding a contract shall:

(a) Investigate possible violations of the provisions of NRS 338.010 to 338.090, inclusive, *and sections 2 and 3 of this act* committed in the course of the execution of the contract, and determine whether a violation has been committed and inform the Labor Commissioner of any such violations; and

(b) When making payments to the contractor engaged on the public work of money becoming due under the contract, withhold and retain all sums forfeited pursuant to the provisions of NRS 338.010 to 338.090, inclusive ~~[-]~~, *and sections 2 and 3 of this act*.

2. No sum may be withheld, retained or forfeited, except from the final payment, without a full investigation being made by the awarding public body.

3. Except as otherwise provided in subsection 7, it is lawful for any contractor engaged on a public work to withhold from any subcontractor engaged on the public work sufficient sums to cover any penalties withheld from the contractor by the awarding public body on account of the failure of the subcontractor to comply with the terms of NRS 338.010 to 338.090, inclusive ~~[]~~, *and sections 2 and 3 of this act*. If payment has already been made to the subcontractor, the contractor may recover from the subcontractor the amount of the penalty or forfeiture in a suit at law.

4. A contractor engaged on a public work and each subcontractor engaged on the public work shall:

(a) Inquire of each worker employed by the contractor or subcontractor in connection with the public work:

(1) Whether the worker wishes to specify voluntarily his or her gender; and

(2) Whether the worker wishes to specify voluntarily his or her ethnicity; and

(b) For each response the contractor or subcontractor receives pursuant to paragraph (a):

(1) If the worker chose voluntarily to specify his or her gender or ethnicity, or both, record the worker's responses; and

(2) If the worker declined to specify his or her gender or ethnicity, or both, record that the worker declined to specify such information.

↪ A contractor or subcontractor shall not compel or coerce a worker to specify his or her gender or ethnicity and shall not penalize or otherwise take any adverse action against a worker who declines to specify his or her gender or ethnicity. Before inquiring as to whether a worker wishes to specify voluntarily his or her gender or ethnicity, the applicable contractor or subcontractor must inform the worker that such information, if provided, will be open to public inspection as set forth in subsection 6.

5. A contractor engaged on a public work and each subcontractor engaged on the public work shall keep or cause to be kept:

(a) An accurate record showing, for each worker employed by the contractor or subcontractor in connection with the public work:

(1) The name of the worker;

(2) The occupation of the worker;

(3) The gender of the worker, if the worker voluntarily agreed to specify that information pursuant to subsection 4, or an entry indicating that the worker declined to specify such information;

(4) The ethnicity of the worker, if the worker voluntarily agreed to specify that information pursuant to subsection 4, or an entry indicating that the worker declined to specify such information;

(5) If the worker has a driver's license or identification card, an indication of the state or other jurisdiction that issued the license or card; and

(6) The actual per diem, wages and benefits paid to the worker; and

(b) An additional accurate record showing, for each worker employed by the contractor or subcontractor in connection with the public work who has a driver's license or identification card:

(1) The name of the worker;

(2) The driver's license number or identification card number of the worker; and

(3) The state or other jurisdiction that issued the license or card.

6. The records maintained pursuant to subsection 5 must be open at all reasonable hours to the inspection of the public body awarding the contract. The contractor engaged on the public work or subcontractor engaged on the public work shall ensure that a copy of each record for each calendar month is received by the public body awarding the contract no later than 15 days after the end of the month. The copy of the record maintained pursuant to paragraph (a) of subsection 5 must be open to public inspection as provided in NRS 239.010. The copy of the record maintained pursuant to paragraph (b) of subsection 5 is confidential and not open to public inspection. The records in the possession of the public body awarding the contract may be discarded by the public body 2 years after final payment is made by the public body for the public work. The Labor Commissioner shall adopt regulations authorizing and prescribing the procedures for the electronic filing of the copies of the records required to be provided monthly by a contractor or subcontractor to a public body pursuant to this subsection.

7. A contractor engaged on a public work shall not withhold from a subcontractor engaged on the public work the sums necessary to cover any penalties provided pursuant to subsection 3 of NRS 338.060 that may be withheld from the contractor by the public body awarding the contract because the public body did not receive a copy of the record maintained by the subcontractor pursuant to subsection 5 for a calendar month by the time specified in subsection 6 if:

(a) The subcontractor provided to the contractor, for submission to the public body by the contractor, a copy of the record not later than the later of:

(1) Ten days after the end of the month; or

(2) A date agreed upon by the contractor and subcontractor; and

(b) The contractor failed to submit the copy of the record to the public body by the time specified in subsection 6.

➡ Nothing in this subsection prohibits a subcontractor from submitting a copy of a record for a calendar month directly to the public body by the time specified in subsection 6.

8. Any contractor or subcontractor, or agent or representative thereof, performing work for a public work who neglects to comply with the provisions of this section is guilty of a misdemeanor.

Sec. 12. NRS 338.090 is hereby amended to read as follows:

338.090 1. Except as otherwise provided in subsection 5, any person, including the officers, agents or employees of a public body, who violates any provision of NRS 338.010 to 338.090, inclusive, *and sections 2 and 3 of this act* or any regulation adopted pursuant thereto, is guilty of a misdemeanor.

2. The Labor Commissioner, in addition to any other remedy or penalty provided in this chapter:

(a) Shall, except as otherwise provided in subsection 4, assess a person who, after an opportunity for a hearing, is found to have failed to pay the prevailing wage required pursuant to NRS 338.020 to 338.090, inclusive, an amount equal to the difference between the prevailing wages required to be paid and the wages that the contractor or subcontractor actually paid; and

(b) May, in addition to any other administrative penalty, impose an administrative penalty not to exceed the costs incurred by the Labor Commissioner to investigate and prosecute the matter.

3. If the Labor Commissioner finds that a person has failed to pay the prevailing wage required pursuant to NRS 338.020 to 338.090, inclusive, the public body may, in addition to any other remedy or penalty provided in this chapter, require the person to pay the actual costs incurred by the public body to investigate the matter.

4. The Labor Commissioner is not required to assess a person an amount equal to the difference between the prevailing wages required to be paid and the wages that the contractor or subcontractor actually paid if the contractor or subcontractor has already paid that amount to a worker pursuant to paragraph (c) of subsection 4 of NRS 338.035.

5. The provisions of subsection 1 do not apply to a subcontractor specified in NRS 338.072.

Sec. 13. ~~NRS 332.390 is hereby amended to read as follows:~~

~~332.390 1. If a performance contract entered into pursuant to NRS 332.300 to 332.440, inclusive, requires the employment of skilled mechanics, skilled workers, semiskilled mechanics, semiskilled workers, [or] unskilled labor or workers who perform custom fabrication to perform the performance contract, the performance contract must include a provision relating to the prevailing wage as required pursuant to NRS 338.013 to 338.090, inclusive. The local government, the qualified service company, any contractor who is awarded a contract or enters into an agreement to perform the work for the performance contract, and any subcontractor who performs any portion of that work shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if the local government had undertaken the work or had awarded the contract.~~

~~2. Before a qualified service company enters into a performance contract pursuant to NRS 332.300 to 332.440, inclusive, that exceeds \$100,000, the qualified service company must furnish to the contracting body any bonds required pursuant to NRS 339.025. The provisions of chapter 339 of~~

~~NRS apply to any performance contract described in this subsection.]~~
~~(Deleted by amendment.)~~

Sec. 14. ~~[NRS 333A.120 is hereby amended to read as follows:~~
~~333A.120 If a performance contract entered into pursuant to this chapter~~
~~requires the employment of skilled mechanics, skilled workers, semiskilled~~
~~mechanics, semiskilled workers, [or] unskilled labor or workers who~~
~~perform custom fabrication to perform the performance contract, the~~
~~performance contract must include a provision relating to the prevailing wage~~
~~as required pursuant to NRS 338.013 to 338.090, inclusive. The using~~
~~agency, the qualified service company, any contractor who is awarded a~~
~~contract or enters into an agreement to perform the work for the performance~~
~~contract, and any subcontractor who performs any portion of that work shall~~
~~comply with the provisions of NRS 338.013 to 338.090, inclusive, in the~~
~~same manner as if the using agency had undertaken the work or had awarded~~
~~the contract.] (Deleted by amendment.)~~

Sec. 15. ~~[Section 4 of this act is hereby amended to read as follows:~~

~~Sec. 4. 1. The general procedures for awarding contracts, as~~
~~described in NRS 338.1373 to 338.139, inclusive, do not apply to a~~
~~public work completed on a property or premises if, at the time of~~
~~entering into the contract:~~

~~(a) The property or premises, in whole or in part, is leased by a~~
~~public body or is subject to an agreement to be subsequently leased by~~
~~a public body;~~

~~(b) The property, or any horizontal construction or vertical~~
~~construction relating thereto, is in an improvement district, as defined~~
~~in NRS 271.130;~~

~~(c) The project, or any horizontal construction or vertical~~
~~construction relating thereto, is a redevelopment project, as defined in~~
~~NRS 279.412, that is financed pursuant to chapter 279 of NRS;~~

~~(d) [The project is a qualified project, as defined in NRS 360.888;~~

~~(e)] The property, or any horizontal construction or vertical~~
~~construction relating thereto, has been or will be conveyed, in whole~~
~~or in part, to a public body pursuant to the terms of a development~~
~~agreement with the public body; or~~

~~[(f)] (e) A public body retains any right, including, without~~
~~limitation, a contingent right, to retake ownership of the property or~~
~~premises after the commencement of work on the project.~~

~~2. This section must not be construed to abrogate the requirement to~~
~~pay prevailing wages on a public work described in subsection 1.]~~
~~(Deleted by amendment.)~~

Sec. 16. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 16.5. The amendatory provisions of this act do not apply to any contract, lease or other agreement entered into before the effective date of this act.

Sec. 17. ~~[1.] This [section and section 16 of this] act [become]~~
~~becomes~~ effective upon passage and approval.

~~[2. Sections 1 to 5, inclusive, and 7 to 14, inclusive, of this act become effective;~~

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

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

~~3. Sections 6 and 15 of this act become effective on July 1, 2032.]~~

Senator Flores moved the adoption of the amendment.

Remarks by Senator Flores.

Amendment No. 477 to Senate Bill No. 226 revises the declaration to clarify the legislative intent regarding novel leasing and financing arrangements or incentives provided by local governments or governing bodies of local governments for development of construction projects; deletes sections 3 and 4; retains the definitions of "horizontal construction" and "vertical construction"; clarifies that prevailing wages apply on certain types of projects as if the public body had undertaken the project or had awarded the contract; excludes certain types of construction of affordable housing from prevailing wage provisions; and creates a definition of "affordable housing."

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 235.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 344.

SUMMARY—Revises provisions relating to pretrial release.
 (BDR 14-310)

AN ACT relating to criminal procedure; revising provisions relating to pretrial release hearings; authorizing a court to impose additional conditions of release on a person under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

In general, existing law requires a court to hold a pretrial release hearing to determine the custody status of a person within 48 hours after the person has been taken into custody. However, existing law authorizes a court to continue such a pretrial release hearing if good cause is shown by a party. (NRS 178.4849) Section 1 of this bill instead authorizes the court to continue a pretrial release hearing: (1) at the request of either party or the court and for good cause shown; or (2) upon stipulation of the parties. Section 1 also prescribes certain requirements relating to the scheduling of a pretrial release hearing continued by the court.

Existing law provides that a court may only impose bail or a condition of release, or both, on a person if the imposition is the least restrictive means necessary to protect the safety of the community or to ensure the appearance of the person in court. Under existing law, if a person fails to comply with a

condition of release imposed by the court, the court may, after providing the person with notice and an opportunity for a hearing: (1) deem such conduct contempt; (2) increase the amount of bail; or (3) revoke bail and remand the person into custody. (NRS 178.4851) Section 1.5 of this bill authorizes the court to impose on a person who fails to comply with a condition of release such additional conditions of release as the court deems necessary to protect the safety of the community or to ensure the person will appear at the times and places ordered by the court.

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

Section 1. NRS 178.4849 is hereby amended to read as follows:

178.4849 1. Except as otherwise provided in ~~{this section}~~ subsection 2 and NRS 178.484 and 178.4847, a court shall, within 48 hours after a person has been taken into custody, hold a pretrial release hearing, in open court or by means of remote communication, to determine the custody status of the person.

2. *The court may continue a pretrial release hearing ~~{may be continued}~~ :*

(a) At the request of either party or the court and for good cause shown. A pretrial release hearing so continued must be placed on the next regularly scheduled calendar of the court.

(b) Upon stipulation of the parties. The court shall schedule a hearing continued pursuant to this paragraph for the date specified by stipulation.

3. A stipulation made pursuant to subsection 2 may be:

(a) An oral stipulation; or

(b) A written stipulation communicated by mail, by electronic mail, via the internet or by other electronic means.

~~{2-}~~ 4. As used in this section, "remote communication" means communication through telephone or videoconferencing.

Sec. 1.5. NRS 178.4851 is hereby amended to read as follows:

178.4851 1. Except as otherwise provided in subsection 4, the court shall only impose bail or a condition of release, or both, on a person as it deems to be the least restrictive means necessary to protect the safety of the community or to ensure that the person will appear at all times and places ordered by the court, with regard to the factors set forth in NRS 178.4853 and 178.498. Such conditions of release may include, without limitation:

(a) Requiring the person to remain in this State or a certain county within this State;

(b) Prohibiting the person from contacting or attempting to contact a specific person or from causing or attempting to cause another person to contact that person on the person's behalf;

(c) Prohibiting the person from entering a certain geographic area;

(d) Prohibiting the person from possessing a firearm during the pendency of the case; or

(e) Prohibiting the person from engaging in specific conduct that may be harmful to the person's own health, safety, or welfare, or the health, safety, or welfare of another person.

2. A prosecuting attorney may request that a court impose bail or a condition of release, or both, on a person. If the request includes the imposition of bail, the prosecuting attorney must prove by clear and convincing evidence that the imposition of bail is necessary to protect the safety of the community or to ensure that the person will appear at all times and places ordered by the court, with regard to the factors set forth in NRS 178.4853 and 178.498.

3. If a court imposes bail or any condition of release, or both, other than release on recognizance with no other conditions of release, the court shall make findings of fact for such a determination and state its reasoning on the record, and, if the determination includes the imposition of a condition of release, the findings of fact must include why the condition of release constitutes the least restrictive means necessary to protect the safety of the community or to ensure that the person will appear at the times and places ordered by the court.

4. A person arrested for murder of the first degree may be admitted to bail unless the proof is evident or the presumption great by any competent court or magistrate authorized by law to do so in the exercise of discretion, giving due weight to the evidence and to the nature and circumstances of the offense.

5. The person must sign a document before the person's release stating that:

(a) The person will appear at all times and places as ordered by the court releasing the person and as ordered by any court before which the charge is subsequently heard;

(b) The person will comply with the other conditions which have been imposed by the court and are stated in the document;

(c) If the person fails to appear when so ordered and is taken into custody outside of this State, the person waives all rights relating to extradition proceedings; and

(d) The person understands that any court of competent jurisdiction may revoke the order of release without bail and may order the person into custody or require the person to furnish bail or otherwise ensure the protection of the safety of the community or the person's appearance, if applicable.

6. The document signed pursuant to subsection 5 must be filed with the clerk of the court of competent jurisdiction and becomes effective upon the signature of the person to be released.

7. If a person fails to comply with a condition of release imposed pursuant to this section, the court may, after providing the person with reasonable notice and an opportunity for a hearing:

(a) Deem such conduct a contempt pursuant to NRS 22.010;

(b) Impose such additional conditions of release as the court deems necessary to protect the safety of the community or to ensure the person will appear at the times and places ordered by the court;

(c) Increase the amount of bail pursuant to NRS 178.499, if applicable; or

~~[(e)]~~ (d) Revoke bail and remand the person into custody.

8. If a person fails to appear as ordered by the court and a jurisdiction incurs any costs in returning a person to the jurisdiction to stand trial, the person failing to appear is responsible for paying those costs as restitution.

9. An order issued pursuant to this section that imposes a condition on a person must include a provision ordering a law enforcement officer to arrest the person if the law enforcement officer has probable cause to believe that the person has violated a condition of release.

10. Nothing in this section shall be construed to require a court to receive the request of a prosecuting attorney before imposing a condition of release.

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

Senator Scheible moved the adoption of the amendment.

Remarks by Senator Scheible.

Amendment No. 344 to Senate Bill No. 235 adds a new section 2 to the bill clarifying that a court is able to impose additional conditions of release if a person has failed to comply with previous conditions of release.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 243.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 168.

SUMMARY—Revises provisions relating to catalytic converters. (BDR 15-37)

AN ACT relating to catalytic converters; prohibiting certain acts relating to used catalytic converters under certain circumstances; establishing requirements relating to transactions involving used catalytic converters; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 2 of this bill provides that a person commits the offense of theft ~~for possession~~ of a catalytic converter if the person willfully takes or attempts to take possession of, carries away or exercises control over a catalytic converter with the intent to deprive the rightful owner of the catalytic converter. Section 2 also provides that ~~there is a rebuttable presumption that~~ a person ~~has~~ commits the offense of possession of a catalytic converter if the person possesses two or more used catalytic converters ~~committed the offense of theft or possession of a used catalytic converter~~ unless the person is licensed or authorized to possess a used catalytic converter.

Section 3 of this bill prohibits a person from purchasing a used catalytic converter from any person other than: (1) a licensed automobile wrecker; (2)

a licensed scrap metal processor; (3) a licensed motor vehicle manufacturer, distributor, dealer or rebuilder; (4) any other business that may reasonably generate, possess or sell used catalytic converters; or (5) a person who possesses certain documentation that proves the person is the lawful owner or possessor of the used catalytic converter.

Section 4 of this bill provides that a person who violates any provision of section 2 or 3 is guilty of: (1) a category E felony, if the violation involves one used catalytic converter; (2) a category D felony, if the violation involves ~~two, three or four~~ 2 or more, but less than 10, used catalytic converters; and (3) ~~a category B felony, punishable by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, if the violation involves five or more, but less than 10 used catalytic converters; and (4)~~ a category B felony, punishable 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~~ 6 years, if the violation involves 10 or more used catalytic converters.

Existing law provides certain restrictions on the sale and purchase of scrap metal in this State and includes a catalytic converter in the definition of the term "scrap metal." (NRS 647.017, 647.092-647.098) Section 12 of this bill excludes a used catalytic converter from the definition of scrap metal.

Section 8 of this bill prohibits a licensed scrap metal processor from purchasing or receiving a used catalytic converter from any person other than certain licensed businesses or a person possessing certain documentation that proves the person is the lawful owner or possessor of the used catalytic converter.

Existing law requires scrap metal processors to maintain certain records of purchases of scrap metal. (NRS 647.092-647.098) Section 9 of this bill requires scrap metal processors to maintain certain additional information if the scrap metal processor purchases a used catalytic converter from certain licensed businesses or a person who has documentation that proves the person is the ~~legal~~ lawful owner or possessor of the used catalytic converter. Section 9 also requires a scrap metal processor to: (1) maintain certain records of all used catalytic converters the scrap metal processor sells to another scrap metal processor; (2) maintain certain records related to used catalytic converters for a period of 2 years; and (3) make certain records related to used catalytic converters available to law enforcement upon demand.

Existing law authorizes a local law enforcement agency to establish an electronic reporting system, or to utilize an existing electronic reporting system, to receive information relating to the purchase of scrap metal by a scrap metal processor that transacts business within the jurisdiction of the local law enforcement agency. If a law enforcement agency establishes or uses such a system, existing law requires each scrap metal processor that transacts business within the jurisdiction of the local law enforcement agency to submit to the local law enforcement agency certain information relating to

each purchase of scrap metal from certain persons. (NRS 647.0945) Section 14 of this bill requires each scrap metal processor to submit electronically to the local law enforcement agency certain additional information if the scrap metal processor purchases a used catalytic converter.

Section 10 of this bill prohibits a scrap metal processor from providing payment for a used catalytic converter to a seller unless: (1) the payment is made by check ~~[and mailed to certain addresses;]~~ or through an electronic transfer of money cleared through an automated clearinghouse; (2) the seller is a person described in section 8; and (3) the scrap metal processor obtains certain information, including, without limitation, a statement written by the seller indicating from whom the seller obtained the used catalytic converter. Section 10 provides for an exception to these requirements for a scrap metal processor who holds a certain written agreement with the seller before purchasing a used catalytic converter.

~~[Under existing law, a person who violates certain provisions governing scrap metal is guilty of a misdemeanor. (NRS 647.143)]~~ Section 15 of this bill provides ~~[instead]~~ that a person who violates ~~[certain provisions governing scrap metal, including]~~ any provision of sections 8-10 [.] is guilty of a misdemeanor ~~[punishable by a fine of \$1,000 for the first offense, \$2,000 for the second offense or \$4,000 for any subsequent offense.]~~ Section 15 authorizes a court to also issue an injunction prohibiting the person from engaging in the business of a scrap metal processor. Section 15 also provides that a scrap metal processor who is a natural person and who knowingly violates section 8 or sells a used catalytic converter that the scrap metal processor knows or should know is stolen is guilty of a felony, punishable by a penalty that is similar to the penalties set forth in section 4.

Sections 6 and 7 of this bill define the terms "permanently marked" and "used catalytic converter," respectively, for the purpose of provisions governing scrap metal processors. Section 11 of this bill makes a conforming change to indicate the proper placement of sections 6 and 7 in the Nevada Revised Statutes.

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

Section 1. Chapter 202 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. 1. A person commits the offense of theft ~~[or possession]~~ of a catalytic converter if the person willfully takes or attempts to take possession of, carries away or exercises control over a used catalytic converter with the intent to deprive the rightful owner of the catalytic converter.

2. ~~[There is a rebuttable presumption that a]~~ A person [in] commits the offense of possession of a catalytic converter if the person possesses two or more used catalytic converters [obtained the used catalytic converters under circumstances constituting a violation of subsection 1] unless the person is:

(a) An automobile wrecker licensed pursuant to NRS 487.070;

(b) A scrap metal processor licensed pursuant to NRS 647.092 who maintains a fixed place of business and has obtained the used catalytic converter in accordance with the provisions of NRS 647.094 and 647.098;

(c) A motor vehicle manufacturer, distributor, dealer or rebuilder licensed pursuant to NRS 482.325;

(d) Any other business that may reasonably generate, possess or sell used catalytic converters; or

(e) A person possessing documentation that proves the person is the lawful owner or possessor of the used catalytic converter, including, without limitation, a certificate of title or registration that identifies the person as the legal or registered owner of the vehicle from which the used catalytic converter was removed and which includes a vehicle identification number that matches the vehicle identification number permanently marked on the used catalytic converter.

3. As used in this section:

(a) "Permanently marked" has the meaning ascribed to it in section 6 of this act.

(b) "Used catalytic converter" has the meaning ascribed to it in section 7 of this act.

Sec. 3. 1. A person shall not purchase a used catalytic converter for any purpose, including, without limitation, to dismantle, recycle or smelt, unless the person purchases the used catalytic converter from:

(a) An automobile wrecker licensed pursuant to NRS 487.070;

(b) A scrap metal processor licensed pursuant to NRS 647.092 who maintains a fixed place of business and has obtained the used catalytic converter in accordance with the provisions of NRS 647.094 and 647.098;

(c) A motor vehicle manufacturer, distributor, dealer or rebuilder licensed pursuant to NRS 482.325;

(d) Any other business that may reasonably generate, possess or sell used catalytic converters; or

(e) A person possessing documentation that proves the person is the lawful owner or possessor of the used catalytic converter, including, without limitation, a certificate of title or registration that identifies the person as the legal or registered owner of the vehicle from which the used catalytic converter was removed and which includes a vehicle identification number that matches the vehicle identification number permanently marked on the used catalytic converter.

2. As used in this section:

(a) "Permanently marked" has the meaning ascribed to it in section 6 of this act.

(b) "Used catalytic converter" has the meaning ascribed to it in section 7 of this act.

Sec. 4. A person who violates any provision of section 2 or 3 of this act is guilty of:

1. If the violation involves one used catalytic converter, a category E felony and shall be punished as provided in NRS 193.130.

2. If the violation involves ~~two, three or four~~ 2 or more, but less than 10, used catalytic converters, a category D felony and shall be punished as provided in NRS 193.130.

3. ~~If the violation involves five or more, but less than 10, used catalytic converters, a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.~~

~~4.~~ If the violation involves 10 or more used catalytic converters, 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~~ 6 years.

Sec. 5. Chapter 647 of NRS is hereby amended by adding thereto the provisions set forth as sections 6 to 10, inclusive, of this act.

Sec. 6. "Permanently marked" means prominently engraved, etched, welded, metal-stamped, acid-marked or otherwise permanently displayed using a similarly reliable method of imparting a lasting mark on the exterior case of a used catalytic converter.

Sec. 7. "Used catalytic converter" means a catalytic converter or any part thereof that has been previously installed on a vehicle and has been removed. The term does not include a reconditioned or refurbished catalytic converter being sold at retail.

Sec. 8. A person who is authorized to purchase or otherwise receive a used catalytic converter pursuant to subsection 1 of NRS 647.0172 shall not purchase or otherwise receive a used catalytic converter for any purpose, including, without limitation, to dismantle, recycle or smelt, unless the person purchases or receives the used catalytic converter from:

1. An automobile wrecker licensed pursuant to NRS 487.070;
2. A scrap metal processor licensed pursuant to NRS 647.092 who maintains a fixed place of business and has obtained the used catalytic converter in accordance with the provisions of NRS 647.094 and 647.098;
3. A motor vehicle manufacturer, distributor, dealer or rebuilder licensed pursuant to NRS 482.325;
4. Any other business that may reasonably generate, possess or sell used catalytic converters; or
5. A person possessing documentation that proves the person is the lawful owner or possessor of the used catalytic converter, including, without limitation, a certificate of title or registration that identifies the person as the legal or registered owner of the vehicle from which the used catalytic converter was removed and which includes a vehicle identification number that matches the vehicle identification number permanently marked on the used catalytic converter.

Sec. 9. 1. Except as otherwise provided in subsections 2 and 3, every scrap metal processor shall maintain in his or her place of business a book

or other permanent record in which must be made, at the time of each purchase of a used catalytic converter, a record of the purchase that contains:

- (a) The place and date of the purchase.
- (b) The name of the seller and the seller's valid driver's license number or valid identification card number and the state of issue.
- (c) A general description of the vehicle delivering the used catalytic converter, including, without limitation, the state of the registration of the vehicle.
- (d) A description of the used catalytic converter purchased, including, without limitation, the item type, quantity and vehicle identification number of the used catalytic converter.
- (e) A description of the vehicle from which the used catalytic converter was removed, including, without limitation:
 - (1) The year, make, model and vehicle identification number of the vehicle; and
 - (2) If applicable, a copy of the title of the vehicle which includes a vehicle identification number that matches the vehicle identification number permanently marked on the used catalytic converter.
- (f) A statement written by the seller indicating:
 - (1) That the seller is the lawful owner or possessor of the used catalytic converter; or
 - (2) The name of the person from which the seller obtained the used catalytic converter, including, if applicable, the name of the business as shown on a signed transfer document.
- (g) The price paid by the scrap metal processor for the used catalytic converter.
- (h) If the seller is a business entity, other than a scrap metal processor:
 - (1) The seller's physical business address;
 - (2) The seller's business telephone number; and
 - (3) The seller's business license number or tax identification number of the business.

2. A scrap metal processor who purchases a used catalytic converter from a business entity that holds a written agreement with another business that sells used catalytic converters for recycling purposes is required to maintain in his or her place of business a book or other permanent record in which must be made, at the time of each purchase, a record of the purchase that contains:

- (a) The name of the seller or agent acting on behalf of the seller.
- (b) The seller's physical business address and business telephone number.
- (c) The seller's business license number or tax identification number.
- (d) The date and place of the transaction.
- (e) The number of used catalytic converters received in the course of the transaction.

(f) The amount of money that was paid for each used catalytic converter in the course of the transaction.

(g) A copy of the written agreement.

3. A scrap metal processor who sells a used catalytic converter to another scrap metal processor shall maintain in his or her place of business a book or other permanent record in which must be made, at the time of each sale, a record of the sale that contains:

(a) The name and address of each person to whom each used catalytic converter is sold.

(b) The number of used catalytic converters being sold.

(c) The amount of money that was received for each used catalytic converter sold in the transaction.

(d) The date and place of the transaction.

4. All records kept pursuant to subsections 1, 2 and 3 must be kept and maintained for not less than 2 years.

5. All used catalytic converters purchased by the scrap metal processor and the records made and maintained in accordance with subsections 1 to 4, inclusive, must be made available at all times to a local law enforcement agency upon demand.

Sec. 10. 1. Except as otherwise provided in subsection 2, a scrap metal processor shall not provide payment for a used catalytic converter unless:

(a) The payment is made by check ~~and is~~

~~(1) Mailed by the scrap metal processor to the address listed on the seller's valid driver's license or identification card or an alternative address pursuant to subparagraph 2;~~

~~(2) For a seller that is a business entity, mailed to the seller's business address or made available immediately through an electronic transfer of money; or~~

~~(3) Collected by the seller from the scrap metal processor on the third business day after the date of the sale; or through an electronic transfer of money cleared through an automated clearinghouse;~~

(b) The seller is a person described in section 8 of this act; and

(c) The scrap metal processor obtains:

(1) A clear photograph or video of the:

(I) Seller at the time of the sale;

(II) Used catalytic converter being sold; and

(III) If applicable, the vehicle identification number permanently marked on the used catalytic converter;

(2) ~~Except as otherwise provided in subparagraph (3), a~~ A copy of the seller's valid driver's license containing the photograph and address of the seller, or a copy of a state or federal government-issued identification card containing the photograph and address of the seller; and

(3) ~~If the seller prefers to have the check for the used catalytic converter mailed to an alternative address, a copy of a driver's license or~~

~~identification card and a gas or electric utility bill addressed to the seller at the alternative address, other than a post office box, with a payment due date of not more than 2 months before the date of the sale; and~~

~~—(4)— A statement written by the seller indicating:~~

~~(I) That the seller is the lawful owner or possessor of the used catalytic converter; or~~

~~(II) The name of the person from whom the seller obtained the used catalytic converter, including, if applicable, the name of the business as shown on a signed transfer document.~~

2. The provisions of subsection 1 do not apply to a scrap metal processor who buys a used catalytic converter if the scrap metal processor and the seller have a written agreement for the transaction which includes:

(a) A log or other regularly updated record of all used catalytic converters received pursuant to the agreement; and

(b) A description of each catalytic converter with enough particularity so that each of the used catalytic converters in the scrap metal processor's inventory can reasonably be matched to its description in the agreement.

Sec. 11. NRS 647.010 is hereby amended to read as follows:

647.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 647.011 to 647.018, inclusive, and sections 6 and 7 of this act have the meanings ascribed to them in those sections.

Sec. 12. NRS 647.017 is hereby amended to read as follows:

647.017 1. "Scrap metal" means ~~ferrous~~

~~—(a) Nonferrous—~~ nonferrous metals, scrap iron, stainless steel or other material or equipment which consists in whole or in part of metal and which is used in construction, agricultural operations, electrical power generation, transmission or distribution, cable, broadband or telecommunications transmission, railroad equipment, oil well rigs or any lights maintained by the State or a local government, including, without limitation, street lights, traffic-control devices, park lights or ballpark lights . ~~ferrous and~~

~~—(b) Catalytic converters—~~

2. The term does not include waste generated by a household, aluminum beverage containers, used construction scrap iron , ~~ferrous~~ materials consisting of a metal product in its original manufactured form which contains not more than 20 percent by weight nonferrous metal ~~ferrous~~ or used catalytic converters.

Sec. 13. NRS 647.0172 is hereby amended to read as follows:

647.0172 "Scrap metal processor" means any person who:

1. Engages in the business of purchasing, trading, bartering or otherwise receiving scrap metal ~~ferrous~~ or used catalytic converters; or

2. Uses machinery and equipment for processing and manufacturing iron, steel or nonferrous scrap into prepared grades, and whose principal product is scrap iron, scrap steel or nonferrous metallic scrap, not including precious metals, for sale for remelting purposes.

Sec. 14. NRS 647.0945 is hereby amended to read as follows:

647.0945 1. A local law enforcement agency may establish an electronic reporting system or utilize an existing electronic reporting system to receive information relating to the purchase of scrap metal *or used catalytic converters* by a scrap metal processor that transacts business within the jurisdiction of the local law enforcement agency. An electronic reporting system established or utilized pursuant to this subsection must:

(a) Be electronically secure and accessible only to:

(1) A scrap metal processor for the purpose of submitting the information required by subsection 2;

(2) An officer of the local law enforcement agency; and

(3) If applicable, an authorized employee of any designated third party.

(b) Provide for the electronic submission of information by a scrap metal processor.

2. If a local law enforcement agency establishes an electronic reporting system or utilizes an existing electronic reporting system pursuant to subsection 1, each scrap metal processor that transacts business within the jurisdiction of the local law enforcement agency shall, before 12 p.m. of each business day, submit electronically to the local law enforcement agency or, if applicable, a designated third party the following information regarding ~~each~~:

(a) *Each* purchase of scrap metal conducted on the preceding day from a person who sold the scrap metal in his or her individual capacity:

~~{{(a)}} (1)~~ The name of the seller;

~~{{(b)}} (2)~~ The date of the purchase;

~~{{(c)}} (3)~~ The name of the person or employee who conducted the transaction on behalf of the scrap metal processor;

~~{{(d)}} (4)~~ The name, street, house number and date of birth listed on the identification provided pursuant to paragraph (c) of subsection 1 of NRS 647.094 and a physical description of the seller, including the seller's gender, height, eye color and hair color;

~~{{(e)}} (5)~~ The license number and general description of any vehicle that delivered the scrap metal;

~~{{(f)}} (6)~~ The description of the scrap metal recorded pursuant to paragraph (h) of subsection 1 of NRS 647.094; ~~and~~

~~{{(g)}} (7)~~ The amount, in weight, of scrap metal purchased ~~[-]~~; *and*

(b) *Each purchase of a used catalytic converter conducted on the preceding day from a person who sold the used catalytic converter in his or her individual capacity:*

(1) *A statement written by the seller indicating:*

(I) *That the seller is the lawful owner or possessor of the used catalytic converter; or*

(II) *The name of the person from whom the seller obtained the used catalytic converter, including, if applicable, the name of the business as shown on a signed transfer document;*

(2) *If applicable, a copy of the title of the vehicle from which the used catalytic converter was removed which includes a vehicle identification number that matches the vehicle identification number permanently marked on the used catalytic converter;*

(3) *The year, make, model and vehicle identification number of the vehicle from which the used catalytic converter was removed; and*

(4) *A description of the used catalytic converter purchased or sold, including, without limitation, the item type, quantity and vehicle identification number permanently marked on the used catalytic converter.*

3. If a scrap metal processor is required to submit information to a local law enforcement agency or, if applicable, a designated third party pursuant to subsection 2, the scrap metal processor shall display prominently at the point of purchase a public notice, in a form approved by the local law enforcement agency, describing the information that the scrap metal processor is required to submit electronically to the local law enforcement agency or, if applicable, the designated third party.

4. Nothing in this section shall be deemed to limit or otherwise abrogate any duty of a scrap metal processor to maintain a book or other permanent record of information pursuant to NRS 647.094.

5. If a local law enforcement agency establishes an electronic reporting system or utilizes an existing electronic reporting system to receive information pursuant to this section, the local law enforcement agency shall, on or before January 15 of each odd-numbered year, submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report regarding the effect of the electronic reporting system on the incidence of crime which relates to the sale or purchase of scrap metal *or used catalytic converters* within the jurisdiction of the law enforcement agency.

6. ~~[The]~~ *Except as otherwise provided in paragraph (b) of subsection 2, the provisions of this section do not apply to the purchase of scrap metal or a used catalytic converter from a business entity.*

7. The Division of Industrial Relations of the Department of Business and Industry shall, in consultation with representatives from local law enforcement agencies in this state and representatives from the scrap metal industry, adopt regulations to ensure the confidentiality of information which is reported and maintained pursuant to this section, including, without limitation, regulations providing for:

- (a) The confidentiality of consumer information;
- (b) The confidentiality of proprietary information;
- (c) Equity of input into contractual terms;
- (d) Contractual terms relating to disclaimers, indemnification and the ownership of data by a designated third party;
- (e) Oversight of a designated third party that handles, maintains or has access to such information, including, without limitation, the qualifications, equipment, procedures and background checks required of a designated third party;

(f) The manner in which reported information may be used, shared or disseminated; and

(g) The maintenance of reported information in relationship to other data maintained by a law enforcement agency.

8. As used in this section, "designated third party" means any person with whom a local law enforcement agency has entered into a contract for the purpose of receiving and storing any information required to be submitted electronically by a scrap metal processor pursuant to subsection 2.

Sec. 15. NRS 647.143 is hereby amended to read as follows:

647.143 1. ~~{Unless}~~ Except as otherwise provided in subsection 3 and unless a greater penalty is provided pursuant to specific statute, a person who violates any provision of NRS 647.094, 647.096 or 647.098 or section 8, 9 or 10 of this act is guilty of a misdemeanor ~~and shall be punished by:~~

~~(a) For the first offense, a fine of \$1,000;~~

~~(b) For the second offense, a fine of \$2,000; or~~

~~(c) For a third and subsequent offense, a fine of not less than \$4,000.~~

2. In addition to the provisions of ~~subsection 2,~~ subsections 1 and 3, the court may issue an injunction prohibiting a person from engaging in the business of a scrap metal processor:

(a) For the first or second offense, for a period of not less than 30 days.

(b) For a third or subsequent offense, for a period of 1 year.

3. Any scrap metal processor who is a natural person and who knowingly violates section 8 of this act or who sells any used catalytic converter that the scrap metal processor knows or should know is a stolen catalytic converter, is guilty of:

(a) If the violation involves one used catalytic converter, a category E felony and shall be punished as provided in NRS 193.130.

(b) If the violation involves ~~{two, three or four}~~ 2 or more, but less than 10, used catalytic converters, a category D felony and shall be punished as provided in NRS 193.130.

~~(c) If the violation involves five or more, but less than 10, used catalytic converters, a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.~~

~~(d)~~ If the violation involves 10 or more used catalytic converters, 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~~ 6 years.

Senator Scheible moved the adoption of the amendment.

Remarks by Senator Scheible.

Amendment No. 168 to Senate Bill No. 243 revises language defining the offense of possession of a catalytic converter; removes language providing for a rebuttable presumption regarding possession of a catalytic converter; revises slightly the definition of "used catalytic converter" to include any part thereof; adds language providing that a person may prove that he or she is in lawful possession of a catalytic converter; simplifies the number of catalytic converters one must possess relating to the proposed category D felony; and lowers from

10 years to 6 years the maximum prison term for the proposed category B felony. It also provides that payments addressed in the bill may be made by electronic ACH transfer.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 246.

Bill read second time.

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

Amendment No. 463.

SUMMARY—Revises provisions relating to governmental administration. (BDR S-1028)

AN ACT relating to governmental administration; requiring the City Councils of the City of Las Vegas and the City of North Las Vegas to establish a workforce development program; requiring the City Councils to receive updates on the programs and post information about the programs; requiring every public utility which is owned or operated by the City of Las Vegas or the City of North Las Vegas to include certain information in utility bills; requiring that certain information be posted in each building owned by the City of Las Vegas or the City of North Las Vegas; requiring the City Councils to submit an annual report to the Director of the Department of Employment, Training and Rehabilitation and the Director of the Legislative Counsel Bureau relating to the workforce development program; making an appropriation to Southern Nevada Enterprise Community Board to carry out the Southern Nevada Enterprise Community Improvement Project; and providing other matters properly relating thereto. Legislative Counsel's Digest:

The existing Charter of the City of Las Vegas authorizes the City Council of the City to exercise such powers and enact such ordinances, not in conflict with the laws of this State, as the City Council determines are necessary and proper for the development and provisions of programs relating to employment and training. (Las Vegas City Charter § 3.300) Section 1 of this bill requires the City Council to establish a workforce development program, in coordination with all applicable agencies which provide workforce development services, to reduce the rate of unemployment in all areas of the City that have a high rate of poverty. Section 1 further requires: (1) the City Council to receive an update to the program ~~at every meeting of the City Council,~~ on a quarterly basis; (2) the City Council to post information about the program in a conspicuous place on the Internet website of the City; (3) every public utility owned or operated by the City to include certain information regarding opportunities available in workforce development in each utility bill; (4) each building that is owned in the City to have posted in a clear and conspicuous place all job openings that are available in the building; and (5) the City Council to provide a written report each year to the Director of the Department of Employment, Training and Rehabilitation and

the Director of the Legislative Counsel Bureau relating to the workforce development program. Section 3 of this bill sets forth the same requirements for the City of North Las Vegas.

Section 2 of this bill creates an exception to the provision that authorizes but does not require the City Council of the City of Las Vegas to exercise powers and enact ordinances relating to programs relating to employment and training.

Section 4 of this bill makes an appropriation of \$5,000,000 from the State General Fund to the Southern Nevada Enterprise Community Board for purposes of carrying out the Southern Nevada Enterprise Community Improvement Project.

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

Section 1. The Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1391, is hereby amended by adding thereto a new section to be designated as section 3.310, immediately following section 3.300, to read as follows:

Sec. 3.310 Workforce development.

1. The City Council shall establish a workforce development program, in coordination with all applicable agencies which provide workforce development services, to reduce the rate of unemployment in all areas of the City that have a high rate of poverty. The workforce development program established pursuant to this section:

(a) Must prioritize outreach and assistance in neighborhoods that have historically had high rates of poverty; ~~and~~

(b) Must not prioritize any one minority group over another ~~or~~;
and

(c) Must include, without limitation:

(1) Targets to share work opportunities for all economic development projects within the boundary of the City with residents of the City based on the priorities established pursuant to paragraph (a);
and

(2) Engagement and outreach regarding work opportunities from the beginning of an economic development project until completion.

2. The City Council shall:

(a) Receive an update on the workforce development program established pursuant to subsection 1 ~~at every meeting of the City Council,~~ on a quarterly basis.

(b) Post information about the workforce development program established pursuant to subsection 1 in a conspicuous place on the Internet website of the City.

3. Every public utility which is owned or operated by the City shall include in each utility bill sent to a customer clear and conspicuous

notification of the Internet address that sets forth opportunities in workforce development available to residents of the City.

4. *In each building that is owned by the City, there must be posted in a clear and conspicuous place all job openings that are available in the building.*

5. *The City Council shall provide a written report each year to the Director of the Department of Employment, Training and Rehabilitation and the Director of the Legislative Counsel Bureau for transmittal to the Legislature, or if the Legislature is not in session, the Legislative Commission, describing the efforts made by the workforce development program established pursuant to subsection 1.*

Sec. 2. Section 3.300 of the Charter of the City of Las Vegas, being chapter 338, Statutes of Nevada 2007, at page 1532, is hereby amended to read as follows:

Sec. 3.300 Programs: Employment and training.

1. Except as otherwise provided in subsection 2 *and section 3.310* and in addition to any other powers authorized by specific statute, the City Council may exercise such powers and enact such ordinances, not in conflict with the laws of this State, as the City Council determines are necessary and proper for the development and provision of programs relating to employment and training.

2. The City Council shall not impose or increase a tax for the purposes set forth in subsection 1 unless the tax or increase is otherwise authorized by specific statute.

Sec. 3. The Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, at page 1210, is hereby amended by adding thereto a new section to be designated as section 3.110, immediately following section 3.100, to read as follows:

Sec. 3.110. *Workforce development.*

1. *The City Council shall establish a workforce development program, in coordination with all applicable agencies which provide workforce development services, to reduce the rate of unemployment in areas of the City that have a high rate of poverty. The workforce development program established pursuant to this section:*

(a) *Must prioritize outreach and assistance in neighborhoods that have historically had high rates of poverty; ~~and~~*

(b) *Must not prioritize any one minority group over another ~~and~~;*
and

(c) Must include, without limitation:

(1) Targets to share work opportunities for all economic development projects within the boundary of the City with residents of the City based on the priorities established pursuant to paragraph (a);
and

(2) Engagement and outreach regarding work opportunities from the beginning of an economic development project until completion.

2. The City Council shall:

(a) Receive an update on the workforce development program established pursuant to subsection 1 ~~at every meeting of the City Council,~~ on a quarterly basis.

(b) Post information about the workforce development program established pursuant to subsection 1 in a conspicuous place on the Internet website of the City.

3. Every public utility which is owned or operated by the City shall include in each utility bill sent to a customer clear and conspicuous notification of the Internet address that sets forth opportunities in workforce development available to residents of the City.

4. In each building that is owned by the City, there must be posted in a clear and conspicuous place all job openings that are available in the building.

5. The City Council shall provide a written report each year to the Director of the Department of Employment, Training and Rehabilitation and the Director of the Legislative Counsel Bureau for transmittal to the Legislature, or if the Legislature is not in session, the Legislative Commission, describing the efforts made by the workforce development program established pursuant to subsection 1.

Sec. 4. 1. There is hereby appropriated from the State General Fund to the Southern Nevada Enterprise Community Board the sum of \$5,000,000 for purposes of carrying out the Southern Nevada Enterprise Community Improvement Project.

2. Upon acceptance of the money appropriated by subsection 1, the Southern Nevada Enterprise Community Board agrees to:

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

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

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

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

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

Senator Flores moved the adoption of the amendment.

Remarks by Senator Flores.

Amendment No. 463 to Senate Bill No. 246 requires the cities of Las Vegas and North Las Vegas to include in a workforce plan targets to share work opportunities for all economic development projects within the city boundaries with citizens based on priorities described in the bill. The plan must also include engagement and outreach regarding work opportunities from the beginning of an economic development project until completion and requires quarterly reporting to the City Council instead of at each meeting of the Council.

Amendment adopted.

The following amendment was proposed by Senator Neal.

Amendment No. 486.

SUMMARY—Revises provisions relating to governmental administration.
(BDR S-1028)

AN ACT relating to governmental administration; requiring the City Councils of the City of Las Vegas and the City of North Las Vegas to establish a workforce development program; requiring the City Councils to receive updates on the programs and post information about the programs; requiring every public utility which is owned or operated by the City of Las Vegas or the City of North Las Vegas to include certain information in utility bills; requiring that certain information be posted in each building owned by the City of Las Vegas or the City of North Las Vegas; requiring the City Councils to submit an annual report to the Director of the Department of Employment, Training and Rehabilitation and the Director of the Legislative Counsel Bureau relating to the workforce development program; revising provisions relating to the Charter Committee City Clerk and City Manager of the City of North Las Vegas making an appropriation to Southern Nevada Enterprise Community Board to carry out the Southern Nevada Enterprise Community Improvement Project; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The existing Charter of the City of Las Vegas authorizes the City Council of the City to exercise such powers and enact such ordinances, not in conflict with the laws of this State, as the City Council determines are necessary and proper for the development and provisions of programs relating to employment and training. (Las Vegas City Charter § 3.300) Section 1 of this

bill requires the City Council to establish a workforce development program, in coordination with all applicable agencies which provide workforce development services, to reduce the rate of unemployment in all areas of the City that have a high rate of poverty. Section 1 further requires: (1) the City Council to receive an update to the program at every meeting of the City Council; (2) the City Council to post information about the program in a conspicuous place on the Internet website of the City; (3) every public utility owned or operated by the City to include certain information regarding opportunities available in workforce development in each utility bill; (4) each building that is owned in the City to have posted in a clear and conspicuous place all job openings that are available in the building; and (5) the City Council to provide a written report each year to the Director of the Department of Employment, Training and Rehabilitation and the Director of the Legislative Counsel Bureau relating to the workforce development program. Section 3 of this bill sets forth the same requirements for the City of North Las Vegas.

Section 2 of this bill creates an exception to the provision that authorizes but does not require the City Council of the City of Las Vegas to exercise powers and enact ordinances relating to programs relating to employment and training.

The existing Charter of the City of North Las Vegas provides for the establishment of a Charter Committee by the City Council. (North Las Vegas City Charter § 1.100) Section 3.2 of this bill requires the Charter Committee to report any abuse of power by the City Council or City Manager to the Legislature or the Joint Interim Standing Committee on Government Affairs if the Legislature is not in session. Section 3.2 also prohibits the City Council and City Manager from interfering with the duties of the Charter Committee or committing any abuses of power with respect to the duties of the Charter Committee.

The existing Charter of the City of North Las Vegas sets forth certain duties of the City Clerk. (North Las Vegas City Charter § 3.040) Section 3.4 of this bill prohibits the City Clerk from committing any violation of law relating to his or her duties and provides that the City Clerk may be subject to civil and criminal liability for any such violation. Section 3.4 also prohibits the City Council and City Manager of the City of North Las Vegas from threatening, coercing or harassing or conspiring to threaten, coerce or harass the City Clerk to violate any provision of law.

Section 3.6 of this bill requires the City Manager of the City of North Las Vegas to submit an annual report to the Committee on Local Government Finance that contains certain information relating to special revenue funds of the City. Section 3.8 of this bill requires the City Manager to submit, on or before January 1, 2024, a similar report to the Committee for the period beginning July 1, 2013, and ending on June 30, 2024.

Section 4 of this bill makes an appropriation of \$5,000,000 from the State General Fund to the Southern Nevada Enterprise Community Board for

purposes of carrying out the Southern Nevada Enterprise Community Improvement Project.

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

Section 1. The Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1391, is hereby amended by adding thereto a new section to be designated as section 3.310, immediately following section 3.300, to read as follows:

Sec. 3.310 Workforce development.

1. The City Council shall establish a workforce development program, in coordination with all applicable agencies which provide workforce development services, to reduce the rate of unemployment in all areas of the City that have a high rate of poverty. The workforce development program established pursuant to this section:

(a) Must prioritize outreach and assistance in neighborhoods that have historically had high rates of poverty; and

(b) Must not prioritize any one minority group over another.

2. The City Council shall:

(a) Receive an update on the workforce development program established pursuant to subsection 1 at every meeting of the City Council.

(b) Post information about the workforce development program established pursuant to subsection 1 in a conspicuous place on the Internet website of the City.

3. Every public utility which is owned or operated by the City shall include in each utility bill sent to a customer clear and conspicuous notification of the Internet address that sets forth opportunities in workforce development available to residents of the City.

4. In each building that is owned by the City, there must be posted in a clear and conspicuous place all job openings that are available in the building.

5. The City Council shall provide a written report each year to the Director of the Department of Employment, Training and Rehabilitation and the Director of the Legislative Counsel Bureau for transmittal to the Legislature, or if the Legislature is not in session, the Legislative Commission, describing the efforts made by the workforce development program established pursuant to subsection 1.

Sec. 2. Section 3.300 of the Charter of the City of Las Vegas, being chapter 338, Statutes of Nevada 2007, at page 1532, is hereby amended to read as follows:

Sec. 3.300 Programs: Employment and training.

1. Except as otherwise provided in subsection 2 and section 3.310 and in addition to any other powers authorized by specific statute, the City Council may exercise such powers and enact such ordinances, not in conflict with the laws of this State, as the City Council determines are

necessary and proper for the development and provision of programs relating to employment and training.

2. The City Council shall not impose or increase a tax for the purposes set forth in subsection 1 unless the tax or increase is otherwise authorized by specific statute.

Sec. 3. The Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, at page 1210, is hereby amended by adding thereto a new section to be designated as section 3.110, immediately following section 3.100, to read as follows:

Sec. 3.110. Workforce development.

1. *The City Council shall establish a workforce development program, in coordination with all applicable agencies which provide workforce development services, to reduce the rate of unemployment in areas of the City that have a high rate of poverty. The workforce development program established pursuant to this section:*

(a) Must prioritize outreach and assistance in neighborhoods that have historically had high rates of poverty; and

(b) Must not prioritize any one minority group over another.

2. *The City Council shall:*

(a) Receive an update on the workforce development program established pursuant to subsection 1 at every meeting of the City Council.

(b) Post information about the workforce development program established pursuant to subsection 1 in a conspicuous place on the Internet website of the City.

3. *Every public utility which is owned or operated by the City shall include in each utility bill sent to a customer clear and conspicuous notification of the Internet address that sets forth opportunities in workforce development available to residents of the City.*

4. *In each building that is owned by the City, there must be posted in a clear and conspicuous place all job openings that are available in the building.*

5. *The City Council shall provide a written report each year to the Director of the Department of Employment, Training and Rehabilitation and the Director of the Legislative Counsel Bureau for transmittal to the Legislature, or if the Legislature is not in session, the Legislative Commission, describing the efforts made by the workforce development program established pursuant to subsection 1.*

Sec. 3.2. Section 1.110 of the Charter of the City of North Las Vegas, being chapter 254, Statutes of Nevada 2021, at page 1325, is hereby amended to read as follows:

Sec. 1.110 Charter Committee: Officers; meetings; duties.

1. The Charter Committee shall:

~~1.1~~ (a) Elect a Chair and Vice Chair from among its members, who each serve for a term of 2 years;

~~2.1~~ (b) Meet at least once every 2 years before the beginning of each regular session of the Legislature and when requested by the City Council or the Chair of the Committee; ~~and~~

~~3.1~~ (c) Set the agenda for every meeting of the Charter Committee. The City Council may request not more than four items be considered by the Charter Committee at a meeting of the Charter Committee;

(d) Appear before the City Council on a date to be set after the final biennial meeting of the Charter Committee is conducted pursuant to paragraph (b) of subsection 2.1 and before the beginning of the next regular session of the Legislature to advise the City Council with regard to the recommendations of the Charter Committee concerning necessary amendments to this Charter ~~1.1~~;

(e) Report any abuse of authority by the City Council or City Manager to the Director of the Legislative Counsel Bureau for transmittal to the Legislature or if the Legislature is not in session, the Joint Interim Standing Committee on Government Affairs; and

(f) Retain all records relating to the work of the Charter Committee.

2. The City Council and City Manager shall not interfere with the duties of the Charter Committee or commit any abuse of power with respect to the Charter Committee. In addition to any criminal action, the Attorney General may bring a civil action in a court of competent jurisdiction for a violation of the provisions of this subsection by the City Council, Council Members or City Manager and may recover a civil penalty of not more than \$1,000 for each violation.

3 For the purposes of this section, "abuse of power" includes, without limitation, preventing or threatening, coercing or conspiring to prevent the Charter Committee from setting an agenda for a meeting or holding a meeting.

Sec. 3.4. Section 3.040 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 254, Statutes of Nevada 2021, at page 1331, is hereby amended to read as follows:

Sec. 3.040 City Clerk: Office; duties.

1. The City Clerk shall:

(a) Before entering upon the duties of office, take and subscribe the constitutional oath of office.

(b) Keep his or her office at the place of meeting of the City Council or some other place convenient thereto, as the City Council may direct.

~~(b)~~ (c) Keep the corporate seal and be the custodian of all official papers and records of the City, including, without limitation, contracts, agreements, documents, resolutions, ordinances, minutes and official city election records.

~~(c)~~ (d) Keep a record of the proceedings of, and be the Clerk of the City Council, whose meetings it shall be his or her duty to attend.

~~[(e)]~~ (e) Record votes of members of the City Council.

~~[(e)]~~ (f) Direct the transcription and keeping of minutes and official records and the making and keeping of audio recordings or transcripts of all City Council meetings.

~~[(f)]~~ (g) Countersign official contracts, bonds and other official City documents.

~~[(g)]~~ (h) Make arrangements for regular, special or emergency meetings of the City Council.

~~[(h)]~~ (i) Supervise the operation and maintenance of the records management system of the City.

~~[(i)]~~ (j) Supervise the printing of all ballots for city elections.

~~[(j)]~~ (k) Certify the election returns.

~~[(k)]~~ (l) Administer official oaths for the City.

2. Copies of all papers filed in the office of the City Clerk and transcripts from all records of the City Council certified by him or her, under the corporate seal, shall be evidence in all courts to the same effect as if the original were produced.

3. The City Clerk shall not knowingly and willfully violate any provision of law governing elections, commit fraud, abuse the public trust, abuse his or her authority, falsify records or violate any other provision of law governing his or her duties. In addition to any criminal action, the Attorney General may bring a civil action for civil penalties for a violation of this prohibition not to exceed \$1,000 for each violation.

4. The City Council and City Manager shall not threaten, coerce or harass or conspire to threaten, coerce or harass the City Clerk to violate any provision of law.

Sec. 3.6. Section 3.020 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 254, Statutes of Nevada 2021, at page 1330, is hereby amended to read as follows:

Sec. 3.020 City Manager: Power and duties.

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

2. The City Manager shall:

(a) Except as otherwise provided by law, this Charter, or personnel rules adopted pursuant to this Charter, appoint, and when he or she deems it necessary for the good of the service, discharge or suspend all City employees and appointed administrative officers provided for by this Charter. He or she may authorize any administrative officer who is subject to his or her direction and supervision to exercise the powers enumerated in this paragraph with respect to subordinates in that officer's department, office or agency.

(b) Direct and supervise the administration of all departments, offices and agencies of the City, except:

(1) As otherwise provided by law; and

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

(c) Attend all City Council meetings and have the right to take part in all discussions. The City Manager may not vote.

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

(e) Prepare and submit the annual budget and capital program to the City Council.

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

(g) Make such other reports as the City Council may require concerning the operations of City departments, offices and agencies subject to his or her direction and supervision.

(h) Keep the City Council fully advised as to the financial condition and future needs of the City and make such recommendations to the City Council concerning the affairs as he or she deems desirable.

(i) Perform such other duties as are specified in this Charter or which may be required by the City Council.

3. In addition to the duties set forth in subsection 2, on or before January 1 of each year, the City Manager shall submit to the Committee on Local Government Finance created by NRS 354.105 a report that compares the projected and actual budgets of each special revenue fund maintained by the City for the immediately preceding fiscal year. Such report must:

(a) Identify each special revenue fund;

(b) Indicate in detail all revenue received in the special revenue fund for the immediately preceding fiscal year; and

(c) Indicate in detail all expenses for the immediately preceding fiscal year which were paid with money from the special revenue fund.

2. The report submitted pursuant to this section to the Committee on Local Government Finance is a public record.

Sec. 3.8. 1. On or before January 1, 2024, the City Manager of the City of the North Las Vegas shall submit to the Committee on Local Government Finance created by NRS 354.105 a report that compares the projected and actual budgets of each special revenue fund maintained by the City for each fiscal year of the period beginning July 1, 2013, and ending June 30, 2023. Such report must:

(a) Identify each special revenue fund;

(b) Indicate in detail all revenue received in the special revenue fund for each fiscal year in the reporting period; and

(c) Indicate in detail all expenses for the fiscal year which were paid with money from the special revenue fund.

2. The report submitted pursuant to this section to the Committee on Local Government Finance is a public record.

Sec. 4. 1. There is hereby appropriated from the State General Fund to the Southern Nevada Enterprise Community Board the sum of \$5,000,000 for purposes of carrying out the Southern Nevada Enterprise Community Improvement Project.

2. Upon acceptance of the money appropriated by subsection 1, the Southern Nevada Enterprise Community Board agrees to:

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

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

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

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

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

Senator Neal moved the adoption of the amendment.

Remarks by Senator Neal.

Amendment No. 486 to Senate Bill No. 246 makes various changes related to the duties of the city clerk and the charter committee.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 280.

Bill read second time.

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

Amendment No. 280.

SUMMARY—Revises provisions governing contraception. (BDR 40-40)

AN ACT relating to health care; requiring a hospital to provide for the insertion of certain ~~intrauterine contraceptive devices~~ long-acting reversible contraception if requested by a patient giving birth at a hospital; limiting the amount a hospital or provider of health care may require an insurer to pay for long-acting reversible contraception under such circumstances; prohibiting an insurer from refusing to cover the insertion of certain ~~intrauterine~~ contraceptive devices at a hospital immediately after an insured gives birth; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prescribes certain requirements governing the operation of hospitals and other medical facilities. (NRS 449.029-449.2488) Section 1 of this bill requires a hospital, upon the request of a patient giving birth at the hospital, to provide for the insertion of ~~certain intrauterine contraceptive devices~~ long-acting reversible contraception unless: (1) the ~~device~~ contraception is contraindicated for the patient; (2) a physician, physician assistant or advanced practice registered nurse determines that inserting the ~~device~~ contraception would create an unreasonable risk of harm to the patient; or (3) the hospital is a religiously affiliated institution that objects to the insertion of such ~~a device~~ contraception on religious grounds. Section 1 requires a religiously affiliated hospital that objects to the insertion of such ~~a device~~ contraception on religious grounds to notify maternity patients of that objection. Section 1 also prohibits a hospital from requiring a provider of health care who objects to the insertion of such ~~a device~~ contraception on religious grounds to participate in the insertion of such ~~a device~~ contraception. Section 1 requires such a provider at a hospital to refer a patient who requests the insertion of such ~~a device~~ contraception to a provider who is willing to provide that service. Section 1 restricts the amount that a provider of health care or hospital is authorized to require a third party insurer to pay for such contraception, the insertion of such contraception or testing associated with such contraception. Sections 2-7 and 9 of this bill make conforming changes to provide for the administration and enforcement of the requirements of section 1 in the same manner as other requirements imposed by existing law on medical facilities.

Existing law requires certain public and private insurers, including, without limitation, Medicaid, to cover certain types of contraception, including certain implantable rods and intrauterine contraceptive devices. (NRS 287.010, 287.04335, 422.27172, 689A.0418, 689B.0378, 689C.1676, 695A.1865, 695B.1919, 695C.1696, 695G.1715) Sections 8 and 10-16 of this

bill prohibit such an insurer from refusing to cover the insertion of such a device at a hospital immediately after an insured gives birth.

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

Section 1. Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in subsection 2, if a patient giving birth at a hospital requests the insertion of ~~a copper-based intrauterine device or progesterone-based intrauterine device,~~ long-acting reversible contraception, the hospital shall provide for the insertion of ~~such a device~~ the long-acting reversible contraception immediately after the birth unless:*

(a) The use of the ~~device~~ long-acting reversible contraception is contraindicated for the patient; or

(b) A physician, physician assistant or advanced practice registered nurse determines that inserting the ~~device~~ long-acting reversible contraception would create an unreasonable risk of harm to the patient.

2. A hospital that is affiliated with a religious organization is not required to provide the service described in subsection 1 if the hospital objects on religious grounds. Before scheduling a patient for maternity care or, if such scheduling does not occur, upon admitting a patient to the hospital for maternity care, the hospital shall provide to the patient written notice that the hospital refuses to provide the service required by subsection 1.

3. A hospital shall not require a provider of health care who objects to the service described in subsection 1 on religious grounds to participate in the provision of that service. If such a provider of health care at a hospital, other than a hospital described in subsection 2, receives a request for that service, the provider shall refer the patient to a provider of health care who is willing to provide the service.

4. A hospital or provider of health care may not require a third party to pay more for:

(a) Long-acting reversible contraception inserted pursuant to subsection 1 than the lowest rate prescribed in a contract between the third party and a hospital or a provider of the same type as the provider of health care, as applicable, for the same type of long-acting reversible contraception.

(b) The insertion of long-acting reversible contraception pursuant to subsection 1 than the lowest rate prescribed in a contract between the third party and a hospital or a provider of the same type as the provider of health care, as applicable, for insertion of the same type of long-acting reversible contraception.

(c) Any testing associated with the insertion of long-acting reversible contraception pursuant to subsection 1 than the lowest rate prescribed in a contract between the third party and a hospital or a provider of health care of the same type as the provider of health care, as applicable, for the same test.

5. As used in this section:

(a) "Long-acting reversible contraception" means a method of contraception that requires administration less than once per month, including, without limitation:

(1) An intrauterine device; and

(2) A contraceptive implant.

(b) "Third party" means:

(1) An insurer, as that term is defined in NRS 679B.540;

(2) A health benefit plan, as that term is defined in NRS 687B.470, for employees which provides coverage for prescription drugs;

(3) A participating public agency, as that term is defined in NRS 287.04052, and any other local governmental agency of the State of Nevada which provides a system of health insurance for the benefit of its officers and employees, and the dependents of officers and employees, pursuant to chapter 287 of NRS; or

(4) Any other insurer or organization that provides health coverage or benefits in accordance with state or federal law.

Sec. 2. NRS 449.029 is hereby amended to read as follows:

449.029 As used in NRS 449.029 to 449.240, inclusive, *and section 1 of this act*, unless the context otherwise requires, "medical facility" has the meaning ascribed to it in NRS 449.0151 and includes a program of hospice care described in NRS 449.196.

Sec. 3. NRS 449.0301 is hereby amended to read as follows:

449.0301 The provisions of NRS 449.029 to 449.2428, inclusive, *and section 1 of this act* do not apply to:

1. Any facility conducted by and for the adherents of any church or religious denomination for the purpose of providing facilities for the care and treatment of the sick who depend solely upon spiritual means through prayer for healing in the practice of the religion of the church or denomination, except that such a facility shall comply with all regulations relative to sanitation and safety applicable to other facilities of a similar category.

2. Foster homes as defined in NRS 424.014.

3. Any medical facility, facility for the dependent or facility which is otherwise required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed that is operated and maintained by the United States Government or an agency thereof.

Sec. 4. NRS 449.0302 is hereby amended to read as follows:

449.0302 1. The Board shall adopt:

(a) Licensing standards for each class of medical facility or facility for the dependent covered by NRS 449.029 to 449.2428, inclusive, *and section 1 of this act* and for programs of hospice care.

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

(c) Regulations governing the procedure and standards for granting an extension of the time for which a natural person may provide certain care in his or her home without being considered a residential facility for groups

pursuant to NRS 449.017. The regulations must require that such grants are effective only if made in writing.

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

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

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

(g) Any other regulations as it deems necessary or convenient to carry out the provisions of NRS 449.029 to 449.2428, inclusive ~~[]~~, *and section 1 of this act*.

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

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

(b) Residential facilities for groups,

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

3. The Board shall adopt separate regulations for:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Contain a sleeping area or bedroom; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Facilities that provide or arrange for the provision of supportive services for residents of the facility to assist the residents with reintegration

into the community, in addition to providing a housing and living environment; and

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

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

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

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

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

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

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

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

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

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

13. As used in this section, "living unit" means an individual private accommodation designated for a resident within the facility.

Sec. 5. NRS 449.160 is hereby amended to read as follows:

449.160 1. The Division may deny an application for a license or may suspend or revoke any license issued under the provisions of NRS 449.029 to 449.2428, inclusive, *and section 1 of this act* upon any of the following grounds:

(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410 or 449.029 to 449.245, inclusive, *and section 1 of this act* or of any other law of this State or of the standards, rules and regulations adopted thereunder.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the premises for which a license is issued.

(d) Conduct or practice detrimental to the health or safety of the occupants or employees of the facility.

(e) Failure of the applicant to obtain written approval from the Director of the Department of Health and Human Services as required by NRS 439A.100 or as provided in any regulation adopted pursuant to NRS 449.001 to 449.430, inclusive, *and section 1 of this act* and 449.435 to 449.531, inclusive, and chapter 449A of NRS if such approval is required.

(f) Failure to comply with the provisions of NRS 441A.315 and any regulations adopted pursuant thereto or NRS 449.2486.

(g) Violation of the provisions of NRS 458.112.

2. In addition to the provisions of subsection 1, the Division may revoke a license to operate a facility for the dependent if, with respect to that facility, the licensee that operates the facility, or an agent or employee of the licensee:

(a) Is convicted of violating any of the provisions of NRS 202.470;

(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or

(c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.

3. The Division shall maintain a log of any complaints that it receives relating to activities for which the Division may revoke the license to operate a facility for the dependent pursuant to subsection 2. The Division shall provide to a facility for the care of adults during the day:

(a) A summary of a complaint against the facility if the investigation of the complaint by the Division either substantiates the complaint or is inconclusive;

(b) A report of any investigation conducted with respect to the complaint; and

(c) A report of any disciplinary action taken against the facility.

↪ The facility shall make the information available to the public pursuant to NRS 449.2486.

4. On or before February 1 of each odd-numbered year, the Division shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:

(a) Any complaints included in the log maintained by the Division pursuant to subsection 3; and

(b) Any disciplinary actions taken by the Division pursuant to subsection 2.

Sec. 6. NRS 449.163 is hereby amended to read as follows:

449.163 1. In addition to the payment of the amount required by NRS 449.0308, if a medical facility, facility for the dependent or facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed violates any provision related to its licensure, including any provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, *and section 1 of this act* or any condition, standard or regulation adopted by the Board, the Division, in accordance with the regulations adopted pursuant to NRS 449.165, may:

(a) Prohibit the facility from admitting any patient until it determines that the facility has corrected the violation;

(b) Limit the occupancy of the facility to the number of beds occupied when the violation occurred, until it determines that the facility has corrected the violation;

(c) If the license of the facility limits the occupancy of the facility and the facility has exceeded the approved occupancy, require the facility, at its own expense, to move patients to another facility that is licensed;

(d) Impose an administrative penalty of not more than \$5,000 per day for each violation, together with interest thereon at a rate not to exceed 10 percent per annum; and

(e) Appoint temporary management to oversee the operation of the facility and to ensure the health and safety of the patients of the facility, until:

(1) It determines that the facility has corrected the violation and has management which is capable of ensuring continued compliance with the applicable statutes, conditions, standards and regulations; or

(2) Improvements are made to correct the violation.

2. If the facility fails to pay any administrative penalty imposed pursuant to paragraph (d) of subsection 1, the Division may:

(a) Suspend the license of the facility until the administrative penalty is paid; and

(b) Collect court costs, reasonable attorney's fees and other costs incurred to collect the administrative penalty.

3. The Division may require any facility that violates any provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, *and section 1 of this act* or any condition, standard or regulation adopted by the Board to make any improvements necessary to correct the violation.

4. Any money collected as administrative penalties pursuant to paragraph (d) of subsection 1 must be accounted for separately and used to administer and carry out the provisions of NRS 449.001 to 449.430, inclusive, *and section 1 of this act*, 449.435 to 449.531, inclusive, and chapter 449A of NRS to protect the health, safety, well-being and property of the patients and residents of facilities in accordance with applicable state and federal standards or for any other purpose authorized by the Legislature.

Sec. 7. NRS 449.240 is hereby amended to read as follows:

449.240 The district attorney of the county in which the facility is located shall, upon application by the Division, institute and conduct the prosecution of any action for violation of any provisions of NRS 449.029 to 449.245, inclusive ~~[-]~~, *and section 1 of this act*.

Sec. 8. NRS 422.27172 is hereby amended to read as follows:

422.27172 1. The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

- (1) Lawfully prescribed or ordered;
- (2) Approved by the Food and Drug Administration; and
- (3) Dispensed in accordance with NRS 639.28075;

(b) Any type of device for contraception which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration;

(c) Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to NRS 639.28078;

(d) Insertion or removal of a device for contraception ~~[-]~~, *including, without limitation, the insertion of such a ~~[-]~~ ~~copper-based intrauterine device or progesterone-based intrauterine~~ device at a hospital immediately after a person gives birth;*

(e) Education and counseling relating to the initiation of the use of contraceptives and any necessary follow-up after initiating such use;

- (f) Management of side effects relating to contraception; and
- (g) Voluntary sterilization for women.

2. Except as otherwise provided in subsections 4 and 5, to obtain any benefit provided in the Plan pursuant to subsection 1, a person enrolled in Medicaid must not be required to:

- (a) Pay a higher deductible, any copayment or coinsurance; or
- (b) Be subject to a longer waiting period or any other condition.

3. The Director shall ensure that the provisions of this section are carried out in a manner which complies with the requirements established by the Drug Use Review Board and set forth in the list of preferred prescription drugs established by the Department pursuant to NRS 422.4025.

4. The Plan may require a person enrolled in Medicaid to pay a higher deductible, copayment or coinsurance for a drug for contraception if the person refuses to accept a therapeutic equivalent of the contraceptive drug.

5. For each method of contraception which is approved by the Food and Drug Administration, the Plan must include at least one contraceptive drug or device for which no deductible, copayment or coinsurance may be charged to the person enrolled in Medicaid, but the Plan may charge a deductible, copayment or coinsurance for any other contraceptive drug or device that provides the same method of contraception.

6. As used in this section:

(a) "Drug Use Review Board" has the meaning ascribed to it in NRS 422.402.

(b) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 9. NRS 654.190 is hereby amended to read as follows:

654.190 1. The Board may, after notice and an opportunity for a hearing as required by law, impose an administrative fine of not more than \$10,000 for each violation on, recover reasonable investigative fees and costs incurred from, suspend, revoke, deny the issuance or renewal of or place conditions on the license of, and place on probation or impose any combination of the foregoing on any licensee who:

(a) Is convicted of a felony relating to the practice of administering a nursing facility or residential facility or of any offense involving moral turpitude.

(b) Has obtained his or her license by the use of fraud or deceit.

(c) Violates any of the provisions of this chapter.

(d) Aids or abets any person in the violation of any of the provisions of NRS 449.029 to 449.2428, inclusive, *and section 1 of this act*, as those provisions pertain to a facility for skilled nursing, facility for intermediate care or residential facility for groups.

(e) Violates any regulation of the Board prescribing additional standards of conduct for licensees, including, without limitation, a code of ethics.

(f) Engages in conduct that violates the trust of a patient or resident or exploits the relationship between the licensee and the patient or resident for the financial or other gain of the licensee.

2. If a licensee requests a hearing pursuant to subsection 1, the Board shall give the licensee written notice of a hearing pursuant to NRS 233B.121 and 241.034. A licensee may waive, in writing, his or her right to attend the hearing.

3. The Board may compel the attendance of witnesses or the production of documents or objects by subpoena. The Board may adopt regulations that set forth a procedure pursuant to which the Chair of the Board may issue subpoenas on behalf of the Board. Any person who is subpoenaed pursuant

to this subsection may request the Board to modify the terms of the subpoena or grant additional time for compliance.

4. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

5. The expiration of a license by operation of law or by order or decision of the Board or a court, or the voluntary surrender of a license, does not deprive the Board of jurisdiction to proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.

Sec. 10. NRS 689A.0418 is hereby amended to read as follows:

689A.0418 1. Except as otherwise provided in subsection 7, an insurer that offers or issues a policy of health insurance shall include in the policy coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

- (1) Lawfully prescribed or ordered;
- (2) Approved by the Food and Drug Administration;
- (3) Listed in subsection 10; and
- (4) Dispensed in accordance with NRS 639.28075;

(b) Any type of device for contraception which is:

- (1) Lawfully prescribed or ordered;
- (2) Approved by the Food and Drug Administration; and
- (3) Listed in subsection 10;

(c) Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to NRS 639.28078;

(d) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same policy of health insurance;

(e) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

(f) Management of side effects relating to contraception; and

(g) Voluntary sterilization for women.

2. An 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. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the insurer.

4. Except as otherwise provided in subsections 8, 9 and 11, an insurer that offers or issues a policy of health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition for coverage to obtain any benefit included in the policy pursuant to subsection 1;

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured any such benefit.

5. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

6. Except as otherwise provided in subsection 7, a policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, ~~{2022,}~~ 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

7. An insurer that offers or issues a policy of health insurance and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of health insurance and before the renewal of such a policy, provide to the prospective insured written notice of the coverage that the insurer refuses to provide pursuant to this subsection.

8. An insurer may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

9. For each of the 18 methods of contraception listed in subsection 10 that have been approved by the Food and Drug Administration, a policy of health insurance must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the insurer may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

10. The following 18 methods of contraception must be covered pursuant to this section:

- (a) Voluntary sterilization for women;
- (b) Surgical sterilization implants for women;
- (c) Implantable rods;
- (d) Copper-based intrauterine devices;
- (e) Progesterone-based intrauterine devices;
- (f) Injections;

- (g) Combined estrogen- and progestin-based drugs;
- (h) Progestin-based drugs;
- (i) Extended- or continuous-regimen drugs;
- (j) Estrogen- and progestin-based patches;
- (k) Vaginal contraceptive rings;
- (l) Diaphragms with spermicide;
- (m) Sponges with spermicide;
- (n) Cervical caps with spermicide;
- (o) Female condoms;
- (p) Spermicide;
- (q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and
- (r) Ulipristal acetate for emergency contraception.

11. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

12. An insurer shall not ~~use~~ :

(a) Use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care ~~to~~ ; or

(b) *Refuse to cover the insertion of a device described in paragraph (c).*
(d) or (e) of subsection 10 at a hospital immediately after an insured gives birth.

13. An insurer must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the insurer to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

14. 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.

(d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 11. NRS 689B.0378 is hereby amended to read as follows:

689B.0378 1. Except as otherwise provided in subsection 7, an insurer that offers or issues a policy of group health insurance shall include in the policy coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 11; and

(4) Dispensed in accordance with NRS 639.28075;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 11;

(c) Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to NRS 639.28078;

(d) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same policy of group health insurance;

(e) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

(f) Management of side effects relating to contraception; and

(g) Voluntary sterilization for women.

2. An 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. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the insurer.

4. Except as otherwise provided in subsections 9, 10 and 12, an insurer that offers or issues a policy of group health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit included in the policy pursuant to subsection 1;

(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement to the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

5. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

6. Except as otherwise provided in subsection 7, a policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, ~~[2022,]~~ 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

7. An insurer that offers or issues a policy of group health insurance and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of group health insurance and before the renewal of such a policy, provide to the group policyholder or prospective insured, as applicable, written notice of the coverage that the insurer refuses to provide pursuant to this subsection.

8. If an insurer refuses, pursuant to subsection 7, to provide the coverage required by subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.

9. An insurer may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

10. For each of the 18 methods of contraception listed in subsection 11 that have been approved by the Food and Drug Administration, a policy of group health insurance must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the insurer may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

11. The following 18 methods of contraception must be covered pursuant to this section:

- (a) Voluntary sterilization for women;
- (b) Surgical sterilization implants for women;
- (c) Implantable rods;
- (d) Copper-based intrauterine devices;
- (e) Progesterone-based intrauterine devices;
- (f) Injections;

- (g) Combined estrogen- and progestin-based drugs;
- (h) Progestin-based drugs;
- (i) Extended- or continuous-regimen drugs;
- (j) Estrogen- and progestin-based patches;
- (k) Vaginal contraceptive rings;
- (l) Diaphragms with spermicide;
- (m) Sponges with spermicide;
- (n) Cervical caps with spermicide;
- (o) Female condoms;
- (p) Spermicide;
- (q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and
- (r) Ulipristal acetate for emergency contraception.

12. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

13. An insurer shall not ~~use~~ :

(a) Use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care ~~[-]~~ ; or

(b) *Refuse to cover the insertion of a device described in paragraph (c).*
 (d) or (e) of subsection 11 at a hospital immediately after an insured gives birth.

14. An insurer must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the insurer to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

15. 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.

(d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 12. NRS 689C.1676 is hereby amended to read as follows:

689C.1676 1. Except as otherwise provided in subsection 7, a carrier that offers or issues a health benefit plan shall include in the plan coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 10; and

(4) Dispensed in accordance with NRS 639.28075;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 10;

(c) Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to NRS 639.28078;

(d) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same health benefit plan;

(e) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

(f) Management of side effects relating to contraception; and

(g) Voluntary sterilization for women.

2. 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. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the carrier.

4. Except as otherwise provided in subsections 8, 9 and 11, a carrier that offers or issues a health benefit plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit included in the health benefit plan pursuant to subsection 1;

(b) Refuse to issue a health benefit plan or cancel a health benefit plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement to the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

5. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

6. Except as otherwise provided in subsection 7, a health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, ~~{2022,}~~ 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

7. A carrier that offers or issues a health benefit plan and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the carrier objects on religious grounds. Such a carrier shall, before the issuance of a health benefit plan and before the renewal of such a plan, provide to the prospective insured written notice of the coverage that the carrier refuses to provide pursuant to this subsection.

8. A carrier may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

9. For each of the 18 methods of contraception listed in subsection 10 that have been approved by the Food and Drug Administration, a health benefit plan must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the carrier may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

10. The following 18 methods of contraception must be covered pursuant to this section:

- (a) Voluntary sterilization for women;
- (b) Surgical sterilization implants for women;
- (c) Implantable rods;
- (d) Copper-based intrauterine devices;
- (e) Progesterone-based intrauterine devices;
- (f) Injections;
- (g) Combined estrogen- and progestin-based drugs;
- (h) Progestin-based drugs;
- (i) Extended- or continuous-regimen drugs;
- (j) Estrogen- and progestin-based patches;

- (k) Vaginal contraceptive rings;
- (l) Diaphragms with spermicide;
- (m) Sponges with spermicide;
- (n) Cervical caps with spermicide;
- (o) Female condoms;
- (p) Spermicide;
- (q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and
- (r) Ulipristal acetate for emergency contraception.

11. Except as otherwise provided in this section and federal law, a carrier may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

12. A carrier shall not ~~use~~ :

(a) Use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care ~~to~~ ; or

(b) *Refuse to cover the insertion of a device described in paragraph (c), (d) or (e) of subsection 10 at a hospital immediately after an insured gives birth.*

13. A carrier must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the carrier to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

14. 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.

(d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 13. NRS 695A.1865 is hereby amended to read as follows:

695A.1865 1. Except as otherwise provided in subsection 7, a society that offers or issues a benefit contract which provides coverage for prescription drugs or devices shall include in the contract coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

- (1) Lawfully prescribed or ordered;
- (2) Approved by the Food and Drug Administration;
- (3) Listed in subsection 10; and
- (4) Dispensed in accordance with NRS 639.28075;

(b) Any type of device for contraception which is:

- (1) Lawfully prescribed or ordered;
- (2) Approved by the Food and Drug Administration; and
- (3) Listed in subsection 10;

(c) Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to NRS 639.28078;

(d) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same benefit contract;

(e) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

(f) Management of side effects relating to contraception; and

(g) Voluntary sterilization for women.

2. 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. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the society.

4. Except as otherwise provided in subsections 8, 9 and 11, a society that offers or issues a benefit contract shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition for coverage for any benefit included in the benefit contract pursuant to subsection 1;

(b) Refuse to issue a benefit contract or cancel a benefit contract solely because the person applying for or covered by the contract uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement to the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

5. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

6. Except as otherwise provided in subsection 7, a benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, ~~{2022,}~~ 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

7. A society that offers or issues a benefit contract and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the society objects on religious grounds. Such a society shall, before the issuance of a benefit contract and before the renewal of such a contract, provide to the prospective insured written notice of the coverage that the society refuses to provide pursuant to this subsection.

8. A society may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

9. For each of the 18 methods of contraception listed in subsection 10 that have been approved by the Food and Drug Administration, a benefit contract must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the society may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

10. The following 18 methods of contraception must be covered pursuant to this section:

- (a) Voluntary sterilization for women;
- (b) Surgical sterilization implants for women;
- (c) Implantable rods;
- (d) Copper-based intrauterine devices;
- (e) Progesterone-based intrauterine devices;
- (f) Injections;
- (g) Combined estrogen- and progestin-based drugs;
- (h) Progestin-based drugs;
- (i) Extended- or continuous-regimen drugs;
- (j) Estrogen- and progestin-based patches;
- (k) Vaginal contraceptive rings;
- (l) Diaphragms with spermicide;

- (m) Sponges with spermicide;
- (n) Cervical caps with spermicide;
- (o) Female condoms;
- (p) Spermicide;
- (q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and
- (r) Ulipristal acetate for emergency contraception.

11. Except as otherwise provided in this section and federal law, a society may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

12. A society shall not ~~use~~ :

(a) Use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care ~~[-]~~ ; or

(b) Refuse to cover the insertion of a device described in paragraph (c),
(d) or (e) of subsection 10 at a hospital immediately after an insured gives birth.

13. A society must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the society to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

14. 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.

(d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 14. NRS 695B.1919 is hereby amended to read as follows:

695B.1919 1. Except as otherwise provided in subsection 7, an insurer that offers or issues a contract for hospital or medical service shall include in the contract coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

- (1) Lawfully prescribed or ordered;
- (2) Approved by the Food and Drug Administration;
- (3) Listed in subsection 11; and
- (4) Dispensed in accordance with NRS 639.28075;

(b) Any type of device for contraception which is:

- (1) Lawfully prescribed or ordered;
- (2) Approved by the Food and Drug Administration; and
- (3) Listed in subsection 11;

(c) Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to NRS 639.28078;

(d) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same contract for hospital or medical service;

(e) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

(f) Management of side effects relating to contraception; and

(g) Voluntary sterilization for women.

2. An insurer that offers or issues a contract for hospital or medical services must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the insurer.

4. Except as otherwise provided in subsections 9, 10 and 12, an insurer that offers or issues a contract for hospital or medical service shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit included in the contract for hospital or medical service pursuant to subsection 1;

(b) Refuse to issue a contract for hospital or medical service or cancel a contract for hospital or medical service solely because the person applying for or covered by the contract uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement to the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

5. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

6. Except as otherwise provided in subsection 7, a contract for hospital or medical service subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, ~~{2022,}~~ 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

7. An insurer that offers or issues a contract for hospital or medical service and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a contract for hospital or medical service and before the renewal of such a contract, provide to the prospective insured written notice of the coverage that the insurer refuses to provide pursuant to this subsection.

8. If an insurer refuses, pursuant to subsection 7, to provide the coverage required by subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.

9. An insurer may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

10. For each of the 18 methods of contraception listed in subsection 11 that have been approved by the Food and Drug Administration, a contract for hospital or medical service must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the insurer may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

11. The following 18 methods of contraception must be covered pursuant to this section:

- (a) Voluntary sterilization for women;
- (b) Surgical sterilization implants for women;
- (c) Implantable rods;
- (d) Copper-based intrauterine devices;
- (e) Progesterone-based intrauterine devices;
- (f) Injections;
- (g) Combined estrogen- and progestin-based drugs;
- (h) Progestin-based drugs;
- (i) Extended- or continuous-regimen drugs;
- (j) Estrogen- and progestin-based patches;

- (k) Vaginal contraceptive rings;
- (l) Diaphragms with spermicide;
- (m) Sponges with spermicide;
- (n) Cervical caps with spermicide;
- (o) Female condoms;
- (p) Spermicide;
- (q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and
- (r) Ulipristal acetate for emergency contraception.

12. Except as otherwise provided in this section and federal law, an insurer that offers or issues a contract for hospital or medical services may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

13. An insurer shall not ~~use~~ :

(a) Use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care ~~to~~ ; or

(b) *Refuse to cover the insertion of a device described in paragraph (c), (d) or (e) of subsection 11 at a hospital immediately after an insured gives birth.*

14. An insurer must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the insurer to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

15. 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.

(d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 15. NRS 695C.1696 is hereby amended to read as follows:

695C.1696 1. Except as otherwise provided in subsection 7, a health maintenance organization that offers or issues a health care plan shall include in the plan coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

- (1) Lawfully prescribed or ordered;
- (2) Approved by the Food and Drug Administration;
- (3) Listed in subsection 11; and
- (4) Dispensed in accordance with NRS 639.28075;

(b) Any type of device for contraception which is:

- (1) Lawfully prescribed or ordered;
- (2) Approved by the Food and Drug Administration; and
- (3) Listed in subsection 11;

(c) Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to NRS 639.28078;

(d) Insertion of a device for contraception or removal of such a device if the device was inserted while the enrollee was covered by the same health care plan;

(e) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

(f) Management of side effects relating to contraception; and

(g) Voluntary sterilization for women.

2. 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. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the health maintenance organization.

4. Except as otherwise provided in subsections 9, 10 and 12, a health maintenance organization that offers or issues a health care plan shall not:

(a) Require an enrollee to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit included in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an enrollee to discourage the enrollee from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an enrollee, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an enrollee; or

(f) Impose any other restrictions or delays on the access of an enrollee to any such benefit.

5. Coverage pursuant to this section for the covered dependent of an enrollee must be the same as for the enrollee.

6. Except as otherwise provided in subsection 7, a health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, ~~{2022,}~~ 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

7. A health maintenance organization that offers or issues a health care plan and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the health maintenance organization objects on religious grounds. Such an organization shall, before the issuance of a health care plan and before the renewal of such a plan, provide to the prospective enrollee written notice of the coverage that the health maintenance organization refuses to provide pursuant to this subsection.

8. If a health maintenance organization refuses, pursuant to subsection 7, to provide the coverage required by subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.

9. A health maintenance organization may require an enrollee to pay a higher deductible, copayment or coinsurance for a drug for contraception if the enrollee refuses to accept a therapeutic equivalent of the drug.

10. For each of the 18 methods of contraception listed in subsection 11 that have been approved by the Food and Drug Administration, a health care plan must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the enrollee, but the health maintenance organization may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

11. The following 18 methods of contraception must be covered pursuant to this section:

- (a) Voluntary sterilization for women;
- (b) Surgical sterilization implants for women;
- (c) Implantable rods;
- (d) Copper-based intrauterine devices;
- (e) Progesterone-based intrauterine devices;

- (f) Injections;
- (g) Combined estrogen- and progestin-based drugs;
- (h) Progestin-based drugs;
- (i) Extended- or continuous-regimen drugs;
- (j) Estrogen- and progestin-based patches;
- (k) Vaginal contraceptive rings;
- (l) Diaphragms with spermicide;
- (m) Sponges with spermicide;
- (n) Cervical caps with spermicide;
- (o) Female condoms;
- (p) Spermicide;
- (q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and
- (r) Ulipristal acetate for emergency contraception.

12. Except as otherwise provided in this section and federal law, a health maintenance organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

13. A health maintenance organization shall not ~~use~~ :

(a) Use medical management techniques to require an enrollee to use a method of contraception other than the method prescribed or ordered by a provider of health care ~~[-]~~ ; or

(b) *Refuse to cover the insertion of a device described in paragraph (c), (d) or (e) of subsection 11 at a hospital immediately after an enrollee gives birth.*

14. A health maintenance organization must provide an accessible, transparent and expedited process which is not unduly burdensome by which an enrollee, or the authorized representative of the enrollee, may request an exception relating to any medical management technique used by the health maintenance organization to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

15. 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.

(d) "Therapeutic equivalent" means a drug which:

- (1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;
- (2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and
- (3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 16. NRS 695G.1715 is hereby amended to read as follows:

695G.1715 1. Except as otherwise provided in subsection 7, a managed care organization that offers or issues a health care plan shall include in the plan coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

- (1) Lawfully prescribed or ordered;
- (2) Approved by the Food and Drug Administration;
- (3) Listed in subsection 10; and
- (4) Dispensed in accordance with NRS 639.28075;

(b) Any type of device for contraception which is:

- (1) Lawfully prescribed or ordered;
- (2) Approved by the Food and Drug Administration; and
- (3) Listed in subsection 10;

(c) Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to NRS 639.28078;

(d) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same health care plan;

(e) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

(f) Management of side effects relating to contraception; and

(g) Voluntary sterilization for women.

2. 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. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the managed care organization.

4. Except as otherwise provided in subsections 8, 9 and 11, a managed care organization that offers or issues a health care plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit included in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefits;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefits;

(d) Penalize a provider of health care who provides any such benefits to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefits to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefits.

5. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

6. Except as otherwise provided in subsection 7, a health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, ~~{2022,}~~ 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

7. A managed care organization that offers or issues a health care plan and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the managed care organization objects on religious grounds. Such an organization shall, before the issuance of a health care plan and before the renewal of such a plan, provide to the prospective insured written notice of the coverage that the managed care organization refuses to provide pursuant to this subsection.

8. A managed care organization may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

9. For each of the 18 methods of contraception listed in subsection 10 that have been approved by the Food and Drug Administration, a health care plan must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the managed care organization may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

10. The following 18 methods of contraception must be covered pursuant to this section:

- (a) Voluntary sterilization for women;
- (b) Surgical sterilization implants for women;
- (c) Implantable rods;
- (d) Copper-based intrauterine devices;
- (e) Progesterone-based intrauterine devices;
- (f) Injections;

- (g) Combined estrogen- and progestin-based drugs;
- (h) Progestin-based drugs;
- (i) Extended- or continuous-regimen drugs;
- (j) Estrogen- and progestin-based patches;
- (k) Vaginal contraceptive rings;
- (l) Diaphragms with spermicide;
- (m) Sponges with spermicide;
- (n) Cervical caps with spermicide;
- (o) Female condoms;
- (p) Spermicide;
- (q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and
- (r) Ulipristal acetate for emergency contraception.

11. Except as otherwise provided in this section and federal law, a managed care organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

12. A managed care organization shall not ~~use~~ :

(a) Use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care ~~to~~ ; or

(b) *Refuse to cover the insertion of a device described in paragraph (c).*
(d) or (e) of subsection 10 at a hospital immediately after an insured gives birth.

13. A managed care organization must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the managed care organization to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

14. 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.

(d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 17. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 18. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 7, inclusive, and 9 of this act become effective on October 1, 2023.

3. Sections 8 and 10 to 17, inclusive, of this act become effective:

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

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

Senator Doñate moved the adoption of the amendment.

Remarks by Senator Doñate.

Amendment No. 280 to Senate Bill No. 280 replaces the term "device" with "contraception" and replaces the requirement of an intrauterine device with a long-acting reversible contraception. It also restricts the amount that a provider of health care or hospital is authorized to require a third-party insurer to pay for such services.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 298.

Bill read second time.

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

Amendment No. 355.

SUMMARY—Revises provisions governing the involuntary discharge of a resident from a residential facility for groups. (BDR 40-301)

AN ACT relating to residential facilities for groups; prescribing certain grounds for disciplinary action against a residential facility for groups; prohibiting certain persons from serving as the representative of a resident of a residential facility for groups for purposes relating to an involuntary discharge; imposing requirements governing certain contracts between a resident and a residential facility for groups; prohibiting the involuntary discharge of a resident of a residential facility for groups except for certain reasons; imposing requirements governing the procedure for such an involuntary discharge; ~~authorizing a resident or a representative of a resident to request a hearing concerning such an involuntary discharge;~~ requiring the State Long-Term Care Ombudsman to provide certain assistance concerning such a discharge; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal regulations require a state to ensure that providers of home and community-based services in a provider-owned or controlled residential setting, which includes a residential facility for groups, provide protections from eviction ~~[, including procedures and appeals,]~~ for residents that are comparable to protections provided under state landlord tenant law. (42 C.F.R. § 441.530(a)(1)(vi)(A)) Existing law defines a "residential facility for groups" as an establishment that furnishes food, overnight shelter, assistance and limited supervision to persons with an intellectual or physical disability or persons who are aged or infirm. (NRS 449.017) At least 30 days before involuntarily discharging a resident of a residential facility for groups, existing law requires the residential facility for groups to provide the resident and the State Long-Term Care Ombudsman with written notice of the intent to discharge the resident. Existing law also requires a residential facility for groups to allow the resident and any person authorized by the resident to meet in person with the administrator of the facility to discuss the proposed discharge within 10 days after providing written notice of the proposed discharge. (NRS 449A.114) Sections 2-7 of this bill define certain terms relating to residential facilities for groups. Section 8 of this bill prohibits the owner, agent or employee of a residential facility for groups or a provider of health care from acting as the representative of a resident in matters concerning the involuntary discharge of the resident, unless the person is related to the resident. Section 9 of this bill requires a contract between a resident and a residential facility for groups for the delivery of services to include certain information. Section 10 of this bill prohibits the transfer or involuntary discharge of a resident from a residential facility for groups except: (1) for certain reasons relating to the condition of the resident and the ability of the facility to meet his or her needs; (2) if the health or safety of the resident or another resident is endangered; (3) for a failure to pay contracted charges; or (4) if the facility ceases to operate. Section 10 requires a residential facility for groups to: (1) provide certain additional notice before involuntarily discharging a resident for failure to pay contracted charges; and (2) attempt to resolve any issues that might result in the involuntary discharge of a resident before discharging the resident. Section 11 of this bill prescribes the required contents of a written notice of intent to discharge a resident. Section 11 also requires a residential facility for groups to provide a resident or a representative of the resident with written notice of the location of a proposed discharge not later than 10 days after providing notice of the proposed discharge.

Section 12 of this bill requires a residential facility for groups to provide certain assistance concerning the discharge and relocation of a resident. Except in an emergency, section 12 also requires a residential facility for groups to involve a resident and his or her representative in planning for the discharge of the resident and allow the resident or his or her representative to choose among available alternative placements. Section 12 requires any

emergency placement to be temporary and prohibits a residential facility for groups from requiring a resident to remain in any placement.

~~[In an emergency, section 13 of this bill authorizes a residential facility for groups to request that the Department of Administration make a determination as to the need for an immediate transfer or discharge of a resident. Section 13 requires the Department to: (1) order such a transfer or discharge if the failure to immediately transfer or discharge the resident would endanger the health, safety or welfare of the resident or other residents; and (2) hold a hearing not later than 7 days after issuing such an order.~~

~~Section 16 of this bill provides that advance notice is not required before the discharge of a resident pursuant to such an order. Section 14 of this bill authorizes a resident or the representative of the resident to request a hearing before the Hearings Division of the Department of Administration before he or she is involuntarily discharged. Sections 14 and 17 of this bill provide for the confidentiality of such a hearing.]~~ Sections 1 and 19 of this bill authorize the imposition of disciplinary action against a residential facility for groups that violates the provisions of sections ~~[4-14]~~ 4-12 of this bill and certain provisions of existing law concerning the rights of residents or the administrator of such a facility who aids or abets in such a violation. Section 12 provides that a residential facility for groups is not subject to disciplinary action for an emergency transfer or discharge under certain circumstances.

Section 15 of this bill makes a conforming change to indicate the proper placement of section 3 of this bill in the Nevada Revised Statutes. Section 16 of this bill makes conforming changes to revise certain terminology.

Section 18 of this bill authorizes the State Long-Term Care Ombudsman to offer assistance to a residential facility for groups, a resident and his or her representative in planning for the discharge and relocation of the resident from the facility.

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

Section 1. NRS 449.160 is hereby amended to read as follows:

449.160 1. The Division may deny an application for a license or may suspend or revoke any license issued under the provisions of NRS 449.029 to 449.2428, inclusive, upon any of the following grounds:

(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410, ~~[or]~~ 449.029 to 449.245, inclusive, or ~~449A.100 to 449A.124, inclusive, and sections 4 to 14, inclusive, of this act~~ or of any other law of this State or of the standards, rules and regulations adopted thereunder.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the premises for which a license is issued.

(d) Conduct or practice detrimental to the health or safety of the occupants or employees of the facility.

(e) Failure of the applicant to obtain written approval from the Director of the Department of Health and Human Services as required by NRS 439A.100 or as provided in any regulation adopted pursuant to NRS 449.001 to 449.430, inclusive, and 449.435 to 449.531, inclusive, and chapter 449A of NRS if such approval is required.

(f) Failure to comply with the provisions of NRS 441A.315 and any regulations adopted pursuant thereto or NRS 449.2486.

(g) Violation of the provisions of NRS 458.112.

2. In addition to the provisions of subsection 1, the Division may revoke a license to operate a facility for the dependent if, with respect to that facility, the licensee that operates the facility, or an agent or employee of the licensee:

(a) Is convicted of violating any of the provisions of NRS 202.470;

(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or

(c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.

3. The Division shall maintain a log of any complaints that it receives relating to activities for which the Division may revoke the license to operate a facility for the dependent pursuant to subsection 2. The Division shall provide to a facility for the care of adults during the day:

(a) A summary of a complaint against the facility if the investigation of the complaint by the Division either substantiates the complaint or is inconclusive;

(b) A report of any investigation conducted with respect to the complaint; and

(c) A report of any disciplinary action taken against the facility.

➡ The facility shall make the information available to the public pursuant to NRS 449.2486.

4. On or before February 1 of each odd-numbered year, the Division shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:

(a) Any complaints included in the log maintained by the Division pursuant to subsection 3; and

(b) Any disciplinary actions taken by the Division pursuant to subsection 2.

Sec. 2. Chapter 449A of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 14, inclusive, of this act.

Sec. 3. *"Residential facility for groups" has the meaning ascribed to it in NRS 449.017.*

Sec. 4. *As used in sections 4 to ~~14~~ 12, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 5, 6 and 7 of this act have the meanings ascribed to them in those sections.*

Sec. 5. "Emergency" means circumstances where there is an imminent danger of death or serious physical harm to a resident.

Sec. 6. "Representative of the resident" means a natural person who is designated in writing by a resident to be his or her representative. The term includes, without limitation, a person given power of attorney to make decisions concerning health care for the resident pursuant to NRS 162A.700 to 162A.870, inclusive, or a person appointed as a guardian of the resident under the provisions of chapter 159 of NRS.

Sec. 7. "Resident" means a natural person who resides in a residential facility for groups.

Sec. 8. The owner, agent or employee of a residential facility for groups or a provider of health care must not serve as the representative of a resident for the purposes of sections 4 to ~~14~~, 12, inclusive, of this act unless the owner, agent, employee or provider is related to the resident by consanguinity or affinity within the third degree.

Sec. 9. A contract between a resident and a residential facility for groups for the delivery of services to the resident must:

1. Be entitled "Service Delivery Contract for Residential Facility for Groups";

2. Be printed in at least 12 point type; and

3. Include, without limitation, the following information in the body of the contract or in a supporting document or attachment:

(a) The name, physical address and mailing address, if different, of the residential facility for groups;

(b) The name and mailing address of every person, partnership, association or corporation which establishes, conducts, manages or operates the residential facility for groups;

(c) The name and address of at least one person who is authorized to accept service on behalf of the parties described in paragraph (b);

~~(d) The status of the license of the residential facility for groups;~~

~~(e) The name of any provider of health care or other licensed person providing services to a resident at the residential facility for groups and the status of his or her license;~~ A telephone number or the address of the Internet website of:

(1) The Division that the resident or a representative of the resident may use to verify the status of the license of the residential facility for groups; and

(2) Each licensing board or other regulatory body that has issued a license to a provider of health care or other person required to be licensed who provides services to residents at the residential facility for groups that the resident or a representative of the resident may use to verify the status of the license of the provider of health care or other person;

~~(f)~~ (e) The duration of the contract;

~~(g)~~ (f) The manner in which the contract may be modified, amended or terminated;

~~[(h)]~~ (g) The base rate to be paid by the resident and a description of the services to be provided as part of the base rate;

~~[(i)]~~ (h) A fee schedule outlining the cost of any additional services;

~~[(j)]~~ (i) Any additional fee to be paid by the resident pursuant to the fee schedule and a description of any additional services to be provided as part of that fee, either directly by the residential facility for groups or by a third-party provider of services under contract with the facility;

~~[(k)]~~ (j) A statement affirming the freedom of the resident to receive services from a provider of services with whom the residential facility for groups does not have a contractual arrangement, which may also disclaim liability on the part of the residential facility for groups for any such services;

~~[(l)]~~ (k) The procedures and requirements for billing and payment under the contract;

~~[(m)]~~ (l) A statement detailing the criteria and procedures for admission, management of risk and termination of residency;

~~[(n)]~~ (m) The obligations of the resident in order to maintain residency and receive services, including, without limitation, compliance with the annual physical examination and assessment required by NRS 449.1845;

~~[(o)]~~ (n) A description of the process of the residential facility for groups for resolving the complaints of residents and contact information for the Aging and Disability Services Division and the Division of Public and Behavioral Health of the Department of Health and Human Services; ~~and~~

~~[(p)]~~ (o) The name and mailing address of any representative of the resident, if applicable; ~~and~~

(p) Contact information for:

(1) The State Long-Term Care Ombudsman appointed pursuant to NRS 427A.125;

(2) The Nevada Disability Advocacy and Law Center, or its successor organization; or

(3) Other resources for legal aid or mental health assistance, as appropriate.

Sec. 10. 1. A residential facility for groups shall not transfer or involuntarily discharge a resident except where:

(a) The health of the resident has improved sufficiently such that the resident no longer needs the services provided by the residential facility for groups;

(b) The health or safety of any person in the residential facility for groups is endangered;

(c) The resident has failed, after notice has been provided pursuant to subsection 2, to pay for contracted charges for a residency at or a service provided by the residential facility for groups;

(d) The services available to the resident at the residential facility for groups are no longer adequate to meet the needs of the resident, as

determined using information from the annual physical examination and assessment conducted pursuant to NRS 449.1845; or

(e) The residential facility for groups ceases to operate.

2. At least 30 days before providing notice of intent to discharge a resident for failure to pay contracted charges pursuant to NRS 449A.114, a residential facility for groups shall notify the resident and any representative of the resident in writing of the delinquency. The facility shall allow the resident or his or her representative, as applicable, at least 15 days after such notice is provided to cure the delinquency.

3. Except as otherwise provided in this subsection, a residential facility for groups shall attempt to resolve with the resident or the representative of the resident, if applicable, any circumstances that, if not remedied, have the potential to result in an involuntary discharge of the resident. The facility shall document any such attempt in the file of the resident. All attempts at resolution pursuant to this subsection must occur before the resident is discharged, but may occur before or after the provision of notice pursuant to NRS 449A.114. A residential facility for groups is not required to comply with the requirements of this subsection in an emergency.

4. A residential facility for groups shall not transfer or involuntarily discharge a resident if such transfer or discharge presents an imminent danger of death to the resident.

Sec. 11. 1. Written notice of the intent of a residential facility for groups to discharge a resident provided pursuant to NRS 449A.114 must, in addition to the persons described in that section, be provided to the representative of the patient, where applicable, and must include, without limitation:

(a) The reason for the proposed discharge; and

(b) The date of the proposed discharge. ~~+~~

~~— (c) The location of the proposed discharge;~~

~~— (d) Contact information for:~~

~~— (1) The State Long Term Care Ombudsman appointed pursuant to NRS 427A.125;~~

~~— (2) The Nevada Disability Advocacy and Law Center, or its successor organization; and~~

~~— (3) Other resources for legal aid or mental health assistance, as appropriate; and~~

~~— (e) A notification prescribed by regulation of the State Board of Health concerning the provisions of section 14 of this act, which must include, without limitation:~~

~~— (1) A statement of the right of the resident or the representative of the resident to request a hearing;~~

~~— (2) A description of the procedure for requesting a hearing;~~

~~— (3) A statement of the right of the resident to continue to reside at the residential facility for groups until a decision is rendered;~~

~~(4) A toll free telephone number that may be used to request a hearing; and~~

~~(5) A written form that may be used to request a hearing and a postage paid envelope that is pre addressed to the Hearings Division of the Department of Administration.]~~

2. Except as otherwise provided in this subsection, written notice of the intent of a residential facility for groups to discharge a resident pursuant to NRS 449A.114 must be provided to a resident in a language that the resident or the representative of the resident, if applicable, is capable of reading. If the written notice is not provided in such a language, the facility must provide a translator who has been trained to assist the resident or the representative of the resident, if applicable, in the appeal process.

3. A residential facility for groups shall provide to a resident or a representative of the resident written notice of the location of the discharge of the resident not later than 10 days after providing written notice of the proposed intent to discharge the resident pursuant to NRS 449A.114.

Sec. 12. 1. Before discharging a resident, a residential facility for groups shall offer assistance to the resident and any representative of the resident concerning the discharge and relocation of the resident. Such assistance must include, without limitation, information on available alternative placements.

2. Except in an emergency, a residential facility for groups shall involve a resident and his or her representative, if applicable, in planning the relocation of the resident and allow the resident or his or her representative to choose among the available alternative placements. Any emergency placement must be temporary and must terminate when the resident or his or her representative is able to offer input on the final decision concerning the placement of the resident. A residential facility for groups shall not require a resident to remain in a temporary or permanent placement.

3. In nonemergency situations, and where possible in an emergency, a residential facility for groups that transfers or discharges a resident shall, in consultation with the resident and his or her representative, if applicable, design and implement a transition plan in advance of the transfer or discharge.

4. A residential facility for groups is not in violation of this section or subject to disciplinary action if:

(a) A resident returns to the facility after an emergency transfer or discharge; and

(b) The emergency transfer or discharge was necessary to address health care needs of the resident which are outside the scope of care that the facility is legally authorized to provide.

Sec. 13. ~~[1. In an emergency, a residential facility for groups may request that the Department of Administration make a determination as to the need for an immediate transfer or discharge of a resident.~~

~~2. Before making a determination pursuant to subsection 1, the Department of Administration shall notify the resident and the representative of the resident, if applicable.~~

~~3. The Department of Administration shall issue a determination pursuant to subsection 1 not later than 7 days after the receipt of the request from a residential facility for groups.~~

~~4. If the Department of Administration determines pursuant to subsection 3 that a failure to immediately transfer or discharge the resident would endanger the health, safety or welfare of the resident or other residents of the residential facility for groups, the Department of Administration shall order the immediate transfer or discharge of the resident from the residential facility for groups.~~

~~5. If the Department of Administration orders an immediate transfer or discharge of a resident pursuant to subsection 4, the Department of Administration shall hold a hearing not later than 7 business days after the date on which the order is issued to review the necessity of the transfer or discharge.] (Deleted by amendment.)~~

Sec. 14. ~~[1. A resident or the representative of the resident may submit a request to the Hearings Division of the Department of Administration for a hearing concerning a decision to involuntarily discharge the resident. Such a hearing must be conducted in accordance with NRS 233B.121 to 233B.150, inclusive.~~

~~2. If a request for a hearing is submitted pursuant to subsection 1, a residential facility for groups shall not involuntarily discharge the resident to which the request applies or terminate or reduce any services for the purpose of making it more difficult for the resident to remain at the facility until the Hearings Division has rendered a decision.~~

~~3. The Hearings Division shall not authorize the involuntary discharge of a resident from a residential facility for groups unless, after a hearing conducted pursuant to this section, the Hearings Division determines that the residential facility for groups has complied with the requirements of sections 9 to 14, inclusive, of this act.~~

~~4. Any hearing conducted pursuant to this section and any record thereof is confidential and exempt from the provisions of NRS 239.010.] (Deleted by amendment.)~~

Sec. 15. NRS 449A.001 is hereby amended to read as follows:

449A.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 449A.007 to 449A.081, inclusive, and section 3 of this act have the meanings ascribed to them in those sections.

Sec. 16. NRS 449A.114 is hereby amended to read as follows:

449A.114 1. Except as otherwise provided in subsection 2, before a facility for intermediate care, facility for skilled nursing or residential facility for groups transfers a patient to another medical facility or facility for the dependent or discharges the patient or resident from the facility, the facility shall:

(a) At least 30 calendar days before transferring or discharging the patient, provide the patient and the Ombudsman with written notice of the intent to transfer or discharge the patient; and

(b) Within 10 calendar days after providing written notice to the patient *or resident* and the Ombudsman pursuant to paragraph (a), allow the patient and any person authorized by the patient the opportunity to meet in person with the administrator of the facility to discuss the proposed transfer or discharge.

2. The provisions of this section do not apply to:

(a) A voluntary discharge or transfer of a patient to another medical facility or facility for the dependent at the request of the patient; or

(b) The transfer of a patient to another facility because the condition of the patient necessitates an immediate transfer to a facility for a higher level of care ; ~~for~~

~~[(c) The emergency transfer or discharge of a resident from a residential facility for groups pursuant to section 13 of this act.]~~

3. As used in this section:

(a) "Facility for intermediate care" has the meaning ascribed to it in NRS 449.0038.

(b) "Facility for skilled nursing" has the meaning ascribed to it in NRS 449.0039.

(c) "Ombudsman" means the State Long-Term Care Ombudsman appointed pursuant to NRS 427A.125.

~~[(d) "Residential facility for groups" has the meaning ascribed to it in NRS 449.017.]~~

Sec. 17. ~~[NRS 239.010 is hereby amended to read as follows:~~

~~239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039,~~

~~242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180,~~

~~645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, and section 14 of this act, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.~~

~~— 2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.~~

~~— 3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.~~

~~— 4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:~~

~~— (a) The public record:~~

~~— (1) Was not created or prepared in an electronic format; and~~

~~— (2) Is not available in an electronic format; or~~

~~— (b) Providing the public record in an electronic format or by means of an electronic medium would:~~

~~— (1) Give access to proprietary software; or~~

~~(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.~~

~~5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:~~

~~(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.~~

~~(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself. (Deleted by amendment.)~~

Sec. 18. NRS 427A.125 is hereby amended to read as follows:

427A.125 1. The Office of the State Long-Term Care Ombudsman is hereby created within the Division.

2. The Administrator shall appoint the State Long-Term Care Ombudsman to advocate for the protection of the health, safety, welfare and rights of recipients. The Ombudsman is in the classified service of the State. The Ombudsman shall, under direction of the Administrator:

(a) Train advocates to:

(1) Receive, investigate and attempt to resolve complaints made by or on behalf of recipients.

(2) Investigate acts, practices, policies or procedures of any facility for long-term care, day care center, facility for long-term rehabilitation or provider of living arrangement services or any governmental agency which relates to such care or services and may adversely affect the health, safety, welfare or civil rights of recipients and report the results of the investigations to the Ombudsman and the Administrator.

(3) Record and analyze information and complaints about facilities for long-term care, day care centers, facilities for long-term rehabilitation and providers of living arrangement services to identify problems affecting recipients to whom they provide services.

(4) Provide for the support and development of recipient and family councils to protect the well-being and rights of recipients.

(5) Assist facilities for long-term care, day care centers, facilities for long-term rehabilitation and providers of living arrangement services to provide services to recipients in the manner set forth in paragraph (b).

(b) Develop a course of training to be made available to officers, directors and employees of a facility for long-term care, a day care center, a facility for long-term rehabilitation or a provider of living arrangement services to encourage such facilities and providers to provide services to recipients in a manner that allows the recipients to follow their own routine and make their own decisions concerning the daily activities in which to participate. The course must also provide information concerning how to provide services in that manner.

(c) Coordinate services within the Department which may affect recipients and prospective recipients to ensure that such services are made available to eligible persons.

(d) Provide information to interested persons and to the general public concerning the functions and activities of the Ombudsman.

(e) Report annually to the Administrator.

3. The Ombudsman may:

(a) Analyze, provide comment on and monitor the development and implementation of any federal, state or local governmental action, activity or program that relates to the protection of the health, safety, welfare and rights of recipients; ~~and~~

(b) Recommend changes to any federal, state or local governmental action, activity or program described in paragraph (a) without the prior approval of the Administrator ~~to~~ ; and

(c) *Offer assistance to a residential facility for groups, a resident and any representative of the resident in planning for the discharge and relocation of the resident pursuant to section 12 of this act in order to assure the safe and orderly transition of the resident and to protect the health, safety, welfare and rights of the resident. As used in this paragraph:*

(1) *"Representative of the resident" has the meaning ascribed to it in section 6 of this act.*

(2) *"Resident" has the meaning ascribed to it in section 7 of this act.*

(3) *"Residential facility for groups" has the meaning ascribed to it in NRS 449.017.*

Sec. 19. NRS 654.190 is hereby amended to read as follows:

654.190 1. The Board may, after notice and an opportunity for a hearing as required by law, impose an administrative fine of not more than \$10,000 for each violation on, recover reasonable investigative fees and costs incurred from, suspend, revoke, deny the issuance or renewal of or place conditions on the license of, and place on probation or impose any combination of the foregoing on any licensee who:

(a) Is convicted of a felony relating to the practice of administering a nursing facility or residential facility or of any offense involving moral turpitude.

(b) Has obtained his or her license by the use of fraud or deceit.

(c) Violates any of the provisions of this chapter.

(d) Aids or abets any person in the violation of any of the provisions of NRS 449.029 to 449.2428, inclusive, or 449A.100 to 449A.124, inclusive, and sections 4 to ~~14~~, 12, inclusive, of this act, as those provisions pertain to a facility for skilled nursing, facility for intermediate care or residential facility for groups.

(e) Violates any regulation of the Board prescribing additional standards of conduct for licensees, including, without limitation, a code of ethics.

(f) Engages in conduct that violates the trust of a patient or resident or exploits the relationship between the licensee and the patient or resident for the financial or other gain of the licensee.

2. If a licensee requests a hearing pursuant to subsection 1, the Board shall give the licensee written notice of a hearing pursuant to NRS 233B.121 and 241.034. A licensee may waive, in writing, his or her right to attend the hearing.

3. The Board may compel the attendance of witnesses or the production of documents or objects by subpoena. The Board may adopt regulations that set forth a procedure pursuant to which the Chair of the Board may issue subpoenas on behalf of the Board. Any person who is subpoenaed pursuant to this subsection may request the Board to modify the terms of the subpoena or grant additional time for compliance.

4. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

5. The expiration of a license by operation of law or by order or decision of the Board or a court, or the voluntary surrender of a license, does not deprive the Board of jurisdiction to proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.

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

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

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

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

Senator Doñate moved the adoption of the amendment.

Remarks by Senator Doñate.

Amendment No. 355 to Senate Bill No. 298 requires a residential facility for groups to provide a resident, or a representative of the resident, with written notice of the location of a proposed discharge no later than ten days after providing notice of a potential discharge. It provides that residential facility groups are not subject to disciplinary actions for an emergency discharge or transfer under certain circumstances.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 326.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 361.

SUMMARY—Revises provisions governing elections. (BDR 24-542)

AN ACT relating to elections; revising the definition of "committee for political action"; revising the requirements for certain persons, committees for political action, political parties and committees sponsored by a political party to report contributions and expenditures; authorizing, under certain

circumstances, a candidate who is defeated or otherwise not elected to office at a general election or certain special elections to use unspent contributions in a future election; revising the requirement for reporting certain campaign expenses or expenditures; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) requires a committee for political action to register with the Secretary of State and report certain contributions and expenditures; and (2) defines a committee for political action to mean certain entities that solicit or receive contributions and make or intend to make certain contributions or make or intend to make certain expenditures. (NRS 294A.0055, 294A.150, 294A.210, 294A.220, 294A.230, 294A.410) Section 1 of this bill revises the definition of a "committee for political action" to: (1) mean certain organizations rather than entities; and (2) exclude from the definition any business or social organization, corporation, partnership, association, trust, unincorporated organization or labor union that limits its political actions to making contributions to a candidate or other committee for political action and the candidate or committee for political action that receives the contribution is required to report the contribution pursuant to the provisions of the Nevada Revised Statutes relating to campaign finance.

Existing law requires certain persons who make independent expenditures and certain committees for political action, political parties and committees sponsored by a political party which receive certain contributions or make certain expenditures to submit reports of such contributions. (NRS 294A.140, 294A.150) Sections ~~1.1~~ 1.5 and 2 of this bill require such persons and committees to also report: (1) the total amount of all contributions of \$1,000 or less received during the reporting period; and (2) the balance in the campaign account, if such person or committee is required to maintain such an account.

Existing law requires every candidate for office at a primary election, general election or special election who is defeated for or otherwise not elected to that office and who received contributions that were not spent or committed for expenditure to dispose of the money not later than the 15th day of the second month after the election. (NRS 294A.160) Section 2.3 of this bill authorizes, under certain circumstances, such a candidate to use such money in a future election. Such a candidate is subject to reporting requirements for contributions and campaign expenses for as long as the person is a candidate. Section 2.3 further provides that if such a candidate does not file a declaration of candidacy or appear on an official ballot at any election within 4 years, the candidate must dispose of the unspent contributions. Sections 2.6 and 3.3 of this bill make conforming changes to amend existing internal references in existing law to account for the revisions made by section 2.3.

Existing law provides that when reporting contributions, a person who qualifies as a committee for political action is required to report only those

contributions received for the purpose of affecting the outcome of any election or question on the ballot. (NRS 294A.230) Section 3 of this bill provides similarly that such a person is required to report only those expenditures made for the purpose of affecting the outcome of any election or question on the ballot.

Existing law requires that each report of campaign expenses or expenditures state the category and amount of each campaign expense or expenditure. (NRS 294A.365) Section 3.5 of this bill requires that each such report also state the name and address of the recipient of the campaign expense or expenditure.

Section 3.8 of this bill specifies that the new requirements set forth in this bill: (1) do not apply to any report of contributions or expenditures that is required to be filed by a committee for political action on or before January 15, 2024; and (2) apply to every report of contributions or expenditures that is required to be filed by a committee for political action after January 15, 2024.

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

Section 1. NRS 294A.0055 is hereby amended to read as follows:

294A.0055 1. "Committee for political action" means:

(a) Any group of natural persons or ~~entities~~ organizations that solicits or receives contributions from any other person, group or ~~entity~~ organization and:

(1) Makes or intends to make contributions to candidates ~~or~~ other persons ~~or~~ or organizations; or

(2) Makes or intends to make expenditures,
↪ designed to affect the outcome of any primary election, general election, special election or question on the ballot.

(b) ~~Any~~ Except as otherwise provided in paragraph (i) of subsection 2, any business or social organization, corporation, partnership, association, trust, unincorporated organization or labor union:

(1) Which has as its primary purpose affecting the outcome of any primary election, general election, special election or any question on the ballot and for that purpose receives contributions in excess of \$1,500 in a calendar year or makes expenditures in excess of \$1,500 in a calendar year; or

(2) Which does not have as its primary purpose affecting the outcome of any primary election, general election, special election or any question on the ballot, but for the purpose of affecting the outcome of any election or question on the ballot receives contributions in excess of \$5,000 in a calendar year or makes independent expenditures in excess of \$5,000 in a calendar year.

2. "Committee for political action" does not include:

(a) An organization made up of legislative members of a political party whose primary purpose is to provide support for their political efforts.

(b) An entity solely because it provides goods or services to a candidate or committee in the regular course of its business at the same price that would be provided to the general public.

(c) An individual natural person.

(d) Except as otherwise provided in paragraph (b) of subsection 1, an individual corporation or other business organization who has filed articles of incorporation or other documentation of organization with the Secretary of State pursuant to title 7 of NRS.

(e) Except as otherwise provided in paragraph (b) of subsection 1, a labor union.

(f) A personal campaign committee or the personal representative of a candidate who receives contributions or makes expenditures that are reported as contributions or expenditures by the candidate.

(g) A committee for the recall of a public officer.

(h) A major or minor political party or any committee sponsored by a major or minor political party.

(i) Any business or social organization, corporation, partnership, association, trust, unincorporated organization or labor union that limits its political actions to making contributions to one or more candidates or other committees for political action that are required to report contributions pursuant to this chapter.

~~{Section 1.}~~ Sec. 1.5. NRS 294A.140 is hereby amended to read as follows:

294A.140 1. The provisions of this section apply to:

(a) Every person who makes an independent expenditure in excess of \$1,000; and

(b) Every committee for political action, political party and committee sponsored by a political party which receives contributions in excess of \$1,000 or makes an expenditure for or against a candidate for office or a group of such candidates.

2. Every person, committee and political party described in subsection 1 shall, not later than January 15 of the election year, for the period beginning January 1 of the previous year and ending on December 31 of the previous year, report ~~each~~ :

(a) *Each* contribution in excess of \$1,000 received during the period ~~and contributions~~ ;

(b) *Contributions* received during the period from a contributor which cumulatively exceed \$1,000 ~~{ }~~ ;

(c) *The total amount of all contributions of \$1,000 or less received during the period and which are not required to be reported pursuant to paragraph (b); and*

(d) *The balance in the account maintained pursuant to NRS 294A.130, if applicable.*

3. In addition to the requirements set forth in subsection 2, every person, committee and political party described in subsection 1 shall, not later than:

(a) April 15 of the election year, for the period beginning January 1 and ending on March 31 of the election year;

(b) July 15 of the election year, for the period beginning April 1 and ending on June 30 of the election year;

(c) October 15 of the election year, for the period beginning July 1 and ending on September 30 of the election year; and

(d) January 15 of the year immediately following the election year, for the period beginning October 1 and ending on December 31 of the election year, ➤ report each contribution in excess of \$1,000 received during the period , ~~and~~ contributions received during the period from a contributor which cumulatively exceed \$1,000 ~~and~~ , *the total amount of all contributions of \$1,000 or less received during the period and which are not received from a contributor which cumulatively exceed \$1,000 and, if applicable, the balance in the account maintained pursuant to NRS 294A.130.*

4. Except as otherwise provided in subsections 5, 6 and 7 and NRS 294A.223, every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election or for or against a group of such candidates shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the nomination of the candidate through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

(c) Thirty days after the special election, for the remaining period through the date of the special election,

➤ report each contribution in excess of \$1,000 received during the period , ~~and~~ contributions received during the period from a contributor which cumulatively exceed \$1,000 ~~and~~ , *the total amount of all contributions of \$1,000 or less received during the period and which are not received from a contributor which cumulatively exceed \$1,000 and, if applicable, the balance in the account maintained pursuant to NRS 294A.130.*

5. Except as otherwise provided in subsections 6 and 7 and NRS 294A.223, every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of candidates for offices at such special elections shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the date the notice of intent to circulate a petition to recall is filed pursuant to NRS 306.015 through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

(c) Thirty days after the special election, for the remaining period through the date of the special election,

↪ report each contribution in excess of \$1,000 received during the period , ~~and~~ contributions received during the period from a contributor which cumulatively exceed \$1,000 ~~and~~ , *the total amount of all contributions of \$1,000 or less received during the period and which are not received from a contributor which cumulatively exceed \$1,000 and, if applicable, the balance in the account maintained pursuant to NRS 294A.130.*

6. Except as otherwise provided in subsection 7, if a petition for recall is not submitted to the filing officer before the expiration of the notice of intent pursuant to the provisions of chapter 306 of NRS or is otherwise legally insufficient when submitted to the filing officer pursuant to the provisions of that chapter, every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of such candidates shall, not later than 30 days after the expiration of the notice of intent, for the period from the filing of the notice of intent through the date that the notice of intent expires or the petition is determined to be legally insufficient, report each contribution in excess of \$1,000 received and contributions received which cumulatively exceed \$1,000. The provisions of this subsection apply to the person, committee and political party if the petition for recall:

(a) Is not submitted to the filing officer as required by chapter 306 of NRS;

(b) Is submitted to the filing officer without any valid signatures or with fewer than the necessary number of valid signatures required by chapter 306 of NRS; or

(c) Is otherwise legally insufficient or efforts to obtain the necessary number of valid signatures required by chapter 306 of NRS are suspended or discontinued.

7. If the legal sufficiency of a petition for recall is challenged and a district court determines that the petition is legally:

(a) Sufficient pursuant to chapter 306 of NRS and the order of the district court is appealed, every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of candidates for offices at such a special election shall:

(1) Not later than 30 days after the date on which the notice of appeal is filed, for the period from the filing of the notice of intent to circulate the petition for recall through the date on which the notice of appeal is filed ~~and~~

~~report each contribution in excess of \$1,000 received during the period and contributions received during the period which cumulatively exceed \$1,000.] ; and~~

(2) Not later than 30 days after the date on which all appeals regarding the petition are exhausted, for the period from the day after the date on which the notice of appeal is filed through the date on which all appeals regarding the petition are exhausted,

➡ report each contribution in excess of \$1,000 received during the period , ~~[and]~~ contributions received during the period *from a contributor* which cumulatively exceed \$1,000 ~~[.]~~ , *the total amount of all contributions of \$1,000 or less received during the period and which are not received from a contributor which cumulatively exceed \$1,000 and, if applicable, the balance in the account maintained pursuant to NRS 294A.130.*

(b) Insufficient pursuant to chapter 306 of NRS, every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of candidates for offices at such a special election shall:

(1) Not later than 30 days after the date on which the district court orders the filing officer to cease any further proceedings regarding the petition, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's order ~~[, report each contribution in excess of \$1,000 received during the period and contributions received during the period which cumulatively exceed \$1,000.] ; and~~

(2) Not later than 30 days after the date on which all appeals regarding the petition are exhausted, for the period from the day after the date of the district court's order through the date on which all appeals regarding the petition are exhausted,

➡ report each contribution in excess of \$1,000 received during the period , ~~[and]~~ contributions received during the period *from a contributor* which cumulatively exceed \$1,000 ~~[.]~~ , *the total amount of all contributions of \$1,000 or less received during the period and which are not received from a contributor which cumulatively exceed \$1,000 and, if applicable, the balance in the account maintained pursuant to NRS 294A.130.*

8. In addition to complying with the applicable requirements of subsections 2 to 7, inclusive, a person, committee or political party described in subsection 1 must, not later than January 15 of each year that is not an election year, for the period beginning January 1 of the previous year and ending on December 31 of the previous year, report each contribution in excess of \$1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed \$1,000. Nothing in this subsection:

(a) Requires the person, committee or political party to report information that has previously been reported in a timely manner pursuant to subsections 2 to 7, inclusive; or

(b) Authorizes the person, committee or political party to not comply with any applicable requirement set forth in subsections 2 to 7, inclusive.

9. Except as otherwise provided in NRS 294A.3737, the reports of contributions required pursuant to this section must be filed electronically with the Secretary of State.

10. A report shall be deemed to be filed on the date that it was received by the Secretary of State.

11. Every person, committee and political party described in this section shall file a report required by this section even if the person, committee or political party receives no contributions.

12. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of \$1,000 and contributions which a contributor has made cumulatively in excess of \$1,000 since the beginning of the current reporting period.

Sec. 2. NRS 294A.150 is hereby amended to read as follows:

294A.150 1. Every committee for political action that advocates the passage or defeat of a question or group of questions on the ballot at a primary election or general election shall, not later than January 15 of the election year, for the period beginning January 1 of the previous year and ending on December 31 of the previous year, report each contribution in excess of \$1,000 received during that period , ~~and~~ contributions received during the period from a contributor which cumulatively exceed \$1,000 ~~and the balance in the account maintained pursuant to NRS 294A.130.~~

2. In addition to the requirements set forth in subsection 1, the committee for political action shall, not later than:

(a) April 15 of the election year, for the period beginning January 1 and ending on March 31 of the election year;

(b) July 15 of the election year, for the period beginning April 1 and ending on June 30 of the election year;

(c) October 15 of the election year, for the period beginning July 1 and ending on September 30 of the election year; and

(d) January 15 of the year immediately following the election year, for the period beginning October 1 and ending on December 31 of the election year, ~~report each contribution in excess of \$1,000 received during the period , and contributions received during the period from a contributor which cumulatively exceed \$1,000 , the total amount of all contributions of \$1,000 or less received during the period and which are not received from a contributor which cumulatively exceed \$1,000 and the balance in the account maintained pursuant to NRS 294A.130.~~

3. Except as otherwise provided in NRS 294A.223, every committee for political action that advocates the passage or defeat of a question or group of questions on the ballot at a special election shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the date that the question qualified for the ballot through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

(c) Thirty days after the special election, for the remaining period through the date of the special election,

↪ report each contribution in excess of \$1,000 received during the period , ~~and~~ contributions received during the period from a contributor which cumulatively exceed \$1,000 ~~and~~ , *the total amount of all contributions of \$1,000 or less received during the period and which are not received from a contributor which cumulatively exceed \$1,000 and the balance in the account maintained pursuant to NRS 294A.130.*

4. The provisions of this section apply to a committee for political action even if the question or group of questions that the committee for political action advocates the passage or defeat of is removed from the ballot by a court order or otherwise does not appear on the ballot at a primary, general or special election.

5. Except as otherwise provided in NRS 294A.3737, the reports required pursuant to this section must be filed electronically with the Secretary of State.

6. A report shall be deemed to be filed on the date that it was received by the Secretary of State.

7. If the committee for political action is advocating passage or defeat of a group of questions, the reports must be itemized by question or petition.

Sec. 2.3. NRS 294A.160 is hereby amended to read as follows:

294A.160 1. It is unlawful for:

(a) A candidate to spend money received as a contribution:

(1) For the candidate's personal use; or

(2) To pay himself or herself a salary.

(b) A public officer to spend unspent contributions:

(1) For the public officer's personal use; or

(2) To pay himself or herself a salary.

2. Notwithstanding the provisions of NRS 294A.286, a candidate or public officer may use contributions to pay for any legal expenses that the candidate or public officer incurs in relation to a campaign or serving in public office without establishing a legal defense fund. Any such candidate or public officer shall report any expenditure of contributions to pay for legal expenses in the same manner and at the same time as the report filed pursuant

to NRS 294A.120 or 294A.200. A candidate or public officer shall not use contributions to satisfy a civil or criminal penalty imposed by law.

3. Except as otherwise provided in subsection ~~5.1~~ 6, every candidate for office at a primary election, general election or special election who is elected to that office and received contributions that were not spent or committed for expenditure before the primary election, general election or special election shall dispose of the money through one or any combination of the following methods:

(a) Return the unspent money to contributors;

(b) Use the money in the candidate's next election or for the payment of other expenses related to public office or his or her campaign, regardless of whether he or she is a candidate for a different office in the candidate's next election;

(c) Contribute the money to:

(1) The campaigns of other candidates for public office or for the payment of debts related to their campaigns;

(2) If the candidate was elected to the office of a Legislator, another member of the Legislature who is authorized to solicit or accept contributions pursuant to NRS 294A.117;

(3) A political party; or

(4) Any combination of persons or groups set forth in subparagraphs (1), (2) and (3);

(d) Donate the money to any tax-exempt nonprofit entity; or

(e) Donate the money to any governmental entity or fund of this State or a political subdivision of this State. A candidate who donates money pursuant to this paragraph may request that the money be used for a specific purpose.

4. Except as otherwise provided in subsection ~~5.1~~ or 6, every candidate for office at a primary election, general election or special election who withdraws pursuant to NRS 293.202 or 293C.195 after filing a declaration of candidacy, is removed from the ballot by court order or is defeated for or otherwise not elected to that office and who received contributions that were not spent or committed for expenditure before the primary election, general election or special election shall, not later than the 15th day of the second month after the election, dispose of the money through one or any combination of the following methods:

(a) Return the unspent money to contributors;

(b) Contribute the money to:

(1) The campaigns of other candidates for public office or for the payment of debts related to their campaigns;

(2) A political party; or

(3) Any combination of persons or groups set forth in subparagraphs (1) and (2);

(c) Donate the money to any tax-exempt nonprofit entity; or

(d) Donate the money to any governmental entity or fund of this State or a political subdivision of this State. A candidate who donates money pursuant to this paragraph may request that the money be used for a specific purpose.

5. Except as otherwise provided in subsection 11, every candidate for office who is defeated for or otherwise not elected to that office at a general election or a special election other than a special election to recall a public officer and who, not later than the 15th day of the second month after the election, qualifies as a candidate by receiving one or more qualifying contributions in excess of \$100, may use the unspent contributions in a future election and is not required to dispose of contributions that were not spent or committed for expenditure before the general election or special election pursuant to subsection 4. Such candidate is subject to the reporting requirements set forth in NRS 294A.120, 294A.125, 294A.128, 294A.200 and 294A.362 for as long as the person is a candidate for any office or qualifies as a candidate by receiving one or more qualifying contributions in excess of \$100.

6. Every candidate for office at a special election to recall a public officer shall dispose of the unspent contributions through one or any combination of the methods set forth in subsection 4 not later than the 15th day of the second month following the last day for the candidate to receive a contribution pursuant to NRS 294A.115.

~~6.~~ 7. Every candidate for office who withdraws after filing a declaration of candidacy, is defeated for that office at a primary election or is removed from the ballot by court order before a primary election or general election and who received a contribution from a person in excess of \$5,000 shall, not later than the 15th day of the second month after the primary election or general election, as applicable, return any money in excess of \$5,000 to the contributor.

~~7.~~ 8. Except for a former public officer who is subject to the provisions of subsection ~~11.~~ 12, every person who qualifies as a candidate by receiving one or more qualifying contributions in excess of \$100 but who, within 4 years after the date of receiving the first of those qualifying contributions, does not:

- (a) File a declaration of candidacy; or
- (b) Appear on an official ballot at any election,

↪ shall, not later than the 15th day of the month after the end of the 4-year period, dispose of all contributions that have not been spent or committed for expenditure through one or any combination of the methods set forth in subsection 4.

~~8.~~ 9. Except as otherwise provided in subsection ~~9.~~ 10, every public officer who:

- (a) Does not run for reelection to the office which he or she holds;
- (b) Is not a candidate for any other office and does not qualify as a candidate by receiving one or more qualifying contributions in excess of \$100; and

(c) Has contributions that are not spent or committed for expenditure remaining from a previous election,

➡ shall, not later than the 15th day of the second month after the expiration of the public officer's term of office, dispose of those contributions in the manner provided in subsection 4.

~~9.~~ 10. Every public officer who:

(a) Resigns from his or her office;

(b) Is not a candidate for any other office and does not qualify as a candidate by receiving one or more qualifying contributions in excess of \$100; and

(c) Has contributions that are not spent or committed for expenditure remaining from a previous election,

➡ shall, not later than the 15th day of the second month after the effective date of the resignation, dispose of those contributions in the manner provided in subsection 4.

~~10.~~ 11. Except as otherwise provided in subsection ~~11.~~ 12. every public officer who:

(a) Does not run for reelection to the office which he or she holds or who resigns from his or her office;

(b) Is a candidate for any other office or qualifies as a candidate by receiving one or more qualifying contributions in excess of \$100; and

(c) Has contributions that are not spent or committed for expenditure remaining from a previous election,

➡ may use the unspent contributions in a future election. Such a public officer is subject to the reporting requirements set forth in NRS 294A.120, 294A.125, 294A.128, 294A.200 and 294A.362 for as long as the public officer is a candidate for any office or qualifies as a candidate by receiving one or more qualifying contributions in excess of \$100.

~~11.~~ 12. Every *candidate described in subsection 5 or* former public officer described in subsection ~~10.~~ 11 who qualifies as a candidate by receiving one or more qualifying contributions in excess of \$100 but who, within 4 years after the date of receiving the first of those qualifying contributions, does not:

(a) File a declaration of candidacy; or

(b) Appear on an official ballot at any election,

➡ shall, not later than the 15th day of the month after the end of the 4-year period, dispose of all contributions that have not been spent or committed for expenditure through one or any combination of the methods set forth in subsection 4.

~~12.~~ 13. In addition to the methods for disposing of the unspent money set forth in this section, a Legislator may donate not more than \$500 of that money to the Nevada Silver Haired Legislative Forum created pursuant to NRS 427A.320.

~~13.~~ 14. Any contributions received before a candidate for office at a primary election, general election or special election dies that were not spent

or committed for expenditure before the death of the candidate must be disposed of in the manner provided in subsection 4.

~~[14.]~~ 15. The court shall, in addition to any penalty which may be imposed pursuant to NRS 294A.420, order the candidate or public officer to dispose of any remaining contributions in the manner provided in this section.

~~[15.]~~ 16. As used in this section:

(a) "Contribution" includes, without limitation, any interest and other income earned on a contribution.

(b) "Qualifying contribution" means the receipt of a contribution that causes a person to qualify as a candidate pursuant to subsection 3 of NRS 294A.005.

Sec. 2.6. NRS 294A.200 is hereby amended to read as follows:

294A.200 1. Every candidate for office at a primary election or general election shall, not later than January 15 of the election year, for the period beginning January 1 of the previous year and ending on December 31 of the previous year, report:

(a) Each of the campaign expenses in excess of \$100 incurred during the period;

(b) Each amount in excess of \$100 disposed of pursuant to NRS 294A.117, 294A.160 or subsection 3 of NRS 294A.286 during the period;

(c) The total of all campaign expenses incurred during the period which are \$100 or less; and

(d) The total of all amounts disposed of during the period pursuant to NRS 294A.117, 294A.160 or subsection 3 of NRS 294A.286 which are \$100 or less.

2. In addition to the requirements set forth in subsection 1, every candidate for office at a primary election or general election shall, not later than:

(a) April 15 of the election year, for the period beginning January 1 and ending on March 31 of the election year;

(b) July 15 of the election year, for the period beginning April 1 and ending on June 30 of the election year;

(c) October 15 of the election year, for the period beginning July 1 and ending on September 30 of the election year; and

(d) January 15 of the year immediately following the election year, for the period beginning October 1 and ending on December 31 of the election year, ➤ report each of the campaign expenses described in subsection 1 incurred during the period.

3. Except as otherwise provided in subsections 4, 5 and 6 and NRS 294A.223, every candidate for office at a special election shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the candidate's nomination

through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

(c) Thirty days after the special election, for the remaining period through the date of the special election,

→ report each of the campaign expenses described in subsection 1 incurred during the period.

4. Except as otherwise provided in subsections 5 and 6 and NRS 294A.223, every candidate for office at a special election to determine whether a public officer will be recalled shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the date the notice of intent to circulate the petition for recall is filed pursuant to NRS 306.015 through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

(c) Thirty days after the special election, for the remaining period through the date of the special election,

→ report each of the campaign expenses described in subsection 1 incurred during the period.

5. Except as otherwise provided in subsection 6, if a petition for recall is not submitted to the filing officer before the expiration of the notice of intent pursuant to the provisions of chapter 306 of NRS or is otherwise legally insufficient when submitted to the filing officer pursuant to the provisions of that chapter, every candidate for office at a special election to determine whether a public officer will be recalled shall, not later than 30 days after the expiration of the notice of intent, for the period from the filing of the notice of intent through the date that the notice of intent expires or the petition is determined to be legally insufficient, report each of the campaign expenses described in subsection 1 incurred during the period. The provisions of this subsection apply to the candidate for office at a special election if the petition for recall:

(a) Is not submitted to the filing officer as required by chapter 306 of NRS;

(b) Is submitted to the filing officer without any valid signatures or with fewer than the necessary number of valid signatures required by chapter 306 of NRS; or

(c) Is otherwise legally insufficient or efforts to obtain the necessary number of valid signatures required by chapter 306 of NRS are suspended or discontinued.

6. If the legal sufficiency of a petition for recall is challenged and a district court determines that the petition is legally:

(a) Sufficient pursuant to chapter 306 of NRS and the order of the district court is appealed, every candidate for office at a special election to determine whether a public officer will be recalled shall:

(1) Not later than 30 days after the date on which the notice of appeal is filed, for the period from the filing of the notice of intent to circulate the petition for recall through the date on which the notice of appeal is filed, report each of the campaign expenses described in subsection 1 incurred during the period.

(2) Not later than 30 days after the date on which all appeals regarding the petition are exhausted, for the period from the day after the date on which the notice of appeal is filed through the date on which all appeals regarding the petition are exhausted, report each of the campaign expenses described in subsection 1 incurred during the period.

(b) Insufficient pursuant to chapter 306 of NRS, every candidate for office at a special election to determine whether a public officer will be recalled shall:

(1) Not later than 30 days after the date on which the district court orders the filing officer to cease any further proceedings regarding the petition, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's order, report each of the campaign expenses described in subsection 1 incurred during the period.

(2) Not later than 30 days after the date on which all appeals regarding the petition are exhausted, for the period from the day after the date of the district court's order through the date on which all appeals regarding the petition are exhausted, report each of the campaign expenses described in subsection 1 incurred during the period.

7. In addition to complying with the applicable reporting requirements of subsections 1 to 6, inclusive, if a candidate is elected to office at a primary election, general election or special election, he or she must, not later than January 15 of each year, report each of the campaign expenses described in subsection 1 incurred during the period beginning January 1 of the previous year and ending on December 31 of the previous year. The provisions of this subsection apply to the candidate until the year immediately preceding the next election year for that office. Nothing in this section:

(a) Requires the candidate to report a campaign expense that has previously been reported in a timely manner pursuant to subsections 1 to 6, inclusive; or

(b) Authorizes the candidate to not comply with the applicable requirements of subsections 1 to 6, inclusive, if he or she becomes a candidate for another office at a primary election, general election or special election during his or her term of office.

8. Except as otherwise provided in subsection 9, if a candidate disposes of contributions pursuant to NRS 294A.117, 294A.160 or 294A.286 in any

calendar year for which the candidate is not required to file a report pursuant to other provisions of this section, the candidate shall on or before January 15 of the following year, for the period beginning January 1 and ending on December 31 of the calendar year, report:

(a) Each amount in excess of \$100 disposed of pursuant to NRS 294A.117, 294A.160 or 294A.286 during the period; and

(b) The total of all amounts disposed of during the period pursuant to NRS 294A.117, 294A.160 or 294A.286 which are \$100 or less.

9. If a candidate for office at a special election to determine whether a public officer will be recalled disposes of contributions pursuant to subsection ~~5~~ 6 of NRS 294A.160, the candidate shall, on or before the 15th day of the second month following the last day for the candidate to receive a contribution pursuant to NRS 294A.115, report:

(a) Each amount in excess of \$100 disposed of pursuant to subsection ~~5~~ 6 of NRS 294A.160; and

(b) The total of all amounts disposed of during the period pursuant to subsection ~~5~~ 6 of NRS 294A.160 which are \$100 or less.

10. Except as otherwise provided in NRS 294A.3733, reports of campaign expenses must be filed electronically with the Secretary of State.

11. A report shall be deemed to be filed on the date that it was received by the Secretary of State.

Sec. 3. NRS 294A.230 is hereby amended to read as follows:

294A.230 1. Except as otherwise provided in subsection 2, each committee for political action shall, before it engages in any activity in this State, register with the Secretary of State on forms supplied by the Secretary of State.

2. A person who qualifies as a committee for political action in accordance with:

(a) Subparagraph (1) of paragraph (b) of subsection 1 of NRS 294A.0055 by receiving contributions in excess of \$1,500 in a calendar year or making expenditures in excess of \$1,500 in a calendar year; or

(b) Subparagraph (2) of paragraph (b) of subsection 1 of NRS 294A.0055 by receiving contributions in excess of \$5,000 in a calendar year or making independent expenditures in excess of \$5,000 in a calendar year,

➤ shall, not later than 7 calendar days after the qualifying event, register with the Secretary of State on forms supplied by the Secretary of State. When reporting contributions *or expenditures* as required by this chapter, a person who qualifies as a committee for political action in accordance with subparagraph (2) of paragraph (b) of subsection 1 of NRS 294A.0055 is required to report only those contributions received for *or expenditures made for* the purpose of affecting the outcome of any primary election, general election, special election or any question on the ballot.

3. The form must require:

(a) The name of the committee for political action;

(b) The purpose for which it was organized;

- (c) The names, addresses and telephone numbers of its officers;
- (d) If the committee for political action is affiliated with any other organizations, the name, address and telephone number of each organization;
- (e) The name, address and telephone number of its registered agent; and
- (f) Any other information deemed necessary by the Secretary of State.

4. A committee for political action shall file with the Secretary of State:

(a) An amended form for registration within 30 days after any change in the information contained in the form for registration.

(b) A form for registration on or before January 15 of each year, regardless of whether there is a change in the information contained in the most recent form for registration filed by the committee for political action with the Secretary of State.

5. The Secretary of State shall include on the Secretary of State's Internet website the information required pursuant to subsection 3.

6. For purposes of the civil penalty that the Secretary of State may impose pursuant to NRS 294A.420 for violating the provisions of subsection 1 or 2, if a committee for political action fails to register with the Secretary of State pursuant to subsection 1 or 2, each time the committee for political action engages in any activity in this State constitutes a separate violation of subsection 1 or 2 for which the Secretary of State may impose a civil penalty.

Sec. 3.3. NRS 294A.350 is hereby amended to read as follows:

294A.350 1. Except as otherwise provided in subsection 2, every candidate for office shall file the reports required by NRS 294A.120, 294A.125, 294A.128, 294A.200, 294A.286 and 294A.362, even though the candidate:

(a) Withdraws his or her candidacy pursuant to NRS 293.202 or 293C.195;

(b) Ends his or her campaign without withdrawing his or her candidacy pursuant to NRS 293.202 or 293C.195;

(c) Receives no contributions;

(d) Has no campaign expenses;

(e) Is not opposed in the election by another candidate;

(f) Is defeated in the primary election;

(g) Is removed from the ballot by court order; or

(h) Is the subject of a petition to recall and the special election is not held.

2. A candidate described in paragraph (a), (b), (f) or (g) of subsection 1 may simultaneously file all the reports required by NRS 294A.120, 294A.125, 294A.128, 294A.200, 294A.286 and 294A.362 that are due after the candidate disposes of any unspent or excess contributions as provided in NRS 294A.117 or subsections 4, ~~5 and~~ 6 and 7 of NRS 294A.160, as applicable, if the candidate gives written notice to the Secretary of State, on the form prescribed by the Secretary of State, that the candidate is ending his or her campaign and will not accept any additional contributions. If the candidate has submitted a withdrawal of candidacy pursuant to NRS 293.202

or 293C.195 to an officer other than the Secretary of State, the candidate must enclose with the notice a copy of the withdrawal of candidacy. A form submitted to the Secretary of State pursuant to this subsection must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.

3. A candidate described in paragraph (b) of subsection 1 who simultaneously files reports pursuant to subsection 2 but is elected to office despite ending his or her campaign is subject to the reporting requirements set forth in NRS 294A.120, 294A.125, 294A.128, 294A.200, 294A.286 and 294A.362, beginning with the next report that is due pursuant to those sections after his or her election to office.

Sec. 3.5. NRS 294A.365 is hereby amended to read as follows:

294A.365 1. Each report required pursuant to NRS 294A.210, 294A.220 and 294A.280 must consist of a list of each expenditure in excess of \$100 or \$1,000, as is appropriate, that was made during the periods for reporting. Each report required pursuant to NRS 294A.125 and 294A.200 must consist of a list of each campaign expense in excess of \$100 that was incurred during the periods for reporting. The list in each report must state the category and amount of the campaign expense or expenditure , the name and address of the recipient of the campaign expense or expenditure and the date on which the campaign expense was incurred or the expenditure was made.

2. The categories of campaign expense or expenditure for use on the report of campaign expenses or expenditures are:

- (a) Office expenses;
- (b) Expenses related to volunteers;
- (c) Expenses related to travel;
- (d) Expenses related to advertising;
- (e) Expenses related to paid staff;
- (f) Expenses related to consultants;
- (g) Expenses related to polling;
- (h) Expenses related to special events;
- (i) Expenses related to a legal defense fund;
- (j) Except as otherwise provided in NRS 294A.362, goods and services provided in kind for which money would otherwise have been paid;
- (k) Contributions made to another candidate, a nonprofit corporation that is registered or required to be registered pursuant to NRS 294A.225, a committee for political action that is registered or required to be registered pursuant to NRS 294A.230 or a committee for the recall of a public officer that is registered or required to be registered pursuant to NRS 294A.250;
- (l) Fees for filing declarations of candidacy;
- (m) Repayments or forgiveness of loans;
- (n) The disposal of unspent contributions pursuant to NRS 294A.117 or 294A.160; and

(o) Other miscellaneous expenses.

3. Each report of campaign expenses or expenditures described in subsection 1 must:

(a) List the disposition of any unspent contributions using the categories set forth in NRS 294A.117, subsection 3 of NRS 294A.160 or subsection 3 of NRS 294A.286, as applicable; and

(b) For any campaign expense or expenditure that is paid for using a credit card or debit card, itemize each transaction and identify the person, business or other entity from whom the purchase of the campaign expense or expenditure was made ~~and~~ and the address of the person, business or entity.

Sec. 3.8. 1. The provisions of this act:

(a) Do not apply to any report of contributions or expenditures that is required to be filed on or before January 15, 2024.

(b) Applies to every report of contributions or expenditures that is required to be filed by a committee for political action after January 15, 2024.

2. As used in this section:

(a) "Committee for political action" has the meaning ascribed to it in NRS 294A.0055.

(b) "Contribution" has the meaning ascribed to it in NRS 294A.007.

(c) "Expenditures" has the meaning ascribed to it in NRS 294A.0075.

Sec. 4. 1. This section becomes effective upon passage and approval.

2. Sections ~~1, 2 and 3~~ 1, 2 and 3 to 3.8, inclusive, of this act become effective:

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

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

Senator Ohrenschall moved the adoption of the amendment.

Remarks by Senator Ohrenschall.

Amendment No. 361 to Senate Bill No. 326 changes the word "entities" to "organizations" in NRS 294A.0055 regarding the definition of a "committee for political action." It excludes from the definition of "committee for political action" certain business or organizations that limit their political action to making contributions to a candidate or other committee for political action who is then required as a recipient to report the contribution. It amends NRS 294A.160 regarding the use of unspent contributions in a future election under certain circumstances where a candidate is defeated but subsequently receives one or more qualifying contributions in excess of \$100. Additionally, the amendment amends NRS 294A.365 to require the report to list the "name and address of the recipient of the campaign expense or expenditure."

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 384.

Bill read second time.

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

Amendment No. 476.

SUMMARY—Establishes certain provisions relating to the award of grants of federal money by a state agency for the development of broadband services and infrastructure. (BDR 18-1035)

AN ACT relating to broadband; establishing certain requirements for a state agency that awards grants of federal money for the development of broadband services and infrastructure; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Office of Science, Innovation and Technology in the Office of the Governor and requires: (1) the Director of the Office to establish and administer a program of infrastructure grants for the development or improvement of broadband services for persons with low income and persons in rural areas of this State; and (2) the Office to establish and administer a program to encourage the deployment of broadband infrastructure in underserved communities in this State. (NRS 223.600, 223.610, 223.670) Section 2 of this bill sets forth a legislative declaration regarding the importance of using a well-trained workforce and providing jobs to residents of this State in expending federal money to increase the development of broadband services and infrastructure in this State.

Section 3 of this bill requires each state agency that awards grants of federal money for the development of broadband services and infrastructure to: (1) evaluate and assign a score to each grant application received by the state agency based on the factors and relative weights assigned to each factor that the state agency specified in the request for grant applications; and (2) assign a relative weight of 30 percent to a grant application if the applicant submits a signed certification with his or her application. Section 3 provides that the applicant ~~[may]~~ must certify that ~~[he or she]~~ if the applicant or a provider of broadband services will perform some or all of the work or will subcontract some or all of the work to a licensed contractor, the applicant, provider or contractor: (1) meets certain safety and training requirements and provides job opportunities with high-quality wages for residents of this State and members of underrepresented communities; or (2) is a signatory to a collective bargaining agreement that covers the direct employees of the applicant who will perform any work financed in whole or in part by the grant money.

Section 3 also provides that if an applicant provides a certification that the applicant or provider meets certain safety and training requirements and provides job opportunities with high-quality wages for residents of this State and members of underrepresented communities, certain provisions of law requiring the payment of prevailing wages on public works do not apply. Section 3.5 of this bill makes a conforming change to provide an exception to the requirements to pay prevailing wages on public works.

Section 3 further requires each state agency to include as a condition of any grant award that: (1) the certification provided by the applicant is binding ~~[with respect to any work performed in whole or in part using]~~ upon the

applicant that is awarded the grant money; and (2) if ~~[an applicant who is]~~ a licensed contractor ~~[hires a subcontractor to perform]~~ performs any work, certain provisions of law governing public works apply to the work performed by the subcontractor. Lastly, section 3 authorizes the Director of the Office to adopt regulations to carry out the provisions of section 3.

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 the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *The Legislature finds and declares that:*

1. *The State of Nevada is poised to see a once in a generation wave of federal money resulting from the passage of the Infrastructure Investment and Jobs Act, Public Law 117-58, and the American Rescue Plan Act of 2021, Public Law 117-2, which will help to close the digital divide and increase the development of broadband services and infrastructure across the State;*

2. *The State of Nevada needs to ensure that this historic investment creates long-lasting broadband infrastructure that is built by a well-trained workforce;*

3. *Work performed by an unqualified contractor with a poorly trained workforce endangers the public and is not in the best interest of the citizens of this State; and*

4. *Proper stewardship of public money will require that the State of Nevada implement appropriate measures to ensure that any grants of federal money awarded by this State for the development of broadband services and infrastructure prioritize issuing grants to applicants that will ensure the work is performed safely and by a well-trained workforce and that the applicant provides quality jobs to Nevada workers.*

Sec. 3. 1. *In awarding any grant of federal money for the development of broadband services and infrastructure in accordance with federal law, each state agency shall:*

(a) *Evaluate and assign a score to each application received by the state agency based on the factors and relative weights assigned to each factor that the state agency specified in the request for grant applications; and*

(b) *When ranking the proposals, assign a relative weight of 30 percent to an application if the applicant submits a signed certification attesting that the applicant meets the requirements of paragraph (a) or (b) of subsection 2.*

2. *An applicant for a grant of federal money for the development of broadband services and infrastructure ~~[may]~~ shall submit to a state agency with the application for the grant a signed statement certifying that:*

(a) ~~[The]~~ *If the applicant:*

(1) *Will perform ~~[any]~~ some or all of the work that is financed in whole or in part with the grant money or ~~[that]~~ if such work will be performed by a ~~[contractor licensed pursuant to chapter 624 of NRS]~~*

~~—(2)—~~ provider of broadband services, the applicant or provider, as applicable, meets the requirements set forth in paragraph (b) or (c); and

(2) Will subcontract some or all of the work that is financed in whole or in part with the grant money, the subcontractor meets the requirements set forth in paragraph (b) or (c);

(b) The applicant, provider of broadband services or contractor, as applicable:

(1) Has a robust training program with training requirements that are tied to titles, uniform wage scales and skill codes recognized in the industry;

~~—(3)—~~ (2) Requires safety training, including, without limitation, any safety training requirements of the Occupational Safety and Health Administration of the United States Department of Labor, and operates a safety program that requires drug testing;

~~—(4)— Any~~

(3) Requires work performed by the applicant, provider or contractor, as applicable, that is financed in whole or in part with the grant money will be performed by employees who are directly employed by the applicant, provider or contractor, as applicable, and that such workers will receive high-quality wages and benefits;

~~—(5)—~~ (4) Has programs to promote the training and hiring of workers from underrepresented communities;

~~—(6)—~~ (5) Primarily employs a qualified local work force consisting of residents of this State or conducts a program to promote the hiring of residents of this State; and

~~—(7)—~~ (6) Has a documented record of complying with all applicable labor and employment laws in the 5-year period immediately preceding the date the grant application is filed or has a documented record of mitigating any violations of the applicable labor and employment laws and has taken measures to ensure future compliance with such laws; or

~~—(b)—~~ (c) The applicant, provider of broadband services or contractor licensed pursuant to chapter 624 of NRS that will perform some or all of the work is a signatory to a collective bargaining agreement that covers all non-supervisory employees directly employed by the applicant, provider or contractor, as applicable, who will perform any work financed in whole or in part with the grant money.

3. Except as otherwise provided in subsection 5, the provisions of NRS 338.020 to 338.090, inclusive, do not apply to work performed by an applicant or provider of broadband services that is a public work if the applicant or provider, as applicable, is a signatory to a collective bargaining agreement.

4. Any certification submitted by an applicant for a grant pursuant to subsection 2 must be made available on the Internet website of the state agency which awarded the grant.

~~—4—~~ 5. In addition to the requirements of subsections 1 and 2 and except as otherwise provided in federal law, each state agency shall require as a

condition of any grant of federal money for the development of broadband services and infrastructure in accordance with federal law that is awarded by the state agency that:

(a) Any certification provided by the applicant pursuant to subsection 2 is binding upon the applicant ~~in performing any work financed in whole or in part with~~ who is awarded the grant money; and

(b) If ~~the applicant is~~ a contractor licensed pursuant to chapter 624 of NRS ~~and the applicant subcontracts~~ performs any work financed in whole or in part with the grant money, ~~to a subcontractor,~~ the provisions of NRS 338.020 to 338.090, inclusive, shall apply.

~~5.7~~ 6. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular grant because of the provisions of this section, the provisions of this section do not apply insofar as their application would preclude or reduce federal assistance for that work.

~~6.7~~ 7. The Director of the Office of Science, Innovation and Technology established pursuant to NRS 223.600 may adopt regulations to carry out the provisions of this section.

~~7.7~~ 8. As used in this section, "state agency" means every public agency, bureau, board, commission, department, division, officer or employee of the Executive Department of the State Government.

Sec. 3.5. NRS 338.080 is hereby amended to read as follows:

338.080 Except as otherwise provided in NRS 408.55086, none of the provisions of NRS 338.020 to 338.090, inclusive, apply to:

1. Any work, construction, alteration, repair or other employment performed, undertaken or carried out, by or for any railroad company or any person operating the same, whether such work, construction, alteration or repair is incident to or in conjunction with a contract to which a public body is a party, or otherwise.

2. Apprentices recorded under the provisions of chapter 610 of NRS.

3. Any contract for a public work whose estimated cost is less than \$100,000. A unit of the project must not be separated from the total project, even if that unit is to be completed at a later time, in order to lower the estimated cost of the project below \$100,000.

4. Any work performed for the development of broadband services and infrastructure using grant money awarded pursuant to section 3 of this act by the recipient of the grant money or a provider of broadband services if the recipient or provider, as applicable, is a signatory to a collective bargaining agreement, unless the work is performed by a contractor who is licensed pursuant to chapter 624 of NRS.

Sec. 4. 1. This section becomes effective upon passage and approval.

2. Sections 1 ~~2 and 3~~ to 3.5, inclusive, of this act become effective:

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

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

Senator Flores moved the adoption of the amendment.

Remarks by Senator Flores.

Amendment No. 476 to Senate Bill No. 384 requires an applicant to certify that they will meet certain requirements defined in the bill; clarifies that if the work self-performed by an applicant or a broadband service provider is covered by the terms of a collective bargaining agreement, prevailing wage provisions will not apply; clarifies that any certification provided by an applicant is binding upon the applicant receiving the grant money and if certain contractors perform any work financed in whole or in part with the grant money, prevailing wage provisions will apply.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 385.

Bill read second time.

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

Amendment No. 356.

SUMMARY—Revises provisions relating to health care. (BDR 40-375)

AN ACT relating to health care; requiring a hospital to ~~establish a team of providers of health care to assist in caring for a patient who is discharged from the hospital;~~ ensure that a patient or his or her primary caregiver meets or knows how to contact a dietician assigned to a care team for the patient in certain circumstances; requiring certain entities that provide care to a patient in his or her residence to consult with a dietician in certain circumstances; requiring certain providers of health care at a hospital to document the reasons for not ordering or conducting ~~certain tests;~~ any test requested by the patient; requiring ~~the State Plan for~~ Medicaid to provide coverage for certain dental procedures ~~and~~ and certain corrective lenses; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Health to adopt regulations governing the licensing and operation of medical facilities, including hospitals. (NRS 449.0302) Section 1 of this bill requires a hospital that discharges a patient to ~~establish a team of providers of health care, including a~~ ensure that the patient or the person with primary responsibility for the care of the patient meets or knows how to contact any dietician ~~to assist in caring;~~ assigned to care team for the patient while the patient rehabilitates ~~at his or her residence.~~ Section 1 requires certain licensed entities that provide care to a patient discharged from a hospital in his or her residence to consult with a dietician to ensure that the patient or the person with primary responsibility for the care of the patient understands the dietary needs of the patient. Section 1 also requires a provider of health care who has primary responsibility for the treatment and care of a patient at a hospital to document in the medical record of the patient the reasons the provider chose not to order or conduct any test ~~that is customarily ordered or conducted.~~

requested by the patient. Sections 2-7 and 10 of this bill make conforming changes to provide for the administration and enforcement of the requirements of section 1 in the same manner as other requirements imposed on medical facilities by existing law.

Existing law requires the Department of Health and Human Services to ~~[develop and]~~ administer ~~[the State Plan for Medicaid, which includes coverage of specific medical services provided to recipients of]~~ Medicaid. (NRS ~~[422.063,]~~ 422.270) Section ~~[9,]~~ 9.4 of this bill requires the Director of the Department to include ~~[in the State Plan for]~~ under Medicaid ~~[a requirement that the State pay the nonfederal share of expenses]~~ coverage for : (1) the filling of cavities ~~[and]~~ ; (2) the fabrication, preparation and placement of temporary and permanent crowns ~~[. Section 9 requires]~~ ; and (3) removable dentures. Section 9.8 of this bill: (1) requires the Director to include under Medicaid coverage for polycarbonate lenses; and (2) prohibits Medicaid from placing certain conditions on such coverage. Sections 9.4 and 9.8 require the Department to apply for certain federal approval, as necessary to obtain federal funding to provide such coverage. Section 8 of this bill makes a conforming change to indicate that the provisions of ~~[section 9]~~ sections 9.4 and 9.8 will be administered in the same manner as the provisions of existing law governing the State Plan for Medicaid.

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

Section 1. Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:

~~[Before a patient is discharged from a hospital:]~~

1. ~~[The]~~ If a patient will be released from a hospital to his or her residence or a rehabilitation center and a dietician is assigned to a team of persons formed by the hospital to care for the patient while the patient rehabilitates, the hospital shall establish a team of providers of health care, which must include, without limitation, a ~~[to assist in caring for the patient while the patient rehabilitates at his or her residence.]~~ ensure that the patient or the person with primary responsibility for the care of the patient meets or knows how to contact the dietician .

2. If a patient is released by a hospital to his or her residence to receive care from an agency to provide personal care services in the home or any other entity licensed pursuant to this chapter that provides care to the patient in his or her residence, the agency to provide personal care services in the home or other entity shall consult with a dietician, as appropriate, to ensure that the patient or the person with primary responsibility for the care of the patient understands the dietary needs of the patient.

3. The provider of health care who has primary responsibility for the treatment and care of ~~[the]~~ a patient at ~~[the]~~ a hospital shall document in the medical record of the patient the reasons the provider chose not to order or conduct any test ~~[that is customarily ordered or conducted when the patient~~
~~— (a) Is admitted to the hospital; or~~

~~(b) Is experiencing symptoms similar to those experienced by the patient or has been diagnosed with a condition with which the patient has been diagnosed.~~ requested by the patient.

Sec. 2. NRS 449.029 is hereby amended to read as follows:

449.029 As used in NRS 449.029 to 449.240, inclusive, *and section 1 of this act*, unless the context otherwise requires, "medical facility" has the meaning ascribed to it in NRS 449.0151 and includes a program of hospice care described in NRS 449.196.

Sec. 3. NRS 449.0301 is hereby amended to read as follows:

449.0301 The provisions of NRS 449.029 to 449.2428, inclusive, *and section 1 of this act* do not apply to:

1. Any facility conducted by and for the adherents of any church or religious denomination for the purpose of providing facilities for the care and treatment of the sick who depend solely upon spiritual means through prayer for healing in the practice of the religion of the church or denomination, except that such a facility shall comply with all regulations relative to sanitation and safety applicable to other facilities of a similar category.

2. Foster homes as defined in NRS 424.014.

3. Any medical facility, facility for the dependent or facility which is otherwise required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed that is operated and maintained by the United States Government or an agency thereof.

Sec. 4. NRS 449.0302 is hereby amended to read as follows:

449.0302 1. The Board shall adopt:

(a) Licensing standards for each class of medical facility or facility for the dependent covered by NRS 449.029 to 449.2428, inclusive, *and section 1 of this act* and for programs of hospice care.

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

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

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

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

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

(g) Any other regulations as it deems necessary or convenient to carry out the provisions of NRS 449.029 to 449.2428, inclusive ~~[]~~ , *and section 1 of this act.*

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

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

(b) Residential facilities for groups,

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

3. The Board shall adopt separate regulations for:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Contain a sleeping area or bedroom; and

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

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

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

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

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

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

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

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

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

8. The Division may grant an exception from the requirement of subparagraph (1) of paragraph (b) of subsection 7 to a facility which is licensed as a residential facility for groups on or before July 1, 2005, and

which is authorized to have 10 or fewer beds and was originally constructed as a single-family dwelling if the Division finds that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Except as otherwise provided in paragraph (b), require a natural person responsible for the operation of a provider of community-based living arrangement services and each employee of a provider of community-based living arrangement services who supervises or provides support to recipients of community-based living arrangement services to complete training

concerning the provision of community-based living arrangement services to persons with mental illness and continuing education concerning the particular population served by the provider;

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

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

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

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

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

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

13. As used in this section, "living unit" means an individual private accommodation designated for a resident within the facility.

Sec. 5. NRS 449.160 is hereby amended to read as follows:

449.160 1. The Division may deny an application for a license or may suspend or revoke any license issued under the provisions of NRS 449.029 to 449.2428, inclusive, *and section 1 of this act* upon any of the following grounds:

(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410 or 449.029 to 449.245, inclusive, *and section 1 of this act* or of any other law of this State or of the standards, rules and regulations adopted thereunder.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the premises for which a license is issued.

(d) Conduct or practice detrimental to the health or safety of the occupants or employees of the facility.

(e) Failure of the applicant to obtain written approval from the Director of the Department of Health and Human Services as required by NRS 439A.100 or as provided in any regulation adopted pursuant to NRS 449.001 to 449.430, inclusive, *and section 1 of this act* and 449.435 to 449.531, inclusive, and chapter 449A of NRS if such approval is required.

(f) Failure to comply with the provisions of NRS 441A.315 and any regulations adopted pursuant thereto or NRS 449.2486.

(g) Violation of the provisions of NRS 458.112.

2. In addition to the provisions of subsection 1, the Division may revoke a license to operate a facility for the dependent if, with respect to that facility, the licensee that operates the facility, or an agent or employee of the licensee:

(a) Is convicted of violating any of the provisions of NRS 202.470;

(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or

(c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.

3. The Division shall maintain a log of any complaints that it receives relating to activities for which the Division may revoke the license to operate a facility for the dependent pursuant to subsection 2. The Division shall provide to a facility for the care of adults during the day:

(a) A summary of a complaint against the facility if the investigation of the complaint by the Division either substantiates the complaint or is inconclusive;

(b) A report of any investigation conducted with respect to the complaint; and

(c) A report of any disciplinary action taken against the facility.

↪ The facility shall make the information available to the public pursuant to NRS 449.2486.

4. On or before February 1 of each odd-numbered year, the Division shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:

(a) Any complaints included in the log maintained by the Division pursuant to subsection 3; and

(b) Any disciplinary actions taken by the Division pursuant to subsection 2.

Sec. 6. NRS 449.163 is hereby amended to read as follows:

449.163 1. In addition to the payment of the amount required by NRS 449.0308, if a medical facility, facility for the dependent or facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed violates any provision related to its licensure, including any provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, *and section 1 of this act* or any condition, standard or regulation adopted by the Board, the Division, in accordance with the regulations adopted pursuant to NRS 449.165, may:

(a) Prohibit the facility from admitting any patient until it determines that the facility has corrected the violation;

(b) Limit the occupancy of the facility to the number of beds occupied when the violation occurred, until it determines that the facility has corrected the violation;

(c) If the license of the facility limits the occupancy of the facility and the facility has exceeded the approved occupancy, require the facility, at its own expense, to move patients to another facility that is licensed;

(d) Impose an administrative penalty of not more than \$5,000 per day for each violation, together with interest thereon at a rate not to exceed 10 percent per annum; and

(e) Appoint temporary management to oversee the operation of the facility and to ensure the health and safety of the patients of the facility, until:

(1) It determines that the facility has corrected the violation and has management which is capable of ensuring continued compliance with the applicable statutes, conditions, standards and regulations; or

(2) Improvements are made to correct the violation.

2. If the facility fails to pay any administrative penalty imposed pursuant to paragraph (d) of subsection 1, the Division may:

(a) Suspend the license of the facility until the administrative penalty is paid; and

(b) Collect court costs, reasonable attorney's fees and other costs incurred to collect the administrative penalty.

3. The Division may require any facility that violates any provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, *and section 1 of this act* or any condition, standard or regulation adopted by the Board to make any improvements necessary to correct the violation.

4. Any money collected as administrative penalties pursuant to paragraph (d) of subsection 1 must be accounted for separately and used to administer and carry out the provisions of NRS 449.001 to 449.430, inclusive, *and section 1 of this act*, 449.435 to 449.531, inclusive, and chapter 449A of NRS to protect the health, safety, well-being and property of the patients and residents of facilities in accordance with applicable state and federal standards or for any other purpose authorized by the Legislature.

Sec. 7. NRS 449.240 is hereby amended to read as follows:

449.240 The district attorney of the county in which the facility is located shall, upon application by the Division, institute and conduct the prosecution of any action for violation of any provisions of NRS 449.029 to 449.245, inclusive ~~[-]~~, *and section 1 of this act*.

Sec. 8. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

(1) The Administrator of the Aging and Disability Services Division;

(2) The Administrator of the Division of Welfare and Supportive Services;

(3) The Administrator of the Division of Child and Family Services;

(4) The Administrator of the Division of Health Care Financing and Policy; and

(5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, ~~and section 9.1~~ sections 9.4 and 9.8 of this act, 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department.

Sec. 9. Chapter 422 of NRS is hereby amended by adding thereto ~~the new section to read as follows:~~ the provisions set forth as sections 9.4 and 9.8 of this act.

Sec. 9.4. 1. To the extent that federal financial participation is available, the Director shall include ~~in the State Plan for~~ under Medicaid ~~the requirement that the State pay the nonfederal share of expenses~~ coverage for:

(a) The filling of cavities; ~~and~~

(b) The fabrication, preparation and placement of temporary and permanent crowns ~~and~~; and

(c) Removable dentures to improve chewing, phonetics and aesthetics.

2. The Department shall:

(a) Apply to the Secretary of Health and Human Services for any waiver of federal law or apply for any amendment of the State Plan for Medicaid that is necessary for the Department to receive federal funding to ~~include in the State Plan for Medicaid~~ provide the coverage described in subsection 1.

(b) Fully cooperate in good faith with the Federal Government during the application process to satisfy the requirements of the Federal Government for obtaining a waiver or amendment pursuant to paragraph (a).

Sec. 9.8. 1. To the extent that federal financial participation is available, the Director shall include under Medicaid coverage for polycarbonate lenses. Medicaid must not require, as a condition precedent to such coverage;

(a) A provider of health care to provide documentation concerning the reasons for using a polycarbonate lens instead of another type of lens; or

(b) The recipient of Medicaid to try another type of lens.

2. The Department shall:

(a) Apply to the Secretary of Health and Human Services for any waiver of federal law or apply for any amendment of the State Plan for Medicaid that is necessary for the Department to receive federal funding to provide the coverage described in subsection 1.

(b) Fully cooperate in good faith with the Federal Government during the application process to satisfy the requirements of the Federal Government for obtaining a waiver or amendment pursuant to paragraph (a).

Sec. 10. NRS 654.190 is hereby amended to read as follows:

654.190 1. The Board may, after notice and an opportunity for a hearing as required by law, impose an administrative fine of not more than \$10,000 for each violation on, recover reasonable investigative fees and costs incurred from, suspend, revoke, deny the issuance or renewal of or place conditions on the license of, and place on probation or impose any combination of the foregoing on any licensee who:

(a) Is convicted of a felony relating to the practice of administering a nursing facility or residential facility or of any offense involving moral turpitude.

(b) Has obtained his or her license by the use of fraud or deceit.

(c) Violates any of the provisions of this chapter.

(d) Aids or abets any person in the violation of any of the provisions of NRS 449.029 to 449.2428, inclusive, *and section 1 of this act*, as those provisions pertain to a facility for skilled nursing, facility for intermediate care or residential facility for groups.

(e) Violates any regulation of the Board prescribing additional standards of conduct for licensees, including, without limitation, a code of ethics.

(f) Engages in conduct that violates the trust of a patient or resident or exploits the relationship between the licensee and the patient or resident for the financial or other gain of the licensee.

2. If a licensee requests a hearing pursuant to subsection 1, the Board shall give the licensee written notice of a hearing pursuant to NRS 233B.121 and 241.034. A licensee may waive, in writing, his or her right to attend the hearing.

3. The Board may compel the attendance of witnesses or the production of documents or objects by subpoena. The Board may adopt regulations that set forth a procedure pursuant to which the Chair of the Board may issue subpoenas on behalf of the Board. Any person who is subpoenaed pursuant to this subsection may request the Board to modify the terms of the subpoena or grant additional time for compliance.

4. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

5. The expiration of a license by operation of law or by order or decision of the Board or a court, or the voluntary surrender of a license, does not deprive the Board of jurisdiction to proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.

Sec. 11. ~~[The provisions of subsection 1 of NRS 354.599 do not apply to any additional expenses of a local government which are related to the provisions of this act.]~~ (Deleted by Amendment.)

Sec. 12. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 7, inclusive, 10 and 11 of this act become effective on October 1, 2023.

3. Sections 8 ~~[and 9]~~ to 9.8, inclusive, of this act become effective:

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

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

Senator Doñate moved the adoption of the amendment.

Remarks by Senator Doñate.

Amendment No. 356 to Senate Bill No. 385 requires the home care entity to consult with dietitians to ensure the dietary needs of a patient are understood by both the patient and the caregiver; requires the provider of health care to document the reasons in the medical record of the patient in the event it is requested, but not conducted; and amends section 9 to require Medicaid to include coverage for additional dental services and polycarbonate lenses.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 391.

Bill read second time.

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

Amendment No. 468.

SUMMARY—Revises provisions relating to governmental entities. (BDR 20-936)

AN ACT relating to governmental entities; revising provisions prohibiting certain counties, cities and unincorporated towns from sounding sirens, bells or alarms for certain purposes; establishing civil penalties for violations of such prohibitions; authorizing the Attorney General to bring a civil action to recover such penalties; and providing other matters properly relating thereto. Legislative Counsel's Digest:

Existing law prohibits a county, city or town in this State from sounding a siren, bell or alarm that was previously sounded on certain days or times in association with an ordinance enacted by the county, city or town which required persons of a particular race, ethnicity, ancestry, national origin or color to leave the county or a city, town or township within the county by a certain time. (NRS 244.159, 268.0199, 269.234)

This bill revises these provisions by prohibiting a county, a city and an unincorporated town from sounding a siren, bell or alarm for a purpose other than: (1) alerting persons to an emergency; (2) testing the siren, bell or alarm at reasonable time intervals, ~~but~~ of not more than once every 6 months; or (3) celebrating or recognizing a legal holiday on the day of the legal holiday or the day on which the legal holiday is recognized by existing law. This bill authorizes the Attorney General to bring a civil action to collect a monetary penalty from a county, city or unincorporated town for each violation. This bill prohibits a county, city or unincorporated town from taking adverse employment action against the employee for reporting such a violation to the Attorney General.

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

Section 1. NRS 244.159 is hereby amended to read as follows:

244.159 1. A county in this State may not sound a siren, bell or alarm ~~at a time during which the siren, bell or alarm was previously sounded on specific days or times in association with an ordinance enacted by the county which required persons of a particular race, ethnicity, ancestry, national~~

~~origin or color to leave the county or a city, town or township within the county by a specific time.] for a purpose other than:~~

(a) Alerting persons to an emergency;

(b) Testing the siren, bell or alarm at reasonably scheduled intervals ~~for~~
~~of not more than once every 6 months; or~~

(c) Celebrating or recognizing a day declared to be a legal holiday pursuant to NRS 236.015 on the day of the legal holiday or the day on which the legal holiday is recognized.

2. Any county that sounds a siren, bell or alarm in violation of subsection 1 is subject to a penalty of not more than \$50,000 for each violation. The Attorney General may recover the penalty in a civil action brought in the name of the State of Nevada in any court of competent jurisdiction. Such an action must be commenced within 1 year after the violation.

3. A county shall not take adverse employment action against an employee who reports a violation of this section to the Office of the Attorney General.

Sec. 2. NRS 268.0199 is hereby amended to read as follows:

268.0199 1. A city in this State may not sound a siren, bell or alarm ~~at a time during which the siren, bell or alarm was previously sounded on specific days or times in association with an ordinance enacted by the city which required persons of a particular race, ethnicity, ancestry, national origin or color to leave the city by a specific time.] for a purpose other than:~~

(a) Alerting persons to an emergency;

(b) Testing the siren, bell or alarm at reasonably scheduled intervals ~~for~~
~~of not more than once every 6 months; or~~

(c) Celebrating or recognizing a day declared to be a legal holiday pursuant to NRS 236.015 on the day of the legal holiday or the day on which the legal holiday is recognized.

2. Any city that sounds a siren, bell or alarm in violation of subsection 1 is subject to a penalty of not more than \$50,000 for each violation. The Attorney General may recover the penalty in a civil action brought in the name of the State of Nevada in any court of competent jurisdiction. Such an action must be commenced within 1 year after the violation.

3. A city shall not take adverse employment action against an employee who reports a violation of this section to the Office of the Attorney General.

Sec. 3. NRS 269.234 is hereby amended to read as follows:

269.234 1. An unincorporated town in this State may not sound a siren, bell or alarm ~~at a time during which the siren, bell or alarm was previously sounded on specific days or times in association with an ordinance enacted by the town which required persons of a particular race, ethnicity, ancestry, national origin or color to leave the town by a specific time.] for a purpose other than:~~

(a) Alerting persons to an emergency;

(b) *Testing the siren, bell or alarm at reasonably scheduled intervals ~~for~~ of not more than once every 6 months; or*

(c) *Celebrating or recognizing a day declared to be a legal holiday pursuant to NRS 236.015 on the day of the legal holiday or the day on which the legal holiday is recognized.*

2. *Any unincorporated town that sounds a siren, bell or alarm in violation of subsection 1 is subject to a penalty of not more than \$50,000 for each violation. The Attorney General may recover the penalty in a civil action brought in the name of the State of Nevada in any court of competent jurisdiction. Such an action must be commenced within 1 year after the violation.*

3. *An unincorporated town shall not take adverse employment action against an employee who reports a violation of this section to law enforcement.*

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

Senator Flores moved the adoption of the amendment.

Remarks by Senator Flores.

Amendment No. 468 to Senate Bill No. 391 amends the bill to limit the testing of a siren, bell or alarm to not more than once every six months.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 429.

Bill read second time.

The following amendment was proposed by the Committee on Revenue and Economic Development:

Amendment No. 515.

SUMMARY—~~[Revises provisions governing economic development.]~~
Requires certain new or expanding businesses to provide certain family and medical leave to employees in order to qualify for a partial abatement of certain taxes. (BDR 32-680)

AN ACT relating to economic development; requiring ~~for~~ certain new or expanding ~~businesses~~ businesses to provide certain paid family and medical leave to employees in order to qualify for a partial abatement of certain taxes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a person who intends to locate or expand a business in this State to apply to the Office of Economic Development for a partial abatement of certain taxes. The Office is required to approve an application for such partial abatement if the Office makes certain determinations. (NRS 360.750) Section 1 of this bill revises the determinations the Office must make to approve an application for such a partial abatement to require that a business provide certain paid family and medical leave to employees of the business. Section 1 requires ~~that~~ a business ~~for~~ that will have at least 50 full-time employees on the payroll of

the business by the eighth calendar quarter following the calendar quarter in which the abatement becomes effective to by the earlier of the eighth calendar quarter following the calendar quarter in which the abatement becomes effective or the date on which the business has at least 50 employees on the payroll of the business; (1) have a policy for paid family and medical leave; and (2) agree that all employees who have been employed by the business for at least ~~90 days~~ 1 year will be eligible for at least 12 weeks of paid family and medical leave at a rate of at least 55 percent of the regular wage of the employee. Further, the business must agree in writing that the business will not take certain actions in relation to an employee's use of such paid family and medical leave. Section 1 also provides that if a business has a policy for paid family and medical leave for employees on the payroll of the business outside of this State that meets or exceeds the requirements for a policy of paid family and medical leave set forth in section 1 and the business agrees in writing that its employees on the payroll in this State are eligible for paid family and medical leave under the policy, the Office must determine that the business' policy meets the necessary requirements for obtaining the partial abatement.

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

Section 1. NRS 360.750 is hereby amended to read as follows:

360.750 1. A person who intends to locate or expand a business in this State may apply to the Office of Economic Development pursuant to this section for a partial abatement of one or more of the taxes imposed on the:

(a) New business pursuant to chapter 361, 363B or 374 of NRS.

(b) Expanded business pursuant to chapter 361 or 363B of NRS or a partial abatement of the local sales and use taxes imposed on the expanded business. As used in this paragraph, "local sales and use taxes" means the taxes imposed on the gross receipts of any retailer from the sale of tangible personal property sold at retail, or stored, used or otherwise consumed, in the political subdivision in which the business is to be located or expanded, except the taxes imposed by the Sales and Use Tax Act and the Local School Support Tax Law.

2. The Office of Economic Development shall approve an application for a partial abatement pursuant to this section if the Office makes the following determinations:

(a) The business offers primary jobs and is consistent with:

(1) The State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053; and

(2) Any guidelines adopted by the Executive Director of the Office to implement the State Plan for Economic Development.

(b) Not later than 1 year after the date on which the application was received by the Office, the applicant has executed an agreement with the Office which must:

(1) Comply with the requirements of NRS 360.755;

(2) State the date on which the abatement becomes effective, as agreed to by the applicant and the Office, which must not be earlier than the date on which the Office received the application and not later than 1 year after the date on which the Office approves the application;

(3) State that the business will, after the date on which the abatement becomes effective, continue in operation in this State for a period specified by the Office, which must be at least 5 years, and will continue to meet the eligibility requirements set forth in this subsection;

(4) State that the business will offer primary jobs; and

(5) Bind the successors in interest of the business for the specified period.

(c) The business is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the business operates.

(d) Except as otherwise provided in subsection ~~[4 or]~~ 5 ~~[5]~~ or 6, the average hourly wage that will be paid by the business to its new employees in this State is at least 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.

(e) The business will, by the eighth calendar quarter following the calendar quarter in which the abatement becomes effective, offer a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees, and the health care benefits the business offers to its employees in this State will meet the minimum requirements for health care benefits established by the Office.

(f) Except as otherwise provided in this subsection and NRS 361.0687, if the business is a new business in a county whose population is 100,000 or more or a city whose population is 60,000 or more, the business meets at least one of the following requirements:

(1) The business will have 50 or more full-time employees on the payroll of the business by the eighth calendar quarter following the calendar quarter in which the abatement becomes effective who will be employed at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective.

(2) Establishing the business will require the business to make, not later than the date which is 2 years after the date on which the abatement becomes effective, a capital investment of at least \$1,000,000 in this State in capital assets that will be retained at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective.

(g) Except as otherwise provided in NRS 361.0687, if the business is a new business in a county whose population is less than 100,000, in an area of a county whose population is 100,000 or more that is located within the geographic boundaries of an area that is designated as rural by the

United States Department of Agriculture and at least 20 miles outside of the geographic boundaries of an area designated as urban by the United States Department of Agriculture, or in a city whose population is less than 60,000, the business meets at least one of the following requirements:

(1) The business will have 10 or more full-time employees on the payroll of the business by the eighth calendar quarter following the calendar quarter in which the abatement becomes effective who will be employed at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective.

(2) Establishing the business will require the business to make, not later than the date which is 2 years after the date on which the abatement becomes effective, a capital investment of at least \$250,000 in this State in capital assets that will be retained at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective.

(h) If the business is an existing business, the business meets at least one of the following requirements:

(1) For a business in:

(I) Except as otherwise provided in sub-subparagraph (II), a county whose population is 100,000 or more or a city whose population is 60,000 or more, the business will, by the eighth calendar quarter following the calendar quarter in which the abatement becomes effective, increase the number of employees on its payroll in that county or city by 10 percent more than it employed in the fiscal year immediately preceding the fiscal year in which the abatement becomes effective or by twenty-five employees, whichever is greater, who will be employed at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective; or

(II) A county whose population is less than 100,000, an area of a county whose population is 100,000 or more that is located within the geographic boundaries of an area that is designated as rural by the United States Department of Agriculture and at least 20 miles outside of the geographic boundaries of an area designated as urban by the United States Department of Agriculture, or a city whose population is less than 60,000, the business will, by the eighth calendar quarter following the calendar quarter in which the abatement becomes effective, increase the number of employees on its payroll in that county or city by 10 percent more than it employed in the fiscal year immediately preceding the fiscal year in which the abatement becomes effective or by six employees, whichever is greater, who will be employed at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective.

(2) The business will expand by making a capital investment in this State, not later than the date which is 2 years after the date on which the abatement becomes effective, in an amount equal to at least 20 percent of the

value of the tangible property possessed by the business in the fiscal year immediately preceding the fiscal year in which the abatement becomes effective, and the capital investment will be in capital assets that will be retained at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective. The determination of the value of the tangible property possessed by the business in the immediately preceding fiscal year must be made by the:

(I) County assessor of the county in which the business will expand, if the business is locally assessed; or

(II) Department, if the business is centrally assessed.

(i) The applicant has provided in the application an estimate of the total number of new employees which the business anticipates hiring in this State by the eighth calendar quarter following the calendar quarter in which the abatement becomes effective if the Office approves the application.

(j) ~~(The)~~ Except as otherwise provided in subsection 3, if the business will have at least 50 full-time employees on the payroll of the business by the eighth calendar quarter following the calendar quarter in which the abatement becomes effective, the business, by the earlier of the eighth calendar quarter following the calendar quarter in which the abatement becomes effective or the date on which the business has at least 50 full-time employees on the payroll of the business, has a policy for paid family and medical leave and agrees that all employees who have been employed by the business for at least ~~90 days calendar days~~ 1 year will be eligible for at least 12 weeks of paid family and medical leave at a rate of at least 55 percent of the regular wage of the employee. The business will agree in writing that if the Office approves the application, the business will not:

(1) Prohibit, interfere with or otherwise discourage an employee from taking paid family and medical leave:

(I) For any reason authorized pursuant to the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq.

(II) To care for any adult child, sibling or domestic partner of the employee.

(2) Discriminate, discipline or discharge an employee for taking paid family and medical leave:

(I) For any reason authorized pursuant to the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq.

(II) To care for any adult child, sibling or domestic partner of the employee.

(3) Prohibit, interfere with or otherwise discourage an employee or other person from bringing a proceeding or testifying in a proceeding against the business for a violation of the policy for paid family and medical leave that is required pursuant to this paragraph.

3. For purposes of paragraph (j) of subsection 2, the Office of Economic Development shall determine that a business meets the requirements of that

paragraph if the business has a policy for paid family and medical leave for employees on the payroll of the business outside of this State that meets or exceeds the requirements for a policy for paid family and medical leave pursuant to that paragraph and the business agrees in writing that its employees on the payroll in this State are eligible for paid family and medical leave under such policy.

4. Notwithstanding the provisions of subsection 2, the Office of Economic Development:

(a) Shall not consider an application for a partial abatement pursuant to this section unless the Office has requested a letter of acknowledgment of the request for the abatement from any affected county, school district, city or town.

(b) Shall consider the level of health care benefits provided by the business to its employees, *the policy of paid family and medical leave provided by the business to its employees*, the projected economic impact of the business and the projected tax revenue of the business after deducting projected revenue from the abated taxes.

(c) May, if the Office determines that such action is necessary:

(1) Approve an application for a partial abatement pursuant to this section by a business that does not meet the requirements set forth in paragraph (f), (g) or (h) of subsection 2;

(2) Make any of the requirements set forth in paragraphs (d) to (h), inclusive, of subsection 2 more stringent; or

(3) Add additional requirements that a business must meet to qualify for a partial abatement pursuant to this section.

~~4.4~~ 5. Notwithstanding any other provision of law, the Office of Economic Development shall not approve an application for a partial abatement pursuant to this section if:

(a) The applicant intends to locate or expand in a county in which the rate of unemployment is 7 percent or more and the average hourly wage that will be paid by the applicant to its new employees in this State is less than 70 percent of the average statewide hourly wage, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.

(b) The applicant intends to locate or expand in a county in which the rate of unemployment is less than 7 percent and the average hourly wage that will be paid by the applicant to its new employees in this State is less than 85 percent of the average statewide hourly wage, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.

(c) The applicant intends to locate in a county but has already received a partial abatement pursuant to this section for locating that business in that county.

(d) The applicant intends to expand in a county but has already received a partial abatement pursuant to this section for expanding that business in that county.

(e) The applicant has changed the name or identity of the business to evade the provisions of paragraph (c) or (d).

~~5.1~~ 6. Notwithstanding any other provision of law, if the Office of Economic Development approves an application for a partial abatement pursuant to this section, in determining the types of taxes imposed on a new or expanded business for which the partial abatement will be approved and the amount of the partial abatement:

(a) If the new or expanded business is located in a county in which the rate of unemployment is 7 percent or more and the average hourly wage that will be paid by the business to its new employees in this State is less than 85 percent of the average statewide hourly wage, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year, the Office shall not:

(1) Approve an abatement of the taxes imposed pursuant to chapter 361 of NRS which exceeds 25 percent of the taxes on personal property payable by the business each year.

(2) Approve an abatement of the taxes imposed pursuant to chapter 363B of NRS which exceeds 25 percent of the amount of tax otherwise due pursuant to NRS 363B.110.

(b) If the new or expanded business is located in a county in which the rate of unemployment is less than 7 percent and the average hourly wage that will be paid by the business to its new employees in this State is less than 100 percent of the average statewide hourly wage, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year, the Office shall not:

(1) Approve an abatement of the taxes imposed pursuant to chapter 361 of NRS which exceeds 25 percent of the taxes on personal property payable by the business each year.

(2) Approve an abatement of the taxes imposed pursuant to chapter 363B of NRS which exceeds 25 percent of the amount of tax otherwise due pursuant to NRS 363B.110.

~~6.1~~ 7. If the Office of Economic Development approves an application for a partial abatement pursuant to this section, the Office shall immediately forward a certificate of eligibility for the abatement to:

(a) The Department;

(b) The Nevada Tax Commission; and

(c) If the partial abatement is from the property tax imposed pursuant to chapter 361 of NRS, the county treasurer.

~~7.1~~ 8. An applicant for a partial abatement pursuant to this section or an existing business whose partial abatement is in effect shall, upon the request of the Executive Director of the Office of Economic Development, furnish

the Executive Director with copies of all records necessary to verify that the applicant meets the requirements of subsection 2.

~~9.7~~ 9. If an applicant for a partial abatement pursuant to this section fails to execute the agreement described in paragraph (b) of subsection 2 within 1 year after the date on which the application was received by the Office, the applicant shall not be approved for a partial abatement pursuant to this section unless the applicant submits a new application.

~~9.8~~ 10. If a business whose partial abatement has been approved pursuant to this section and is in effect ceases:

(a) To meet the requirements set forth in subsection 2; or

(b) Operation before the time specified in the agreement described in paragraph (b) of subsection 2,

the business shall repay to the Department or, if the partial abatement was from the property tax imposed pursuant to chapter 361 of NRS, to the county treasurer, the amount of the partial abatement that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the partial abatement required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

~~10.7~~ 11. A county treasurer:

(a) Shall deposit any money that he or she receives pursuant to subsection ~~10.7~~ 10 in one or more of the funds established by a local government of the county pursuant to NRS 354.6113 or 354.6115; and

(b) May use the money deposited pursuant to paragraph (a) only for the purposes authorized by NRS 354.6113 and 354.6115.

~~11.7~~ 12. The Office of Economic Development may adopt such regulations as the Office of Economic Development determines to be necessary to carry out the provisions of this section and NRS 360.755.

~~12.7~~ 13. The Nevada Tax Commission:

(a) Shall adopt regulations regarding:

(1) The capital investment that a new business must make to meet the requirement set forth in paragraph (f) or (g) of subsection 2; and

(2) Any security that a business is required to post to qualify for a partial abatement pursuant to this section.

(b) May adopt such other regulations as the Nevada Tax Commission determines to be necessary to carry out the provisions of this section and NRS 360.755.

~~13.7~~ 14. An applicant for a partial abatement pursuant to this section who is aggrieved by a final decision of the Office of Economic Development

may petition for judicial review in the manner provided in chapter 233B of NRS.

~~[14.]~~ 15. For the purposes of this section, an employee is a "full-time employee" if he or she is in a permanent position of employment and works an average of 30 hours per week during the applicable period set forth in subsection 2.

Senator Neal moved the adoption of the amendment.

Remarks by Senator Neal.

Amendment No. 515 to Senate Bill No. 429 makes the requirement of paid family and medical leave apply to a business that has 50 or more full-time employees. The policy must be established by the eighth calendar quarter in which the abatement becomes effective. The employment period for the employee in order to become qualified for the policy is changed from 90 days to one year. Finally, if a business has a policy for paid leave and medical leave for employees on its payroll outside of Nevada and agrees in writing that its employees in Nevada are eligible under this policy...

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 433.

Bill read second time.

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

Amendment No. 469.

SUMMARY—Revises provisions relating to prevailing wages. (BDR 28-541)

AN ACT relating to prevailing wages; revising provisions governing the payment of prevailing wages; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth general provisions applicable to public works, including provisions requiring, with certain exceptions, the payment of prevailing wages for public works projects which are enforced by the Labor Commissioner. (NRS 338.010-338.090) ~~[Section 2 of this bill makes a declaration of legislative intent concerning the interpretation of the provisions governing prevailing wages.]~~ Section 3 of this bill ~~[provides criteria that the Labor Commissioner is required to examine]~~ requires the Labor Commissioner to adopt regulations establishing the factors to be considered when determining whether prevailing wages are required to be paid on a project. [If the Labor Commissioner finds that certain circumstances exist with respect to a project, section 3 requires the Labor Commissioner to determine that prevailing wages are required to be paid on the project. Section 4 of this bill revises the definition of "public work" to include public financing from nonmonetary sources and private financing if the project is for a public use.] Section 3 also provides that: (1) the Labor Commissioner is not bound by any determination or finding of a public body relating to the applicability of the requirements for the payment of prevailing

wages; and (2) any determination made by the Labor Commissioner regarding the applicability of those requirements is a final order of the Labor Commissioner for purposes of judicial review. Sections 5-7 of this bill make conforming changes to indicate the proper placement of ~~{sections 2 and}~~ section 3 in the Nevada Revised Statutes.

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

Section 1. Chapter 338 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ~~{The Legislature hereby finds and declares:~~

- ~~1. The payment of prevailing wages is essential to the economic well-being of this State.~~
- ~~2. The laws governing prevailing wages in the State of Nevada must be liberally construed to effectuate their purpose.~~
- ~~3. A narrow interpretation of these provisions will undermine the intent of and defeat the purpose of these provisions.~~
- ~~4. The expenditure of public money on a project is not essential to finding that the laws governing prevailing wages apply to the project.~~
- ~~5. Careful scrutiny of novel financing arrangements or incentives for projects is required to ensure that the laws governing prevailing wages are not circumvented.}~~ (Deleted by amendment.)

Sec. 3. 1. ~~{When determining whether a project is subject to the provisions of NRS 338.013 to 338.090, inclusive, the Labor Commissioner shall examine:~~

- ~~(a) Whether public financing or incentives have been or will be provided for the benefit of the project.~~
- ~~(b) Whether the project is subject to a timetable for completion specified by a public body.~~
- ~~(c) Whether the project is required to meet the specifications of a public body, including, without limitation, design specifications.~~
- ~~(d) Whether the construction of the project is subject to inspection by a public body.~~
- ~~(e) If the project is performed pursuant to a lease purchase agreement, a public private partnership or a similar agreement with a public body, whether the cost of the project will be paid, in whole or in part, by the public body.~~
- ~~(f) If the project, including, without limitation, a remodel of an existing structure, involves space in private property that is leased or rented by a public body, whether the project was required by the public body.~~
- ~~(g) Whether the project is located on property owned by a public body.~~
- ~~(h) Whether the project is for a public use.~~
- ~~(i) Whether the public body is or will be responsible for the maintenance of the project after its completion.}~~ The Labor Commissioner shall adopt regulations establishing the factors to be considered when determining the applicability of NRS 338.013 to 338.090, inclusive.

2. The Labor Commissioner is not bound by any determination or finding of a public body relating to the applicability of NRS 338.013 to 338.090, inclusive.

3. ~~If the Labor Commissioner determines that any of the circumstances in paragraph (a), (c), (e), (f) or (h) of subsection 1 exist, the Labor Commissioner shall determine that the provisions of NRS 338.013 to 338.090, inclusive, apply to the project.~~

~~4.] Any determination made by the Labor Commissioner regarding the applicability of NRS 338.013 to 338.090, inclusive, is a final order of the Labor Commissioner for purposes of judicial review.~~

~~5. Except as otherwise provided by specific statute, the provisions of this section do not apply to:~~

~~(a) A renewable energy project, as defined in NRS 701B.975.~~

~~(b) Residential streets in a new subdivision.~~

~~6. As used in this section, "public financing or incentives" includes, without limitation:~~

~~(a) The payment of money or the equivalent of money directly or indirectly by a public body for the benefit of a project, including, without limitation, the use of any money derived from tax increments, special assessments or similar financing methods.~~

~~(b) Work performed by the public body that is directly related to or for the benefit of a private development project.~~

~~(c) The sale, lease or transfer by a public body of real property or other public property or asset for less than market value.~~

~~(d) Waiving, foregoing, abating, deferring, reducing, offsetting or crediting any expense or other obligation, including, without limitation, fees, costs, insurance or bond premiums, loans or taxes, that would otherwise be required to be paid or provided.~~

~~(e) Loans or similar financial arrangements made by or on behalf of the public body.~~

~~(f) Issuing bonds under the authority of the public body.~~

~~(g) Except as otherwise provided in NRS 338.0115, repayment or reimbursement by any method or agreement by a public body for the construction of a project.]~~

Sec. 4. ~~[NRS 338.010 is hereby amended to read as follows:~~

~~338.010 As used in this chapter:~~

~~1. "Authorized representative" means a person designated by a public body to be responsible for the development, solicitation, award or administration of contracts for public works pursuant to this chapter.~~

~~2. "Bona fide fringe benefit" means a benefit in the form of a contribution that is made not less frequently than monthly to an independent third party pursuant to a fund, plan or program:~~

~~(a) Which is established for the sole and exclusive benefit of a worker and his or her family and dependents; and~~

~~—(b) For which none of the assets will revert to, or otherwise be credited to, any contributing employer or sponsor of the fund, plan or program.~~

~~—* The term includes, without limitation, benefits for a worker that are determined pursuant to a collective bargaining agreement and included in the determination of the prevailing wage by the Labor Commissioner pursuant to NRS 338.030.~~

~~—3. "Contract" means a written contract entered into between a contractor and a public body for the provision of labor, materials, equipment or supplies for a public work.~~

~~—4. "Contractor" means:~~

~~—(a) A person who is licensed pursuant to the provisions of chapter 624 of NRS;~~

~~—(b) A design build team.~~

~~—5. "Day labor" means all cases where public bodies, their officers, agents or employees, hire, supervise and pay the wages thereof directly to a worker or workers employed by them on public works by the day and not under a contract in writing;~~

~~—6. "Design build contract" means a contract between a public body and a design build team in which the design build team agrees to design and construct a public work.~~

~~—7. "Design build team" means an entity that consists of:~~

~~—(a) At least one person who is licensed as a general engineering contractor or a general building contractor pursuant to chapter 624 of NRS; and~~

~~—(b) For a public work that consists of:~~

~~—(1) A building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS;~~

~~—(2) Anything other than a building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS or landscape architecture pursuant to chapter 623A of NRS or who is licensed as a professional engineer pursuant to chapter 625 of NRS;~~

~~—8. "Design professional" means:~~

~~—(a) A person who is licensed as a professional engineer pursuant to chapter 625 of NRS;~~

~~—(b) A person who is licensed as a professional land surveyor pursuant to chapter 625 of NRS;~~

~~—(c) A person who holds a certificate of registration to engage in the practice of architecture, interior design or residential design pursuant to chapter 623 of NRS;~~

~~—(d) A person who holds a certificate of registration to engage in the practice of landscape architecture pursuant to chapter 623A of NRS; or~~

~~—(e) A business entity that engages in the practice of professional engineering, land surveying, architecture or landscape architecture.~~

~~—9. "Discrete project" means one or more public works which are undertaken on a single construction site for a single public body. The term~~

~~does not include one or more public works that are undertaken on multiple construction sites regardless of whether the public body which sponsors or finances the public works bundles the public works together.~~

~~10. "Division" means the State Public Works Division of the Department of Administration.~~

~~11. "Eligible bidder" means a person who is:~~

~~(a) Found to be a responsible and responsive contractor by a local government or its authorized representative which requests bids for a public work in accordance with paragraph (b) of subsection 1 of NRS 338.1373; or~~

~~(b) Determined by a public body or its authorized representative which awarded a contract for a public work pursuant to NRS 338.1375 to 338.139, inclusive, to be qualified to bid on that contract pursuant to NRS 338.1379 or 338.1382.~~

~~12. "General contractor" means a person who is licensed to conduct business in one, or both, of the following branches of the contracting business:~~

~~(a) General engineering contracting, as described in subsection 2 of NRS 624.215.~~

~~(b) General building contracting, as described in subsection 3 of NRS 624.215.~~

~~13. "Governing body" means the board, council, commission or other body in which the general legislative and fiscal powers of a local government are vested.~~

~~14. "Horizontal construction" means any construction, alteration, repair, renovation, demolition or remodeling necessary to complete a public work, including, without limitation, any irrigation, drainage, water supply, flood control, harbor, railroad, highway, tunnel, airport or airway, sewer, sewage disposal plant or water treatment facility and any ancillary vertical components thereof, bridge, inland waterway, pipeline for the transmission of petroleum or any other liquid or gaseous substance, pier, and any other work incidental thereto. The term does not include vertical construction, the construction of any terminal or other building of an airport or airway, or the construction of any other building.~~

~~15. "Local government" means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to chapters 244A, 318, 318A, 379, 474, 538, 541, 543 and 555 of NRS, NRS 450.550 to 450.750, inclusive, and any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision. The term includes a person who has been designated by the governing body of a local government to serve as its authorized representative.~~

~~16. "Offense" means:~~

~~(a) Failing to:~~

- ~~— (1) Pay the prevailing wage required pursuant to this chapter;~~
- ~~— (2) Pay the contributions for unemployment compensation required pursuant to chapter 612 of NRS;~~
- ~~— (3) Provide and secure compensation for employees required pursuant to chapters 616A to 617, inclusive, of NRS; or~~
- ~~— (4) Comply with subsection 5 or 6 of NRS 338.070.~~
- ~~— (b) Discharging an obligation to pay wages in a manner that violates the provisions of NRS 338.035.~~
- ~~17. "Prime contractor" means a contractor who:~~
 - ~~— (a) Contracts to construct an entire project;~~
 - ~~— (b) Coordinates all work performed on the entire project;~~
 - ~~— (c) Uses his or her own workforce to perform all or a part of the public work; and~~
 - ~~— (d) Contracts for the services of any subcontractor or independent contractor or is responsible for payment to any contracted subcontractors or independent contractors.~~
- ~~→ The term includes, without limitation, a general contractor or a specialty contractor who is authorized to bid on a project pursuant to NRS 338.139 or 338.148.~~
- ~~18. "Public body" means the State, county, city, town, school district or any public agency of this State or its political subdivisions sponsoring or financing a public work.~~
- ~~19. "Public work" means any project [for the new construction, repair or reconstruction of a project financed] , regardless of the existence of any written agreement:~~
 - ~~— (a) Sponsored or financed in whole or in part from public money or the equivalent of public money for:~~
 - ~~— [(a)] (1) Public buildings;~~
 - ~~— [(b)] (2) Jails and prisons;~~
 - ~~— [(c)] (3) Public roads;~~
 - ~~— [(d)] (4) Public highways;~~
 - ~~— [(e)] (5) Public streets and alleys;~~
 - ~~— [(f)] (6) Public utilities;~~
 - ~~— [(g)] (7) Publicly owned water mains and sewers;~~
 - ~~— [(h)] (8) Public parks and playgrounds;~~
 - ~~— [(i)] (9) Public convention facilities which are financed at least in part [with] from public money; and~~
 - ~~— [(j)] (10) All other publicly owned works and property.~~
 - ~~— (b) Financed wholly by private money that is intended for a public use.~~
- ~~20. "Specialty contractor" means a person who is licensed to conduct business as described in subsection 4 of NRS 624.215.~~
- ~~21. "Stand-alone underground utility project" means an underground utility project that is not integrated into a larger project, including, without limitation:~~

~~— (a) An underground sewer line or an underground pipeline for the conveyance of water, including facilities appurtenant thereto; and~~

~~— (b) A project for the construction or installation of a storm drain, including facilities appurtenant thereto;~~

~~→ that is not located at the site of a public work for the design and construction of which a public body is authorized to contract with a design build team pursuant to subsection 2 of NRS 338.1711.~~

~~— 22. "Subcontract" means a written contract entered into between:~~

~~— (a) A contractor and a subcontractor or supplier; or~~

~~— (b) A subcontractor and another subcontractor or supplier;~~

~~→ for the provision of labor, materials, equipment or supplies for a construction project.~~

~~— 23. "Subcontractor" means a person who:~~

~~— (a) Is licensed pursuant to the provisions of chapter 624 of NRS or performs such work that the person is not required to be licensed pursuant to chapter 624 of NRS; and~~

~~— (b) Contracts with a contractor, another subcontractor or a supplier to provide labor, materials or services for a construction project.~~

~~— 24. "Supplier" means a person who provides materials, equipment or supplies for a construction project.~~

~~— 25. "Vertical construction" means any construction, alteration, repair, renovation, demolition or remodeling necessary to complete a public work for any building, structure or other improvement that is predominantly vertical, including, without limitation, a building, structure or improvement for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind, and any other work or improvement appurtenant thereto.~~

~~— 26. "Wages" means:~~

~~— (a) The basic hourly rate of pay; and~~

~~— (b) The amount of pension, health and welfare, vacation and holiday pay, the cost of apprenticeship training or other bona fide fringe benefits which are a benefit to the worker.~~

~~— 27. "Worker" means a skilled mechanic, skilled worker, semiskilled mechanic, semiskilled worker or unskilled worker in the service of a contractor or subcontractor under any appointment or contract of hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed. The term does not include a design professional.] (Deleted by amendment.)~~

Sec. 5. NRS 338.050 is hereby amended to read as follows:

338.050 For the purpose of NRS 338.010 to 338.090, inclusive, *and* ~~sections 2 and~~ *section 3 of this act*, except as otherwise provided by specific statute, every worker who performs work for a public work covered by a contract therefor is subject to all of the provisions of NRS 338.010 to 338.090, inclusive, *and* ~~sections 2 and~~ *section 3 of this act*, regardless of

any contractual relationship alleged to exist between such worker and his or her employer.

Sec. 6. NRS 338.070 is hereby amended to read as follows:

338.070 1. Any public body awarding a contract shall:

(a) Investigate possible violations of the provisions of NRS 338.010 to 338.090, inclusive, ~~and sections 2 and 3 of this act~~ *section 3 of this act* committed in the course of the execution of the contract, and determine whether a violation has been committed and inform the Labor Commissioner of any such violations; and

(b) When making payments to the contractor engaged on the public work of money becoming due under the contract, withhold and retain all sums forfeited pursuant to the provisions of NRS 338.010 to 338.090, inclusive ~~and sections 2 and 3 of this act~~.

2. No sum may be withheld, retained or forfeited, except from the final payment, without a full investigation being made by the awarding public body.

3. Except as otherwise provided in subsection 7, it is lawful for any contractor engaged on a public work to withhold from any subcontractor engaged on the public work sufficient sums to cover any penalties withheld from the contractor by the awarding public body on account of the failure of the subcontractor to comply with the terms of NRS 338.010 to 338.090, inclusive ~~and sections 2 and 3 of this act~~. If payment has already been made to the subcontractor, the contractor may recover from the subcontractor the amount of the penalty or forfeiture in a suit at law.

4. A contractor engaged on a public work and each subcontractor engaged on the public work shall:

(a) Inquire of each worker employed by the contractor or subcontractor in connection with the public work:

(1) Whether the worker wishes to specify voluntarily his or her gender; and

(2) Whether the worker wishes to specify voluntarily his or her ethnicity; and

(b) For each response the contractor or subcontractor receives pursuant to paragraph (a):

(1) If the worker chose voluntarily to specify his or her gender or ethnicity, or both, record the worker's responses; and

(2) If the worker declined to specify his or her gender or ethnicity, or both, record that the worker declined to specify such information.

➡ A contractor or subcontractor shall not compel or coerce a worker to specify his or her gender or ethnicity and shall not penalize or otherwise take any adverse action against a worker who declines to specify his or her gender or ethnicity. Before inquiring as to whether a worker wishes to specify voluntarily his or her gender or ethnicity, the applicable contractor or subcontractor must inform the worker that such information, if provided, will be open to public inspection as set forth in subsection 6.

5. A contractor engaged on a public work and each subcontractor engaged on the public work shall keep or cause to be kept:

(a) An accurate record showing, for each worker employed by the contractor or subcontractor in connection with the public work:

- (1) The name of the worker;
- (2) The occupation of the worker;
- (3) The gender of the worker, if the worker voluntarily agreed to specify that information pursuant to subsection 4, or an entry indicating that the worker declined to specify such information;
- (4) The ethnicity of the worker, if the worker voluntarily agreed to specify that information pursuant to subsection 4, or an entry indicating that the worker declined to specify such information;

(5) If the worker has a driver's license or identification card, an indication of the state or other jurisdiction that issued the license or card; and

(6) The actual per diem, wages and benefits paid to the worker; and

(b) An additional accurate record showing, for each worker employed by the contractor or subcontractor in connection with the public work who has a driver's license or identification card:

- (1) The name of the worker;
- (2) The driver's license number or identification card number of the worker; and
- (3) The state or other jurisdiction that issued the license or card.

6. The records maintained pursuant to subsection 5 must be open at all reasonable hours to the inspection of the public body awarding the contract. The contractor engaged on the public work or subcontractor engaged on the public work shall ensure that a copy of each record for each calendar month is received by the public body awarding the contract no later than 15 days after the end of the month. The copy of the record maintained pursuant to paragraph (a) of subsection 5 must be open to public inspection as provided in NRS 239.010. The copy of the record maintained pursuant to paragraph (b) of subsection 5 is confidential and not open to public inspection. The records in the possession of the public body awarding the contract may be discarded by the public body 2 years after final payment is made by the public body for the public work. The Labor Commissioner shall adopt regulations authorizing and prescribing the procedures for the electronic filing of the copies of the records required to be provided monthly by a contractor or subcontractor to a public body pursuant to this subsection.

7. A contractor engaged on a public work shall not withhold from a subcontractor engaged on the public work the sums necessary to cover any penalties provided pursuant to subsection 3 of NRS 338.060 that may be withheld from the contractor by the public body awarding the contract because the public body did not receive a copy of the record maintained by the subcontractor pursuant to subsection 5 for a calendar month by the time specified in subsection 6 if:

(a) The subcontractor provided to the contractor, for submission to the public body by the contractor, a copy of the record not later than the later of:

- (1) Ten days after the end of the month; or
- (2) A date agreed upon by the contractor and subcontractor; and

(b) The contractor failed to submit the copy of the record to the public body by the time specified in subsection 6.

➔ Nothing in this subsection prohibits a subcontractor from submitting a copy of a record for a calendar month directly to the public body by the time specified in subsection 6.

8. Any contractor or subcontractor, or agent or representative thereof, performing work for a public work who neglects to comply with the provisions of this section is guilty of a misdemeanor.

Sec. 7. NRS 338.090 is hereby amended to read as follows:

338.090 1. Except as otherwise provided in subsection 5, any person, including the officers, agents or employees of a public body, who violates any provision of NRS 338.010 to 338.090, inclusive, ~~and sections 2 and 3 of this act~~, or any regulation adopted pursuant thereto, is guilty of a misdemeanor.

2. The Labor Commissioner, in addition to any other remedy or penalty provided in this chapter:

(a) Shall, except as otherwise provided in subsection 4, assess a person who, after an opportunity for a hearing, is found to have failed to pay the prevailing wage required pursuant to NRS 338.020 to 338.090, inclusive, ~~and sections 2 and 3 of this act~~, an amount equal to the difference between the prevailing wages required to be paid and the wages that the contractor or subcontractor actually paid; and

(b) May, in addition to any other administrative penalty, impose an administrative penalty not to exceed the costs incurred by the Labor Commissioner to investigate and prosecute the matter.

3. If the Labor Commissioner finds that a person has failed to pay the prevailing wage required pursuant to NRS 338.020 to 338.090, inclusive, ~~and sections 2 and 3 of this act~~, the public body may, in addition to any other remedy or penalty provided in this chapter, require the person to pay the actual costs incurred by the public body to investigate the matter.

4. The Labor Commissioner is not required to assess a person an amount equal to the difference between the prevailing wages required to be paid and the wages that the contractor or subcontractor actually paid if the contractor or subcontractor has already paid that amount to a worker pursuant to paragraph (c) of subsection 4 of NRS 338.035.

5. The provisions of subsection 1 do not apply to a subcontractor specified in NRS 338.072.

Sec. 8. This act becomes effective ~~on July 1, 2023,~~ upon passage and approval.

Senator Flores moved the adoption of the amendment.

Remarks by Senator Flores.

Amendment No. 469 to Senate Bill No. 433 deletes sections 2 and 4 of the bill and most of section 3, requires the Labor Commissioner to adopt regulations regarding factors to be considered when determining the applicability of prevailing wages and changes the effective date to upon passage and approval.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 434.

Bill read second time.

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

Amendment No. 523.

SUMMARY—Revises provisions related to ~~[public]~~ retirement ~~__~~. ~~[systems.]~~ (BDR 23-16)

AN ACT relating to ~~[public]~~ retirement ~~;~~ ~~[systems.]~~ revising provisions governing eligibility for membership in the Public Employees' Retirement System; revising provisions governing the options for service retirement allowances under the System; revising provisions relating to the granting of a divorce; revising provisions governing the disposition of certain pension or retirement benefits upon dissolution of marriage; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Eligible retired public employees receive retirement allowances through membership in and contributions to the Public Employees' Retirement System. (Chapter 286 of NRS) Under existing law, certain persons are not eligible to be members of the System, including substitute teachers. (NRS 286.297) Section 1 of this bill makes ~~[long-term]~~ substitute teachers eligible for membership in the System.

Existing law provides several different alternative options to an unmodified retirement allowance under the Public Employees' Retirement System that members are authorized to elect upon retirement. (NRS 286.590) Section 2 of this bill provides the additional alternative option of a reduced service retirement allowance with a benefit paid for 6 months to a designated beneficiary or an alternate beneficiary.

Existing law specifies certain powers and duties of courts in granting a divorce. One such power is modifying an adjudication of property rights or an agreement settling property rights upon written stipulation by the parties to the action. (NRS 125.150) Section 2.5 of this bill requires a court, in granting a divorce, to provide an explanation, or ensure that an explanation has been provided, to the parties of any provision relating to the disposition of pension or retirement benefits that will be included in the decree of divorce or any related order. Section 2.5 also authorizes a court to modify the adjudication of or an agreement settling property rights as a result of the

filing of a motion to amend the adjudication or agreement relating to the disposition of pension or retirement benefits by the parties to the action.

Existing law provides for the disposition of pension or retirement benefits provided by the Public Employees' Retirement System or the Judicial Retirement Plan upon dissolution of marriage. Existing law codifies the "time rule," whereby the community interest in such retirement benefits is calculated by dividing an employee's length of service during marriage by his or her total length of service. (NRS 125.155) ~~{With an exception for homemakers, section}~~ Section 3 of this bill replaces the "time rule" with the "frozen benefit rule," whereby the community interest in such retirement benefits is "frozen" at the salary base and years of service of the party participating in the retirement system on the date on which the decree of legal separation or divorce is entered. The "frozen benefit rule" currently applies to military pensions under the Uniformed Services Former Spouses' Protection Act. (10 U.S.C. § 1408(a)(4)(B))

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

Section 1. NRS 286.297 is hereby amended to read as follows:

286.297 The following persons are not eligible to become members of the System:

1. Inmates of state institutions even though they may be receiving compensation for services performed for the institution.
2. Independent contractors or persons rendering professional services on a fee, retainer or contract basis.
3. Except as otherwise provided in NRS 286.525, persons retired under the provisions of this chapter who are employed by a participating public employer.
4. Members of boards or commissions of the State of Nevada or of its political subdivisions when such boards or commissions are advisory or directive and when membership thereon is not compensated except for expenses incurred. Receipt of a fee for attendance at official sessions of a particular board or commission does not constitute compensation for the purpose of this subsection.
5. ~~{Substitute Short term substitute teachers and students}~~ Students who are employed by the institution which they attend.
6. District judges, judges of the Court of Appeals and justices of the Supreme Court first elected or appointed on or after July 1, 1977, who are not enrolled in the System at the time of election or appointment.
7. Members of the professional staff of the Nevada System of Higher Education who are employed on or after July 1, 1977.
8. Persons employed on or after July 1, 1979, under the Comprehensive Employment and Training Act.
9. Except as otherwise provided in NRS 286.293, persons assigned to intermittent or temporary positions unless the assignment exceeds 6 consecutive months.

10. Persons employed on or after July 1, 1981, as part-time guards at school crossings.

11. Nurses who:

- (a) Are not full-time employees;
- (b) Are paid an hourly wage on a daily basis;
- (c) Do not receive the employee benefits received by other employees of the same employer; and
- (d) Do not work a regular schedule or are requested to work for a shift at a time.

Sec. 2. NRS 286.590 is hereby amended to read as follows:

286.590 The alternatives to an unmodified service retirement allowance are as follows:

1. Option 2 consists of a reduced service retirement allowance payable monthly during the retired employee's life, with the provision that it continue after the retired employee's death for the life of the beneficiary whom the retired employee nominates by written designation acknowledged and filed with the Board at the time of retirement should the beneficiary survive the retired employee.

2. Option 3 consists of a reduced service retirement allowance payable monthly during the retired employee's life, with the provision that it continue after the retired employee's death at one-half the rate paid to the retired employee and be paid for the life of the beneficiary whom the retired employee nominates by written designation acknowledged and filed with the Board at the time of retirement should the beneficiary survive the retired employee.

3. Option 4 consists of a reduced service retirement allowance payable monthly during the retired employee's life, with the provision that it continue after the retired employee's death for the life of the retired employee's beneficiary, whom the retired employee nominates by written designation acknowledged and filed with the Board at the time of the election, should the retired employee's beneficiary survive the retired employee, beginning on the attainment by the surviving beneficiary of age 60. If a beneficiary designated under this option dies after the date of the retired employee's death but before attaining age 60, the contributions of the retired employee which have not been returned to the retired employee or the retired employee's beneficiary must be paid to the estate of the deceased beneficiary.

4. Option 5 consists of a reduced service retirement allowance payable monthly during the retired employee's life, with the provision that it continue after the retired employee's death at one-half the rate paid to the retired employee and be paid for the life of the retired employee's beneficiary whom the retired employee nominates by written designation acknowledged and filed with the Board at the time of the election, should the retired employee's beneficiary survive the retired employee, beginning on the attainment by the surviving beneficiary of age 60. If a beneficiary designated under this option dies after the date of the retired employee's death but before attaining age 60,

the contributions of the retired employee which have not been returned to the retired employee or the retired employee's beneficiary must be paid to the estate of the deceased beneficiary.

5. Option 6 consists of a reduced service retirement allowance payable monthly during the retired employee's life, with the provision that a specific sum per month, which cannot exceed the monthly allowance paid to the retired employee, be paid after the retired employee's death to the beneficiary for the life of the beneficiary whom the retired employee nominates by written designation acknowledged and filed with the Board at the time of retirement, should the beneficiary survive the retired employee.

6. Option 7 consists of a reduced service retirement allowance payable monthly during the retired employee's life, with the provision that a specific sum per month, which cannot exceed the monthly allowance paid to the retired employee, be paid after the retired employee's death to the beneficiary for the life of the beneficiary whom the retired employee nominates by written designation acknowledged and filed with the Board at the time of election, should the beneficiary survive the retired employee, beginning on the attainment by the surviving beneficiary of age 60 years. If a surviving beneficiary dies after the date of the retired employee's death, but before attaining age 60, all contributions of the retired employee which have not been returned to the retired employee or the retired employee's beneficiary must be paid to the estate of the beneficiary.

7. *Option 8 consists of a reduced service retirement allowance payable monthly during the retired employee's life, with the provision that a specific sum per month, which cannot exceed the monthly allowance paid to the retired employee, be paid for 6 months after the retired employee's death to the beneficiary whom the retired employee nominates by written designation acknowledged and filed with the Board at the time of retirement, should the beneficiary survive the retired employee. The retired employee may also designate at the time of retirement one alternate beneficiary should the initial designated beneficiary not survive the retired employee. Except as otherwise provided in this subsection, if the designated beneficiary dies less than 6 months after the date of the retired employee's death, any amount which has not been paid to the designated beneficiary pursuant to this subsection must be paid to the estate of the designated beneficiary. If the retired employee designated an alternate beneficiary, any amount which has not been paid pursuant to this subsection to the initial designated beneficiary before the initial designated beneficiary's death must be paid to the alternate designated beneficiary. If the alternate designated beneficiary also later dies less than 6 months after the date of the retired employee's death, any amount which has not been paid to the alternate designated beneficiary pursuant to this subsection must be paid to the estate of the alternate designated beneficiary. If the initial designated beneficiary and, if applicable, the alternate designated beneficiary do not survive the retired employee, any*

amount which is required to be paid pursuant to this subsection to a beneficiary must be paid to the estate of the retired employee.

Sec. 2.5. NRS 125.150 is hereby amended to read as follows:

125.150 Except as otherwise provided in NRS 125.155 and 125.165, and unless the action is contrary to a premarital agreement between the parties which is enforceable pursuant to chapter 123A of NRS:

1. In granting a divorce, the court:

(a) May award such alimony to either spouse, in a specified principal sum or as specified periodic payments, as appears just and equitable; ~~and~~

(b) Shall, to the extent practicable, make an equal disposition of the community property of the parties, including, without limitation, any community property transferred into an irrevocable trust pursuant to NRS 123.125 over which the court acquires jurisdiction pursuant to NRS 164.010, except that the court may make an unequal disposition of the community property in such proportions as it deems just if the court finds a compelling reason to do so and sets forth in writing the reasons for making the unequal disposition ~~and~~; and

(c) Shall provide an explanation, or ensure that an explanation has been provided, to the parties of any provision relating to the disposition of pension or retirement benefits that will be included in the decree of divorce or any related order.

2. Except as otherwise provided in this subsection, in granting a divorce, the court shall dispose of any property held in joint tenancy in the manner set forth in subsection 1 for the disposition of community property. If a party has made a contribution of separate property to the acquisition or improvement of property held in joint tenancy, the court may provide for the reimbursement of that party for his or her contribution. The amount of reimbursement must not exceed the amount of the contribution of separate property that can be traced to the acquisition or improvement of property held in joint tenancy, without interest or any adjustment because of an increase in the value of the property held in joint tenancy. The amount of reimbursement must not exceed the value, at the time of the disposition, of the property held in joint tenancy for which the contribution of separate property was made. In determining whether to provide for the reimbursement, in whole or in part, of a party who has contributed separate property, the court shall consider:

(a) The intention of the parties in placing the property in joint tenancy;

(b) The length of the marriage; and

(c) Any other factor which the court deems relevant in making a just and equitable disposition of that property.

➡ As used in this subsection, "contribution" includes, without limitation, a down payment, a payment for the acquisition or improvement of property, and a payment reducing the principal of a loan used to finance the purchase or improvement of property. The term does not include a payment of interest

on a loan used to finance the purchase or improvement of property, or a payment made for maintenance, insurance or taxes on property.

3. A party may file a postjudgment motion in any action for divorce, annulment or separate maintenance to obtain adjudication of any community property or liability omitted from the decree or judgment as the result of fraud or mistake. A motion pursuant to this subsection must be filed within 3 years after the discovery by the aggrieved party of the facts constituting the fraud or mistake. The court has continuing jurisdiction to hear such a motion and shall equally divide the omitted community property or liability between the parties unless the court finds that:

(a) The community property or liability was included in a prior equal disposition of the community property of the parties or in an unequal disposition of the community property of the parties which was made pursuant to written findings of a compelling reason for making that unequal disposition; or

(b) The court determines a compelling reason in the interests of justice to make an unequal disposition of the community property or liability and sets forth in writing the reasons for making the unequal disposition.

➔ If a motion pursuant to this subsection results in a judgment dividing a defined benefit pension plan, the judgment may not be enforced against an installment payment made by the plan more than 6 years after the installment payment.

4. Except as otherwise provided in NRS 125.141, whether or not application for suit money has been made under the provisions of NRS 125.040, the court may award a reasonable attorney's fee to either party to an action for divorce.

5. In granting a divorce, the court may also set apart such portion of the separate property of either spouse for the other spouse's support or the separate property of either spouse for the support of their children as is deemed just and equitable.

6. In the event of the death of either party or the subsequent remarriage of the spouse to whom specified periodic payments were to be made, all the payments required by the decree must cease, unless it was otherwise ordered by the court.

7. If the court adjudicates the property rights of the parties, or an agreement by the parties settling their property rights has been approved by the court, whether or not the court has retained jurisdiction to modify them, the adjudication of property rights, and the agreements settling property rights, may nevertheless at any time thereafter be modified by the court as a result of the filing of a motion to amend the adjudication or agreement relating to the disposition of pension or retirement benefits by the parties to the action or upon written stipulation signed and acknowledged by the parties to the action, and in accordance with the terms thereof.

8. If a decree of divorce, or an agreement between the parties which was ratified, adopted or approved in a decree of divorce, provides for specified

periodic payments of alimony, the decree or agreement is not subject to modification by the court as to accrued payments. Payments pursuant to a decree entered on or after July 1, 1975, which have not accrued at the time a motion for modification is filed may be modified upon a showing of changed circumstances, whether or not the court has expressly retained jurisdiction for the modification. In addition to any other factors the court considers relevant in determining whether to modify the order, the court shall consider whether the income of the spouse who is ordered to pay alimony, as indicated on the spouse's federal income tax return for the preceding calendar year, has been reduced to such a level that the spouse is financially unable to pay the amount of alimony the spouse has been ordered to pay.

9. In addition to any other factors the court considers relevant in determining whether to award alimony and the amount of such an award, the court shall consider:

- (a) The financial condition of each spouse;
- (b) The nature and value of the respective property of each spouse;
- (c) The contribution of each spouse to any property held by the spouses pursuant to NRS 123.030;
- (d) The duration of the marriage;
- (e) The income, earning capacity, age and health of each spouse;
- (f) The standard of living during the marriage;
- (g) The career before the marriage of the spouse who would receive the alimony;
- (h) The existence of specialized education or training or the level of marketable skills attained by each spouse during the marriage;
- (i) The contribution of either spouse as homemaker;
- (j) The award of property granted by the court in the divorce, other than child support and alimony, to the spouse who would receive the alimony; and
- (k) The physical and mental condition of each party as it relates to the financial condition, health and ability to work of that spouse.

10. In granting a divorce, the court shall consider the need to grant alimony to a spouse for the purpose of obtaining training or education relating to a job, career or profession. In addition to any other factors the court considers relevant in determining whether such alimony should be granted, the court shall consider:

- (a) Whether the spouse who would pay such alimony has obtained greater job skills or education during the marriage; and
- (b) Whether the spouse who would receive such alimony provided financial support while the other spouse obtained job skills or education.

11. If the court determines that alimony should be awarded pursuant to the provisions of subsection 10:

- (a) The court, in its order, shall provide for the time within which the spouse who is the recipient of the alimony must commence the training or education relating to a job, career or profession.

(b) The spouse who is ordered to pay the alimony may, upon changed circumstances, file a motion to modify the order.

(c) The spouse who is the recipient of the alimony may be granted, in addition to any other alimony granted by the court, money to provide for:

- (1) Testing of the recipient's skills relating to a job, career or profession;
- (2) Evaluation of the recipient's abilities and goals relating to a job, career or profession;
- (3) Guidance for the recipient in establishing a specific plan for training or education relating to a job, career or profession;
- (4) Subsidization of an employer's costs incurred in training the recipient;
- (5) Assisting the recipient to search for a job; or
- (6) Payment of the costs of tuition, books and fees for:
 - (I) The equivalent of a high school diploma;
 - (II) College courses which are directly applicable to the recipient's goals for his or her career; or
 - (III) Courses of training in skills desirable for employment.

12. For the purposes of this section, a change of 20 percent or more in the gross monthly income of a spouse who is ordered to pay alimony shall be deemed to constitute changed circumstances requiring a review for modification of the payments of alimony. As used in this subsection, "gross monthly income" means the total amount of income received each month from any source of a person who is not self-employed or the gross income from any source of a self-employed person, after deduction of all legitimate business expenses, but without deduction for personal income taxes, contributions for retirement benefits, contributions to a pension or for any other personal expenses.

Sec. 3. NRS 125.155 is hereby amended to read as follows:

125.155 Unless the action is contrary to a premarital agreement between the parties which is enforceable pursuant to chapter 123A of NRS or is prohibited by specific statute:

1. In determining the value of an interest in or entitlement to a pension or retirement benefit provided by the Public Employees' Retirement System pursuant to chapter 286 of NRS or the Judicial Retirement Plan established pursuant to NRS 1A.300, the court ~~is~~

~~—(a) Except as otherwise provided in paragraph (b),~~ *shall base its determination upon the amount of the pension or retirement benefits to which the participating party would have been entitled using the salary base and years of service of the participating party on the date on which a decree of legal separation or divorce is entered.*

~~—(b) If the nonparticipating party is a homemaker—~~
~~—(1) Shall base its determination upon the number of years or portion thereof that the contributing participating party was employed and received the interest or entitlement, beginning on the date of the marriage and ending on the date on which a decree of legal separation or divorce is entered; and~~

~~(b) (2) Shall not base its determination upon any estimated increase in the value of the interest or entitlement resulting from a promotion, raise or any other efforts made by the party who contributed to the interest or entitlement as a result of his or her continued employment after the date of a decree of legal separation or divorce.]~~

2. The court may, in making a disposition of a pension or retirement benefit provided by the Public Employees' Retirement System or the Judicial Retirement Plan, order that the benefit not be paid before the date on which the participating party retires. To ensure that the party who is not a participant will receive payment for the benefits, the court may:

(a) On its own motion or pursuant to an agreement of the parties, require the participating party to furnish a performance or surety bond, executed by the participating party as principal and by a corporation qualified under the laws of this state as surety, made payable to the party who is not a participant under the plan, and conditioned upon the payment of the pension or retirement benefits. The bond must be in a principal sum equal to the amount of the determined interest of the nonparticipating party in the pension or retirement benefits and must be in a form prescribed by the court.

(b) On its own motion or pursuant to an agreement of the parties, require the participating party to purchase a policy of life insurance. The amount payable under the policy must be equal to the determined interest of the nonparticipating party in the pension or retirement benefits. The nonparticipating party must be named as a beneficiary under the policy and must remain a named beneficiary until the participating party retires.

(c) Pursuant to an agreement of the parties, increase the value of the determined interest of the nonparticipating party in the pension or retirement benefit as compensation for the delay in payment of the benefit to that party.

(d) On its own motion or pursuant to an agreement of the parties, allow the participating party to provide any other form of security which ensures the payment of the determined interest of the nonparticipating party in the pension or retirement benefit.

3. If a party receives an interest in or an entitlement to a pension or retirement benefit which the party would not otherwise have an interest in or be entitled to if not for a disposition made pursuant to this section, the interest or entitlement and any related obligation to pay that interest or entitlement terminates upon the death of either party unless pursuant to:

(a) An agreement of the parties; or

(b) An order of the court,

↪ a party who is a participant in the Public Employees' Retirement System or the Judicial Retirement Plan provides an alternative to an unmodified service retirement allowance pursuant to NRS 1A.450 or 286.590.

Sec. 4. This act becomes effective ~~on July 1, 2023.]~~ upon passage and approval.

Senator Flores moved the adoption of the amendment.

Remarks by Senator Flores.

Amendment No. 523 to Senate Bill No. 434 deletes the word "long-term," thereby making all substitute teachers eligible for membership in the Public Employees' Retirement System under certain conditions; requires a court in granting a divorce to provide an explanation or ensure that an explanation has been provided to the parties of any provision relating to the disposition of a pension or retirement benefits that will be included in the decree of divorce or any related order; authorizes a court to modify the adjudication of or an agreement settling property rights as a result of the filing of a motion to amend the adjudication or agreement relating to the disposition of pension or retirement benefits by the parties to the action; removes references to "homemaker" in section 3; and revises the effective date to upon passage and approval.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 435.

Bill read second time.

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

Amendment No. 429.

SUMMARY—Revises provisions relating to Medicaid. (BDR 38-1069)

AN ACT relating to Medicaid; ~~authorizing certain expenditures~~ requiring the provision of certain information to the operator of a hospital or rural hospital concerning the use of revenue generated by certain proposed assessments, revising the authorized uses of the revenue generated from an assessment authorized to be imposed on operators of certain agencies and facilities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Division of Health Care Financing and Policy of the Department of Health and Human Services to impose an assessment on each operator of an agency to provide personal care services in the home and each operator of a medical facility that is required to obtain a license if , after polling the operators, at least 67 percent of those operators vote in favor of the assessment. (NRS 422.3794) Existing law authorizes the expenditure of the money generated from such an assessment only to: (1) provide supplemental payments or enhanced rates of reimbursement under Medicaid to operators upon whom the assessment is imposed; and (2) administer provisions of law governing such assessments. (NRS 422.37945) ~~[This]~~ Section 2 of this bill authorizes the money to also be used to provide supplemental payments or enhanced rates of reimbursement to operators that are not subject to the assessment if such expenditure was identified as a potential use of the assessment in the polling of operators which received an affirmative vote from at least 67 percent of the operators on whom the assessment was to be imposed. Section 2 additionally authorizes the Division to use money generated from an assessment imposed on private hospitals or rural hospitals to provide additional supports and services under Medicaid for recipients of Medicaid with serious behavioral health conditions. Section 2 provides that not more than 15 percent of the total amount of money

generated each year by such an assessment may be used for administrative costs and to fund such supports and services. Section 1.8 of this bill requires the Division to provide each operator of a hospital or rural hospital who is polled concerning the imposition of such an assessment of the amount of the assessment that will be used for those purposes. Sections 1.2 and 1.4 of this bill define the terms "hospital" and "rural hospital," respectively. Section 1.6 of this bill makes conforming changes to indicate the proper placement of sections 1.2 and 1.4 in the Nevada Revised Statutes.

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

Section 1. Chapter 422 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.2 and 1.4 of this act.

Sec. 1.2. "Hospital" has the meaning ascribed to it in NRS 449.012.

Sec. 1.4. "Rural hospital" has the meaning ascribed to it in NRS 449.0177.

Sec. 1.6. NRS 422.3791 is hereby amended to read as follows:

422.3791 As used in NRS 422.3791 to 422.3795, inclusive, and section 1.2 and 1.4 of this act, unless the context otherwise requires, the words and terms defined in NRS 422.37915 to 422.37935, inclusive, and sections 1.2 and 1.4 of this act have the meanings ascribed to them in those sections.

Sec. 1.8. NRS 422.3794 is hereby amended to read as follows:

422.3794 1. Except as otherwise provided in this section, after polling the operators in an operator group and receiving an affirmative vote from at least 67 percent of the operators in that operator group, the Division may impose by regulation, against each operator in the operator group, an assessment in an amount equal to a percentage of the net revenue generated by the agency to provide personal care services in the home or medical facility, as applicable, from providing care in this State during a calendar or fiscal year. The Division shall adopt:

(a) Regulations prescribing the percentage that must be used to calculate the amount of the assessment, the date on which the assessment is due and the manner in which the assessment must be paid; and

(b) Any other regulations necessary or convenient to carry out the provisions of this section.

2. Before polling the operator of a hospital or a rural hospital pursuant to subsection 1, the Division shall provide the operator a statement of the amount of the revenue generated by the proposed assessment that will be used for the purposes prescribed by paragraphs (c) and (d) of subsection 3 of NRS 422.37945.

3. The revenue from an assessment imposed pursuant to subsection 1 must be deposited in the Account.

~~3.4~~ 4. An assessment imposed pursuant to subsection 1 must comply with the provisions of 42 C.F.R. § 433.68. An assessment must not be imposed pursuant to subsection 1 if federal law or regulations prohibit using

the revenue generated by the assessment for the purposes prescribed in NRS 422.37945. If new federal law or regulations imposing such a prohibition are enacted or adopted, as applicable:

(a) An assessment must not be collected after the effective date of the law or regulations; and

(b) Any money collected during the calendar or fiscal year, as applicable, in which the federal law or regulations become effective must be returned to the operators from whom it was collected.

~~[4.]~~ 5. An operator shall submit to the Division any information requested by the Division for the purposes of carrying out the provisions of this section.

~~[Section 1.]~~ Sec. 2. NRS 422.37945 is hereby amended to read as follows:

422.37945 1. The Account to Improve Health Care Quality and Access is hereby created in the State General Fund. The Division shall administer the Account. The revenue from assessments and penalties imposed on the operators in each operator group must be accounted for separately in the Account.

2. The interest and income on the money in the Account, after deducting any applicable charges, must be credited to the Account.

3. ~~[The]~~ Subject to the provisions of ~~[subsection]~~ subsections 4, ~~4.1~~ and 5 money in the Account must be expended to:

(a) Provide supplemental payments or enhanced rates of reimbursement to operators ~~[in the operator group upon whom an assessment was imposed]~~ pursuant to an upper payment limit program established under the provisions of 42 C.F.R. § 447.272 or 447.321;

(b) Provide supplemental payments to operators ~~[in the operator group upon whom an assessment was imposed]~~ who provide care to recipients of Medicaid in addition to the reimbursements those operators would otherwise receive for providing such care; ~~and~~

(c) Administer the provisions of NRS 422.3791 to 422.3795, inclusive ~~4.1~~ ; and

(d) For money generated by an assessment imposed against the operators of private hospitals or private rural hospitals, fund additional supports and services under Medicaid, as approved by the Director, to improve access to behavioral health care for recipients of Medicaid with serious behavioral health conditions, including, without limitation, psychiatric disorders, in order to reduce the burden imposed by such recipients on the emergency medical services and inpatient services of the hospitals in this State.

4. Not more than 15 percent of the total amount of money generated each year by assessments against the operators of private hospitals or private rural hospitals may be expended for the purposes described in paragraphs (c) and (d) of subsection 3. Money allocated for such expenditures must be used first for the purpose described in paragraph (c) of subsection 3. If money allocated for such expenditures remains after all

necessary expenditures are made for that purpose, the Division shall expend the remaining money for the purpose described in paragraph (d) of subsection 3.

5. Money in the Account that was generated by a specific assessment must not be expended to provide supplemental payments or enhanced rates of reimbursement pursuant to subsection 3 to operators in an operator group that is not subject to the assessment unless such expenditure was identified as a potential use of revenue when the assessment received an affirmative vote of at least 67 percent of the operators in the operator group subject to the assessment pursuant to subsection 1 of NRS 422.3794.

~~5.7~~ 6. Any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund, and the balance of the Account must be carried forward to the next fiscal year.

7. The Director shall seek all necessary federal authority to capture all available federal financial participation to provide additional supports and services as described in paragraph (d) of subsection 3.

~~[Sec. 2.]~~ Sec. 3. This act becomes effective upon passage and approval.

Senator Doñate moved the adoption of the amendment.

Remarks by Senator Doñate.

Amendment No. 429 to Senate Bill No. 435 limits the Division [of Health Care Financing and Policy of the Department of Health and Human Services] to using no more than 15 percent of the total revenue collected annually from a private hospital assessment for the Division's administrative costs for operating the new hospital assessment and associated payment programs. It also provides that any remaining monies collected by the Division for administrative purposes shall be reserved by the Division to fund services and supports that improve access to behavioral health care services in the community for recipients with psychiatric and serious behavioral health conditions, including conditions affecting children.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 444.

Bill read second time.

The following amendment was proposed by the Committee on Revenue and Economic Development:

Amendment No. 390.

SUMMARY—Revises provisions relating to the excise tax on admission to certain facilities where live entertainment is provided. (BDR 32-602)

AN ACT relating to taxation; imposing ~~and~~ the excise tax on certain resales of admission to live entertainment events; ~~repealing the exemption for certain athletic events involving a professional team based in this State from the excise tax on live entertainment;~~ requiring certain persons who facilitate resales of admission to live entertainment events to collect the excise tax on such resales which they facilitate; limiting the liability of such persons for failure to collect the tax under certain circumstances; authorizing the Department of Taxation to adopt regulations to require certain persons

who list or advertise resales of admissions to live entertainment events to collect and remit the tax under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the imposition of an excise tax at a rate of 9 percent of the admission charge on admission to certain facilities where live entertainment is provided. (NRS 368A.200) Existing law additionally provides that such a tax must be collected from the purchaser at the time of purchase, whether or not the admission is purchased for resale. ~~[Existing law exempts from this tax an athletic contest, event or exhibition conducted by a professional team based in this State if such a team is a participant in the contest, event or exhibition.]~~ (NRS 368A.200) ~~[Section 6 of this bill eliminates the exemption from the tax of such an athletic event.]~~ Section 6 of this bill requires the excise tax imposed on admission to live entertainment events to also be imposed on each resale of admission by a reseller, other than an occasional sale. Section 6 requires a reseller to retain certain records and to provide a credit to a purchaser on the amount of tax owed on the resale of an admission based on the amount of tax paid by the reseller at the time of the initial purchase of the admission.

Section 3.3 of this bill requires a person who directly or indirectly facilitates resales of admission to certain facilities where live entertainment is provided to collect and remit the tax if, in the immediately preceding calendar year or the current calendar year, the facilitator had more than \$100,000 of gross receipts from certain transactions or made or facilitated 200 or more sales transactions, on its own behalf or on behalf of a reseller, unless the facilitator enters into an agreement with a reseller whereby the reseller agrees to assume responsibility for the collection and imposition of the tax. Section 3.5 of this bill provides that such a facilitator is not liable for the payment of the tax under certain circumstances.

Section 3.7 of this bill authorizes the Department of Taxation to adopt regulations requiring certain persons who receive a fee in exchange for listing or advertising resales of admission to certain facilities where live entertainment is provided for a reseller but who do not collect money or other consideration from a customer to impose, collect and remit the tax if 200 or more sales transactions result from referrals made by the person or the cumulative gross receipts of sales resulting from such referrals exceed \$100,000.

Sections ~~[2, 3]~~ 1.3-3 and 5 of this bill define certain terms relevant to ~~[resellers,]~~ the tax on admission to live entertainment events. Section 4 of this bill makes a conforming change to ~~[indicate the proper placement of sections 2 and 3 in the Nevada Revised Statutes.]~~ make these definitions applicable to this tax.

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

Section 1. Chapter 368A of NRS is hereby amended by adding thereto

the provisions set forth as sections ~~[2 and 3]~~ 1.3 to 3.9, inclusive, of this act.

Sec. 1.3. "Affiliate" means a person who directly or indirectly owns or controls, is owned or controlled by, or is under common ownership or control with, another person. For the purposes of this section, control shall be presumed to exist if any person directly or indirectly owns, controls, holds with the power to vote or holds proxies representing 10 percent or more of the voting securities of any other person. This presumption may be rebutted by a showing that control does not exist in fact.

Sec. 1.5. 1. "Marketplace facilitator" means a person, including any affiliate of the person, who:

(a) Directly or indirectly, does one or more of the following to facilitate the resale of admission to any facility in this State where live entertainment is provided:

(1) Lists, makes available or advertises admission to any facility in this State where live entertainment is provided for resale by a marketplace reseller in a marketplace owned, operated or controlled by the person;

(2) Facilitates the resale by a marketplace reseller of admission to any facility in this State where live entertainment is provided, through a marketplace by transmitting or otherwise communicating an offer or acceptance of a resale of admission to any facility in this State where live entertainment is provided between a marketplace reseller and a purchaser in a forum including a shop, store, booth, catalog, Internet site or similar forum;

(3) Owns, rents, licenses, makes available or operates any electronic or physical infrastructure or any property, process, method, copyright, trademark or patent that connects marketplace resellers to purchasers for the purpose of making resales of admission to any facility in this State where live entertainment is provided;

(4) Provides a marketplace for making resales of admission to any facility in this State where live entertainment is provided, or otherwise facilitates resales of admission to any facility in this State where live entertainment is provided, regardless of ownership or control of the right or privilege of admission to the facility in this State where live entertainment is provided that is the subject of the resale;

(5) Provides software development or research and development activities related to any activity described in this subsection, if such software development or research and development activities are directly related to the physical or electronic marketplace provided by a marketplace provider;

(6) Provides or offers fulfillment or storage services for a marketplace reseller;

(7) Sets prices for the resale by a marketplace reseller of admission to any facility in this State where live entertainment is provided;

(8) Provides or offers customer service to a marketplace reseller or the customers of a marketplace reseller, or accepts or assists with taking orders,

returns or exchanges of admission to any facility in this State where live entertainment is provided which was resold by a marketplace reseller; or

(9) Brands or otherwise identifies resales as those of the marketplace facilitator; and

(b) Directly or indirectly, does one or more of the following to facilitate a sale:

(1) Collects the sales price or purchase price of a resale of admission to any facility in this State where live entertainment is provided;

(2) Provides payment processing services for a resale of admission to any facility in this State where live entertainment is provided;

(3) Charges, collects or otherwise receives selling fees, listing fees, referral fees, closing fees, fees for inserting or making available the resale of admission to any facility in this State where live entertainment is provided on a marketplace or other consideration from the facilitation of a resale of admission to any facility in this State where live entertainment is provided, regardless of ownership or control of the right or privilege of admission to the facility in this State where live entertainment is provided that is the subject of the resale;

(4) Through terms and conditions, agreements or arrangements with a third party, collects payment in connection with a resale of admission to any facility in this State where live entertainment is provided from a purchaser and transmits that payment to the marketplace reseller, regardless of whether the person collecting and transmitting such payment receives compensation or other consideration in exchange for the service; or

(5) Provides a virtual currency that purchasers are allowed or required to use to purchase a resale of admission to any facility in this State where live entertainment is provided.

2. The term does not include a person who provides Internet advertising services, including, without limitation, the listing for resale of admission to any facility in this State where live entertainment is provided, if the person does not directly or indirectly or through an affiliate:

(a) Transmit or otherwise communicate an offer or acceptance of a resale of admission to any facility in this State where live entertainment is provided between a marketplace reseller and a purchaser; and

(b) Do one or more of the activities listed in paragraph (b) of subsection 1.

Sec. 1.7. "Marketplace reseller" means:

1. A reseller who makes resales of admission to any facility in this State where live entertainment is provided, through any physical or electronic marketplace owned, operated or controlled by a marketplace facilitator, even if such reseller would not have been required to collect and remit the tax imposed by this chapter had the resale not been made through such marketplace; or

2. A reseller who makes resales of admission to any facility in this State where live entertainment is provided, resulting from a referral by a referrer,

even if such reseller would not have been required to collect and remit the tax imposed by this chapter had the resale not been made through such referrer.

Sec. 2. "Resale" or "resell" means a transaction for the sale of the admission to a facility in this State where live entertainment is provided which occurs after the initial purchase of the admission. The term includes, without limitation, a sale made in person or by telephone, Internet website or any other means of communication or exchange.

Sec. 3. "Reseller" means any person who resells the admission to a facility in this State where live entertainment is provided.

Sec. 3.3. 1. Except as otherwise provided in this section and section 3.5 of this act, the provisions of this chapter relating to the imposition, collection and remittance of the tax imposed by NRS 368A.200 apply to a marketplace facilitator during a calendar year in which or during a calendar year immediately following any calendar year in which:

(a) The cumulative gross receipts from retail sales of tangible personal property to customers in this State and the sale of admission to any facility in this State where live entertainment is provided, which are made or facilitated by the marketplace facilitator on its own behalf or for one or more marketplace sellers, exceed \$100,000; or

(b) The marketplace facilitator makes or facilitates a combined total of 200 or more separate sales transactions of tangible personal property to customers in this State and admission to any facility in this State where live entertainment is provided on his or her own behalf or for one or more marketplace sellers.

2. The provisions of this chapter relating to the imposition, collection and remittance of the tax imposed by NRS 368A.200 do not apply to a marketplace facilitator described in subsection 1 if:

(a) The marketplace facilitator and the marketplace reseller have entered into a written agreement whereby the marketplace reseller assumes responsibility for the collection and remittance of the tax imposed by NRS 368A.200 for resales made by the marketplace reseller through the marketplace facilitator; and

(b) The marketplace reseller has registered with the Department to collect and remit the tax imposed by NRS 368A.200.

➡ Upon request of the Department, a marketplace facilitator shall provide to the Department a report containing the name of each marketplace reseller with whom the marketplace facilitator has entered into an agreement pursuant to this subsection and such other information as the Department determines is necessary to ensure that each marketplace reseller with whom the marketplace facilitator has entered into an agreement pursuant to this subsection has registered with the Department to collect and remit the tax imposed by NRS 368A.200.

3. Except as otherwise provided in this section and section 3.5 of this act, the provisions of subsection 1 apply regardless of whether:

(a) The marketplace reseller for whom a marketplace facilitator makes or facilitates a resale would not have been required to collect and remit the tax pursuant to this chapter had the resale not been facilitated by the marketplace facilitator;

(b) The marketplace reseller for whom a marketplace facilitator makes or facilitates a resale was required to register with the Department to collect and remit the tax imposed by NRS 368A.200; or

(c) The amount of the sales price of a resale will ultimately accrue to or benefit the marketplace facilitator, the marketplace reseller or any other person.

Sec. 3.5. 1. In administering the provisions of this chapter, the Department shall not hold a marketplace facilitator liable for the payment of any tax imposed by this chapter which is attributable to a resale made or facilitated on behalf of a marketplace reseller who is not an affiliate of the marketplace facilitator if:

(a) The marketplace facilitator provides proof satisfactory to the Department that the marketplace facilitator has made a reasonable effort to obtain accurate information from the marketplace reseller about the sale; and

(b) The failure to collect and remit the correct tax on the resale was due to incorrect information provided to the marketplace facilitator by the marketplace reseller.

2. Except as otherwise provided in subsection 3, in administering the provisions of this chapter, the Department shall not hold a marketplace facilitator liable for the payment of any tax imposed by this chapter which is attributable to a resale made or facilitated on behalf of a marketplace reseller who is not an affiliate of the marketplace facilitator if the marketplace facilitator provides proof satisfactory to the Department that the resale was made before January 1, 2026.

3. The relief from liability provided pursuant to subsection 2 for the 2024 and 2025 calendar years, respectively, must not exceed 5 percent of the total tax imposed by NRS 368A.200 owed for the calendar year on the taxable receipts of the marketplace facilitator from resales made or facilitated by the marketplace facilitator for one or more marketplace resellers.

4. If a marketplace facilitator is relieved of liability for the collection and remittance of any amount of the tax imposed by NRS 368A.200 pursuant to subsection 1, the marketplace reseller is liable for the payment of such uncollected, unpaid or unremitted tax.

5. To the extent that a marketplace facilitator is relieved of liability for the collection and remittance of any tax pursuant to subsections 2 and 3, the marketplace reseller for whom the marketplace facilitator made or facilitated the resale giving rise to the tax is also relieved of such liability.

6. Nothing in this section shall be construed to relieve any person of liability for collecting but failing to remit to the Department any tax imposed by this chapter.

Sec. 3.7. 1. The Department may provide by regulation that, except as otherwise provided in this section, the provisions of this chapter relating to the imposition, collection and remittance of the tax imposed by NRS 368A.200 apply to a referrer during a calendar year in which or during a calendar year immediately following any calendar year in which:

(a) The cumulative gross receipts from retail sales of tangible personal property to customers in this State and sales and resales of admission to any facility in this State where live entertainment is provided, which result from referrals from a platform of the referrer, are in excess of \$100,000; or

(b) There are 200 or more separate sales transactions involving sales of tangible personal property to customers in this State and sales and resales of admission to any facility in this State where live entertainment is provided resulting from referrals from a platform of the referrer.

2. Any regulations adopted by the Department pursuant to subsection 1 must provide that the provisions of this chapter relating to the imposition, collection and remittance of the tax imposed by NRS 368A.200 do not apply to a referrer described in subsection 1 if the referrer:

(a) Posts a conspicuous notice on each platform of the referrer that includes all of the following:

(1) A statement that the tax imposed by NRS 368A.200 is due on certain purchases;

(2) A statement that the marketplace reseller from whom the person is purchasing on the platform may or may not collect and remit the tax imposed by NRS 368A.200 on a purchase;

(3) Information informing the purchaser that the notice is provided under the requirements of this section; and

(4) Instructions for obtaining additional information from the Department regarding whether and how to remit the tax imposed by NRS 368A.200;

(b) The referrer provides a monthly notice to each marketplace reseller to whom the referrer made a referral of a potential customer for admission to any facility in this State where live entertainment is provided during the previous calendar year, which monthly notice shall contain all of the following:

(1) A statement that Nevada imposes the tax imposed by NRS 368A.200 on admission to any facility in this State where live entertainment is provided;

(2) A statement that a marketplace facilitator must collect and remit the tax imposed by NRS 368A.200; and

(3) Instructions for obtaining additional information from the Department regarding the collection and remittance of the tax imposed by NRS 368A.200; and

(c) The referrer provides the Department with periodic reports in an electronic format and in the manner prescribed by the Department, which reports contain all of the following:

(1) A list of marketplace resellers who received a notice from the referrer pursuant to paragraph (b);

(2) A list of marketplace resellers that collect and remit the tax imposed by NRS 368A.200 and that list or advertise the resale of admission to any facility in this State where live entertainment is provided on a platform of the referrer; and

(3) An affidavit signed under penalty of perjury from an officer of the referrer affirming that the referrer made reasonable efforts to comply with the applicable notice and reporting requirements of this subsection.

3. Any regulations adopted by the Department pursuant to subsection 1 must apply only to referrals by a referrer and shall not preclude the applicability of other provisions of this chapter to a person who is a referrer and is also a licensed gaming establishment, the owner or operator of the facility where the live entertainment is provided, a reseller, a marketplace facilitator or a marketplace reseller.

4. As used in this section:

(a) "Platform" means an electronic or physical medium, including, without limitation, an Internet site or catalog, that is owned, operated or controlled by a referrer.

(b) "Referral" means the transfer through telephone, Internet link or other means by a referrer of a potential customer to a reseller who advertises or lists admission to any facility in this State where live entertainment is provided for resale on a platform of the referrer.

(c) "Referrer":

(1) Means a person who does all of the following:

(I) Contracts or otherwise agrees with a reseller or marketplace facilitator to list or advertise for resale admission to any facility in this State where live entertainment is provided on behalf of a reseller or marketplace facilitator on a platform, provided such listing or advertisement identifies whether or not the reseller or marketplace facilitator collects the tax imposed by NRS 368A.200;

(II) Receives a commission, fee or other consideration from the reseller or marketplace facilitator for the listing or advertisement;

(III) Provides referrals to a reseller or marketplace facilitator, or an affiliate of a reseller or marketplace facilitator; and

(IV) Does not collect money or other consideration from the customer for the transaction.

(2) Does not include:

(I) A person primarily engaged in the business of printing or publishing a newspaper; or

(II) A person who does not provide the reseller's or marketplace facilitator's shipping terms and who does not advertise whether a reseller or marketplace facilitator collects the tax imposed by NRS 368A.200.

Sec. 3.9. 1. Nothing in sections 3.3 to 3.9, inclusive, of this act shall be construed to create any remedy or private right of action against a marketplace facilitator.

2. A marketplace facilitator that is required to collect taxes imposed by this chapter is immune from civil liability for claims arising from or related to the overpayment of taxes imposed by this chapter if the marketplace facilitator acted in good faith and without malicious intent.

3. Nothing in this section applies to or otherwise limits:

(a) Any claim, action, mandate, power, remedy or discretion of the Department, or an agent or designee of the Department.

(b) The right of a taxpayer to seek a refund pursuant to NRS 368A.250 to 368A.340, inclusive.

Sec. 4. NRS 368A.010 is hereby amended to read as follows:

368A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 368A.020 to 368A.115, inclusive, ~~and sections 2 and 3~~ 1.3 to 3.3, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 5. NRS 368A.110 is hereby amended to read as follows:

368A.110 "Taxpayer" means:

1. Except as otherwise provided in ~~subsection~~ subsections 4, ~~and 5~~ 1, ~~and 6~~, if live entertainment that is taxable under this chapter is provided at a licensed gaming establishment, the person licensed to conduct gaming at that establishment.

2. Except as otherwise provided in subsections 3 ~~, and 4, and 5,~~ to 6, inclusive, if live entertainment that is taxable under this chapter is not provided at a licensed gaming establishment, the owner or operator of the facility where the live entertainment is provided.

3. Except as otherwise provided in ~~subsection~~ subsections 4, ~~and 5~~ 1, ~~and 6~~, if live entertainment that is taxable under this chapter is provided at a publicly owned facility or on public land, the person who collects the taxable receipts.

4. If live entertainment that is taxable under this chapter is provided by an escort, the escort or, if the escort works as an employee, agent or independent contractor for an escort service, the owner or operator of the escort service.

5. ~~With~~ Except as otherwise provided in subsection 6, with respect to any tax which is due for the resale of the admission to a facility in this State where live entertainment is provided, the reseller.

6. With respect to any tax imposed by this chapter which is due for the resale of the admission to a facility in this State where live entertainment is provided and which a marketplace facilitator or referrer is required to collect, the marketplace facilitator or referrer.

Sec. 6. NRS 368A.200 is hereby amended to read as follows:

368A.200 1. Except as otherwise provided in this section, there is hereby imposed an excise tax on admission to any facility in this State where

live entertainment is provided and on the charge for live entertainment provided by an escort at one or more locations in this State. The rate of the tax is:

(a) Except as otherwise provided in paragraph (b), for admission to a facility in this State where live entertainment is provided, 9 percent of the admission charge to the facility.

(b) For live entertainment provided by an escort who is escorting one or more persons at a location or locations in this State, 9 percent of the total amount, expressed in terms of money, of consideration paid for the live entertainment provided by the escort.

2. Amounts paid for:

(a) Admission charges collected and retained by a nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c), or by a nonprofit corporation organized or existing under the provisions of chapter 82 of NRS, are not taxable pursuant to this section, only if the number of tickets to the live entertainment which are offered for sale or other distribution to patrons, either directly or indirectly through a partner, subsidiary, client, affiliate or other collaborator, is less than 7,500.

(b) Gratuities directly or indirectly remitted to persons employed at a facility where live entertainment is provided are not taxable pursuant to this section.

(c) Fees imposed, collected and retained by an independent financial institution in connection with the use of credit cards or debit cards to pay the admission charge to a facility where live entertainment is provided are not taxable pursuant to this section. As used in this paragraph, "independent financial institution" means a financial institution that is not the taxpayer or an owner or operator of the facility where the live entertainment is provided or an affiliate of any of those persons.

3. The tax imposed by this section must be added to and collected from the purchaser at the time of purchase, whether or not the admission for live entertainment is purchased for resale.

4. *Except as otherwise provided in this subsection, in addition to the tax imposed pursuant to subsection 1 with respect to the initial sale of admission to any facility in this State where live entertainment is provided, the tax imposed pursuant to subsection 1 shall also be collected by a reseller from the purchaser at the time of resale of the admission to a facility in this State where live entertainment is provided. A reseller must maintain records documenting the admission charge and tax paid by the reseller for the initial purchase of the admission and the admission charge and tax collected when the reseller resells the admission. The reseller shall pass through to the purchaser the amount of the tax imposed pursuant to this section which was paid by the reseller at the time of the initial purchase by giving the purchaser a credit on the amount of tax owed pursuant to this section on the resale, except that the amount of the credit may not exceed:*

(a) The amount of tax paid pursuant to this section on the initial purchase of the admission by the reseller; or

(b) The amount of tax owed pursuant to this section on the resale of the admission.

➡ If the resale or admission to any facility in this State where live entertainment is provided is an occasional sale, as defined in NRS 372.035, such a resale is exempt from the payment of any additional amount of excise tax pursuant to this subsection. For the purposes of this subsection, an "occasional sale" is a resale of admission to a facility in this State where live entertainment is provided by a person who is not engaged in the business of reselling such admission, provided that such resale is not one of a series of resales sufficient in number, scope and character to constitute the activity of engaging in the business of making such resales.

5. The tax imposed by subsection 1 does not apply to:

(a) Live entertainment that this State is prohibited from taxing under the Constitution, laws or treaties of the United States or the Nevada Constitution.

(b) Live entertainment that is governed by the Nevada Interscholastic Activities Association pursuant to chapter 385B of NRS or is provided or sponsored by an elementary school, junior high school, middle school or high school, if only pupils or faculty provide the live entertainment.

(c) An athletic contest, event, tournament or exhibition provided by an institution of the Nevada System of Higher Education, if students of such an institution are contestants in the contest, event, tournament or exhibition.

(d) Live entertainment that is provided by or entirely for the benefit of a nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c), or a nonprofit corporation organized or existing under the provisions of chapter 82 of NRS, only if the number of tickets to the live entertainment which are offered for sale or other distribution to patrons, either directly or indirectly through a partner, subsidiary, client, affiliate or other collaborator, is less than 7,500.

(e) Any boxing contest or exhibition governed by the provisions of chapter 467 of NRS.

(f) Live entertainment that is not provided at a licensed gaming establishment if the facility in which the live entertainment is provided has a maximum occupancy of less than 200 persons.

(g) Live entertainment that is provided at a licensed gaming establishment that is licensed for less than 51 slot machines, less than 6 games, or any combination of slot machines and games within those respective limits, if the facility in which the live entertainment is provided has a maximum occupancy of less than 200 persons.

(h) Live entertainment that is provided at a trade show.

(i) Music performed by musicians who move constantly through the audience if no other form of live entertainment is afforded to the patrons.

(j) Live entertainment that is provided at a licensed gaming establishment at private meetings or dinners attended by members of a particular

organization or by a casual assemblage if the purpose of the event is not primarily for entertainment.

(k) Live entertainment that is provided in the common area of a shopping mall, unless the entertainment is provided in a facility located within the mall.

(l) Food and product demonstrations provided at a shopping mall, a craft show or an establishment that sells grocery products, housewares, hardware or other supplies for the home.

(m) Live entertainment that is incidental to an amusement ride, a motion simulator or a similar digital, electronic, mechanical or electromechanical attraction. For the purposes of this paragraph, live entertainment shall be deemed to be incidental to an amusement ride, a motion simulator or a similar digital, electronic, mechanical or electromechanical attraction if the live entertainment is:

(1) Not the predominant element of the attraction; and

(2) Not the primary purpose for which the public rides, attends or otherwise participates in the attraction.

(n) A race scheduled at a race track in this State and sanctioned by the National Association for Stock Car Auto Racing, if two or more such races are held at that race track during the same calendar year.

(o) An athletic contest, event or exhibition conducted by a professional team based in this State if the professional team based in this State is a participant in the contest, event or exhibition.

(p) Live entertainment that is provided by or entirely for the benefit of a governmental entity.

~~{5.}~~ 6. As used in this section:

(a) ~~["Affiliate" has the meaning ascribed to it in NRS 463.0133.~~

~~(b)~~ "Maximum occupancy" means, in the following order of priority:

(1) The maximum occupancy of the facility in which live entertainment is provided, as determined by the State Fire Marshal or the local governmental agency that has the authority to determine the maximum occupancy of the facility;

(2) If such a maximum occupancy has not been determined, the maximum occupancy of the facility designated in any permit required to be obtained in order to provide the live entertainment; or

(3) If such a permit does not designate the maximum occupancy of the facility, the actual seating capacity of the facility in which the live entertainment is provided.

~~(c)~~ (b) "Operator" includes, without limitation, a person who operates a facility where live entertainment is provided or who presents, produces or otherwise provides live entertainment.

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

2. Sections 1 to 6, inclusive, of this act become effective:

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

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

Senator Neal moved the adoption of the amendment.

Remarks by Senator Neal.

Amendment No. 390 to Senate Bill No. 444 restores the exemption to sports teams and adds a provision establishing that a person who directly or indirectly facilitates resales of admissions to live entertainment is required to collect and remit the live entertainment tax if the facilitator had more than \$100,000 in gross sales or 200 or more in sales transactions.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

WAIVERS AND EXEMPTIONS

NOTICE OF EXEMPTION

April 24, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 162, 313.

WAYNE THORLEY
Fiscal Analysis Division

MOTIONS, RESOLUTIONS AND NOTICES

Senator Dondero Loop moved that Senate Bills Nos. 118, 140, 162, 185, 204, 246, 385, 435 and 444 be taken from their positions on the General File and re-referred to the Committee on Finance upon return from reprint.

Motion carried.

Senator Cannizzaro moved that Senate Bill No. 433 be taken from its position on the General File and placed on the Secretary's Desk.

Motion carried.

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

Motion carried.

Senate in recess at 1:23 p.m.

SENATE IN SESSION

At 3:18 p.m.

President Anthony presiding.

Quorum present.

REPORTS OF COMMITTEE

Mr. President:

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 57, 78, 147, 183, 201, 274, 328, 333, 355, 393, 426, 427, 437, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

PAT SPEARMAN, *Chair*

Mr. President:

Your Committee on Education, to which was referred Senate Bill No. 308, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERTA LANGE, *Chair*

Mr. President:

Your Committee on Government Affairs, to which was referred Senate Bill No. 92, 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 Judiciary, to which was referred Senate Bill No. 413, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MELANIE SCHEIBLE, *Chair*

Mr. President:

Your Committee on Legislative Operations and Elections, to which were referred Senate Bills Nos. 216, 404, 406, 443, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAMES OHRENSCHALL, *Chair*

SECOND READING AND AMENDMENT

Senate Bill No. 35.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 424.

SUMMARY—~~[Establishes the crimes of low-level trafficking in fentanyl, mid-level trafficking in fentanyl and high-level trafficking in fentanyl.]~~
Revises provisions relating to controlled substances. (BDR 40-423)

AN ACT relating to controlled substances; establishing the crimes of ~~[low-level trafficking in fentanyl,]~~ mid-level ~~[trafficking in fentanyl]~~ and high-level trafficking in illicitly manufactured fentanyl ~~[,]~~, any derivative of fentanyl and any mixture which contains fentanyl or any derivative of fentanyl; requiring, to the extent that money is available, the establishment of certain programs to provide certain offenders or prisoners who have a substance use disorder with medication-assisted treatment; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a person who knowingly or intentionally sells, manufactures, delivers or brings into this State or is knowingly or intentionally in actual or constructive possession of a schedule I controlled substance, other than marijuana, a schedule II controlled substance or certain other controlled substances is guilty of: (1) low-level trafficking if the quantity of the controlled substance is 100 grams or more but less than 400 grams; and (2) high-level trafficking if the quantity of the controlled substance is 400 grams or more. A person who commits the crime of: (1) low-level trafficking is guilty of a category B felony and subject to certain

prescribed penalties; and (2) high-level trafficking is guilty of a category A felony and subject to certain prescribed penalties. (NRS 453.3385)

Existing regulations of the State Board of Pharmacy include fentanyl in the list of controlled substances in schedule II ~~and various derivatives of fentanyl in the list of controlled substances in schedule I.~~ (NAC 453.510, as amended by LCB File No. R023-21, NAC 453.520) Section 8 of this bill excludes illicitly manufactured fentanyl, any derivative of fentanyl and any mixture which contains fentanyl or any derivative of fentanyl from the controlled substances ~~in schedule II~~ for which the provisions governing the crimes of low-level trafficking and high-level trafficking apply. Section 1 of this bill instead establishes the crimes of ~~low-level trafficking in fentanyl,~~ mid-level trafficking ~~in fentanyl~~ and high-level trafficking in illicitly manufactured fentanyl, any derivative of fentanyl and any mixture which contains fentanyl or any derivative of fentanyl. Under section 1, a person who knowingly or intentionally sells, manufactures, delivers or brings into this State or is knowingly or intentionally in actual or constructive possession of illicitly manufactured fentanyl, any derivative of fentanyl or any mixture which contains fentanyl or any derivative of fentanyl is guilty of: (1) ~~low-level trafficking in fentanyl if the quantity of fentanyl involved is 4 grams or more but less than 14 grams;~~ (2) mid-level trafficking ~~in fentanyl~~ if the quantity ~~of fentanyl~~ involved is 14 grams or more but less than 28 grams; and ~~((3))~~ (2) high-level trafficking ~~in fentanyl~~ if the quantity ~~of fentanyl~~ involved is 28 grams or more. Under section 1, a person who commits the crime of: (1) ~~low-level or~~ mid-level trafficking ~~in fentanyl~~ is guilty of a category B felony and subject to certain prescribed penalties; and (2) high-level trafficking ~~in fentanyl~~ is guilty of a category A felony and subject to certain prescribed penalties.

Sections 2, 5 and 6 of this bill provide that a person found guilty of ~~low-level,~~ mid-level or high-level trafficking in illicitly manufactured fentanyl, any derivative of fentanyl or any mixture which contains fentanyl or any derivative of fentanyl is subject to the greater penalty for that crime if the acts constituting the crime could subject the person to a lesser punishment under another statute.

Sections 3, 4, 7 ~~and 9-13~~, 9-12 and 13 of this bill add references to section 1 so that the crimes of ~~low-level,~~ mid-level and high-level trafficking in illicitly manufactured fentanyl, any derivative of fentanyl or any mixture which contains fentanyl or any derivative of fentanyl are treated the same as the crimes of low-level and high-level trafficking involving schedule I controlled substances, other than marijuana, and ~~other~~ schedule II controlled substances for certain purposes.

Existing law requires the Director of the Department of Corrections to establish one or more programs of treatment for offenders with substance use or co-occurring disorders who have been sentenced to imprisonment in the state prison. (NRS 209.4236, 209.425) Existing law additionally provides that the treatment of a prisoner in a local jail or detention facility who has a

substance use disorder may include medication-assisted treatment. (NRS 211.140) Section 12.3 of this bill requires the Director, to the extent that money is available, to establish a program to provide for the treatment of offenders with a substance use disorder using medication-assisted treatment. Section 12.3 requires: (1) the program to provide each eligible offender who participates in the program with appropriate medication-assisted treatment for the period in which the offender is incarcerated; and (2) each offender who the Director has determined has a substance use disorder for which a medication-assisted treatment exists and who meets any reasonable conditions imposed by the Director to be deemed eligible to participate in the program and offered the opportunity to participate. Section 12.3 prohibits the Director from denying an offender the ability to participate in the program or terminating his or her participation in the program for certain reasons. Finally, section 12.3 provides that an offender who participates in the program is not subject to discipline on the basis that the results of a screening test administered to the offender indicated the presence of a controlled substance. Section 12.7 of this bill requires, to the extent that money is available, a sheriff, chief of police or town marshal who is responsible for a county, city or town jail or detention facility to establish a program similar to that set forth in section 12.3 to provide for the treatment of prisoners with a substance use disorder using medication-assisted treatment.

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 a new section to read as follows:

Except as otherwise authorized by the provisions of NRS 453.011 to 453.552, inclusive, a person who knowingly or intentionally sells, manufactures, delivers or brings into this State or who is knowingly or intentionally in actual or constructive possession of illicitly manufactured fentanyl, any derivative of fentanyl or any mixture which contains fentanyl or any derivative of fentanyl, unless a greater penalty is provided pursuant to NRS 453.322, if the quantity involved:

~~1. [Is 4 grams or more, but less than 14 grams, is guilty of low level trafficking in fentanyl and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years and by a fine of not more than \$50,000.~~

~~2.]~~ ~~Is 14 grams or more, but less than 28 grams, is guilty of mid-level trafficking in fentanyl and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years and by a fine of not more than \$100,000.~~

~~3.]~~ ~~2. Is 28 grams or more, is guilty of high-level trafficking in fentanyl and shall be punished for a category A felony by imprisonment in the state prison:~~

(a) *For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or*

(b) *For a definite term of 25 years, with eligibility for parole beginning when a minimum of 10 years has been served,*

➡ *and by a fine of not more than \$500,000.*

Sec. 2. NRS 453.322 is hereby amended to read as follows:

453.322 1. Except as authorized by the provisions of NRS 453.011 to 453.552, inclusive, it is unlawful for a person to knowingly or intentionally:

(a) Manufacture or compound a controlled substance other than marijuana.

(b) Possess, with the intent to manufacture or compound a controlled substance other than marijuana, or sell, exchange, barter, supply, prescribe, dispense or give away, with the intent that the chemical be used to manufacture or compound a controlled substance other than marijuana:

(1) Any chemical identified in subsection 5; or

(2) Any other chemical which is proven by expert testimony to be commonly used in manufacturing or compounding a controlled substance other than marijuana. The district attorney may present expert testimony to provide a prima facie case that any chemical, whether or not it is a chemical identified in subsection 5, is commonly used in manufacturing or compounding such a controlled substance.

➡ The provisions of this paragraph do not apply to a person who, without the intent to commit an unlawful act, possesses any chemical at a laboratory that is licensed to store the chemical.

(c) Offer or attempt to do any act set forth in paragraph (a) or (b).

2. Unless a greater penalty is provided in subsection 3 or NRS 453.3385, *or section 1 of this act*, a person who violates any provision of subsection 1 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than \$100,000.

3. If a person violates any provision of subsection 1 by engaging in the manufacturing or compounding of a controlled substance other than marijuana, or by attempting to do so, and the violation causes a fire or explosion, the person is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 20 years, and may be further punished by a fine of not more than \$100,000.

4. The court shall not grant probation to a person convicted pursuant to this section.

5. The following chemicals are identified for the purposes of subsection 1:

(a) Acetic anhydride.

(b) Acetone.

- (c) N-Acetylanthranilic acid, its esters and its salts.
- (d) Anthranilic acid, its esters and its salts.
- (e) Benzaldehyde, its salts, isomers and salts of isomers.
- (f) Benzyl chloride.
- (g) Benzyl cyanide.
- (h) 1,4-Butanediol.
- (i) 2-Butanone (or methyl ethyl ketone or MEK).
- (j) Ephedrine, its salts, isomers and salts of isomers.
- (k) Ergonovine and its salts.
- (l) Ergotamine and its salts.
- (m) Ethylamine, its salts, isomers and salts of isomers.
- (n) Ethyl ether.
- (o) Gamma butyrolactone.
- (p) Hydriodic acid, its salts, isomers and salts of isomers.
- (q) Hydrochloric gas.
- (r) Iodine.
- (s) Isosafrole, its salts, isomers and salts of isomers.
- (t) Lithium metal.
- (u) Methylamine, its salts, isomers and salts of isomers.
- (v) 3,4-Methylenedioxy-phenyl-2-propanone.
- (w) N-Methylephedrine, its salts, isomers and salts of isomers.
- (x) Methyl isobutyl ketone (MIBK).
- (y) N-Methylpseudoephedrine, its salts, isomers and salts of isomers.
- (z) Nitroethane, its salts, isomers and salts of isomers.
- (aa) Norpseudoephedrine, its salts, isomers and salts of isomers.
- (bb) Phenylacetic acid, its esters and its salts.
- (cc) Phenylpropanolamine, its salts, isomers and salts of isomers.
- (dd) Piperidine and its salts.
- (ee) Piperonal, its salts, isomers and salts of isomers.
- (ff) Potassium permanganate.
- (gg) Propionic anhydride, its salts, isomers and salts of isomers.
- (hh) Pseudoephedrine, its salts, isomers and salts of isomers.
- (ii) Red phosphorous.
- (jj) Safrole, its salts, isomers and salts of isomers.
- (kk) Sodium metal.
- (ll) Sulfuric acid.
- (mm) Toluene.

Sec. 3. NRS 453.333 is hereby amended to read as follows:

453.333 If the death of a person is proximately caused by a controlled substance which was sold, given, traded or otherwise made available to him or her by another person in violation of this chapter, the person who sold, gave or traded or otherwise made the substance available to him or her is guilty of murder. If convicted of murder in the second degree, the person is guilty of a category A felony and shall be punished as provided in subsection 5 of NRS 200.030. If convicted of murder in the first degree, the

person is guilty of a category A felony and shall be punished as provided in subsection 4 of NRS 200.030, except that the punishment of death may be imposed only if the requirements of paragraph (a) of subsection 4 of that section have been met and if the defendant is or has previously been convicted of violating NRS 453.3385 or 453.339 *or section 1 of this act* or a law of any other jurisdiction which prohibits the same conduct.

Sec. 4. NRS 453.3353 is hereby amended to read as follows:

453.3353 1. Unless a greater penalty is provided by law, and except as otherwise provided in this section and NRS 193.169, if:

(a) A person violates NRS 453.322 or 453.3385, *or section 1 of this act*, and the violation involves the manufacturing or compounding of any controlled substance other than marijuana; and

(b) During the discovery or cleanup of the premises at, on or in which the controlled substance was manufactured or compounded, another person suffers substantial bodily harm other than death as the proximate result of the manufacturing or compounding of the controlled substance,

➡ the person who committed the offense shall be punished by imprisonment in the state prison for a term equal to and in addition to the term of imprisonment prescribed by statute for the offense. The sentence prescribed by this subsection runs consecutively with the sentence prescribed by statute for the offense.

2. Unless a greater penalty is provided by law, and except as otherwise provided in NRS 193.169, if:

(a) A person violates NRS 453.322 or 453.3385, *or section 1 of this act*, and the violation involves the manufacturing or compounding of any controlled substance other than marijuana; and

(b) During the discovery or cleanup of the premises at, on or in which the controlled substance was manufactured or compounded, another person suffers death as the proximate result of the manufacturing or compounding of the controlled substance,

➡ the offense shall be deemed a category A felony and the person who committed the offense shall be punished by imprisonment in the state prison:

(1) For life without the possibility of parole;

(2) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 20 years has been served; or

(3) For a definite term of 50 years, with eligibility for parole beginning when a minimum of 20 years has been served.

3. Subsection 1 does not create a separate offense but provides an additional penalty for the primary offense, the imposition of which is contingent upon the finding of the prescribed fact. Subsection 2 does not create a separate offense but provides an alternative penalty for the primary offense, the imposition of which is contingent upon the finding of the prescribed fact.

4. As used in this section:

(a) "Marijuana" does not include concentrated cannabis.

(b) "Premises" means:

(1) Any temporary or permanent structure, including, without limitation, any building, house, room, apartment, tenement, shed, carport, garage, shop, warehouse, store, mill, barn, stable, outhouse or tent; or

(2) Any conveyance, including, without limitation, any vessel, boat, vehicle, airplane, glider, house trailer, travel trailer, motor home or railroad car,

➔ whether located aboveground or underground and whether inhabited or not.

Sec. 5. NRS 453.336 is hereby amended to read as follows:

453.336 1. Except as otherwise provided in subsection 6, a person shall not knowingly or intentionally possess a controlled substance, unless the substance was obtained directly from, or pursuant to, a prescription or order of a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician, optometrist, advanced practice registered nurse or veterinarian while acting in the course of his or her professional practice, or except as otherwise authorized by the provisions of NRS 453.005 to 453.552, inclusive.

2. Except as otherwise provided in subsections 3, 4 and 5 and in NRS 453.3363, and unless a greater penalty is provided in NRS 212.160, 453.3385 or 453.339, *or section 1 of this act*, a person who violates this section:

(a) For a first or second offense, if the controlled substance is listed in schedule I or II and the quantity possessed is less than 14 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is less than 28 grams, is guilty of possession of a controlled substance and shall be punished for a category E felony as provided in NRS 193.130. In accordance with NRS 176.211, the court shall defer judgment upon the consent of the person.

(b) For a third or subsequent offense, if the controlled substance is listed in schedule I or II, and the quantity possessed is less than 14 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is less than 28 grams, or if the offender has previously been convicted two or more times in the aggregate of any violation of the law of the United States or of any state, territory or district relating to a controlled substance, is guilty of possession of a controlled substance and shall be punished for a category D felony as provided in NRS 193.130, and may be further punished by a fine of not more than \$20,000.

(c) If the controlled substance is listed in schedule I or II and the quantity possessed is 14 grams or more, but less than 28 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is 28 grams or more, but less than 200 grams, is guilty of low-level possession of a controlled substance and shall be punished for a category C felony as provided in NRS 193.130.

(d) If the controlled substance is listed in schedule I or II and the quantity possessed is 28 grams or more, but less than 42 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is 200 grams or more, is guilty of mid-level possession of a controlled substance and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years and by a fine of not more than \$50,000.

(e) If the controlled substance is listed in schedule I or II and the quantity possessed is 42 grams or more, but less than 100 grams, is guilty of high-level possession of a controlled substance and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years and by a fine of not more than \$50,000.

3. Unless a greater penalty is provided in NRS 212.160, 453.337 or 453.3385, a person who is convicted of the possession of flunitrazepam or gamma-hydroxybutyrate, or any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.

4. Unless a greater penalty is provided pursuant to NRS 212.160, a person who is convicted of the possession of 1 ounce or less of marijuana is guilty of a misdemeanor and shall be punished by:

(a) Performing not more than 24 hours of community service;

(b) Attending the live meeting described in paragraph (a) of subsection 2 of NRS 484C.530 and complying with any other requirements set forth in that section; or

(c) Being required to undergo an evaluation in accordance with subsection 1 of NRS 484C.350,

➡ or any combination thereof.

5. Unless a greater penalty is provided pursuant to NRS 212.160, a person who is convicted of the possession of more than 1 ounce, but less than 50 pounds, of marijuana or more than one-eighth of an ounce, but less than one pound, of concentrated cannabis is guilty of a category E felony and shall be punished as provided in NRS 193.130.

6. It is not a violation of this section if a person possesses a trace amount of a controlled substance and that trace amount is in or on a hypodermic device obtained from a sterile hypodermic device program pursuant to NRS 439.985 to 439.994, inclusive.

7. The court may grant probation to or suspend the sentence of a person convicted of violating this section.

8. If a person fulfills the terms and conditions imposed for a violation of subsection 4, the court shall, without a hearing, order sealed all documents, papers and exhibits in that person's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other

agencies and officers as are named in the court's order. The court shall cause a copy of the order to be sent to each agency or officer named in the order. Each such agency or officer shall notify the court in writing of its compliance with the order.

9. As used in this section:

(a) "Controlled substance" includes flunitrazepam, gamma-hydroxybutyrate and each substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor.

(b) "Marijuana" does not include concentrated cannabis.

(c) "Sterile hypodermic device program" has the meaning ascribed to it in NRS 439.986.

Sec. 6. NRS 453.337 is hereby amended to read as follows:

453.337 1. Except as otherwise authorized by the provisions of NRS 453.011 to 453.552, inclusive, it is unlawful for a person to possess for the purpose of sale flunitrazepam, gamma-hydroxybutyrate, any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor or any controlled substance classified in schedule I or II.

2. Unless a greater penalty is provided in NRS 453.3385 or 453.339, *or section 1 of this act*, a person who violates this section shall be punished:

(a) For the first offense, for a category D felony as provided in NRS 193.130.

(b) For a second offense, or if, in the case of a first conviction of violating this section, the offender has previously been convicted of a felony under the Uniform Controlled Substances Act or of an offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to a felony under the Uniform Controlled Substances Act, for a category C felony as provided in NRS 193.130.

(c) For a third or subsequent offense, or if the offender has previously been convicted two or more times of a felony under the Uniform Controlled Substances Act or of any offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to a felony under the Uniform Controlled Substances Act, for a category B felony by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than \$20,000 for each offense.

3. Except as otherwise provided in this subsection, unless mitigating circumstances exist that warrant the granting of probation, the court shall not grant probation to or suspend the sentence of a person convicted of violating this section and punishable pursuant to paragraph (b) or (c) of subsection 2. The court shall not grant probation to or suspend the sentence of a person convicted of violating this section, even if mitigating circumstances exist that would otherwise warrant the granting of probation, if the person violated this section by possessing flunitrazepam, gamma-hydroxybutyrate or any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor.

Sec. 7. NRS 453.3383 is hereby amended to read as follows:

453.3383 For the purposes of NRS 453.3385 and 453.339, *and section 1 of this act*, the weight of the controlled substance as represented by the person selling or delivering it is determinative if the weight as represented is greater than the actual weight of the controlled substance.

Sec. 8. NRS 453.3385 is hereby amended to read as follows:

453.3385 ~~1.~~ Except as otherwise provided in NRS 453.339 and section 1 of this act and except as otherwise authorized by the provisions of NRS 453.011 to 453.552, inclusive, a person who knowingly or intentionally sells, manufactures, delivers or brings into this State or who is knowingly or intentionally in actual or constructive possession of flunitrazepam, gamma-hydroxybutyrate, any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor or any controlled substance which is listed in schedule I ~~I~~ or II, ~~except marijuana,~~ or ~~schedule II, except fentanyl, or~~ any mixture which contains any such controlled substance, unless a greater penalty is provided pursuant to NRS 453.322, if the quantity involved:

~~(a)~~ 1. Is 100 grams or more, but less than 400 grams, is guilty of low-level trafficking and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and by a fine of not more than \$100,000.

~~(b)~~ 2. Is 400 grams or more, is guilty of high-level trafficking and shall be punished for a category A felony by imprisonment in the state prison:

~~(1)~~ (a) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or

~~(2)~~ (b) For a definite term of 25 years, with eligibility for parole beginning when a minimum of 10 years has been served,
➤ and by a fine of not more than \$500,000.

~~2. As used in this section, "marijuana" does not include concentrated cannabis.~~

Sec. 9. NRS 453.3405 is hereby amended to read as follows:

453.3405 1. Except as otherwise provided in subsection 2, the adjudication of guilt and imposition of sentence of a person found guilty of trafficking in a controlled substance in violation of NRS 453.3385 or 453.339 *or section 1 of this act* must not be suspended and the person is not eligible for parole until the person has actually served the mandatory minimum term of imprisonment prescribed by the section under which the person was convicted.

2. The court, upon an appropriate motion, may reduce or suspend the sentence of any person convicted of violating any of the provisions of NRS 453.3385 or 453.339 *or section 1 of this act* if the court finds that the convicted person rendered substantial assistance in the investigation or prosecution of any offense. The arresting agency must be given an

opportunity to be heard before the motion is granted. Upon good cause shown, the motion may be heard in camera.

3. Any appropriate reduction or suspension of a sentence pursuant to subsection 2 must be determined by the court, for reasons stated by the court that may include, without limitation, consideration of the following:

(a) The court's evaluation of the significance and usefulness of the convicted person's assistance, taking into consideration the prosecuting attorney's evaluation of the assistance rendered;

(b) The truthfulness, completeness and reliability of any information or testimony provided by the convicted person;

(c) The nature and extent of the convicted person's assistance;

(d) Any injury suffered or any danger or risk of injury to the convicted person or his or her family resulting from his or her assistance; and

(e) The timeliness of the convicted person's assistance.

Sec. 10. NRS 453C.150 is hereby amended to read as follows:

453C.150 1. Notwithstanding any other provision of law, a person who, in good faith, seeks medical assistance for a person who is experiencing a drug or alcohol overdose or other medical emergency or who seeks such assistance for himself or herself, or who is the subject of a good faith request for such assistance may not be arrested, charged, prosecuted or convicted, or have his or her property subjected to forfeiture, or be otherwise penalized for violating:

(a) Except as otherwise provided in subsection 4, a provision of chapter 453 of NRS relating to:

(1) Drug paraphernalia, including, without limitation, NRS 453.554 to 453.566, inclusive;

(2) Possession, unless it is for the purpose of sale or violates the provisions of NRS 453.3385, subsection 2 of NRS 453.3393 or 453.3405 ~~to~~ *or section 1 of this act*; or

(3) Use of a controlled substance, including, without limitation, NRS 453.336;

(b) A local ordinance as described in NRS 453.3361 that establishes an offense that is similar to an offense set forth in NRS 453.336;

(c) A restraining order; or

(d) A condition of the person's parole or probation,
➡ if the evidence to support the arrest, charge, prosecution, conviction, seizure or penalty was obtained as a result of the person seeking medical assistance.

2. A court, before sentencing a person who has been convicted of a violation of chapter 453 of NRS for which immunity is not provided by this section, shall consider in mitigation any evidence or information that the defendant, in good faith, sought medical assistance for a person who was experiencing a drug or alcohol overdose or other life-threatening emergency in connection with the events that constituted the violation.

3. For the purposes of this section, a person seeks medical assistance if the person:

(a) Reports a drug or alcohol overdose or other medical emergency to a member of a law enforcement agency, a 911 emergency service, a poison control center, a medical facility or a provider of emergency medical services;

(b) Assists another person making such a report;

(c) Provides care to a person who is experiencing a drug or alcohol overdose or other medical emergency while awaiting the arrival of medical assistance; or

(d) Delivers a person who is experiencing a drug or alcohol overdose or other medical emergency to a medical facility and notifies the appropriate authorities.

4. The provisions of this section do not prohibit any governmental entity from taking any actions required or authorized by chapter 432B of NRS relating to the abuse or neglect of a child.

5. As used in this section, "drug or alcohol overdose" means a condition, including, without limitation, extreme physical illness, a decreased level of consciousness, respiratory depression, coma, mania or death which is caused by the consumption or use of a controlled substance or alcohol, or another substance with which a controlled substance or alcohol was combined, or that an ordinary layperson would reasonably believe to be a drug or alcohol overdose that requires medical assistance.

Sec. 11. NRS 179A.075 is hereby amended to read as follows:

179A.075 1. The Central Repository for Nevada Records of Criminal History is hereby created within the Records, Communications and Compliance Division of the Department.

2. Each agency of criminal justice and any other agency dealing with crime shall:

(a) Collect and maintain records, reports and compilations of statistical data required by the Department; and

(b) Submit the information collected to the Central Repository:

(1) In the manner approved by the Director of the Department; and

(2) In accordance with the policies, procedures and definitions of the Uniform Crime Reporting Program of the Federal Bureau of Investigation.

3. Each agency of criminal justice shall submit the information relating to records of criminal history that it creates, issues or collects, and any information in its possession relating to the DNA profile of a person from whom a biological specimen is obtained pursuant to NRS 176.09123 or 176.0913, to the Division. The information must be submitted to the Division:

(a) Through an electronic network;

(b) On a medium of magnetic storage; or

(c) In the manner prescribed by the Director of the Department,

↪ within 60 days after the date of the disposition of the case. If an agency has submitted a record regarding the arrest of a person who is later determined by the agency not to be the person who committed the particular crime, the agency shall, immediately upon making that determination, so notify the Division. The Division shall delete all references in the Central Repository relating to that particular arrest.

4. Each state and local law enforcement agency shall submit Uniform Crime Reports to the Central Repository:

- (a) In the manner prescribed by the Director of the Department;
- (b) In accordance with the policies, procedures and definitions of the Uniform Crime Reporting Program of the Federal Bureau of Investigation; and
- (c) Within the time prescribed by the Director of the Department.

5. The Division shall, in the manner prescribed by the Director of the Department:

(a) Collect, maintain and arrange all information submitted to it relating to:

- (1) Records of criminal history; and
 - (2) The DNA profile of a person from whom a biological specimen is obtained pursuant to NRS 176.09123 or 176.0913.
- (b) When practicable, use a record of the personal identifying information of a subject as the basis for any records maintained regarding him or her.
- (c) Upon request, provide, in paper or electronic form, the information that is contained in the Central Repository to the Committee on Domestic Violence appointed pursuant to NRS 228.470 when, pursuant to NRS 228.495, the Committee is reviewing the death of the victim of a crime that constitutes domestic violence pursuant to NRS 33.018.

6. The Division may:

- (a) Disseminate any information which is contained in the Central Repository to any other agency of criminal justice;
- (b) Enter into cooperative agreements with repositories of the United States and other states to facilitate exchanges of information that may be disseminated pursuant to paragraph (a); and
- (c) Request of and receive from the Federal Bureau of Investigation information on the background and personal history of any person whose record of fingerprints or other biometric identifier the Central Repository submits to the Federal Bureau of Investigation and:

(1) Who has applied to any agency of the State of Nevada or any political subdivision thereof for a license which it has the power to grant or deny;

(2) With whom any agency of the State of Nevada or any political subdivision thereof intends to enter into a relationship of employment or a contract for personal services;

(3) Who has applied to any agency of the State of Nevada or any political subdivision thereof to attend an academy for training peace officers approved by the Peace Officers' Standards and Training Commission;

(4) For whom such information is required or authorized to be obtained pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183, 449.123 and 449.4329; or

(5) About whom any agency of the State of Nevada or any political subdivision thereof is authorized by law to have accurate personal information for the protection of the agency or the persons within its jurisdiction.

7. To request and receive information from the Federal Bureau of Investigation concerning a person pursuant to subsection 6, the Central Repository must receive:

(a) The person's complete set of fingerprints for the purposes of:

- (1) Booking the person into a city or county jail or detention facility;
- (2) Employment;
- (3) Contractual services; or
- (4) Services related to occupational licensing;

(b) One or more of the person's fingerprints for the purposes of mobile identification by an agency of criminal justice; or

(c) Any other biometric identifier of the person as it may require for the purposes of:

- (1) Arrest; or
- (2) Criminal investigation,

↪ from the agency of criminal justice or agency of the State of Nevada or any political subdivision thereof and submit the received data to the Federal Bureau of Investigation for its report.

8. The Central Repository shall:

(a) Collect and maintain records, reports and compilations of statistical data submitted by any agency pursuant to subsection 2.

(b) Tabulate and analyze all records, reports and compilations of statistical data received pursuant to this section.

(c) Disseminate to federal agencies engaged in the collection of statistical data relating to crime information which is contained in the Central Repository.

(d) Investigate the criminal history of any person who:

(1) Has applied to the Superintendent of Public Instruction for the issuance or renewal of a license;

(2) Has applied to a county school district, charter school or private school for employment or to serve as a volunteer; or

(3) Is employed by or volunteers for a county school district, charter school or private school,

↪ and immediately notify the superintendent of each county school district, the governing body of each charter school and the Superintendent of Public Instruction, or the administrator of each private school, as appropriate, if the

investigation of the Central Repository indicates that the person has been convicted of a violation of NRS 200.508, 201.230, 453.3385 or 453.339, *or section 1 of this act*, or convicted of a felony or any offense involving moral turpitude.

(e) Upon discovery, immediately notify the superintendent of each county school district, the governing body of each charter school or the administrator of each private school, as appropriate, by providing the superintendent, governing body or administrator with a list of all persons:

(1) Investigated pursuant to paragraph (d); or

(2) Employed by or volunteering for a county school district, charter school or private school whose fingerprints were sent previously to the Central Repository for investigation,

➤ who the Central Repository's records indicate have been convicted of a violation of NRS 200.508, 201.230, 453.3385 or 453.339, *or section 1 of this act*, or convicted of a felony or any offense involving moral turpitude since the Central Repository's initial investigation. The superintendent of each county school district, the governing body of a charter school or the administrator of each private school, as applicable, shall determine whether further investigation or action by the district, charter school or private school, as applicable, is appropriate.

(f) Investigate the criminal history of each person who submits one or more fingerprints or other biometric identifier or has such data submitted pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183, 449.122, 449.123 or 449.4329.

(g) Provide an electronic means to access on the Central Repository's Internet website statistical data relating to crime.

(h) Provide an electronic means to access on the Central Repository's Internet website statistical data about domestic violence in this State.

(i) Identify and review the collection and processing of statistical data relating to criminal justice by any agency identified in subsection 2 and make recommendations for any necessary changes in the manner of collecting and processing statistical data by any such agency.

(j) Adopt regulations governing biometric identifiers and the information and data derived from biometric identifiers, including, without limitation:

(1) Their collection, use, safeguarding, handling, retention, storage, dissemination and destruction; and

(2) The methods by which a person may request the removal of his or her biometric identifiers from the Central Repository and any other agency where his or her biometric identifiers have been stored.

9. The Central Repository may:

(a) In the manner prescribed by the Director of the Department, disseminate compilations of statistical data and publish statistical reports relating to crime.

(b) Charge a reasonable fee for any publication or special report it distributes relating to data collected pursuant to this section. The Central

Repository may not collect such a fee from an agency of criminal justice or any other agency dealing with crime which is required to submit information pursuant to subsection 2. All money collected pursuant to this paragraph must be used to pay for the cost of operating the Central Repository.

(c) In the manner prescribed by the Director of the Department, use electronic means to receive and disseminate information contained in the Central Repository that it is authorized to disseminate pursuant to the provisions of this chapter.

10. As used in this section:

(a) "Mobile identification" means the collection, storage, transmission, reception, search, access or processing of a biometric identifier using a handheld device.

(b) "Personal identifying information" means any information designed, commonly used or capable of being used, alone or in conjunction with any other information, to identify a person, including, without limitation:

(1) The name, driver's license number, social security number, date of birth and photograph or computer-generated image of a person; and

(2) A biometric identifier of a person.

(c) "Private school" has the meaning ascribed to it in NRS 394.103.

Sec. 12. NRS 207.360 is hereby amended to read as follows:

207.360 "Crime related to racketeering" means the commission of, attempt to commit or conspiracy to commit any of the following crimes:

1. Murder;
2. Manslaughter, except vehicular manslaughter as described in NRS 484B.657;
3. Mayhem;
4. Battery which is punished as a felony;
5. Kidnapping;
6. Sexual assault;
7. Arson;
8. Robbery;
9. Taking property from another under circumstances not amounting to robbery;
10. Extortion;
11. Statutory sexual seduction;
12. Extortionate collection of debt in violation of NRS 205.322;
13. Forgery, including, without limitation, forgery of a credit card or debit card in violation of NRS 205.740;
14. Obtaining and using personal identifying information of another person in violation of NRS 205.463;
15. Establishing or possessing a financial forgery laboratory in violation of NRS 205.46513;
16. Any violation of NRS 199.280 which is punished as a felony;
17. Burglary;
18. Grand larceny;

19. Bribery or asking for or receiving a bribe in violation of chapter 197 or 199 of NRS which is punished as a felony;
20. Battery with intent to commit a crime in violation of NRS 200.400;
21. Assault with a deadly weapon;
22. Any violation of NRS 453.232, 453.316 to 453.339, inclusive, *and section 1 of this act*, or NRS 453.375 to 453.401, inclusive;
23. Receiving or transferring a stolen vehicle;
24. Any violation of NRS 202.260, 202.275 or 202.350 which is punished as a felony;
25. Any violation of subsection 2 or 3 of NRS 463.360 or chapter 465 of NRS;
26. Receiving, possessing or withholding stolen goods valued at \$650 or more;
27. Embezzlement of money or property valued at \$650 or more;
28. Obtaining possession of money or property valued at \$650 or more, or obtaining a signature by means of false pretenses;
29. Perjury or subornation of perjury;
30. Offering false evidence;
31. Any violation of NRS 201.300, 201.320, 201.360 or 201.395;
32. Any violation of NRS 90.570, 91.230 or 686A.290, or insurance fraud pursuant to NRS 686A.291;
33. Any violation of NRS 205.506, 205.920 or 205.930;
34. Any violation of NRS 202.445 or 202.446;
35. Any violation of NRS 205.377;
36. Involuntary servitude in violation of any provision of NRS 200.463 or 200.464 or a violation of any provision of NRS 200.465; or
37. Trafficking in persons in violation of any provision of NRS 200.467 or 200.468.

Sec. 12.3. Chapter 209 of NRS is hereby amended by adding thereto a new section to read as follows:

1. To the extent that money is available, the Director shall, with the approval of the Board, establish a program of treatment for offenders with a substance use disorder using medication-assisted treatment.

2. The program established pursuant to subsection 1 must:

(a) Provide each eligible offender who participates in the program with appropriate medication-assisted treatment for the period in which the offender is incarcerated; and

(b) Require that all decisions regarding the type, dosage or duration of any medication administered to an eligible offender as part of his or her medication-assisted treatment be made by a treating physician and the eligible offender.

3. Except as otherwise provided in this section, any offender who the Director has determined has a substance use disorder for which a medication-assisted treatment exists and who meets any reasonable conditions imposed by the Director pursuant to subsection 4 is eligible to

participate in the program established pursuant to subsection 1 and must be offered the opportunity to participate. If an offender received medication-assisted treatment immediately preceding his or her incarceration, the offender is eligible to continue that medication-assisted treatment as a participant in the program. Participation in the program must be voluntary.

4. Except as otherwise provided in this subsection, the Director may impose reasonable conditions for an offender to be eligible to participate in the program established pursuant to subsection 1 and to continue his or her participation in the program. The Director shall not deny an offender the ability to participate in the program or terminate the participation of an offender in the program on the basis that:

(a) The results of a screening test administered to the offender upon the commencement of his or her incarceration or upon the commencement of his or her participation in the program indicated the presence of a controlled substance; or

(b) The offender committed an infraction of the rules of the institution or facility before or during the participation of the offender in the program.

5. An offender who participates in the program established pursuant to subsection 1 is not subject to discipline on the basis that the results of a screening test administered to the offender during his or her participation in the program indicated the presence of a controlled substance.

6. As used in this section, "medication-assisted treatment" means treatment for a substance use disorder using medication approved by the United States Food and Drug Administration for that purpose.

Sec. 12.7. Chapter 211 of NRS is hereby amended by adding thereto a new section to read as follows:

1. To the extent that money is available, a sheriff, chief of police or town marshal who is responsible for a county, city or town jail or detention facility shall establish a program to provide for the treatment of prisoners with a substance use disorder using medication-assisted treatment.

2. The program established pursuant to subsection 1 must:

(a) Provide each eligible prisoner who participates in the program with appropriate medication-assisted treatment for the period in which the prisoner is incarcerated; and

(b) Require that all decisions regarding the type, dosage or duration of any medication administered to an eligible prisoner as part of his or her medication-assisted treatment be made by a treating physician and the eligible prisoner.

3. Except as otherwise provided in this section, any prisoner who the sheriff, chief of police or town marshal has determined has a substance use disorder for which a medication-assisted treatment exists and who meets any reasonable conditions imposed by the sheriff, chief of police or town marshal pursuant to subsection 4 is eligible to participate in the program established pursuant to subsection 1 and must be offered the opportunity to participate.

If a prisoner received medication-assisted treatment immediately preceding his or her incarceration, the prisoner is eligible to continue that medication-assisted treatment as a participant in the program. Participation in the program must be voluntary.

4. Except as otherwise provided in this subsection, the sheriff, chief of police or town marshal may impose reasonable conditions for a prisoner to be eligible to participate in the program established pursuant to subsection 1 and to continue his or her participation in the program. The sheriff, chief of police or town marshal shall not deny a prisoner the ability to participate in the program or terminate the participation of a prisoner in the program on the basis that:

(a) The results of a screening test administered to the prisoner upon the commencement of his or her incarceration or upon the commencement of his or her participation in the program indicated the presence of a controlled substance; or

(b) The prisoner committed an infraction of the rules of the county, city or town jail or detention facility before or during the participation of the prisoner in the program.

5. A prisoner who participates in the program established pursuant to subsection 1 is not subject to discipline on the basis that the results of a screening test administered to the prisoner during his or her participation in the program indicated the presence of a controlled substance.

6. As used in this section, "medication-assisted treatment" means treatment for a substance use disorder using medication approved by the United States Food and Drug Administration for that purpose.

Sec. 13. NRS 391.650 is hereby amended to read as follows:

391.650 As used in NRS 391.650 to 391.826, inclusive, unless the context otherwise requires:

1. "Administrator" means any employee who holds a license as an administrator and who is employed in that capacity by a school district.

2. "Board" means the board of trustees of the school district in which a licensed employee affected by NRS 391.650 to 391.826, inclusive, is employed.

3. "Demotion" means demotion of an administrator to a position of lesser rank, responsibility or pay and does not include transfer or reassignment for purposes of an administrative reorganization.

4. "Immorality" means:

(a) An act forbidden by NRS 200.366, 200.368, 200.400, 200.508, 201.180, 201.190, 201.210, 201.220, 201.230, 201.265, 201.540, 201.560, 207.260, 453.316 to 453.336, inclusive, except an act forbidden by NRS 453.337, 453.338, 453.3385 to 453.3405, inclusive, and section 1 of this act, 453.560 or 453.562; or

(b) An act forbidden by NRS 201.540 or any other sexual conduct or attempted sexual conduct with a pupil enrolled in an elementary or secondary

school. As used in this paragraph, "sexual conduct" has the meaning ascribed to it in NRS 201.520.

5. "Postprobationary employee" means an administrator or a teacher who has completed the probationary period as provided in NRS 391.820 and has been given notice of reemployment. The term does not include a person who is deemed to be a probationary employee pursuant to NRS 391.730.

6. "Probationary employee" means:

(a) An administrator or a teacher who is employed for the period set forth in NRS 391.820; and

(b) A person who is deemed to be a probationary employee pursuant to NRS 391.730.

7. "Superintendent" means the superintendent of a school district or a person designated by the board or superintendent to act as superintendent during the absence of the superintendent.

8. "Teacher" means a licensed employee the majority of whose working time is devoted to the rendering of direct educational service to pupils of a school district.

Senator Scheible moved the adoption of the amendment.

Remarks by Senator Scheible.

Amendment No. 424 to Senate Bill No. 35 removes the low-level trafficking provisions; adds language clarifying that relevant provisions of the bill apply to illicit fentanyl, derivatives and mixtures; and adds new language providing for the implementation of Medication-Assisted Treatment programs in jails and prisons to the extent that funds are available.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 38.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 417.

SUMMARY—Revises provisions relating to offenses against children.
(BDR 15-425)

AN ACT relating to crimes; prohibiting certain employees of or volunteers at a school from contacting or communicating with a pupil under certain circumstances; prohibiting certain employees of or volunteers at a school from engaging in conduct intended to cause or encourage a pupil to engage in sexual conduct, transmit or distribute a sexual image of the pupil or engage in certain other behavior; providing that certain crimes committed against pupils constitute sexual offenses for the purposes of various statutes; providing that certain persons who are convicted of engaging in such conduct are subject to various statutory provisions relating to sex offenders; revising provisions relating to the licensure and employment of persons convicted of engaging in certain prohibited conduct with pupils; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law imposes criminal penalties on any person who knowingly contacts or communicates with a child, a person believed to be a child or a person with mental illness with the intent to persuade, lure or transport the child or person to a different location without permission or for certain purposes. (NRS 201.560) Section 2 of this bill defines "person in a position of authority" to mean a person who is 18 years of age or older and who: (1) is or was employed by or volunteering at a public or private school; and (2) ~~by reason, has had contact with a pupil in the course of performing his or her position, is able to exercise significant or undue influence over a pupil at the school, duties as an employee or volunteer.~~ Unless a greater penalty is provided by statute, section 2 provides that a person in a position of authority is guilty of a category C felony if he or she knowingly contacts or communicates with or attempts to contact or communicate with a pupil who is less than 18 years of age with the intent to persuade, lure or transport the pupil away from certain locations ~~{for any purpose: (1) without the express consent of the parent or guardian of or other person legally responsible for the pupil; and (2)}~~ with the intent to ~~{avoid such consent.}~~ : (1) engage in the commission of a crime punishable as a felony or gross misdemeanor; or (2) cause or encourage the pupil to engage in an unlawful act that, if committed by an adult, would be a felony or gross misdemeanor or facilitate the commission by the person in a position of authority of such an act.

Existing law prohibits certain employees of or volunteers at a school from engaging in sexual conduct with certain pupils. (NRS 201.540) Existing law also prohibits: (1) a person from possessing a visual representation depicting a sexual portrayal or sexual conduct of certain minors; and (2) a minor from using an electronic communication device to transmit or distribute a sexual image of himself or herself to another person. (NRS 200.730, 200.737) Unless a greater penalty is provided by specific statute, section 2 provides that a person in a position of authority is guilty of a category C felony if he or she knowingly contacts or communicates with or attempts to contact or communicate with a pupil with the intent to : (1) engage in the commission of a crime punishable as a felony or gross misdemeanor; or (2) cause or encourage the pupil to ~~:(1) engage in sexual conduct~~ ~~either in person or through electronic means; (2)~~ use an electronic communication device to transmit or distribute a sexual image of himself or herself to the person ~~:(3) or engage in~~ or facilitate the commission of ~~{a crime.~~

~~Existing law prohibits a person from committing an act which causes or encourages a minor to perform an act or follow a course of conduct that would cause the minor to become or remain a child in need of supervision or a delinquent child. (NRS 201.110) Unless a greater penalty is provided by specific statute, section 2 provides that a person is guilty of a gross misdemeanor if he or she knowingly contacts or communicates with or attempts to contact or communicate with a pupil who is less than 18 years of age with the intent to cause or encourage the pupil to engage in conduct that~~

~~would cause the pupil to become a child in need of supervision or a delinquent child, an unlawful act that, if committed by an adult, would be a felony or gross misdemeanor. Section 2 creates an exemption from the crime prescribed in section 2 if the person in a position of authority: (1) is married to the pupil at the time an act prohibited by section 2 is committed; (2) does not have or did not have contact with the pupil in the course of performing any of his or her duties; or (3) takes certain action upon receipt of an unsolicited sexual image or communication of a sexual nature from a pupil.~~ Section 4 of this bill makes a conforming change to indicate the proper placement of section 2 in the Nevada Revised Statutes.

Section 1 of this bill makes certain penalties which are applicable to a person who commits sexual assault against certain minors and who has previously been convicted of another sexual assault or other sexual offense against a child applicable to a person who commits sexual assault against the same such minors and who has been previously convicted of ~~certain violations~~ a violation of section 2.

Existing law makes certain conduct relating to the exhibition or sale to minors of obscene material a misdemeanor offense, unless a greater penalty is provided by specific statute. (NRS 201.265) Section 3 of this bill adds a violation of section 2 to the list of specific statutes in which a greater penalty is provided.

Existing law prohibits a court from ordering the victim of or a witness to certain sexual offenses to take or submit to a psychological or psychiatric examination. (NRS 50.700) Section 5 of this bill adds ~~certain violations~~ a violation of section 2 to the list of sexual offenses to which that prohibition applies.

Existing law: (1) requires a court to include a special sentence of lifetime supervision for any person convicted of certain sexual offenses; and (2) provides certain conditions of lifetime supervision. (NRS 176.0931, 213.1243) Sections 6 and 16 of this bill add ~~certain violations~~ a violation of section 2 to the list of sexual offenses that require a special sentence of lifetime supervision and for which conditions of lifetime supervision apply.

Existing law: (1) requires that a person convicted of certain sexual offenses undergo a psychosexual evaluation as part of the presentence investigation report prepared by the Division of Parole and Probation of the Department of Public Safety; and (2) prohibits a court from granting probation to or suspending the sentence of a person convicted of certain sexual offenses, unless the person who conducts the evaluation certifies that the person convicted of the sexual offense does not represent a high risk to reoffend. (NRS 176.135, 176A.110) Sections 7 and 8 of this bill add ~~certain violations~~ a violation of section 2 to the list of sexual offenses that require a special sentence of lifetime supervision and for which certain conditions of lifetime supervision apply. Existing law similarly requires the Department of Corrections to assess each prisoner who has been convicted of a sexual offense before a scheduled parole hearing to determine the prisoner's risk to

reoffend. (NRS 213.1214) Section 17 of this bill adds ~~[certain violations]~~ a violation of section 2 to the list of offenses which require such an assessment.

Existing law requires a court that grants probation to or suspends the sentence of certain persons convicted of an offense that involved the use of a computer, system or network to order, as a condition of probation or suspension, that the person not own or use a computer. (NRS 176A.413) Section 9 of this bill: (1) adds certain violations of section 2 to the list of offenses for which a court is required to issue such an order; and (2) provides that the prohibition on owning or using a computer includes any electronic communication device. Existing law similarly requires the State Board of Parole Commissioners to require that certain persons convicted of an offense that involved the use of a computer, system or network not own or use a computer. (NRS 213.1258) Section 18 of this bill: (1) adds certain violations of section 2 to the list of offenses for which the Board is required to impose this condition of parole; and (2) provides that the prohibition on owning or using a computer includes any electronic communication device.

Existing law requires a court to provide certain documentation to each victim and witness and certain other persons if an offender is convicted of certain sexual offenses. (NRS 178.5698) Section 10 of this bill requires that such documentation be provided to such persons if an offender is convicted of ~~[certain violations]~~ a violation of section 2.

Section 11 of this bill makes the provisions of law which prohibit a person convicted of a sexual offense from petitioning a court to seal the records relating to such a conviction applicable to a person convicted of ~~[certain violations]~~ a violation of section 2. (NRS 179.245)

Existing law allows a judge to grant an order authorizing the interception of certain communications when the interception may provide evidence of the commission of a sexual offense against a child. (NRS 179.460) Section 12 of this bill adds ~~[certain violations]~~ a violation of section 2 to the list of sexual offenses against a child for which a judge may grant such an order.

Existing law defines the term "sexual offense" for the purpose of requiring persons convicted of certain sexual offenses to be prohibited from certain employment, to register as a sex offender, to comply with certain mandatory conditions of probation or parole and to fulfill certain other requirements. (NRS 118A.335, 176A.410, 179D.095, 179D.097, 179D.441, 213.1099, 213.1245) Section 13 of this bill revises the list of sexual offenses to which these statutory provisions apply to include ~~[certain violations]~~ a violation of section 2.

Section 14 of this bill adds ~~[certain violations]~~ a violation of section 2 to the list of offenses used to classify a sex offender as a Tier II offender for the purposes of meeting certain requirements for registration of sex offenders. (NRS 179D.115) Section 15 of this bill makes conforming changes related to numbering changes made in sections 13 and 14.

Sections 19-25 and 33 of this bill authorize the board of trustees of a school district, the governing body of a public or private school and the administrator of a private school to use a substantiated report of a violation of section 2 for purposes of making certain employment decisions and certain other purposes. (NRS 288.150, 388A.515, 388A.5342, 388C.200, 391.033, 391.104, 391.281, 394.155)

Existing law requires the Superintendent of Public Instruction to grant all licenses for teachers and other educational personnel. (NRS 391.033) Section 23 of this bill requires the Superintendent to suspend the application process for an applicant for licensure against whom a substantiated report of a violation of section 2 is made and take certain other actions related to the report.

Existing law authorizes the State Board of Education to suspend or revoke a license issued by the Superintendent if the licensee is convicted of certain sex offenses or a substantiated report of certain prohibited conduct is made against the licensee. (NRS 391.330) Section 26 of this bill: (1) adds a violation of section 2 to the list of sex offenses for which the State Board may suspend or revoke a license; and (2) authorizes the State Board to suspend or revoke the license of a person against whom a substantiated report of a violation of section 2 is made.

Existing law authorizes the board of trustees of a school district or the governing body of a public school to suspend, dismiss, demote or refuse to employ a teacher or administrator for immorality. (NRS 391.650, 391.750) Existing law also authorizes the superintendent of a school district to suspend a licensed employee who has been charged but not yet convicted of a crime involving immorality. (NRS 391.760) Sections 27 and 28 of this bill add a violation of section 2 to the list of immoral acts for which such action may be taken. Section 28 also provides that a licensed employee who is convicted of a violation of section 2 forfeits all rights of employment after the date of his or her arrest.

Existing law requires an employee of or a volunteer for a school to report certain conduct to an agency which provides child welfare services and to a law enforcement agency. (NRS 392.303) Section 29 of this bill additionally requires an employee of or a volunteer for a school to make such a report for a violation of section 2. Sections 29-32 of this bill make conforming changes relating to the requirement that an employee or a volunteer make such a report. (NRS 392.317, 392.337)

Section 34 of this bill requires the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child to contain the information in any substantiated report of a violation of section 2. (NRS 432.100) Section 36 of this bill requires certain employers to screen employees through the Central Registry to determine whether the person has been the subject of a substantiated report of a violation of section 2. (NRS 433.639) Section 35 of this bill makes a conforming change relating to

the inclusion in the Central Registry of information relating to a violation of section 2.

Section 37 of this bill makes the amendatory provisions of sections ~~[1-34]~~ 1-36 apply to offenses committed on and after October 1, 2023.

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

Section 1. NRS 200.366 is hereby amended to read as follows:

200.366 1. A person is guilty of sexual assault if the person:

(a) Subjects another person to sexual penetration, or forces another person to make a sexual penetration on themselves or another, or on a beast, against the will of the victim or under conditions in which the perpetrator knows or should know that the victim is mentally or physically incapable of resisting or understanding the nature of the perpetrator's conduct; or

(b) Commits a sexual penetration upon a child under the age of 14 years or causes a child under the age of 14 years to make a sexual penetration on themselves or another, or on a beast.

2. Except as otherwise provided in subsections 3 and 4, a person who commits a sexual assault is guilty of a category A felony and shall be punished:

(a) If substantial bodily harm to the victim results from the actions of the defendant committed in connection with or as a part of the sexual assault, by imprisonment in the state prison:

(1) For life without the possibility of parole; or

(2) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 15 years has been served.

(b) If no substantial bodily harm to the victim results, by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served.

3. Except as otherwise provided in subsection 4, a person who commits a sexual assault against a child under the age of 16 years is guilty of a category A felony and shall be punished:

(a) If the crime results in substantial bodily harm to the child, by imprisonment in the state prison for life without the possibility of parole.

(b) Except as otherwise provided in paragraph (c), if the crime does not result in substantial bodily harm to the child, by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 25 years has been served.

(c) If the crime is committed against a child under the age of 14 years and does not result in substantial bodily harm to the child, by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 35 years has been served.

4. A person who commits a sexual assault against a child under the age of 16 years and who has been previously convicted of:

(a) A sexual assault pursuant to this section or any other sexual offense against a child; or

(b) An offense committed in another jurisdiction that, if committed in this State, would constitute a sexual assault pursuant to this section or any other sexual offense against a child,

➡ is guilty of a category A felony and shall be punished by imprisonment in the state prison for life without the possibility of parole.

5. The provisions of this section do not apply to a person who is less than 18 years of age and who commits any of the acts described in paragraph (b) of subsection 1 if the person is not more than 2 years older than the person upon whom the act was committed unless:

(a) The person committing the act uses force or threatens the use of force; or

(b) The person committing the act knows or should know that the victim is mentally or physically incapable of resisting or understanding the nature of the perpetrator's conduct.

6. For the purpose of this section, "other sexual offense against a child" means any act committed by an adult upon a child constituting:

(a) Incest pursuant to NRS 201.180;

(b) Lewdness with a child pursuant to NRS 201.230;

(c) Sado-masochistic abuse pursuant to NRS 201.262; ~~or~~

(d) Luring a child using a computer, system or network pursuant to NRS 201.560, if punished as a felony ~~;~~ or

(e) A violation of ~~subsection 1 or 2 of~~ section 2 of this act. ~~if punished as a felony.~~

Sec. 2. Chapter 201 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~Except as otherwise provided in subsection ~~4~~ 3 and unless a greater penalty is provided by specific statute, a person in a position of authority who knowingly contacts or communicates with or attempts to contact or communicate with a pupil who is less than 18 years of age with the intent to persuade, lure or transport the pupil away from the pupil's home or from any location known to the pupil's parent or guardian or other person legally responsible for the pupil to a place other than where the pupil is located for any purpose without the express consent of the parent or guardian or other person legally responsible for the pupil, and with the intent to avoid such consent.~~

(a) Engage in the commission of a crime punishable as a felony or gross misdemeanor; or

(b) Cause or encourage the pupil to:

(1) Engage in an unlawful act that, if committed by an adult, would be a felony or gross misdemeanor; or

(2) Facilitate the commission by the person in a position of authority of a crime punishable as a felony or gross misdemeanor.

➡ is guilty of a category C felony and shall be punished as provided in NRS 193.130.

2. Except as otherwise provided in subsection ~~4~~ 3 and unless a greater penalty is provided by specific statute, a person in a position of authority who knowingly contacts or communicates with or attempts to contact or communicate with a pupil with the intent to ~~cause~~ :

(a) Engage in the commission of a crime punishable as a felony or gross misdemeanor; or

(b) Cause or encourage the pupil to:

~~[(a)]~~ (1) Engage in sexual conduct, either in person or through the use of an electronic communication device;

~~[(b)]~~ (2) Use an electronic communication device to transmit or distribute a sexual image of himself or herself to the person; ~~or~~

~~[(c)]~~ (3) Engage in an unlawful act that, if committed by an adult, would be a felony or gross misdemeanor; or ~~facilitate~~

(4) Facilitate the commission by the person in a position of authority of a crime ~~that~~ punishable as a felony or gross misdemeanor,

↪ is guilty of a category C felony and shall be punished as provided in NRS 193.130

3. ~~Except as otherwise provided in subsection 4 and unless a greater penalty is provided by specific statute, a person in a position of authority who knowingly contacts or communicates with or attempts to contact or communicate with a pupil who is less than 18 years of age with the intent to cause or encourage the pupil to engage in conduct that would cause the pupil to become a child in need of supervision or a delinquent child is guilty of a gross misdemeanor.~~

~~4.]~~ The provisions of this section do not apply if the person in a position of authority:

(a) Is married to the pupil at the time an act prohibited by this section is committed; ~~or~~

(b) Does not have or did not have contact with the pupil in the course of performing any of his or her duties ~~that~~; or

(c) Receives from a pupil, by electronic communication device, an unsolicited sexual image or communication of a sexual nature and reports the image or communication to the principal, administrator or other person in charge of the school at which the person is employed or volunteers as soon as reasonably practicable after receipt of the image or communication.

~~5.]~~ 4. As used in this section:

(a) ~~["Child in need of supervision" has the meaning ascribed to it in NRS 201.090,~~

~~(b) "Delinquent child" has the meaning ascribed to it in NRS 201.090~~

~~(c)]~~ "Electronic communication device" has the meaning ascribed to it in NRS 200.737.

~~(d)]~~ (b) "Person in a position of authority" means a person who is 18 years of age or older and who:

(1) Is or was an employee at or volunteer for a public school or private school; and

(2) ~~By reason of his or her position, is able to exercise significant or undue influence over a pupil.~~

~~(c)~~ Has had contact with a pupil in the course of performing his or her duties as an employee or volunteer.

(c) "Pupil" means a person who is or was enrolled in or attending a public school or private school.

~~(d)~~ (d) "Sexual conduct" includes sexual conduct between two persons who are in different physical locations but who are communicating with each other through the use of an electronic communication device.

~~(e)~~ (e) "Sexual image" means any visual depiction, including, without limitation, any photograph or video of a pupil simulating or engaging in sexual conduct or of the pupil as the subject of a sexual portrayal.

~~(f)~~ (f) "Sexual portrayal" has the meaning ascribed to it in NRS 200.700.

Sec. 3. NRS 201.265 is hereby amended to read as follows:

201.265 Except as otherwise provided in NRS 200.720 and 201.2655, and unless a greater penalty is provided pursuant to NRS 201.560 ~~or~~ section 2 of this act, a person is guilty of a misdemeanor if the person knowingly:

1. Distributes or causes to be distributed to a minor material that is harmful to minors, unless the person is the parent, guardian or spouse of the minor.

2. Exhibits for distribution to an adult in such a manner or location as to allow a minor to view or to have access to examine material that is harmful to minors, unless the person is the parent, guardian or spouse of the minor.

3. Sells to a minor an admission ticket or pass for or otherwise admits a minor for monetary consideration to any presentation of material that is harmful to minors, unless the minor is accompanied by his or her parent, guardian or spouse.

4. Misrepresents that he or she is the parent, guardian or spouse of a minor for the purpose of:

(a) Distributing to the minor material that is harmful to minors; or

(b) Obtaining admission of the minor to any presentation of material that is harmful to minors.

5. Misrepresents his or her age as 18 or over for the purpose of obtaining:

(a) Material that is harmful to minors; or

(b) Admission to any presentation of material that is harmful to minors.

6. Sells or rents motion pictures which contain material that is harmful to minors on the premises of a business establishment open to minors, unless the person creates an area within the establishment for the placement of the motion pictures and any material that advertises the sale or rental of the motion pictures which:

(a) Prevents minors from observing the motion pictures or any material that advertises the sale or rental of the motion pictures; and

(b) Is labeled, in a prominent and conspicuous location, "Adults Only."

Sec. 4. NRS 201.470 is hereby amended to read as follows:

201.470 As used in NRS 201.470 to 201.550, inclusive, *and section 2 of this act*, unless the context otherwise requires, the words and terms defined in NRS 201.480 to 201.530, inclusive, have the meanings ascribed to them in those sections.

Sec. 5. NRS 50.700 is hereby amended to read as follows:

50.700 1. In any criminal or juvenile delinquency action relating to the commission of a sexual offense, a court may not order the victim or a witness to the sexual offense to take or submit to a psychological or psychiatric examination.

2. The court may exclude the testimony of a licensed psychologist, psychiatrist or clinical social worker who performed a psychological or psychiatric examination on the victim or witness if:

(a) There is a prima facie showing of a compelling need for an additional psychological or psychiatric examination of the victim or witness by a licensed psychologist, psychiatrist or clinical social worker; and

(b) The victim or witness refuses to submit to an additional psychological or psychiatric examination by a licensed psychologist, psychiatrist or clinical social worker.

3. In determining whether there is a prima facie showing of a compelling need for an additional psychological or psychiatric examination of the victim or witness pursuant to subsection 2, the court must consider whether:

(a) There is a reasonable basis for believing that the mental or emotional state of the victim or witness may have affected his or her ability to perceive and relate events relevant to the criminal prosecution; and

(b) Any corroboration of the offense exists beyond the testimony of the victim or witness.

4. If the court determines there is a prima facie showing of a compelling need for an additional psychological or psychiatric examination of the victim or witness, the court shall issue a factual finding that details with particularity the reasons why an additional psychological or psychiatric examination of the victim or witness is warranted.

5. If the court issues a factual finding pursuant to subsection 4 and the victim or witness consents to an additional psychological or psychiatric examination, the court shall set the parameters for the examination consistent with the purpose of determining the ability of the victim or witness to perceive and relate events relevant to the criminal prosecution.

6. As used in this section, "sexual offense" includes, without limitation:

(a) Sexual assault pursuant to NRS 200.366;

(b) Statutory sexual seduction pursuant to NRS 200.368;

(c) Battery with intent to commit sexual assault pursuant to NRS 200.400;

(d) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation;

(e) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive;

- (f) Incest pursuant to NRS 201.180;
- (g) Open or gross lewdness pursuant to NRS 201.210;
- (h) Indecent or obscene exposure pursuant to NRS 201.220;
- (i) Lewdness with a child pursuant to NRS 201.230;
- (j) Sexual penetration of a dead human body pursuant to NRS 201.450;
- (k) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this section;
- (l) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this section;
- (m) Luring a child or a person with mental illness pursuant to NRS 201.560;
- (n) An offense that is found to be sexually motivated pursuant to NRS 175.547 or 207.193;
- (o) Pandering of a child pursuant to NRS 201.300;
- (p) *A violation of section 2 of this act ; ~~if punished as a felony;~~*
- (q) Any other offense that has an element involving a sexual act or sexual conduct with another person; or
- ~~((q))~~ (r) Any attempt or conspiracy to commit an offense listed in this subsection.

Sec. 6. NRS 176.0931 is hereby amended to read as follows:

176.0931 1. If a defendant is convicted of a sexual offense, the court shall include in sentencing, in addition to any other penalties provided by law, a special sentence of lifetime supervision.

2. The special sentence of lifetime supervision commences after any period of probation or any term of imprisonment and any period of release on parole.

3. A person sentenced to lifetime supervision may petition the sentencing court or the State Board of Parole Commissioners for release from lifetime supervision. The sentencing court or the Board shall grant a petition for release from a special sentence of lifetime supervision if:

(a) The person has complied with the requirements of the provisions of NRS 179D.010 to 179D.550, inclusive;

(b) The person has not been convicted of an offense that poses a threat to the safety or well-being of others for an interval of at least 10 consecutive years after the person's last conviction or release from incarceration, whichever occurs later; and

(c) The person is not likely to pose a threat to the safety of others, as determined by a licensed, clinical professional who has received training in the treatment of sexual offenders, if released from lifetime supervision.

4. A person who is released from lifetime supervision pursuant to the provisions of subsection 3 remains subject to the provisions for registration as a sex offender and to the provisions for community notification, unless the

person is otherwise relieved from the operation of those provisions pursuant to the provisions of NRS 179D.010 to 179D.550, inclusive.

5. As used in this section:

(a) "Offense that poses a threat to the safety or well-being of others" includes, without limitation:

(1) An offense that involves:

- (I) A victim less than 18 years of age;
- (II) A crime against a child as defined in NRS 179D.0357;
- (III) A sexual offense as defined in NRS 179D.097;
- (IV) A deadly weapon, explosives or a firearm;
- (V) The use or threatened use of force or violence;
- (VI) Physical or mental abuse;
- (VII) Death or bodily injury;
- (VIII) An act of domestic violence;
- (IX) Harassment, stalking, threats of any kind or other similar acts;
- (X) The forcible or unlawful entry of a home, building, structure, vehicle or other real or personal property; or
- (XI) The infliction or threatened infliction of damage or injury, in whole or in part, to real or personal property.

(2) Any offense listed in subparagraph (1) that is committed in this State or another jurisdiction, including, without limitation, an offense prosecuted in:

- (I) A tribal court.
- (II) A court of the United States or the Armed Forces of the United States.

(b) "Sexual offense" means:

(1) A violation of NRS 200.366, subsection 4 of NRS 200.400, NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS 201.180, 201.230, 201.450, 201.540 or 201.550 or paragraph (a) or (b) of subsection 4 or paragraph (a) or (b) of subsection 5 of NRS 201.560 ~~{;}~~ or ~~subsection 1 or 2 of~~ section 2 of this act;

(2) An attempt to commit an offense listed in subparagraph (1); or

(3) An act of murder in the first or second degree, kidnapping in the first or second degree, false imprisonment, burglary or invasion of the home if the act is determined to be sexually motivated at a hearing conducted pursuant to NRS 175.547.

Sec. 7. NRS 176.133 is hereby amended to read as follows:

176.133 As used in NRS 176.133 to 176.161, inclusive, unless the context otherwise requires:

1. "Person professionally qualified to conduct psychosexual evaluations" means a person who has received training in conducting psychosexual evaluations and is:

- (a) A psychiatrist licensed to practice medicine in this State and certified by the American Board of Psychiatry and Neurology, Inc.;
- (b) A psychologist licensed to practice in this State;

(c) A social worker holding a master's degree in social work and licensed in this State as a clinical social worker;

(d) A registered nurse holding a master's degree in the field of psychiatric nursing and licensed to practice professional nursing in this State;

(e) A marriage and family therapist licensed in this State pursuant to chapter 641A of NRS; or

(f) A clinical professional counselor licensed in this State pursuant to chapter 641A of NRS.

2. "Psychosexual evaluation" means an evaluation conducted pursuant to NRS 176.139.

3. "Sexual offense" means:

(a) Sexual assault pursuant to NRS 200.366;

(b) Statutory sexual seduction pursuant to NRS 200.368, if punished as a felony;

(c) Battery with intent to commit sexual assault pursuant to NRS 200.400;

(d) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation and is punished as a felony;

(e) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive;

(f) Incest pursuant to NRS 201.180;

(g) Open or gross lewdness pursuant to NRS 201.210, if punished as a felony;

(h) Indecent or obscene exposure pursuant to NRS 201.220, if punished as a felony;

(i) Lewdness with a child pursuant to NRS 201.230;

(j) Sexual penetration of a dead human body pursuant to NRS 201.450;

(k) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540;

(l) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550;

(m) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony;

(n) *A violation of section 2 of this act ; ~~if punished as a felony;~~*

(o) An attempt to commit an offense listed in paragraphs (a) to ~~((m))~~ (n), inclusive, if punished as a felony; or

~~((p))~~ (p) An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193.

Sec. 8. NRS 176A.110 is hereby amended to read as follows:

176A.110 1. The court shall not grant probation to or suspend the sentence of a person convicted of an offense listed in subsection 3 unless:

(a) If a psychosexual evaluation of the person is required pursuant to NRS 176.139, the person who conducts the psychosexual evaluation certifies in the report prepared pursuant to NRS 176.139 that the person convicted of the offense does not represent a high risk to reoffend based upon a currently accepted standard of assessment; or

(b) If a psychosexual evaluation of the person is not required pursuant to NRS 176.139, a psychologist licensed to practice in this State who is trained to conduct psychosexual evaluations or a psychiatrist licensed to practice medicine in this State who is certified by the American Board of Psychiatry and Neurology, Inc., and is trained to conduct psychosexual evaluations certifies in a written report to the court that the person convicted of the offense does not represent a high risk to reoffend based upon a currently accepted standard of assessment.

2. This section does not create a right in any person to be certified or to continue to be certified. No person may bring a cause of action against the State, its political subdivisions, or the agencies, boards, commissions, departments, officers or employees of the State or its political subdivisions for not certifying a person pursuant to this section or for refusing to consider a person for certification pursuant to this section.

3. The provisions of this section apply to a person convicted of any of the following offenses:

(a) Attempted sexual assault of a person who is 16 years of age or older pursuant to NRS 200.366.

(b) Statutory sexual seduction pursuant to NRS 200.368.

(c) Battery with intent to commit sexual assault pursuant to NRS 200.400.

(d) Abuse or neglect of a child pursuant to NRS 200.508.

(e) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(f) Incest pursuant to NRS 201.180.

(g) Open or gross lewdness pursuant to NRS 201.210.

(h) Indecent or obscene exposure pursuant to NRS 201.220.

(i) Sexual penetration of a dead human body pursuant to NRS 201.450.

(j) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.

(k) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.

(l) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony.

(m) *A violation of section 2 of this act, ~~if punished as a felony.~~*

(n) A violation of NRS 207.180.

~~[(m)]~~ (o) An attempt to commit an offense listed in paragraphs (b) to ~~[(m)]~~ (n), inclusive.

~~[(o)]~~ (p) Coercion or attempted coercion that is determined to be sexually motivated pursuant to NRS 207.193.

Sec. 9. NRS 176A.413 is hereby amended to read as follows:

176A.413 1. Except as otherwise provided in subsection 2, if a defendant is convicted of stalking with the use of an Internet or network site, electronic mail, text messaging or any other similar means of communication pursuant to subsection 4 of NRS 200.575, an offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive, ~~for~~ luring a

child or a person with mental illness through the use of a computer, system or network pursuant to paragraph (a) or (b) of subsection 4 of NRS 201.560 *or a violation of ~~subsection 1 or 2 of~~ section 2 of this act which involved the use of an electronic communication device* and the court grants probation or suspends the sentence, the court shall, in addition to any other condition ordered pursuant to NRS 176A.400, order as a condition of probation or suspension that the defendant not own or use a computer, including, without limitation, use electronic mail, a chat room or the Internet.

2. The court is not required to impose a condition of probation or suspension of sentence set forth in subsection 1 if the court finds that:

(a) The use of a computer by the defendant will assist a law enforcement agency or officer in a criminal investigation;

(b) The defendant will use the computer to provide technological training concerning technology of which the defendant has a unique knowledge; or

(c) The use of the computer by the defendant will assist companies that require the use of the specific technological knowledge of the defendant that is unique and is otherwise unavailable to the company.

3. Except as otherwise provided in subsection 1, if a defendant is convicted of an offense that involved the use of a computer, system or network and the court grants probation or suspends the sentence, the court may, in addition to any other condition ordered pursuant to NRS 176A.400, order as a condition of probation or suspension that the defendant not own or use a computer, including, without limitation, use electronic mail, a chat room or the Internet.

4. As used in this section:

(a) "Computer" has the meaning ascribed to it in NRS 205.4735 ~~[-]~~ *and includes, without limitation, an electronic communication device.*

(b) "Electronic communication device" has the meaning ascribed to it in NRS 200.737.

(c) "Network" has the meaning ascribed to it in NRS 205.4745.

~~[-]~~ (d) "System" has the meaning ascribed to it in NRS 205.476.

~~[-]~~ (e) "Text messaging" has the meaning ascribed to it in NRS 200.575.

Sec. 10. NRS 178.5698 is hereby amended to read as follows:

178.5698 1. The prosecuting attorney, sheriff or chief of police shall, upon the request of a victim or witness, inform the victim or witness:

(a) When the defendant is released from custody at any time before or during the trial, including, without limitation, when the defendant is released pending trial or subject to electronic supervision;

(b) If the defendant is so released, the amount of bail required, if any; and

(c) Of the final disposition of the criminal case in which the victim or witness was directly involved.

2. A request for information pursuant to subsection 1 must be made:

(a) In writing; or

(b) By telephone through an automated or computerized system of notification, if such a system is available.

3. If an offender is convicted of a sexual offense or an offense involving the use or threatened use of force or violence against the victim, the court shall provide:

(a) To each witness, documentation that includes:

(1) A form advising the witness of the right to be notified pursuant to subsection 5;

(2) The form that the witness must use to request notification in writing; and

(3) The form or procedure that the witness must use to provide a change of address after a request for notification has been submitted.

(b) To each person listed in subsection 4, documentation that includes:

(1) A form advising the person of the right to be notified pursuant to subsection 5 or 6 and NRS 176.015, 176A.630, 178.4715, 209.392, 209.3923, 209.3925, 209.429, 209.521, 213.010, 213.040, 213.095 and 213.131 or NRS 213.10915;

(2) The forms that the person must use to request notification; and

(3) The forms or procedures that the person must use to provide a change of address after a request for notification has been submitted.

4. The following persons are entitled to receive documentation pursuant to paragraph (b) of subsection 3:

(a) A person against whom the offense is committed.

(b) A person who is injured as a direct result of the commission of the offense.

(c) If a person listed in paragraph (a) or (b) is under the age of 18 years, each parent or guardian who is not the offender.

(d) Each surviving spouse, parent and child of a person who is killed as a direct result of the commission of the offense.

(e) A relative of a person listed in paragraphs (a) to (d), inclusive, if the relative requests in writing to be provided with the documentation.

5. Except as otherwise provided in subsection 6, if the offense was a felony and the offender is imprisoned, the warden of the prison shall, if the victim or witness so requests in writing and provides a current address, notify the victim or witness at that address when the offender is released from the prison.

6. If the offender was convicted of a violation of subsection 3 of NRS 200.366 or a violation of subsection 1, paragraph (a) of subsection 2 or subparagraph (2) of paragraph (b) of subsection 2 of NRS 200.508, the warden of the prison shall notify:

(a) The immediate family of the victim if the immediate family provides their current address;

(b) Any member of the victim's family related within the third degree of consanguinity, if the member of the victim's family so requests in writing and provides a current address; and

(c) The victim, if the victim will be 18 years of age or older at the time of the release and has provided a current address,

↪ before the offender is released from prison.

7. The warden must not be held responsible for any injury proximately caused by the failure to give any notice required pursuant to this section if no address was provided to the warden or if the address provided is inaccurate or not current.

8. As used in this section:

(a) "Immediate family" means any adult relative of the victim living in the victim's household.

(b) "Sexual offense" means:

(1) Sexual assault pursuant to NRS 200.366;

(2) Statutory sexual seduction pursuant to NRS 200.368;

(3) Battery with intent to commit sexual assault pursuant to NRS 200.400;

(4) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive;

(5) Incest pursuant to NRS 201.180;

(6) Open or gross lewdness pursuant to NRS 201.210;

(7) Indecent or obscene exposure pursuant to NRS 201.220;

(8) Lewdness with a child pursuant to NRS 201.230;

(9) Sexual penetration of a dead human body pursuant to NRS 201.450;

(10) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540;

(11) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550;

(12) *A violation of section 2 of this act ; ~~if punished as a felony;~~*

(13) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony;

~~[(13)]~~ (14) An offense that, pursuant to a specific statute, is determined to be sexually motivated; or

~~[(14)]~~ (15) An attempt to commit an offense listed in this paragraph.

Sec. 11. NRS 179.245 is hereby amended to read as follows:

179.245 1. Except as otherwise provided in subsection 6 and NRS 176.211, 176A.245, 176A.265, 176A.295, 179.247, 179.259, 201.354 and 453.3365, a person may petition the court in which the person was convicted for the sealing of all records relating to a conviction of:

(a) A category A felony, a crime of violence or residential burglary pursuant to NRS 205.060 after 10 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(b) Except as otherwise provided in paragraphs (a) and (e), a category B, C or D felony after 5 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(c) A category E felony after 2 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(d) Except as otherwise provided in paragraph (e), any gross misdemeanor after 2 years from the date of release from actual custody or discharge from probation, whichever occurs later;

(e) A violation of NRS 422.540 to 422.570, inclusive, a violation of NRS 484C.110 or 484C.120 other than a felony, or a battery which constitutes domestic violence pursuant to NRS 33.018 other than a felony, after 7 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later;

(f) Except as otherwise provided in paragraph (e), if the offense is punished as a misdemeanor, a battery pursuant to NRS 200.481, harassment pursuant to NRS 200.571, stalking pursuant to NRS 200.575 or a violation of a temporary or extended order for protection, after 2 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later; or

(g) Any other misdemeanor after 1 year from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later.

2. A petition filed pursuant to subsection 1 must:

(a) Be accompanied by the petitioner's current, verified records received from the Central Repository for Nevada Records of Criminal History;

(b) If the petition references NRS 453.3365, include a certificate of acknowledgment or the disposition of the proceedings for the records to be sealed from all agencies of criminal justice which maintain such records;

(c) Include a list of any other public or private agency, company, official or other custodian of records that is reasonably known to the petitioner to have possession of records of the conviction and to whom the order to seal records, if issued, will be directed; and

(d) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed, including, without limitation, the:

(1) Date of birth of the petitioner;

(2) Specific conviction to which the records to be sealed pertain; and

(3) Date of arrest relating to the specific conviction to which the records to be sealed pertain.

3. Upon receiving a petition pursuant to this section, the court shall notify the law enforcement agency that arrested the petitioner for the crime and the prosecuting attorney, including, without limitation, the Attorney General, who prosecuted the petitioner for the crime. The prosecuting attorney and any person having relevant evidence may testify and present evidence at any hearing on the petition.

4. If the prosecuting agency that prosecuted the petitioner for the crime stipulates to the sealing of the records, the court shall apply the presumption set forth in NRS 179.2445 and seal the records. If the prosecuting agency does not stipulate to the sealing of the records or does not file a written

objection within 30 days after receiving notification pursuant to subsection 3 and the court makes the findings set forth in subsection 5, the court may order the sealing of the records in accordance with subsection 5 without a hearing. If the court does not order the sealing of the records or the prosecuting agency files a written objection, a hearing on the petition must be conducted. At the hearing, unless an objecting party presents evidence sufficient to rebut the presumption set forth in NRS 179.2445, the court shall apply the presumption and seal the records.

5. If the court finds that, in the period prescribed in subsection 1, the petitioner has not been charged with any offense for which the charges are pending or convicted of any offense, except for minor moving or standing traffic violations, the court may order sealed all records of the conviction which are in the custody of any agency of criminal justice or any public or private agency, company, official or other custodian of records in the State of Nevada, and may also order all such records of the petitioner returned to the file of the court where the proceeding was commenced from, including, without limitation, the Federal Bureau of Investigation and all other agencies of criminal justice which maintain such records and which are reasonably known by either the petitioner or the court to have possession of such records.

6. A person may not petition the court to seal records relating to a conviction of:

- (a) A crime against a child;
- (b) A sexual offense;
- (c) Invasion of the home with a deadly weapon pursuant to NRS 205.067;
- (d) A violation of NRS 484C.110 or 484C.120 that is punishable as a felony pursuant to paragraph (c) of subsection 1 of NRS 484C.400;
- (e) A violation of NRS 484C.430;
- (f) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430;
- (g) A violation of NRS 488.410 that is punishable as a felony pursuant to NRS 488.427; or
- (h) A violation of NRS 488.420 or 488.425.

7. The provisions of paragraph (e) of subsection 1 and paragraph (d) of subsection 6 must not be construed to preclude a person from being able to petition the court to seal records relating to a conviction for a violation of NRS 484C.110 or 484C.120 pursuant to this section if the person was found guilty of a violation of NRS 484C.110 or 484C.120 that is punishable pursuant to:

- (a) Paragraph (b) of subsection 1 of NRS 484C.400; or
- (b) Paragraph (c) of subsection 1 of NRS 484C.400 but had a judgment of conviction entered against him or her for a violation of paragraph (b) of subsection 1 of NRS 484C.400 because the person participated in the

statewide sobriety and drug monitoring program established pursuant to NRS 484C.392.

8. If the court grants a petition for the sealing of records pursuant to this section, upon the request of the person whose records are sealed, the court may order sealed all records of the civil proceeding in which the records were sealed.

9. As used in this section:

(a) "Crime against a child" has the meaning ascribed to it in NRS 179D.0357.

(b) "Sexual offense" means:

(1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

(2) Sexual assault pursuant to NRS 200.366.

(3) Statutory sexual seduction pursuant to NRS 200.368, if punishable as a felony.

(4) Battery with intent to commit sexual assault pursuant to NRS 200.400.

(5) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this paragraph.

(6) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence, if the crime of violence is an offense listed in this paragraph.

(7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

(8) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(9) Incest pursuant to NRS 201.180.

(10) Open or gross lewdness pursuant to NRS 201.210, if punishable as a felony.

(11) Indecent or obscene exposure pursuant to NRS 201.220, if punishable as a felony.

(12) Lewdness with a child pursuant to NRS 201.230.

(13) Sexual penetration of a dead human body pursuant to NRS 201.450.

(14) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.

(15) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.

(16) *A violation of section 2 of this act, ~~if punishable as a felony.~~*

(17) Luring a child or a person with mental illness pursuant to NRS 201.560, if punishable as a felony.

~~{{(17)}}~~ (18) An attempt to commit an offense listed in this paragraph.

Sec. 12. NRS 179.460 is hereby amended to read as follows:

179.460 1. The Attorney General or the district attorney of any county may apply to a Supreme Court justice or to a district judge in the county where the interception is to take place for an order authorizing the interception of wire, electronic or oral communications, and the judge may, in accordance with NRS 179.470 to 179.515, inclusive, grant an order authorizing the interception of wire, electronic or oral communications by investigative or law enforcement officers having responsibility for the investigation of the offense as to which the application is made, when the interception may provide evidence of the commission of murder, kidnapping, robbery, extortion, bribery, escape of an offender in the custody of the Department of Corrections, destruction of public property by explosives, a sexual offense against a child, sex trafficking, a violation of NRS 200.463, 200.464 or 200.465, trafficking in persons in violation of NRS 200.467 or 200.468, the commission of any offense which is made a felony by the provisions of chapter 453 or 454 of NRS or a violation of NRS 463.160 or 465.086.

2. A provider of electronic communication service or a public utility, an officer, employee or agent thereof or another person associated with the provider of electronic communication service or public utility who, pursuant to an order issued pursuant to subsection 1, provides information or otherwise assists an investigative or law enforcement officer in the interception of a wire, electronic or oral communication is immune from any liability relating to any interception made pursuant to the order.

3. As used in this section, "sexual offense against a child" includes any act upon a child constituting:

- (a) Incest pursuant to NRS 201.180;
- (b) Lewdness with a child pursuant to NRS 201.230;
- (c) Sado-masochistic abuse pursuant to NRS 201.262;
- (d) Sexual assault pursuant to NRS 200.366;
- (e) Statutory sexual seduction pursuant to NRS 200.368;
- (f) Open or gross lewdness pursuant to NRS 201.210; ~~for~~
- (g) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony ~~for~~; or
- (h) A violation of section 2 of this act. ~~if punished as a felony.~~

Sec. 13. NRS 179D.097 is hereby amended to read as follows:

179D.097 1. "Sexual offense" means any of the following offenses:

(a) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

(b) Sexual assault pursuant to NRS 200.366.

(c) Statutory sexual seduction pursuant to NRS 200.368.

(d) Battery with intent to commit sexual assault pursuant to subsection 4 of NRS 200.400.

(e) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this subsection.

(f) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence, if the crime of violence is an offense listed in this section.

(g) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

(h) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(i) Incest pursuant to NRS 201.180.

(j) Open or gross lewdness pursuant to NRS 201.210.

(k) Indecent or obscene exposure pursuant to NRS 201.220.

(l) Lewdness with a child pursuant to NRS 201.230.

(m) Sexual penetration of a dead human body pursuant to NRS 201.450.

(n) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.

(o) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.

(p) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony.

(q) Sex trafficking pursuant to NRS 201.300.

(r) A violation of section 2 of this act, ~~if punished as a felony.~~

(s) Any other offense that has an element involving a sexual act or sexual conduct with another.

~~[(s)]~~ (t) An attempt or conspiracy to commit an offense listed in paragraphs (a) to ~~[(r)]~~ (s), inclusive.

~~[(t)]~~ (u) An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193.

~~[(u)]~~ (v) An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this subsection. This paragraph includes, without limitation, an offense prosecuted in:

(1) A tribal court.

(2) A court of the United States or the Armed Forces of the United States.

~~[(v)]~~ (w) An offense of a sexual nature committed in another jurisdiction, whether or not the offense would be an offense listed in this section, if the person who committed the offense resides or has resided or is or has been a student or worker in any jurisdiction in which the person is or has been required by the laws of that jurisdiction to register as a sex offender because of the offense. This paragraph includes, without limitation, an offense prosecuted in:

(1) A tribal court.

(2) A court of the United States or the Armed Forces of the United States.

(3) A court having jurisdiction over juveniles.

2. Except for the offenses described in paragraphs (n) , ~~and~~ (o) and (r) of subsection 1, the term does not include an offense involving consensual sexual conduct if the victim was:

(a) An adult, unless the adult was under the custodial authority of the offender at the time of the offense; or

(b) At least 13 years of age and the offender was not more than 4 years older than the victim at the time of the commission of the offense.

Sec. 14. NRS 179D.115 is hereby amended to read as follows:

179D.115 "Tier II offender" means an offender convicted of a crime against a child or a sex offender, other than a Tier III offender, whose crime against a child is punishable by imprisonment for more than 1 year or whose sexual offense:

1. If committed against ~~it~~ :

(a) A child, constitutes:

~~[(a)]~~ (1) Luring a child pursuant to NRS 201.560, if punishable as a felony;

~~[(b)]~~ (2) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation;

~~[(c)]~~ (3) An offense involving sex trafficking pursuant to NRS 201.300 or prostitution pursuant to NRS 201.320 or 201.395;

~~[(d)]~~ (4) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive; or

~~[(e)]~~ (5) Any other offense that is comparable to or more severe than the offenses described in 34 U.S.C. § 20911(3) . ~~[(f)]~~

(b) A pupil, constitutes a violation of section 2 of this act ~~. If, if punishable as a felony.~~

2. Involves an attempt or conspiracy to commit any offense described in subsection 1 . ~~[(f)]~~

3. If committed in another jurisdiction, is an offense that, if committed in this State, would be an offense listed in this section. This subsection includes, without limitation, an offense prosecuted in:

(a) A tribal court; or

(b) A court of the United States or the Armed Forces of the United States . ~~[(g)]~~

4. Is committed after the person becomes a Tier I offender if any of the person's sexual offenses constitute an offense punishable by imprisonment for more than 1 year.

Sec. 15. NRS 179D.495 is hereby amended to read as follows:

179D.495 If a person who is required to register pursuant to NRS 179D.010 to 179D.550, inclusive, has been convicted of an offense described in paragraph ~~[(r)]~~ (s) of subsection 1 of NRS 179D.097, subparagraph (5) of paragraph ~~[(e)]~~ (a) of subsection 1 or subsection 3 of NRS 179D.115 or subsection 7 or 9 of NRS 179D.117, the Central

Repository shall determine whether the person is required to register as a Tier I offender, Tier II offender or Tier III offender.

Sec. 16. NRS 213.107 is hereby amended to read as follows:

213.107 As used in NRS 213.107 to 213.157, inclusive, unless the context otherwise requires:

1. "Board" means the State Board of Parole Commissioners.
2. "Chief" means the Chief Parole and Probation Officer.
3. "Division" means the Division of Parole and Probation of the Department of Public Safety.
4. "Residential confinement" means the confinement of a person convicted of a crime to his or her place of residence under the terms and conditions established by the Board.
5. "Responsivity factors" means characteristics of a person that affect his or her ability to respond favorably or unfavorably to any treatment goals.
6. "Risk and needs assessment" means a validated, standardized actuarial tool that identifies risk factors that increase the likelihood of a person reoffending and factors that, when properly addressed, can reduce the likelihood of a person reoffending.
7. "Sex offender" means any person who has been or is convicted of a sexual offense.
8. "Sexual offense" means:
 - (a) A violation of NRS 200.366, subsection 4 of NRS 200.400, NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS 201.180, 201.230, 201.450, 201.540 or 201.550 or paragraph (a) or (b) of subsection 4 or paragraph (a) or (b) of subsection 5 of NRS 201.560 ~~or subsection 1 or 2 of section 2 of this act; or, if punished as a felony,;~~
 - (b) An attempt to commit any offense listed in paragraph (a); or
 - (c) An act of murder in the first or second degree, kidnapping in the first or second degree, false imprisonment, burglary or invasion of the home if the act is determined to be sexually motivated at a hearing conducted pursuant to NRS 175.547.
9. "Standards" means the objective standards for granting or revoking parole or probation which are adopted by the Board or the Chief.

Sec. 17. NRS 213.1214 is hereby amended to read as follows:

213.1214 1. The Department of Corrections shall assess each prisoner who has been convicted of a sexual offense to determine the prisoner's risk to reoffend in a sexual manner using a currently accepted standard of assessment. The completed assessment must include, without limitation, a determination of the prisoner's level of risk to reoffend in a sexual manner, including, without limitation, whether the prisoner is a high risk to reoffend in a sexual manner for the purposes of subsection 3 of NRS 213.1215. The Director shall ensure a completed assessment is provided to the Board before, but not sooner than 120 days before, a scheduled parole hearing.

2. The Director shall:

(a) Ensure that any employee of the Department who completes an assessment pursuant to subsection 1 is properly trained to assess the risk of an offender to reoffend in a sexual manner.

(b) Establish a procedure to:

(1) Ensure the accuracy of each completed assessment provided to the Board; and

(2) Correct any error occurring in a completed assessment provided to the Board.

3. This section does not create a right in any prisoner to be assessed or reassessed more frequently than the prisoner's regularly scheduled parole hearings or under a current or previous standard of assessment and does not restrict the Department from conducting additional assessments of a prisoner if such assessments may assist the Board in determining whether parole should be granted or continued. No cause of action may be brought against the State, its political subdivisions, or the agencies, boards, commissions, departments, officers or employees of the State or its political subdivisions for assessing, not assessing or considering or relying on an assessment of a prisoner, if such decisions or actions are made or conducted in compliance with the procedures set forth in this section.

4. The Board shall consider an assessment prepared pursuant to this section before determining whether to grant or revoke the parole of a person convicted of a sexual offense.

5. The Board may adopt by regulation the manner in which the Board will consider an assessment prepared pursuant to this section in conjunction with the standards adopted by the Board pursuant to NRS 213.10885.

6. As used in this section:

(a) "Director" means the Director of the Department of Corrections.

(b) "Reoffend in a sexual manner" means to commit a sexual offense.

(c) "Sex offender" means a person who, after July 1, 1956, is or has been:

(1) Convicted of a sexual offense; or

(2) Adjudicated delinquent or found guilty by a court having jurisdiction over juveniles of a sexual offense listed in subparagraph ~~((20))~~ (21) of paragraph (d).

➡ The term includes, but is not limited to, a sexually violent predator or a nonresident sex offender who is a student or worker within this State.

(d) "Sexual offense" means any of the following offenses:

(1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

(2) Sexual assault pursuant to NRS 200.366.

(3) Statutory sexual seduction pursuant to NRS 200.368.

(4) Battery with intent to commit sexual assault pursuant to NRS 200.400.

(5) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this paragraph.

(6) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this paragraph.

(7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

(8) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(9) Incest pursuant to NRS 201.180.

(10) Open or gross lewdness pursuant to NRS 201.210.

(11) Indecent or obscene exposure pursuant to NRS 201.220.

(12) Lewdness with a child pursuant to NRS 201.230.

(13) Sexual penetration of a dead human body pursuant to NRS 201.450.

(14) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.

(15) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.

(16) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony.

(17) A violation of section 2 of this act ~~if punished as a felony.~~

(18) An attempt or conspiracy to commit an offense listed in subparagraphs (1) to ~~((16))~~ (17), inclusive.

~~((18))~~ (19) An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193.

~~((19))~~ (20) An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this paragraph. This subparagraph includes, but is not limited to, an offense prosecuted in:

(I) A tribal court.

(II) A court of the United States or the Armed Forces of the United States.

~~((20))~~ (21) An offense of a sexual nature committed in another jurisdiction, whether or not the offense would be an offense listed in this paragraph, if the person who committed the offense resides or has resided or is or has been a student or worker in any jurisdiction in which the person is or has been required by the laws of that jurisdiction to register as a sex offender because of the offense. This subparagraph includes, but is not limited to, an offense prosecuted in:

(I) A tribal court.

(II) A court of the United States or the Armed Forces of the United States.

(III) A court having jurisdiction over juveniles.

↪ Except for the offenses described in subparagraphs 14 , ~~and~~ 15 ~~and~~ 17, the term does not include an offense involving consensual sexual conduct if the victim was an adult, unless the adult was under the custodial authority of the offender at the time of the offense, or if the victim was at least 13 years of age and the offender was not more than 4 years older than the victim at the time of the commission of the offense.

Sec. 18. NRS 213.1258 is hereby amended to read as follows:

213.1258 1. Except as otherwise provided in subsection 2, if the Board releases on parole a prisoner convicted of stalking with the use of an Internet or network site, electronic mail, text messaging or any other similar means of communication pursuant to subsection 4 of NRS 200.575, an offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive, ~~or~~ luring a child or a person with mental illness through the use of a computer, system or network pursuant to paragraph (a) or (b) of subsection 4 of NRS 201.560 ~~or~~ *or a violation of section 2 of this act which involved the use of an electronic communication device*, the Board shall, in addition to any other condition of parole, require as a condition of parole that the parolee not own or use a computer, including, without limitation, use electronic mail, a chat room or the Internet.

2. The Board is not required to impose a condition of parole set forth in subsection 1 if the Board finds that:

(a) The use of a computer by the parolee will assist a law enforcement agency or officer in a criminal investigation;

(b) The parolee will use the computer to provide technological training concerning technology of which the defendant has a unique knowledge; or

(c) The use of the computer by the parolee will assist companies that require the use of the specific technological knowledge of the parolee that is unique and is otherwise unavailable to the company.

3. Except as otherwise provided in subsection 1, if the Board releases on parole a prisoner convicted of an offense that involved the use of a computer, system or network, the Board may, in addition to any other condition of parole, require as a condition of parole that the parolee not own or use a computer, including, without limitation, use electronic mail, a chat room or the Internet.

4. As used in this section:

(a) "Computer" has the meaning ascribed to it in NRS 205.4735 ~~and~~ *includes, without limitation, an electronic communication device.*

(b) *"Electronic communication device" has the meaning ascribed to it in NRS 200.737.*

(c) "Network" has the meaning ascribed to it in NRS 205.4745.

~~(c)~~ (d) "System" has the meaning ascribed to it in NRS 205.476.

~~(d)~~ (e) "Text messaging" has the meaning ascribed to it in NRS 200.575.

Sec. 19. NRS 288.150 is hereby amended to read as follows:

288.150 1. Except as otherwise provided in subsection 6 and NRS 354.6241, every local government employer shall negotiate in good faith through one or more representatives of its own choosing concerning the mandatory subjects of bargaining set forth in subsection 2 with the designated representatives of the recognized employee organization, if any, for each appropriate bargaining unit among its employees. If either party so requests, agreements reached must be reduced to writing.

2. The scope of mandatory bargaining is limited to:

- (a) Salary or wage rates or other forms of direct monetary compensation.
- (b) Sick leave.
- (c) Vacation leave.
- (d) Holidays.
- (e) Other paid or nonpaid leaves of absence.
- (f) Insurance benefits.
- (g) Total hours of work required of an employee on each workday or workweek.
- (h) Total number of days' work required of an employee in a work year.
- (i) Except as otherwise provided in subsections 8 and 11, discharge and disciplinary procedures.
- (j) Recognition clause.
- (k) The method used to classify employees in the bargaining unit.
- (l) Deduction of dues for the recognized employee organization.
- (m) Protection of employees in the bargaining unit from discrimination because of participation in recognized employee organizations consistent with the provisions of this chapter.
- (n) No-strike provisions consistent with the provisions of this chapter.
- (o) Grievance and arbitration procedures for resolution of disputes relating to interpretation or application of collective bargaining agreements.
- (p) General savings clauses.
- (q) Duration of collective bargaining agreements.
- (r) Safety of the employee.
- (s) Teacher preparation time.
- (t) Materials and supplies for classrooms.
- (u) Except as otherwise provided in subsections 9 and 11, the policies for the transfer and reassignment of teachers.
- (v) Procedures for reduction in workforce consistent with the provisions of this chapter.
- (w) Procedures consistent with the provisions of subsection 6 for the reopening of collective bargaining agreements for additional, further, new or supplementary negotiations during periods of fiscal emergency.

3. Those subject matters which are not within the scope of mandatory bargaining and which are reserved to the local government employer without negotiation include:

(a) Except as otherwise provided in paragraph (u) of subsection 2, the right to hire, direct, assign or transfer an employee, but excluding the right to assign or transfer an employee as a form of discipline.

(b) The right to reduce in force or lay off any employee because of lack of work or lack of money, subject to paragraph (v) of subsection 2.

(c) The right to determine:

(1) Appropriate staffing levels and work performance standards, except for safety considerations;

(2) The content of the workday, including without limitation workload factors, except for safety considerations;

(3) The quality and quantity of services to be offered to the public; and

(4) The means and methods of offering those services.

(d) Safety of the public.

4. The provisions of NRS 245.063, 268.4069 and 391.1605 are not subject to negotiations with an employee organization. Any provision of a collective bargaining agreement negotiated pursuant to this chapter which differs from or conflicts in any way with the provisions of NRS 245.063, 268.4069 or 391.1605 is unenforceable and void.

5. If the local government employer is a school district, any money appropriated by the State to carry out increases in salaries or benefits for the employees of the school district is subject to negotiations with an employee organization.

6. Notwithstanding the provisions of any collective bargaining agreement negotiated pursuant to this chapter, a local government employer is entitled to:

(a) Reopen a collective bargaining agreement for additional, further, new or supplementary negotiations relating to compensation or monetary benefits during a period of fiscal emergency. Negotiations must begin not later than 21 days after the local government employer notifies the employee organization that a fiscal emergency exists. For the purposes of this section, a fiscal emergency shall be deemed to exist:

(1) If the amount of revenue received by the general fund of the local government employer during the last preceding fiscal year from all sources, except any nonrecurring source, declined by 5 percent or more from the amount of revenue received by the general fund from all sources, except any nonrecurring source, during the next preceding fiscal year, as reflected in the reports of the annual audits conducted for those fiscal years for the local government employer pursuant to NRS 354.624; or

(2) If the local government employer has budgeted an unreserved ending fund balance in its general fund for the current fiscal year in an amount equal to 4 percent or less of the actual expenditures from the general fund for the last preceding fiscal year, and the local government employer has provided a written explanation of the budgeted ending fund balance to the Department of Taxation that includes the reason for the ending fund

balance and the manner in which the local government employer plans to increase the ending fund balance.

(b) Take whatever actions may be necessary to carry out its responsibilities in situations of emergency such as a riot, military action, natural disaster or civil disorder. Those actions may include the suspension of any collective bargaining agreement for the duration of the emergency.

➔ Any action taken under the provisions of this subsection must not be construed as a failure to negotiate in good faith.

7. The provisions of this chapter, including without limitation the provisions of this section, recognize and declare the ultimate right and responsibility of the local government employer to manage its operation in the most efficient manner consistent with the best interests of all its citizens, its taxpayers and its employees.

8. If the sponsor of a charter school reconstitutes the governing body of a charter school pursuant to NRS 388A.330, the new governing body may terminate the employment of any teachers or other employees of the charter school, and any provision of any agreement negotiated pursuant to this chapter that provides otherwise is unenforceable and void.

9. The board of trustees of a school district in which a school is designated as a turnaround school pursuant to NRS 388G.400 or the principal of such a school, as applicable, may take any action authorized pursuant to NRS 388G.400, including, without limitation:

(a) Reassigning any member of the staff of such a school; or

(b) If the staff member of another public school consents, reassigning that member of the staff of the other public school to such a school.

10. Any provision of an agreement negotiated pursuant to this chapter which differs from or conflicts in any way with the provisions of subsection 9 or imposes consequences on the board of trustees of a school district or the principal of a school for taking any action authorized pursuant to subsection 9 is unenforceable and void.

11. The board of trustees of a school district or the governing body of a charter school or university school for profoundly gifted pupils may use a substantiated report of the abuse or neglect of a child or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 or *section 2 of this act* obtained from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 or an equivalent registry maintained by a governmental agency in another jurisdiction for the purposes authorized by NRS 388A.515, 388C.200, 391.033, 391.104 or 391.281, as applicable. Such purposes may include, without limitation, making a determination concerning the assignment, discipline or termination of an employee. Any provision of any agreement negotiated pursuant to this chapter which conflicts with the provisions of this subsection is unenforceable and void.

12. This section does not preclude, but this chapter does not require, the local government employer to negotiate subject matters enumerated in

subsection 3 which are outside the scope of mandatory bargaining. The local government employer shall discuss subject matters outside the scope of mandatory bargaining but it is not required to negotiate those matters.

13. Contract provisions presently existing in signed and ratified agreements as of May 15, 1975, at 12 p.m. remain negotiable.

14. As used in this section, "abuse or neglect of a child" has the meaning ascribed to it in NRS 392.281.

Sec. 20. NRS 388A.515 is hereby amended to read as follows:

388A.515 1. Each applicant for employment with and employee at a charter school, except a licensed teacher or other person licensed by the Superintendent of Public Instruction, and, except as otherwise provided in NRS 388A.516, each volunteer at a charter school who is likely to have unsupervised contact with pupils, must, before beginning his or her employment or service as a volunteer and at least once every 5 years thereafter, submit to the governing body of the charter school:

(a) A complete set of the applicant's, employee's or volunteer's fingerprints and written permission authorizing the governing body to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant, or employee or volunteer and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant, employee or volunteer; and

(b) Written authorization for the governing body to obtain any information concerning the applicant, employee or volunteer that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant, employee or volunteer has resided within the immediately preceding 5 years.

2. In conducting an investigation into the background of an applicant, employee or volunteer, the governing body of a charter school may cooperate with any appropriate law enforcement agency to obtain information relating to the background of the applicant, employee or volunteer, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant, employee or volunteer.

3. If the information obtained by the governing body pursuant to subsection 1 or 2 or subsection 5 of NRS 388A.516 indicates that the applicant, employee or volunteer has not been convicted of a crime listed in NRS 388A.5342, the governing body of the charter school may employ the applicant or employee or accept the volunteer, as applicable.

4. If the information obtained by the governing body pursuant to subsection 1 or 2 or subsection 5 of NRS 388A.516 indicates that the applicant, employee or volunteer has been convicted of a crime listed in NRS 388A.5342, and the governing body of the charter school does not disqualify the applicant or employee from employment or the volunteer from

serving as a volunteer on the basis of that information, the governing body shall, upon the written authorization of the applicant, employee or volunteer, forward a copy of the information to the Superintendent of Public Instruction. If the applicant, employee or volunteer refuses to provide his or her written authorization to forward a copy of the information pursuant to this subsection, the charter school shall not employ the applicant or employee or accept the volunteer, as applicable.

5. Not later than 15 days after receiving the information obtained by the governing body pursuant to subsection 1 or 2 or subsection 5 of NRS 388A.516, the Superintendent of Public Instruction or the Superintendent's designee shall review the information to determine whether the conviction of the applicant, employee or volunteer is related or unrelated to the position with the charter school for which the applicant has applied or in which the employee is employed or the volunteer wishes to serve. The applicant, employee or volunteer shall, upon the request of the Superintendent of Public Instruction or the Superintendent's designee, provide any further information that the Superintendent or the designee determines is necessary to make the determination. If the governing body of the charter school desires to employ the applicant or employee or accept the volunteer, the governing body shall, upon the request of the Superintendent of Public Instruction or the Superintendent's designee, provide any further information that the Superintendent or the designee determines is necessary to make the determination. The Superintendent of Public Instruction or the Superintendent's designee shall provide written notice of the determination to the applicant, employee or volunteer and to the governing body of the charter school.

6. If the Superintendent of Public Instruction or the Superintendent's designee determines that the conviction of the applicant, employee or volunteer is related to the position with the charter school for which the applicant has applied or in which the employee is employed or the volunteer wishes to serve, the governing body of the charter school shall not employ the applicant or employee or accept the volunteer, as applicable. If the Superintendent of Public Instruction or the Superintendent's designee determines that the conviction of the applicant, employee or volunteer is unrelated to the position with the charter school for which the applicant has applied or in which the employee is employed or the volunteer wishes to serve, the governing body of the charter school may employ the applicant or employee for that position or accept the volunteer, as applicable.

7. The governing body of a charter school may use a substantiated report of the abuse or neglect of a child, as defined in NRS 392.281, or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 or *section 2 of this act* obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:

(a) In making determinations concerning assignments, requiring retraining, imposing discipline, hiring, accepting a volunteer or termination; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

8. The governing body of a charter school:

(a) May accept gifts, grants and donations to carry out the provisions of this section and NRS 388A.516.

(b) May not be held liable for damages resulting from any action of the governing body authorized by subsection 2 or 7 or NRS 388A.516.

Sec. 21. NRS 388A.5342 is hereby amended to read as follows:

388A.5342 The governing body of a charter school shall terminate the employment of any teacher or administrator who is employed by the charter school but is not licensed pursuant to chapter 391 of NRS upon his or her conviction of a:

1. Felony or crime involving moral turpitude; or

2. Sex offense pursuant to NRS 200.366, 200.368, 201.190, 201.220, 201.230, 201.540 or 201.560 ~~or~~ *or section 2 of this act.*

Sec. 22. NRS 388C.200 is hereby amended to read as follows:

388C.200 1. Except as otherwise provided in NRS 388C.205, each applicant for employment with and employee at a university school for profoundly gifted pupils, except a licensed teacher or other person licensed by the Superintendent of Public Instruction, and each volunteer at a university school for profoundly gifted pupils who is likely to have unsupervised contact with pupils, must, before beginning his or her employment or service as a volunteer and at least once every 5 years thereafter, submit to the governing body of the university school:

(a) A complete set of his or her fingerprints and written permission authorizing the governing body to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant, employee or volunteer and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant, employee or volunteer; and

(b) Written authorization for the governing body to obtain any information concerning the applicant, employee or volunteer that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant, employee or volunteer has resided within the immediately preceding 5 years.

2. In conducting an investigation into the background of an applicant, employee or volunteer, the governing body of a university school for profoundly gifted pupils may cooperate with any appropriate law enforcement agency to obtain information relating to the background of the applicant, employee or volunteer, including, without limitation, any record of

warrants for the arrest of or applications for protective orders against the applicant, employee or volunteer.

3. If the information obtained by the governing body pursuant to subsection 1 or 2 or subsection 5 of NRS 388C.205 indicates that the applicant, employee or volunteer has not been convicted of a felony or an offense involving moral turpitude, the governing body of the university school for profoundly gifted pupils may employ the applicant or employee or accept the volunteer, as applicable.

4. If the information obtained by the governing body pursuant to subsection 1 or 2 or subsection 5 of NRS 388C.205 indicates that the applicant, employee or volunteer has been convicted of a felony or an offense involving moral turpitude and the governing body of the university school for profoundly gifted pupils does not disqualify the applicant or employee from employment or the volunteer from serving as a volunteer on the basis of that report, the governing body shall, upon the written authorization of the applicant, employee or volunteer forward a copy of the information to the Superintendent of Public Instruction. If the applicant, employee or volunteer refuses to provide his or her written authorization to forward a copy of the report pursuant to this subsection, the university school shall not employ the applicant or employee or accept the volunteer, as applicable.

5. The Superintendent of Public Instruction or the Superintendent's designee shall promptly review the information to determine whether the conviction of the applicant, employee or volunteer is related or unrelated to the position with the university school for profoundly gifted pupils for which the applicant has applied or in which the employee is employed or the volunteer wishes to serve. The applicant, employee or volunteer shall, upon the request of the Superintendent of Public Instruction or the Superintendent's designee, provide any further information that the Superintendent or the designee determines is necessary to make the determination. If the governing body of the university school desires to employ the applicant or employee or accept the volunteer, the governing body shall, upon the request of the Superintendent of Public Instruction or the Superintendent's designee, provide any further information that the Superintendent or the designee determines is necessary to make the determination. The Superintendent of Public Instruction or the Superintendent's designee shall provide written notice of the determination to the applicant, employee or volunteer and to the governing body of the university school.

6. If the Superintendent of Public Instruction or the Superintendent's designee determines that the conviction of the applicant, employee or volunteer is related to the position with the university school for profoundly gifted pupils for which the applicant has applied or in which the employee is employed or the volunteer wishes to serve, the governing body of the university school shall not employ the applicant or employee or accept the volunteer, as applicable. If the Superintendent of Public Instruction or the

Superintendent's designee determines that the conviction of the applicant, employee or volunteer is unrelated to the position with the university school for which the applicant has applied or in which the employee is employed or the volunteer wishes to serve, the governing body of the university school may employ the applicant or employee for that position or accept the volunteer, as applicable.

7. The governing body of a university school for profoundly gifted pupils may use a substantiated report of the abuse or neglect of a child, as defined in NRS 392.281, or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 *or section 2 of this act* obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:

(a) In making determinations concerning assignments, requiring retraining, imposing discipline, hiring, accepting a volunteer or termination; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

8. The governing body of a university school for profoundly gifted pupils:

(a) May accept any gifts, grants and donations to carry out the provisions of this section and NRS 388C.205.

(b) May not be held liable for damages resulting from any action of the governing body authorized by subsection 2 or 7 or NRS 388C.205.

Sec. 23. NRS 391.033 is hereby amended to read as follows:

391.033 1. All licenses for teachers and other educational personnel are granted by the Superintendent of Public Instruction pursuant to regulations adopted by the Commission and as otherwise provided by law.

2. An application for the issuance of a license must include the social security number of the applicant.

3. Every applicant for a license must submit with his or her application:

(a) A complete set of his or her fingerprints and written permission authorizing the Superintendent to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its initial report on the criminal history of the applicant and for reports thereafter upon renewal of the license pursuant to subsection 8 of NRS 179A.075, and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant; and

(b) Written authorization for the Superintendent to obtain any information concerning the applicant that may be available from the Statewide Central Registry and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant has resided within the immediately preceding 5 years.

4. In conducting an investigation into the background of an applicant for a license, the Superintendent may cooperate with any appropriate law enforcement agency to obtain information relating to the criminal history of

the applicant, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant.

5. The Superintendent may issue a provisional license pending receipt of the reports of the Federal Bureau of Investigation and the Central Repository for Nevada Records of Criminal History if the Superintendent determines that the applicant is otherwise qualified.

6. Except as otherwise provided in subsection 8, a license must be issued to, or renewed for, as applicable, an applicant if:

(a) The Superintendent determines that the applicant is qualified;

(b) The information obtained by the Superintendent pursuant to subsections 3 and 4:

(1) Does not indicate that the applicant has been convicted of a felony or any offense involving moral turpitude or indicates that the applicant has been convicted of a felony or an offense involving moral turpitude but the Superintendent determines that the conviction is unrelated to the position within the county school district or charter school for which the applicant applied or for which he or she is currently employed, as applicable;

(2) Does not indicate that there has been a substantiated report of abuse or neglect of a child, as defined in NRS 432B.020, or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 or *section 2 of this act* made against the applicant in any state; and

(3) Does not indicate that the applicant has a warrant for his or her arrest; and

(c) For initial licensure, the applicant submits the statement required pursuant to NRS 391.034.

7. If, pursuant to subparagraph (2) of paragraph (b) of subsection 6, the information indicates that a substantiated report has been made against the applicant in any state, the Superintendent shall:

(a) Suspend the application process;

(b) Notify the applicant of the substantiated report; and

(c) Provide the applicant an opportunity to rebut the substantiated report.

8. The Superintendent may deny an application for a license pursuant to this section if:

(a) A report on the criminal history of the applicant from the Federal Bureau of Investigation or the Central Repository for Nevada Records of Criminal History indicates that the applicant has been arrested for or charged with a sexual offense involving a minor or pupil, including, without limitation, any attempt, solicitation or conspiracy to commit such an offense; and

(b) The Superintendent provides to the applicant:

(1) Written notice of his or her intent to deny the application; and

(2) An opportunity for the applicant to have a hearing.

9. To request a hearing pursuant to subsection 8, an applicant must submit a written request to the Superintendent within 15 days after receipt of the notice by the applicant. Such a hearing must be conducted in accordance

with regulations adopted by the State Board. If no request for a hearing is filed within that time, the Superintendent may deny the license.

10. If the Superintendent denies an application for a license pursuant to this section, the Superintendent must, within 15 days after the date on which the application is denied, provide notice of the denial to the school district or charter school that employs the applicant if the applicant is employed by a school district or charter school. Such a notice must not state the reasons for denial.

11. The Department shall:

(a) Maintain a list of the names of persons whose applications for a license are denied due to conviction of a sexual offense involving a minor;

(b) Update the list maintained pursuant to paragraph (a) monthly; and

(c) Provide this list to the board of trustees of a school district or the governing body of a charter school upon request.

12. The Superintendent shall forward all information obtained from an investigation of an applicant pursuant to subsections 3 and 4 to the board of trustees of a school district, the governing body of a charter school or university school for profoundly gifted pupils or the administrator of a private school where the applicant is employed or seeking employment. Except as otherwise provided in this section, any information shared with the board of trustees of a school district, the governing body of a charter school or university school for profoundly gifted pupils or the administrator of a private school is confidential and must not be disclosed to any person other than the applicant. The board of trustees, governing body or administrator, as applicable, may use a substantiated report of the abuse or neglect of a child, as defined in NRS 392.281, or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 or *section 2 of this act* obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:

(a) In making determinations concerning assignments, requiring retraining, imposing discipline, hiring or termination; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

13. The Superintendent, the board of trustees of a school district, the governing body of a charter school or university school for profoundly gifted pupils or the administrator of a private school may not be held liable for damages resulting from any action of the Superintendent, board of trustees, governing body or administrator, as applicable, authorized by subsection 4 or 12.

14. The Superintendent may enter into reciprocal agreements with appropriate officials of other countries concerning the licensing of teachers.

15. As used in this section, "sexual offense" has the meaning ascribed to it in NRS 179D.097.

Sec. 24. NRS 391.104 is hereby amended to read as follows:

391.104 1. Except as otherwise provided in NRS 391.105, each applicant for employment pursuant to NRS 391.100 or employee, except a teacher or other person licensed by the Superintendent of Public Instruction, or volunteer who is likely to have unsupervised contact with pupils, must, before beginning his or her employment or service as a volunteer and at least once every 5 years thereafter, submit to the school district:

(a) A full set of the applicant's, employee's or volunteer's fingerprints and written permission authorizing the school district to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant, employee or volunteer and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant, employee or volunteer; and

(b) Written authorization for the board of trustees of the school district to obtain any information concerning the applicant, employee or volunteer that may be available from the Statewide Central Registry and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant, employee or volunteer has resided within the immediately preceding 5 years.

2. In conducting an investigation into the background of an applicant, employee or volunteer, a school district may cooperate with any appropriate law enforcement agency to obtain information relating to the criminal history of the applicant, employee or volunteer, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant, employee or volunteer.

3. The board of trustees of a school district may use a substantiated report of the abuse or neglect of a child, as defined in NRS 392.281, or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 *or section 2 of this act* obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:

(a) When making determinations concerning assignments, requiring retraining, imposing discipline, hiring, accepting a volunteer or termination; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

4. Except as otherwise provided in subsection 5, the board of trustees of a school district shall not require a licensed teacher or other person licensed by the Superintendent of Public Instruction pursuant to NRS 391.033 who has taken a leave of absence from employment authorized by the school district, including, without limitation:

(a) Sick leave;

(b) Sabbatical leave;

(c) Personal leave;

(d) Leave for attendance at a regular or special session of the Legislature of this State if the employee is a member thereof;

(e) Maternity leave; and

(f) Leave permitted by the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq.,

➡ to submit a set of his or her fingerprints as a condition of return to or continued employment with the school district if the employee is in good standing when the employee began the leave.

5. A board of trustees of a school district may ask the Superintendent of Public Instruction to require a person licensed by the Superintendent of Public Instruction pursuant to NRS 391.033 who has taken a leave of absence from employment authorized by the school district to submit a set of his or her fingerprints as a condition of return to or continued employment with the school district if the board of trustees has probable cause to believe that the person has committed a felony or an offense involving moral turpitude during the period of his or her leave of absence.

6. The board of trustees of a school district:

(a) May accept any gifts, grants and donations to carry out the provisions of subsections 1 and 2 and NRS 391.105.

(b) May not be held liable for damages resulting from any action of the board of trustees authorized by subsection 2 or 3 or NRS 391.105.

Sec. 25. NRS 391.281 is hereby amended to read as follows:

391.281 1. Each applicant for employment or appointment pursuant to this section or employee, except a teacher or other person licensed by the Superintendent of Public Instruction, must, before beginning his or her employment or appointment and at least once every 5 years thereafter, submit to the school district:

(a) A full set of the applicant's or employee's fingerprints and written permission authorizing the school district to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant or employee and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant or employee.

(b) Written authorization for the board of trustees of the school district to obtain any information concerning the applicant or employee that may be available from the Statewide Central Registry and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant or employee has resided within the immediately preceding 5 years.

2. In conducting an investigation into the background of an applicant or employee, a school district may cooperate with any appropriate law enforcement agency to obtain information relating to the criminal history of the applicant or employee, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant or employee.

3. The board of trustees of a school district may use a substantiated report of the abuse or neglect of a child, as defined in NRS 392.281, or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 or *section 2 of this*

act obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:

(a) In making determinations concerning assignments, requiring retraining, imposing discipline, hiring or termination; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

4. The board of trustees of a school district:

(a) May accept any gifts, grants and donations to carry out the provisions of subsections 1 and 2.

(b) May not be held liable for damages resulting from any action of the board of trustees authorized by subsection 2 or 3.

5. The board of trustees of a school district may employ or appoint persons to serve as school police officers. If the board of trustees of a school district employs or appoints persons to serve as school police officers, the board of trustees shall employ a law enforcement officer to serve as the chief of school police who is supervised by the superintendent of schools of the school district. The chief of school police shall supervise each person appointed or employed by the board of trustees as a school police officer, including any school police officer that provides services to a charter school pursuant to a contract entered into with the board of trustees pursuant to NRS 388A.384. In addition, persons who provide police services pursuant to subsection 6 or 7 shall be deemed school police officers.

6. The board of trustees of a school district in a county that has a metropolitan police department created pursuant to chapter 280 of NRS may contract with the metropolitan police department for the provision and supervision of police services in the public schools within the jurisdiction of the metropolitan police department and on property therein that is owned by the school district and on property therein that is owned or occupied by a charter school if the board of trustees has entered into a contract with the charter school for the provision of school police officers pursuant to NRS 388A.384. If a contract is entered into pursuant to this subsection, the contract must make provision for the transfer of each school police officer employed by the board of trustees to the metropolitan police department. If the board of trustees of a school district contracts with a metropolitan police department pursuant to this subsection, the board of trustees shall, if applicable, cooperate with appropriate local law enforcement agencies within the school district for the provision and supervision of police services in the public schools within the school district, including, without limitation, any charter school with which the school district has entered into a contract for the provision of school police officers pursuant to NRS 388A.384, and on property owned by the school district and, if applicable, the property owned or occupied by the charter school, but outside the jurisdiction of the metropolitan police department.

7. The board of trustees of a school district in a county that does not have a metropolitan police department created pursuant to chapter 280 of NRS

may contract with the sheriff of that county for the provision of police services in the public schools within the school district, including, without limitation, in any charter school with which the board of trustees has entered into a contract for the provision of school police officers pursuant to NRS 388A.384, and on property therein that is owned by the school district and, if applicable, the property owned or occupied by the charter school.

8. The board of trustees of a school district shall ensure that each school police officer receives training in the prevention of suicide before beginning his or her service as a school police officer.

Sec. 26. NRS 391.330 is hereby amended to read as follows:

391.330 1. The State Board may suspend or revoke the license of any teacher, administrator or other licensed employee, or may issue a letter of reprimand to any teacher, administrator or other licensed employee, after notice and an opportunity for hearing have been provided pursuant to NRS 391.322 and 391.323, for:

- (a) Unprofessional conduct.
- (b) Immorality, as defined in NRS 391.650.
- (c) Evident unfitness for service.
- (d) Physical or mental incapacity which renders the teacher, administrator or other licensed employee unfit for service.
- (e) Conviction of a felony or crime involving moral turpitude.
- (f) Conviction of a sex offense under NRS 200.366, 200.368, 201.190, 201.220, 201.230, 201.540 or 201.560 or *section 2 of this act* in which a pupil enrolled in a school of a county school district was the victim.
- (g) Knowingly advocating the overthrow of the Federal Government or of the State of Nevada by force, violence or unlawful means.
- (h) Persistent defiance of or refusal to obey the regulations of the State Board, the Commission or the Superintendent of Public Instruction, defining and governing the duties of teachers, administrators and other licensed employees.
- (i) Breaches in the security or confidentiality of the questions and answers of the examinations that are administered pursuant to NRS 390.105 and the college and career readiness assessment administered pursuant to NRS 390.610.
- (j) Intentional failure to observe and carry out the requirements of a plan to ensure the security of examinations and assessments adopted pursuant to NRS 390.270 or 390.275.
- (k) An intentional violation of NRS 388.497 or 388.499.
- (l) Knowingly and willfully failing to comply with the provisions of NRS 388.1351.
- (m) A substantiated report of abuse or neglect of a child, as defined in NRS 432B.020, or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 or *section 2 of this act* made against the applicant in any state.

2. The State Board shall adopt regulations governing the process by which a letter of reprimand may be issued to a teacher, administrator or other

licensed employee pursuant to this section, including, without limitation, regulations concerning the time period during which a letter of reprimand will remain on the record of the teacher, administrator or other licensed employee.

3. A teacher, administrator or other licensed employee whose license is suspended pursuant to this section:

(a) May apply to reinstate his or her license after the period of suspension, as determined by the State Board, is completed; and

(b) If he or she applies to reinstate his or her license pursuant to paragraph (a), shall:

(1) Submit a new application for licensure to the Department; and

(2) Pay the appropriate fee for licensure.

4. A teacher, administrator or other licensed employee whose license is revoked may not apply to reinstate his or her license and the Department shall not grant a new license to such a person.

Sec. 27. NRS 391.650 is hereby amended to read as follows:

391.650 As used in NRS 391.650 to 391.826, inclusive, unless the context otherwise requires:

1. "Administrator" means any employee who holds a license as an administrator and who is employed in that capacity by a school district.

2. "Board" means the board of trustees of the school district in which a licensed employee affected by NRS 391.650 to 391.826, inclusive, is employed.

3. "Demotion" means demotion of an administrator to a position of lesser rank, responsibility or pay and does not include transfer or reassignment for purposes of an administrative reorganization.

4. "Immorality" means:

(a) An act forbidden by NRS 200.366, 200.368, 200.400, 200.508, 201.180, 201.190, 201.210, 201.220, 201.230, 201.265, 201.540, 201.560, 207.260, 453.316 to 453.336, inclusive, except an act forbidden by NRS 453.337, 453.338, 453.3385 to 453.3405, inclusive, 453.560 or 453.562; or

(b) An act forbidden by NRS 201.540 or *section 2 of this act* or any other sexual conduct or attempted sexual conduct with a pupil enrolled in an elementary or secondary school. As used in this paragraph, "sexual conduct" has the meaning ascribed to it in NRS 201.520.

5. "Postprobationary employee" means an administrator or a teacher who has completed the probationary period as provided in NRS 391.820 and has been given notice of reemployment. The term does not include a person who is deemed to be a probationary employee pursuant to NRS 391.730.

6. "Probationary employee" means:

(a) An administrator or a teacher who is employed for the period set forth in NRS 391.820; and

(b) A person who is deemed to be a probationary employee pursuant to NRS 391.730.

7. "Superintendent" means the superintendent of a school district or a person designated by the board or superintendent to act as superintendent during the absence of the superintendent.

8. "Teacher" means a licensed employee the majority of whose working time is devoted to the rendering of direct educational service to pupils of a school district.

Sec. 28. NRS 391.760 is hereby amended to read as follows:

391.760 1. If a superintendent has reason to believe that cause exists for the dismissal of a licensed employee and the superintendent is of the opinion that the immediate suspension of the employee is necessary in the best interests of the pupils in the district, the superintendent may suspend the employee without notice and without a hearing. Within 10 days after the suspension becomes effective, the superintendent shall begin proceedings pursuant to NRS 391.680 to 391.800, inclusive, to carry out the employee's dismissal. The employee is entitled to continue to receive his or her salary and other benefits after the suspension becomes effective until the date on which the dismissal proceedings are commenced.

2. Notwithstanding the provisions of NRS 391.750, a superintendent may suspend a licensed employee who has been officially charged but not yet convicted of a felony or a crime involving moral turpitude or immorality. If the charge is dismissed or if the employee is found not guilty, the employee must be reinstated with back pay, plus interest, and normal seniority. The superintendent shall notify the employee in writing of the suspension. Within 10 days after the date on which the employee receives such notice, the superintendent shall provide the employee with the opportunity for an informal hearing to address the circumstances relating to the charges and any other circumstances relating to the suspension. The superintendent shall issue a written decision concerning the continuation of the suspension based on the information presented at the hearing. The employee is entitled to continue to receive his or her salary and other benefits after the suspension becomes effective until the date on which the superintendent issues the written decision. The superintendent may recommend that an employee who has been charged with a felony or a crime involving immorality be dismissed for another ground set forth in NRS 391.750.

3. If sufficient grounds for dismissal are not found to exist at the conclusion of the proceedings conducted pursuant to subsection 1 or 2, the employee must be reinstated with full compensation, plus interest.

4. A licensed employee who furnishes to the school district a bond or other form of security which is acceptable to the board as a guarantee that the employee will repay any amounts paid to him or her pursuant to this subsection as salary during a period of suspension is entitled to continue to receive his or her salary from the date on which the dismissal proceedings are commenced until the decision of the board or the report of the hearing officer, if the report is final and binding. The board shall not unreasonably refuse to accept a form of security other than a bond. An employee who

receives a salary pursuant to this subsection shall repay it if the employee is dismissed or not reemployed as a result of a decision of the board or a report of a hearing officer.

5. A licensed employee who is convicted of a crime which requires registration pursuant to NRS 179D.010 to 179D.550, inclusive, or is convicted of an act forbidden by NRS 200.508, 201.190, 201.265, 201.540, 201.560 or 207.260 *or section 2 of this act* forfeits all rights of employment from the date of his or her arrest.

6. A licensed employee who is convicted of any crime and who is sentenced to and serves any sentence of imprisonment forfeits all rights of employment from the date of his or her arrest or the date on which his or her employment terminated, whichever is later.

7. A licensed employee who is charged with a felony or a crime involving immorality or moral turpitude and who waives his or her right to a speedy trial while suspended may receive no more than 12 months of back pay and seniority upon reinstatement if the employee is found not guilty or the charges are dismissed, unless proceedings have been begun to dismiss the employee upon one of the other grounds set forth in NRS 391.750.

8. A superintendent may discipline a licensed employee by suspending the employee with loss of pay at any time after a hearing has been held which affords the due process provided for in this chapter. The grounds for suspension are the same as the grounds contained in NRS 391.750. An employee may be suspended more than once during the employee's contract year, but the total number of days of suspension may not exceed 20 in 1 contract year. Unless circumstances require otherwise, the suspensions must be progressively longer.

9. A licensed employee may be suspended pursuant to this section and admonished pursuant to NRS 391.755 for the same conduct.

Sec. 29. NRS 392.303 is hereby amended to read as follows:

392.303 1. In addition to the reporting required by NRS 432B.220, if, in his or her capacity as an employee of or volunteer for a public school or private school, such an employee or volunteer knows or has reasonable cause to believe that a child has been subjected to:

(a) Abuse or neglect, sexual conduct in violation of NRS 201.540 , ~~for~~ luring in violation of NRS 201.560 by another employee of or volunteer for a public school or private school ~~or~~ *or a violation of section 2 of this act by another employee of or volunteer for a public or private school*, the employee or volunteer who has such knowledge or reasonable cause to believe shall report the abuse or neglect, sexual conduct , ~~or~~ luring *or other violation* to the agency which provides child welfare services in the county in which the school is located and a law enforcement agency.

(b) Corporal punishment in violation of NRS 392.4633 or 394.366 by another employee of or volunteer for a public school or private school, the employee or volunteer who has such knowledge or reasonable cause to

believe shall report the corporal punishment to the agency which provides child welfare services in the county in which the school is located.

2. A report pursuant to subsection 1 must be made as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the child has been subjected to abuse or neglect or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 ~~or~~ *section 2 of this act*.

3. If a law enforcement agency that receives a report pursuant to paragraph (a) of subsection 1 concludes that there is not probable cause to believe that the person allegedly responsible for the abuse or neglect or who allegedly violated NRS 201.540 or 201.560 *or section 2 of this act* committed the act of which he or she is accused, the law enforcement agency shall notify the agency which provides child welfare services of that determination.

4. If a school police officer receives a report pursuant to this section of an offense that is punishable as a category A felony, the school police officer shall notify the local law enforcement agency that has jurisdiction over the school.

5. A law enforcement agency, other than a school police officer, shall notify a school police officer, if such an officer is employed in the school district, if the law enforcement agency receives a report pursuant to this section of an offense that is punishable as a felony and:

(a) Allegedly occurred:

(1) On the property of a public school for which the board of trustees of the school district has employed or appointed school police officers;

(2) At an activity sponsored by such a school; or

(3) On a school bus while the school bus was being used by such a school for an official school-related purpose; or

(b) Was allegedly committed by a person who the law enforcement agency has reasonable cause to believe is an employee or volunteer of such a school.

6. An agency which provides child welfare services shall assess all allegations contained in any report made pursuant to this section and, if the agency deems appropriate, assign the matter for investigation.

7. Nothing in NRS 392.275 to 392.365, inclusive, shall be construed to prohibit an agency which provides child welfare services and a law enforcement agency from undertaking simultaneous investigations of the abuse or neglect of a child or a violation of NRS 201.540 or 201.560 ~~or~~ *section 2 of this act*.

Sec. 30. NRS 392.317 is hereby amended to read as follows:

392.317 Except as otherwise provided in NRS 392.317 to 392.337, inclusive, and in addition to information provided pursuant to NRS 392.337, information maintained by an agency which provides child welfare services pursuant to NRS 392.275 to 392.365, inclusive, may, at the discretion of the agency which provides child welfare services, be made available only to:

1. The child who is the subject of the report, the parent or guardian of the child and an attorney for the child or the parent or guardian of the child, if the identity of the person responsible for reporting the abuse or neglect of the child or the violation of NRS 201.540, 201.560, 392.4633 or 394.366 *or section 2 of this act* to a public agency and the identity of any child witness are kept confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child who is the subject of the report;

2. A physician, if the physician has before him or her a child who the physician has reasonable cause to believe has been abused or neglected or subject to a violation of NRS 201.540, 201.560, 392.4633 or 394.366 ~~or~~ *or section 2 of this act*;

3. An agency, including, without limitation, an agency in another jurisdiction, responsible for or authorized to undertake the care or treatment or supervision of the child or investigate the allegations in the report;

4. A district attorney or other law enforcement officer who requires the information in connection with an investigation or prosecution of the conduct alleged in the report;

5. A court, other than a juvenile court, for in camera inspection only, unless the court determines that public disclosure of the information is necessary for the determination of an issue before it;

6. A person engaged in bona fide research or an audit, but information identifying the subjects of a report must not be made available to the person;

7. A grand jury upon its determination that access to these records and the information is necessary in the conduct of its official business;

8. A federal, state or local governmental entity, or an agency of such an entity, or a juvenile court, that needs access to the information to carry out its legal responsibilities to protect children from abuse and neglect and violations of NRS 201.540, 201.560, 392.4633 or 394.366 *or section 2 of this act* or similar statutes in another jurisdiction;

9. A person or an organization that has entered into a written agreement with an agency which provides child welfare services to provide assessments or services and that has been trained to make such assessments or provide such services;

10. A team organized pursuant to NRS 432B.405 to review the death of a child;

11. Upon written consent of the parent, any officer of this State or a city or county thereof or Legislator authorized by the agency or department having jurisdiction or by the Legislature, acting within its jurisdiction, to investigate the activities or programs of an agency which provides child welfare services if:

(a) The identity of the person making the report is kept confidential; and

(b) The officer, Legislator or a member of the family of the officer or Legislator is not the person alleged to have engaged in the conduct described in the report;

12. The Division of Parole and Probation of the Department of Public Safety for use pursuant to NRS 176.135 in making a presentence investigation and report to the district court or pursuant to NRS 176.151 in making a general investigation and report;

13. A public school, private school, school district or governing body of a charter school or private school in this State or any other jurisdiction that employs a person named in the report, allows such a person to serve as a volunteer or is considering employing such a person or accepting such a person as a volunteer;

14. The school attended by the child who is the subject of the report and the board of trustees of the school district in which the school is located or the governing body of the school, as applicable;

15. An employer in accordance with subsection 3 of NRS 432.100; and

16. The Committee to Review Suicide Fatalities created by NRS 439.5104.

Sec. 31. NRS 392.325 is hereby amended to read as follows:

392.325 1. An agency which provides child welfare services investigating a report made pursuant to NRS 392.303 shall, upon request, provide to a person named in the report as allegedly causing the abuse or neglect of a child or violating the provisions of NRS 201.540, 201.560, 392.4633 or 394.366 ~~to~~ *or section 2 of this act:*

(a) A copy of:

(1) Any statement made in writing to an investigator for the agency by the person; or

(2) Any recording made by the agency of any statement made orally to an investigator for the agency by the person; or

(b) A written summary of the allegations made against the person. The summary must not identify the person who made the report, any child witnesses to the allegations contained in the report or any collateral sources and reporting parties.

2. A person may authorize the release of information maintained by an agency which provides child welfare services pursuant to NRS 392.275 to 392.365, inclusive, about himself or herself, but may not waive the confidentiality of such information concerning any other person.

3. An agency which provides child welfare services may provide a summary of the outcome of an investigation of the allegations in a report made pursuant to NRS 392.303 to the person who made the report.

Sec. 32. NRS 392.337 is hereby amended to read as follows:

392.337 1. An agency which provides child welfare services investigating a report made pursuant to NRS 392.303 shall, upon completing the investigation, notify the parent or guardian of the child who is the subject of the report of the disposition assigned to the report pursuant to NRS 392.339.

2. If the report is substantiated, the agency shall:

(a) Forward the report to the Department of Education, the board of trustees of the school district in which the school is located or the governing body of the charter school or private school, as applicable, the appropriate local law enforcement agency within the county and the district attorney's office within the county for further investigation.

(b) Provide written notification to the person who is named in the report as allegedly causing the abuse or neglect of the child or violating NRS 201.540, 201.560, 392.4633 or 394.366 *or section 2 of this act* which includes statements indicating that:

(1) The report made against the person has been substantiated and the agency which provides child welfare services intends to place the person's name in the Central Registry pursuant to paragraph (a); and

(2) The person may request an administrative appeal of the substantiation of the report and the agency's intention to place the person's name in the Central Registry by submitting a written request to the agency which provides child welfare services within the time required by NRS 392.345.

(c) After the conclusion of any administrative appeal pursuant to NRS 392.345 or the expiration of the time period prescribed by that section for requesting an administrative appeal, whichever is later, report to the Central Registry:

(1) Identifying and demographic information on the child who is the subject of the report, the parents of the child, any other person responsible for the welfare of the child and the person allegedly responsible for the conduct alleged in the report;

(2) The facts of the alleged conduct, including the date and type of alleged conduct, a description of the alleged conduct, the severity of any injuries and, if applicable, any information concerning the death of the child; and

(3) The disposition of the case.

(d) Provide to the parent or guardian of the child who is the subject of the report:

(1) A written summary of the outcome of the investigation of the allegations in the report which must not identify the person who made the report, any child witnesses to the allegations in the report or any collateral sources and reporting parties; and

(2) A summary of any disciplinary action taken against the person who is named in the report as allegedly causing the abuse or neglect of the child or violating NRS 201.540, 201.560, 392.4633 or 394.366 *or section 2 of this act* which is known by the agency, including, without limitation, whether the name of such person will be placed in the Central Registry.

3. A parent or guardian who receives information pursuant to paragraph (d) of subsection 2 may disclose the information to an attorney for the child who is the subject of the report or the parent or guardian of the child.

Sec. 33. NRS 394.155 is hereby amended to read as follows:

394.155 1. Except as otherwise provided in NRS 394.157, each applicant for employment with or employee at a private school, except a licensed teacher or other person licensed by the Superintendent of Public Instruction, or volunteer at a private school who is likely to have unsupervised contact with pupils, must, before beginning his or her employment or service as a volunteer and at least once every 5 years thereafter, submit to the administrator of the private school:

(a) A complete set of the applicant's, employee's or volunteer's fingerprints and written permission authorizing the administrator to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant, employee or volunteer and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant, employee or volunteer; and

(b) Written authorization for the administrator to obtain any information concerning the applicant, employee or volunteer that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant, employee or volunteer has resided within the immediately preceding 5 years.

2. The administrator of the private school shall:

(a) Submit the fingerprints of the applicant to the Central Repository for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the administrator deems necessary; and

(b) Request any information that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant, employee or volunteer has resided within the immediately preceding 5 years.

3. In conducting an investigation into the criminal history of an applicant, employee or volunteer, the administrator of a private school may cooperate with any appropriate law enforcement agency to obtain information relating to the criminal history of the applicant, employee or volunteer, including, without limitation, any record of warrants or applications for protective orders.

4. The administrator or governing body of a private school may use a substantiated report of the abuse or neglect of a child, as defined in NRS 392.281, or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 or *section 2 of this act* obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:

(a) In making determinations concerning assignments, requiring retraining, imposing discipline, hiring, accepting a volunteer or termination; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

5. The administrator or governing body of a private school may not be held liable for damages resulting from taking any action authorized by subsection 3 or 4 or NRS 394.157.

Sec. 34. NRS 432.100 is hereby amended to read as follows:

432.100 1. There is hereby established a Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child. This Central Registry must be maintained by the Division.

2. The Central Registry must contain:

(a) The information in any substantiated report of child abuse or neglect made pursuant to NRS 392.303 or 432B.220;

(b) The information in any substantiated report of a violation of NRS 201.540, 201.560, 392.4633 or 394.366 *or section 2 of this act* made pursuant to NRS 392.303;

(c) Statistical information on the protective services provided in this State; and

(d) Any other information which the Division determines to be in furtherance of NRS 392.275 to 392.365, inclusive, 432.097 to 432.130, inclusive, and 432B.010 to 432B.400, inclusive.

3. The Division may release information contained in the Central Registry to an employer:

(a) If the person who is the subject of a background investigation by the employer provides written authorization for the release of the information; and

(b) Either:

(1) The employer is required by law to conduct the background investigation of the person for employment purposes; or

(2) The person who is the subject of the background investigation could, in the course of his or her employment, have regular and substantial contact with children or regular and substantial contact with elderly persons who require assistance or care from other persons,

➡ but only to the extent necessary to inform the employer whether the person who is the subject of the background investigation has been found to have abused or neglected a child.

4. Except as otherwise provided in this section or by specific statute, information in the Central Registry may be accessed only by:

(a) An employee of the Division;

(b) An agency which provides child welfare services;

(c) An employee of the Division of Public and Behavioral Health of the Department who is obtaining information in accordance with NRS 432A.170; and

(d) With the approval of the Administrator, an employee or contractor of any other state or local governmental agency responsible for the welfare of children who requests access to the information and who demonstrates to the

satisfaction of the Administrator a bona fide need to access the information. Any approval or denial of a request submitted in accordance with this paragraph is at the sole discretion of the Administrator.

Sec. 35. NRS 432.120 is hereby amended to read as follows:

432.120 1. Information contained in the Central Registry must not be released unless the right of the applicant to the information is confirmed, the information concerning the report of abuse or neglect of the child or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 *or section 2 of this act* has been reported pursuant to NRS 392.337 or 432B.310, as applicable, the released information discloses the disposition of the case and, if the information is being provided pursuant to subsection 3 of NRS 432.100, the person who is the subject of the background investigation provides written authorization for the release of the information.

2. The information contained in the Central Registry concerning cases in which a report of abuse or neglect of a child has been substantiated by an agency which provides child welfare services must be deleted from the Central Registry not later than 10 years after the child who is the subject of the report reaches the age of 18 years.

3. The Division shall not release information from the Central Registry regarding a report of child abuse or neglect made pursuant to NRS 392.303 or 432B.220 that received a disposition other than substantiated to any person or entity except for an agency which provides child welfare services.

4. The Division shall adopt regulations to carry out the provisions of this section.

Sec. 36. NRS 433.639 is hereby amended to read as follows:

433.639 1. Not later than 3 days after employing a person to provide or supervise the provision of peer recovery support services in a position where the person has regular and substantial contact with minors or retaining a person as an independent contractor to provide or supervise the provision of peer recovery support services in such a position and every 5 years thereafter, an employer, or person or entity who retained the independent contractor, shall:

(a) Obtain from the employee or independent contractor written authorization for the release of any information that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100; and

(b) Complete a child abuse and neglect screening through the Central Registry to determine whether there has been a substantiated report of child abuse or neglect or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 *or section 2 of this act* made against the person.

2. Except as otherwise provided in any regulations adopted pursuant to subsection 4, upon receiving information pursuant to subsection 1 from the Central Registry or from any other source that an employee or independent contractor described in subsection 1 has, within the immediately preceding 5 years, had a substantiated report of child abuse or neglect or a violation of

NRS 201.540, 201.560, 392.4633 or 394.366 *or section 2 of this act* made against him or her, the employer or person or entity who retained the independent contractor shall terminate the employment or contract of the employee or independent contractor, as applicable, after allowing the employee or independent contractor time to correct the information as required pursuant to subsection 3.

3. If an employee or independent contractor described in subsection 1 believes that the information provided to the employer or person or entity who retained the independent contractor pursuant to subsection 2 is incorrect, the employee or independent contractor must inform the employer, person or entity immediately. The employer, person or entity shall give any such employee or independent contractor 30 days to correct the information.

4. The Division, in consultation with each agency which provides child welfare services, may establish by regulation a process by which it may review evidence upon request to determine whether an employee or independent contractor described in subsection 1 who has, within the immediately preceding 5 years, had a substantiated report of child abuse or neglect or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 *or section 2 of this act* made against him or her may continue to provide or supervise the provision of peer recovery support services and have regular and substantial contact with minors despite the report. Any such review must be conducted in a manner which does not discriminate against a person in violation of 42 U.S.C. §§ 2000e et seq.

5. If a process for review is established pursuant to subsection 4, an employee or independent contractor described in subsection 1 may request such a review in the manner established by the Division. Any determination made by the Division is final for purposes of judicial review.

6. During any period in which an employee or independent contractor seeks to correct information pursuant to subsection 3 or requests a review of information pursuant to subsection 5, it is within the discretion of the employer or person or entity who retained the independent contractor whether to allow the employee or independent contractor to continue to work for the employer, person or entity, as applicable, except that the employee or independent contractor shall not have regular and substantial contact with minors without supervision during such a period.

7. The Division shall adopt regulations to establish civil penalties to be imposed against any person or entity that fails to comply with the requirements of this section.

8. As used in this section, "agency which provides child welfare services" has the meaning ascribed to it in NRS 424.011.

Sec. 37. The amendatory provisions of sections 1 to 36, inclusive, of this act apply to offenses committed on or after October 1, 2023.

Senator Scheible moved the adoption of the amendment.

Remarks by Senator Scheible.

Amendment No. 417 to Senate Bill No. 38 revises the definitions of "person in a position of authority" and "sexual conduct." It strikes language relating to avoiding the consent of a parent or guardian and inserts language indicating that the "person in a position of authority" instead acted for the purpose of engaging in or facilitating the commission of a felony or the commission of a "felony or gross misdemeanor" as appropriate. It clarifies that a person does not violate the bill's provisions if they receive an unsolicited sexual image or communication from a pupil and report such immediately.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 158.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 224.

SUMMARY—Requires video cameras to be installed in certain classrooms used for special education within a public school. (BDR 34-182)

AN ACT relating to education; requiring public schools to install video cameras in certain classrooms used for special education; prescribing the length of time that a recording from such a video camera must be retained; specifying the circumstances under which such a recording may be released; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law makes it a crime to engage in surreptitious electronic surveillance on the property of a public school without the knowledge of the person being observed, unless the surveillance is for law enforcement purposes, is part of a system of security or is authorized by the teacher of a class or laboratory. (NRS 393.400) Section 1 of this bill ~~requires each school district and the governing body of each charter school to provide to each school one or more video cameras that are capable of recording sound in each~~ authorizes the parent or legal guardian of a pupil who is regularly present in a classroom of ~~(the)~~ a public school in which a majority of the pupils who are regularly present in the classroom receive special education for a certain percentage of the instructional day ~~to request the installation in the classroom of video cameras that are capable of recording sound.~~ Section 1 requires ~~each such~~ a school district or the governing body of a charter school to provide such video cameras to a school if such a request is made and requires the school to install such cameras ~~Section 1 further requires a school that enrolls only pupils who receive special education to install video cameras that are capable of recording sound in every classroom.~~ in the classroom. Section 1: (1) provides that such a video camera may be used only to record a classroom during a regular school day; (2) requires that written notice of the video camera be provided to each person likely to be recorded by the video camera and to the parent or legal guardian of a pupil ~~receiving special education at the school~~ who is or will be regularly present in the classroom; and (3) requires that written notice of

the video camera be posted at the entrance to any classroom in which the camera is installed. Before assigning an employee of a public school to a classroom in which a video camera is installed, section 1 requires the principal of the public school to ensure that the employee receives certain training.

Section 1 further provides that any recording made pursuant to section 1 is confidential and may only be viewed, released or used if consent is obtained from all persons who appear in the recording and the viewing release or use is: (1) related to certain complaints or investigations; (2) for use by a parent or guardian of a pupil in a legal proceeding; (3) related to possible criminal activity; (4) in response to a subpoena; or (5) related to an employee or contractor of the school district ensuring that the video camera is operating properly. Finally, section 1 requires a recording to be retained by the public school for at least 45 days after the recording is made, unless ~~the public school is required to retain the recording for a longer period by a court order, subpoena or other provision of law.~~ a civil action or an investigation or proceeding by a government entity is commenced before the recording is destroyed, in which case the recording must be retained until the conclusion of all such actions, investigations and proceedings.

Section 2 of this bill makes a conforming change to indicate the proper placement of section 1 in the Nevada Revised Statutes. Section 3 of this bill makes a conforming change to exclude video cameras installed, operated and maintained pursuant to section 1 from the prohibition against surreptitious electronic surveillance on the property of a public school. Section 4 of this bill makes a conforming change to reflect that the recordings made pursuant to section 1 are confidential.

~~[Section 5 of this bill requires elementary schools to begin installing video cameras, where required, on July 1, 2024, and to complete such installation not later than June 30, 2026. Section 5 requires middle schools, junior high schools and high schools to begin installing video cameras, where required, on July 1, 2026, and to complete such installation not later than June 30, 2028.]~~

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

Section 1. Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[Except as otherwise provided in subsection 2, the board of trustees of each school district and the governing body of each charter school shall provide to each public school equipment, including, without limitation, one or more video cameras, with the capability of recording sound, for each.]~~ The parent or legal guardian of a pupil who is regularly present in a classroom in ~~the~~ a public school in which a majority of the pupils who are regularly present in the classroom receive special education pursuant to the provisions of this section and NRS 388.417 to 388.469, inclusive:

(a) For pupils who are at least 6 but less than 21 years of age, for 60 percent or more of the school day; and

(b) For pupils who are at least 3 but less than 6 years of age, for 50 percent or more of the school day. ~~For~~

~~may request the installation in such a classroom of equipment, including, without limitation, one or more video cameras, with the capability of recording sound. If such a request is made, the school district or the governing body of the charter school shall provide the equipment to the public school.~~

2. ~~The board of trustees of each school district and the governing body of each charter school shall ensure that each classroom in a school that enrolls only pupils who receive special education pursuant to the provisions of this section and NRS 388.417 to 388.469, inclusive, is provided the equipment described in subsection 1.~~

~~3.~~ A public school that receives equipment pursuant to subsection 1 ~~for~~ ~~2~~ must install one or more video cameras with the capability of recording sound in ~~each~~ the classroom. ~~As described in the applicable subsection.~~ A video camera installed pursuant to this subsection must record:

(a) The classroom only during a regular school day that is part of the regular school year; and

(b) All areas of the classroom, except the video camera must not record the interior of a bathroom or any other area intended, or likely to be used, as an area for a pupil to change or remove his or her clothing.

~~4.~~ 3. The principal of a public school shall:

(a) Provide written notice that a video camera has been or will be installed pursuant to subsection ~~3~~ 2 to each parent or legal guardian of a pupil who ~~receives such special education at the school~~ is or will be regularly present in the classroom and to any other person likely to be recorded by the video camera, including, without limitation, an employee of the school who will be assigned to work with one or more pupils in the classroom; and

(b) Post at the entrance to any classroom in which a video camera is installed pursuant to subsection ~~3~~ 2 notice that the classroom is under video and audio surveillance.

~~5.~~ 4. Before assigning any employee to provide services to pupils in a classroom in which a video camera has been installed pursuant to subsection ~~3~~ 2, the principal of the school shall ensure that the employee has received appropriate training concerning the use of the video camera, the rights and responsibilities of the employee regarding the video camera and the other provisions of this section.

~~6.~~ 5. Except as authorized by this subsection, a public school shall not allow the regular monitoring of a recording made by a video camera pursuant to this section by any person. A public school may allow an employee or independent contractor to regularly monitor a recording made

by a video camera pursuant to this section to ensure that the video camera is operating properly.

~~{7.}~~ 6. A public school shall retain any recording made by a video camera pursuant to this section for at least 45 days after the recording is made, unless ~~{the school is required to do so for a longer period by a court order or subpoena or pursuant to law.}~~

~~—8.} before the recording is destroyed, deleted or otherwise disposed of, a civil action is filed or a professional licensing board, law enforcement agency or other governmental entity commences an investigation or criminal or administrative proceeding to which the recording is relevant, in which case the public school shall retain the recording until all such actions, investigations and proceedings are concluded.~~

7. The board of trustees of a school district and the governing body of a charter school may solicit or accept gifts, grants or donations from any person to ~~{support the purchase and installation of video cameras in public schools pursuant to}~~ carry out the provisions of this section.

~~{9.}~~ 8. A recording made by a video camera pursuant to this section is confidential and is not a public book or record within the meaning of NRS 239.010. Except as otherwise provided in subsections ~~{6.}~~ 5 and ~~{10.}~~ 9, a recording made by a video camera pursuant to this section may not be viewed, released or used by any person, unless the board of trustees of the school district or the governing body of the charter school that made the recording obtains the written consent of each person who appears in the recording or, for a pupil who appears in the recording, the parent of legal guardian of the pupil.

~~{10.}~~ 9. To the extent not prohibited by federal law and in accordance with any regulations adopted by the State Board, a public school shall release a recording made by a video camera pursuant to this section to:

(a) The parent or legal guardian of a pupil or an employee of the school, as applicable, who appears in a recording relating to a complaint;

(b) An employee designated by the Department to investigate a complaint relating to the recording;

(c) An agency which provides child welfare services, as defined in NRS 432B.030, as part of an investigation of a report concerning the abuse or neglect of a child;

(d) A peace officer as part of a criminal investigation;

(e) A parent or legal guardian of a pupil who appears in the recording, for use in a legal proceeding; or

(f) A court of competent jurisdiction in response to a subpoena issued by the court.

~~{11.}~~ 10. This section does not:

(a) Create a cause of action; or

(b) Waive any immunity from liability or limitation on liability of a school district or a charter school, or an officer or employee of a school district or charter school, that is otherwise provided by law.

~~112.~~ 11. *The State Board may adopt such regulations as are necessary to carry out the provisions of this section.*

~~113.~~ 12. *As used in this section, "complaint" means a complaint filed with the Department pursuant to 20 U.S.C. § 1415, 34 C.F.R. §§ 300.151 et seq., and NRS 388.463.*

Sec. 2. NRS 388.417 is hereby amended to read as follows:

388.417 As used in NRS 388.417 to 388.515, inclusive ~~11~~, and section 1 of this act:

1. "Communication mode" means any system or method of communication used by a person with a disability, including, without limitation, a person who is deaf or whose hearing is impaired, to facilitate communication which may include, without limitation:

- (a) American Sign Language;
- (b) English-based manual or sign systems;
- (c) Oral and aural communication;
- (d) Spoken and written English, including speech reading or lip reading;

and

- (e) Communication with assistive technology devices.

2. "Dyslexia" means a neurological learning disability characterized by difficulties with accurate and fluent word recognition and poor spelling and decoding abilities that typically result from a deficit in the phonological component of language.

3. "Dyslexia intervention" means systematic, multisensory intervention offered in an appropriate setting that is derived from evidence-based research.

4. "Individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

5. "Individualized education program team" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(B).

6. "Provider of special education" means a school within a school district or charter school that provides education or services to pupils with disabilities or any other entity that is responsible for providing education or services to a pupil with a disability for a school district or charter school.

7. "Pupil who receives early intervening services" means a person enrolled in kindergarten or grades 1 to 12, inclusive, who is not a pupil with a disability but who needs additional academic and behavioral support to succeed in a regular school program.

8. "Pupil with a disability" means a "child with a disability," as that term is defined in 20 U.S.C. § 1401(3)(A), who is under 22 years of age.

9. "Response to scientific, research-based intervention" means a collaborative process which assesses a pupil's response to scientific, research-based intervention that is matched to the needs of a pupil and that systematically monitors the level of performance and rate of learning of the pupil over time for the purpose of making data-based decisions concerning the need of the pupil for increasingly intensified services.

10. "Specific learning disability" means a disorder in one or more of the basic psychological processes involved in understanding or using spoken or written language which is not primarily the result of a visual, hearing or motor impairment, intellectual disability, serious emotional disturbance, or an environmental, cultural or economic disadvantage. Such a disorder may manifest itself in an imperfect ability to listen, think, speak, read, write, spell or perform mathematical calculations. The term includes, without limitation, perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia.

Sec. 3. NRS 393.400 is hereby amended to read as follows:

393.400 1. Except as otherwise provided in subsection 2, it is unlawful for a person to engage in any kind of surreptitious electronic surveillance on any property of a public school without the knowledge of the person being observed.

2. Subsection 1 does not apply to any electronic surveillance:

(a) Authorized by a court order issued to a public officer, based upon a showing of probable cause to believe that criminal activity is occurring on the property of the public school under surveillance;

(b) By a law enforcement agency pursuant to a criminal investigation;

(c) By a peace officer pursuant to NRS 289.830;

(d) Which is necessary as part of a system of security used to protect and ensure the safety of persons on the property of the public school ~~{ }~~ , *including, without limitation, a video camera installed, operated and maintained pursuant to section 1 of this act;* or

(e) Of a class or laboratory when authorized by the teacher of the class or laboratory.

Sec. 4. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014,

239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641.325,

641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, *and section 1 of this act*, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

- (1) Was not created or prepared in an electronic format; and
- (2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 5. ~~[Notwithstanding the provisions of section 1 of this act:~~

~~1. The video cameras required to be installed in an elementary school pursuant to section 1 of this act may be installed on or after July 1, 2024, but must be installed not later than June 30, 2026.~~

~~2. The video cameras required to be installed in a middle school, junior high school or high school pursuant to section 1 of this act may be installed on or after July 1, 2026, but must be installed not later than June 30, 2028.]~~
(Deleted by amendment.)

Sec. 6. The provisions of NRS 354.599 do not apply additional expenses of a local government that are related to the provisions of this act.

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

2. Sections 2 to 6, inclusive, of this act become effective:

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

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

Senator Lange moved the adoption of the amendment.

Remarks by Senator Lange.

Amendment No. 224 to Senate Bill No. 158 requires a recording to be retained longer if a civil action or an investigation or proceeding is initiated; requires each school district and charter school governing body to provide video cameras to a school to install upon the request of a parent; and authorizes the acceptance of gifts, grants and donations to carry out the provisions of the bill.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 164.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 301.

SUMMARY—Revises provisions relating to special license plates. (BDR 43-8)

AN ACT relating to special license plates; revising provisions governing the distribution of fees collected for the issuance or renewal of special license plates indicating support for the Divine Nine; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Motor Vehicles to design, prepare and issue special license plates that indicate support for the Divine Nine, which are a group of historically Black collegiate fraternities and sororities. (NRS 482.37941) Existing law requires the fees collected for the special license plates that are in addition to all other applicable registration and license fees and governmental services taxes to be deposited with the State Treasurer, who must, on a quarterly basis, distribute: (1) 10 percent of the fees to the United Negro College Fund; and (2) the remaining 90 percent of the fees equally among certain chapters or organizations associated with the Divine Nine for the promotion of community awareness and action through educational, economic and cultural service activities within this State. (NRS 482.37941) This bill removes the requirement for the State Treasurer to make distributions to certain chapters or organizations associated with the Divine Nine and, instead, requires that all of the fees ~~(not) collected for the special license plates that are in addition to all other applicable registration and license fees and governmental service taxes~~ be distributed to the Las Vegas Metropolitan Inter-Alumni Council of the United Negro College Fund. ~~[be distributed among the chapters of the Divine Nine in this State.]~~

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

Section 1. NRS 482.37941 is hereby amended to read as follows:

482.37941 1. The Department, in cooperation with the Las Vegas Chapter of the National Pan-Hellenic Council, shall design, prepare and issue a license plate that indicates support for the Divine Nine, using any colors that the Department deems appropriate.

2. The Department shall issue license plates that indicate support for the Divine Nine for a passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates that indicate support for the Divine Nine if that person pays the fees for the personalized prestige license plates in addition to the fees for the license plates that indicate support for the Divine Nine pursuant to subsections 3 and 4.

3. The fee for license plates that indicate support for the Divine Nine is \$35, in addition to all other applicable registration and license fees and

governmental services taxes. The license plates are renewable upon the payment to the Department of \$10.

4. In addition to all other applicable registration and license fees, governmental services taxes and the fee prescribed pursuant to subsection 3, a person who requests a set of license plates that indicate support for the Divine Nine must pay a fee of \$25 for the issuance of the plates and a fee of \$20 for each renewal of the plates, to be deposited in accordance with subsection 5.

5. Except as otherwise provided in NRS 482.38279, the Department shall deposit the fees collected pursuant to subsection 4 with the State Treasurer for credit to the State General Fund. The State Treasurer shall, on a quarterly basis, distribute ~~to~~

~~(a) Ten percent of~~ the fees deposited pursuant to this subsection to the Las Vegas Metropolitan Inter-Alumni Council of the United Negro College Fund, ~~Inc.~~ or its successor organization, for college scholarships for Nevada residents attending a college in this State. ~~;~~ and

~~(b) The remaining 90 percent of the fees deposited pursuant to this subsection to the following organizations in the following manner for the promotion of community awareness and action through educational, economic and cultural service activities within this State:~~

~~(1) Ten percent equally distributed to among the Alpha Kappa Alpha Educational Advancement Foundation, Inc.; Sorority chapters in this State;~~

~~(2) Ten percent equally distributed among the Alpha Phi Alpha Fraternity chapters in this State;~~

~~(3) Ten percent equally distributed to among the Delta Research and Educational Foundation, Inc.; Sigma Theta Sorority chapters in this State;~~

~~(4) Ten percent equally distributed to among the National Iota Foundation, Inc.; Phi Theta Fraternity chapters in this State;~~

~~(5) Ten percent equally distributed to among the Western Province of Kappa Alpha Psi Fraternity, Inc.; chapters in this State;~~

~~(6) Ten percent equally distributed among the Omega Psi Phi Fraternity chapters in this State;~~

~~(7) Ten percent equally distributed to among the Western Region of Phi Beta Sigma Fraternity, Inc.; chapters in this State;~~

~~(8) Ten percent equally distributed to among the Sigma Gamma Rho Sorority National Education Fund, Inc.; chapters in this State; and~~

~~(9) Ten percent equally distributed among the Zeta Phi Beta Sorority chapters in this State.]~~

6. If, during a registration period, the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle that meets the requirements of this section if the holder pays the fee for the transfer of the registration and any registration fee or governmental services tax due pursuant to NRS 482.399; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

7. The Department may accept any gifts, grants and donations or other sources of money for the production and issuance of license plates pursuant to this section. All money received pursuant to this subsection must be deposited in the Revolving Account for the Issuance of Special License Plates created by NRS 482.1805.

8. As used in this section, "Divine Nine" means the following nine member organizations that compose the National Pan-Hellenic Council:

- (a) Alpha Kappa Alpha Sorority, Inc.;
- (b) Alpha Phi Alpha Fraternity, Inc.;
- (c) Delta Sigma Theta Sorority, Inc.;
- (d) Iota Phi Theta Fraternity, Inc.;
- (e) Kappa Alpha Psi Fraternity, Inc.;
- (f) Omega Psi Phi Fraternity, Inc.;
- (g) Phi Beta Sigma Fraternity, Inc.;
- (h) Sigma Gamma Rho Sorority, Inc.; and
- (i) Zeta Phi Beta Sorority, Inc.

Sec. 2. ~~[This act becomes effective on July 1, 2023.] (Deleted by amendment.)~~

Senator Harris moved the adoption of the amendment.

Remarks by Senator Harris.

Amendment No. 301 to Senate Bill No. 164 deletes distribution requirements proposed in section 1 of the bill and instead provides that all of the fees collected for the Divine Nine special license plate that are in addition to any other applicable registration and license fees and governmental service taxes be distributed to the Las Vegas Metropolitan Inter-Alumni Council of the United Negro College Fund and revises the effective date from July 1, 2023, to October 1, 2023.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 234.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 96.

SUMMARY—Revises provisions governing communications with offenders. (BDR S-810)

AN ACT relating to offenders; providing for the establishment of a pilot program to provide communication services free of charge between offenders and the children of offenders; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill requires the Department of Corrections ~~[, to the extent money is available,]~~ to establish and administer a pilot program to provide communication services free of charge between offenders in the custody of the Department and the children of such offenders. Section 1 also: (1)

authorizes the Director of the Department to apply for and accept any gift, donation, bequest, grant or other source of money to carry out the pilot program; and (2) requires any money received by the Director to be accounted for separately and used only to carry out the pilot program. If there is an insufficient amount of money from gifts, donations, bequests, grants or other sources of money received by the Director to carry out the pilot program, section 1: (1) requires the Director to authorize the State Controller to transfer money from the Offenders' Store Fund to pay the cost of the pilot program; and (2) requires the State Controller to make the transfer. Finally, section 1 requires the Department to prepare and submit to the Director of the Legislative Counsel Bureau for transmittal to the 83rd Session of the Legislature a report concerning the pilot program.

Section 2 of this bill expires the provisions of section 1 on June 30, 2025.

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

Section 1. 1. The Department of Corrections shall ~~[, to the extent money is available for this purpose,]~~ establish and administer a pilot program to provide communication services between offenders in the custody of the Department and the children of such offenders. The program must:

- (a) Be designed to facilitate and encourage a continuing relationship between offenders and the children of offenders; and
- (b) Provide communication services free of charge between an offender and the child of the offender, regardless of whether the offender or child initiates or receives any communication provided through the service.

2. The Director of the Department may apply for and accept any gift, donation, bequest, grant or other source of money to carry out the pilot program ~~[, established pursuant to subsection 1.]~~ Any money so received must be accounted for separately and may only be used by the Department to carry out the pilot program ~~[, established pursuant to section 1.]~~ If there is an insufficient amount of money from gifts, donations, bequests, grants or other sources of money to carry out the pilot program, the Director shall authorize the State Controller to transfer sufficient money from the Offenders' Store Fund to pay the cost of the pilot program, and the State Controller shall make the transfer if so authorized.

3. The Department may adopt regulations to administer the provisions of this section.

4. Nothing in this section shall be construed to authorize an offender to communicate with his or her child if the offender is otherwise prohibited by law or court order from communicating with the child.

5. On or before January 1, 2025, the Department shall submit to the Director of the Legislative Counsel Bureau for transmittal to the 83rd Session of the Legislature a report with its findings and any recommendations ~~[, if]~~ The report must include, without limitation:

- (a) The number of children to whom communication services were provided as part of the pilot program, if known;

(b) A statistical comparison of the conduct of offenders who participated in the pilot program and offenders who did not participate in the pilot program, if practicable;

(c) A list of all grants applied for by the Director pursuant to subsection 2 and all such grants that were received; and

(d) Any recommendations:

(1) Relating to the pilot program; or

~~((b))~~ (2) For expanding opportunities for communication between offenders in the custody of the Department and the children of such offenders.

6. As used in this section:

(a) "Child" means a person who is less than 18 years of age.

(b) "Communication services" includes, without limitation, any service which enables real-time, two-way voice or audio-video communication, including, without limitation, Voice over Internet Protocol service.

(c) "Voice over Internet Protocol service" means any service that:

(1) Enables real-time, two-way voice communication originating from or terminating at the user's location in Internet Protocol or a successor protocol;

(2) Uses a broadband connection from the user's location; and

(3) Permits a user to receive a call that originates on the public switched telephone network and to terminate a call to the public switched telephone network.

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

2. Section 1 of this act becomes effective upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act, and on July 1, 2023, for all other purposes, and expires by limitation on June 30, 2025.

Senator Scheible moved the adoption of the amendment.

Remarks by Senator Scheible.

Amendment No. 96 to Senate Bill No. 234 adds additional funding as needed from the Offender Store Fund to make up any deficiency in funds gathered through grants, donations and other sources; requires additional information to be reported by the Director of the Nevada Department of Corrections (NDOC) regarding how many children utilized the free phone call program, which grants were applied for and received by NDOC, and on any available statistical information regarding differences in conduct and disciplinary issues between offenders whose children utilized the pilot program and those whose children did not; and includes "two-way voice or audio-video communication" in the definition of communication services.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 266.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 509.

SUMMARY—Excludes certain portions of entry fees for participation in ~~in a contest~~ certain contests or tournament ~~tournaments~~ from the gross revenue of gaming licensees for certain purposes. (BDR 41-943)

AN ACT relating to gaming; excluding certain portions of entry fees paid to participate in ~~in a contest~~ certain contests or tournament ~~tournaments~~ from the gross revenue of certain gaming licensees for the purpose of calculating gaming license fees and for certain other purposes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Nevada Gaming Commission to charge and collect from each licensee a monthly license fee in an amount equal to a certain percentage of the gross revenue of the licensee. (NRS 463.370) Under existing law, the gross revenue on which the monthly license fee is imposed includes entry fees for the right to participate in contests and tournaments, minus certain enumerated deductions. (NRS 463.0161) This bill excludes from the gross revenue on which the monthly license fee is imposed any portion of entry fees for the right to participate in contests and tournaments ~~that~~ conducted on the premises of a licensed gaming establishment with the participants physically present at those premises when participating if the portion of those fees is ~~is~~ designated as: (1) employee compensation and used to pay an employee of a licensee additional compensation for being involved in the organization or operation of the contest or tournament; (2) ~~designated as~~ a donation and remitted to certain tax-exempt organizations; (3) ~~added~~ an addition to a payoff schedule of the contest or tournament that is paid as a prize to a participant in a present or future contest or tournament; or (4) ~~added~~ an addition to an account to pay guaranteed payouts of future contests or tournaments. This bill also clarifies that cash from an entry fee excluded from gross revenue: (1) may not be deducted from gross revenue when paid out or distributed for a purpose other than the purpose for which an exclusion is authorized; and (2) must be included in the calculation of gross revenue for the month in which it is paid out or distributed for a purpose other than the purpose for which an exclusion is authorized.

For the purposes of the regulation of gaming in this State, a nonrestricted licensee is a licensee who is licensed to operate: (1) 16 or more slot machines; (2) any number of slot machines together with any other game, gaming device, race book or sports pool at one establishment; or (3) a slot machine route. (NRS 463.0177) Under existing law, the Commission is: (1) authorized to require nonrestricted licensees with an annual gross revenue of \$1,000,000 or more to report and keep records of all transactions involving cash; and (2) required to adopt regulations requiring audits of the financial statements of nonrestricted licensees whose annual gross revenue is \$5,000,000 or more, as adjusted annually based on the Consumer Price Index (All Items) for the preceding year. (NRS 463.125, 463.159) Because this bill excludes from gross revenue certain portions of the entry fee for the right to

participate in contests or tournaments, that revenue would be excluded for the purposes of these calculations.

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

Section 1. NRS 463.0161 is hereby amended to read as follows:

463.0161 1. "Gross revenue" means the total of all:

- (a) Cash received as winnings;
- (b) ~~Cash~~ Except as otherwise provided in paragraph (g) of subsection 2, cash received as entry fees for the right to participate in contests and tournaments;
- (c) Cash received in payment for credit extended by a licensee to a patron for purposes of gaming; and
- (d) Compensation received for conducting any game in which the licensee is not party to a wager,

↳ less the total of all cash paid out as losses to patrons, all cash and the cost of any noncash prizes paid out to participants in contests or tournaments not to exceed the total cash or cash equivalents received for the right to participate in the contests or tournaments, those amounts paid to fund periodic payments and any other items made deductible as losses by NRS 463.3715.

2. The term does not include:

- (a) Counterfeit facsimiles of money, chips, tokens, wagering instruments or wagering credits;
- (b) Coins of other countries which are received in gaming devices;
- (c) Any portion of the face value of any chip, token or other representative of value won by a licensee from a patron for which the licensee can demonstrate that it or its affiliate has not received cash;
- (d) Cash taken in fraudulent acts perpetrated against a licensee for which the licensee is not reimbursed;
- (e) Uncollected baccarat commissions; ~~for~~
- (f) Cash provided by the licensee to a patron and subsequently won by the licensee, for which the licensee can demonstrate that it or its affiliate has not been reimbursed ~~for~~; or

(g) *Cash received as entry fees for the right to participate in a contest or tournament conducted on the premises of a licensed gaming establishment with the participants physically present at those premises when participating, if the cash is ~~for~~ designated:*

(1) ~~Designated as~~ As employee compensation and paid as compensation to an employee of a licensee who is involved in the organization or operation of the contest or tournament, in addition to the regular compensation of the employee;

(2) ~~Designated as~~ As a donation to a nonprofit, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c) or a nonprofit corporation organized or existing pursuant

to chapter 82 of NRS and the amount is remitted to the designated organization;

(3) ~~Added~~ As an addition to a payoff schedule of the contest or tournament that is fixed, or increases automatically over time or as the contest or tournament is played, and that is paid as a prize to a patron participating in the present or a future contest or tournament; or

(4) ~~Added~~ As an addition to an account to fund guaranteed payouts of future contests or tournaments and the disbursement of funds from the account are used to fund guaranteed payouts of future contests or tournaments.

↪ The Commission may adopt regulations authorizing the exclusion from gross revenue set forth in paragraph (g) to apply to cash received as entry fees for the right to participate in a contest or tournament other than a contest or tournament conducted on the premises of a licensed gaming establishment with contestants physically present at those premises when participating.

3. The amount of cash received as entry fees for the right to participate in a contest or tournament that is excluded from gross revenue pursuant to paragraph (g) of subsection 2:

(a) May not be deducted from the amount of the entry fees included in gross revenue pursuant to subsection 1 if the amount is paid or distributed for any purpose other than a purpose set forth in paragraph (g) of subsection 2;

(b) Must be included in gross revenue for the month in which the amount is paid out or distributed for a purpose other than a purpose set forth in paragraph (g) of subsection 2.

4. As used in this section, "baccarat commission" means:

(a) A fee assessed by a licensee on cash paid out as a loss to a patron at baccarat to modify the odds of the game; or

(b) A rate or fee charged by a licensee for the right to participate in a baccarat game.

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

Senator Scheible moved the adoption of the amendment.

Remarks by Senator Scheible.

Amendment No. 509 to Senate Bill No. 266 makes minor technical corrections and adds the following restrictions concerning funds that are excluded from gross revenue: Any amount excluded from gross revenue may not be deducted from contest or tournament entry fees when paid out or distributed and shall be included in gross revenue in the month paid out or distributed if paid out or distributed for a purpose other than its designated purpose. And it clarifies that these exclusions from gross revenue only apply to entry fees paid for the right to participate in an in-person contest or tournament conducted on the premises of a licensed establishment unless otherwise authorized in a regulation adopted by the Nevada Gaming Commission.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 292.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 409.

SUMMARY—Revises provisions relating to school administrators.
(BDR 34-554)

AN ACT relating to education; providing that certain principals are employed at will; ~~requiring certain postprobationary school administrators to apply for reappointment to their administrative positions;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 2 of this bill provides that during the first 3 years of employment by a school district, a principal is employed at will. Section 2 also provides that if a principal completes the 3-year probationary period, the principal again becomes an at-will employee if, in 2 consecutive school years: (1) the rating of the school to which the principal is assigned pursuant to the statewide system of accountability for public schools is reduced by one or more levels; and (2) fifty percent or more of the teachers assigned to the school request a transfer to another school. Section 2 further provides that such a principal is subject to immediate dismissal by the board of trustees of the school district on recommendation of the superintendent of the school district.

~~[Section 3 of this bill provides that a postprobationary administrator, other than certain principals or administrators who may be members of a separate bargaining unit, must apply to the superintendent of the school district for reappointment to the administrative position every 5 years.]~~

Sections 4-10 of this bill make changes to conform with the changes made by ~~[sections]~~ section 2. ~~[and 3.]~~

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

Section 1. Chapter 391 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. *During the first 3 years of his or her employment by a school district in the position of principal, a principal is employed at will in that position. A principal who is reassigned pursuant to this subsection is entitled to a written statement of the reason for the reassignment. If the principal was previously employed by the school district in another position and is reassigned pursuant to this section, the principal is entitled to be assigned to his or her former position at the rate of compensation provided for that position.*

2. *A principal who completes the probationary period set forth in NRS 391.820 by a principal is again employed at will if, in each of 2 consecutive school years:*

(a) The rating of the school to which the principal is assigned, as determined by the Department pursuant to the statewide system of accountability for public schools, is reduced by one or more levels; and

(b) Fifty percent or more of the teachers assigned to the school request a transfer to another school.

3. If the events described in paragraphs (a) and (b) of subsection 2 occur with respect to a school for any school year ~~[-, the]~~ :

(a) The school associate superintendent or other administrator of the school district who oversees the school must provide mentoring to the principal of the school; and

(b) The school district shall conduct a survey of the teachers assigned to the school to evaluate conditions at the school and the reasons given by teachers who requested a transfer to another school. The results of the survey do not affect the employment status of the principal of the school.

4. A principal described in subsection 2 is subject to immediate dismissal by the board of trustees of the school district on recommendation of the superintendent and is entitled, on dismissal, to a written statement of the reasons for dismissal.

Sec. 3. ~~[1. Each postprobationary administrator employed by a school district, except a principal, assistant principal or other school administrator, school district administrator or central office administrator below the rank of superintendent, associate superintendent or assistant superintendent who may be a member of a separate bargaining unit pursuant to NRS 288.170, must apply to the superintendent for reappointment to his or her administrative position every 5 years.~~

~~2. If an administrator is not reappointed to his or her administrative position pursuant to this section and was previously employed by the school district in another position, the administrator is entitled to be assigned to his or her former position at the rate of compensation provided for that position.] (Deleted by amendment.)~~

Sec. 4. NRS 391.650 is hereby amended to read as follows:

391.650 As used in NRS 391.650 to 391.826, inclusive, and ~~sections]~~ section 2 [and 3] of this act, unless the context otherwise requires:

1. "Administrator" means any employee who holds a license as an administrator and who is employed in that capacity by a school district.

2. "Board" means the board of trustees of the school district in which a licensed employee affected by NRS 391.650 to 391.826, inclusive, and ~~sections]~~ section 2 [and 3] of this act is employed.

3. "Demotion" means demotion of an administrator to a position of lesser rank, responsibility or pay and does not include transfer or reassignment for purposes of an administrative reorganization.

4. "Immorality" means:

(a) An act forbidden by NRS 200.366, 200.368, 200.400, 200.508, 201.180, 201.190, 201.210, 201.220, 201.230, 201.265, 201.540, 201.560, 207.260, 453.316 to 453.336, inclusive, except an act forbidden by

NRS 453.337, 453.338, 453.3385 to 453.3405, inclusive, 453.560 or 453.562; or

(b) An act forbidden by NRS 201.540 or any other sexual conduct or attempted sexual conduct with a pupil enrolled in an elementary or secondary school. As used in this paragraph, "sexual conduct" has the meaning ascribed to it in NRS 201.520.

5. "Postprobationary employee" means an administrator or a teacher who has completed the probationary period as provided in NRS 391.820 and has been given notice of reemployment. The term does not include a person who is deemed to be a probationary employee pursuant to NRS 391.730.

6. "Probationary employee" means:

(a) An administrator or a teacher who is employed for the period set forth in NRS 391.820; and

(b) A person who is deemed to be a probationary employee pursuant to NRS 391.730.

7. "Superintendent" means the superintendent of a school district or a person designated by the board or superintendent to act as superintendent during the absence of the superintendent.

8. "Teacher" means a licensed employee the majority of whose working time is devoted to the rendering of direct educational service to pupils of a school district.

Sec. 5. NRS 391.655 is hereby amended to read as follows:

391.655 1. The demotion, suspension, dismissal and nonreemployment provisions of NRS 391.650 to 391.826, inclusive, and ~~sections~~ section 2 and 3 of this act do not apply to:

(a) Substitute teachers; or

(b) Adult education teachers.

2. The admonition, demotion, suspension, dismissal and nonreemployment provisions of NRS 391.650 to 391.800, inclusive, do not apply to:

(a) A probationary teacher. The policy for evaluations prescribed in NRS 391.685 and 391.725 applies to a probationary teacher.

(b) A principal described in subsection 1 of section 2 of this act with respect to his or her employment as a principal.

(c) A principal who is employed at will pursuant to subsection 2 of section 2 of this act.

(d) ~~An administrator described in subsection 2 of section 3 of this act.~~

~~(e)~~ A new employee who is employed as a probationary administrator primarily to provide administrative services at the school level and not primarily to provide direct instructional services to pupils, regardless of whether licensed as a teacher or administrator, including, without limitation, a principal and vice principal. ~~The~~

↪ Insofar as the policy is consistent with the provisions of ~~sections~~ section 2 and 3 of this act, the policy for evaluations prescribed in

NRS 391.700 and 391.725 applies to ~~such a probationary~~ any administrator ~~[-] described in this subsection.~~

3. The admonition, demotion and suspension provisions of NRS 391.650 to 391.800, inclusive, do not apply to a postprobationary teacher who is employed as a probationary administrator primarily to provide administrative services at the school level and not primarily to provide direct instructional services to pupils, regardless of whether licensed as a teacher or administrator, including, without limitation, a principal and vice principal, with respect to his or her employment in the administrative position. The policy for evaluations prescribed in NRS 391.700 and 391.725 applies to such a probationary administrator.

4. The provisions of NRS 391.650 to 391.800, inclusive, do not apply to a teacher whose employment is suspended or terminated pursuant to subsection 3 of NRS 391.120 or NRS 391.3015 for failure to maintain a license in force.

5. A licensed employee who is employed in a position fully funded by a federal or private categorical grant or to replace another licensed employee during that employee's leave of absence is employed only for the duration of the grant or leave. Such a licensed employee and licensed employees who are employed on temporary contracts for 90 school days or less, or its equivalent in a school district operating under an alternative schedule authorized pursuant to NRS 388.090, to replace licensed employees whose employment has terminated after the beginning of the school year are entitled to credit for that time in fulfilling any period of probation and during that time the provisions of NRS 391.650 to 391.826, inclusive, ~~and sections~~ section 2 ~~and 3~~ of this act for demotion, suspension or dismissal apply to them.

Sec. 6. NRS 391.660 is hereby amended to read as follows:

391.660 Excluding the provisions of NRS 391.730, ~~and sections~~ section 2 ~~and 3~~ of this act, the provisions of NRS 391.650 to 391.826, inclusive, do not apply to a teacher ~~[- administrator]~~ or other licensed employee who has entered into a contract with the board negotiated pursuant to chapter 288 of NRS if the contract contains separate provisions relating to the board's right to dismiss or refuse to reemploy the employee . ~~for demote an administrator.~~

Sec. 7. NRS 391.700 is hereby amended to read as follows:

391.700 *Except as otherwise provided in* ~~sections~~ section 2 ~~and 3~~ of this act:

1. Each board, following consultation with and involvement of elected representatives of administrative personnel or their designated representatives, shall develop an objective policy for the objective evaluation of administrators in narrative form. The policy must provide for the evaluation of those administrators who provide primarily administrative services at the school level and who do not provide primarily direct instructional services to pupils, regardless of whether such an administrator is licensed as a teacher or administrator, including, without limitation, a

principal and a vice principal. The policy must also provide for the evaluation of those administrators at the district level who provide direct supervision of the principal of a school. The policy must comply with the statewide performance evaluation system established by the State Board pursuant to NRS 391.465. The policy may include an evaluation by the administrator, superintendent, pupils or other administrators or any combination thereof. A copy of the policy adopted by the board must be filed with the Department and made available to the Commission.

2. The person charged with the evaluation of an administrator pursuant to NRS 391.705 or 391.710 shall hold a conference with the administrator before and after each scheduled observation of the administrator during the school year.

Sec. 8. NRS 391.730 is hereby amended to read as follows:

391.730 ~~{A}~~ *Except as otherwise provided in section 2 of this act, a postprobationary employee who receives an evaluation designating his or her overall performance as:*

1. Ineffective; or
2. Developing during 1 year of the 2-year consecutive period and ineffective during the other year of the period,
→ for 2 consecutive school years shall be deemed to be a probationary employee for the purposes of NRS 391.650 to 391.826, inclusive, *and ~~{sections}~~ section 2 ~~{and 3}~~ of this act* and must serve an additional probationary period in accordance with the provisions of NRS 391.820.

Sec. 9. NRS 391.775 is hereby amended to read as follows:

391.775 *Except as otherwise provided in ~~{sections}~~ section 2 ~~{and 3}~~ of this act:*

1. At least 15 days before recommending to a board that it demote, dismiss or not reemploy a postprobationary employee, the superintendent shall give written notice to the employee, by registered or certified mail, of the superintendent's intention to make the recommendation.

2. The notice must:

- (a) Inform the licensed employee of the grounds for the recommendation.
- (b) Inform the employee that, if a written request therefor is directed to the superintendent within 10 days after receipt of the notice, the employee is entitled to a hearing before a hearing officer pursuant to NRS 391.765 to 391.800, inclusive, or if a dismissal of the employee will occur before the completion of the current school year or if the employee is deemed to be a probationary employee pursuant to NRS 391.730 and dismissal of the employee will occur before the completion of the current school year, the employee may request an expedited hearing pursuant to subsection 3.

(c) Refer to chapter 391 of NRS.

3. If a postprobationary employee or an employee who is deemed to be a probationary employee pursuant to NRS 391.730 receives notice that he or she will be dismissed before the completion of the current school year, the employee may request an expedited hearing pursuant to the Expedited Labor

Arbitration Procedures established by the American Arbitration Association or its successor organization. If the employee elects to proceed under the expedited procedures, the provisions of NRS 391.770, 391.785 and 391.795 do not apply.

Sec. 10. NRS 391.820 is hereby amended to read as follows:

391.820 *Except as otherwise provided in ~~sections~~ section 2 ~~and 3~~ of this act:*

1. A probationary employee is employed on a contract basis for three 1-year periods and has no right to employment after any of the three probationary contract years.

2. The board shall notify each probationary employee in writing during the first, second and third school years of the employee's probationary period whether the employee is to be reemployed for the second or third year of the probationary period or for the fourth school year as a postprobationary employee. Such notice must be provided:

(a) On or before May 1; or

(b) On or before May 15 of an odd-numbered year so long as the board notifies the employee of the extension by April 1.

3. Failure of the board to notify the probationary employee in writing on or before May 1 or May 15, as applicable, in the first or second year of the probationary period does not entitle the employee to postprobationary status.

4. The employee must advise the board in writing during the first, second or third year of the employee's probationary period of the employee's acceptance of reemployment. Such notice must be provided:

(a) On or before May 10 if the board provided its notice on or before May 1; or

(b) On or before May 25 if the board provided a notice of an extension pursuant to paragraph (b) of subsection 2.

5. If a probationary employee is assigned to a school that operates all year, the board shall notify the employee in writing, in the first, second and third years of the employee's probationary period, no later than 45 days before his or her last day of work for the year under his or her contract whether the employee is to be reemployed for the second or third year of the probationary period or for the fourth school year as a postprobationary employee. Failure of the board to notify a probationary employee in writing within the prescribed period in the first or second year of the probationary period does not entitle the employee to postprobationary status. The employee must advise the board in writing within 10 days after the date of notification of his or her acceptance or rejection of reemployment for another year. Failure to advise the board of the employee's acceptance of reemployment pursuant to this subsection constitutes rejection of the contract.

6. A probationary employee who:

(a) Completes a 3-year probationary period;

(b) Receives a designation of "highly effective" or "effective" on each of his or her performance evaluations for 2 consecutive school years; and

(c) Receives a notice of reemployment from the school district in the third year of the employee's probationary period,

➡ is entitled to be a postprobationary employee in the ensuing year of employment.

7. If a probationary employee is notified that the employee will not be reemployed for the school year following the 3-year probationary period, his or her employment ends on the last day of the current school year. The notice that the employee will not be reemployed must include a statement of the reasons for that decision.

8. A new employee who is employed as an administrator to provide primarily administrative services at the school level and who does not provide primarily direct instructional services to pupils, regardless of whether the administrator is licensed as a teacher or administrator, including, without limitation, a principal and vice principal, or a postprobationary teacher who is employed as an administrator to provide those administrative services shall be deemed to be a probationary employee for the purposes of this section and must serve a 3-year probationary period as an administrator in accordance with the provisions of this section. If:

(a) A postprobationary teacher who is an administrator is not reemployed as an administrator after any year of his or her probationary period; and

(b) There is a position as a teacher available for the ensuing school year in the school district in which the person is employed,

➡ the board of trustees of the school district shall, on or before May 1 or May 15, as applicable, offer the person a contract as a teacher for the ensuing school year. The person may accept the contract in writing on or before May 10 or May 25, as applicable. If the person fails to accept the contract as a teacher, the person shall be deemed to have rejected the offer of a contract as a teacher.

9. An administrator who has completed his or her probationary period pursuant to subsection 8 and is thereafter promoted to the position of principal must serve an additional probationary period of 1 year in the position of principal. If an administrator is promoted to the position of principal before completion of his or her probationary period pursuant to subsection 8, the administrator must serve the remainder of his or her probationary period pursuant to subsection 8 or an additional probationary period of 1 year in the position of principal, whichever is longer. If the administrator serving the additional probationary period is not reemployed as a principal after the expiration of the probationary period or additional probationary period, as applicable, the board of trustees of the school district in which the person is employed shall, on or before May 1 or May 15, as applicable, offer the person a contract for the ensuing school year for the administrative position in which the person attained postprobationary status. The person may accept the contract in writing on or before May 10 or

May 25, as applicable. If the person fails to accept such a contract, the person shall be deemed to have rejected the offer of employment.

Sec. 11. Insofar as they conflict with the provisions of such an agreement, the amendatory provisions of this act do not apply during the current term of any contract of employment or collective bargaining agreement entered into before July 1, 2023, but do apply to any extension or renewal of such an agreement and to any agreement entered into on or after July 1, 2023. For the purposes of this section, the term of an agreement ends on the date provided in the agreement, notwithstanding any provision of the agreement that it remains in effect, in whole or in part, after that date until a successor agreement becomes effective.

Sec. 12. This act becomes effective on July 1, 2023.

Senator Lange moved the adoption of the amendment.

Remarks by Senator Lange.

Amendment No. 409 to Senate Bill No. 292 removes section 3 of the bill, which requires certain administrators in post-probationary status to apply for reappointment every five years, and adds language that if the school's rating is reduced and at least one-half of the teachers request a transfer in any school year, the school associate superintendent or other administrator of the district overseeing the school must provide mentoring to the principal.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 294.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 422.

SUMMARY—Revises provisions relating to the safe storage of firearms.
(BDR 15-47)

AN ACT relating to firearms; ~~creating the crime of unsafe storage of a firearm;~~ requiring a licensed dealer to provide a locking device capable of securing a firearm with each sale or transfer of a firearm; requiring a licensed gun dealer to post a notice on the premises which informs a buyer that the unlawful storage of a firearm may result in imprisonment or a fine; requiring the board of trustees of each school district and the governing body of each charter school to ~~provide active shooter preparedness training to each employee; requiring the Department of Education to include in a model plan for management of a suicide, crisis or emergency a procedure for providing drills to instruct pupils in the appropriate procedures to be followed in response to an active shooter emergency;~~ include certain provisions related to active assailants in a plan for responding to a crisis, emergency or suicide; requiring certain school police officers to receive training in active assailant movement techniques; requiring the Department of Health and Human Services to develop and implement a safe firearm storage education campaign; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) prohibits a person from aiding or knowingly permitting a child to handle, possess or control a firearm under certain circumstances; (2) provides that a person does not aid or knowingly permit a child to violate such existing law if the firearm was stored in a securely locked container or at a location which a reasonable person would have believed to be secure; and (3) makes it a misdemeanor to negligently store or leave a firearm at a location under his or her control, if a person knows or has reason to know that there is a substantial risk that a child, who is otherwise prohibited from handling, possessing or controlling a firearm, may obtain such a firearm. (NRS 202.300)

~~{Section 6 of this bill removes certain provisions of existing law relating to the storage of firearms, and sections 2-4 of this bill instead establish the Safe Firearm Storage Act. Section 5 of this bill makes a conforming change to indicate the proper placement of sections 2-4 in the Nevada Revised Statutes. Section 12 of this bill makes a conforming change to reflect the renumbering of subsections in section 6.~~

~~—Section 3 of this bill, which contains the provisions of the Safe Firearm Storage Act that apply to the storage of firearms by individuals, provides that a person commits the crime of unsafe storage of a firearm when the person: (1) knows or reasonably should know that a child under the age of 18 years, or a resident of the premises that is prohibited from possessing a firearm, can gain access to a firearm; and (2) fails to responsibly and securely store the firearm. Under section 3, a person who commits the crime of unsafe storage of a firearm is guilty of a misdemeanor. Section 3 also creates an affirmative defense to the crime of unsafe storage of a firearm if a child gained possession of and used a firearm for the purpose of exercising certain rights.~~

~~—Additionally, section 3 provides that a person responsibly and securely stores a firearm if: (1) the person carries the firearm on his or her person or within such proximity thereto that the person can readily retrieve and use the firearm as if the person carried the firearm on his or her person; (2) the firearm is kept in a locked gun safe or other secure container or in a manner that a reasonable person would believe to be secure, and a child or a resident of the premises who is prohibited from possessing a firearm does not have access to the key, combination or other unlocking mechanism necessary to open the safe or container; (3) the person properly installs a locking device on the firearm, and a child or resident of the premises who is prohibited from possessing a firearm does not have access to the key; or (4) the firearm is a personalized firearm, and the safety characteristics of the firearm are activated. Section 7 of this bill makes a conforming change to include a necessary reference to section 3 in a provision relating to the forfeiture of personal property used in the commission of an offense.~~

Section 4 of this bill ~~{, which contains the provisions of the Safe Firearm Storage Act relating to the obligations of licensed dealers of firearms,}~~ requires a licensed dealer to: (1) provide with each firearm sold or otherwise

transferred a locking device capable of securing the firearm; and (2) post in a conspicuous location on its premises a notice which informs a buyer that the ~~[unlawful]~~ negligent storage of a firearm may result in imprisonment or a fine. A licensed dealer who violates a requirement of section 4 is guilty of a misdemeanor punishable by a fine of not more than \$500. Section 5 of this bill makes a conforming change to indicate the proper placement of section 4 in the Nevada Revised Statutes.

Existing law requires the board of trustees of each school district and the governing body of each charter school ~~[, at least once a year,] to [provide certain training to each employee of the school]~~ establish a development committee to develop a plan to be used by the schools in the district or [of] the charter school [, including, without limitation, training concerning drills for evacuating and securing schools. (NRS 388.245)] in responding to a crisis, emergency or suicide. Such a committee, under existing law, is required to develop a plan which constitutes the minimum requirements of a plan for a school to use. (NRS 388.241, 388.243)

~~Section [8] 9.1 of this bill [includes in] requires such [training drills for active shooter preparedness.~~

~~Existing law requires the Department of Education to develop a model plan for the management of a suicide or a crisis or emergency that involves a public or private school and requires immediate action. Under existing law, the model plan must provide for drills to instruct pupils in the appropriate procedures to be followed in response to a crisis or an emergency. (NRS 388.253) Section 9 of this bill includes in the model plan drills concerning active shooter preparedness.]~~ a plan to include, if the school district has school police officers, a plan to coordinate with local law enforcement agencies to train school police officers in active assailant movement techniques. In a school district which has more than 50,000 pupils enrolled in its schools, section 9.1 additionally requires the plan to include a plan to: (1) coordinate with local law enforcement agencies or public safety organizations to provide active assailant trainings to certain employees of the school district; (2) provide certain support to pupils, faculty and staff who have experienced a crisis or emergency; (3) ensure that a pupil's parents or legal guardians are notified of a crisis or an emergency through any communication method established by a school; and (4) inform a pupil's parent or legal guardian of any state requirement related to the storage of firearms.

Existing law authorizes: (1) the board of trustees of a school district to employ, appoint or contract for the provision of school police officers; and (2) the governing body of a charter school to contract with the board of trustees of the school district in which the charter school is located to provide school police officers. (NRS 388A.384, 391.281) Sections 9.2 and 9.3 of this bill require school police officers to receive training in active assailant movement techniques before beginning their service as a school police

officer. Section 9.1 defines the terms "active assailant movement techniques" and "active assailant training" for the purpose of sections 9.1-9.3.

Existing law creates within the Department of Health and Human Services a Statewide Program for Suicide Prevention and requires the Coordinator of the Program to develop and maintain an Internet or network site with links to certain resources for suicide prevention. (NRS 439.511) Section 10 of this bill requires the Program, in consultation with the Department and to the extent that money is available, to develop and implement a safe firearm storage education campaign to inform and educate certain persons about certain information relating to the safe storage of firearms. Section 10 authorizes the Program to: (1) develop and provide to local law enforcement agencies and health care providers certain materials relating to the safe storage of firearms; (2) provide owners of firearms with information relating to the cost of purchasing locking devices, gun safes or other secure storage containers for firearms; and (3) use any advertising medium or form of messaging deemed appropriate by the Department in furtherance of the goals of the education campaign. Under section 10, the Department of Health and Human Services is required to post on the Internet or network site certain information about community programs that allow owners of firearms to voluntarily and temporarily store a firearm at certain secure locations outside of their homes.

Section 11 of this bill further requires the Coordinator to post on the Internet or network site information relating to: (1) the crime of ~~unsafe~~ negligent storage of a firearm; (2) the penalties for such an offense; and (3) the requirement that a licensed dealer provide a locking device with each firearm transferred. Section 11 also requires the Coordinator to develop and provide to certain persons an informational pamphlet which includes certain information about the offense of ~~unsafe~~ negligent storage of a firearm.

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

Section 1. Chapter 202 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ~~{Sections 2, 3 and 4 of this act may be referred to as the Safe Firearm Storage Act.}~~ (Deleted by amendment.)

Sec. 3. ~~{1. A person commits the crime of unsafe storage of a firearm when the person:~~

~~— (a) Knows or reasonably should know that a child under the age of 18 years, or a resident of the premises prohibited from possessing a firearm, can gain access to the firearm; and~~

~~— (b) Fails to responsibly and securely store the firearm.~~

~~2. For the purposes of subsection 1, a person responsibly and securely stores a firearm if:~~

~~— (a) The person carries the firearm on his or her person or within such proximity thereto that the person can readily retrieve and use the firearm as if the person carried the firearm on his or her person;~~

~~—(b) The firearm is kept in a locked gun safe or other secure container or in a manner that a reasonable person would believe to be secure, and a child or a resident of the premises who is prohibited from possessing a firearm does not have access to the key, combination or other unlocking mechanism necessary to open the safe or container;~~

~~—(c) The person properly installs a locking device on the firearm, and a child or resident of the premises who is prohibited from possessing a firearm does not have access to the key, combination or other unlocking mechanism necessary to remove the locking device; or~~

~~—(d) The firearm is a personalized firearm, and the safety characteristics of the firearm are activated;~~

~~—3. A person who violates any provision of subsection 1 is guilty of a misdemeanor.~~

~~—4. The provisions of this section do not apply to storing an antique firearm or a firearm that has been determined to be a curio or relic pursuant to 18 U.S.C. Chapter 44.~~

~~—5. It is an affirmative defense to an offense charged pursuant to this section that a child gained possession of and used a firearm for the purpose of exercising the rights contained in NRS 200.120 or 200.200 or in defense of livestock.~~

~~—6. As used in this section:~~

~~—(a) "Locking device" means a device which prohibits the operation or discharge of a firearm and which can only be disabled with the use of a key, a combination, biometric data or other similar means.~~

~~—(b) "Personalized firearm" means a firearm that has, as part of its original manufacture, incorporated design technology that allows the firearm to be fired only by the authorized user and prevents any of the safety characteristics of the firearm from being readily deactivated by anyone other than the authorized user. Such design technology may include, without limitation, fingerprint verification, magnetic encoding, radio frequency tagging and other automatic user identification systems utilizing biometric, mechanical or electronic systems.~~ (Deleted by amendment.)

Sec. 4. 1. Every licensed dealer shall:

(a) Provide with each firearm sold or otherwise transferred a locking device capable of securing the firearm; and

(b) Post in a conspicuous location on its premises and at any other location at which the dealer sells a firearm a sign which is not less than 8.5 inches wide by 11 inches high and which contains, in at least 24-point boldface type, the following:

NOTICE

~~Unlawful~~ Negligent storage of a firearm may result in imprisonment or fine.

2. A licensed dealer who violates any provision of subsection 1 is guilty of a misdemeanor and shall be punished by a fine of not more than \$500.

3. *The provisions of this section do not apply to storing an antique firearm or a firearm that has been determined to be a curio or relic pursuant to 18 U.S.C. Chapter 44.*

4. *As used in this section:*

(a) *"Licensed dealer" has the meaning ascribed to it in NRS 202.2546.*

(b) *"Locking device" ~~has the meaning ascribed to it in section 3 of this act.~~ means a device which prohibits the operation or discharge of a firearm and which can only be disabled with the use of a key, a combination, biometric data or other similar means.*

Sec. 5. NRS 202.253 is hereby amended to read as follows:

202.253 As used in NRS 202.253 to 202.369, inclusive ~~{-}~~ , and ~~{sections 2, 3 and}~~ section 4 of this act:

1. "Antique firearm" has the meaning ascribed to it in 18 U.S.C. § 921(a)(16).

2. "Explosive or incendiary device" means any explosive or incendiary material or substance that has been constructed, altered, packaged or arranged in such a manner that its ordinary use would cause destruction or injury to life or property.

3. "Firearm" means any device designed to be used as a weapon from which a projectile may be expelled through the barrel by the force of any explosion or other form of combustion.

4. "Firearm capable of being concealed upon the person" applies to and includes all firearms having a barrel less than 12 inches in length.

5. "Firearms importer or manufacturer" means a person licensed to import or manufacture firearms pursuant to 18 U.S.C. Chapter 44.

6. "Machine gun" means any weapon which shoots, is designed to shoot or can be readily restored to shoot more than one shot, without manual reloading, by a single function of the trigger.

7. "Motor vehicle" means every vehicle that is self-propelled.

8. "Semiautomatic firearm" means any firearm that:

(a) Uses a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next shell or round;

(b) Requires a separate function of the trigger to fire each cartridge; and

(c) Is not a machine gun.

9. "Unfinished frame or receiver" means a blank, a casting or a machined body that is intended to be turned into the frame or lower receiver of a firearm with additional machining and which has been formed or machined to the point at which most of the major machining operations have been completed to turn the blank, casting or machined body into a frame or lower receiver of a firearm even if the fire-control cavity area of the blank, casting or machined body is still completely solid and unmachined.

Sec. 6. ~~[NRS 202.300 is hereby amended to read as follows:~~

~~202.300 1. Except as otherwise provided in this section, a child under the age of 18 years shall not handle or have in his or her possession or under his or her control, except while accompanied by or under the immediate~~

~~charge of his or her parent or guardian or an adult person authorized by his or her parent or guardian to have control or custody of the child, any firearm of any kind for hunting or target practice or for other purposes. A child who violates this subsection commits a delinquent act and the court may order the detention of the child in the same manner as if the child had committed an act that would have been a felony if committed by an adult.~~

~~2. A person who aids or knowingly permits a child to violate subsection 1:~~

~~— (a) Except as otherwise provided in paragraph (b), for the first offense, is guilty of a misdemeanor.~~

~~— (b) For a first offense, if the person knows or has reason to know that there is a substantial risk that the child will use the firearm to commit a violent act, is guilty of a category C felony and shall be punished as provided in NRS 193.120.~~

~~— (c) For a second or any subsequent offense, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000.~~

~~3. A person does not aid or knowingly permit a child to violate subsection 1 if:~~

~~— (a) [The firearm was stored in a securely locked container or at a location which a reasonable person would have believed to be secure;~~

~~— (b)] The child obtained the firearm as a result of an unlawful entry by any person in or upon the premises where the firearm was stored;~~

~~— [(c)] (b) The injury or death resulted from an accident which was incident to target shooting, sport shooting or hunting; or~~

~~— [(d)] (c) The child gained possession of the firearm from a member of the military or a law enforcement officer, while the member or officer was performing his or her official duties.~~

~~4. The provisions of subsection 1 do not apply to a child who is a member of the Armed Forces of the United States.~~

~~5. [Unless a greater penalty is provided by law, a person is guilty of a misdemeanor who:~~

~~— (a) Negligently stores or leaves a firearm at a location under his or her control; and~~

~~— (b) Knows or has reason to know that there is a substantial risk that a child prohibited from handling or having in his or her possession or under his or her control any firearm pursuant to this section may obtain such a firearm.~~

~~6.] Except as otherwise provided in subsection [9.] 8, a child who is 14 years of age or older, who has in his or her possession a valid license to hunt, may handle or have in his or her possession or under his or her control, without being accompanied by his or her parent or guardian or an adult person authorized by his or her parent or guardian to have control or custody of the child.~~

~~—(a) A rifle or shotgun that is not a fully automatic firearm, if the child is not otherwise prohibited by law from possessing the rifle or shotgun and the child has the permission of his or her parent or guardian to handle or have in his or her possession or under his or her control the rifle or shotgun; or~~

~~—(b) A firearm capable of being concealed upon the person, if the child has the written permission of his or her parent or guardian to handle or have in his or her possession or under his or her control such a firearm and the child is not otherwise prohibited by law from possessing such a firearm;~~

~~— and the child is traveling to the area in which the child will be hunting or returning from that area and the firearm is not loaded, or the child is hunting pursuant to that license.~~

~~—[7.] 6. Except as otherwise provided in subsection [9,] 8, a child who is 14 years of age or older may handle or have in his or her possession or under his or her control a rifle or shotgun that is not a fully automatic firearm if the child is not otherwise prohibited by law from possessing the rifle or shotgun, without being accompanied by his or her parent or guardian or an adult person authorized by his or her parent or guardian to have control or custody of the child, if the child has the permission of his or her parent or guardian to handle or have in his or her possession or under his or her control the rifle or shotgun and the child is:~~

~~—(a) Attending a course of instruction in the responsibilities of hunters or a course of instruction in the safe use of firearms;~~

~~—(b) Practicing the use of a firearm at an established firing range or at any other area where the discharge of a firearm is permitted;~~

~~—(c) Participating in a lawfully organized competition or performance involving the use of a firearm;~~

~~—(d) Within an area in which the discharge of firearms has not been prohibited by local ordinance or regulation and the child is engaging in a lawful hunting activity in accordance with chapter 502 of NRS for which a license is not required;~~

~~—(e) Traveling to or from any activity described in paragraph (a), (b), (c) or (d), and the firearm is not loaded;~~

~~—(f) On real property that is under the control of an adult, and the child has the permission of that adult to possess the firearm on the real property; or~~

~~—(g) At his or her residence.~~

~~—[8.] 7. Except as otherwise provided in subsection [9,] 8, a child who is 14 years of age or older may handle or have in his or her possession or under his or her control, for the purpose of engaging in any of the activities listed in paragraphs (a) to (g), inclusive, of subsection [7,] 6, a firearm capable of being concealed upon the person, without being accompanied by his or her parent or guardian or an adult person authorized by his or her parent or guardian to have control or custody of the child, if the child:~~

~~—(a) Has the written permission of his or her parent or guardian to handle or have in his or her possession or under his or her control such a firearm for the purpose of engaging in such an activity; and~~

~~— (b) Is not otherwise prohibited by law from possessing such a firearm.~~

~~— [9.] 9. A child shall not handle or have in his or her possession or under his or her control a loaded firearm if the child is:~~

~~— (a) An occupant of a motor vehicle;~~

~~— (b) Within any residence, including his or her residence, or any building other than a facility licensed for target practice, unless possession of the firearm is necessary for the immediate defense of the child or another person;~~

~~or~~

~~— (c) Within an area designated by a county or municipal ordinance as a populated area for the purpose of prohibiting the discharge of weapons, unless the child is within a facility licensed for target practice.~~

~~— [10.] 9. For the purposes of this section, a firearm is loaded if:~~

~~— (a) There is a cartridge in the chamber of the firearm;~~

~~— (b) There is a cartridge in the cylinder of the firearm, if the firearm is a revolver; or~~

~~— (c) There is a cartridge in the magazine and the magazine is in the firearm or there is a cartridge in the chamber, if the firearm is a semiautomatic firearm.] (Deleted by amendment.)~~

Sec. 7. ~~[NRS 179.121 is hereby amended to read as follows:~~

~~— 179.121 1. All personal property, including, without limitation, any tool, substance, weapon, machine, computer, money or security, which is used as an instrumentality in any of the following crimes is subject to forfeiture:~~

~~— (a) The commission of or attempted commission of the crime of murder, robbery, kidnapping, burglary, invasion of the home, grand larceny or theft if it is punishable as a felony;~~

~~— (b) The commission of or attempted commission of any felony with the intent to commit, cause, aid, further or conceal an act of terrorism;~~

~~— (c) A violation of NRS 202.445 or 202.446;~~

~~— (d) The commission of any crime by a criminal gang, as defined in NRS 213.1263; or~~

~~— (e) A violation of NRS 200.463 to 200.468, inclusive, 201.300, 201.320, 201.395, 202.265, 202.287, 205.473 to 205.513, inclusive, 205.610 to 205.810, inclusive, 370.380, 370.382, 370.405, 465.070 to 465.086, inclusive, 630.400, 630A.600, 631.400, 632.285, 632.291, 632.315, 633.741, 634.227, 634A.230, 635.167, 636.145, 637.090, 637B.290, 639.100, 639.2813, 640.169, 640A.230, 644A.900 or 654.200 [.] or section 3 of this act.~~

~~— 2. Except as otherwise provided for conveyances forfeitable pursuant to NRS 453.301 or 501.3857, all conveyances, including aircraft, vehicles or vessels, which are used or intended for use during the commission of a felony or a violation of NRS 202.287, 202.300 or 465.070 to 465.086, inclusive, are subject to forfeiture except that:~~

~~— (a) A conveyance used by any person as a common carrier in the transaction of business as a common carrier is not subject to forfeiture under~~

~~this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to the felony or violation;~~

~~— (b) A conveyance is not subject to forfeiture under this section by reason of any act or omission established by the owner thereof to have been committed or omitted without the owner's knowledge, consent or willful blindness;~~

~~— (c) A conveyance is not subject to forfeiture for a violation of NRS 202.300 or section 3 of this act if the firearm used in the violation of that section was not loaded at the time of the violation; and~~

~~— (d) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the felony. If a conveyance is forfeited, the appropriate law enforcement agency may pay the existing balance and retain the conveyance for official use.~~

~~3. For the purposes of this section, a firearm is loaded if:~~

~~— (a) There is a cartridge in the chamber of the firearm;~~

~~— (b) There is a cartridge in the cylinder of the firearm, if the firearm is a revolver; or~~

~~— (c) There is a cartridge in the magazine and the magazine is in the firearm or there is a cartridge in the chamber, if the firearm is a semiautomatic firearm.~~

~~4. As used in this section, "act of terrorism" has the meaning ascribed to it in NRS 202.4415.} (Deleted by amendment.)~~

Sec. 8. ~~[NRS 388.245 is hereby amended to read as follows:~~

~~388.245 1. Each emergency operations plan development committee shall, at least once each year, review and update as appropriate the plan that it developed pursuant to NRS 388.243. In reviewing and updating the plan, the emergency operations plan development committee shall consult with the director of the local organization for emergency management or, if there is no local organization for emergency management, with the Chief of the Division of Emergency Management of the Office of the Military or his or her designee.~~

~~2. Each emergency operations plan development committee shall provide an updated copy of the plan to the board of trustees of the school district that established the committee or the governing body of the charter school that established the committee.~~

~~3. On or before July 1 of each year, the board of trustees of the school district that established the committee or the governing body of the charter school that established the committee shall submit for review to the Division of Emergency Management of the Office of the Military the plan updated pursuant to subsection 1.~~

~~4. The board of trustees of each school district and the governing body of each charter school shall:~~

~~— (a) Post a notice of the completion of each review and update that its emergency operations plan development committee performs pursuant to~~

~~subsection 1 on the Internet website maintained by the school district or governing body and by each school in the school district or by the charter school, as applicable;~~

~~— (b) File with the Department a copy of the notice posted pursuant to paragraph (a);~~

~~— (c) Post a link to NRS 388.229 to 388.266, inclusive, on the Internet website maintained by each school in its school district or by the charter school;~~

~~— (d) Retain a copy of each plan developed pursuant to NRS 388.243, each plan updated pursuant to subsection 1 and each deviation approved pursuant to NRS 388.251;~~

~~— (e) Provide a copy of each plan developed pursuant to NRS 388.243 and each plan updated pursuant to subsection 1 to:~~

~~— (1) Each local public safety agency in the county in which the school district or charter school is located; and~~

~~— (2) The local organization for emergency management, if any;~~

~~— (f) Upon request, provide a copy of each plan developed pursuant to NRS 388.243 and each plan updated pursuant to subsection 1 to a local agency that is included in the plan and to an employee of a school who is included in the plan;~~

~~— (g) Provide a copy of each deviation approved pursuant to NRS 388.251 as soon as practicable to:~~

~~— (1) The Department;~~

~~— (2) A local public safety agency in the county in which the school district or charter school is located;~~

~~— (3) The Division of Emergency Management of the Office of the Military;~~

~~— (4) The local organization for emergency management, if any;~~

~~— (5) A local agency that is included in the plan; and~~

~~— (6) An employee of a school who is included in the plan; and~~

~~— (h) At least once each year, provide training in responding to a crisis and training in responding to an emergency to each employee of the school district or of the charter school, including, without limitation, training concerning drills for active shooter preparedness and evacuating and securing schools;~~

~~— 5. The board of trustees of each school district and the governing body of each charter school may apply for and accept gifts, grants and contributions from any public or private source to carry out the provisions of NRS 388.229 to 388.266, inclusive. (Deleted by amendment.)~~

Sec. 9. ~~[NRS 388.253 is hereby amended to read as follows:~~

~~388.253 1. The Department shall, with assistance from other state agencies, including, without limitation, the Division of Emergency Management of the Office of the Military and the Investigation Division and the Nevada Highway Patrol Division of the Department of Public Safety, develop a model plan for the management of:~~

- ~~— (a) A suicide;~~
- ~~— (b) A crisis or emergency that involves a public school or a private school and that requires immediate action; and~~
- ~~— (c) All other hazards.~~
- ~~2. The model plan must include, without limitation, a procedure for:~~
 - ~~— (a) In response to a crisis or emergency:~~
 - ~~— (1) Coordinating the resources of local, state and federal agencies, officers and employees, as appropriate;~~
 - ~~— (2) Accounting for all persons within a school;~~
 - ~~— (3) Assisting persons within a school in a school district, a charter school or a private school to communicate with each other;~~
 - ~~— (4) Assisting persons within a school in a school district, a charter school or a private school to communicate with persons located outside the school, including, without limitation, relatives of pupils and relatives of employees of such a school, the news media and persons from local, state or federal agencies that are responding to a crisis or an emergency;~~
 - ~~— (5) Assisting pupils of a school in the school district, a charter school or a private school, employees of such a school and relatives of such pupils and employees to move safely within and away from the school, including, without limitation, a procedure for evacuating the school and a procedure for securing the school;~~
 - ~~— (6) Reunifying a pupil with his or her parent or legal guardian;~~
 - ~~— (7) Providing any necessary medical assistance;~~
 - ~~— (8) Recovering from a crisis or emergency;~~
 - ~~— (9) Carrying out a lockdown at a school;~~
 - ~~— (10) Providing shelter in specific areas of a school; and~~
 - ~~— (11) Providing disaster behavioral health related to a crisis, emergency or suicide. [;]~~
 - ~~— (b) Providing specific information relating to managing a crisis or emergency that is a result of:~~
 - ~~— (1) An incident involving hazardous materials;~~
 - ~~— (2) An incident involving mass casualties;~~
 - ~~— (3) An incident involving an active shooter;~~
 - ~~— (4) An incident involving a fire, explosion or other similar situation;~~
 - ~~— (5) An outbreak of disease, including, without limitation, an epidemic;~~
 - ~~— (6) Any threat or hazard identified in the hazard mitigation plan of the county in which the school district is located, if such a plan exists; or~~
 - ~~— (7) Any other situation, threat or hazard deemed appropriate. [;]~~
 - ~~— (c) Providing pupils and staff at a school that has experienced a crisis or emergency with access to counseling and other resources to assist in recovering from the crisis or emergency. [;]~~
 - ~~— (d) Evacuating pupils and employees of a charter school to a designated space within an identified public middle school, junior high school or high school in a school district that is separate from the general population of the school and large enough to accommodate the charter school, and such a~~

~~space may include, without limitation, a gymnasium or multipurpose room of the public school. [;]~~

~~— (e) Selecting an assessment tool which assists in responding to a threat against the school by a pupil or pupils. [;]~~

~~— (f) On an annual basis, providing drills to instruct pupils in the appropriate procedures to be followed in response to a crisis or an emergency [; , including, without limitation, drills concerning active shooter preparedness. Such drills must occur:~~

~~— (1) At different times during normal school hours; and~~

~~— (2) In cooperation with other state agencies, pursuant to this section.~~

~~— (g) Responding to a suicide or attempted suicide to mitigate the effects of the suicide or attempted suicide on pupils and staff at the school, including, without limitation, by making counseling and other appropriate resources to assist in recovering from the suicide or attempted suicide available to pupils and staff. [;]~~

~~— (h) Providing counseling and other appropriate resources to pupils and school staff who have contemplated or attempted suicide. [;]~~

~~— (i) Outreach to persons and organizations located in the community in which a school that has had a suicide by a pupil, including, without limitation, religious and other nonprofit organizations, that may be able to assist with the response to the suicide. [;]~~

~~— (j) Addressing the needs of pupils at a school that has experienced a crisis, emergency or suicide who are at a high risk of suicide, including, without limitation, pupils who are members of the groups described in subsection 3 of NRS 388.256. [; and]~~

~~— (k) Responding to a pupil who is determined to be a person in mental health crisis, as defined in NRS 433A.0175, including, without limitation:~~

~~— (1) Utilizing mobile mental health crisis response units, where available, before transporting the pupil to a public or private mental health facility pursuant to subparagraph (2); and~~

~~— (2) Transporting the pupil to a public or private mental health facility or hospital for placement on a mental health crisis hold pursuant to NRS 433A.160.~~

~~— 3. In developing the model plan, the Department shall consider the plans developed pursuant to NRS 388.243 and 394.1687 and updated pursuant to NRS 388.245 and 394.1688.~~

~~— 4. The Department shall require a school district to ensure that each public school in the school district identified pursuant to paragraph (d) of subsection 2 is prepared to allow a charter school to evacuate to the school when necessary in accordance with the procedure included in the model plan developed pursuant to subsection 1. A charter school shall hold harmless, indemnify and defend the school district to which it evacuates during a crisis or an emergency against any claim or liability arising from an act or omission by the school district or an employee or officer of the school district.~~

~~5. The Department may disseminate to any appropriate local, state or federal agency, officer or employee, as the Department determines is necessary;~~

~~(a) The model plan developed by the Department pursuant to subsection 1;~~

~~(b) A plan developed pursuant to NRS 388.243 or updated pursuant to NRS 388.245;~~

~~(c) A plan developed pursuant to NRS 394.1687 or updated pursuant to NRS 394.1688; and~~

~~(d) A deviation approved pursuant to NRS 388.251 or 394.1692.~~

~~6. The Department shall, at least once each year, review and update as appropriate the model plan developed pursuant to subsection 1. (Deleted by amendment.)~~

Sec. 9.1. NRS 388.243 is hereby amended to read as follows:

388.243 1. Each emergency operations plan development committee established by the board of trustees of a school district shall develop one plan, which constitutes the minimum requirements of a plan, to be used by all the public schools other than the charter schools in the school district in responding to a crisis, emergency or suicide and all other hazards. Each emergency operations plan development committee established by the governing body of a charter school shall develop a plan, which constitutes the minimum requirements of a plan, to be used by the charter school in responding to a crisis, emergency or suicide and all other hazards. Each emergency operations plan development committee shall, when developing the plan:

(a) Consult with local social service agencies and local public safety agencies in the county in which its school district or charter school is located.

(b) If the school district has an emergency manager designated pursuant to NRS 388.262, consult with the emergency manager.

(c) If the school district has school resource officers, consult with the school resource officer or a person designated by him or her.

(d) If the school district has school police officers, consult with the chief of school police of the school district or a person designated by him or her.

(e) Consult with the director of the local organization for emergency management or, if there is no local organization for emergency management, with the Chief of the Division of Emergency Management of the Office of the Military or his or her designee.

(f) Consult with the State Fire Marshal or his or her designee and a representative of a local government responsible for enforcement of the ordinances, codes or other regulations governing fire safety.

(g) Determine which persons and organizations in the community, including, without limitation, a provider of mental health services which is operated by a state or local agency, that could be made available to assist pupils and staff in recovering from a crisis, emergency or suicide.

2. The plan developed pursuant to subsection 1 must include, without limitation:

(a) The plans, procedures and information included in the model plan developed by the Department pursuant to NRS 388.253;

(b) A procedure for responding to a crisis or an emergency and for responding during the period after a crisis or an emergency has concluded, including, without limitation, a crisis or an emergency that results in immediate physical harm to a pupil or employee of a school in the school district or the charter school;

(c) A procedure for enforcing discipline within a school in the school district or the charter school and for obtaining and maintaining a safe and orderly environment during a crisis or an emergency;

(d) The names of persons and organizations in the community, including, without limitation, a provider of mental health services which is operated by a state or local agency, that are available to provide counseling and other services to pupils and staff of the school to assist them in recovering from a crisis, emergency or suicide;

(e) A plan for making the persons and organizations described in paragraph (d) available to pupils and staff after a crisis, emergency or suicide;

(f) A procedure for responding to a crisis or an emergency that occurs during an extracurricular activity which takes place on school grounds;

(g) A plan which includes strategies to assist pupils and staff at a school in recovering from a suicide; and

(h) A description of the organizational structure which ensures there is a clearly defined hierarchy of authority and responsibility used by the school for the purpose of responding to a crisis, emergency or suicide.

(i) If the school district has school police officers, a plan to coordinate with local law enforcement agencies to train school police officers in active assailant movement techniques.

(j) In a school district which has more than 50,000 pupils enrolled in its schools, a plan to:

(1) Coordinate with local law enforcement agencies or public safety organizations to provide active assailant trainings to each employee of the school district;

(2) Provide support to:

(I) Pupils who have experienced a crisis or emergency by using trauma-informed and age-appropriate resources.

(II) Faculty and staff who have experienced a crisis or emergency by using trauma-informed resources.

(3) Ensure that a pupil's parents or legal guardians are notified of a crisis or an emergency through any communication method established by a school, including, without limitation, communicating through text message or electronic mail.

(4) At least twice each academic year, inform a pupil's parent or legal guardian of any state requirement related to the storage of firearms.

including, without limitation, the crimes and penalties described in subsection 5 of NRS 202.300 and section 4 of this act.

3. Each emergency operations plan development committee shall provide for review a copy of the plan that it develops pursuant to this section to the board of trustees of the school district that established the committee or the governing body of the charter school that established the committee.

4. The board of trustees of the school district that established the committee or the governing body of the charter school that established the committee shall submit for review to the Division of Emergency Management of the Office of the Military the plan developed pursuant to this section.

5. Except as otherwise provided in NRS 388.249 and 388.251, each public school must comply with the plan developed for it pursuant to this section.

6. As used in this section:

(a) "Active assailant movement techniques" means any training in the technical and tactical skills necessary for school police officers to respond to a crisis or emergency concerning an active assailant.

(b) "Active assailant training" means any training in responding to a crisis or emergency concerning an active assailant that is necessary to evacuate or secure the school.

Sec. 9.2. NRS 388A.384 is hereby amended to read as follows:

388A.384 1. If the governing body of a charter school makes a request to the board of trustees of the school district in which the charter school is located for the provision of school police officers pursuant to NRS 388A.378, the board of trustees of the school district must enter into a contract with the governing body for that purpose. Such a contract must provide for payment by the charter school for the provision of school police officers by the school district which must be in an amount not to exceed the actual cost to the school district of providing the officers, including, without limitation, any other costs associated with providing the officers. If the school district is the sponsor of the charter school, the contract entered into pursuant to this section must be separate from any other contract or agreement with the sponsor.

2. Any contract for the provision of school police officers pursuant to this section must be entered into between the governing body of the charter school and the board of trustees of the school district by not later than March 15 for the next school year and must provide for the provision of school police officers for not less than 3 school years.

3. A school district that enters into a contract pursuant to this section with a charter school for the provision of school police officers is immune from civil and criminal liability for any act or omission of a school police officer that provides services to the charter school pursuant to the contract.

4. The governing body of a charter school shall ensure that each school police officer receives training in active assailant movement techniques before beginning his or her service as a school police officer.

5. As used in this section, "active assailant movement techniques" has the meaning ascribed to it in NRS 388.243.

Sec. 9.3. NRS 391.281 is hereby amended to read as follows:

391.281 1. Each applicant for employment or appointment pursuant to this section or employee, except a teacher or other person licensed by the Superintendent of Public Instruction, must, before beginning his or her employment or appointment and at least once every 5 years thereafter, submit to the school district:

(a) A full set of the applicant's or employee's fingerprints and written permission authorizing the school district to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant or employee and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant or employee.

(b) Written authorization for the board of trustees of the school district to obtain any information concerning the applicant or employee that may be available from the Statewide Central Registry and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant or employee has resided within the immediately preceding 5 years.

2. In conducting an investigation into the background of an applicant or employee, a school district may cooperate with any appropriate law enforcement agency to obtain information relating to the criminal history of the applicant or employee, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant or employee.

3. The board of trustees of a school district may use a substantiated report of the abuse or neglect of a child, as defined in NRS 392.281, or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:

(a) In making determinations concerning assignments, requiring retraining, imposing discipline, hiring or termination; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

4. The board of trustees of a school district:

(a) May accept any gifts, grants and donations to carry out the provisions of subsections 1 and 2.

(b) May not be held liable for damages resulting from any action of the board of trustees authorized by subsection 2 or 3.

5. The board of trustees of a school district may employ or appoint persons to serve as school police officers. If the board of trustees of a school district employs or appoints persons to serve as school police officers, the

board of trustees shall employ a law enforcement officer to serve as the chief of school police who is supervised by the superintendent of schools of the school district. The chief of school police shall supervise each person appointed or employed by the board of trustees as a school police officer, including any school police officer that provides services to a charter school pursuant to a contract entered into with the board of trustees pursuant to NRS 388A.384. In addition, persons who provide police services pursuant to subsection 6 or 7 shall be deemed school police officers.

6. The board of trustees of a school district in a county that has a metropolitan police department created pursuant to chapter 280 of NRS may contract with the metropolitan police department for the provision and supervision of police services in the public schools within the jurisdiction of the metropolitan police department and on property therein that is owned by the school district and on property therein that is owned or occupied by a charter school if the board of trustees has entered into a contract with the charter school for the provision of school police officers pursuant to NRS 388A.384. If a contract is entered into pursuant to this subsection, the contract must make provision for the transfer of each school police officer employed by the board of trustees to the metropolitan police department. If the board of trustees of a school district contracts with a metropolitan police department pursuant to this subsection, the board of trustees shall, if applicable, cooperate with appropriate local law enforcement agencies within the school district for the provision and supervision of police services in the public schools within the school district, including, without limitation, any charter school with which the school district has entered into a contract for the provision of school police officers pursuant to NRS 388A.384, and on property owned by the school district and, if applicable, the property owned or occupied by the charter school, but outside the jurisdiction of the metropolitan police department.

7. The board of trustees of a school district in a county that does not have a metropolitan police department created pursuant to chapter 280 of NRS may contract with the sheriff of that county for the provision of police services in the public schools within the school district, including, without limitation, in any charter school with which the board of trustees has entered into a contract for the provision of school police officers pursuant to NRS 388A.384, and on property therein that is owned by the school district and, if applicable, the property owned or occupied by the charter school.

8. The board of trustees of a school district shall ensure that each school police officer receives training in ~~the~~ :

- (a) The prevention of suicide ; and
- (b) Active assailant movement techniques.

→ before beginning his or her service as a school police officer.

9. As used in this section, "active assailant movement techniques" has the meaning ascribed to it in NRS 388.243.

Sec. 10. Chapter 439 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *To the extent that money is available, and in consultation with the Department, the Statewide Program for Suicide Prevention shall develop and implement a safe firearm storage education campaign to inform and educate purchasers of firearms, licensed dealers, shooting ranges and safety instructors about the safe storage of firearms and state requirements related to the safe storage of firearms.*

2. *As part of the education campaign, the Statewide Program for Suicide Prevention may:*

(a) Develop and provide materials to local law enforcement agencies and health care providers to assist with educating the public about the safe storage of firearms and state requirements related to the storage of firearms;

(b) Provide information to owners of firearms about programs that assist with the cost of purchasing locking devices for firearms, gun safes or other secure storage containers for firearms, including, without limitation, programs that provide free or reduced-price locking devices; and

(c) In furtherance of the goals of the education campaign, use any publishing, radio or other advertising medium or any other form of messaging deemed appropriate by the Department.

3. *The Department shall provide information on the Internet or network site developed pursuant to paragraph (i) of subsection ~~42~~ 3 of NRS 439.511, information about community programs that allow owners of firearms to voluntarily and temporarily store a firearm at a secure location outside of the home, including, without limitation, a licensed dealer, gun range or law enforcement agency.*

4. *The Department may provide assistance to any local entity that facilitates a program described in subsection 3.*

5. *The Department may accept gifts, grants and donations from any source for the purpose of carrying out the provisions of this section.*

Sec. 11. NRS 439.511 is hereby amended to read as follows:

439.511 1. There is hereby created within the Department a Statewide Program for Suicide Prevention. The Department shall implement the Statewide Program for Suicide Prevention, which must, without limitation:

(a) Create public awareness for issues relating to suicide prevention;

(b) Build community networks; and

(c) Carry out training programs for suicide prevention for law enforcement personnel, providers of health care, school employees, family members of veterans, members of the military and other persons at risk of suicide and other persons who have contact with persons at risk of suicide.

2. The Director shall employ a Coordinator of the Statewide Program for Suicide Prevention. The Coordinator:

(a) Must have at least the following education and experience:

(1) A bachelor's degree in social work, psychology, sociology, counseling or a closely related field and 5 years or more of work experience in behavioral health or a closely related field; or

(2) A master's degree or a doctoral degree in social work, psychology, sociology, counseling, public health or a closely related field and 2 years or more of work experience in behavioral health or a closely related field.

(b) Should have as many of the following characteristics as possible:

(1) Significant professional experience in social services, mental health or a closely related field;

(2) Knowledge of group behavior and dynamics, methods of facilitation, community development, behavioral health treatment and prevention programs, and community-based behavioral health problems;

(3) Experience in working with diverse community groups and constituents; and

(4) Experience in writing grants and technical reports.

3. The Coordinator shall:

(a) Provide educational activities to the general public relating to suicide prevention;

(b) Provide training to persons who, as part of their usual routine, have face-to-face contact with persons who may be at risk of suicide, including, without limitation, training to recognize persons at risk of suicide and providing information on how to refer those persons for treatment or supporting services, as appropriate;

(c) To the extent that money is available for this purpose, provide training to family members of veterans, members of the military and other persons at risk of suicide, including, without limitation, training in recognizing and productively interacting with persons at risk of suicide and the manner in which to refer those persons to persons professionally trained in suicide intervention and prevention;

(d) Develop and carry out public awareness and media campaigns in each county targeting groups of persons who are at risk of suicide;

(e) Enhance crisis services relating to suicide prevention;

(f) Link persons trained in the assessment of and intervention in suicide with schools, public community centers, nursing homes and other facilities serving persons most at risk of suicide;

(g) Coordinate the establishment of local advisory groups in each county to support the efforts of the Statewide Program;

(h) Work with groups advocating suicide prevention, community coalitions, managers of existing crisis hotlines that are nationally accredited or certified, and staff members of mental health agencies in this State to identify and address the barriers that interfere with providing services to groups of persons who are at risk of suicide, including, without limitation, elderly persons, Native Americans, youths and residents of rural communities;

(i) Develop and maintain an Internet or network site with links to appropriate resource documents, suicide hotlines that are nationally accredited or certified, licensed professional personnel, state and local mental health agencies and appropriate national organizations;

(j) *Post on the Internet or network site developed and maintained pursuant to paragraph (i) any applicable law relating to the ~~unsafe~~ negligent storage of a firearm, including, without limitation, the crimes and penalties described in ~~sections 3 and~~ subsection 5 of NRS 202.300 and section 4 of this act;*

(k) Review current research on data collection for factors related to suicide and develop recommendations for improved systems of surveillance and uniform collection of data;

~~{(k)}~~ (l) Develop and submit proposals for funding from agencies of the Federal Government and nongovernmental organizations; ~~and~~

~~{(l)}~~ (m) Oversee and provide technical assistance to each person employed to act as a trainer for suicide prevention pursuant to NRS 439.513 ~~{-}~~; and

(n) *Develop and provide to licensed dealers, shooting ranges, safety instructors and health care providers an information pamphlet which includes information about any applicable law relating to the ~~unsafe~~ negligent storage of a firearm, including, without limitation, ~~sections 3 and~~ subsection 5 of NRS 202.300 and section 4 of this act.*

4. As used in this section:

(a) "Internet or network site" means any identifiable site on the Internet or on a network and includes, without limitation:

(1) A website or other similar site on the World Wide Web;

(2) A site that is identifiable through a Uniform Resource Locator; and

(3) A site on a network that is owned, operated, administered or controlled by a provider of Internet service.

(b) "Systems of surveillance" means systems pursuant to which the health conditions of the general public are regularly monitored through systematic collection, evaluation and reporting of measurable information to identify and understand trends relating to suicide.

Sec. 12. ~~{NRS 502.010 is hereby amended to read as follows:~~

~~502.010 1. A person who hunts or fishes any wildlife without having first procured a license or permit to do so, as provided in this title, is guilty of a misdemeanor, except that:~~

~~(a) A license to hunt or fish is not required of a resident of this State who is under 12 years of age, unless required for the issuance of tags as prescribed in this title or by the regulations of the Commission.~~

~~(b) A license to fish is not required of a nonresident of this State who is under 12 years of age, but the number of fish taken by the nonresident must not exceed 50 percent of the daily creel and possession limits as provided by law.~~

~~(c) Except as otherwise provided in subsection ~~{6}~~ 5 or ~~{7}~~ 6 of NRS 202.300 and NRS 502.066, it is unlawful for any child who is under~~

~~18 years of age to hunt any wildlife with any firearm, unless the child is accompanied at all times by the child's parent or guardian or is accompanied at all times by an adult person authorized by the child's parent or guardian to have control or custody of the child to hunt if the authorized person is also licensed to hunt.~~

~~—(d) A child under 12 years of age, whether accompanied by a qualified person or not, shall not hunt big game in the State of Nevada unless he or she participates in a program established pursuant to NRS 502.104. This section does not prohibit any child from accompanying an adult licensed to hunt.~~

~~—(e) The Commission may adopt regulations setting forth:~~

~~—(1) The species of wildlife which may be hunted or trapped without a license or permit; or~~

~~—(2) The circumstances under which a person may fish without a license, permit or stamp in a lake or pond that is located entirely on private property and is stocked with lawfully acquired fish.~~

~~—(f) The Commission may declare 1 day per year as a day upon which persons may fish without a license to do so.~~

~~—2. This section does not apply to the protection of persons or property from unprotected wildlife on or in the immediate vicinity of home or ranch premises.~~ (Deleted by amendment.)

Sec. 13. This act becomes effective on July 1, 2023.

Senator Scheible moved the adoption of the amendment.

Remarks by Senator Scheible.

Amendment No. 422 to Senate Bill No. 294 removes section 3 of the bill, thereby retaining current statutory language concerning safe firearm storage and the penalties for negligent or unsafe storage, and adds new language in sections 8 and 9 revising provisions concerning how governing bodies of charter schools and school districts which have more than 50,000 pupils enrolled are to train officers, educate students and staff, and communicate with parents and guardians regarding active assailant training, preparedness and notification.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 303.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 517.

SUMMARY—Revises provisions relating to motor vehicles. (BDR 43-673)

AN ACT relating to motor vehicles; providing that it is an unfair act or practice for a manufacturer to not compensate a dealer fairly for warranty work or a recall service or repair or to violate certain provisions; setting forth a process for calculating the rate at which a manufacturer must compensate a dealer for warranty work or a recall service or repair; requiring the Director of the Department of Motor Vehicles to decide certain disputes between a dealer and a manufacturer relating to the payment of compensation to a

dealer for warranty work or a recall service or repair; making various other changes relating to motor vehicles; and other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that it is an unfair act or practice for any manufacturer of motor vehicles, trailers or semitrailers to fail to compensate a dealer fairly for labor, parts and other expenses incurred by the dealer under the manufacturer's warranty agreements or any recall service or repair. (NRS 482.36385) Section 22 of this bill removes this provision. Sections 2-16 of this bill set forth new requirements for calculating the compensation that a manufacturer must pay a dealer for such purposes.

Section 8 of this bill provides that it is an unfair act or practice for a manufacturer to: (1) fail to compensate a dealer fairly for labor ~~and~~ and parts ~~and other expenses incurred by the dealer~~ for warranty work or a recall service or repair; or (2) violate any of the provisions of sections 9-15 of this bill. Section 8 further provides that it shall be deemed that a dealer has been fairly compensated by a manufacturer for warranty work if the manufacturer compensates the dealer for: (1) labor ~~relating to~~ for warranty work ~~in an amount that is equal to the~~ at the dealer's prevailing retail labor rate ; ~~multiplied by the applicable time allowances prescribed in the guide used by the dealer for labor furnished for repairs other than warranty work;~~ and (2) parts ~~relating to~~ used in warranty work in an amount that is equal to the dealer's cost for the parts, pursuant to section 12 of this bill, multiplied by the prevailing retail parts markup.

Section 9 of this bill sets forth the process for a dealer to establish or modify the prevailing retail labor rate and prevailing retail parts markup of the dealer. Specifically, section 9 requires the dealer to submit in writing to the manufacturer the prevailing retail labor rate and prevailing retail parts markup, which must be based on certain qualifying repair orders of the dealer. Section 9 further requires the dealer to submit certain qualifying repair orders to the manufacturer.

Section 10 of this bill authorizes a manufacturer to contest the material accuracy or reasonableness of the prevailing retail labor rate and prevailing retail parts markup of a dealer not later than 30 days after receiving the qualifying repair orders from the dealer. If a manufacturer contests the material accuracy or reasonableness of any such rate or markup, section 10 requires the manufacturer to provide the dealer with the manufacturer's calculation of the prevailing retail labor rate and prevailing retail parts markup of the dealer ~~and~~ and any additional applicable information. If a ~~dealer agrees with a manufacturer's contest of~~ manufacturer contests the material accuracy of the prevailing retail labor rate or prevailing retail parts markup based on a dealer's submission of inaccurate or nonqualifying repair orders, section 10 authorizes the dealer to ~~submit~~ correct any inaccuracy with an updated submission of replacement accurate or qualifying repair orders and update the prevailing retail labor rate or prevailing retail parts

markup calculation based on the replacement repair orders, as applicable. Such a submission by a dealer will not be considered a ~~new submission~~ modification for the purposes of section 9 and will be deemed submitted as of the date of the ~~original~~ updated submission.

Section 11 of this bill authorizes a dealer to file a protest with the Director of the Department of Motor Vehicles if the dealer does not agree with the manufacturer's calculations of the prevailing retail labor rate and prevailing retail parts markup. If the Director receives such a protest, the Director is required to hold a hearing to decide the prevailing retail labor rate or prevailing retail parts markup of the dealer, as applicable. Sections 18-21 of this bill make conforming changes to apply existing provisions of law relating to conducting discovery and hearings held by the Director relating to certain other actions between a dealer and a manufacturer to the protests provided for in section 11.

Section 12 provides that if a manufacturer furnishes or causes to be furnished parts to a dealer at no cost ~~for a reduced cost~~ for purposes of performing warranty work or a recall service or repair, the manufacturer ~~is required to~~ may compensate the dealer ~~for the~~ for a reasonable handling fee instead of the dealer's prevailing retail parts markup. Section 12 further provides that if a manufacturer furnishes parts to a dealer at a reduced cost for purposes of performing warranty work or a recall service or repair, the manufacturer is required to compensate the dealer for the dealer's costs for the parts ~~if any~~ plus an amount that is equal to the dealer's prevailing retail parts markup multiplied by the ~~fair market wholesale value~~ cost of the parts. ~~Section 12 further sets forth the calculation for the fair market wholesale value of the parts in the current or previously established price schedule of the manufacturer, whichever is greater.~~

Section 13 of this bill prohibits a manufacturer from ~~[(1) establishing or implementing a special part or component number for parts used in warranty work if doing so will result in lower compensation to the dealer; or (2)]~~ requiring, influencing or attempting to influence a dealer to implement or change the price for which the dealer sells parts or provides labor for any retail repair by taking certain action.

Section 14 of this bill prohibits a manufacturer from taking or threatening to take adverse action against a dealer ~~who requests~~ on the sole basis that the dealer has requested compensation for warranty work or a recall service or repair at the dealer's prevailing retail labor rate and prevailing retail parts markup by taking certain actions.

Section 15 of this bill prohibits, with certain exceptions, a manufacturer from recovering or attempting to recover any portion of its costs for compensating a dealer for warranty work or a recall service or repair.

Section 16 of this bill authorizes a dealer to file a protest with the Director of the Department if the manufacturer does not compensate a dealer for warranty work or a recall service or repair that is based on the dealer's prevailing retail labor rate and prevailing retail parts markup. Sections 18-21

make conforming changes to apply existing provisions of law relating to conducting discovery and holding hearings held by the Director relating to certain other actions between a dealer and a manufacturer to the protests provided for in section 16.

Sections 2-7 of this bill, respectively, define the terms "parts," "qualifying repair," "qualifying repair order," "repair order," "warranty agreement" and "warranty work."

Section 17 of this bill makes a conforming change to indicate the proper placement of sections 2-16 in the Nevada Revised Statutes.

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

Section 1. Chapter 482 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 16, inclusive, of this act.

Sec. 2. "Parts" means the original ~~for replacement~~ parts, accessories, components or systems of a vehicle ~~including, without limitation, the engine, transmission, an electric vehicle battery and other parts assemblies.~~ listed in the manufacturer's parts catalog.

Sec. 3. "Qualifying repair" means a repair to a vehicle like that which would have come within the manufacturer's new motor vehicle warranty but for the vehicle having exceeded the time or mileage limit of the warranty. The term does not include:

1. Any routine maintenance, including, without limitation, replacement of fluids, filters, batteries, bulbs, belts, nuts, bolts or fasteners;

2. The replacement of or work on tires ~~and~~ wheels, ~~for elements related to tires or wheels,~~ including, without limitation, vehicle alignment and tire or wheel rotation;

3. A repair for which a volume discount has been negotiated with a governmental agency ; ~~insurer, extended warranty or service contract provider or other third party payor;~~

4. A repair that is the subject of a manufacturer special event, promotion or service campaign or a repair that is otherwise subject to a manufacturer discount;

5. A repair of a vehicle that is owned by the dealer or an employee of the dealer;

6. The installation of an accessory on a motor vehicle;

7. A repair ~~for any condition caused by a collision, road hazard, the force of the elements, vandalism, theft or the negligence or deliberate act of the owner, an operator or a third party;~~ performed in a body shop;

8. Any safety or vehicle emission inspection that is otherwise required by law;

9. The reconditioning of a vehicle;

10. Any repair ~~for replacement~~ using a part sold at wholesale;

11. ~~Any repair or replacement using after-market parts;~~

~~12.~~ A goodwill repair or replacement that is approved and reimbursed by the manufacturer; or

~~f13, f12.~~ 12. A repair that is performed on a line or make of vehicles for which the dealer is not franchised by the manufacturer.

Sec. 4. "Qualifying repair order" means a repair order that encompasses, in whole or in part, one or more qualifying repair.

Sec. 5. "Repair order" means an invoice for one or more repairs to a vehicle that is paid by a retail customer and closed as of the time of submission where the invoice includes:

1. The ~~prevailing retail parts markup, the~~ cost of each part and its sale price; and

2. The ~~prevailing retail labor rate that reflects the~~ labor hours allocated to each job and the sale price of the labor.

Sec. 6. "Warranty agreement" means a manufacturer's new motor vehicle warranty ~~f1~~ or certified pre-owned warranty ~~, for any other obligation of a manufacturer to repair or replace a defect in a vehicle or part, including, without limitation, a repair pursuant to a technical service bulletin, customer service campaign or safety recall in accordance with federal law or regulation.~~

Sec. 7. "Warranty work" means ~~transportation, delivery, preparatory work and labor, including, without limitation, diagnostic labor, performed by or arranged to be~~ work performed by a dealer ~~in order to fulfill the obligations of a warranty or recall that is required, requested or approved by a manufacturer pursuant to~~ pursuant to a warranty agreement ~~f1~~, including, without limitation, reasonable and necessary diagnostic time and safety recall service or repairs in accordance with federal laws and regulations.

Sec. 8. 1. It is an unfair act or practice for a manufacturer to:

(a) Fail to compensate a dealer fairly for labor ~~f1~~ and parts ~~and other expenses incurred by the dealer~~ for warranty work or any recall service or repair ~~f1~~ performed by a dealer; or

(b) Violate any provision of sections 9 to 15, inclusive, of this act.

2. For purposes of subsection 1, it shall be deemed that a dealer has been fairly compensated by a manufacturer for warranty work if the manufacturer compensates the dealer for:

(a) Labor ~~relating to~~ for warranty work ~~in an amount that is equal to~~ at the dealer's prevailing retail labor rate ~~f1~~ ~~multiplied by the applicable time allowances prescribed in the guide used by the dealer for labor furnished for repairs other than warranty work.~~ as established pursuant to sections 9 and 10 of this act.

(b) Parts ~~relating to~~ used in warranty work in an amount that is equal to the dealer's cost for the parts pursuant to section 12 of this act, multiplied by the prevailing retail parts markup ~~f1~~ as determined pursuant to sections 9 and 10 of this act.

Sec. 9. 1. Except as otherwise provided in this section and section 10 of this act, the prevailing retail labor rate and prevailing retail parts markup of a dealer must be established or modified ~~by~~ at the request of the dealer,

by submitting in writing to the manufacturer such rate and markup, as calculated by the dealer and:

(a) All consecutive qualifying repair orders that include 100 sequential qualifying repair orders; or

(b) All qualifying repair orders closed during any period of 90 consecutive days,

↪ whichever produces the smallest number of qualifying repair orders.

~~2. A dealer is not required to submit the same qualifying repair orders pursuant to subsection 1 in order to establish both the prevailing retail labor rate and prevailing retail parts markup.~~

~~3.~~ All qualifying repair orders submitted pursuant to subsection 1 must be dated not more than 180 days before the date on which the qualifying repair orders are submitted to the manufacturer.

~~4.~~ 3. Based on the qualifying repair orders submitted pursuant to this section:

(a) The prevailing retail labor rate is calculated by dividing the total amount charged for labor for qualifying repairs by the total number of hours charged for labor for qualifying repairs.

(b) The prevailing retail parts markup is calculated by:

(1) Dividing the total charges for parts for qualifying repairs by the total cost to the dealer to purchase the parts for such qualifying repairs;

(2) Subtracting 1 from the amount determined pursuant to subparagraph (1); and

(3) Multiplying the amount determined pursuant to subparagraph (2) by 100 in order to produce a percentage.

~~5.~~ 4. In calculating the prevailing retail labor rate or prevailing retail parts markup pursuant to this section, the dealer shall exclude any labor or part that is not for a qualifying repair.

~~6. Any discount that is not allocated for a qualifying repair on a qualifying repair order between parts and labor must be allocated on a pro rata basis. For purposes of this subsection, a promotional reward program or cash equivalent pay method pursuant to a service contract or prepaid maintenance contract shall not be a discount.~~

~~7. A}~~

5. Except as provided in subsection 4 of section 10 of this act, a dealer shall not submit a request to establish or modify the prevailing retail labor rate, ~~for~~ prevailing retail parts markup, or both, pursuant to this section more than once ~~(per calendar year.)~~ in a 12-month period.

Sec. 10. 1. Not later than 30 days after receiving the qualifying repair orders from a dealer pursuant to section 9 of this act, the manufacturer may contest the ~~(material accuracy of the)~~ dealer's submitted prevailing retail labor rate or prevailing retail parts markup as materially inaccurate or unreasonable as compared to the rates of other similarly situated new motor vehicle dealers of the same line and make of vehicles by providing the dealer with the manufacturer's calculation of the prevailing retail labor rate, ~~for~~

prevailing retail parts markup ~~for~~ or additional information, as applicable, based on the qualifying repair orders submitted to the manufacturer by the dealer, including, without limitation, a copy of all calculations made by the manufacturer and any other evidence substantiating the manufacturer's calculation and contest.

2. If a manufacturer contests the material accuracy or reasonableness of the prevailing retail labor rate or prevailing retail parts markup pursuant to subsection 1, the manufacturer shall not thereafter add to, expand, supplement or otherwise modify any evidence of its contest of the dealer's prevailing retail labor rate or prevailing retail parts markup against the dealer. Evidence provided by a manufacturer in response to a dealer's updated submission of new or revised information shall not be deemed an expansion, supplement or modification of evidence pursuant to this section.

3. If a dealer agrees with the ~~material accuracy of the~~ manufacturer's calculation of the prevailing retail labor rate or prevailing retail parts markup, as applicable, it shall be deemed ~~to~~

~~(a) That~~ that the prevailing retail labor rate or prevailing retail parts markup are those of the dealer, effective on the 31st day after the date on which the dealer ~~submitted the original prevailing retail labor rate or prevailing retail parts markup, as applicable, to the manufacturer; and~~

~~(b) For purposes of subsection 7 of section 9 of this act, that the dealer has not modified the prevailing retail labor rate or prevailing retail parts markup.~~ agrees to the manufacturer's calculation.

4. If a ~~dealer agrees with the manufacturer's contest of~~ manufacturer contests the material accuracy of the prevailing retail labor rate or prevailing retail parts markup pursuant to subsection 1 based on a dealer's submission of inaccurate or nonqualifying repair orders, the dealer may correct any inaccuracy with an updated submission of ~~replace the inaccurate or nonqualifying repair orders with~~ accurate or qualifying repair orders and update the prevailing retail labor rate or prevailing retail parts markup calculation based on the replacement repair orders, as applicable. Any updated submission made by a dealer pursuant to this subsection shall ~~be deemed to have been submitted on the date of the original submission and shall~~ not be considered as a modification submitted pursuant to subsection ~~7~~ 5 of section 9 of this act. The date an updated submission is made pursuant to this subsection shall replace the date of the dealer's original submission for purposes of subsection 5 of section 9 of this act.

5. If a manufacturer does not contest the material accuracy or reasonableness of the prevailing retail labor rate or prevailing retail parts markup pursuant to subsection 1 within 30 days, the prevailing retail labor rate or prevailing retail parts markup of the dealer becomes effective on the date that is ~~31~~ 61 days after the dealer submitted the prevailing retail labor rate or prevailing retail parts markup to the manufacturer.

Sec. 11. 1. A dealer may file a protest with the Director of the Department pursuant to NRS 482.36361 if the dealer does not agree with the manufacturer's calculations of the prevailing retail labor rate or prevailing retail parts markup submitted to the dealer pursuant to section 10 of this act.

2. If the Director receives a protest from a dealer pursuant to subsection 1:

(a) The Director shall hold a hearing to decide whether the prevailing retail labor rate or prevailing retail parts markup is the rate or markup, as applicable, determined by the dealer or the manufacturer; and

(b) Except as otherwise provided in this section, the provisions of NRS 482.36361 to 482.36368, inclusive, apply.

3. In any hearing on a protest filed pursuant to this section, the manufacturer shall have the burden to show that the prevailing retail labor rate or prevailing retail parts markup of the dealer, as calculated by the manufacturer, is accurate ~~and~~ or reasonable and that the dealer's calculation is inaccurate ~~and~~ or unreasonable.

4. If the Director finds that the manufacturer did not have a substantial basis for contesting the prevailing retail labor rate or prevailing retail parts markup of the dealer, as applicable:

(a) The prevailing retail labor rate or prevailing retail parts markup of the dealer shall become retroactively effective to the date that is ~~30~~ 60 days following the date on which the manufacturer received the prevailing retail labor rate or prevailing retail parts markup of the dealer pursuant to section 9 or 10 of this act, as applicable.

(b) The Director shall order the manufacturer to pay to the dealer ~~for~~

~~(1) An amount that is three times the~~ the difference between the amount that the dealer has received from the manufacturer for warranty work and the amount that the dealer should have received from the manufacturer for warranty work if the manufacturer had compensated the dealer using the prevailing retail labor rate or prevailing retail parts markup of the dealer.

~~[(2) The dealer's attorney's fees and costs. As used in this subparagraph, "costs" has the meaning ascribed to it in NRS 482.36366.]~~

Sec. 12. 1. If a manufacturer furnishes or causes to be furnished parts to a dealer at no cost ~~for a reduced cost~~ for purposes of performing warranty work or a recall service or repair, the manufacturer ~~shall~~ may compensate the dealer for ~~[the dealer's costs for the parts, if any, plus an amount that is equal to the dealer's prevailing retail parts markup multiplied by the fair market wholesale value of the parts.]~~ a reasonable handling fee instead of the dealer's prevailing retail parts markup.

2. ~~For purposes of subsection 1, the fair market wholesale value of the parts is the maximum of:~~

~~(a) The amount that the dealer paid for the parts or any substantially identical parts that are already owned by the dealer;~~

~~(b) The cost of the parts, as shown in a current or previously established price schedule of the manufacturer or other party furnishing the parts; or~~

~~(c) The cost of substantially identical parts, as shown in a current or previously established price schedule of the manufacturer or other party furnishing the parts.] If a manufacturer furnishes or causes to be furnished parts to a dealer at a reduced cost for purposes of performing warranty work or a recall service or repair, the manufacturer shall compensate the dealer for the dealer's costs for the parts plus an amount that is equal to the dealer's prevailing retail parts markup multiplied by the cost of the parts in the current or previously established price schedule of the manufacturer, whichever is greater.~~

Sec. 13. A manufacturer shall not ~~fr~~

~~1. Establish or implement a special part or component number for parts used in warranty work if doing so will result in lower compensation to the dealer than is required pursuant to sections 9 to 15, inclusive, of this act; or~~

~~2. Require,] require, influence or attempt to influence a dealer to implement or change the price for which the dealer sells parts or provides labor for any retail repair, including, without limitation, by:~~

~~[(a)] 1. Substituting any sample of qualifying repair orders for the one submitted by the dealer to the manufacturer pursuant to section 9 or 10 of this act to determine the prevailing retail labor rate or prevailing retail parts markup of the dealer;~~

~~[(b) Using qualifying repair orders, financial statements or other information from another dealer for purposes of calculating the prevailing retail labor rate or prevailing retail parts markup of the dealer; or~~

~~[(c)] or~~

~~2. Imposing an unduly burdensome or time-consuming method on a dealer for purposes of compensating the dealer for warranty work, including, without limitation, requiring the dealer to provide part-to-part or transaction-by-transaction calculations.~~

Sec. 14. A manufacturer shall not take or threaten to take adverse action against a dealer ~~[who requests]~~ on the sole basis that the dealer has requested compensation for warranty work or a recall service or repair at the prevailing retail labor rate and prevailing retail parts markup of the dealer, including, without limitation, by:

~~1. [Creating or implementing an obstacle or process that conflicts with the provisions of sections 9 to 15, inclusive, of this act;~~

~~2. Acting in bad faith;~~

~~3. Hindering, delaying or rejecting the proper and timely payment of compensation pursuant to sections 9 to 15, inclusive, of this act;~~

~~4.] Establishing, implementing, enforcing or applying any policy, standard, rule, program or incentive relating to compensation of a dealer for warranty work in a way that is not ~~uniform or~~ fair or applicable to ~~among]~~ all of the manufacturer's dealers in this State; and~~

~~[5. Conducting or threatening to conduct any warranty, nonwarranty or other service-related audit, or~~

~~6.]~~ 2. Implementing or continuing to implement a policy, procedure or program for any of its dealers which does not comply with sections 9 to 15, inclusive, of this act.

Sec. 15. 1. Except as otherwise provided in subsection 2, a manufacturer shall not recover or attempt to recover any portion of its costs for compensating a dealer for warranty work or a recall service or repair.

2. This section does not prohibit a manufacturer from increasing the price of any vehicle in the normal course of business.

Sec. 16. 1. A dealer may file a protest with the Director of the Department pursuant to NRS 482.36361 if the manufacturer does not compensate the dealer for warranty work or a recall service or repair in an amount that is based on the prevailing retail labor rate or prevailing retail parts markup.

2. If the Director receives a protest from a dealer pursuant to subsection 1:

(a) The Director shall decide whether the manufacturer compensated the dealer for warranty work in an amount that is based on the prevailing retail labor rate or prevailing retail parts markup submitted to the dealer pursuant to section 9 or 10 of this act; and

(b) Except as otherwise provided in this section, the provisions of NRS 482.36361 to 482.36368, inclusive, apply.

3. In any hearing on a protest filed pursuant to this section, the manufacturer shall have the burden to show that the manufacturer compensated the dealer for warranty work based on the prevailing retail labor rate or prevailing retail parts markup of the dealer.

4. If the Director finds that the manufacturer did not compensate the dealer for warranty work based on the prevailing retail labor rate or prevailing retail parts markup of the dealer ~~but~~ as established pursuant to sections 9 and 10 of this act, the Director shall order the manufacturer to pay to the dealer ~~the~~

~~(a) An amount that is three times~~ the difference between the amount that the dealer has received from the manufacturer for warranty work and the amount that the dealer should have received from the manufacturer for warranty work if the manufacturer had compensated the dealer using the prevailing retail labor rate or prevailing retail parts markup of the dealer.

~~[(b) The dealer's attorney's fees and costs. As used in this paragraph, "costs" has the meaning ascribed to it in NRS 482.36366.]~~

Sec. 17. NRS 482.36311 is hereby amended to read as follows:

482.36311 As used in NRS 482.36311 to 482.36425, inclusive, and sections 2 to 16, inclusive, of this act, unless the context otherwise requires, the words and terms defined in NRS 482.36318 to 482.36348, inclusive, and sections 2 to 7, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 18. NRS 482.363575 is hereby amended to read as follows:

482.363575 The Director shall adopt regulations for the conduct of discovery preliminary to each hearing required pursuant to NRS 482.36352, 482.36354 or 482.36357 ~~[-]~~ *or section 11 or 16 of this act*. The practice so established must conform insofar as practicable to the practice established for use in the district courts pursuant to N.R.C.P. 26 to 37, inclusive.

Sec. 19. NRS 482.36361 is hereby amended to read as follows:

482.36361 1. If the Director receives a written protest from a dealer pursuant to NRS 482.36352, 482.36354 or 482.36357 ~~[-]~~ *or section 11 or 16 of this act*, the Director shall give notice as follows:

(a) To the manufacturer or distributor, that the protest has been filed and that the manufacturer or distributor may not take the intended action which has given rise to the protest until the Director has made his or her findings and issued an order permitting the manufacturer or distributor to do so; and

(b) To any other dealer who has requested such a notice or who may be adversely affected by the intended action, that the protest has been filed.

2. A manufacturer or distributor who receives a notice pursuant to this section shall not proceed with the action which has given rise to the protest until the Director notifies the manufacturer or distributor that the Director has made a decision authorizing the manufacturer or distributor to proceed with that action.

3. Upon completion of discovery by the parties, the Director shall schedule a hearing upon the protest, to be held within 60 days thereafter.

4. If two or more protests are filed concerning a particular intended action, the Director may consolidate the hearings on the protests.

Sec. 20. NRS 482.36366 is hereby amended to read as follows:

482.36366 1. Each witness, other than an officer or employee of the State or of a political subdivision of the State or an expert witness, who appears by order of the Director in a hearing pursuant to NRS 482.36311 to 482.36425, inclusive, *or section 11 or 16 of this act*, is entitled to receive for attending the hearing the same fees allowed by law to witnesses in civil cases. Except as otherwise provided in subsection 2, the amount must be paid by the party at whose request the witness is ordered to appear.

2. The Director may assess other costs against the parties as the Director deems appropriate. After any hearing on a protest filed pursuant to NRS 482.36352, 482.36354 or 482.36357 ~~[-]~~ *or section 11 or 16 of this act*, if the Director determines that the manufacturer or distributor has failed to establish that there is good cause to terminate, refuse to continue, modify or replace a franchise, or to establish an additional dealership or relocate an existing dealership, the Director shall award to the dealer attorney's fees and costs.

3. For the purposes of this section, "costs" includes:

(a) Except as otherwise provided in paragraph (b), any applicable cost set forth in NRS 18.005; and

(b) The actual amount of any fees paid by a dealer to an expert witness in connection with the hearing.

Sec. 21. NRS 482.36368 is hereby amended to read as follows:

482.36368 1. The decision of the Director concerning a protest filed pursuant to NRS 482.36352, 482.36354 or 482.36357 ~~[-] or section 11 or 16 of this act~~, is a final decision in a contested case for the purpose of judicial review.

2. The decision is not subject to rehearing or reconsideration by the Director after it is received by the parties.

3. When the written decision of the Director is delivered to the parties, copies of the decision, including the findings of fact as well as the determination of the issues, must be delivered to all persons who have requested notice of such decisions.

Sec. 22. NRS 482.36385 is hereby amended to read as follows:

482.36385 It is an unfair act or practice for any manufacturer, distributor or factory branch, directly or through any representative, to:

1. Compete with a dealer. A manufacturer or distributor shall not be deemed to be competing when operating a previously existing dealership temporarily for a reasonable period, or in a bona fide retail operation which is for sale to any qualified person at a fair and reasonable price, or in a bona fide relationship in which a person has made a significant investment subject to loss in the dealership and can reasonably expect to acquire full ownership of the dealership on reasonable terms and conditions.

2. Discriminate unfairly among its dealers, or fail without good cause to comply with franchise agreements, with respect to warranty reimbursement or authority granted to its dealers to make warranty adjustments with retail customers.

3. Fail to compensate a dealer fairly for the work and services which the dealer is required to perform in connection with the delivery and preparation obligations under any franchise . ~~[-, or fail to compensate a dealer fairly for labor, parts and other expenses incurred by the dealer under the manufacturer's warranty agreements or any recall service or repairs.]~~ The manufacturer shall set forth in writing the respective obligations of a dealer and the manufacturer in the preparation of a vehicle for delivery, and as between them a dealer's liability for a defective product is limited to the obligation so set forth. Fair compensation includes diagnosis and reasonable administrative and clerical costs. ~~[The dealer's compensation for parts and labor to satisfy a warranty or a recall service or repair must not be less than the amount of money charged to its various retail customers for parts and labor that are not covered by a warranty. If parts are supplied by the manufacturer, including exchanged parts and assembled components, the dealer is entitled with respect to each part to an amount not less than the dealer's normal retail markup for the part.]~~ This subsection does not apply to compensation for any part, system, fixture, appliance, furnishing, accessory

or feature of a motor home or recreational vehicle that is designed, used and maintained primarily for nonvehicular, residential purposes.

4. Fail to:

(a) Pay all claims made by dealers for compensation for delivery and preparation work ~~[,] and transportation claims [, special campaigns and work to satisfy warranties and recall service or repairs]~~ within 30 days after approval, or fail to approve or disapprove such claims within 30 days after receipt;

(b) Disapprove any claim without notice to the dealer in writing of the grounds for disapproval; or

(c) Accept an amended claim for labor and parts if the amended claim is submitted not later than 60 days after the date on which the manufacturer or distributor notifies the dealer that the claim has been disapproved and the disapproval was based on the dealer's failure to comply with a specific requirement for processing the claim, including, without limitation, a clerical error or other administrative technicality that does not relate to the legitimacy of the claim.

➡ Failure to approve or disapprove or to pay within the specified time limits in an individual case does not constitute a violation of this section if the failure is because of reasons beyond the control of the manufacturer, distributor or factory branch.

5. Sell a new vehicle to a person who is not licensed as a new vehicle dealer under the provisions of this chapter.

6. Use false, deceptive or misleading advertising or engage in deceptive acts in connection with the manufacturer's or distributor's business.

7. Perform an audit to confirm a claim for compensation pursuant to NRS 482.363574, warranty repair, sales incentive or rebate more than 9 months after the date on which the claim was made. An audit of a dealer's records pursuant to this subsection may be conducted by the manufacturer or distributor on a reasonable basis, and a dealer's claim for warranty or sales incentive compensation or compensation pursuant to NRS 482.363574 must not be denied except for good cause, including, without limitation, performance of nonwarranty repairs, lack of material documentation, fraud or misrepresentation. A dealer's failure to comply with the specific requirements of the manufacturer or distributor for processing the claim does not constitute grounds for the denial of the claim or the reduction of the amount of compensation to the dealer if reasonable documentation or other evidence has been presented to substantiate the claim. The manufacturer or distributor shall not deny a claim or reduce the amount of compensation to the dealer for warranty repairs to resolve a condition discovered by the dealer during the course of a separate repair.

8. Prohibit or prevent a dealer from appealing the results of an audit to confirm a warranty repair, sales incentive, claim for compensation made pursuant to NRS 482.363574 or rebate, or to require that such an appeal be conducted at a location other than the dealer's place of business.

Sec. 23. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 22, inclusive, of this act become effective:

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

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

Senator Harris moved the adoption of the amendment.

Remarks by Senator Harris.

Amendment No. 517 to Senate Bill No. 303 revises certain definitions and provisions governing conduct that constitutes an unfair act or practice, amends provisions governing the prevailing retail labor rate and parts markup related to certain repairs, establishes provisions governing parts provided by a manufacturer, and prohibits a manufacturer from taking adverse action against a dealer for certain reasons.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 313.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 292.

SUMMARY—Revises provisions relating to mental health education.
(BDR 34-58)

AN ACT relating to education; requiring certain standards of content and performance for courses in health to correspond with certain social and emotional learning standards developed by the Department of Education and to include certain information relating to mental health; requiring the Commission on Professional Standards in Education to develop regulations requiring the completion of a course in mental health education to obtain a license to teach; requiring certain applicants for the renewal of a license to teach to complete either a certain number of credits in a course in mental health education ~~or~~ or a certain number of hours of professional development in mental health education; requiring school districts and charter schools to partner with certain entities to provide professional development training in mental health education; requiring certain professional development training for teachers to include training on mental health education and social and emotional learning; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Council to Establish Academic Standards for Public Schools to establish standards of content and performance for courses of study in various subject areas, including health. (NRS 389.520) Existing law further requires that such standards established for courses in health include mental health and the relationship between mental and physical health. (NRS 389.520) Section 1 of this bill requires the standards developed for mental health education to: (1) correspond with any social and emotional learning standards that are developed by the Department of Education; ~~and~~ (2) include, without limitation, the provision of information concerning

mental health, the promotion of mental health and culturally appropriate and age-appropriate mental health resources to pupils ~~for~~; and (3) require the use of evidence-based mental health curriculum. Section 1 also defines "mental health resources."

Existing law requires the Commission on Professional Standards in Education to adopt regulations for licensing teachers and other educational personnel and procedures for the issuance and renewal of such licenses. (NRS 391.019) Section 3 of this bill requires the regulations to include a requirement that an applicant for a license to teach complete a course in mental health education before receiving the license.

Existing law imposes certain additional requirements for applicants seeking renewal of a license to teach, including the provision of information certifying that the applicant has completed a course in multicultural education. (NRS 391.034-391.0347) Section 2 of this bill requires a teacher who is first licensed on or before July 1, 2025, to submit with the first application for renewal after July 1, 2025, proof of the completion of a course in mental health education. Section 2 also requires the Commission to adopt regulations that: (1) prescribe the contents of such a course; ~~and~~ (2) require a licensed teacher seeking renewal of a license to teach to complete at least two credits of such a course ~~for~~ or at least 30 hours of relevant professional development training; and (3) establish the process by which the Commission approves certain providers of such professional development. Section 3.5 of this bill requires school districts and charter schools to provide professional development in mental health education by partnering with certain entities. Section 3.5 additionally requires school districts and charter schools to partner with the Nevada System of Higher Education or other school districts to provide such professional development either in rural school districts or online.

Existing law requires the board of trustees of each school district and the governing body of each charter school to ensure that teachers have access to high-quality, ongoing professional development training. (NRS 391A.370) Section 4 of this bill requires that such professional development training include training on mental health education and encompass any social and emotional learning standards developed by the Department.

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

Section 1. NRS 389.520 is hereby amended to read as follows:

389.520 1. The Council shall:

(a) Establish standards of content and performance, including, without limitation, a prescription of the resulting level of achievement, for the grade levels set forth in subsection 5, based upon the content of each course, that is expected of pupils for the following courses of study:

- (1) English language arts;
- (2) Mathematics;
- (3) Science;

(4) Social studies, which includes only the subjects of history, geography, economics, civics, financial literacy and multicultural education;

(5) The arts;

(6) Computer education and technology, which includes computer science and computational thinking;

(7) Health;

(8) Physical education; and

(9) A foreign or world language.

(b) Establish a schedule for the periodic review and, if necessary, revision of the standards of content and performance. The review must include, without limitation, the review required pursuant to NRS 390.115 of the results of pupils on the examinations administered pursuant to NRS 390.105.

(c) Assign priorities to the standards of content and performance relative to importance and degree of emphasis and revise the standards, if necessary, based upon the priorities.

2. The standards for computer education and technology must include a policy for the ethical, safe and secure use of computers and other electronic devices. The policy must include, without limitation:

(a) The ethical use of computers and other electronic devices, including, without limitation:

(1) Rules of conduct for the acceptable use of the Internet and other electronic devices; and

(2) Methods to ensure the prevention of:

(I) Cyber-bullying;

(II) Plagiarism; and

(III) The theft of information or data in an electronic form;

(b) The safe use of computers and other electronic devices, including, without limitation, methods to:

(1) Avoid cyber-bullying and other unwanted electronic communication, including, without limitation, communication with on-line predators;

(2) Recognize when an on-line electronic communication is dangerous or potentially dangerous; and

(3) Report a dangerous or potentially dangerous on-line electronic communication to the appropriate school personnel;

(c) The secure use of computers and other electronic devices, including, without limitation:

(1) Methods to maintain the security of personal identifying information and financial information, including, without limitation, identifying unsolicited electronic communication which is sent for the purpose of obtaining such personal and financial information for an unlawful purpose;

(2) The necessity for secure passwords or other unique identifiers;

(3) The effects of a computer contaminant;

(4) Methods to identify unsolicited commercial material; and

(5) The dangers associated with social networking Internet sites; and

(d) A designation of the level of detail of instruction as appropriate for the grade level of pupils who receive the instruction.

3. The standards for social studies must include multicultural education, including, without limitation, information relating to contributions made by men and women from various racial and ethnic backgrounds. The Council shall consult with members of the community who represent the racial and ethnic diversity of this State in developing such standards.

4. The standards for health must include mental health *education* and the relationship between mental health and physical health. *The standards for mental health education must:*

(a) *Correspond with any social and emotional learning standards developed by the Department; ~~and~~*

(b) *Include, without limitation, the provision of information concerning mental health , the promotion of mental health and culturally appropriate and age-appropriate mental health resources to pupils ~~+~~ ; and*

(c) Require the use of evidence-based mental health curriculum.

5. The Council shall establish standards of content and performance for each grade level in kindergarten and grades 1 to 8, inclusive, for English language arts and mathematics. The Council shall establish standards of content and performance for the grade levels selected by the Council for the other courses of study prescribed in subsection 1.

6. The Council shall forward to the State Board the standards of content and performance established by the Council for each course of study. The State Board shall:

(a) Adopt the standards for each course of study, as submitted by the Council; or

(b) If the State Board objects to the standards for a course of study or a particular grade level for a course of study, return those standards to the Council with a written explanation setting forth the reason for the objection.

7. If the State Board returns to the Council the standards of content and performance for a course of study or a grade level, the Council shall:

(a) Consider the objection provided by the State Board and determine whether to revise the standards based upon the objection; and

(b) Return the standards or the revised standards, as applicable, to the State Board.

➡ The State Board shall adopt the standards of content and performance or the revised standards, as applicable.

8. The Council shall work in cooperation with the State Board to prescribe the examinations required by NRS 390.105.

9. As used in this section:

(a) "Computer contaminant" has the meaning ascribed to it in NRS 205.4737.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

(c) "Electronic communication" has the meaning ascribed to it in NRS 388.124.

(d) "Mental health resources" means information a pupil may use to address a mental health concern, including, without limitation, information:

- (1) That a pupil may use to seek help for mental health treatment;
- (2) On accessing any mental health workers, counselors, psychologists or community-based medical or behavioral providers of health care provided by the board of trustees of a school district or the governing body of a charter school; and
- (3) Relating to suicide awareness and prevention.

Sec. 2. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Any licensed teacher who is initially licensed on or before July 1, 2025, except for a teacher who is licensed only as a substitute teacher, must submit with his or her first application for renewal of his or her license to teach on or after July 1, 2025, proof of the completion of a course in mental health education. If the licensed teacher is initially issued a nonrenewable license, he or she must submit such proof with his or her first application for a renewable license to teach.

2. The Commission shall adopt regulations that:

(a) Prescribe the required contents of a course in mental health education which must be completed pursuant to this section;

(b) Require ~~(at)~~, to satisfy the requirements of subsection 1:

(1) At least two credits to be earned by a licensed teacher in a course in mental health education ~~(to satisfy the requirements of subsection 1; and)~~ ;
or

(2) The successful completion of at least 30 hours of professional development in mental health education;

(c) Establish the process for the approval by the Commission of providers of courses or professional development in mental health education, which must include, without limitation, one or more school districts, regional training programs for the professional development of teachers and administrators and institutions of higher education; and

(d) As otherwise necessary to carry out the requirements of this section.

Sec. 3. NRS 391.019 is hereby amended to read as follows:

391.019 1. Except as otherwise provided in NRS 391.027, the Commission shall adopt regulations:

(a) Prescribing the qualifications for licensing teachers and other educational personnel and the procedures for the issuance and renewal of those licenses. The regulations:

(1) Must include, without limitation, the qualifications for licensing teachers and administrators pursuant to an alternative route to licensure which provides that the required education and training may be provided by any qualified provider which has been approved by the Commission, including, without limitation, institutions of higher education and other providers that operate independently of an institution of higher education. The regulations adopted pursuant to this subparagraph must:

(I) Establish the requirements for approval as a qualified provider;

(II) Require a qualified provider to be selective in its acceptance of students;

(III) Require a qualified provider to provide in-person or virtual supervised, school-based experiences and ongoing support for its students, such as mentoring and coaching;

(IV) Significantly limit the amount of course work required or provide for the waiver of required course work for students who achieve certain scores on tests;

(V) Allow for the completion in 2 years or less of the education and training required under the alternative route to licensure;

(VI) Provide that a person who has completed the education and training required under the alternative route to licensure and who has satisfied all other requirements for licensure may apply for a regular license pursuant to sub-subparagraph (VII) regardless of whether the person has received an offer of employment from a school district, charter school or private school; and

(VII) Upon the completion by a person of the education and training required under the alternative route to licensure and the satisfaction of all other requirements for licensure, provide for the issuance of a regular license to the person pursuant to the provisions of this chapter and the regulations adopted pursuant to this chapter.

(2) Must require an applicant for a license to teach middle school or junior high school education or secondary education to demonstrate proficiency in a field of specialization or area of concentration by successfully completing course work prescribed by the Department or completing a subject matter competency examination prescribed by the Department with a score deemed satisfactory.

(3) *Must require an applicant for a license to teach in this State to complete a course in mental health education pursuant to section 2 of this act before the issuance of such a license.*

(4) Must not prescribe qualifications which are more stringent than the qualifications set forth in NRS 391.0315 for a licensed teacher who applies for an additional license in accordance with that section.

(b) Identifying fields of specialization in teaching which require the specialized training of teachers.

(c) Except as otherwise provided in NRS 391.125, requiring teachers to obtain from the Department an endorsement in a field of specialization to be eligible to teach in that field of specialization.

(d) Setting forth the educational requirements a teacher must satisfy to qualify for an endorsement in each field of specialization.

(e) Setting forth the qualifications and requirements for obtaining a license or endorsement to teach American Sign Language, including, without limitation, being registered with the Aging and Disability Services Division of the Department of Health and Human Services pursuant to NRS 656A.100

to engage in the practice of sign language interpreting in a primary or secondary educational setting.

(f) Requiring teachers and other educational personnel to be registered with the Aging and Disability Services Division pursuant to NRS 656A.100 to engage in the practice of sign language interpreting in a primary or secondary educational setting if they:

(1) Provide instruction or other educational services; and

(2) Concurrently engage in the practice of sign language interpreting, as defined in NRS 656A.060.

(g) Prescribing course work on parental involvement and family engagement. The Commission shall work in cooperation with the Office of Parental Involvement and Family Engagement created by NRS 385.630 in developing the regulations required by this paragraph.

(h) Establishing the requirements for obtaining an endorsement on the license of a teacher, administrator or other educational personnel in cultural competency.

(i) Authorizing the Superintendent of Public Instruction to issue a license by endorsement to an applicant who holds an equivalent license or authorization issued by a governmental entity in another country if the Superintendent determines that the qualifications for the equivalent license or authorization are substantially similar to those prescribed pursuant to paragraph (a).

(j) Establishing the requirements for obtaining an endorsement on the license of a teacher, administrator or other educational personnel in teaching courses relating to financial literacy.

(k) Authorizing a person who is employed as a paraprofessional and enrolled in a program to become a teacher to complete an accelerated program of student teaching in the same or a substantially similar area in which the person is employed as a paraprofessional while remaining employed as a paraprofessional.

(l) Requiring the Department to accept a program of student teaching or other teaching experience completed in another state or foreign country by an applicant for a license if the Department determines that the program or experience substantially fulfills the standards of a program of student teaching in this State.

(m) Authorizing a person who is employed by a public school to provide support or other services relating to school psychology, if the person does not hold a license or endorsement as a school psychologist but is enrolled in a program that would allow the person to obtain such a license or endorsement, to complete a program of internship in school psychology while remaining employed in such a position.

2. Except as otherwise provided in NRS 391.027, the Commission may adopt such other regulations as it deems necessary for its own government or to carry out its duties.

3. Any regulation which increases the amount of education, training or experience required for licensing:

(a) Must, in addition to the requirements for publication in chapter 233B of NRS, be publicized before its adoption in a manner reasonably calculated to inform those persons affected by the change.

(b) Must not become effective until at least 1 year after the date it is adopted by the Commission.

(c) Is not applicable to a license in effect on the date the regulation becomes effective.

Sec. 3.5. Chapter 391A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each school district and the governing body of each charter school shall provide professional development training regarding mental health education to teachers who teach in a subject area in which instruction in mental health education is provided. Such professional development training may be provided by the school district or governing body or through an agreement with an institution of higher education or a regional training program for the professional development of teachers and administrators.

2. Each school district and charter school shall, as applicable, enter into agreements with the Nevada System of Higher Education and other school districts and charter schools to provide such professional development training online and to public schools located in rural areas.

Sec. 3.7. NRS 391A.345 is hereby amended to read as follows:

391A.345 As used in NRS 391A.345 to 391A.385, inclusive, and section 3.5 of this act, unless the context otherwise requires, "professional development training" has the meaning ascribed to "professional development" in 20 U.S.C. § 7801(42).

Sec. 4. NRS 391A.370 is hereby amended to read as follows:

391A.370 1. The State Board shall adopt regulations prescribing standards for the professional development training provided to teachers and administrators employed by a school district or charter school.

2. The board of trustees of each school district and the governing body of each charter school shall ensure that the teachers and administrators employed by the school district or charter school have access to high-quality, ongoing professional development training. The professional development training must meet the standards prescribed by the State Board pursuant to subsection 1 and include, without limitation, training concerning:

(a) The academic standards adopted by the State Board, including, without limitation, the academic standards for science.

(b) The academic standards and curriculum in English language development and literacy.

(c) The curriculum and instruction required for courses of study in:

(1) Science, technology, engineering and mathematics, including, without limitation and to the extent applicable, computer science and computer education and technology.

(2) English language development and literacy.

(d) The cultural competency required to meet the social, emotional and academic needs of certain categories of pupils enrolled in the school, including, without limitation, pupils who are at risk, pupils who are English learners, pupils with disabilities and gifted and talented pupils.

(e) *Mental health education, including, without limitation, any social and emotional learning standards developed by the Department.*

3. Professional development training concerning the curriculum and instruction required for courses of study in computer science and computer education and technology may be provided by the school district or governing body or through an agreement with an institution of higher education, a regional training program for the professional development of teachers and administrators or the Department. If the professional development training is provided through an agreement with the Department, the professional development training may include content contributed by a third party if the content is approved by the Department for the purpose of professional development training.

Sec. 5. 1. This section becomes effective upon passage and approval.

2. Section 1 of this act becomes effective on July 1, 2024.

3. Sections ~~2, 3 and 4~~ 2, 3 and 4, inclusive, of this act become effective:

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

(b) On July 1, 2025, for all other purposes.

Senator Lange moved the adoption of the amendment.

Remarks by Senator Lange.

Amendment No. 292 to Senate Bill No. 313 requires the standards for mental health education to include mental health promotion and culturally appropriate and age-appropriate mental health resources to pupils, requires the use of evidence-based mental health curriculum, clarifies that two credit hours of a course or 30 hours of professional development in mental health education satisfies the requirement that an applicant seeking a teaching license or renewing a teaching license must complete mental health education. It also includes that in order to meet the mental health education course requirements, the training must be completed by a professional development model through an approved provider, including, but not limited to, a school district, regional professional development program or a Nevada System of Higher Education (NSHE) institution, and clarifies that related professional development provided to teachers and administrators is to be made available in rural districts, including through leveraging partnerships with NSHE and offering such training online.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 321.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 276.

SUMMARY—Revises provisions relating to crimes. (BDR 14-550)

AN ACT relating to evidence; prohibiting a law enforcement agency or forensic laboratory from taking certain actions relating to the DNA profile and DNA record of a survivor of sexual assault; expanding certain prohibitions against the use of certain evidence secured in connection with an investigation or prosecution of a sexual assault; requiring certain entities to conduct an audit of certain biological specimens, DNA profiles and DNA records, to the extent money is available; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Sexual Assault Survivors' Bill of Rights, which grants a survivor certain rights relating to the investigation or prosecution of an alleged sexual assault perpetrated against the survivor. (Chapter 178A of NRS) Among other requirements, the Bill of Rights grants a survivor the right to not have forensic evidence from a sexual assault used: (1) to prosecute the survivor for any misdemeanor or offense related to a controlled substance; or (2) as a basis to search for further evidence of any unrelated misdemeanor or any offense related to a controlled substance that may have been committed by the survivor. (NRS 178A.260) Section 6 of this bill expands this right by prohibiting a law enforcement agency from using any biological evidence obtained from a survivor: (1) to prosecute the survivor for any crime; (2) as a basis to search for further evidence of any criminal offense that may have been committed by the survivor; or (3) for any other purpose that is not directly related to the investigation or prosecution of the alleged sexual assault of the survivor, unless such action is otherwise required by state or federal law.

Existing law prescribes requirements relating to certain biological evidence secured in connection with an investigation or prosecution of a criminal offense. (NRS 176.0912) With limited exception, section 3 of this bill prohibits a law enforcement agency from sharing with or disclosing to any person or entity any biological evidence of a survivor secured in connection with the investigation or prosecution of the alleged sexual assault of the survivor. Section 2 of this bill defines the term "biological evidence" for purposes of the Bill of Rights. Section 4 of this bill makes a conforming change to indicate the proper placement of section 2 in the Nevada Revised Statutes. Section 5 makes a conforming change related to the definition of "biological evidence" set forth in section 2.

Existing law prescribes certain requirements relating to sexual assault forensic medical kits. Among other requirements, existing law requires: (1) a law enforcement agency to submit a sexual assault forensic evidence kit to the appropriate forensic laboratory; and (2) a forensic laboratory to accept and analyze such evidence and upload a DNA profile obtained from such evidence to CODIS or the State DNA Database. (NRS 178A.220, 200.3786) With limited exception, section 3 prohibits a law enforcement agency or forensic laboratory from ~~including~~ including the DNA profile of a survivor obtained from the sexual assault forensic evidence kit of the survivor in any

database that allows for the storage and exchange of DNA records ~~;~~ ~~or (2) sharing with or disclosing to any person or entity, the DNA profile of a survivor, a DNA record of the survivor or any other information identifying or matching biological evidence with the survivor.]~~

Section 7 of this bill requires, to the extent money is available for this purpose, the Central Repository for Nevada Records of Criminal History, the State DNA Database and each forensic laboratory to: (1) conduct an audit of certain biological specimens, DNA profiles and DNA records; and (2) submit the results of the audit to the Joint Interim Standing Committee on Judiciary and the Director of the Legislative Counsel Bureau on or before January 1, 2024.

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

Section 1. Chapter 178A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *"Biological evidence" has the meaning ascribed to it in NRS 176.0912 and includes, without limitation, a sexual assault forensic evidence kit.*

Sec. 3. 1. ~~[Except as otherwise required by state or federal law, a]~~ A law enforcement agency or forensic laboratory shall not ~~fr~~
~~—(a) Include—~~ include the DNA profile of a survivor obtained from the sexual assault forensic evidence kit of the survivor in any database that allows for the storage and exchange of DNA records ~~fr or~~
~~—(b) Share with or disclose to any person or entity, including, without limitation, any other law enforcement agency or forensic laboratory, the DNA profile of a survivor obtained from the sexual assault forensic evidence kit of the survivor, a DNA record of the survivor or any other information identifying or matching biological evidence with the survivor, except pursuant to:~~
~~—(1) A court order; or~~
~~—(2) A request from another law enforcement agency, if the law enforcement agency determines that such action is necessary to identify or prosecute the person who committed the alleged sexual assault of the survivor.]~~ unless the law enforcement agency or forensic laboratory is authorized to include the DNA profile in CODIS pursuant to 34 U.S.C. § 12592(b).

2. Except as otherwise provided in subsection 3 and except as otherwise required by state or federal law, a law enforcement agency that has in its possession or custody any biological evidence of a survivor secured in connection with the investigation or prosecution of the alleged sexual assault of the survivor shall not share such evidence with or disclose such evidence to any person or entity, including, without limitation, any other law enforcement agency, except pursuant to:

(a) A court order; or

(b) A request from another law enforcement agency, if the law enforcement agency determines that such action is necessary to identify or prosecute the person who committed the alleged sexual assault of the survivor.

3. The provisions of subsection 2 do not apply if the disclosure is necessary for purposes of satisfying discovery obligations, including, without limitation, any obligation prescribed by the Federal Rules of Criminal Procedure.

4. As used in this section:

(a) "Any database" includes, without limitation, the State DNA Database, CODIS or any other database that allows for the storage and exchange of DNA records, including, without limitation, any local, state or national database.

(b) "DNA record" means a database record stored in any database, that includes the DNA profile of a person and data required to manage the record.

Sec. 4. NRS 178A.020 is hereby amended to read as follows:

178A.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 178A.030 to 178A.140, inclusive, and section 2 of this act have the meanings ascribed to them in those sections.

Sec. 5. NRS 178A.220 is hereby amended to read as follows:

178A.220 1. A survivor has the right to prompt genetic marker analysis of a sexual assault forensic evidence kit pursuant to NRS 200.3786.

2. A sexual assault forensic evidence kit must be transported to a forensic laboratory and analyzed pursuant to NRS 200.3786, unless the survivor requests in writing at any time before such analysis, for the forensic laboratory to defer analysis of the sexual assault forensic evidence kit.

3. ~~Biological evidence [including, without limitation, a sexual assault forensic evidence kit,]~~ secured in connection with the investigation or prosecution of a criminal case must be preserved and stored in accordance with the provisions of this subsection and NRS 176.0912. A sexual assault forensic evidence kit that is in the custody of an agency of criminal justice must be retained for:

(a) If the sexual assault forensic evidence kit is associated with an uncharged or unsolved sexual assault, at least 50 years.

(b) If the sexual assault forensic evidence kit is associated with an unreported or anonymous sexual assault, at least 20 years.

4. If a survivor has requested to defer analysis pursuant to subsection 2, the survivor may request that the forensic laboratory analyze the sexual assault forensic evidence kit at any later date before the expiration of the retention period pursuant to subsection 3.

5. A survivor has the right to the information regarding the timeline of the genetic marker analysis of sexual assault forensic evidence kits pursuant to NRS 200.3786.

Sec. 6. NRS 178A.260 is hereby amended to read as follows:

178A.260 ~~[Forensic]~~ *A law enforcement agency shall not use any biological evidence obtained from a [sexual assault may not be used:] survivor:*

1. To prosecute ~~the~~ the survivor for any ~~the~~ ~~(a) Misdemeanor; or~~ ~~(b) Offense related to a controlled substance.] crime;~~
2. As a basis to search for further evidence of ~~any unrelated misdemeanor or~~ any criminal offense ~~[related to a controlled substance]~~ that may have been committed by the survivor ~~[.]~~; or
3. *For any other purpose that is not directly related to the investigation or prosecution of the alleged sexual assault of the survivor, unless such action is otherwise required by state or federal law.*

Sec. 7. 1. To the extent money is available for this purpose, the Central Repository, the State DNA Database and each forensic laboratory shall:

(a) Conduct an audit of any biological specimen, DNA profile or DNA record stored or maintained in the Central Repository, the State DNA Database or forensic laboratory, as applicable, for the period beginning on January 1, 2021, and ending on December 31, 2021. Any such audit must:

- (1) Include, without limitation, an examination and analysis of compliance with NRS 176.0911 to 176.0919, inclusive; and
- (2) Identify the number of DNA profiles that should have been collected during the period beginning on January 1, 2021, and ending on December 31, 2021, and were not collected during that period; and

(b) Submit the results of the audit to the Joint Interim Standing Committee on Judiciary and the Director of the Legislative Counsel Bureau on or before January 1, 2024.

2. As used in this section:

(a) "Biological specimen" has the meaning ascribed to it in NRS 176.09112.

(b) "Central Repository" means the Central Repository for Nevada Records of Criminal History.

(c) "DNA profile" has the meaning ascribed to it in NRS 176.09115.

(d) "DNA record" has the meaning ascribed to it in NRS 176.09116.

(e) "Forensic laboratory" has the meaning ascribed to it in NRS 176.09117.

(f) "State DNA database" means the database established by NRS 176.09121.

Senator Scheible moved the adoption of the amendment.

Remarks by Senator Scheible.

Amendment No. 276 to Senate Bill No. 321 adds language providing that a law enforcement agency may include a DNA profile in a database if required to do so by federal law and that law enforcement may share biological evidence of a survivor if obligated to do so as part of discovery.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 334.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 306.

SUMMARY—Revises provisions relating to ~~[renewable energy.]~~ energy storage systems that are used to meet certain biennial energy storage targets. (BDR 58-30)

AN ACT relating to energy; ~~[revising the definition of "renewable energy" to include clean]~~ authorizing an energy storage system that retains, stores and delivers energy through a system that uses only green hydrogen for the purposes of meeting certain biennial storage targets; [provisions governing the portfolio standard;] and providing other matters properly relating thereto. Legislative Counsel's Digest:

Existing law requires the Public Utilities Commission of Nevada to establish ~~[a portfolio standard for each provider of electric service in this State. The portfolio standard must require each provider to generate, acquire or save from renewable energy systems or energy efficiency measures a certain percentage of the total amount of electricity sold by the provider to its retail customers in this State during a calendar year. (NRS 704.7821)]~~ by regulation biennial targets for the procurement of energy storage systems by an electric utility which has had a gross annual operating revenue of \$250,000,000 or more in this State if the Commission determines such targets to be in the public interest. (NRS 704.187, 704.792, 704.796) Existing regulations establish such targets, with a target for the procurement of energy storage systems with a cumulative capacity of 1,000 megawatts by December 31, 2030. (LCB File No. R106-19) Under existing law, to qualify as an energy storage system for the purpose of meeting the biennial targets, an energy storage system is required to be commercially available technology that is capable of retaining, storing and delivering energy after storage by chemical, thermal or mechanical means. (NRS 704.793) Section [1] 2.8 of this bill [revises the definition of "renewable energy" for the purposes of the portfolio standard to provide that the term includes] authorizes technology that retains, stores and delivers energy through hydrogen storage and use systems that only use green hydrogen to be used to meet the existing biennial energy storage targets. [produced in a manner that generates an environmental impact equivalent to that of not more than 2 kilograms of carbon dioxide for each kilogram of hydrogen produced, commonly known as "clean hydrogen."] Section [2] 2.4 of this bill ~~[makes a conforming change so that the amendatory provisions of section 1 do not impact the definition of "renewable energy" for the purposes of certain provisions governing renewable natural gas activities.]~~ defines the term "green hydrogen" as

hydrogen produced through a certain process that is completely powered by renewable energy. Section 2.6 of this bill makes a conforming change to make this definition applicable to existing law governing biennial energy storage targets.

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

Section 1. ~~{NRS 704.7811 is hereby amended to read as follows:~~

~~704.7811 1. "Renewable energy" means:~~

- ~~(a) Biomass;~~
- ~~(b) Clean hydrogen;~~
- ~~(c) Geothermal energy;~~
- ~~[(c)] (d) Solar energy;~~
- ~~[(d)] (e) Waterpower; and~~
- ~~[(e)] (f) Wind.~~

~~2. The term does not include coal, natural gas, oil, propane or any other fossil fuel, or nuclear energy.~~

~~3. As used in this section [,"waterpower"]:~~

~~(a) "Clean hydrogen" means hydrogen produced in a manner that generates an environmental impact equivalent to that of not more than 2 kilograms of carbon dioxide for each kilogram of hydrogen produced.~~

~~(b) "Waterpower" means power derived from standing, running or falling water which is used for any plant, facility, equipment or system to generate electricity. Except as otherwise provided in this [subsection,] paragraph, the term includes, without limitation, power derived from water that has been pumped from a lower to a higher elevation if the generating capacity of the plant, facility, equipment or system for which the water is used is not more than 30 megawatts, and the plant, facility, equipment or system was in existence and used to derive power from pumped water before January 1, 2019. The term does not include power:~~

~~[(a)] (1) That requires a new or increased appropriation or diversion of water for its creation;~~

~~[(b)] (2) That requires the use of any fossil fuel for its creation, unless the primary purpose of the use of the fossil fuel is not the creation of the power;~~

~~or~~

~~[(c)] (3) That was produced before April 22, 2019, from a renewable energy system with a generating capacity of more than 30 megawatts placed into operation before July 1, 1997. (Deleted by amendment.)~~

Sec. 2. ~~{NRS 704.9994 is hereby amended to read as follows:~~

~~704.9994 1. "Renewable energy" [has the meaning ascribed to it in NRS 704.7811.] means:~~

- ~~(a) Biomass;~~
- ~~(b) Geothermal energy;~~
- ~~(c) Solar energy;~~
- ~~(d) Waterpower; and~~
- ~~(e) Wind.~~

~~2. The term does not include coal, natural gas, oil, propane or any other fossil fuel, or nuclear energy.~~

~~3. As used in this section, "waterpower" means power derived from standing, running or falling water which is used for any plant, facility, equipment or system to generate electricity. Except as otherwise provided in this subsection, the term includes, without limitation, power derived from water that has been pumped from a lower to a higher elevation if the generating capacity of the plant, facility, equipment or system for which the water is used is not more than 30 megawatts, and the plant, facility, equipment or system was in existence and used to derive power from pumped water before January 1, 2019. The term does not include power:~~

~~(a) That requires a new or increased appropriation or diversion of water for its creation;~~

~~(b) That requires the use of any fossil fuel for its creation, unless the primary purpose of the use of the fossil fuel is not the creation of the power;~~
~~or~~

~~(c) That was produced before April 22, 2019, from a renewable energy system with a generating capacity of more than 30 megawatts placed into operation before July 1, 1997.] (Deleted by amendment.)~~

Sec. 2.4. Chapter 704 of NRS is hereby amended by adding thereto a new section to read as follows:

"Green hydrogen" means hydrogen that is produced by splitting water molecules into hydrogen and oxygen through an electrolysis process that is completely powered by renewable energy.

Sec. 2.6. NRS 704.791 is hereby amended to read as follows:

704.791 As used in NRS 704.791 to 704.797, inclusive, and section 2.6 of this act, unless the context otherwise requires, the words and terms defined in NRS 704.792, 704.793 and 704.794 and section 2.6 of this act have the meanings ascribed to them in those sections.

Sec. 2.8. NRS 704.793 is hereby amended to read as follows:

704.793 "Energy storage system" means commercially available technology that is capable of retaining energy, storing the energy for a period of time and delivering the energy after storage, including, without limitation, by chemical, thermal or mechanical means ~~[-] or through a hydrogen storage and use system that only uses green hydrogen.~~

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

Senator Harris moved the adoption of the amendment.

Remarks by Senator Harris.

Amendment No. 306 to Senate Bill No. 334 deletes section 1 of the bill; requires the Public Utilities Commission of Nevada to establish regulations for biennial targets for the procurement of energy storage systems for an electric utility which has had a gross annual operating revenue of \$250,000 or more or if the Commission determines such targets to be in the public interest; establishes a target for the procurement of energy storage systems with a cumulative capacity of 1,000 megawatts by December 31, 2030; authorizes technology that retains, stores and delivers energy through hydrogen storage and use systems that only use green hydrogen to be used to

meet the existing biennial energy storage targets; and defines the term "green hydrogen" as hydrogen produced through a certain process that is completely powered by renewable energy.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 343.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 421.

SUMMARY—Revises provisions relating to fentanyl and derivatives of fentanyl. (BDR 40-501)

AN ACT relating to controlled substances; establishing the ~~[crimes]~~ crime of low-level ~~[, mid-level and high-level]~~ trafficking in illicitly manufactured fentanyl, any derivative of fentanyl or any mixture which contains fentanyl or any derivative of fentanyl; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a person who knowingly or intentionally sells, manufactures, delivers or brings into this State or is knowingly or intentionally in actual or constructive possession of a schedule I controlled substance, other than marijuana, a schedule II controlled substance or certain other controlled substances is guilty of: (1) low-level trafficking if the quantity of the controlled substance is 100 grams or more but less than 400 grams; and (2) high-level trafficking if the quantity of the controlled substance is 400 grams or more. A person who commits the crime of: (1) low-level trafficking is guilty of a category B felony and subject to certain prescribed penalties; and (2) high-level trafficking is guilty of a category A felony and subject to certain prescribed penalties. (NRS 453.3385) Additionally, under existing law, a person who knowingly or intentionally possesses a schedule I or schedule II controlled substance in which the quantity involved is less than 14 grams commits the crime of possession of a controlled substance and is guilty of: (1) a category E felony for a first or second offense; and (2) a category D felony for a third or subsequent offense. (NRS 453.336)

Existing regulations of the State Board of Pharmacy include fentanyl in the list of controlled substances in schedule II and various derivatives of fentanyl in the list of controlled substances in schedule I. (NAC 453.510, as amended by LCB File No. R023-21, NAC 453.520) ~~Section 18 of this bill excludes fentanyl, any derivative of fentanyl and any mixture which contains fentanyl or any derivative of fentanyl from the controlled substances to which the provisions governing the crimes of low-level trafficking and high-level trafficking apply. Instead, section 1 of this bill establishes the [crimes]~~ crime of low-level ~~[trafficking, mid-level trafficking and high-level]~~ trafficking in illicitly manufactured fentanyl, any derivative of fentanyl or any mixture which contains fentanyl or any derivative of fentanyl. Under section 1, a

person who knowingly or intentionally sells, manufactures, delivers or brings into this State or is knowingly or intentionally in actual or constructive possession of illicitly manufactured fentanyl, any derivative of fentanyl or any mixture which contains fentanyl or any derivative of fentanyl is guilty of ~~[(1)]~~ low-level trafficking if the quantity involved is 4 grams or more but less than 14 grams ~~. [(2) mid-level trafficking if the quantity involved is 14 grams or more but less than 28 grams; and (3) high-level trafficking if the quantity involved is 28 grams or more.]~~ Under section 1, a person who commits the crime of ~~[(1)]~~ low-level ~~for mid-level~~ trafficking is guilty of a category B felony and subject to certain prescribed penalties ~~. [(1) and (2) high-level trafficking is guilty of a category A felony and subject to certain prescribed penalties.]~~

Sections ~~[(2)]~~ 5 and 6 of this bill provide that a person found guilty of low-level ~~[(1) mid-level or high-level]~~ trafficking in illicitly manufactured fentanyl, any derivative of fentanyl or any mixture which contains fentanyl or any derivative of fentanyl is subject to the greater penalty if the acts constituting the crime could subject the person to a lesser punishment under another statute.

Sections 3, 4, 7, ~~and 9 [(13)]~~ and 11-13 of this bill add references to section 1 so that the ~~[(crimes)]~~ crime of low-level ~~[(1) mid-level and high-level]~~ trafficking in illicitly manufactured fentanyl, any derivative of fentanyl or any mixture which contains fentanyl or any derivative of fentanyl ~~[(are)]~~ is treated the same as the ~~[(crimes)]~~ crime of low-level ~~[(and high-level)]~~ trafficking involving other schedule I controlled substances, other than marijuana, and schedule II controlled substances for certain purposes.

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 a new section to read as follows:

Except as otherwise authorized by the provisions of NRS 453.011 to 453.552, inclusive, a person who knowingly or intentionally sells, manufactures, delivers or brings into this State or who is knowingly or intentionally in actual or constructive possession of 4 grams or more but less than 14 grams of illicitly manufactured fentanyl, any derivative of fentanyl or any mixture which contains fentanyl or any derivative of fentanyl, unless a greater penalty is provided pursuant to NRS 453.322, ~~[(if the quantity involved)]~~

~~1. Is 4 grams or more, but less than 14 grams,] is guilty of low-level trafficking and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years and by a fine of not more than \$50,000.~~

~~[(2. Is 14 grams or more, but less than 28 grams, is guilty of mid-level trafficking and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years and by a fine of not more than \$100,000.)]~~

~~3. Is 28 grams or more, is guilty of high level trafficking and shall be punished for a category A felony by imprisonment in the state prison;~~

~~(a) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or~~

~~(b) For a definite term of 25 years, with eligibility for parole beginning when a minimum of 10 years has been served,~~

~~and by a fine of not more than \$500,000.]~~

Sec. 2. ~~[NRS 453.322 is hereby amended to read as follows:~~

~~453.322 1. Except as authorized by the provisions of NRS 453.011 to 453.552, inclusive, it is unlawful for a person to knowingly or intentionally:~~

~~(a) Manufacture or compound a controlled substance other than marijuana;~~

~~(b) Possess, with the intent to manufacture or compound a controlled substance other than marijuana, or sell, exchange, barter, supply, prescribe, dispense or give away, with the intent that the chemical be used to manufacture or compound a controlled substance other than marijuana;~~

~~(1) Any chemical identified in subsection 5; or~~

~~(2) Any other chemical which is proven by expert testimony to be commonly used in manufacturing or compounding a controlled substance other than marijuana. The district attorney may present expert testimony to provide a prima facie case that any chemical, whether or not it is a chemical identified in subsection 5, is commonly used in manufacturing or compounding such a controlled substance.~~

~~➤ The provisions of this paragraph do not apply to a person who, without the intent to commit an unlawful act, possesses any chemical at a laboratory that is licensed to store the chemical.~~

~~(c) Offer or attempt to do any act set forth in paragraph (a) or (b).~~

~~2. Unless a greater penalty is provided in subsection 3 or NRS 453.3385, or section 1 of this act, a person who violates any provision of subsection 1 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than \$100,000.~~

~~3. If a person violates any provision of subsection 1 by engaging in the manufacturing or compounding of a controlled substance other than marijuana, or by attempting to do so, and the violation causes a fire or explosion, the person is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 20 years, and may be further punished by a fine of not more than \$100,000.~~

~~4. The court shall not grant probation to a person convicted pursuant to this section.~~

~~5. The following chemicals are identified for the purposes of subsection 1:~~

- ~~—(a) Acetic anhydride.~~
- ~~—(b) Acetone.~~
- ~~—(c) N Acetylanthranilic acid, its esters and its salts.~~
- ~~—(d) Anthranilic acid, its esters and its salts.~~
- ~~—(e) Benzaldehyde, its salts, isomers and salts of isomers.~~
- ~~—(f) Benzyl chloride.~~
- ~~—(g) Benzyl cyanide.~~
- ~~—(h) 1,4 Butanediol.~~
- ~~—(i) 2 Butanone (or methyl ethyl ketone or MEK).~~
- ~~—(j) Ephedrine, its salts, isomers and salts of isomers.~~
- ~~—(k) Ergonovine and its salts.~~
- ~~—(l) Ergotamine and its salts.~~
- ~~—(m) Ethylamine, its salts, isomers and salts of isomers.~~
- ~~—(n) Ethyl ether.~~
- ~~—(o) Gamma butyrolactone.~~
- ~~—(p) Hydriodic acid, its salts, isomers and salts of isomers.~~
- ~~—(q) Hydrochloric gas.~~
- ~~—(r) Iodine.~~
- ~~—(s) Isosafrole, its salts, isomers and salts of isomers.~~
- ~~—(t) Lithium metal.~~
- ~~—(u) Methylamine, its salts, isomers and salts of isomers.~~
- ~~—(v) 3,4 Methyleneedioxy phenyl 2 propanone.~~
- ~~—(w) N Methylphedrine, its salts, isomers and salts of isomers.~~
- ~~—(x) Methyl isobutyl ketone (MIBK).~~
- ~~—(y) N Methylpseudoephedrine, its salts, isomers and salts of isomers.~~
- ~~—(z) Nitroethane, its salts, isomers and salts of isomers.~~
- ~~—(aa) Norpseudoephedrine, its salts, isomers and salts of isomers.~~
- ~~—(bb) Phenylacetic acid, its esters and its salts.~~
- ~~—(cc) Phenylpropanolamine, its salts, isomers and salts of isomers.~~
- ~~—(dd) Piperidine and its salts.~~
- ~~—(ee) Piperonal, its salts, isomers and salts of isomers.~~
- ~~—(ff) Potassium permanganate.~~
- ~~—(gg) Propionic anhydride, its salts, isomers and salts of isomers.~~
- ~~—(hh) Pseudoephedrine, its salts, isomers and salts of isomers.~~
- ~~—(ii) Red phosphorous.~~
- ~~—(jj) Safrole, its salts, isomers and salts of isomers.~~
- ~~—(kk) Sodium metal.~~
- ~~—(ll) Sulfuric acid.~~
- ~~—(mm) Toluene.] (Deleted by amendment.)~~

Sec. 3. NRS 453.333 is hereby amended to read as follows:

453.333 If the death of a person is proximately caused by a controlled substance which was sold, given, traded or otherwise made available to him or her by another person in violation of this chapter, the person who sold, gave or traded or otherwise made the substance available to him or her is guilty of murder. If convicted of murder in the second degree, the person is

guilty of a category A felony and shall be punished as provided in subsection 5 of NRS 200.030. If convicted of murder in the first degree, the person is guilty of a category A felony and shall be punished as provided in subsection 4 of NRS 200.030, except that the punishment of death may be imposed only if the requirements of paragraph (a) of subsection 4 of that section have been met and if the defendant is or has previously been convicted of violating NRS 453.3385 or 453.339 *or section 1 of this act* or a law of any other jurisdiction which prohibits the same conduct.

Sec. 4. NRS 453.3353 is hereby amended to read as follows:

453.3353 1. Unless a greater penalty is provided by law, and except as otherwise provided in this section and NRS 193.169, if:

(a) A person violates NRS 453.322 or 453.3385, *or section 1 of this act*, and the violation involves the manufacturing or compounding of any controlled substance other than marijuana; and

(b) During the discovery or cleanup of the premises at, on or in which the controlled substance was manufactured or compounded, another person suffers substantial bodily harm other than death as the proximate result of the manufacturing or compounding of the controlled substance,

➡ the person who committed the offense shall be punished by imprisonment in the state prison for a term equal to and in addition to the term of imprisonment prescribed by statute for the offense. The sentence prescribed by this subsection runs consecutively with the sentence prescribed by statute for the offense.

2. Unless a greater penalty is provided by law, and except as otherwise provided in NRS 193.169, if:

(a) A person violates NRS 453.322 or 453.3385, *or section 1 of this act*, and the violation involves the manufacturing or compounding of any controlled substance other than marijuana; and

(b) During the discovery or cleanup of the premises at, on or in which the controlled substance was manufactured or compounded, another person suffers death as the proximate result of the manufacturing or compounding of the controlled substance,

➡ the offense shall be deemed a category A felony and the person who committed the offense shall be punished by imprisonment in the state prison:

(1) For life without the possibility of parole;

(2) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 20 years has been served; or

(3) For a definite term of 50 years, with eligibility for parole beginning when a minimum of 20 years has been served.

3. Subsection 1 does not create a separate offense but provides an additional penalty for the primary offense, the imposition of which is contingent upon the finding of the prescribed fact. Subsection 2 does not create a separate offense but provides an alternative penalty for the primary offense, the imposition of which is contingent upon the finding of the prescribed fact.

4. As used in this section:

(a) "Marijuana" does not include concentrated cannabis.

(b) "Premises" means:

(1) Any temporary or permanent structure, including, without limitation, any building, house, room, apartment, tenement, shed, carport, garage, shop, warehouse, store, mill, barn, stable, outhouse or tent; or

(2) Any conveyance, including, without limitation, any vessel, boat, vehicle, airplane, glider, house trailer, travel trailer, motor home or railroad car,

➡ whether located aboveground or underground and whether inhabited or not.

Sec. 5. NRS 453.336 is hereby amended to read as follows:

453.336 1. Except as otherwise provided in subsection 6, a person shall not knowingly or intentionally possess a controlled substance, unless the substance was obtained directly from, or pursuant to, a prescription or order of a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician, optometrist, advanced practice registered nurse or veterinarian while acting in the course of his or her professional practice, or except as otherwise authorized by the provisions of NRS 453.005 to 453.552, inclusive.

2. Except as otherwise provided in subsections 3, 4 and 5 and in NRS 453.3363, and unless a greater penalty is provided in NRS 212.160, 453.3385 or 453.339, *or section 1 of this act*, a person who violates this section:

(a) For a first or second offense, if the controlled substance is listed in schedule I or II and the quantity possessed is less than 14 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is less than 28 grams, is guilty of possession of a controlled substance and shall be punished for a category E felony as provided in NRS 193.130. In accordance with NRS 176.211, the court shall defer judgment upon the consent of the person.

(b) For a third or subsequent offense, if the controlled substance is listed in schedule I or II and the quantity possessed is less than 14 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is less than 28 grams, or if the offender has previously been convicted two or more times in the aggregate of any violation of the law of the United States or of any state, territory or district relating to a controlled substance, is guilty of possession of a controlled substance and shall be punished for a category D felony as provided in NRS 193.130, and may be further punished by a fine of not more than \$20,000.

(c) If the controlled substance is listed in schedule I or II and the quantity possessed is 14 grams or more, but less than 28 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is 28 grams or more, but less than 200 grams, is guilty of low-level possession

of a controlled substance and shall be punished for a category C felony as provided in NRS 193.130.

(d) If the controlled substance is listed in schedule I or II and the quantity possessed is 28 grams or more, but less than 42 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is 200 grams or more, is guilty of mid-level possession of a controlled substance and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years and by a fine of not more than \$50,000.

(e) If the controlled substance is listed in schedule I or II and the quantity possessed is 42 grams or more, but less than 100 grams, is guilty of high-level possession of a controlled substance and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years and by a fine of not more than \$50,000.

3. Unless a greater penalty is provided in NRS 212.160, 453.337 or 453.3385, a person who is convicted of the possession of flunitrazepam or gamma-hydroxybutyrate, or any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.

4. Unless a greater penalty is provided pursuant to NRS 212.160, a person who is convicted of the possession of 1 ounce or less of marijuana is guilty of a misdemeanor and shall be punished by:

(a) Performing not more than 24 hours of community service;

(b) Attending the live meeting described in paragraph (a) of subsection 2 of NRS 484C.530 and complying with any other requirements set forth in that section; or

(c) Being required to undergo an evaluation in accordance with subsection 1 of NRS 484C.350,

➡ or any combination thereof.

5. Unless a greater penalty is provided pursuant to NRS 212.160, a person who is convicted of the possession of more than 1 ounce, but less than 50 pounds, of marijuana or more than one-eighth of an ounce, but less than one pound, of concentrated cannabis is guilty of a category E felony and shall be punished as provided in NRS 193.130.

6. It is not a violation of this section if a person possesses a trace amount of a controlled substance and that trace amount is in or on a hypodermic device obtained from a sterile hypodermic device program pursuant to NRS 439.985 to 439.994, inclusive.

7. The court may grant probation to or suspend the sentence of a person convicted of violating this section.

8. If a person fulfills the terms and conditions imposed for a violation of subsection 4, the court shall, without a hearing, order sealed all documents,

papers and exhibits in that person's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order. The court shall cause a copy of the order to be sent to each agency or officer named in the order. Each such agency or officer shall notify the court in writing of its compliance with the order.

9. As used in this section:

(a) "Controlled substance" includes flunitrazepam, gamma-hydroxybutyrate and each substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor.

(b) "Marijuana" does not include concentrated cannabis.

(c) "Sterile hypodermic device program" has the meaning ascribed to it in NRS 439.986.

Sec. 6. NRS 453.337 is hereby amended to read as follows:

453.337 1. Except as otherwise authorized by the provisions of NRS 453.011 to 453.552, inclusive, it is unlawful for a person to possess for the purpose of sale flunitrazepam, gamma-hydroxybutyrate, any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor or any controlled substance classified in schedule I or II.

2. Unless a greater penalty is provided in NRS 453.3385 or 453.339, *or section 1 of this act*, a person who violates this section shall be punished:

(a) For the first offense, for a category D felony as provided in NRS 193.130.

(b) For a second offense, or if, in the case of a first conviction of violating this section, the offender has previously been convicted of a felony under the Uniform Controlled Substances Act or of an offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to a felony under the Uniform Controlled Substances Act, for a category C felony as provided in NRS 193.130.

(c) For a third or subsequent offense, or if the offender has previously been convicted two or more times of a felony under the Uniform Controlled Substances Act or of any offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to a felony under the Uniform Controlled Substances Act, for a category B felony by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than \$20,000 for each offense.

3. Except as otherwise provided in this subsection, unless mitigating circumstances exist that warrant the granting of probation, the court shall not grant probation to or suspend the sentence of a person convicted of violating this section and punishable pursuant to paragraph (b) or (c) of subsection 2. The court shall not grant probation to or suspend the sentence of a person convicted of violating this section, even if mitigating circumstances exist that would otherwise warrant the granting of probation, if the person violated this section by possessing flunitrazepam, gamma-hydroxybutyrate or any

substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor.

Sec. 7. NRS 453.3383 is hereby amended to read as follows:

453.3383 For the purposes of NRS 453.3385 and 453.339, *and section 1 of this act*, the weight of the controlled substance as represented by the person selling or delivering it is determinative if the weight as represented is greater than the actual weight of the controlled substance.

Sec. 8. ~~NRS 453.3385 is hereby amended to read as follows:~~

~~453.3385 1. Except as otherwise provided in NRS 453.339 and section 1 of this act and except as otherwise authorized by the provisions of NRS 453.011 to 453.552, inclusive, a person who knowingly or intentionally sells, manufactures, delivers or brings into this State or who is knowingly or intentionally in actual or constructive possession of flunitrazepam, gamma-hydroxybutyrate, any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor or any controlled substance which is listed in schedule I or II [, except marijuana,] or any mixture which contains any such controlled substance, unless a greater penalty is provided pursuant to NRS 453.322, if the quantity involved:~~

~~[(a)] 2. Is 100 grams or more, but less than 400 grams, is guilty of low-level trafficking and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and by a fine of not more than \$100,000.~~

~~[(b)] 3. Is 400 grams or more, is guilty of high-level trafficking and shall be punished for a category A felony by imprisonment in the state prison:~~

~~[(1)] (a) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or~~

~~[(2)] (b) For a definite term of 25 years, with eligibility for parole beginning when a minimum of 10 years has been served,~~

~~and by a fine of not more than \$500,000.~~

~~[2. As used in this section, "marijuana" does not include concentrated cannabis.]} (Deleted by amendment.)~~

Sec. 9. NRS 453.3405 is hereby amended to read as follows:

453.3405 1. Except as otherwise provided in subsection 2, the adjudication of guilt and imposition of sentence of a person found guilty of trafficking in a controlled substance in violation of NRS 453.3385 or 453.339 *or section 1 of this act* must not be suspended and the person is not eligible for parole until the person has actually served the mandatory minimum term of imprisonment prescribed by the section under which the person was convicted.

2. The court, upon an appropriate motion, may reduce or suspend the sentence of any person convicted of violating any of the provisions of NRS 453.3385 or 453.339 *or section 1 of this act* if the court finds that the convicted person rendered substantial assistance in the investigation or prosecution of any offense. The arresting agency must be given an

opportunity to be heard before the motion is granted. Upon good cause shown, the motion may be heard in camera.

3. Any appropriate reduction or suspension of a sentence pursuant to subsection 2 must be determined by the court, for reasons stated by the court that may include, without limitation, consideration of the following:

(a) The court's evaluation of the significance and usefulness of the convicted person's assistance, taking into consideration the prosecuting attorney's evaluation of the assistance rendered;

(b) The truthfulness, completeness and reliability of any information or testimony provided by the convicted person;

(c) The nature and extent of the convicted person's assistance;

(d) Any injury suffered or any danger or risk of injury to the convicted person or his or her family resulting from his or her assistance; and

(e) The timeliness of the convicted person's assistance.

Sec. 10. ~~[NRS 453C.150 is hereby amended to read as follows:~~

~~453C.150 1. Notwithstanding any other provision of law, a person who, in good faith, seeks medical assistance for a person who is experiencing a drug or alcohol overdose or other medical emergency or who seeks such assistance for himself or herself, or who is the subject of a good faith request for such assistance may not be arrested, charged, prosecuted or convicted, or have his or her property subjected to forfeiture, or be otherwise penalized for violating;~~

~~—(a) Except as otherwise provided in subsection 4, a provision of chapter 453 of NRS relating to;~~

~~—(1) Drug paraphernalia, including, without limitation, NRS 453.554 to 453.566, inclusive;~~

~~—(2) Possession, unless it is for the purpose of sale or violates the provisions of NRS 453.3385, subsection 2 of NRS 453.3393 or 453.3405 [;] or section 1 of this act; or~~

~~—(3) Use of a controlled substance, including, without limitation, NRS 453.336;~~

~~—(b) A local ordinance as described in NRS 453.3361 that establishes an offense that is similar to an offense set forth in NRS 453.336;~~

~~—(c) A restraining order; or~~

~~—(d) A condition of the person's parole or probation;~~

~~— if the evidence to support the arrest, charge, prosecution, conviction, seizure or penalty was obtained as a result of the person seeking medical assistance;~~

~~2. A court, before sentencing a person who has been convicted of a violation of chapter 453 of NRS for which immunity is not provided by this section, shall consider in mitigation any evidence or information that the defendant, in good faith, sought medical assistance for a person who was experiencing a drug or alcohol overdose or other life-threatening emergency in connection with the events that constituted the violation.~~

~~3. For the purposes of this section, a person seeks medical assistance if the person:~~

~~(a) Reports a drug or alcohol overdose or other medical emergency to a member of a law enforcement agency, a 911 emergency service, a poison control center, a medical facility or a provider of emergency medical services;~~

~~(b) Assists another person making such a report;~~

~~(c) Provides care to a person who is experiencing a drug or alcohol overdose or other medical emergency while awaiting the arrival of medical assistance; or~~

~~(d) Delivers a person who is experiencing a drug or alcohol overdose or other medical emergency to a medical facility and notifies the appropriate authorities.~~

~~4. The provisions of this section do not prohibit any governmental entity from taking any actions required or authorized by chapter 432B of NRS relating to the abuse or neglect of a child.~~

~~5. As used in this section, "drug or alcohol overdose" means a condition, including, without limitation, extreme physical illness, a decreased level of consciousness, respiratory depression, coma, mania or death which is caused by the consumption or use of a controlled substance or alcohol, or another substance with which a controlled substance or alcohol was combined, or that an ordinary layperson would reasonably believe to be a drug or alcohol overdose that requires medical assistance.} (Deleted by amendment.)~~

Sec. 11. NRS 179A.075 is hereby amended to read as follows:

179A.075 1. The Central Repository for Nevada Records of Criminal History is hereby created within the Records, Communications and Compliance Division of the Department.

2. Each agency of criminal justice and any other agency dealing with crime shall:

(a) Collect and maintain records, reports and compilations of statistical data required by the Department; and

(b) Submit the information collected to the Central Repository:

(1) In the manner approved by the Director of the Department; and

(2) In accordance with the policies, procedures and definitions of the Uniform Crime Reporting Program of the Federal Bureau of Investigation.

3. Each agency of criminal justice shall submit the information relating to records of criminal history that it creates, issues or collects, and any information in its possession relating to the DNA profile of a person from whom a biological specimen is obtained pursuant to NRS 176.09123 or 176.0913, to the Division. The information must be submitted to the Division:

(a) Through an electronic network;

(b) On a medium of magnetic storage; or

(c) In the manner prescribed by the Director of the Department,

↪ within 60 days after the date of the disposition of the case. If an agency has submitted a record regarding the arrest of a person who is later determined by the agency not to be the person who committed the particular crime, the agency shall, immediately upon making that determination, so notify the Division. The Division shall delete all references in the Central Repository relating to that particular arrest.

4. Each state and local law enforcement agency shall submit Uniform Crime Reports to the Central Repository:

- (a) In the manner prescribed by the Director of the Department;
- (b) In accordance with the policies, procedures and definitions of the Uniform Crime Reporting Program of the Federal Bureau of Investigation; and
- (c) Within the time prescribed by the Director of the Department.

5. The Division shall, in the manner prescribed by the Director of the Department:

(a) Collect, maintain and arrange all information submitted to it relating to:

- (1) Records of criminal history; and
 - (2) The DNA profile of a person from whom a biological specimen is obtained pursuant to NRS 176.09123 or 176.0913.
- (b) When practicable, use a record of the personal identifying information of a subject as the basis for any records maintained regarding him or her.
- (c) Upon request, provide, in paper or electronic form, the information that is contained in the Central Repository to the Committee on Domestic Violence appointed pursuant to NRS 228.470 when, pursuant to NRS 228.495, the Committee is reviewing the death of the victim of a crime that constitutes domestic violence pursuant to NRS 33.018.

6. The Division may:

- (a) Disseminate any information which is contained in the Central Repository to any other agency of criminal justice;
- (b) Enter into cooperative agreements with repositories of the United States and other states to facilitate exchanges of information that may be disseminated pursuant to paragraph (a); and
- (c) Request of and receive from the Federal Bureau of Investigation information on the background and personal history of any person whose record of fingerprints or other biometric identifier the Central Repository submits to the Federal Bureau of Investigation and:

(1) Who has applied to any agency of the State of Nevada or any political subdivision thereof for a license which it has the power to grant or deny;

(2) With whom any agency of the State of Nevada or any political subdivision thereof intends to enter into a relationship of employment or a contract for personal services;

(3) Who has applied to any agency of the State of Nevada or any political subdivision thereof to attend an academy for training peace officers approved by the Peace Officers' Standards and Training Commission;

(4) For whom such information is required or authorized to be obtained pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183, 449.123 and 449.4329; or

(5) About whom any agency of the State of Nevada or any political subdivision thereof is authorized by law to have accurate personal information for the protection of the agency or the persons within its jurisdiction.

7. To request and receive information from the Federal Bureau of Investigation concerning a person pursuant to subsection 6, the Central Repository must receive:

(a) The person's complete set of fingerprints for the purposes of:

- (1) Booking the person into a city or county jail or detention facility;
- (2) Employment;
- (3) Contractual services; or
- (4) Services related to occupational licensing;

(b) One or more of the person's fingerprints for the purposes of mobile identification by an agency of criminal justice; or

(c) Any other biometric identifier of the person as it may require for the purposes of:

- (1) Arrest; or
- (2) Criminal investigation,

↪ from the agency of criminal justice or agency of the State of Nevada or any political subdivision thereof and submit the received data to the Federal Bureau of Investigation for its report.

8. The Central Repository shall:

(a) Collect and maintain records, reports and compilations of statistical data submitted by any agency pursuant to subsection 2.

(b) Tabulate and analyze all records, reports and compilations of statistical data received pursuant to this section.

(c) Disseminate to federal agencies engaged in the collection of statistical data relating to crime information which is contained in the Central Repository.

(d) Investigate the criminal history of any person who:

(1) Has applied to the Superintendent of Public Instruction for the issuance or renewal of a license;

(2) Has applied to a county school district, charter school or private school for employment or to serve as a volunteer; or

(3) Is employed by or volunteers for a county school district, charter school or private school,

↪ and immediately notify the superintendent of each county school district, the governing body of each charter school and the Superintendent of Public Instruction, or the administrator of each private school, as appropriate, if the

investigation of the Central Repository indicates that the person has been convicted of a violation of NRS 200.508, 201.230, 453.3385 or 453.339, *or section 1 of this act*, or convicted of a felony or any offense involving moral turpitude.

(e) Upon discovery, immediately notify the superintendent of each county school district, the governing body of each charter school or the administrator of each private school, as appropriate, by providing the superintendent, governing body or administrator with a list of all persons:

(1) Investigated pursuant to paragraph (d); or

(2) Employed by or volunteering for a county school district, charter school or private school whose fingerprints were sent previously to the Central Repository for investigation,

➡ who the Central Repository's records indicate have been convicted of a violation of NRS 200.508, 201.230, 453.3385 or 453.339, *or section 1 of this act* or convicted of a felony or any offense involving moral turpitude since the Central Repository's initial investigation. The superintendent of each county school district, the governing body of a charter school or the administrator of each private school, as applicable, shall determine whether further investigation or action by the district, charter school or private school, as applicable, is appropriate.

(f) Investigate the criminal history of each person who submits one or more fingerprints or other biometric identifier or has such data submitted pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183, 449.122, 449.123 or 449.4329.

(g) Provide an electronic means to access on the Central Repository's Internet website statistical data relating to crime.

(h) Provide an electronic means to access on the Central Repository's Internet website statistical data about domestic violence in this State.

(i) Identify and review the collection and processing of statistical data relating to criminal justice by any agency identified in subsection 2 and make recommendations for any necessary changes in the manner of collecting and processing statistical data by any such agency.

(j) Adopt regulations governing biometric identifiers and the information and data derived from biometric identifiers, including, without limitation:

(1) Their collection, use, safeguarding, handling, retention, storage, dissemination and destruction; and

(2) The methods by which a person may request the removal of his or her biometric identifiers from the Central Repository and any other agency where his or her biometric identifiers have been stored.

9. The Central Repository may:

(a) In the manner prescribed by the Director of the Department, disseminate compilations of statistical data and publish statistical reports relating to crime.

(b) Charge a reasonable fee for any publication or special report it distributes relating to data collected pursuant to this section. The Central

Repository may not collect such a fee from an agency of criminal justice or any other agency dealing with crime which is required to submit information pursuant to subsection 2. All money collected pursuant to this paragraph must be used to pay for the cost of operating the Central Repository.

(c) In the manner prescribed by the Director of the Department, use electronic means to receive and disseminate information contained in the Central Repository that it is authorized to disseminate pursuant to the provisions of this chapter.

10. As used in this section:

(a) "Mobile identification" means the collection, storage, transmission, reception, search, access or processing of a biometric identifier using a handheld device.

(b) "Personal identifying information" means any information designed, commonly used or capable of being used, alone or in conjunction with any other information, to identify a person, including, without limitation:

(1) The name, driver's license number, social security number, date of birth and photograph or computer-generated image of a person; and

(2) A biometric identifier of a person.

(c) "Private school" has the meaning ascribed to it in NRS 394.103.

Sec. 12. NRS 207.360 is hereby amended to read as follows:

207.360 "Crime related to racketeering" means the commission of, attempt to commit or conspiracy to commit any of the following crimes:

1. Murder;
2. Manslaughter, except vehicular manslaughter as described in NRS 484B.657;
3. Mayhem;
4. Battery which is punished as a felony;
5. Kidnapping;
6. Sexual assault;
7. Arson;
8. Robbery;
9. Taking property from another under circumstances not amounting to robbery;
10. Extortion;
11. Statutory sexual seduction;
12. Extortionate collection of debt in violation of NRS 205.322;
13. Forgery, including, without limitation, forgery of a credit card or debit card in violation of NRS 205.740;
14. Obtaining and using personal identifying information of another person in violation of NRS 205.463;
15. Establishing or possessing a financial forgery laboratory in violation of NRS 205.46513;
16. Any violation of NRS 199.280 which is punished as a felony;
17. Burglary;
18. Grand larceny;

19. Bribery or asking for or receiving a bribe in violation of chapter 197 or 199 of NRS which is punished as a felony;
20. Battery with intent to commit a crime in violation of NRS 200.400;
21. Assault with a deadly weapon;
22. Any violation of NRS 453.232, 453.316 to 453.339, inclusive, *and section 1 of this act* or NRS 453.375 to 453.401, inclusive;
23. Receiving or transferring a stolen vehicle;
24. Any violation of NRS 202.260, 202.275 or 202.350 which is punished as a felony;
25. Any violation of subsection 2 or 3 of NRS 463.360 or chapter 465 of NRS;
26. Receiving, possessing or withholding stolen goods valued at \$650 or more;
27. Embezzlement of money or property valued at \$650 or more;
28. Obtaining possession of money or property valued at \$650 or more, or obtaining a signature by means of false pretenses;
29. Perjury or subornation of perjury;
30. Offering false evidence;
31. Any violation of NRS 201.300, 201.320, 201.360 or 201.395;
32. Any violation of NRS 90.570, 91.230 or 686A.290, or insurance fraud pursuant to NRS 686A.291;
33. Any violation of NRS 205.506, 205.920 or 205.930;
34. Any violation of NRS 202.445 or 202.446;
35. Any violation of NRS 205.377;
36. Involuntary servitude in violation of any provision of NRS 200.463 or 200.464 or a violation of any provision of NRS 200.465; or
37. Trafficking in persons in violation of any provision of NRS 200.467 or 200.468.

Sec. 13. NRS 391.650 is hereby amended to read as follows:

391.650 As used in NRS 391.650 to 391.826, inclusive, unless the context otherwise requires:

1. "Administrator" means any employee who holds a license as an administrator and who is employed in that capacity by a school district.
2. "Board" means the board of trustees of the school district in which a licensed employee affected by NRS 391.650 to 391.826, inclusive, is employed.
3. "Demotion" means demotion of an administrator to a position of lesser rank, responsibility or pay and does not include transfer or reassignment for purposes of an administrative reorganization.
4. "Immorality" means:
 - (a) An act forbidden by NRS 200.366, 200.368, 200.400, 200.508, 201.180, 201.190, 201.210, 201.220, 201.230, 201.265, 201.540, 201.560, 207.260, 453.316 to 453.336, inclusive, except an act forbidden by NRS 453.337, 453.338, 453.3385 to 453.3405, inclusive, *and section 1 of this act*, 453.560 or 453.562; or

(b) An act forbidden by NRS 201.540 or any other sexual conduct or attempted sexual conduct with a pupil enrolled in an elementary or secondary school. As used in this paragraph, "sexual conduct" has the meaning ascribed to it in NRS 201.520.

5. "Postprobationary employee" means an administrator or a teacher who has completed the probationary period as provided in NRS 391.820 and has been given notice of reemployment. The term does not include a person who is deemed to be a probationary employee pursuant to NRS 391.730.

6. "Probationary employee" means:

(a) An administrator or a teacher who is employed for the period set forth in NRS 391.820; and

(b) A person who is deemed to be a probationary employee pursuant to NRS 391.730.

7. "Superintendent" means the superintendent of a school district or a person designated by the board or superintendent to act as superintendent during the absence of the superintendent.

8. "Teacher" means a licensed employee the majority of whose working time is devoted to the rendering of direct educational service to pupils of a school district.

Sec. 14. This act becomes effective on July 1, 2023.

Senator Scheible moved the adoption of the amendment.

Remarks by Senator Scheible.

Amendment No. 421 to Senate Bill No. 343 strikes provisions establishing mid-level and high-level fentanyl trafficking offenses, amends the definition of fentanyl to mirror that in Senate Bill No. 35, and strikes language that unintentionally would have penalized a good Samaritan for reporting an overdose.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 346.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 191.

SUMMARY—Revises provisions relating to motor vehicles. (BDR 43-458)

AN ACT relating to motor vehicles; authorizing certain acts and transactions to be conducted through an electronic branch office established by the Department of Motor Vehicles; revising requirements relating to certificates of registration and certificates of title of a vehicle; eliminating certain limitations on the persons authorized to participate in a program established by the Department for the electronic submission and storage of documents; requiring the Department to design, prepare and issue special license plates for all vehicles that are wholly powered by an electric motor and reducing the fees for those special license plates; authorizing the use of

electronic signatures and stamps for recording certain information for certain transactions; prohibiting a person from driving an autocycle upon a highway unless that person holds a driver's license; exempting the driver and passengers of an autocycle from the requirement to wear protective headgear; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Department of Motor Vehicles to establish an electronic branch office consisting of an Internet website or software application through which documentation may be submitted and certain transactions may be conducted through electronic means. (NRS 481.055) Section 1 of this bill sets forth certain specific acts which may be conducted through such an electronic branch office.

Existing law requires that if the Department establishes a program for the electronic submission and storage of documents, the Department allow only certain institutions and persons to apply for and participate in the program. (NRS 482.293) Existing law also authorizes the Department to waive the requirement of any required signature of a natural person on a document submitted by electronic means for those institutions and persons who comply with all of the requirements of the program. (NRS 482.294) Section 3 of this bill eliminates the limitations on persons who may participate in the program, thereby authorizing applications and participation by all persons. Section 4 of this bill eliminates references to the limited institutions and persons whose signatures may be waived for documents submitted electronically, providing for such waiver for any participant who complies with all requirements of the program.

Existing law requires: (1) certain information to be contained on the face of a certificate of registration of a vehicle; and (2) certain information and forms to be contained on the face or reverse, as applicable, of a certificate of title of a vehicle. (NRS 482.245) Section 2 of this bill eliminates the requirements that such information and forms be contained specifically on the face or reverse of the applicable documents.

Existing law requires, upon a transfer of the title to, or interest of an owner in, a vehicle, the person whose title or interest is to be transferred and the transferee to write their signatures with pen and ink, along with other information, upon the reverse side of the certificate of title. Existing law also exempts a wholesale vehicle auctioneer from this requirement if he or she stamps certain information on the certificate of title and certain other documents relating to the sale and transfer of the vehicle. (NRS 482.400) Section 5 of this bill: (1) eliminates the requirement of the use of pen and ink and the specification to write on the reverse side of the certificate, thereby authorizing electronic signatures; and (2) authorizes a wholesale vehicle auctioneer to stamp electronically the information required by these provisions.

Sections 1.2 and 5.1 of this bill define the term "autocycle." Sections 1.6 and 5.5 of this bill amend the definition of the term "motorcycle" to exclude

autocycles. Sections 1.4 and 5.3 of this bill make conforming changes to indicate the proper placement of sections 1.2 and 5.1 in the Nevada Revised Statutes.

Section 5.7 of this bill prohibits, with certain exceptions, a person from driving an autocycle upon an highway unless that person holds a driver's license.

Existing law requires the driver and passengers of certain vehicles to wear protective headgear and certain other protective devices when those vehicles are being driven on a highway. (NRS 486.231) Section 5.9 of this bill provides that, when an autocycle is being driven on a highway, the driver and passengers are not required to wear protective headgear.

Existing law: (1) requires the Department to design, prepare and issue special license plates for passenger cars and light commercial vehicles that are wholly powered by an electric motor; and (2) establishes the fees for those special license plates and their renewal. (NRS 482.3797) Section 4.5 of this bill: (1) requires the Department to design, prepare and issue special license plates for all vehicles that are wholly powered by an electric motor; and (2) reduces the fees for those special license plates and their renewal.

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

Section 1. NRS 481.055 is hereby amended to read as follows:

481.055 1. The Department shall keep its main office at Carson City, Nevada, in rooms provided by the Buildings and Grounds Section of the State Public Works Division of the Department of Administration.

2. The Department may maintain such branch offices throughout the State as the Director may deem necessary to the efficient operation of the Department and the various divisions thereof in space provided by the Buildings and Grounds Section. Any leases or agreements entered into pursuant to this subsection must be executed in accordance with the provisions of NRS 331.110.

3. The Department may establish an electronic branch office consisting of an Internet website or software application through which, notwithstanding any specific statute to the contrary, a person may submit forms, applications and other documentation and the Department may conduct transactions that have been designated by the Director as suitable to be conducted through electronic means ~~{-}~~, *including, without limitation:*

(a) *The electronic transmission, recording and issuance of certificates of title, certificates of registration and information relating to those certificates.*

(b) *The electronic transmission and recording of applications for driver's licenses.*

(c) *The recording and electronic transmission between the Department, other states and law enforcement of information relating to citations and crashes, collisions, accidents and other casualties.*

(d) *The acceptance of electronic signatures.*

(e) *The collection and exchange of applications for licenses and other information from persons who are licensed as or seeking to be licensed as:*

- (1) *Brokers;*
- (2) *Dealers;*
- (3) *Distributors;*
- (4) *Lessors;*
- (5) *Manufacturers;*
- (6) *Rebuilders;*
- (7) *Salespersons; and*
- (8) *Vehicle transporters.*

(f) *The issuance of registration credentials pursuant to NRS 482.217.*

4. The Department shall not conduct a transaction through the electronic branch office which state or federal law specifically requires to be conducted in person or accept documentation through the electronic branch office which state or federal law specifically requires to be presented in original form.

Sec. 1.2. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

"Autocycle" means a three-wheeled motor vehicle that:

1. Is designed with two front wheels and one rear wheel;
2. Is equipped with a steering wheel or handlebars;
3. Is equipped with safety belts for the driver and each passenger;
4. Uses foot pedals to control the braking and acceleration of the vehicle;
5. Does not require the operator or passengers to straddle or sit astride the vehicle; and
6. Has been manufactured to meet the federal safety requirements for a motorcycle.

Sec. 1.4. NRS 482.010 is hereby amended to read as follows:

482.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 482.0105 to 482.137, inclusive, and section 1.2 of this act have the meanings ascribed to them in those sections.

Sec. 1.6. NRS 482.070 is hereby amended to read as follows:

482.070 "Motorcycle" means every motor vehicle designed to travel on not more than three wheels in contact with the ground, except any such vehicle as may be included within the term "electric bicycle," "electric scooter," "tractor" or "moped" as defined in this chapter. The term does not include an autocycle.

Sec. 2. NRS 482.245 is hereby amended to read as follows:

482.245 1. The certificate of registration must contain ~~upon the face thereof~~ the date issued, the registration number assigned to the vehicle, the name and address of the registered owner, the county where the vehicle is to be based unless it is deemed to have no base, a description of the registered vehicle and such other statement of facts as may be determined by the Department.

2. The certificate of title must contain ~~[upon the face thereof]~~ the date issued, the name and address of the registered owner and the owner or lienholder, if any, a description of the vehicle, any entries required by NRS 482.423 to 482.428, inclusive, a reading of the vehicle's odometer as provided to the Department by the person making the sale or transfer, the word "rebuilt" if it is a rebuilt vehicle, the information required pursuant to subsection 4 of NRS 482.247 if the certificate of title is a certificate of title in beneficiary form pursuant to NRS 482.247 and such other statement of facts as may be determined by the Department. The ~~[reverse side of the]~~ certificate of title must *also* contain forms for notice to the Department of a transfer of the title or interest of the owner or lienholder and application for registration by the transferee. If a new certificate of title is issued for a vehicle, it must contain the same information as the replaced certificate, except to the extent that the information has changed after the issuance of the replaced certificate. Except as otherwise required by federal law, the certificate of title of a vehicle which the Department knows to have been stolen must not contain any statement or other indication that the mileage specified in the certificate or registered on the odometer is anything other than the actual mileage traveled by the vehicle, in the absence of proof that the odometer of the vehicle has been disconnected, reset or altered.

Sec. 3. NRS 482.293 is hereby amended to read as follows:

482.293 1. The Department may establish a program for the electronic submission and storage of documents.

2. If the Department establishes a program pursuant to subsection 1:

(a) An electronic submission or storage of documents that is carried out pursuant to the program with respect to a particular transaction is not valid unless all original documents required for the transaction pursuant to:

(1) The provisions of 49 U.S.C. §§ 32701 et seq.; and

(2) The provisions of any regulations adopted pursuant thereto,

➡ have been executed and submitted to the Department.

~~(b) The Department shall allow only the following persons to apply for participation in the program:~~

~~—(1) Financial institutions, new vehicle dealers and used vehicle dealers, for the purpose of submitting documents by electronic means to the Department on behalf of their customers.~~

~~—(2) Owners of fleets composed of 10 or more vehicles.~~

~~—(c) The Department shall adopt regulations to carry out the program.~~

3. The regulations required to be adopted pursuant to paragraph ~~((c))~~ (b) of subsection 2 must include, without limitation:

(a) The type of electronic transmission that the Department will accept for the program.

(b) The process for submission of an application by a person who desires to participate in the program and the fee, if any, that must accompany the application for participation.

(c) The criteria that will be applied by the Department in determining whether to approve an application to participate in the program.

(d) The standards for ensuring the security and integrity of the process for issuance and renewal of a certificate of registration and a certificate of title, including, without limitation, the procedure for a financial and performance audit of the program.

(e) The terms and conditions for participation in the program and any restrictions on the participation.

(f) The contents of a written agreement that must be on file with the Department before a participant may submit a document by electronic means to the Department. Such written agreement must include, without limitation:

(1) An assurance that each document submitted by electronic means contains all the information that is necessary to complete the transaction for which the document is submitted;

(2) Certification that all the information contained in each document that is submitted by electronic means is truthful and accurate;

(3) An assurance that the participant who submits a document by electronic means will maintain all information and records that are necessary to support the document; and

(4) The signature of the participant who files the written agreement with the Department.

(g) The conditions under which the Department may revoke the approval of a person to participate in the program, including, without limitation, failure to comply with this section and NRS 482.294 and the regulations adopted pursuant thereto.

(h) The method by which the Department will store documents that are submitted to it by electronic means.

(i) The required technology that is necessary to carry out the program.

(j) Any other regulations that the Department determines necessary to carry out the program.

(k) Procedures to ensure compliance with:

(1) The provisions of 49 U.S.C. §§ 32701 et seq.; and

(2) The provisions of any regulations adopted pursuant thereto,

➡ to the extent that such provisions relate to the submission and retention of documents used for the transfer of the ownership of vehicles.

4. The Department may accept gifts and grants from any source, including, without limitation, donations of materials, equipment and labor, for the establishment and maintenance of a program pursuant to this section.

Sec. 4. NRS 482.294 is hereby amended to read as follows:

482.294 1. If the Department approves an application for a person to participate in a program established pursuant to NRS 482.293, that participant may submit, by electronic means, a document that is required to be submitted pursuant to this chapter for the issuance or renewal of a certificate of registration or a certificate of title.

2. If the signature of a natural person is required pursuant to this chapter on a document that is submitted by electronic means, the Department may waive that requirement ~~for~~:

~~— (a) In the case of a participant who is a financial institution, new vehicle dealer or used vehicle dealer, if the participant who submitted the document on behalf of that person complies with all requirements of this program.~~

~~— (b) In the case of a participant who is an owner of a fleet composed of 10 or more vehicles, if the participant complies with all requirements of this program.~~

3. Notwithstanding any other provision of law to the contrary, a document that is submitted by electronic means pursuant to subsection 1, if accepted by the Department, shall be deemed an original document in administrative proceedings, quasi-judicial proceedings and judicial proceedings.

Sec. 4.5. NRS 482.3797 is hereby amended to read as follows:

482.3797 1. The Department shall:

(a) Design, prepare and issue special license plates for ~~passenger cars and light commercial~~ vehicles that are wholly powered by an electric motor, using any colors and designs that the Department deems appropriate; and

(b) Issue the plates only to residents of Nevada for a ~~passenger car or light commercial~~ vehicle which is wholly powered by an electric motor.

2. The Department may issue special license plates pursuant to subsection 1 upon application by any person who:

(a) Is entitled to license plates pursuant to NRS 482.265;

(b) Submits proof satisfactory to the Department that the vehicle for which the special license plates are intended meets the requirements of subsection 1; and

(c) Otherwise complies with the requirements for registration and licensing pursuant to this chapter.

3. The fee for the *issuance of* special license plates is ~~[\$125,] \$81,~~ in addition to the registration fees set forth in NRS 482.480 and 482.482, as applicable, and governmental services taxes. The special license plates are renewable upon the payment of ~~[\$80,] \$46.~~

4. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with special license plates issued pursuant to this section if that person pays the fees for the personalized prestige license plates in addition to the fees for the special license plates pursuant to subsection 3.

5. The Department, after deducting the costs of all applicable registration, license and license plate fees, shall deposit the fees collected pursuant to subsection 3 with the State Treasurer for credit to the State General Fund. The State Treasurer shall, on a quarterly basis, distribute the fees deposited pursuant to this subsection in the State Highway Fund.

6. If, during a registration period, the holder of special plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, the holder shall retain the plates and:

(a) Affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedures set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

Sec. 5. NRS 482.400 is hereby amended to read as follows:

482.400 1. Except as otherwise provided in this subsection and subsections 3, 6 and 7, and NRS 482.247, upon a transfer of the title to, or the interest of an owner in, a vehicle registered or issued a certificate of title under the provisions of this chapter, the person or persons whose title or interest is to be transferred and the transferee shall ~~[write their signatures with pen and ink upon]~~ *sign in writing or electronically* the certificate of title issued for the vehicle, together with the residence address of the transferee, in the appropriate spaces provided upon ~~[the reverse side of]~~ the certificate. The Department may, by regulation, prescribe alternative methods by which a signature may be affixed upon a manufacturer's certificate of origin or a manufacturer's statement of origin issued for a vehicle. The alternative methods must ensure the authenticity of the signatures.

2. Within 5 days after the transfer of the title to, or the interest of an owner in, a vehicle registered or issued a certificate of title under the provisions of this chapter, the person or persons whose title or interest is to be transferred may submit electronically to the Department a notice of the transfer. The Department may provide, by request and at the discretion of the Department, information submitted to the Department pursuant to this section to a tow car operator or other interested party. The Department shall adopt regulations establishing:

(a) Procedures for electronic submissions pursuant to this section; and

(b) Standards for determining who may receive information from the Department pursuant to this section.

3. The Department shall provide a form for use by a dealer for the transfer of ownership of a vehicle. The form must be produced in a manner which ensures that the form may not be easily counterfeited. Upon the attachment of the form to a certificate of title issued for a vehicle, the form becomes a part of that certificate of title. The Department may charge a fee not to exceed the cost to provide the form.

4. Except as otherwise provided in subsections 5, 6 and 7, the transferee shall immediately apply for registration as provided in NRS 482.215 and shall pay the governmental services taxes due.

5. If the transferee is a dealer who intends to resell the vehicle, the transferee is not required to register, pay a transfer or registration fee for, or pay a governmental services tax on the vehicle. When the vehicle is resold,

the purchaser shall apply for registration as provided in NRS 482.215 and shall pay the governmental services taxes due.

6. If the transferee consigns the vehicle to a wholesale vehicle auctioneer:

(a) The transferee shall, within 30 days after that consignment, provide the wholesale vehicle auctioneer with the certificate of title for the vehicle, executed as required by subsection 1, and any other documents necessary to obtain another certificate of title for the vehicle.

(b) The wholesale vehicle auctioneer shall be deemed a transferee of the vehicle for the purposes of subsection 5. The wholesale vehicle auctioneer is not required to comply with subsection 1 if the wholesale vehicle auctioneer:

(1) Does not take an ownership interest in the vehicle;

(2) Auctions the vehicle to a vehicle dealer or automobile wrecker who is licensed as such in this or any other state; and

(3) Stamps his or her name, his or her identification number as a vehicle dealer and the date of the auction on the certificate of title and the bill of sale and any other documents of transfer for the vehicle. *The wholesale vehicle auctioneer may stamp electronically the information which is required to be stamped on any document pursuant to this subparagraph.*

7. A charitable organization which intends to sell a vehicle which has been donated to the organization must deliver immediately to the Department or its agent the certificate of registration and the license plate or plates for the vehicle, if the license plate or plates have not been removed from the vehicle. The charitable organization must not be required to register, pay a transfer or registration fee for, or pay a governmental services tax on the vehicle. When the vehicle is sold by the charitable organization, the purchaser shall apply for registration as provided in NRS 482.215 and pay the governmental services taxes due.

8. As used in this section, "wholesale vehicle auctioneer" means a dealer who:

(a) Is engaged in the business of auctioning consigned motor vehicles to vehicle dealers or automobile wreckers, or both, who are licensed as such in this or any other state; and

(b) Does not in the ordinary course of business buy, sell or own the vehicles he or she auctions.

Sec. 5.1. Chapter 486 of NRS is hereby amended by adding thereto a new section to read as follows:

"Autocycle" means a three-wheeled motor vehicle that:

1. Is designed with two front wheels and one rear wheel;

2. Is equipped with a steering wheel or handlebars;

3. Is equipped with safety belts for the driver and each passenger;

4. Uses foot pedals to control the braking and acceleration of the vehicle;

5. Does not require the operator or passengers to straddle or sit astride the vehicle; and

6. Has been manufactured to meet the federal safety requirements for a motorcycle.

Sec. 5.3. NRS 486.011 is hereby amended to read as follows:

486.011 As used in NRS 486.011 to 486.381, inclusive, and section 5.1 of this act, unless the context otherwise requires, the words and terms defined in NRS 486.031 to 486.057, inclusive, and section 5.1 of this act have the meanings ascribed to them in those sections.

Sec. 5.5. NRS 486.041 is hereby amended to read as follows:

486.041 "Motorcycle" means every motor vehicle equipped with a seat or a saddle for the use of the driver and designed to travel on not more than three wheels in contact with the ground, excluding an electric bicycle as defined in NRS 484B.017, an electric scooter as defined in NRS 482.0295, a tractor, an autocycle and a moped.

Sec. 5.7. NRS 486.061 is hereby amended to read as follows:

486.061 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 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. 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.

3. An autocycle upon a highway unless that person holds a driver's license issued pursuant to chapter 483 of NRS.

Sec. 5.9. NRS 486.231 is hereby amended to read as follows:

486.231 1. The Department shall adopt standards for protective headgear and protective glasses, goggles or face shields to be worn by the drivers and passengers of motorcycles and transparent windscreens for motorcycles.

2. Except as otherwise provided in this section, when any motorcycle or moped is being driven on a highway, the driver and passenger shall wear protective headgear securely fastened on the head and protective glasses, goggles or face shields meeting those standards.

3. When a motorcycle or a moped is equipped with a transparent windscreen meeting those standards, the driver and passenger are not required to wear glasses, goggles or face shields.

4. When a motorcycle or moped is being driven in a parade authorized by a local authority, the driver and passenger are not required to wear the protective devices provided for in this section.

5. When a three-wheel vehicle, except a trimobile, on which the driver and passengers ride within an enclosed cab is being driven on a highway, the

driver and passengers are not required to wear the protective devices required by this section.

6. When an autocycle is being driven on a highway, the driver and passengers are not required to wear protective headgear.

Sec. 6. 1. This section becomes effective upon passage and approval.

2. Sections 1 ~~[to]~~, 2, 3, 4 and 5 ~~[, inclusive,]~~ of this act become effective:

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

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

3. Sections 1.2, 1.4, 1.6, 4.5 and 5.1 to 5.9, inclusive, of this act become effective on the date on which the Director of the Department of Motor Vehicles notifies the Governor and the Director of the Legislative Counsel Bureau that sufficient resources are available to enable the Department to carry out the provisions of those sections.

Senator Harris moved the adoption of the amendment.

Remarks by Senator Harris.

Amendment No. 191 to Senate Bill No. 346 revises provisions relating to special license plates for wholly powered electric vehicles including the fees for such license plates, adds a definition of "autocycle" and establishes provisions governing the operation of an autocycle. Sections 5 and 7 of the bill are effective upon the date the Director of the Department of Motor Vehicles provides required notification that the Department has sufficient resources available.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 347.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 412.

SUMMARY—Revises provisions relating to higher education.
(BDR 34-119)

~~AN ACT relating to higher education; [deconsolidating the Nevada System of Higher Education; separating the University of Nevada from the System; creating a board of trustees for each state college and community college; creating the Nevada Office of Higher Education Administrative Services; providing for the appointment of the Director and employees of the Office and each board of trustees; establishing the powers and duties of each board of trustees; establishing the composition of the University of Nevada and the System; revising the powers and duties of the Board of Regents of the University; revising provisions relating to the duties and responsibilities of certain officers within the University and the System;]~~ classifying and defining the missions of the institutions within the Nevada System of Higher Education; creating the Commission on Higher Education Funding; prescribing the membership and duties of the Commission; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Article 11 of the Nevada Constitution, which is known as the Education Article, requires the Nevada Legislature to provide for the establishment of a State University that is controlled by a Board of Regents whose duties are prescribed by law. (Nev. Const. Art. 11, § 4) Existing law provides that the universities, state colleges, community colleges, administrative services, research facilities and departments within the Public Service Division, administered under the direction of the Board of Regents of the University of Nevada, is collectively known as the Nevada System of Higher Education. (NRS 396.020) ~~[This] Section 1 of this bill [generally deconsolidates the Nevada System of Higher Education by: (1) separating the universities which constitute the University of Nevada from the System; (2) establishing an individual board of trustees for each state college and community college in this State; and (3) creating the Nevada Office of Higher Education Administrative Services to take over certain functions of the System and to provide certain support to the University and the System.~~

~~Sections 54-56 of this bill provide that the State University, known as the University of Nevada and administered by the Board of Regents, consists of campuses known as the University of Nevada, Reno, the University of Nevada, Las Vegas and the Desert Research Institute and any research facilities established within those campuses, in addition to the Public Service Division. Sections 51-53 of this bill: (1) create a board of trustees for each state college and community college within the System; (2) provide for the appointment by the Governor of the members of each board; and (3) establish the powers and duties of each board. Sections 46-50 of this bill: (1) create the Nevada Office of Higher Education Administrative Services, which consists of a Director, a Deputy Director and certain divisions; (2) require the Governor to appoint the members of the Office and fix the salary of the Director; and (3) require the Office to provide certain administrative and technical support to the Board of Regents, individual boards of trustees of each state college and community college and the presidents of each institution within the University or System. Section 56 provides that the Nevada System of Higher Education consists of the state colleges, community colleges and administrative services. Section 54 defines the term "higher education governing body" to mean the Board of Regents of the University of Nevada and each board of trustees of a state college or community college.~~

~~Sections 1-43 and 57-234 of this bill amend various provisions of existing law specifically related to education consistent with the provisions of this bill which: (1) transfer the direction and control of state colleges and community colleges from the Board of Regents to individual boards of trustees for the state and community colleges; and (2) transfer certain other powers and duties to the Office, including, without limitation, provisions relating to certain education loans and scholarships. Sections 235-463 of this bill similarly amend other provisions of existing law not specifically related to~~

~~education. Section 465 of this bill provides for the appointment of certain members to various boards, councils or commissions, consistent with the provisions of this bill, by the Governor, the Chief Justice of the Nevada Supreme Court and the Director of the Office. Section 466 of this bill requires the Office and each higher education governing body to cooperate in carrying out the provisions of this bill. Section 467 of this bill provides that any contract, lease or other agreement entered into by the System or the Board of Regents before July 1, 2024, and in effect after July 1, 2024, shall be deemed a contract, lease or agreement entered into with the University, System, Office or higher education governing body, as applicable, consistent with the provisions of this bill.~~ classifies each institution within the System as one of four types: (1) a doctoral university; (2) a master's college; (3) a baccalaureate college; or (4) a baccalaureate and associate's college. Section 1 also defines the characteristics and mission of each type of institution. Section 2 of this bill creates the Commission on Higher Education Funding during the 2023-2025 biennium and prescribes its membership. Section 3 of this bill: (1) prescribes the duties of the Commission; (2) authorizes the Commission to request the drafting of not more than 2 legislative measures for the 83rd Session of the Legislature which relate to matters within the scope of the Commission; and (3) requires the Commission to report to the Governor, the Chancellor of the System and the Legislature on its activities and any recommendations.

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

Delete existing sections 1 through 468 of this bill and replace with the following new sections 1 through 5:

Section 1. Chapter 396 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The doctoral university institutions of this State are the campuses of the University of Nevada, known as the University of Nevada, Reno, and the University of Nevada, Las Vegas.

2. The master's college institution of this State is Nevada State College.

3. The baccalaureate college institution of this State is Great Basin College.

4. The baccalaureate and associate's college institutions of this State are the College of Southern Nevada, Truckee Meadows Community College and Western Nevada College.

5. A baccalaureate and associate's college institution shall offer courses in academic subjects and nonacademic subjects as authorized by the president of the institution, in consultation with the Chancellor of the System. The academic courses must be of the same standard as those offered in the first 2 years of a degree program offered at a baccalaureate college institution, master's college institution or doctoral university institution.

6. A baccalaureate and associate's college institution may offer targeted 4-year degrees supporting local workforce needs as authorized by the president of the institution, in consultation with the Chancellor of the System.

7. Credits earned by a student at any institution described in subsections 1 to 4, inclusive, must be accepted by any other institution described in subsections 1 to 4, inclusive, for credit towards a baccalaureate degree.

8. As used in this section:

(a) "Baccalaureate and associate's college institution" means an institution where associate's degrees represent not less than 50 percent of all degrees awarded each year. The term includes a community college.

(b) "Baccalaureate college institution" means an institution, other than a master's college institution or doctoral university institution, where baccalaureate or higher degrees represent not less than 50 percent of all degrees awarded each year.

(c) "Doctoral university institution" means an institution that has not less than \$5,000,000 in total research expenditures each year and awards not less than 20 research or scholarship doctoral degrees each year.

(d) "Master's college institution" means an institution that awards not less than 50 master's degrees each year.

Sec. 2. 1. The Commission on Higher Education Funding, consisting of 12 members, is hereby created.

2. The Commission consists of the following members:

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

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

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

(d) Seven members representing public institutions of higher education in this State, as follows:

(1) Two members representing the doctoral university institutions defined in section 1 of this act, which must include one member appointed by the president of each such institution;

(2) One member representing the master's college institution defined in section 1 of this act, appointed by the president of such institution;

(3) One member representing the baccalaureate college institution defined in section 1 of this act, appointed by the president of such institution; and

(4) Three members representing the baccalaureate and associate's college institutions defined in section 1 of this act, which must include one member appointed by the president of each such institution.

3. Each member of the Commission appointed pursuant to paragraph (a), (b) or (c) of subsection 1 must:

(a) Be a resident of this State;

(b) Not have been, for a period of at least 2 years immediately preceding appointment to the Commission:

(1) Registered as a lobbyist pursuant to NRS 218H.200;

- (2) An employee of this State; or
- (3) An elected official in this State;
- (c) Have relevant experience or demonstrated ability in:
 - (1) Higher education;
 - (2) Economics;
 - (3) Public finance; or
 - (4) A related discipline necessary to higher education funding;
- (d) Have the education, experience and skills necessary to effectively execute the duties and responsibilities of a member of the Commission; and
- (e) Be able to bring knowledge and professional judgment to the deliberations of the Commission.
- 4. Each member of the Commission serves until June 30, 2025. Each member may be removed by the appointing authority for good cause. A vacancy on the Commission must be filled in the same manner as the original appointment.
- 5. The Commission shall:
 - (a) Elect a Vice Chair from among its members at its first meeting. A vacancy in the office of Vice Chair must be filled by the Commission by election for the remainder of the term.
 - (b) Adopt such rules governing the conduct of the Commission as it deems necessary.
 - (c) Hold its first meeting on or before December 31, 2023, and hold such additional number of meetings as may be necessary to accomplish the tasks assigned to it in the time allotted.
- 6. A majority of the members of the Commission constitutes a quorum and a majority of those present must concur in any decision.
- 7. The Office of Finance shall assist the Commission in obtaining meeting rooms, data processing services, administrative and clerical assistance and any other professional consulting or staff services deemed necessary by the Commission to assist the Commission in its work.
- 8. While engaged in the business of the Commission, each member is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.
- Sec. 3. 1. The Commission on Higher Education Funding created by section 2 of this act shall:
 - (a) Evaluate models for higher education funding that are used in other states to support institutions similar to those defined in section 1 of this act;
 - (b) Conduct a cost analysis of the delivery of higher education services that support the missions of the institutions defined in section 1 of this act, which must include, without limitation:
 - (1) The scale of the service area of each institution;
 - (2) The size and compensation of the teaching and administrative faculty of each institution;
 - (3) The number of students at each institution, if any, who are:

(I) Residents of this State or who qualify for tuition as if they are residents of this State;

(II) First generation students;

(III) Eligible for or recipients of a federal Pell grant;

(IV) Eligible for or recipients of gift aid other than a federal Pell grant; or

(V) Recipients of a Nevada Promise Scholarship;

(4) The support services needed to ensure the educational success of students at each institution;

(5) The delivery of education services to support, for each institution, the workforce certification and curriculum for each degree offered by the institution as defined in section 1 of this act; and

(6) A determination of recommended funding for each institution based on the analysis conducted pursuant to subparagraphs 1 to 5, inclusive; and

(c) Develop mechanisms for the appropriation of state funding to implement the recommended funding for each institution as determined by the cost analysis described in paragraph (b).

2. The Commission may request the drafting of not more than 2 legislative measures for the 83rd Session of the Legislature which relate to matters within the scope of the Commission. Each request must be submitted to the Legislative Counsel on or before December 31, 2024.

3. The Commission shall, on or before February 1, 2025, submit a report of the activities and any recommendations of the Commission to the Governor, the Chancellor of the Nevada System of Higher Education and the Director of the Legislative Counsel Bureau for transmittal to the Legislature.

4. As used in this section:

(a) "First generation student" means a student who has minimal prior exposure to or knowledge of experiences at an institution described in section 1 of this act. The term includes, without limitation, a student whose parents do not have any postsecondary education experience.

(b) "Gift aid" has the meaning ascribed to it in NRS 396.9615.

(c) "Nevada Promise Scholarship" has the meaning ascribed to it in NRS 396.9625.

Sec. 4. As soon as practicable on or before October 1, 2023:

1. The Governor shall appoint the member required to be appointed to the Commission pursuant to paragraph (a) of subsection 2 of section 2 of this act.

2. The Majority Leader of the Senate shall appoint the members required to be appointed to the Commission pursuant to paragraph (b) of subsection 2 of section 2 of this act.

3. The Speaker of the Assembly shall appoint the members required to be appointed to the Commission pursuant to paragraph (c) of subsection 2 of section 2 of this act.

4. The president of each institution of higher education in this State shall appoint the members required to be appointed to the Commission pursuant to paragraph (d) of subsection 2 of section 2 of this act.

5. As used in this section, "Commission" means the Commission on Higher Education Funding created by section 2 of this act.

Sec. 5. 1. This section and section 4 of this act become effective upon passage and approval.

2. Section 1 of this act becomes effective:

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

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

3. Sections 2 and 3 of this act:

(a) Become effective upon passage and approval; and

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

Senator Lange moved the adoption of the amendment.

Remarks by Senator Lange.

Amendment No. 412 to Senate Bill No. 347 deletes the bill as introduced except for the section which classifies each institution with the Nevada System of Higher Education and describes the characteristics and mission of each type of institution; creates the Commission on Higher Education Funding; provides for the Commission's membership and duties; authorizes the Commission to request the drafting of not more than two legislative measures and requires the Commission to report on its activities and any recommendations; and provides that the Commission sunsets on June 30, 2025.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 367.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 415.

SUMMARY—Revises provisions relating to public safety. (BDR 15-942)

AN ACT relating to public safety; ~~prohibiting a person from using, carrying or possessing a firearm under certain circumstances related to the commission of certain drug offenses;~~ prescribing the unit of prosecution for certain crimes involving ~~dangerous weapons;~~ the ownership or possession of a firearm by certain prohibited persons; authorizing a juvenile justice agency ~~and~~ the juvenile court ~~and an agency which provides child welfare services;~~ to release certain information and records for the purpose of conducting a background check relating to the sale or transfer of a firearm; requiring a court to transmit to the Central Repository for Nevada Records of Criminal History certain records relating to the court-ordered admission to certain mental health facilities of certain children with an emotional disturbance for certain purposes relating to the purchase or possession of a firearm; ~~providing a penalty;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~—[Federal law provides that using or carrying a firearm during and in relation to a drug trafficking crime or possessing a firearm in furtherance of the commission of a drug trafficking crime is a separate criminal offense from the underlying drug trafficking crime. (18 U.S.C. § 924(c)) Section 2 of this bill enacts provisions based on this federal law which prohibit a person from: (1) using or carrying a firearm during and in relation to the commission of certain drug offenses; and (2) possessing a firearm in furtherance of the commission of certain drug offenses. Section 2 provides that a person who violates this prohibition is guilty of a category B felony.]~~

Existing law prohibits ~~[a person who has been convicted of a felony]~~ certain persons from owning or ~~[possessing]~~ having in their possession or under their custody or control "any ~~[firearm,~~ unless the person has received a pardon, ~~] firearm.~~" (NRS 202.360) The Nevada Supreme Court has held that the State may only charge a defendant with one count of being a ~~[felon]~~ prohibited person in possession of a firearm for each such incident, regardless of the number of firearms that the defendant possessed at one time, in one place. (*State v. Fourth Jud. Dist. Court*, 137 Nev. 37 (2021)) Section 3 of this bill clarifies the Legislature's intent with regard to ~~[certain prohibitions against the ownership, possession, manufacture or sale of certain dangerous weapons or metal penetrating bullets by certain persons. Specifically, section 3 provides]~~ this prohibition by providing that, for purposes of prosecuting a violation of ~~[any such]~~ the prohibition, each ~~[dangerous weapon or bullet]~~ firearm owned, possessed ~~[, manufactured]~~ or ~~[sold by]~~ under the custody or control of a person constitutes a separate violation. Section 4 of this bill makes a conforming change to indicate the proper placement of section 3 in the Nevada Revised Statutes.

The Brady Handgun Violence Prevention Act requires that a background check be conducted on any person wishing to purchase or redeem a firearm to determine whether the person is prohibited from purchasing or possessing a firearm pursuant to federal or state law. (Pub. L. No. 103-159, 107 Stat. 1536) Among other requirements, the Bipartisan Safer Communities Act requires any background check conducted on a prospective buyer who is less than 21 years of age to include a review of certain information and records to determine whether the person is disqualified from purchasing or possessing a firearm under federal or state law. (Pub. L. No. 117-159, 136 Stat. 1313) Sections ~~[5-8]~~ 5-7 of this bill authorize a juvenile justice agency ~~[,]~~ and the juvenile court ~~[and an agency which provides child welfare services]~~ to release certain information and records for the purpose of performing a background check to determine whether a person is eligible to purchase or possess a firearm under federal or state law.

Existing law requires a court to transmit certain records of adjudication concerning a person's mental health to the Central Repository for Nevada Records of Criminal History, along with a statement that the record is being transmitted for inclusion in all appropriate databases of the National Instant

Criminal Background Check System. (NRS 159.0593, 174.035, 175.533, 175.539, 178.425, 433A.310, 433A.343) Section 8.5 of this bill requires a court to transmit to the Central Repository certain records relating to the court-ordered admission to certain mental health facilities of certain children with an emotional disturbance who are in the custody of an agency which provides child welfare services. Section 7.7 of this bill provides that no action for damages may be brought against the court or an employee of the court for transmitting a record pursuant to section 8.5.

Existing law requires the inclusion, correction and removal of certain records in each appropriate database of the National Instant Background Check System for certain purposes relating to the purchase or possession of a firearm. (NRS 179A.163, 179A.165, 179A.167, 433A.310) Section 7.5 of this bill requires the inclusion, correction and removal of certain records transmitted pursuant to section 8.5 in each appropriate database of the National Instant Criminal Background Check System for the same purpose. Section 7.5 also requires the Central Repository to take reasonable steps to ensure that the information contained in a record transmitted pursuant to section 8.5 is removed from the National Instant Criminal Background Check System when the person who is the subject of the record reaches 21 years of age.

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

Section 1. Chapter 202 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ~~{1. A person shall not:~~

~~(a) Use or carry a firearm during and in relation to the commission of any act in violation of NRS 453.321, 453.322, 453.337, 453.3385 or 453.401; or~~

~~(b) Possess a firearm in furtherance of the commission of any act in violation of NRS 453.321, 453.322, 453.337, 453.3385 or 453.401.~~

~~2. A person who violates the provisions of subsection 1 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000.} (Deleted by amendment.)~~

Sec. 3. 1. For purposes of prosecuting a violation of NRS ~~{202.257, 202.260, 202.262, 202.273 to 202.277, inclusive, 202.300, 202.350 or 202.360}~~, ~~for section 2 of this act,~~ each ~~{dangerous weapon or metal-penetrating bullet}~~ firearm owned, possessed ~~f,~~ manufactured, sold, disposed of, handled, used or carried by ~~or {otherwise}~~ under the custody or control of a person constitutes a separate violation.

2. As used in this section ~~f,~~

~~(a) "Dangerous weapon" means:~~

~~(1) An explosive or incendiary device;~~

~~(2) A short-barreled rifle, short-barreled shotgun, pistol, revolver or other}~~, "firearm" includes any firearm f;

~~(3) An explosive substance, other than ammunition or any components thereof; or~~

~~(4) A machete.~~

~~(b) "Metal penetrating bullet" has the meaning ascribed to it in NRS 202.273, that is loaded or unloaded and operable or inoperable.~~

Sec. 4. NRS 202.253 is hereby amended to read as follows:

202.253 As used in NRS 202.253 to 202.369, inclusive ~~[-]~~, and section 3 of this act:

1. "Antique firearm" has the meaning ascribed to it in 18 U.S.C. § 921(a)(16).

2. "Explosive or incendiary device" means any explosive or incendiary material or substance that has been constructed, altered, packaged or arranged in such a manner that its ordinary use would cause destruction or injury to life or property.

3. "Firearm" means any device designed to be used as a weapon from which a projectile may be expelled through the barrel by the force of any explosion or other form of combustion.

4. "Firearm capable of being concealed upon the person" applies to and includes all firearms having a barrel less than 12 inches in length.

5. "Firearms importer or manufacturer" means a person licensed to import or manufacture firearms pursuant to 18 U.S.C. Chapter 44.

6. "Machine gun" means any weapon which shoots, is designed to shoot or can be readily restored to shoot more than one shot, without manual reloading, by a single function of the trigger.

7. "Motor vehicle" means every vehicle that is self-propelled.

8. "Semiautomatic firearm" means any firearm that:

(a) Uses a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next shell or round;

(b) Requires a separate function of the trigger to fire each cartridge; and

(c) Is not a machine gun.

9. "Unfinished frame or receiver" means a blank, a casting or a machined body that is intended to be turned into the frame or lower receiver of a firearm with additional machining and which has been formed or machined to the point at which most of the major machining operations have been completed to turn the blank, casting or machined body into a frame or lower receiver of a firearm even if the fire-control cavity area of the blank, casting or machined body is still completely solid and unmachined.

Sec. 5. NRS 62H.025 is hereby amended to read as follows:

62H.025 1. Juvenile justice information is confidential and may only be released in accordance with the provisions of this section or as expressly authorized by other federal or state law.

2. For the purpose of ensuring the safety, permanent placement, rehabilitation, educational success and well-being of a child or the safety of the public, a juvenile justice agency may release juvenile justice information to:

- (a) A director of juvenile services or his or her designee;
- (b) The Chief of the Youth Parole Bureau or his or her designee;
- (c) The Chief Parole and Probation Officer or his or her designee;
- (d) The Director of the Department of Corrections or his or her designee;
- (e) A district attorney or his or her designee;
- (f) An attorney representing the child;
- (g) The director, chief or sheriff of a state or local law enforcement agency or his or her designee;
- (h) The director of a state or local agency which administers juvenile justice or his or her designee;
- (i) A director of a state or local facility for the detention of children or regional facility for the treatment and rehabilitation of children or his or her designee;
- (j) The director of an agency which provides child welfare services or his or her designee;
- (k) The director of an agency which provides mental health services or his or her designee;
- (l) A guardian ad litem or court appointed special advocate who represents the child;
- (m) A parent or guardian of the child;
- (n) The child to whom the juvenile justice information pertains if the child has reached the age of majority, or a person who presents a release that is signed by the child who has reached the age of majority and which specifies the juvenile justice information to be released and the purpose for the release;
- (o) A school district, if the juvenile justice agency and the school district have entered into a written agreement to share juvenile justice information and data from an educational record of a child maintained by the school district for a purpose consistent with the purposes of this section;
- (p) A person or organization who has entered into a written agreement with the juvenile justice agency to provide assessments or juvenile justice services;
- (q) A person engaged in bona fide research that may be used to improve juvenile justice services or secure additional funding for juvenile justice services if the juvenile justice information is provided in the aggregate and without any personal identifying information;
- (r) A person who is authorized by a court order to receive the juvenile justice information, if the juvenile justice agency was provided with notice and opportunity to be heard before the issuance of the order; ~~{or}~~
- (s) A law enforcement agency in the course of a criminal investigation, a delinquency proceeding conducted pursuant to the provisions of this title or a situation involving a child who is subject to the jurisdiction of the juvenile court and who poses a threat to himself or herself or to the safety or well-being of others ~~{-}~~; or
- (t) *A federal, state or local governmental entity, or an agency of such an entity, that needs access to the information to perform a background check to*

determine whether a person who is less than 21 years of age is eligible to purchase and possess firearms under state and federal law.

3. A juvenile justice agency may deny a request for juvenile justice information if:

(a) The request does not, in accordance with the purposes of this section, demonstrate good cause for the release of the information; or

(b) The release of the information would cause material harm to the child or would prejudice any court proceeding to which the child is subject.

➔ A denial pursuant to this subsection must be made in writing to the person requesting the information not later than 5 business days after receipt of the request.

4. Any juvenile justice information provided pursuant to this section may not be used to deny a child access to any service for which the child would otherwise be eligible, including, without limitation:

(a) Educational services;

(b) Social services;

(c) Mental health services;

(d) Medical services; or

(e) Legal services.

5. Except as otherwise provided in this subsection, any person who is provided with juvenile justice information pursuant to this section and who further disseminates the information or makes the information public is guilty of a gross misdemeanor. This subsection does not apply to:

(a) A district attorney who uses the information solely for the purpose of initiating legal proceedings; ~~for~~

(b) A person or organization described in subsection 2 who provides a report concerning juvenile justice information to a court or other party pursuant to this title or chapter 432B of NRS ~~432B~~ ; or

(c) *A federal, state or local governmental entity, or an agency of such an entity, that uses the information to perform a background check to determine whether a person who is less than 21 years of age is eligible to purchase and possess firearms under state and federal law.*

6. As used in this section:

(a) "Juvenile justice agency" means the Youth Parole Bureau or a director of juvenile services.

(b) "Juvenile justice information" means any information which is directly related to a child in need of supervision, a delinquent child or any other child who is otherwise subject to the jurisdiction of the juvenile court.

Sec. 6. NRS 62H.030 is hereby amended to read as follows:

62H.030 1. The juvenile court shall make and keep records of all cases brought before the juvenile court.

2. Except as otherwise provided in this section and NRS 217.110, records of any case brought before the juvenile court may be opened to inspection only by court order to persons who have a legitimate interest in the records.

3. The following records and information may be opened to inspection without a court order:

(a) Records of traffic violations which are being forwarded to the Department of Motor Vehicles;

(b) Records which have not been sealed and which are required by the Division of Parole and Probation for preparation of presentence investigations and reports pursuant to NRS 176.135 or general investigations and reports pursuant to NRS 176.151;

(c) Records which have not been sealed and which are to be used, pursuant to chapter 179D of NRS, by:

(1) The Central Repository;

(2) The Division of Parole and Probation; or

(3) A person who is conducting an assessment of the risk of recidivism of an adult or juvenile sex offender;

(d) *Regardless of whether or not they have been sealed, records which are to be used for the purpose of conducting a background check to determine whether a person who is less than 21 years of age is eligible to purchase and possess firearms under state and federal law;*

(e) Information maintained in the standardized system established pursuant to NRS 62H.200; and

~~{(e)}~~ (f) Information that must be collected by the Division of Child and Family Services pursuant to NRS 62H.220.

4. The clerk of the court shall prepare and cause to be printed forms for social and legal records and other papers as may be required.

Sec. 7. NRS 62H.170 is hereby amended to read as follows:

62H.170 1. Except as otherwise provided in this section, if the records of a person are sealed:

(a) All proceedings recounted in the records are deemed never to have occurred; and

(b) The person may reply accordingly to any inquiry concerning the proceedings and the acts which brought about the proceedings.

2. The juvenile court may order the inspection of records that are sealed if:

(a) The person who is the subject of the records petitions the juvenile court to permit the inspection of the records by the persons named in the petition;

(b) An agency charged with the medical or psychiatric care of the person who is the subject of the records petitions the juvenile court to permit the inspection of the records by the agency;

(c) A prosecuting attorney or a defendant in a criminal action petitions the juvenile court to permit the inspection of the records to obtain information relating to the persons, including the defendant, who were involved in the acts detailed in the records;

(d) The person who is the subject of the records has committed an act which subjects the person to the jurisdiction of the juvenile court and which

may form the basis of a civil action and a person who, in good faith, intends to bring or has brought the civil action, or any other person who is a party to the civil action, petitions the juvenile court to permit the inspection of the records to obtain information relating to the person who is the subject of the records; or

(e) The juvenile court determines that the inspection of the records is necessary to:

(1) Perform bona fide outcome and recidivism studies, which may include, without limitation, using personal identifying information from sealed juvenile records to perform criminal background checks on persons who were adjudicated pursuant to this title;

(2) Further bona fide research to determine the effectiveness of juvenile justice services;

(3) Improve the delivery of juvenile justice services; or

(4) Obtain additional resources for the delivery of juvenile justice services.

➡ Personal identifying information contained in records inspected or obtained from criminal background checks pursuant to this paragraph must remain confidential in a manner consistent with any applicable laws and regulations.

3. Upon its own order, any court of this State may inspect records that are sealed if the records relate to a person who is less than 21 years of age and who is to be sentenced by the court in a criminal proceeding.

4. *A federal, state or local governmental entity, or an agency of such an entity, may inspect or release records or information used to perform a background check to determine whether a person who is less than 21 years of age is eligible to purchase and possess firearms under state and federal law.*

Sec. 7.5. NRS 179A.163 is hereby amended to read as follows:

179A.163 1. Upon receiving a record transmitted pursuant to NRS159.0593, 174.035, 175.533, 175.539, 178.425, 432B.6076, 433A.310 or 433A.343, the Central Repository:

(a) Shall take reasonable steps to ensure that the information reported in the record is included in each appropriate database of the National Instant Criminal Background Check System; and

(b) May take reasonable steps to ensure that the information reported in the record is included in each appropriate database of the National Crime Information Center.

2. Except as otherwise provided in subsection 3, if the Central Repository receives a record described in subsection 1, the person who is the subject of the record may petition the court for an order declaring that:

(a) The basis for the adjudication reported in the record no longer exists;

(b) The adjudication reported in the record is deemed not to have occurred for purposes of 18 U.S.C. § 922(d)(4) and (g)(4) and NRS 202.360; and

(c) The information reported in the record must be removed from the National Instant Criminal Background Check System and the National Crime Information Center.

3. To the extent authorized by federal law, if the record concerning the petitioner was transmitted to the Central Repository pursuant to NRS 159.0593, 174.035, 175.533, 175.539, 178.425, 432B.6076, 433A.310 or 433A.343, the petitioner may not file a petition pursuant to subsection 2 until 3 years after the date of the order transmitting the record to the Central Repository.

4. A petition filed pursuant to subsection 2 must be:

(a) Filed in the court which made the adjudication or finding pursuant to NRS 159.0593, 174.035, 175.533, 175.539, 178.425, 433A.310 or 433A.343; and

(b) Served upon the district attorney for the county in which the court described in paragraph (a) is located.

5. The Nevada Rules of Civil Procedure govern all proceedings concerning a petition filed pursuant to subsection 2.

6. The court shall grant the petition and issue the order described in subsection 2 if the court finds that the petitioner has established that:

(a) The basis for the adjudication or finding made pursuant to NRS 159.0593, 174.035, 175.533, 175.539, 178.425, 432B.6076, 433A.310 or 433A.343 concerning the petitioner no longer exists;

(b) The petitioner's record and reputation indicate that the petitioner is not likely to act in a manner dangerous to public safety; and

(c) Granting the relief requested by the petitioner pursuant to subsection 2 is not contrary to the public interest.

7. Except as otherwise provided in this subsection, the petitioner must establish the provisions of subsection 6 by a preponderance of the evidence. If the adjudication or finding concerning the petitioner was made pursuant to NRS 159.0593, 432B.6076 or 433A.310, the petitioner must establish the provisions of subsection 6 by clear and convincing evidence.

8. The court, upon entering an order pursuant to this section, shall cause, on a form prescribed by the Department of Public Safety, a record of the order to be transmitted to the Central Repository.

9. The Central Repository shall:

(a) Within 5 business days after receiving a record of an order transmitted pursuant to subsection 8, the Central Repository shall take reasonable steps to ensure that information concerning the adjudication or finding made pursuant to NRS 159.0593, 174.035, 175.533, 175.539, 178.425, 432B.6076, 433A.310 or 433A.343 is removed from the National Instant Criminal Background Check System and the National Crime Information Center, if applicable.

(b) When a person who is the subject of a record transmitted pursuant to NRS 432B.6076 reaches 21 years of age or at a time reasonably near the date on which the person reaches 21 years of age, take reasonable steps to

ensure that information concerning the finding made pursuant to NRS 432B.6076 is removed from the National Instant Criminal Background Check System.

10. If the Central Repository fails to remove a record as provided in subsection 9, the ~~petitioner~~ person who is the subject of the record may bring an action to compel the removal of the record. If the ~~petitioner~~ person prevails in the action, the court may award the ~~petitioner~~ person reasonable attorney's fees and costs incurred in bringing the action.

11. If a petition brought pursuant to subsection 2 is denied, the person who is the subject of the record may petition for a rehearing not sooner than 2 years after the date of the denial of the petition.

Sec. 7.7. NRS 179A.165 is hereby amended to read as follows:

179A.165 1. Any record described in NRS 179A.163 is confidential and is not a public book or record within the meaning of NRS 239.010. A person may not use the record for any purpose other than for a purpose related to criminal justice, including, without limitation, inclusion in the appropriate database of the National Instant Criminal Background Check System and the National Crime Information Center, if applicable. The Central Repository may disclose the record to any agency of criminal justice.

2. If a person or governmental entity is required to transmit, report or take any other action concerning a record pursuant to NRS 159.0593, 174.035, 175.533, 175.539, 178.425, 179A.163, 432B.6076, 433A.310 or 433A.343, no action for damages may be brought against the person or governmental entity for:

(a) Transmitting or reporting the record or taking any other required action concerning the record;

(b) Failing to transmit or report the record or failing to take any other required action concerning the record;

(c) Delaying the transmission or reporting of the record or delaying in taking any other required action concerning the record; or

(d) Transmitting or reporting an inaccurate or incomplete version of the record or taking any other required action concerning an inaccurate or incomplete version of the record.

Sec. 8. ~~NRS 432B.290 is hereby amended to read as follows:~~

~~432B.290 1. Information maintained by an agency which provides child welfare services must be maintained by the agency which provides child welfare services as required by federal law as a condition of the allocation of federal money to this State.~~

~~2. Except as otherwise provided in this section and NRS 432B.165, 432B.175 and 432B.513, information maintained by an agency which provides child welfare services may, at the discretion of the agency which provides child welfare services, be made available only to:~~

~~(a) A physician, if the physician has before him or her a child who the physician has reasonable cause to believe has been abused or neglected;~~

~~— (b) A person authorized to place a child in protective custody, if the person has before him or her a child who the person has reasonable cause to believe has been abused or neglected and the person requires the information to determine whether to place the child in protective custody;~~

~~— (c) An agency, including, without limitation, an agency in another jurisdiction, responsible for or authorized to undertake the care, treatment or supervision of;~~

~~— (1) The child; or~~

~~— (2) The person responsible for the welfare of the child;~~

~~— (d) A district attorney or other law enforcement officer who requires the information in connection with an investigation or prosecution of the abuse or neglect of a child;~~

~~— (e) Except as otherwise provided in paragraph (f), a court other than a juvenile court, for in camera inspection only, unless the court determines that public disclosure of the information is necessary for the determination of an issue before it;~~

~~— (f) A court, as defined in NRS 159A.015, to determine whether a guardian or successor guardian of a child should be appointed pursuant to chapter 159A of NRS or NRS 432B.466 to 432B.468, inclusive;~~

~~— (g) A person engaged in bona fide research or an audit, but information identifying the subjects of a report must not be made available to the person;~~

~~— (h) The attorney and the guardian ad litem of the child, if the information is reasonably necessary to promote the safety, permanency and well-being of the child;~~

~~— (i) A person who files or intends to file a petition for the appointment of a guardian or successor guardian of a child pursuant to chapter 159A of NRS or NRS 432B.466 to 432B.468, inclusive, if the identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child;~~

~~— (j) The proposed guardian or proposed successor guardian of a child over whom a guardianship is sought pursuant to chapter 159A of NRS or NRS 432B.466 to 432B.468, inclusive, if the identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child;~~

~~— (k) A grand jury upon its determination that access to these records and the information is necessary in the conduct of its official business;~~

~~— (l) A federal, state or local governmental entity, or an agency of such an entity, or a juvenile court, that needs access to the information to [carry] :~~

~~— (1) Carry out its legal responsibilities to protect children from abuse and neglect; or~~

~~— (2) Perform a background check to determine whether a person who is less than 21 years of age is eligible to purchase and possess firearms under state and federal law;~~

~~—(m) A person or an organization that has entered into a written agreement with an agency which provides child welfare services to provide assessments or services and that has been trained to make such assessments or provide such services;~~

~~—(n) A team organized pursuant to NRS 432B.350 for the protection of a child;~~

~~—(o) A team organized pursuant to NRS 432B.405 to review the death of a child;~~

~~—(p) A multidisciplinary team, as defined in NRS 432B.4014;~~

~~—(q) A parent or legal guardian of the child and an attorney of a parent or guardian of the child, including, without limitation, the parent or guardian of a child over whom a guardianship is sought pursuant to chapter 159A of NRS or NRS 432B.466 to 432B.468, inclusive, if the identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well being of the child and is limited to information concerning that parent or guardian;~~

~~—(r) The child over whom a guardianship is sought pursuant to chapter 159A of NRS or NRS 432B.466 to 432B.468, inclusive, if:~~

~~—(1) The child is 14 years of age or older; and~~

~~—(2) The identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well being of the child;~~

~~—(s) The persons or agent of the persons who are the subject of a report, if the information is reasonably necessary to promote the safety, permanency and well being of the child and is limited to information concerning those persons;~~

~~—(t) An agency that is authorized by law to license foster homes or facilities for children or to investigate persons applying for approval to adopt a child, if the agency has before it an application for that license or is investigating an applicant to adopt a child;~~

~~—(u) Upon written consent of the parent, any officer of this State or a city or county thereof or Legislator authorized by the agency or department having jurisdiction or by the Legislature, acting within its jurisdiction, to investigate the activities or programs of an agency which provides child welfare services if:~~

~~—(1) The identity of the person making the report is kept confidential; and~~

~~—(2) The officer, Legislator or a member of the family of the officer or Legislator is not the person alleged to have committed the abuse or neglect;~~

~~—(v) The Division of Parole and Probation of the Department of Public Safety for use pursuant to NRS 176.135 in making a presentence investigation and report to the district court or pursuant to NRS 176.151 in making a general investigation and report;~~

~~—(w) Any person who is required pursuant to NRS 432B.220 to make a report to an agency which provides child welfare services or to a law enforcement agency;~~

~~—(x) A local advisory board to expedite proceedings for the placement of children created pursuant to NRS 432B.604;~~

~~—(y) The panel established pursuant to NRS 432B.396 to evaluate agencies which provide child welfare services;~~

~~—(z) An employer in accordance with subsection 3 of NRS 432.100;~~

~~—(aa) A team organized or sponsored pursuant to NRS 217.475 or 228.495 to review the death of the victim of a crime that constitutes domestic violence;~~

~~—(bb) The Committee on Domestic Violence appointed pursuant to NRS 228.470; or~~

~~—(cc) The Committee to Review Suicide Fatalities created by NRS 439.5104.~~

~~3. An agency investigating a report of the abuse or neglect of a child shall, upon request, provide to a person named in the report as allegedly causing the abuse or neglect of the child:~~

~~—(a) A copy of:~~

~~—(1) Any statement made in writing to an investigator for the agency by the person named in the report as allegedly causing the abuse or neglect of the child; or~~

~~—(2) Any recording made by the agency of any statement made orally to an investigator for the agency by the person named in the report as allegedly causing the abuse or neglect of the child; or~~

~~—(b) A written summary of the allegations made against the person who is named in the report as allegedly causing the abuse or neglect of the child. The summary must not identify the person responsible for reporting the alleged abuse or neglect or any collateral sources and reporting parties.~~

~~4. Except as otherwise provided by subsection 6, before releasing any information maintained by an agency which provides child welfare services pursuant to this section, an agency which provides child welfare services shall take whatever precautions it determines are reasonably necessary to protect the identity and safety of any person who reports child abuse or neglect and to protect any other person if the agency which provides child welfare services reasonably believes that disclosure of the information would cause a specific and material harm to an investigation of the alleged abuse or neglect of a child or the life or safety of any person.~~

~~5. The provisions of this section must not be construed to require an agency which provides child welfare services to disclose information maintained by the agency which provides child welfare services if, after consultation with the attorney who represents the agency, the agency determines that such disclosure would cause a specific and material harm to a criminal investigation.~~

~~6. A person who is the subject of a report of child abuse or neglect made pursuant to this chapter that is assigned a disposition other than substantiated pursuant to NRS 432B.305 and who believes that the report was made in bad faith or with malicious intent may petition a district court to order the agency which provides child welfare services to release information maintained by the agency which provides child welfare services. The petition must specifically set forth the reasons supporting the belief that the report was made in bad faith or with malicious intent. The petitioner shall provide notice to the agency which provides child welfare services so that the agency may participate in the action through its counsel. The district court shall review the information which the petitioner requests to be released and the petitioner shall be allowed to present evidence in support of the petition. If the court determines that there is a reasonable question of fact as to whether the report was made in bad faith or with malicious intent and that the disclosure of the identity of the person who made the report would not be likely to endanger the life or safety of the person who made the report, the court shall provide a copy of the information to the petitioner and the original information is subject to discovery in a subsequent civil action regarding the making of the report.~~

~~7. If an agency which provides child welfare services receives any information that is deemed confidential by law, the agency which provides child welfare services shall maintain the confidentiality of the information as prescribed by applicable law.~~

~~8. Pursuant to this section, a person may authorize the release of information maintained by an agency which provides child welfare services about himself or herself, but may not waive the confidentiality of such information concerning any other person.~~

~~9. An agency which provides child welfare services may provide a summary of the outcome of an investigation of the alleged abuse or neglect of a child to the person who reported the suspected abuse or neglect.~~

~~10. Except as otherwise provided in this subsection, any person who is provided with information maintained by an agency which provides child welfare services and who further disseminates the information or makes the information public is guilty of a gross misdemeanor. This subsection does not apply to:~~

~~(a) A district attorney or other law enforcement officer who uses the information solely for the purpose of initiating legal proceedings;~~

~~(b) An employee of the Division of Parole and Probation of the Department of Public Safety making a presentence investigation and report to the district court pursuant to NRS 176.135 or making a general investigation and report pursuant to NRS 176.151; [or]~~

~~(c) An employee of a juvenile justice agency who provides the information to the juvenile court [.] ; or~~

~~(d) A federal, state or local governmental entity, or an agency of such an entity, that uses the information to perform a background check to determine~~

~~whether a person who is less than 21 years of age is eligible to purchase and possess firearms under state and federal law.~~

~~11. An agency which provides child welfare services may charge a fee for processing costs reasonably necessary to prepare information maintained by the agency which provides child welfare services for release pursuant to this section.~~

~~12. An agency which provides child welfare services shall adopt rules, policies or regulations to carry out the provisions of this section.~~

~~13. As used in this section, "juvenile justice agency" means the Youth Parole Bureau or a director of juvenile services.] (Deleted by amendment.)~~

Sec. 8.5. NRS 432B.6076 is hereby amended to read as follows:

432B.6076 1. Except as otherwise provided in NRS 432B.6077, if the court finds, after proceedings for the court-ordered admission of a child alleged to be a child with an emotional disturbance who is in the custody of an agency which provides child welfare services to a facility, including, without limitation, an evidentiary hearing:

(a) That there is not clear and convincing evidence that the child with respect to whom the hearing was held exhibits observable behavior such that the child is likely to harm himself or herself or others if allowed liberty, the court shall enter its finding to that effect and the child must not be admitted to a facility.

(b) That there is clear and convincing evidence that the child with respect to whom the hearing was held is in need of treatment in a facility and is likely to harm himself or herself or others if allowed liberty, the court may order the admission of the child for the most appropriate course of treatment. The order of the court must be interlocutory and must not become final if, within 30 days after the admission, the child is unconditionally released from the facility pursuant to NRS 432B.6084.

2. Before issuing an order for admission or a renewal thereof, the court shall explore other alternative courses of treatment within the least restrictive appropriate environment as suggested by the evaluation team who evaluated the child, or other persons professionally qualified in the field of psychiatric mental health, which the court believes may be in the best interests of the child.

3. Except as otherwise provided in subsection 4, if the court issues an order for the admission of a child who is 16 years of age or older to a public or private mental health facility pursuant to this section, the court must, notwithstanding any other provision of law requiring the court to seal a court record relating to a proceeding conducted pursuant to NRS 432B.607 to 432B.6085, inclusive, cause, within 5 business days after the order becomes final pursuant to this section, on a form prescribed by the Department of Public Safety, a record of the order to be transmitted to the Central Repository for Nevada Records of Criminal History, along with a statement indicating that the record is being transmitted for inclusion in each

appropriate database of the National Instant Criminal Background Check System.

4. The provisions of subsection 3 do not apply if the child with respect to whom the proceeding was held voluntarily seeks treatment and stipulates to his or her admission to a facility.

5. As used in this section, "National Instant Background Check System" has the meaning ascribed to it in NRS 179A.062.

Sec. 9. This act becomes effective on July 1, 2023.

Senator Scheible moved the adoption of the amendment.

Remarks by Senator Scheible.

Amendment No. 415 to Senate Bill No. 367 removes section 8 of the bill and instead sets forth the conditions under which a court must provide to the Nevada Central Repository for Criminal Records the records of certain children so that a background check may be performed relating to the purchase or possession of a firearm. The amendment requires that such a child must be at least 16 years of age and must have been ordered by a court to be admitted to a mental health facility. It requires the Central Repository to ensure that such information is included in the National Instant Criminal Background Check System and may take steps to ensure that the information is included in appropriate databases of the National Crime Information Center. These provisions do not apply if the child has sought mental health treatment voluntarily. The amendment also provides a means by which a person who is the subject of a report made under the provisions of this bill may petition the court to have the report removed upon certain findings being made and revises the definition "dangerous weapon" to apply only to firearms for the purposes of the bill.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 379.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 420.

SUMMARY—Revises provisions relating to gaming. (BDR 41-1016)

AN ACT relating to gaming; requiring the Nevada Gaming Commission to adopt regulations ~~[providing for the operation and]~~ requiring the registration of ~~[secondary]~~ sports ~~[pool]~~ wagering ticket brokers; prohibiting a person from operating as a ~~[secondary]~~ sports ~~[pool]~~ wagering ticket broker without obtaining a registration; revising the definition of "associated equipment" to include certain computerized systems used by sports wagering ticket brokers; requiring the Commission to adopt regulations specifying certain requirements concerning gaming employees; revising requirements relating to the filing of certain information concerning foreign gaming with the Nevada Gaming Control Board; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Nevada Gaming Commission and the Nevada Gaming Control Board to administer state gaming licenses and manufacturer's, seller's and distributor's licenses and to perform various acts relating to the regulation and control of gaming. (NRS 463.140) ~~[Existing~~

law provides that it is unlawful for a person to perform certain actions relating to gaming, including, without limitation, operating a race book or sports pool, without having first procured, and thereafter maintaining, all required gaming licenses or registrations. (NRS 463.160) Section ~~{3}~~ 3.5 of this bill requires the Commission to adopt regulations ~~{providing for the operation and}~~ requiring the registration of ~~{secondary}~~ sports ~~{pool}~~ wagering ticket brokers ~~{, which is defined in section}~~ and setting forth requirements for the operation of sports wagering ticket brokers. Section 2 of this bill defines "sports wagering ticket broker" to mean, in general, a person who, for ~~{a}~~ any form of compensation, fee ~~{,}~~ or other remuneration, facilitates the sale ~~{from one person to another of an existing}~~ and transfer of an active sports wager. ~~{originally placed with a person who operates a sports pool.}~~ Section ~~{3 requires}~~ 1.5 of this bill defines "active sports wager" to mean a wager on a sporting event or other event whose outcome has not yet been determined. Section 3.5 authorizes the regulations adopted by the Commission to, without limitation: (1) require ~~{a secondary}~~ each sports ~~{pool}~~ wagering ticket broker and certain persons associated with a sports wagering ticket broker to be registered with the Board; (2) ~~{require each employee of a secondary sports pool wagering broker to register with the Board in the same manner as a gaming employee;}~~ (3) establish fees associated with such registrations; ~~{and (4)}~~ (3) set forth requirements ~~{for the operation of a secondary}~~ concerning the method and manner by which a sports ~~{pool}~~ wagering ticket broker ~~{}~~ must facilitate sales and transfers of active sports wagers; (4) require a sports wagering ticket broker to adopt certain procedures and maintain certain records; and (5) set forth certain other requirements and restrictions concerning the registration and operation of sports wagering ticket brokers. Section ~~{6 of this bill makes it unlawful for}~~ 3.5 prohibits a person ~~{to operate}~~ from operating as a ~~{secondary}~~ sports ~~{pool}~~ wagering ticket broker ~~{without first procuring, and thereafter maintaining, the required registration.}~~ unless the person is registered pursuant to the regulations adopted pursuant to section 3.5 and meets any other requirements set forth in those regulations. Section 5 of this bill makes a conforming change to ~~{indicate the proper placement of section}~~ apply the definitions set forth in sections 1.5 and 2 ~~{in the Nevada Revised Statutes.}~~ to the statutes governing gaming.

Existing law defines "associated equipment" to mean, in general, any equipment or certain contrivances, components or machines used remotely or directly in connection with gaming, any game, race book or sports pool that would not otherwise be classified as a gaming device. (NRS 463.0136) Section 5.5 of this bill revises the definition of associated equipment to include certain computerized systems used by a sports wagering ticket broker, thereby making those computerized systems subject to the same regulation and control as associated equipment.

Existing law prohibits: (1) accepting, receiving or allowing another person to accept or receive a wager from a person physically present in this State;

and (2) placing, sending, transmitting or relaying a wager to another person from within or outside this State under certain circumstances. (NRS 465.092, 465.093) Section 8 of this bill provides that those prohibitions do not apply to the operations of a sports wagering ticket broker.

Existing law prohibits a person from being employed as a gaming employee unless the person is registered with the Board. (NRS 463.335) Existing law defines "gaming employee" to include certain specified persons including, without limitation, employees whose duties are directly involved with the manufacture, repair, sale or distribution of gaming devices, certain associated equipment, cashless wagering systems or interactive gaming systems. (NRS 463.0157) Section 4 of this bill requires the Commission to adopt regulations specifying the duties relating to the manufacture or repair of gaming devices, associated equipment, cashless wagering systems or interactive gaming systems that an employee must have for the employee to constitute a gaming employee.

Existing law requires a licensee who participates in foreign gaming to file ~~periodically~~ certain documents ~~reports and other information~~ with the Board ~~as soon as participation in foreign gaming begins and thereafter file annual and quarterly reports containing certain information concerning the foreign gaming operation.~~ (NRS 463.710) Section 7 of this bill ~~exempts a foreign gaming manufacturer from~~ revises those filing requirements and instead requires a foreign gaming manufacturer to file with the Board to: (1) require a notice to be filed when participation in foreign gaming begins and terminates; (2) eliminate the requirement to file certain annual reports ~~and~~; and (3) revise the content that is required to be included in the required quarterly reports ~~and other information required by the Commission.~~ Section 7 defines "foreign gaming manufacturer" to mean, in general, a licensee whose participation in foreign gaming is limited to receiving recurring gaming revenue from the placement of a gaming device outside this State.

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 the provisions set forth as sections ~~2, 3 and~~ 1.5 to 4, inclusive, of this act.

Sec. 1.5. "Active sports wager" means a wager on a sporting event or other event whose outcome has not yet been determined.

Sec. 2. ~~["Secondary sports pool]~~

1. "Sports wagering ticket broker" means a person who, for ~~for~~ any form of compensation, fee, or other remuneration facilitates the sale ~~from one person to another~~ and transfer of an ~~existing~~ active sports wager between a seller, who may be the person who originally placed ~~with a person who operates~~ the wager, and a buyer.

2. The term does not include a person licensed to operate and maintain a sports pool.

Sec. 3. ~~[1. The Commission shall, with the advice and assistance of the Board, provide by regulation for the operation and registration of secondary sports pool wagering brokers.~~

~~2. The regulations adopted pursuant to subsection 1 must:~~

~~(a) Require a secondary sports pool wagering broker to be registered with the Board.~~

~~(b) Require each employee of a secondary sports pool wagering broker to register with the Board, and renew such a registration, in the same manner as a gaming employee.~~

~~(c) Prescribe the period for which a registration as a secondary sports pool wagering broker is valid.~~

~~(d) Establish fees for the application and renewal of a registration as a secondary sports pool wagering broker.~~

~~(e) Establish fees for the application and renewal of a registration of an employee of a secondary sports pool wagering broker, which may not exceed the fees for the application and renewal of a registration as a gaming employee.~~

~~(f) Set forth requirements for the operation of a secondary sports pool wagering broker.~~

~~(g) Address such other matters as the Commission deems necessary to carry out the provisions of this section and which are consistent with the public policy of the State pursuant to NRS 463.0129.~~

~~3. Except as otherwise provided by specific statute or by the regulations adopted pursuant to this section, an employee of a secondary sports pool wagering broker shall be deemed to be a gaming employee for the purposes of all provisions of this chapter and the regulations adopted pursuant thereto that apply to a gaming employee.~~

~~4. In addition to the registration required pursuant to subsection 2, the Commission, upon recommendation of the Board, may require an owner, operator or employee of a secondary sports pool wagering broker or any person who has significant involvement with the activities of a secondary sports pool wagering broker to file an application for a finding of suitability.~~

~~5. If an application for a finding of suitability is not submitted to the Board within 30 days after the Commission so requests, the Commission may pursue any remedy or combination of remedies provided in this chapter.]~~

(Deleted by amendment.)

Sec. 3.5. 1. A person shall not operate as a sports wagering ticket broker unless the person is registered pursuant to the regulations adopted pursuant to this section and meets any other requirements set forth in those regulations.

2. The Commission shall, with the advice and assistance of the Board, adopt regulations requiring the registration of sports wagering ticket brokers and setting forth requirements for the operation of sports wagering ticket brokers.

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

(a) Require each sports wagering ticket broker, each holding company or intermediary company of a sports wagering ticket broker and each owner, officer, member, manager, partner, trustee, beneficiary and key employee of a sports wagering ticket broker or holding company or intermediary company of a sports wagering ticket broker to be registered with the Board and to submit to the Board's jurisdiction;

(b) Require any person described in paragraph (a) to file an application for a finding of suitability;

(c) Establish fees for the issuance and renewal of a registration required pursuant to this section, including, without limitation, any application fee and any fee for the investigation of an applicant;

(d) Prescribe the period in which a registration required pursuant to this section is valid;

(e) Set forth requirements concerning the manner and method by which a sports wagering ticket broker must facilitate the sale and transfer of an active sports wager;

(f) Require a sports wagering ticket broker to adopt procedures setting forth the method and manner by which the sports wagering ticket broker will:

(1) Prevent transactions with any person who has been placed on the list of persons to be excluded or ejected from any licensed gaming establishment pursuant to NRS 463.151;

(2) Detect and prevent transactions that may be associated with money laundering, fraud and other criminal activities; and

(3) Ensure that the sports wagering ticket broker complies with all applicable requirements set forth in state and federal law, including, without limitation, requirements pertaining to the identification and verification of the identity and age of a customer, geolocation, the placement of a wager for the benefit of another and any other applicable requirements and restrictions;

(g) Require a sports wagering ticket broker to maintain records of all transactions involving the sale and transfer of active sports wagers facilitated by the sports wagering ticket broker for a prescribed period of time;

(h) Require a sports wagering ticket broker to deposit with the Board and thereafter maintain a refundable revolving fund in an amount determined by the Chair of the Board to pay the expenses of any investigation by the Board into the activities of the sports wagering ticket broker; and

(i) Set forth any other requirements for the registration and operation of sports wagering ticket brokers that the Commission deems necessary.

4. A sports wagering ticket broker does not become a party to an active sports wager merely by facilitating the sale and transfer of that active sports wager from a seller to a buyer.

5. Any dispute involving the sale or transfer of an active sports wager, regardless of whether a sports wagering ticket broker is directly or indirectly involved in the dispute, must be resolved pursuant to NRS 463.362 to 463.3668, inclusive. A sports wagering ticket broker is subject to the provisions of NRS 463.362 to 463.3668, inclusive, in the same manner as a licensee.

6. The Chair of the Board may require a sports wagering ticket broker, a holding company or intermediary company of a sports wagering ticket broker or an owner, officer, member, manager, partner, trustee, beneficiary or key employee of a sports wagering ticket broker or a holding company or intermediary company of a sports wagering ticket broker to register with the Board or file an application for a finding of suitability to be associated with a race book or sports pool operation.

7. A computerized system used by a sports wagering ticket broker to facilitate the sale and transfer of an active sports wager must not communicate directly with any computerized system of betting used by a sports pool except for the purposes of:

(a) Substituting the identity of the buyer of the active sports wager for the identity of the seller on the betting ticket for the active sports wager; or

(b) Issuing a substitute betting ticket for the active sports wager with the buyer of the active sports wager identified as the bettor.

Sec. 4. The Commission shall adopt regulations specifying the duties relating to the manufacture or repair of gaming devices, associated equipment, cashless wagering systems or interactive gaming systems that an employee must have for that employee to constitute a gaming employee pursuant to paragraph (j) of subsection 1 of NRS 463.0157.

Sec. 5. NRS 463.013 is hereby amended to read as follows:

463.013 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 463.0133 to 463.01967, inclusive, ~~and section~~ sections 1.5 and 2 of this act have the meanings ascribed to them in those sections.

Sec. 5.5. NRS 463.0136 is hereby amended to read as follows:

463.0136 "Associated equipment" means any equipment or mechanical or electronic contrivance, component or machine used remotely or directly in connection with gaming, any game, race book or sports pool that would not otherwise be classified as a gaming device, including dice, playing cards, links which connect to progressive slot machines, inter-casino linked systems, equipment which affects the proper reporting of gross revenue, computerized systems of betting at a race book or sports pool, computerized systems for monitoring slot machines, computerized systems used by a sports wagering ticket broker to facilitate the sale and transfer of an active sports wager which communicate directly with a computerized system of betting at a sports pool and devices for weighing or counting money.

Sec. 6. ~~[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, 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 [,]; or~~

~~—(g) To operate as a secondary sports pool wagering broker,~~

~~→ 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]:~~

~~—(a) Includes 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.~~

~~(b) Does not include operating as a secondary sports pool wagering broker.~~

~~5. A separate license must be obtained for each location at which [such an] the operation of a race book or sports pool is conducted. (Deleted by amendment.)~~

Sec. 7. NRS 463.710 is hereby amended to read as follows:

463.710 1. Unless otherwise ordered by the Board or Commission, a licensee who participates in foreign gaming ~~[other than a foreign gaming manufacturer,]~~ shall file with the Board:

1. ~~[(a)]~~ As soon as participation in foreign gaming begins, ~~[all documents filed by the licensee or by an affiliate with the foreign jurisdiction,]~~ a notice indicating that fact.

2. ~~[(b)]~~ ~~Annual operational and regulatory reports describing compliance with regulations, procedures for audit, and procedures for surveillance relating to the foreign gaming operation.~~

3. ~~[(c)]~~ Quarterly reports regarding any of the following information which is within the knowledge of the licensee:

(a) ~~[(1)]~~ Any changes in ownership or control of any interest in the foreign gaming operation;

(b) ~~[(2)]~~ Any changes in officers, directors or key employees; ~~[of the foreign gaming operation,]~~

(c) ~~[(3)]~~ All complaints, disputes, orders to show cause and disciplinary actions, related to gaming, instituted or presided over by an entity of the United States, a state or any other governmental jurisdiction ~~[concerning the foreign gaming operation,]~~ outside of this State;

(d) ~~[(4)]~~ Any arrest of an employee ~~[of the foreign gaming operation]~~ involving cheating or theft, related to gaming, in the foreign jurisdiction; and

(e) ~~[(5)]~~ Any arrest or conviction of an officer, director, key employee or owner of equity in the foreign gaming operation for an offense that would constitute a gross misdemeanor or felony in this state.

3. As soon as participation in foreign gaming has entirely ceased, a notice indicating that fact.

4. ~~[(d)]~~ Such other information as the Commission requires by regulation.

~~[2. Unless otherwise ordered by the Board or Commission, a foreign gaming manufacturer shall file with the Board:~~

~~(a) An annual report that sets forth a list of the location of each gaming device from which the foreign gaming manufacturer receives recurring gaming revenue.~~

~~(b) Quarterly reports regarding all complaints, disputes, orders to show cause and disciplinary actions in which the amount of any penalty imposed was \$10,000 or more, which are related to gaming and instituted or presided~~

~~over by an entity of the United States, a state or any governmental jurisdiction concerning the foreign gaming operation.~~

~~(c) Such other information as the Commission requires by regulation.~~

~~3. As used in this section:~~

~~(a) "Foreign gaming manufacturer" means a licensee whose participation in foreign gaming is limited to receiving recurring gaming revenue from the placement of a gaming device outside this State.~~

~~(b) "Recurring gaming revenue" means compensation received from the placement of a gaming device outside this State that is calculated as a percentage of the winnings or revenue of the gaming device. The term does not include any money received from:~~

~~(1) The sale of a gaming device in which absolute title to the gaming device passes from the seller to the buyer.~~

~~(2) The lease of a gaming device that is not calculated as a percentage of the winnings or revenue of the gaming device.]~~

Sec. 8. NRS 465.094 is hereby amended to read as follows:

465.094 The provisions of NRS 465.092 and 465.093 do not apply to global risk management pursuant to NRS 463.810 and 463.820, to the operations of a sports wagering ticket broker registered pursuant to the regulations adopted pursuant to section 3.5 of this act or to a wager placed by a person for the person's own benefit or, without compensation, for the benefit of another that is accepted or received by, placed with, or sent, transmitted or relayed to:

1. A race book or sports pool that is licensed pursuant to chapter 463 of NRS, if the wager is accepted or received within this State and otherwise complies with all other applicable laws and regulations concerning wagering;

2. A person who is licensed to engage in off-track pari-mutuel wagering pursuant to chapter 464 of NRS, if the wager is accepted or received within this State and otherwise complies with subsection 3 of NRS 464.020 and all other applicable laws and regulations concerning wagering;

3. Any other person or establishment that is licensed to engage in wagering pursuant to title 41 of NRS, if the wager is accepted or received within this State and otherwise complies with all other applicable laws and regulations concerning wagering; or

4. Any other person or establishment that is licensed to engage in wagering in another jurisdiction and is permitted to accept or receive a wager from patrons within this State under an agreement entered into by the Governor pursuant to NRS 463.747.

Senator Scheible moved the adoption of the amendment.

Remarks by Senator Scheible.

Amendment No. 420 to Senate Bill No. 379 replaces section 3 of the bill with new language requiring the adoption of regulations to register and strictly regulate sports wagering ticket brokers; replaces section 6 of the bill with language providing that certain provisions of Chapter 465 of Nevada Revised Statutes do not apply to the operations of a properly registered sports wagering ticket broker; removes the distinction between operators and manufacturers for the purposes of the bill; reduces foreign gaming reporting obligations and aligns statutes with the

Gaming Control Board's practices with respect to foreign gaming reports; and clarifies responsibilities associated with the manufacture or repair of gaming devices and other related equipment that one must meet in order to be considered a gaming employee.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 407.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 425.

SUMMARY—Revises provisions relating to personal financial administration. (BDR 12-959)

AN ACT relating to personal financial administration; revising provisions that govern estates of deceased persons; revising provisions governing the notice of sale of certain property; authorizing a petitioner to submit a notice through an electronic filing system pursuant to the Nevada Electronic Filing and Conversion Rules; making certain information concerning trusts confidential; revising provisions governing the classification of distribution of interests; revising the powers exercisable by the protector of a trust; revising provisions relating to the jurisdiction and venue of a trust; clarifying provisions relating to a notice provided by the trustee; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that the estate of a decedent may be settled by the district court of any county in which any part of the estate is located or where the decedent was a resident at the time of death. (NRS 136.010) Section 1 of this bill provides that the jurisdiction of the settlement of the estate of a decedent may be assumed in the district court of any county in this State if: (1) the decedent was a resident of this State at the time of death; or (2) any part of the estate is located in this State. Existing law further provides that, if a decedent was a resident of this State at his or her time of death, the district court of any county in this State may assume jurisdiction of the settlement of the estate only after considering the convenience of the forum to certain parties. (NRS 136.010) Section 1 removes such provisions of law and instead provides that: (1) the venue of the settlement of the estate of the decedent is proper in any district court in this State; and (2) if an interested ~~party~~ person objects to the venue on the basis of convenience, the court may determine the appropriate venue only after considering the convenience of the forum in relation to where the decedent died or owned property or the preferences of certain parties.

Existing law provides that if a homestead was selected by the spouses and recorded while both were living, the homestead, upon the death of either spouse, vests absolutely in the survivor. If no homestead was selected, existing law provides that the homestead may be set apart by the court to the surviving spouse, minor child or minor children of the decedent for a limited

period if the court deems it advisable after considering, among other things, the needs and resources of the family. (NRS 146.050) Section 2 of this bill clarifies that the court must consider the needs and resources of the surviving spouse, minor child or minor children of the decedent.

If the value of an estate does not exceed \$100,000, existing law authorizes the estate of the decedent to be set aside and assigned in a certain order without administration. (NRS 146.070) Section 3 of this bill authorizes the court to: (1) upon request, order any asset assigned and set apart to be distributed to a designated person who resides in this State; (2) order the designated person to distribute the assets to the persons entitled thereto; and (3) retain jurisdiction of the estate to enforce the orders of the court until the designated person can prove that all sums of money due and all property of the estate has been distributed properly.

Existing law requires a notice of the time and place of sale of real property to be published in a certain manner before the sale is made. Under existing law, the court may waive the requirement of publication if, among other things, the personal representative is the sole devisee or heir of the estate or if all devisees or heirs of the estate consent in writing. (NRS 148.220) Section 4 of this bill provides that the court may waive the requirement of publication if the following persons consent in writing: (1) the personal representative, if he or she is the sole devisee or heir of the estate; (2) all devisees to whom the property is devised if the property is specifically devised in the decedent's will; (3) all residuary devisees if the property is not specifically devised in the decedent's will; or (4) in the case of an intestate estate, all heirs of the estate.

Existing law requires that before the court can confirm a sale of real property at a private sale, the court must first, among other things, determine that the real property has been appraised within 1 year before the time of sale. Under existing law, the court can waive the requirement of an appraisal: (1) for good cause shown; or (2) if the personal representative is the sole devisee or heir of the estate, or if all devisees or heirs consent in writing to sale without an appraisal. (NRS 148.260) Section 5 of this bill authorizes the court to waive the requirement of an appraisal if the following people consent in writing to sale without an appraisal: (1) the personal representative, if he or she is the sole devisee or heir of the estate; (2) all devisees to whom the property is devised, if the property is specifically devised in the will of the decedent; (3) all residuary devisees, if the property is not specifically devised in the will of the decedent; and (4) in the case of an intestate estate, all heirs to the estate.

Existing law requires a petitioner to provide notice of the time and place of the hearing of a petition to certain interested persons by: (1) mailing a copy by registered or ordinary first-class mail addressed to the person being notified; and (2) publishing a copy of the notice in certain newspapers under certain circumstances. (NRS 155.010) If the court has established an electronic filing system pursuant to the Nevada Electronic Filing and

Conversion Rules, section 6 of this bill authorizes a petitioner to provide such notice to certain interested persons by submitting a copy of the notice through the electronic filing system of the court or through any other electronic means.

Existing law authorizes the maker or legal representative of a maker of a will, trust or testamentary instrument to obtain declaratory relief under the testamentary instrument or with respect to the administration of the trust or certain estates for certain purposes. (NRS 30.040) Section 7 of this bill additionally authorizes an interested person or the legal representative of an interested person to obtain declaratory relief under the same circumstances.

Section 9 of this bill provides that a settlor of a trust may use a method set forth in a trust instrument for determining whether the settlor or trustee is incapacitated. Section 16 of this bill authorizes a trustee presenting a certification of trust to include a declaration that the incapacity of the former trustee has been established pursuant to section 9 and that the current acting trustee has succeeded to the office of trustee. (NRS 164.410)

Section ~~140~~ 13 of this bill provides that certain information concerning trusts in pleadings and filings is confidential. Section 18 of this bill makes a conforming change to reflect that certain information concerning trusts in pleadings and filings is made confidential pursuant to section ~~140~~ 13.

Existing law classifies a distribution interest, among other classifications, as a support interest if the trustee is required to make distributions to the beneficiary pursuant to an ascertainable standard. (NRS 163.4185) Section 11 of this bill revises the circumstances under which a distribution interest is classified as a support interest.

Existing law prescribes the powers and duties of a protector of a trust. (NRS 163.5553) Section 12 of this bill provides that, unless otherwise provided in the trust instrument: (1) the powers of a protector of a trust are fiduciary in nature; and (2) the trust instrument may define the scope and extent of the fiduciary standard applicable to the exercise of any of the powers and duties of a protector of a trust.

Existing law provides that ~~if (1)~~ under certain circumstances, the district court is required to assume jurisdiction of a trust as a proceeding in rem. ~~if and (2) If the trustee does not reside or conduct business in this State, existing law provides that jurisdiction is proper in this State if, among other requirements, if~~ : (1) the trust expressly provides that the trust originated in this State or that a court in this State has jurisdiction; (2) under certain circumstances, a person has designated that the trust originated in this State or that this State has jurisdiction; or (3) one or more beneficiaries of the trust reside in this State. (NRS 164.010) Section 14 of this bill : (1) provides that jurisdiction of a trust is proper in this State if the trust or a certain person expressly provides or designates that the trust originated in a county located in this State; (2) removes ~~such requirements~~ the requirement that one or more beneficiaries of the trust reside in this State; and ~~instead~~ (3) provides

that jurisdiction is proper if ~~[, among other requirements,]~~ any trustee resides or conducts business in this State.

Existing law also provides that, for the purposes of determining venue, the court must consider the preference of counties in a certain order. (NRS164.010) Section 14 specifies that for the purposes of determining venue in this State, the following preferences apply: (1) a county in which venue was most recently declared; (2) a county in which venue is declared in the trust instrument; (3) a county in which the situs or domicile of the trust is declared in a certification of trust; (4) a county in which any trustee resides or conducts business at the time of the filing of the petition; ~~[(2)]~~ (5) a county in which any real property interest owned by the trust is located; and ~~[(3)]~~ (6) a county in which any beneficiary resides.

Existing law authorizes a trustee to provide notice to certain persons after a revocable trust becomes irrevocable and generally prohibits any person who is provided notice from bringing an action to contest the validity of the trust more than 120 days after notice is served. (NRS 164.021) Section 15 of this bill clarifies that the notice must contain the dispositive provisions of the trust instrument that pertain to the beneficiary or a complete copy of the trust instrument. Section 15 also authorizes a person to consent in writing to a period shorter than 120 days in which to bring an action to contest the validity of the trust.

Section 17 of this bill makes a technical correction to a provision relating to the liability of a trustee or disinterested person who, in good faith, fails to take certain actions. (NRS 164.796)

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

Section 1. NRS 136.010 is hereby amended to read as follows:

136.010 1. ~~[The]~~ *Jurisdiction of the settlement of the estate of a decedent may be ~~[settled by]~~ assumed in the district court of any county in this State ~~[:] if:~~*

(a) ~~[In which any part of the estate is located;]~~ *The decedent was a resident of this State at the time of death; or*

(b) ~~[Where the decedent was a resident at the time of death;]~~ *Any part of the estate of the decedent is located in this State.*

2. ~~[If the decedent was a resident of this State at the time of death, the district court of any county in this State, whether death occurred in that county or elsewhere, may assume jurisdiction]~~ *Venue of the settlement of the estate of ~~[the]~~ a decedent is proper in any district court in this State. If an interested ~~[party]~~ person objects to the venue on the basis of convenience, the court may determine the appropriate venue only after ~~[taking into consideration]~~ considering, in order of priority, the convenience of the forum to:*

(a) *Where the decedent resided at the time of death;*

(b) *Where the decedent owned real property;*

(c) The *preference of the* person named as personal representative or trustee in the will; and

~~{{(b)}}~~ (d) The *preference of the* heirs, devisees, interested persons or beneficiaries to the decedent or estate and their legal counsel.

3. After a properly noticed hearing is held, the district court that first assumes jurisdiction of the settlement of an estate has exclusive jurisdiction of the settlement of that estate, including, without limitation:

- (a) The proving of wills;
- (b) The granting of letters; and
- (c) The administration of the estate.

Sec. 2. NRS 146.050 is hereby amended to read as follows:

146.050 1. If the homestead was selected by the spouses, or either of them, during their marriage, and recorded while both were living, as provided in chapter 115 of NRS, it vests, on the death of either spouse, absolutely in the survivor, unless vesting is otherwise required pursuant to subsection 2 of NRS 115.060.

2. If no homestead was so selected, a homestead may be set apart by the court to the surviving spouse, minor child or minor children of the decedent for a limited period if deemed advisable considering the needs and resources of the ~~{{family}}~~ *surviving spouse, minor child or minor children of the decedent* and the nature, character and obligations of the estate. The duration of the homestead must be designated in the order setting it apart and may not extend beyond the lifetime of the surviving spouse or the minority of any child of the decedent, whichever is longer. A homestead so set apart then vests, subject to the setting apart:

(a) If set apart from the separate property of the decedent, in the heirs or devisees of the decedent.

(b) If set apart from community property, one-half in the surviving spouse and one-half in the devisees of the decedent, or if no disposition is made, then entirely in the surviving spouse.

3. In either case referred to in subsection 1 or 2, the homestead is not subject to the payment of any debt or liability existing against the spouses, or either of them, at the time of death of either, unless the debt or liability is secured by a mortgage or lien.

Sec. 3. NRS 146.070 is hereby amended to read as follows:

146.070 1. All or part of the estate of a decedent may be set aside without administration by the order of the court as follows:

(a) If the value of a decedent's estate does not exceed \$100,000, the estate may be set aside without administration by the order of the court; or

(b) If a decedent's will directs that all or part of the decedent's estate is to be distributed to the trustee of a nontestamentary trust established by the decedent and in existence at the decedent's death, the portion of the estate subject to such direction may be set aside without administration. Any portion of a decedent's estate set aside to the nontestamentary trust pursuant to this paragraph is subject to creditors of the estate unless the petitioner

provides proof to the court that the trustee has published or mailed the requisite notice to such creditors on behalf of the nontestamentary trust and settlor pursuant to NRS 164.025.

2. Except as otherwise provided in subsection 3, the whole estate set aside pursuant to paragraph (a) of subsection 1 must be assigned and set apart in the following order:

(a) To the payment of the petitioner's attorney's fees and costs incurred relative to the proceeding under this section;

(b) To the payment of funeral expenses, expenses of last illness, money owed to the Department of Health and Human Services as a result of payment of benefits for Medicaid and creditors, if there are any;

(c) To the payment of other creditors, if any; and

(d) Any balance remaining to the claimant or claimants entitled thereto pursuant to a valid will of the decedent, and if there is no valid will, pursuant to intestate succession in accordance with chapter 134 of NRS.

3. If the value of the estate does not exceed \$100,000 and the decedent is survived by a spouse or one or more minor children, the court must set aside the estate for the benefit of the surviving spouse or the minor child or minor children of the decedent, subject to any reduction made pursuant to subsection 4 or 5. The court may allocate the entire estate to the surviving spouse, the entire amount to the minor child or minor children, or may divide the estate among the surviving spouse and minor child or minor children.

4. As to any amount set aside to or for the benefit of the surviving spouse or minor child or minor children of the decedent pursuant to subsection 3, the court must set aside the estate without the payment of creditors except as the court finds necessary to prevent a manifest injustice.

5. To prevent an injustice to creditors when there are nonprobate transfers that already benefit the surviving spouse or minor child or minor children of the decedent, the court has the discretion to reduce the amount set aside under subsection 3 to the extent that the value of the estate, when combined with the value of nonprobate transfers, as defined in NRS 111.721, from the decedent to or for the benefit of the surviving spouse or minor child or minor children of the decedent exceeds \$100,000.

6. In exercising the discretion granted in this section, the court shall consider the needs and resources of the surviving spouse and minor child or minor children, including any assets received by or for the benefit of the surviving spouse or minor child or minor children from the decedent by nonprobate transfers.

7. For the purpose of this section, a nonprobate transfer from the decedent to one or more trusts or custodial accounts for the benefit of the surviving spouse or minor child or minor children shall be considered a transfer for the benefit of such spouse or minor child or minor children.

8. Proceedings taken under this section must not begin until at least 30 days after the death of the decedent and must be originated by a petition containing:

- (a) A specific description of all property in the decedent's estate;
- (b) A list of all known liens and encumbrances against estate property at the date of the decedent's death, with a description of any that the petitioner believes may be unenforceable;
- (c) An estimate of the value of the property, together with an explanation of how the estimated value was determined;
- (d) A statement of the debts of the decedent so far as known to the petitioner;
- (e) The names and residences of the heirs and devisees of the decedent and the age of any who is a minor and the relationship of the heirs and devisees to the decedent, so far as known to the petitioner; and
- (f) If the decedent left a will, a statement concerning all evidence known to the petitioner that tends to prove that the will is valid.

9. If the petition seeks to have the estate set aside for the benefit of the decedent's surviving spouse or minor child or minor children without payment to creditors, the petition must also contain:

- (a) A specific description and estimated value of property passing by one or more nonprobate transfers from the decedent to the surviving spouse or minor child or minor children; or
- (b) An allegation that the estimated value of the property sought to be set aside, combined with the value of all nonprobate transfers from the decedent to the surviving spouse or minor child or minor children who are seeking to receive property pursuant to this section, is less than \$100,000.

10. When property is distributed pursuant to an order granted under this section, the court may allocate the property on a pro rata basis or a non-pro rata basis.

11. The clerk shall set the petition for hearing and the petitioner shall give notice of the petition and hearing in the manner provided in NRS 155.010 to the decedent's heirs and devisees and to the Director of the Department of Health and Human Services. If a complete copy of the petition is not enclosed with the notice, the notice must include a statement setting forth to whom the estate is being set aside.

12. No court or clerk's fees may be charged for the filing of any petition in, or order of court thereon, or for any certified copy of the petition or order in an estate not exceeding \$2,500 in value.

13. At the hearing on a petition under this section, the court may require such additional evidence as the court deems necessary to make the findings required under subsection 14.

14. The order granting the petition shall include:

- (a) The court's finding as to the validity of any will presented;
- (b) The court's finding as to the value of the estate and, if relevant for the purposes of subsection 5, the value of any property subject to nonprobate transfers;
- (c) The court's determination of any property set aside under subsection 2;

(d) The court's determination of any property set aside under subsection 3, including, without limitation, the court's determination as to any reduction made pursuant to subsection 4 or 5; and

(e) The name of each distributee and the property to be distributed to the distributee.

15. As to the distribution of the share of a minor child set aside pursuant to this section, the court may direct the manner in which the money may be used for the benefit of the minor child as is deemed in the court's discretion to be in the best interests of the minor child, and the distribution of the minor child's share shall be made as permitted for the minor child's share under the terms of the decedent's will or to one or more of the following:

- (a) A parent of such minor child, with or without the filing of any bond;
- (b) A custodian under chapter 167 of NRS; or
- (c) A court-appointed guardian of the estate, with or without bond.

16. *The court, upon request of a petitioner under this section and upon such terms and conditions the court deems advisable to protect any interested person of the estate:*

(a) May order that any asset assigned and set apart pursuant to subsection 2 be distributed first to a designated person who resides in this State and is otherwise qualified pursuant to NRS 139.010;

(b) May order the designated person to distribute the assets to the person or persons entitled thereto; and

(c) Shall retain jurisdiction to enforce its orders until the designated person demonstrates to the court, by the production of satisfactory receipts, that all sums of money due and all the property of the estate has been distributed to the persons entitled thereto and all acts lawfully required have been performed.

17. For the purposes of this section, the value of property must be the fair market value of that property, reduced by the value of all enforceable liens and encumbrances. Property values and the values of liens and encumbrances must be determined as of the date of the decedent's death.

Sec. 4. NRS 148.220 is hereby amended to read as follows:

148.220 1. Notice of the time and place of sale of real property must be published in a newspaper published in the county in which the property, or some portion of the property, is located, if there is one so published, and if not, then in such paper as the court directs, for 2 weeks, being three publications, 1 week apart, before the day of sale or, in the case of a private sale, before the day on or after which the sale is to be made. For good cause shown, the court may decrease the number of publications to one and shorten the time for publication to a period not less than 8 days.

2. The court may waive the requirement of publication if:

(a) ~~The [personal representative is the sole devisee or heir of the estate, or if all devisees or heirs of the estate]~~ following persons consent in writing [] :

(1) *The personal representative, if he or she is the sole devisee or heir of the estate;*

(2) *If the property is specifically devised in the will of the decedent, all devisees to whom the property is devised;*

(3) *If the property is not specifically devised in the will of the decedent, all residuary devisees; or*

(4) *In the case of an intestate estate, all heirs of the estate.*

(b) The personal representative provides proof that the property has been publicly listed in a public property listing service for a period of not less than 30 days; or

(c) The estate is subject to a lien or mortgage on the property in excess of the value of the real property and the estate has entered into an agreement with the holder of the lien or mortgage to waive the deficiency and accept the net sales proceeds.

3. If it appears from the inventory and appraisal that the value of the property to be sold does not exceed \$5,000, the personal representative may waive the requirement of publication and, in lieu thereof, post a notice of the time and place of sale in three of the most public places in the county in which the property, or some portion of the property, is located, for 2 weeks before the day of the sale or, in the case of a private sale, before the day on or after which the sale is to be made.

4. The property proposed to be sold must be described with common certainty in the notice.

Sec. 5. NRS 148.260 is hereby amended to read as follows:

148.260 1. Except as otherwise provided in subsection 2, a sale of real property at a private sale must not be confirmed by the court unless the court is satisfied that the sum offered represents the fair market value of the property sold and the real property has been appraised within 1 year before the time of sale. If the property has not been appraised, a new appraisal must be performed, as in the case of an original appraisal of an estate, at any time before the sale or confirmation of the property.

2. The court may waive the requirement of an appraisal:

(a) For good cause shown; ~~or~~

(b) ~~If the~~ The personal representative, if he or she is the sole devisee or heir of the estate ~~, or if all devisees or heirs~~;

(c) *If the property is specifically devised in the will of the decedent, all devisees to whom the property is devised consent in writing to sale without an appraisal;*

(d) *If the property is not specifically devised in the will of the decedent, all residuary devisees consent in writing to sale without an appraisal; or*

(e) *In the case of an intestate estate, all heirs to the estate consent in writing to the sale without an appraisal,*

➡ in which case the personal representative may rely on the assessed value of the property for taxation in obtaining confirmation of the sale.

Sec. 6. NRS 155.010 is hereby amended to read as follows:

155.010 1. Except as otherwise provided in this section or a specific statute relating to the kind of notice required or otherwise ordered by the

court in a particular instance, a petitioner shall cause notice of the time and place of the hearing of a petition to be given to each interested person and to every other person entitled to notice pursuant to this title or his or her attorney if the person has appeared by attorney or requested that notice be sent to his or her attorney. Notice must be given:

(a) By mailing a copy thereof at least 10 days before the time set for the hearing by certified, registered or ordinary first-class mail addressed to the person being notified at the post office address given in the person's demand for notice, if any, or at his or her office or place of residence, if known, or by personally delivering a copy thereof to the person being notified at least 10 days before the time set for the hearing; ~~or~~

(b) *By submitting a copy thereof through an electronic filing system, if the court establishes such a system pursuant to the Nevada Electronic Filing and Conversion Rules or by any other electronic means if the interested person or person entitled to notice consents in writing; or*

(c) If the address or identity of the person is not known and cannot be ascertained with reasonable diligence, by publishing at least once a week for 3 consecutive weeks a copy thereof in a newspaper having general circulation in the county where the hearing is to be held, the last publication of which must be at least 10 days before the date set for the hearing.

2. A person who, for the purposes of the matter to be considered at a hearing, is not an interested person is not entitled to notice of that hearing.

3. The court, for good cause shown, may provide for a different method or time of giving notice for any hearing, or may dispense with the notice otherwise required to be given to a person under this title.

4. Proof of the giving of notice must be made on or before the hearing and filed in the proceeding.

5. A person entitled to notice may, in writing, waive notice of the hearing of a petition.

6. *Notice given pursuant to paragraph (b) or (c) of subsection 1 is complete upon electronic submission of any kind, unless the petitioner is notified pursuant to the Nevada Electronic Filing and Conversion Rules that the service was not effectuated on the person intended to be served by such electronic means.*

Sec. 7. NRS 30.040 is hereby amended to read as follows:

30.040 1. Any person interested under a deed, written contract or other writings constituting a contract, or whose rights, status or other legal relations are affected by a statute, municipal ordinance, contract or franchise, may have determined any question of construction or validity arising under the instrument, statute, ordinance, contract or franchise and obtain a declaration of rights, status or other legal relations thereunder.

2. ~~[A]~~ Any interested person or legal representative of an interested person of, or a maker or legal representative of a maker of, a will, trust or other writings constituting a testamentary instrument may have determined any question of construction or validity arising under the instrument and

obtain a declaration of rights, status or other legal relations thereunder. Any action for declaratory relief under this subsection may only be made in a proceeding commenced pursuant to the provisions of title 12 or 13 of NRS, as appropriate.

3. A principal or a person granted authority to act for a principal under power of attorney, whether denominated an agent, attorney-in-fact or otherwise, may have determined any question of construction or validity arising under the instrument and obtain a declaration of rights, status or other legal relations thereunder. Any action for declaratory relief under this subsection may only be made in a proceeding commenced pursuant to the provisions of title 12 or 13 of NRS, as appropriate.

Sec. 8. Chapter 163 of NRS is hereby amended by adding thereto the provisions set forth as sections 9 and 10 of this act.

Sec. 9. 1. *A person determined pursuant to this section to lack capacity or to be incapacitated shall be deemed to no longer have the authority to serve as a trustee, and the person having priority to serve as or to appoint the successor trustee upon resignation, death or incapacity of the trustee under the trust instrument shall immediately assume such authority.*

2. *A person who would have authority to serve as the trustee but for the fact that he or she has been determined to be incapacitated pursuant to subsection 3 and who later regains capacity as determined in accordance with subsection 7 is immediately restored to such authority.*

3. *A person serving as a trustee is incapacitated for purposes of this section if the person:*

(a) Is determined to lack capacity pursuant to subsection 4; or

(b) Is:

(1) Missing; or

(2) Detained, including, without limitation, incarcerated.

4. *The incapacity of a person serving as a trustee may be established by:*

(a) A method provided in the trust instrument of the person, including, without limitation, a method that does not require a physician or a court to determine incapacity;

(b) A licensed physician who has personally examined the person, unless the trust instrument provides otherwise; or

(c) A court of competent jurisdiction.

5. *The successor trustee may certify under penalty of perjury that the incapacity of a person has been determined pursuant to this section by a signed affidavit that is acknowledged by all the currently acting trustees of the trust other than the incapacitated trustee. A person who acts in reliance upon such a certification of incapacity without knowledge that the representations contained therein are incorrect is not liable to any person for so acting and may assume without inquiry that the person who has been certified as incapacitated lacks capacity.*

6. *Any interested person may petition a court of competent jurisdiction pursuant to NRS 164.015 for an order declaring a person serving as a*

trustee to lack capacity within the meaning of this section and for the removal as a trustee.

7. A person who would have priority to serve as the trustee but for the fact that he or she has been determined to be incapacitated, who later regains capacity, may establish his or her capacity by:

(a) Using a method in the trust instrument to establish the capacity of the trustee;

(b) If the person is incapacitated pursuant to paragraph (b) of subsection 3, a signed affidavit acknowledged by the person that the individual is no longer incapacitated and that is delivered to the currently acting trustees of the trust; or

(c) Petitioning a court of competent jurisdiction under NRS 164.015 for an order declaring that the person is not incapacitated.

8. A written determination of the successor trustee or licensed physician provided pursuant to paragraph (a) or (b) of subsection 4 must be provided under penalty of perjury.

9. Incapacity pursuant to paragraph (c) of subsection 4 must be established by a preponderance of the evidence.

Sec. 10. ~~Upon the filing of any petition pursuant to this chapter, the following information is confidential:~~

- ~~1. Trust instruments, inventories, accountings and reports;~~
- ~~2. The names and addresses of trust settlors and beneficiaries;~~
- ~~3. Trust dispositive terms, including, without limitation,~~
- ~~(a) The identity and amount of distributions or gifts; and~~
- ~~(b) Powers of appointments;~~
- ~~4. Corporate and company records relating to trusts;~~
- ~~5. Personally identifying information, including, without limitation, social security numbers and dates of birth; and~~
- ~~6. Any other information ordered by the court.] (Deleted by amendment.)~~

Sec. 11. NRS 163.4185 is hereby amended to read as follows:

163.4185 1. A distribution interest may be classified as:

(a) A mandatory interest if the trustee has no discretion to determine whether a distribution should be made, when a distribution should be made or the amount of the distribution.

(b) A support interest if the trustee is mandatorily required to make distributions to the beneficiary ~~pursuant to an~~ upon the determination of the trustee that the distribution will satisfy a defined ascertainable standard ~~[-]~~ set forth in the instrument and, upon such a determination, the trust instrument does not otherwise condition such distribution authority on the further discretion of the trustee.

(c) A discretionary interest if the trustee has discretion to determine whether a distribution should be made, when a distribution should be made and the amount of the distribution.

2. If a trust contains a combination of a mandatory interest, a support interest or a discretionary interest, the trust must be separated as:

(a) A mandatory interest only to the extent of the mandatory language provided in the trust;

(b) A support interest only to the extent of the support language provided in the trust; and

(c) A discretionary interest for any remaining trust property.

3. If a trust provides for a support interest that also includes mandatory language but the mandatory language is qualified by discretionary language, the support interest must be classified and separated as a discretionary interest.

4. As used in this section, "ascertainable standard" means a standard relating to a person's health, education, support or maintenance within the meaning of section 2041(b)(1)(A) or 2514(c)(1) of the Internal Revenue Code, 26 U.S.C. § 2041(b)(1)(A) or 2514(c)(1), and any regulations of the United States Treasury promulgated thereunder.

Sec. 12. NRS 163.5553 is hereby amended to read as follows:

163.5553 1. A trust protector may exercise the powers provided to the trust protector in the instrument ~~[in the best interests of the trust.]~~ *subject to the terms and provisions in the instrument.* The powers exercised by a trust protector are at the sole discretion of the trust protector and are binding on all other persons. The powers granted to a trust protector may include, without limitation, the power to:

(a) Modify or amend the instrument to achieve a more favorable tax status or to respond to changes in federal or state law.

(b) Modify or amend the instrument to take advantage of changes in the rule against perpetuities, restraints on alienation or other state laws restricting the terms of a trust, the distribution of trust property or the administration of the trust.

(c) Increase or decrease the interests of any beneficiary under the trust.

(d) Modify the terms of any power of appointment granted by the trust. A modification or amendment may not grant a beneficial interest to a person which was not specifically provided for under the trust instrument.

(e) Remove and appoint a trustee, trust adviser, investment committee member or distribution committee member.

(f) Terminate the trust.

(g) Direct or veto trust distributions.

(h) Change the location or governing law of the trust.

(i) Appoint a successor trust protector or trust adviser.

(j) Interpret terms of the instrument at the request of the trustee.

(k) Advise the trustee on matters concerning a beneficiary.

(l) Review and approve a trustee's reports or accounting.

2. The powers provided pursuant to subsection 1 may be incorporated by reference to this section at the time a testator executes a will or a settlor signs a trust instrument. The powers provided pursuant to subsection 1 may be incorporated in whole or in part.

3. Unless otherwise provided in the trust instrument, the powers of the trust protector shall be considered fiduciary in nature. The trust instrument may define the scope and extent of a fiduciary standard applicable to the exercise of any power of the trust protector, including, without limitation, reducing or relieving the trust protector of a fiduciary duty.

Sec. 13. Chapter 164 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Confidential information relating to trusts ~~[as described in section 10 of this act,]~~ that is contained in petitions and subsequent related findings under this title or title 12 of NRS may be redacted and filed under seal without a prior court order so long as the unredacted and complete copies of such petitions and filings are promptly provided to the court in camera and to all persons entitled to notice thereto.

2. Unless the court orders otherwise, confidential information once redacted or filed under seal must be redacted and filed under seal without a prior court order in all subsequent filings and orders in the matter relating to the petition, and unredacted and complete copies of such filings and orders must be promptly provided in camera to the court and to all persons entitled to copies thereto, as appropriate.

3. Nothing in this section shall be construed to abridge the power of any court of competent jurisdiction to order the production of unredacted and complete copies of petitions, filings and orders that have been redacted or filed under seal to an interested person, as defined in NRS 132.185, or to other persons for cause shown.

4. As used in this section, "confidential information" includes:

(a) Trust instruments, inventories, accountings and reports;

(b) The names and addresses of trust settlors and beneficiaries;

(c) Trust dispositive terms, including, without limitation:

(1) The identity and amount of distributions or gifts; and

(2) Powers of appointments;

(d) Corporate and company records relating to trusts;

(e) Personally identifying information, including, without limitation, social security numbers and dates of birth; and

(f) Any other information ordered by the court.

Sec. 14. NRS 164.010 is hereby amended to read as follows:

164.010 1. Upon petition of any person appointed as trustee of an express trust by any written instrument other than a will, or upon petition of a settlor or beneficiary of the trust, the district court ~~[of the county in which any trustee resides or conducts business at the time of the filing of the petition or in which the trust has been domiciled as of the time of the filing of the petition]~~ shall assume jurisdiction of the trust as a proceeding in rem unless another court has properly assumed continuing jurisdiction in rem in accordance with the laws of that jurisdiction and the district court determines that it is not appropriate for the district court to assume jurisdiction under the circumstances.

2. For the purposes of this section, ~~[a trust is domiciled]~~ jurisdiction is proper in this State ~~[notwithstanding that the trustee neither resides nor conducts business in this State]~~ if:

(a) The trust instrument expressly provides that ~~[the]~~ :

(1) The situs of the trust is in this State or a county located in this State;
or ~~[that a]~~

(2) A court in this State has jurisdiction over the trust;

(b) A person has designated for the trust that this State or a county located in this State is the situs or has jurisdiction, if such person made the designation at a time during which he or she held the power to make such a designation under the express terms of the trust instrument;

(c) The trust owns an interest in real property located in this State;

(d) The trust owns personal property, wherever situated, if the trustee is:

(1) Incorporated or authorized to do business in this State;

(2) A trust company licensed under chapter 669 of NRS;

(3) A family trust company, as defined in NRS 669A.080; or

(4) A national association having an office in this State;

(e) ~~[One or more beneficiaries of the trust reside]~~ Any trustee resides or conducts business in this State; or

(f) At least part of the administration of the trust occurs in this State.

3. Notwithstanding the provisions of this section, if a court of a jurisdiction other than this State has jurisdiction over a trust and grants an order authorizing a transfer of jurisdiction over that trust to this State, the district court has the power to assume jurisdiction over the trust and to otherwise supervise the administration of that trust in accordance with the procedures set forth in this title.

4. For the purposes of determining venue ~~[] within this State~~, preference is given in the following order:

(a) To the county in which ~~[the situs or domicile]~~ venue was most recently declared by a person granted the power to make such a declaration under the terms of the trust instrument at the time of the filing of the petition;

(b) To the county in which ~~[the situs or domicile]~~ venue is declared in the trust instrument; ~~[and]~~

(c) To the county in which the situs or domicile is declared by the trustee at the time of the filing of the petition in a certification of the trust which complies with subsection 2 of NRS 164.400 and subsection 2 of NRS 164.410 and which contains a declaration of the trust's situs or domicile as authorized in subsection 1 of NRS 164.410 ~~[]~~ ;

(d) To a county in which any trustee resides or conducts business at the time of the filing of the petition;

(e) To a county in which any real property interest owned by the trust is located; and

(f) To a county in which any beneficiary of the trust resides.

5. When the court assumes jurisdiction pursuant to this section, the court:

(a) Has jurisdiction of the trust as a proceeding in rem as of the date of the filing of the petition;

(b) Shall be deemed to have personal jurisdiction over any trustee confirmed by the court and any person appearing in the matter, unless such an appearance is made solely for the purpose of objecting to the jurisdiction of the court;

(c) May confirm at the same time the appointment of the trustee and specify the manner in which the trustee must qualify; and

(d) May consider at the same time granting orders on other matters relating to the trust, including, without limitation, matters that might be addressed in a declaratory judgment relating to the trust under subsection 2 of NRS 30.040 or petitions filed pursuant to NRS 153.031 or 164.015 whether such matters are raised in the petition to assume jurisdiction pursuant to this section or in one or more separate petitions that are filed concurrently with the petition to assume jurisdiction.

6. At any time, ~~the~~ a trustee may petition the court for removal of the trust from continuing jurisdiction of the court.

7. As used in this section, "written instrument" includes, without limitation, an electronic trust as defined in NRS 163.0015.

Sec. 15. NRS 164.021 is hereby amended to read as follows:

164.021 1. When a revocable trust becomes irrevocable because of the death of a settlor or by the express terms of the trust, the trustee may, after the trust becomes irrevocable, provide notice to any beneficiary of the irrevocable trust, any heir of the settlor or to any other interested person.

2. The notice provided by the trustee must contain:

(a) The identity of the settlor of the trust and the date of execution of the trust instrument;

(b) The name, mailing address and telephone number of any trustee of the trust;

(c) ~~Any provision~~ *The dispositive provisions* of the trust instrument which ~~pertain~~ *pertain* to the beneficiary, *a complete copy of the trust instrument* or notice that the heir or interested person is not a beneficiary under the trust;

(d) Any information required to be included in the notice expressly provided by the trust instrument; and

(e) A statement set forth in a separate paragraph, in 12-point boldface type or an equivalent type which states: "You may not bring an action to contest the trust more than 120 days from the date this notice is provided to you."

3. The trustee shall cause notice pursuant to this section to be provided in accordance with the provisions of NRS 155.010.

4. ~~No~~ *Except as otherwise provided in this subsection, no* person upon whom notice is provided pursuant to this section may bring an action to contest the validity of the trust more than 120 days from the date the notice ~~pursuant to this section is provided, regardless of whether a petition under NRS 164.010 is subsequently~~ is served upon the person, ~~after the notice is~~

~~provided,]~~ unless the person proves that he or she ~~[was not provided]~~ did not receive actual notice. ~~[in accordance with this section.]~~ A person upon whom notice is provided pursuant to this section may provide consent in writing to a period of less than 120 days in which the person may bring an action to contest the validity of the trust.

5. For the purposes of paragraph (c) of subsection 2, a copy of the trust instrument shall be considered complete if it includes all amendments and restatements to the trust instrument the trustee has determined to be in effect at the time of the death of the settlor after the trustee has exercised due diligence.

6. A trustee is not liable in providing information pursuant to paragraph (c) of subsection 2 to any person whom the trustee has determined, after the exercise of due diligence, to be a beneficiary, heir or interested person.

Sec. 16. NRS 164.410 is hereby amended to read as follows:

164.410 1. A certification of trust may confirm the following facts or contain the following information:

- (a) The existence of the trust and date of execution of any trust instrument;
- (b) The identity of the settlor and each currently acting trustee;
- (c) The powers of the trustee and any restrictions imposed upon the trustee in dealing with assets of the trust;
- (d) The revocability or irrevocability of the trust and the identity of any person holding a power to revoke it;
- (e) If there is more than one trustee, whether all of the currently acting trustees must or less than all may act to exercise identified powers of the trustee;

(f) A declaration regarding the situs or domicile of the trust and regarding the law that governs the validity, construction and administration of the trust; ~~[and]~~

(g) The form in which title to assets of the trust is to be taken ~~[--]~~ ; and

(h) A declaration that:

(1) The incapacity of the former trustee of the trust, including a settlor serving as the former trustee, has been determined pursuant to subsection 3, 4 or 6 of section 9 of this act; and

(2) The current acting trustee succeeded to the office of trustee pursuant to subsection 1 of section 9 of this act.

2. The certification must contain a statement that the trust has not been revoked or amended to make any representations contained in the certification incorrect, and that the signatures are those of all the currently acting trustees.

Sec. 17. NRS 164.796 is hereby amended to read as follows:

164.796 1. Unless expressly prohibited by the trust instrument, a trustee may convert a trust into a unitrust if:

- (a) The trustee determines conversion to a unitrust will better enable the trustee to carry out the intent of the settlor and the purpose of the trust;

(b) The trustee gives written notice of his or her intention to convert the trust to a unitrust, including how the unitrust will operate, the income distributions rate established pursuant to subsection 3 of NRS 164.797 and subsection 1 of NRS 164.799, and what initial decisions the trustee will make pursuant to this section, to all beneficiaries who:

- (1) Are presently eligible to receive income from the trust;
- (2) Would be eligible, if a power of appointment were not exercised, to receive income from the trust if the interest of any beneficiary eligible to receive income terminated immediately before the trustee gives notice; and
- (3) Would receive, if a power of appointment were not exercised, a distribution of principal if the trust terminated immediately before the trustee gives notice;

(c) There is at least one beneficiary who meets the requirements of subparagraph (1) of paragraph (b) and at least one beneficiary who meets the requirements of subparagraph (2) of paragraph (b); and

(d) No beneficiary objects, in writing and delivered to the trustee within 60 days of the mailing of the notice, to the conversion of the trust to a unitrust.

2. If a beneficiary timely objects to converting a trust into a unitrust, or if there are no beneficiaries under either subparagraph (1) or (3) of paragraph (b) of subsection 1, the trustee may petition the court to approve the conversion of the trust into a unitrust. The court shall approve the conversion if the court concludes that the conversion will enable the trustee to better carry out the intent of the settlor and the purpose of the trust.

3. A beneficiary may request that a trustee convert a trust into a unitrust. If the trustee does not convert the trust, the beneficiary may petition the court to order the conversion. The court shall direct the conversion if the court concludes that the conversion will enable the trustee to better carry out the intent of the settlor and the purpose of the trust.

4. A trustee, in determining whether and to what extent to convert a trust to a unitrust pursuant to subsection 1, shall consider all factors relevant to the trust and to the beneficiaries, including the factors set forth in subsection 2 of NRS 164.795, as applicable.

5. A conversion of a trust to a unitrust does not affect a term of the trust directing or authorizing the trustee to distribute principal or authorizing a beneficiary to withdraw all or a portion of the principal.

6. A trustee may not convert a trust into a unitrust in any circumstance set forth in subsection 3 of NRS 164.795.

7. If a trustee is prevented from converting a trust because a provision of paragraph (e), (f), (g) or (h) of subsection 3 of NRS 164.795 applies to the trustee and if there is a cotrustee to whom such provisions do not apply, the cotrustee may convert the trust unless the exercise of the power by the remaining trustee is not permitted by the terms of the trust. If all trustees are prevented from converting a trust because a provision of paragraph (e), (f),

(g) or (h) of subsection 3 of NRS 164.795 applies to all of the trustees, the trustees may petition the court to direct a conversion.

8. A trustee may permanently, or for a specified period, including a period measured by the life of a person, release the power to convert a trust pursuant to subsection 1 if:

(a) The trustee is uncertain about whether possessing or exercising the power of conversion will cause a result described in paragraphs (a) to (f), inclusive, or (h) of subsection 3 of NRS 164.795; or

(b) The trustee determines that possessing or exercising the power of conversion may or will deprive the trust of a tax benefit or impose a tax burden not described in subsection 3 of NRS 164.795.

9. A trustee or disinterested person who, in good faith, *takes or* fails to take any action under this section is not liable to any person affected by such action or inaction, regardless of whether the affected person received notice as provided in this section or was under a legal disability at the time of delivery of notice. An affected person's exclusive remedy is to petition the court for an order directing the trustee to convert the trust into a unitrust, to reconvert a unitrust into a trust or to change the percentage used to calculate the unitrust amount.

10. This section shall be construed to pertain to the administration of a trust, and the provisions of this section are available to any trust administered in this State or that is governed by the laws of this State, unless:

(a) The terms of the trust instrument show an intent that a beneficiary is to receive an amount other than a reasonable current return from the trust;

(b) The trust:

(1) Has a guaranteed annuity interest or fixed percentage interest as described in section 170(f)(2)(B) of the Internal Revenue Code;

(2) Is a charitable remainder trust within the meaning of section 664(d) of the Internal Revenue Code;

(3) Is a qualified subchapter S trust within the meaning of section 1361(c) of the Internal Revenue Code;

(4) Is a personal residence trust within the meaning of section 2702(a)(3)(A) of the Internal Revenue Code; or

(5) Is a trust in which one or more settlors retain a qualified interest within the meaning of section 2702(b) of the Internal Revenue Code;

(c) One or more persons to whom the trustee could distribute income have a power of withdrawal over the trust that is not subject to an ascertainable standard or that can be exercised to discharge a duty of support; or

(d) The terms of the trust instrument expressly prohibit the use of the provisions of this section through reference to this section or the trust instrument expressly states the settlor's intent that net income is not calculated as a unitrust amount.

11. As used in this section, "ascertainable standard" means a standard relating to an individual's health, education, support or maintenance within the meaning of section 2041(b)(1)(A) or 2514(c)(1) of the Internal Revenue

Code and any regulations of the United States Treasury promulgated thereunder.

Sec. 18. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754,

439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, *and section ~~404~~ 13 of this act*, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner

affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 19. This act becomes effective on July 1, 2023.

Senator Scheible moved the adoption of the amendment.

Remarks by Senator Scheible.

Amendment No. 425 to Senate Bill No. 407 makes several minor technical corrections including changing the word "party" to "person" and the term "situs or domicile" to "venue." It deletes section 10 of the bill concerning confidential information and instead inserts clarifying language in a new section 13. It corrects transcription errors in section 14 regarding a court's jurisdiction over certain trusts.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 415.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 414.

SUMMARY—Revises provisions relating to juvenile probation.
(BDR 5-317)

AN ACT relating to juvenile justice; setting forth the circumstances in which a juvenile court may place a child on probation; limiting the period of time during which a juvenile court may place a child on probation; authorizing, under circumstances, a juvenile court to extend the probation of a child; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides, with certain exceptions, that a juvenile court has exclusive jurisdiction over a child who is alleged to have committed a delinquent act. (NRS 62B.330)

Section 1 of this bill: (1) authorizes a juvenile court to place a child on probation ~~[if such probation is reasonable, individually tailored and developmentally appropriate for the child,]~~ under certain circumstances; and (2) prohibits, with certain exceptions, a juvenile court from placing a child on probation for a period of more than ~~6~~ 18 months. Section 1 further authorizes a juvenile court to order one or more extensions of the probation of a child if the juvenile court finds, based on a preponderance of evidence presented at a hearing on the matter, that such an extension is ~~[in the child's best interests. No]~~ advisable, considering the individualized case plan developed for the child. With certain exceptions, section 1 provides that no single extension of probation of a child may be for a period of more than 6 months. ~~[Finally,]~~ With certain exceptions, section 1 ~~[(1)]~~ prohibits a juvenile court from extending the probation of any child if the extension results in the child being on probation for a total period of more than ~~18~~ 36 months. ~~[(1) and (2)]~~ Finally, section 1 sets forth certain requirements ~~[for notice of]~~ concerning any hearing conducted by a juvenile court relating to the extension of the probation of a child.

Section 2 of this bill makes a conforming change to indicate the proper placement of section 1 in the Nevada Revised Statutes.

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

Section 1. Chapter 62E of NRS is hereby amended by adding thereto a new section to read as follows:

1. A juvenile court may place a child on probation ~~[if such probation is reasonable, individually tailored and developmentally appropriate for the child,]~~ in accordance with the provisions of this section.

2. The juvenile court shall consider the report prepared by the department of juvenile justice services pursuant to NRS 62E.506 when determining whether to place a child on probation and the period of any such probation.

3. Except as otherwise provided in ~~subsection 2~~ this section or as expressly authorized by specific statute ~~or~~ or federal law:

(a) A juvenile court shall not place a child on probation for a period of more than ~~6~~ 18 months.

~~2. Except as otherwise provided in this subsection and subsection 3, a~~
for each unlawful act for which the child is adjudicated delinquent, placed under the supervision of the juvenile court pursuant to a supervision and consent decree, or placed under informal supervision. The provisions of this paragraph do not apply to a violation of probation or parole.

(b) A juvenile court may order one or more extensions of the probation of a child if the juvenile court finds, based on a preponderance of evidence presented at a hearing on the matter, that such an extension is ~~in the child's best interests. No~~ advisable, considering the individualized case plan for the child developed pursuant to NRS 62E.507. Except as otherwise authorized by specific statute or federal law, no single extension of the probation of a child may be for a period of more than 6 months.

~~3.~~ (c) A juvenile court may not extend the probation of any child if the extension results in the child being on probation for a total period of more than ~~18~~ 36 months. ~~for each unlawful act for which the child is subject to the jurisdiction of the juvenile court, unless the act relates to a violation of the conditions of probation.~~

4. A juvenile court may extend the probation of a child beyond the period prescribed by paragraph (c) of subsection 3 if the child, the parent or guardian of the child, the attorney for the child, the probation officer of the child and the district attorney agree to the extension.

5. Notice of any hearing by a juvenile court relating to the extension of the probation of a child must be given to the child, the parent or guardian of the child, the attorney for the child and the probation officer of the child.
~~and the parent or guardian of the child.~~

~~5.~~ 6. At any hearing of a juvenile court relating to the extension of the probation of a child, the juvenile court must:

(a) Allow the parties a reasonable opportunity to present evidence and testimony; and

(b) Consider the ~~report~~:

(1) Report of the probation officer of the child relating to the issue of whether the juvenile court should extend the probation of the child ~~it~~;

(2) Report prepared by the department of juvenile justice services pursuant to NRS 62E.506; and

(3) Individualized case plan for the child developed pursuant to NRS 62E.507.

7. The period of probation of a child is tolled during any period in which a writ of attachment is issued for the child pursuant to NRS 62C.010.

8. Notwithstanding the termination of any period of probation ordered by the juvenile court, the juvenile court retains jurisdiction in accordance with the provisions of NRS 62B.420.

Sec. 2. NRS 62E.500 is hereby amended to read as follows:

62E.500 1. The provisions of NRS 62E.500 to 62E.730, inclusive ~~to~~,
and section 1 of this act:

(a) Apply to the disposition of a case involving a child who is adjudicated delinquent.

(b) Except as otherwise provided in NRS 62E.700 and 62E.705, do not apply to the disposition of a case involving a child who is found to have committed a minor traffic offense.

2. If a child is adjudicated delinquent:

(a) The juvenile court may issue any orders or take any actions set forth in NRS 62E.500 to 62E.730, inclusive, *and section 1 of this act* that the juvenile court deems proper for the disposition of the case; and

(b) If required by a specific statute, the juvenile court shall issue the appropriate orders or take the appropriate actions set forth in the statute.

Senator Scheible moved the adoption of the amendment.

Remarks by Senator Scheible.

Amendment No. 414 to Senate Bill No. 415 sets forth provisions clarifying when a child may be placed on probation, requires use of the Youth Level of Service Assessment to guide terms of juvenile probation, limits probation to 18 months except in cases of murder or attempted murder or where otherwise expressly authorized by statute, authorizes probation extensions of more than 6 months if permitted by state or federal law, allows probation to extend beyond 36 months upon agreement of interested parties and allows the juvenile court to retain jurisdiction to oversee payment of restitution.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 417.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 499.

SUMMARY—Revises provisions governing common-interest communities. (BDR 10-970)

AN ACT relating to common-interest communities; revising provisions relating to the requirement that the executive board of a unit-owners' association make certain records available for review at a designated location; requiring a unit's owner to pay the actual costs incurred by the association in providing such records under certain circumstances; prohibiting certain persons from taking retaliatory action against a unit-owners' association or certain other persons associated with the association; prohibiting certain persons within a common-interest community from bullying another person within that same common-interest community; revising the definition of the term violation relating to violations of the laws governing common-interest communities; authorizing the Commission for Common-Interest Communities and Condominium Hotels to impose certain sanctions on a person who files certain affidavits with the Real Estate Division of the Department of Business and Industry; requiring the Division

to take certain actions before referring an affidavit relating to a violation to the Ombudsman for Owners in Common-Interest Communities and Condominium Hotels; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the executive board of a unit-owners' association of a common-interest community to make certain financial records available for review at the business office of the association or some other nearby location including, among other records, certain personnel records of the employees of the association relating to the number of hours worked and the salaries and benefits of those employees. (NRS 116.31175) Section 1 of this bill excludes from the records the executive board must make available any personnel records of the employees of the association, including, without limitation, employment contracts, information regarding the salaries and benefits of employees and any other information concerning the employees of the association.

Existing law requires the executive board to provide, upon request: (1) a copy of such records to the unit's owner or the Ombudsman for Owners in Common-Interest Communities and Condominium Hotels; (2) a copy in electronic format at no charge to the unit's owner or the Ombudsman; or (3) if the board is unable to provide a copy in electronic format, a copy in paper format at a cost not to exceed a certain amount per page of the record. Existing law prohibits the executive board from requiring a unit's owner to pay an amount in excess of \$10 per hour to review any books, records, contracts or other papers of the association. (NRS 116.31175) Section 1 revises this prohibition and instead authorizes the executive board to require a unit's owner or Ombudsman to pay the actual costs incurred by the association for the unit's owner to review any such record.

Existing law provides that if a unit's owner is the subject of a retaliatory action based on certain complaints or requests, the unit's owner may bring an action to recover compensatory damages and attorney's fees and costs. (NRS 116.31183) Section 2 of this bill prohibits a unit's owner, tenant or guest or invitee of a unit's owner or tenant to take, or direct or encourage another person to take, any retaliatory action against the executive board, a member of the executive board, a community manager or an officer, employee or agent of the association based on certain actions taken by the executive board, member, community manager or officer, employee or agent. Section 2 also provides that the executive board, member, community manager or officer, employee or agent may bring an action to recover compensatory damages and attorney's fees and costs from the person who took such a retaliatory action.

Existing law prohibits certain persons within a common-interest community from threatening, harassing or otherwise engaging in certain courses of conduct against another person within that same common-interest community. (NRS 116.31184) Section 2.5 of this bill additionally prohibits

certain persons within a common-interest community from bullying another person within that same common-interest community.

Section 3 of this bill revises the definition of the term "violation" for the purposes of existing law relating to violations of the laws governing common-interest communities to include a violation of the provision of law that prohibits a person from threatening, harassing or otherwise engaging in bullying or a course of conduct against certain persons in a unit-owners' association which: (1) causes harm or serious emotional distress, or the reasonable apprehension thereof to that person; or (2) creates a hostile environment for that person. (NRS 116.31184, 116.745)

Existing law authorizes a person who is aggrieved by an alleged violation to file with the Real Estate Division of the Department of Business and Industry a written affidavit which includes certain information. Existing law authorizes the Commission for Common-Interest Communities and Condominium Hotels or a hearing panel to impose certain administrative fines against a person who knowingly files a false or fraudulent affidavit with the Division. (NRS 116.760) Section 4 of this bill additionally authorizes the Commission or hearing panel to impose sanctions that disqualify a person from serving as a member of the executive board for a period of not more than 10 years against any person who files a vexatious, misleading, retaliatory, frivolous, false or fraudulent affidavit with the Division.

Existing law provides that upon receipt of such an affidavit, the Division must refer the affidavit to the Ombudsman. (NRS 116.765) Section 5 of this bill requires the Division to determine whether the alleged violation, if assumed to be true, would constitute a violation before referring the affidavit to the Ombudsman.

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

Section 1. NRS 116.31175 is hereby amended to read as follows:

116.31175 1. Except as otherwise provided in subsection 4, the executive board of an association shall, upon the written request of a unit's owner, make available the books, records and other papers of the association for review at the business office of the association or a designated business location not to exceed 60 miles from the physical location of the common-interest community and during the regular working hours of the association, including, without limitation:

- (a) The financial statement of the association;
- (b) The budgets of the association required to be prepared pursuant to NRS 116.31151;
- (c) The study of the reserves of the association required to be conducted pursuant to NRS 116.31152; and
- (d) All contracts to which the association is a party and all records filed with a court relating to a civil or criminal action to which the association is a party.

2. The executive board shall provide a copy of any of the records described in paragraphs (a), (b) and (c) of subsection 1 to a unit's owner or the Ombudsman within 21 days after receiving a written request therefor. Such records must be provided in electronic format ~~at no charge to the unit's owner~~ or, if the association is unable to provide the records in electronic format, the executive board may charge a fee to cover the actual costs of preparing a copy, but the fee may not exceed 25 cents per page for the first 10 pages, and 10 cents per page thereafter.

3. If the executive board fails to provide a copy of any of the records pursuant to subsection 2 within 21 days, the executive board must pay a penalty of \$25 for each day the executive board fails to provide the records.

4. The provisions of subsection 1 do not apply to:

(a) The personnel records of the employees of the association, ~~except for those records relating to the number of hours worked and the salaries and benefits of those employees;~~ *including, without limitation, employment contracts, information regarding the salaries and benefits of employees and any other information concerning the employees of the association;*

(b) The records of the association relating to another unit's owner, including, without limitation, any architectural plan or specification submitted by a unit's owner to the association during an approval process required by the governing documents, except for those records described in subsection 5; and

(c) Any document, including, without limitation, minutes of an executive board meeting, a reserve study and a budget, if the document:

(1) Is in the process of being developed for final consideration by the executive board; and

(2) Has not been placed on an agenda for final approval by the executive board.

5. The executive board of an association shall maintain a general record concerning each violation of the governing documents, other than a violation involving a failure to pay an assessment, for which the executive board has imposed a fine, a construction penalty or any other sanction. The general record:

(a) Must contain a general description of the nature of the violation and the type of the sanction imposed. If the sanction imposed was a fine or construction penalty, the general record must specify the amount of the fine or construction penalty.

(b) Must not contain the name or address of the person against whom the sanction was imposed or any other personal information which may be used to identify the person or the location of the unit, if any, that is associated with the violation.

(c) Must be maintained in an organized and convenient filing system or data system that allows a unit's owner to search and review the general records concerning violations of the governing documents.

6. If the executive board refuses to allow a unit's owner to review the books, records or other papers of the association, the Ombudsman may:

(a) On behalf of the unit's owner and upon written request, review the books, records or other papers of the association during the regular working hours of the association; and

(b) If the Ombudsman is denied access to the books, records or other papers, request the Commission, or any member thereof acting on behalf of the Commission, to issue a subpoena for their production.

7. The books, records and other papers of an association must be maintained for at least 10 years. The provisions of this subsection do not apply to:

(a) The minutes of a meeting of the units' owners which must be maintained in accordance with NRS 116.3108; or

(b) The minutes of a meeting of the executive board which must be maintained in accordance with NRS 116.31083.

8. The executive board ~~[shall not]~~ *may* require a unit's owner to pay ~~[an amount in excess of \$10 per hour]~~ *the actual costs incurred by the association for the unit's owner to review any books, records, contracts or other papers of the association pursuant to the provisions of subsection 1.*

9. *As used in this section, "actual costs" includes, without limitation:*

(a) The cost of gathering, preparing, copying or providing records, regardless of format;

(b) The cost of retrieving records from storage; and

(c) Any other related cost incurred by the association in allowing a unit's owner to review any books, records, contracts or other papers of the association.

Sec. 2. NRS 116.31183 is hereby amended to read as follows:

116.31183 1. An executive board, a member of an executive board, a community manager or an officer, employee or agent of an association shall not take, or direct or encourage another person to take, any retaliatory action against a unit's owner because the unit's owner has:

(a) Complained in good faith about any alleged violation of any provision of this chapter or the governing documents of the association;

(b) Recommended the selection or replacement of an attorney, community manager or vendor; or

(c) Requested in good faith to review the books, records or other papers of the association.

2. *A unit's owner, a tenant or a guest or invitee of a unit's owner or tenant shall not take, or direct or encourage another person to take, any retaliatory action against the executive board, a member of the executive board, a community manager or an officer, employee or agent of the association because the executive board, member of the executive board, community manager or officer, employee or agent of the association has:*

(a) In good faith, provided a unit's owner or, if different, the person against whom a fine will be imposed, with a notice of the applicable

provisions of law or governing documents of the association that form the basis of an alleged violation;

(b) Failed in good faith to respond to a request or demand within the prescribed period pursuant to the governing documents of the association or this chapter; or

(c) Refused in good faith to provide confidential information of the association upon request or to otherwise engage in an unlawful activity.

3. In addition to any other remedy provided by law, upon a violation of this section, a unit's owner, member of the executive board, community manager or officer, employee or agent of an association may bring a separate action to recover:

(a) Compensatory damages; and

(b) Attorney's fees and costs of bringing the separate action.

4. As used in this section:

(a) "Retaliatory action" includes, without limitation, making defamatory statements on social media or another similar online forum.

(b) "Social media" has the meaning ascribed to it in NRS 232.003.

Sec. 2.5. NRS 116.31184 is hereby amended to read as follows:

116.31184 1. A community manager, an agent or employee of the community manager, a member of the executive board, an officer, employee or agent of an association, a unit's owner or a guest or tenant of a unit's owner shall not willfully and without legal authority threaten, harass or otherwise engage in bullying or a course of conduct against any other person who is the community manager of his or her common-interest community or an agent or employee of that community manager, a member of the executive board of his or her association, an officer, employee or agent of his or her association, another unit's owner in his or her common-interest community or a guest or tenant of a unit's owner in his or her common-interest community which:

(a) Causes harm or serious emotional distress, or the reasonable apprehension thereof, to that person; or

(b) Creates a hostile environment for that person.

2. A person who violates the provisions of subsection 1 is guilty of a misdemeanor.

3. As used in this section, "bullying:"

(a) Means written, verbal or electronic expressions or physical acts or gestures, or any combination thereof, that are directed at a person or group of persons, or a single severe and willful act or expression that is directed at a person or group of persons, and:

(1) Have the effect of:

(I) Damaging the property of a person; or

(II) Placing a person in reasonable fear of damage to the property of the person;

(2) Interfere with the rights of a person by:

(I) Creating an intimidating or hostile environment for the person; or

(II) Substantially interfering with the ability of the person to participate in or benefit from services, activities or privileges provided by a common-interest community; or

(3) Are acts or conduct described in subparagraph (1) or (2) and are based upon the:

(I) Actual or perceived race, color, national origin, ancestry, religion, gender identity or expression, sexual orientation, physical or mental disability of a person, sex or any other distinguishing characteristics or background of a person; or

(II) Association of a person with another person having one or more of those actual or perceived characteristics;

(b) Includes, without limitation:

(1) Repeated or pervasive taunting, name-calling, belittling, mocking or use of put-downs or demeaning humor regarding the actual or perceived race, color, national origin, ancestry, religion, gender identity or expression, sexual orientation, physical or mental disability of a person, sex or any other distinguishing characteristic or background of a person;

(2) Behavior that is intended to harm another person by damaging or manipulating his or her relationships with others by conduct that includes, without limitation, spreading false rumors;

(3) Repeated or pervasive intimidation such as the use of aggressive, menacing or disrespectful gestures;

(4) Threats of harm to the possessions of a person, whether such threats are transmitted verbally, electronically or in writing;

(5) Blackmail, extortion or demands for protection money or involuntary loans or donations;

(6) Except as otherwise provided in NRS 116.345, blocking access to any property or facility of a common-interest community;

(7) Stalking; and

(8) Physically harmful contact with or injury to another person or his or her property.

Sec. 3. NRS 116.745 is hereby amended to read as follows:

116.745 As used in NRS 116.745 to 116.795, inclusive, unless the context otherwise requires, "violation" means a violation of:

1. Any provision of this chapter ; ~~except NRS 116.31184;~~
2. Any regulation adopted pursuant to this chapter; or
3. Any order of the Commission or a hearing panel.

Sec. 4. NRS 116.760 is hereby amended to read as follows:

116.760 1. Except as otherwise provided in this section, a person who is aggrieved by an alleged violation may, not later than 1 year after the person discovers or reasonably should have discovered the alleged violation, file with the Division a written affidavit that sets forth the facts constituting the alleged violation. The affidavit may allege any actual damages suffered by the aggrieved person as a result of the alleged violation.

2. An aggrieved person may not file such an affidavit unless the aggrieved person has provided the respondent by certified mail, return receipt requested, with written notice of the alleged violation set forth in the affidavit. The notice must:

(a) Be mailed to the respondent's last known address.

(b) Specify, in reasonable detail, the alleged violation, any actual damages suffered by the aggrieved person as a result of the alleged violation, and any corrective action proposed by the aggrieved person.

3. A written affidavit filed with the Division pursuant to this section must be:

(a) On a form prescribed by the Division.

(b) Accompanied by evidence that:

(1) The respondent has been given a reasonable opportunity after receiving the written notice to correct the alleged violation; and

(2) Reasonable efforts to resolve the alleged violation have failed.

4. The Commission or a hearing panel may impose ~~any~~ *either or both of the following*:

(a) An administrative fine of not more than \$1,000 ~~against~~ ; or

(b) *Sanctions disqualifying a person from serving as a member of the executive board for a period of not more than 10 years,*

➤ *against any person who ~~knowingly~~ files a vexatious, misleading, retaliatory, frivolous, false or fraudulent affidavit with the Division.*

Sec. 5. NRS 116.765 is hereby amended to read as follows:

116.765 1. Upon receipt of an affidavit that complies with the provisions of NRS 116.760, *if the Division determines that the alleged violation, if assumed to be true, would constitute a violation of this chapter,* the Division shall refer the affidavit to the Ombudsman.

2. The Ombudsman shall give such guidance to the parties as the Ombudsman deems necessary to assist the parties to resolve the alleged violation.

3. If the parties are unable to resolve the alleged violation with the assistance of the Ombudsman, the Ombudsman shall provide to the Division a report concerning the alleged violation and any information collected by the Ombudsman during his or her efforts to assist the parties to resolve the alleged violation.

4. Upon receipt of the report from the Ombudsman, the Division shall conduct an investigation to determine whether good cause exists to proceed with a hearing on the alleged violation.

5. If, after investigating the alleged violation, the Division determines that the allegations in the affidavit are not frivolous, false or fraudulent and that good cause exists to proceed with a hearing on the alleged violation, the Administrator shall file a formal complaint with the Commission and schedule a hearing on the complaint before the Commission or a hearing panel.

Senator Scheible moved the adoption of the amendment.

Remarks by Senator Scheible.

Amendment No. 499 to Senate Bill No. 417 adds bullying to the actions prohibited under the bill's provisions and defines the term as it appears elsewhere in statute.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 422.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 309.

SUMMARY—Revises provisions relating to public safety. (BDR 43-663)

AN ACT relating to public safety; establishing provisions governing the operation of a personal delivery device; imposing certain requirements on a personal delivery device operator; providing a civil penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides pedestrians on or near a highway with certain rights and imposes certain duties. (NRS 484B.280-484B.297) Existing law authorizes the operation of a mobile carrying device on sidewalks and in crosswalks and provides that such a device has, in general, the rights and duties of a pedestrian. (NRS 484B.790)

Section 3 of this bill defines the term "personal delivery device" to mean an electrically powered device that: (1) is intended primarily to transport cargo on sidewalks, crosswalks and other pedestrian areas; (2) is not intended to carry passengers; and (3) is equipped with technology that allows navigation with or without the active control or monitoring of a natural person. Section 1 of this bill provides that a personal delivery device is not a "vehicle" for purposes of existing law governing travel on public highways. (NRS 482.135) Section 5 of this bill: (1) authorizes a personal delivery device to operate on sidewalks, in crosswalks and on highways if crossing at an intersection; (2) prohibits such a device from transporting hazardous material, transporting a person or unreasonably interfering with pedestrians or vehicle traffic; and (3) provides that such a device has, in general, the rights and duties of a pedestrian. Section 5 also requires a personal delivery device to include a unique identifying number and a means of identifying and contacting the personal delivery device operator. Section 4 of this bill defines the term "personal delivery device operator" to mean a person or entity that exercises control or monitoring over the operation and navigation of a personal delivery device, not including a person who solely: (1) requests or receives a delivery; (2) arranges for or dispatches a delivery; or (3) stores, charges or maintains a personal delivery device. Section 6 of this bill requires a personal delivery device operator to maintain a policy of general liability insurance to cover any damages caused by the operation of personal delivery devices under the control of the operator. Section 8 of this bill provides that a

violation of the provisions of section 5 or 6 is a civil infraction. Section 7 of this bill makes a conforming change to indicate the proper placement of sections 3 and 4 in the Nevada Revised Statutes.

Existing law authorizes the governing body of a county or city, respectively, to enact ordinances which regulate the time, place and manner of operation of mobile carrying devices. (NRS 244.3565, 268.41015) Sections 9 and 10 of this bill create similar authority for personal delivery devices.

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

Section 1. NRS 482.135 is hereby amended to read as follows:

482.135 Except as otherwise provided in NRS 482.36348, "vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway. The term does not include:

1. Devices moved by human power or used exclusively upon stationary rails or tracks;
2. Mobile homes or commercial coaches as defined in chapter 489 of NRS;
3. Electric bicycles;
4. Electric personal assistive mobility devices;
5. Electric scooters; ~~for~~
6. A mobile carrying device as that term is defined in NRS 484B.029 ~~for~~ ;

or

7. A personal delivery device as that term is defined in section 3 of this act.

Sec. 2. Chapter 484B of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 6, inclusive, of this act.

Sec. 3. 1. *"Personal delivery device" means an electrically powered device that:*

- (a) Is designed to operate autonomously, semi-autonomously or remotely by a personal delivery device operator;*
- (b) Is equipped with technology that allows navigation with or without the active control or monitoring of a natural person;*
- (c) Is intended primarily to transport cargo on sidewalks, crosswalks and other pedestrian areas;*
- (d) Weighs less than 150 pounds when empty; and*
- (e) Has a maximum speed of 10 miles per hour.*

2. *The term does not include a mobile carrying device.*

Sec. 4. *"Personal delivery device operator" means a person or entity that exercises control or monitoring over the operation and navigation of a personal delivery device. The term does not include a person or entity who solely:*

- 1. Requests or receives the delivery or services of a personal delivery device;*

2. Arranges for or dispatches the requested services of a personal delivery device; or

3. Stores, charges or maintains a personal delivery device.

Sec. 5. 1. Except as otherwise provided in NRS 244.3565 or 268.41015, a personal delivery device may be operated on a sidewalk or crosswalk, including, without limitation, at an institution within the Nevada System of Higher Education, if:

(a) The operator of the personal delivery device is capable of actively monitoring and remotely controlling the navigation and movement of the personal delivery device;

(b) The personal delivery device is equipped with a braking device that enables the personal delivery device to come to a controlled stop;

(c) The personal delivery device includes a unique identifying number and a means of identifying and contacting the personal delivery device operator; and

(d) The personal delivery device is operated in accordance with any requirements imposed by this section.

2. A personal delivery device operator may not allow a personal delivery device to:

(a) Operate on the highways of this State except when crossing at an intersection or within a crosswalk;

(b) Fail to comply with any traffic-control signal or devices that a pedestrian is obligated to comply with;

(c) Unreasonably interfere with pedestrians or vehicle traffic;

(d) Transport hazardous material as that term is defined in NRS 459.7024; or

(e) Transport a person.

3. A personal delivery device has all the rights and duties of a pedestrian except those which by their nature can have no application or as otherwise provided in this section.

4. A violation of this section:

(a) Is not a misdemeanor;

(b) Shall not be deemed a moving traffic violation; and

(c) Is punishable by the imposition of a civil penalty of \$250.

5. As used in this section, "institution within the Nevada System of Higher Education" means any institution, branch, facility, department, office or housing of, or used by or for the benefit of, the Nevada System of Higher Education. The term includes, without limitation, campuses, offices, facilities and housing for students or faculty, whether owned or not owned by the System.

Sec. 6. A personal delivery device operator shall maintain an insurance policy that provides general liability coverage of not less than ~~\$100,000~~ \$500,000 for any damages arising from the combined operations of any personal delivery devices under the control of the personal delivery device operator.

Sec. 7. NRS 484B.003 is hereby amended to read as follows:

484B.003 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 484B.007 to 484B.077, inclusive, *and sections 3 and 4 of this act* have the meanings ascribed to them in those sections.

Sec. 8. NRS 484B.760 is hereby amended to read as follows:

484B.760 1. It is a civil infraction punishable pursuant to NRS 484A.703 to 484A.705, inclusive, for any person to do any act forbidden or fail to perform any act required in NRS 484B.768 to 484B.790, inclusive ~~and sections 5 and 6 of this act~~.

2. The parent of any child and the guardian of any ward shall not authorize or knowingly permit the child or ward to violate any of the provisions of chapters 484A to 484E, inclusive, of NRS.

3. The provisions applicable to bicycles, electric bicycles and electric scooters apply whenever a bicycle, an electric bicycle or an electric scooter is operated upon any highway or upon any path set aside for the exclusive use of bicycles, electric bicycles and electric scooters subject to those exceptions stated herein.

Sec. 9. NRS 244.3565 is hereby amended to read as follows:

244.3565 1. Except as otherwise provided in ~~subsection 2,~~ *this section*, the board of commissioners of each county in this State may, to protect the health and safety of the public, enact an ordinance which ~~regulates~~ :

(a) *Regulates* the time, place and manner of the operation of a mobile carrying device *or personal delivery device* in the unincorporated areas of the county, including, without limitation, by prohibiting the use of a mobile carrying device *or personal delivery device* in a specified area of the county ~~and~~ ; *and*

(b) *Establishes additional standards for the safe operation of a personal delivery device.*

2. A board of county commissioners, in enacting an ordinance pursuant to subsection 1, may not prohibit the use of a mobile carrying device ~~for personal delivery device~~ on a sidewalk in the county that is more than 36 inches wide.

3. *The board of county commissioners of each county in this State may not enact an ordinance which regulates:*

(a) *The design, manufacture, maintenance, taxation or assessment of a personal delivery device; or*

(b) *The types of property, other than alcohol ~~and~~ and cannabis, that may be transported by a personal delivery device.*

4. *Nothing in this section shall be construed to prohibit a board of county commissioners from requiring a personal delivery device operator to obtain from the county a business license or pay any business license fee in the same manner that is generally applicable to any other business that operates within the jurisdiction of the board of county commissioners.*

5. As used in this section ~~[, "mobile"]~~ :

(a) "Mobile carrying device" has the meaning ascribed to it in NRS 484B.029.

(b) "Personal delivery device" has the meaning ascribed to it in section 3 of this act.

(c) "Personal delivery device operator" has the meaning ascribed to it in section 4 of this act.

Sec. 10. NRS 268.41015 is hereby amended to read as follows:

268.41015 1. Except as otherwise provided in ~~[subsection 2,]~~ this section, the city council or other governing body of each incorporated city in this State, whether or not organized under general law or special charter, may, to protect the health and safety of the public, enact an ordinance which ~~[regulates]~~ :

(a) *Regulates* the time, place and manner of the operation of a mobile carrying device *or personal delivery device* in the city, including, without limitation, by prohibiting the use of a mobile carrying device *or personal delivery device* in a specified area of the city ~~[,]~~ ; and

(b) *Establishes additional standards for the safe operation of a personal delivery device.*

2. A city council or governing body, in enacting an ordinance pursuant to subsection 1, may not prohibit the use of a mobile carrying device ~~for~~ ~~personal delivery device~~ on a sidewalk in the city that is more than 36 inches wide.

3. *The city council or other governing body of each incorporated city in this State, whether organized under general law or special charter, may not enact an ordinance which regulates:*

(a) *The design, manufacture, maintenance, taxation or assessment of a personal delivery device; or*

(b) *The types of property, other than alcohol ~~and~~ and cannabis, that may be transported by a personal delivery device.*

4. *Nothing in this section shall be construed to prohibit a city council or governing body from requiring a personal delivery device operator to obtain from the city a business license or pay any business license fee in the same manner that is generally applicable to any other business that operates within the jurisdiction of the city council or governing body.*

5. As used in this section ~~[, "mobile"]~~ :

(a) "Mobile carrying device" has the meaning ascribed to it in NRS 484B.029.

(b) "Personal delivery device" has the meaning ascribed to it in section 3 of this act.

(c) "Personal delivery device operator" has the meaning ascribed to it in section 4 of this act.

Sec. 11. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 10, inclusive, of this act become effective:

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

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

Senator Harris moved the adoption of the amendment.

Remarks by Senator Harris.

Amendment No. 309 to Senate Bill No. 422 provides for the operation of a personal delivery device at the Nevada System of Higher Education's campuses, offices and associated facilities; adds cannabis to the types of property which a local government may enact an ordinance to regulate the transport by a personal delivery device; requires the operator of the device to maintain general liability insurance of not less than \$500,000; and removes language which would prevent a local government from prohibiting the use of a personal delivery device on certain sidewalks.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Dondero Loop moved that Senate Bills Nos. 266, 313 and 347 be taken from their positions on the General File and re-referred to the Committee on Finance upon return from reprint.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 23.

Bill read third time.

Remarks by Senator Krasner.

Senate Bill No. 23 authorizes a legislative body of a city whose population is less than 25,000 to amend a redevelopment plan to remove part of a redevelopment area if it determines, following a public hearing, that the removal will not adversely impair any outstanding bonds or securities, the area consists primarily of single-family or multifamily residential dwellings of three stories or less or both, and the removal is necessary or desirable because it is in the public interest for the purpose of property tax collections.

Roll call on Senate Bill No. 23:

YEAS—21.

NAYS—None.

Senate Bill No. 23 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 211.

Bill read third time.

Remarks by Senator Harris.

Senate Bill No. 211 provides that if a marriage was solemnized in this State and a party to the marriage changes the party's name via court order from a court of this or any other state, district or territory of the United States, upon receipt of certain required documentation and any applicable fees, the county clerk is required to issue an amended marriage certificate including the party's new name. The bill also requires the county clerk or county recorder, as applicable, to maintain both the original marriage certificate and the amended certificate as a public record.

Roll call on Senate Bill No. 211:

YEAS—20.

NAYS—Titus.

Senate Bill No. 211 having received a two-thirds majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 261.

Bill read third time.

Remarks by Senator Neal.

Senate Bill No. 261 requires the governing body of a local government to notify chambers of commerce of any proposed rule that is likely to impose a direct and significant economic burden upon a business or directly restrict the formation, operation or expansion of a business. The bill further requires a governing body to hold a workshop to solicit comments on one or more general topics to be addressed in a proposed rule upon timely request by two or more chambers of commerce, trade associations or any combination thereof. Finally, among other provisions, the measure requires business impact statements to include the total number of businesses likely to be affected by the proposed rule, a list of the chambers of commerce and trade associations notified of the proposed rule and a summary of any workshop.

Roll call on Senate Bill No. 261:

YEAS—20.

NAYS—Titus.

Senate Bill No. 261 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

REPORTS OF COMMITTEE

Mr. President:

Your Committee on Education, to which were referred Senate Bills Nos. 114, 344, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERTA LANGE, *Chair*

Mr. President:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 119, 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 Revenue and Economic Development, to which was referred Senate Bill No. 394, 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*

WAIVERS AND EXEMPTIONS

NOTICE OF EXEMPTION

April 24, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 216, 274, 308.

WAYNE THORLEY
Fiscal Analysis Division

MOTIONS, RESOLUTIONS AND NOTICES

Senator Cannizzaro moved that Senate Bill No. 404 be taken from the Second Reading File and placed on the Secretary's Desk.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 57.

Bill read second time.

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

Amendment No. 239.

AN ACT relating to insurance; revising requirements relating to the submission of certain information to the Commissioner of Insurance by certain persons regulated by the Commissioner; revising provisions concerning the confidentiality of certain records and information; revising requirements for the delivery of certain notices and other documents by electronic means; revising requirements for the conduct of certain hearings before the Commissioner; revising provisions relating to the imposition of certain fees; revising requirements for the issuance and renewal of certain licenses and certificates; revising provisions relating to administrators; ~~revising requirements for the cancellation of certain policies of insurance;~~ prohibiting certain insurers from taking certain actions concerning prescription drugs; revising provisions relating to annuities; imposing certain requirements on persons involved in the sale of prepaid contracts for funeral or burial services; revising certain requirements relating to captive insurers; revising procedures for delinquency proceedings against an insurer; revising provisions relating to bail agents, bail enforcement agents, bail solicitors and general agents; making various other changes relating to insurance; 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:

Existing law requires a health carrier to submit to the Commissioner of Insurance copies of certain form letters used by the health carrier. (NRS 679B.124) Section 1 of this bill requires a health carrier to instead: (1) submit to the Commissioner a report summarizing such form letters; and (2) maintain a copy of each form letter and make each copy available to the Commissioner upon request.

~~Existing law makes confidential certain records and information in possession of the Division of Insurance of the Department of Business and Industry. (NRS 679B.190) Section 2 of this bill makes confidential certain information and documents relating to a case or matter which was investigated by the Commissioner but which resulted in no action or in a warning or other informal action being taken. Section 2 additionally authorizes the Commissioner to classify as confidential certain records and~~

~~information relating to certain deliberations of the Commissioner or any employees of the Division.]~~

Existing law sets forth circumstances under which the Commissioner is authorized or required to hold a hearing on certain matters and establishes procedures governing such hearings. (NRS 679B.310) Section 3 of this bill revises requirements concerning such hearings. Section 47 of this bill makes a conforming change that is necessary as the result of the changes in section 3.

Existing law requires the Attorney General to establish a Fraud Control Unit for Insurance for the purposes of investigating and prosecuting acts of insurance fraud. (NRS 228.412) Existing law authorizes a district attorney of a county to prosecute certain cases involving insurance fraud with the permission of or at the request of the Attorney General. (NRS 686A.283) Existing law makes confidential certain records and information relating to an investigation conducted by the Attorney General and the Fraud Control Unit for the prosecution of insurance fraud and sets forth the circumstances under which the Attorney General is authorized to disclose such information. (NRS 679B.690) Section 4 of this bill: (1) makes confidential certain additional records and information relating to an investigation for the prosecution of insurance fraud; (2) requires, with certain exceptions, such records and information to remain confidential for the duration of the investigation and after the conclusion of the investigation; and (3) sets forth circumstances in which a district attorney prosecuting a case of insurance fraud is also authorized to disclose such information.

Existing law sets forth certain requirements for an insurer to deliver certain notices or other documents by electronic means. Among other requirements, existing law requires the party to whom the notice or document will be delivered to have consented to delivery by electronic means. (NRS 680A.550) Sections 4.2 and 4.8 of this bill authorize the plan sponsor of a health plan to provide such consent on behalf of a party covered by the plan under certain circumstances. Section 4.2 requires a plan sponsor to take certain actions before providing such consent and an insurer to take certain actions before delivering any notice or other document to a party on whose behalf a plan sponsor has provided such consent. Finally, section 4.2 requires a notice of cancellation, nonrenewal or termination of a health plan to be sent to a party covered by the health plan by mail unless the notice is delivered by electronic means in a manner that provides for the verification of the receipt of the notice. Sections 4.4 and 4.6 of this bill make conforming changes to indicate the proper placement of section 4.2 in the Nevada Revised Statutes.

Existing law sets forth various fees applicable to persons regulated by the Commissioner. Among these fees is a fee for a licensee's association with or appointment or sponsorship by an organization. (NRS 680B.010) A fee for a licensee's "appointment" by an organization refers to the fee associated with the appointment by an insurer of a person to offer policies on behalf of the insurer. (NRS 697.185, 697.250) A fee for a licensee's "association with" or

"sponsorship by" an organization refers to the fee associated with the designation by an agent of an insurer of a natural person who is a licensee to represent the agent or to be responsible for the compliance of the agent with laws and regulations governing insurance. (NRS 683C.035, 684A.080, 684A.090, 684B.040, 697.184, 697.185, 697.250) Sections 16-18, 20 and 40-42 of this bill revise provisions concerning the licensure of certain persons regulated by the Commissioner to clarify and standardize the circumstances in which an agent of an insurer is required to designate a natural person to represent the agent or to be responsible for the agent's compliance with the laws and regulations governing insurance and is therefore required to pay the applicable fee. Section 5 of this bill revises the terminology used to describe such a fee to refer to that fee as one for a licensee's association with or designation or sponsorship by an organization. The amount of such fees remains unchanged. Section 5 removes certain duplicative fees, and sections 33-35 make conforming changes necessitated by the renumbering of section 5.

Section 14 of this bill revises the requirements for an application for the issuance of a license as a managing general agent. Section 7 of this bill ~~[requires]~~ authorizes the Commissioner to require an applicant for the issuance of a license as a managing general agent to file and maintain with the Commissioner a surety bond in ~~[the sum of \$50,000.]~~ an amount determined by the Commissioner.

Existing law prohibits a person from acting as an administrator unless the person holds a certificate of registration issued by the Commissioner. (NRS 683A.085) Existing law also imposes certain requirements and restrictions on a pharmacy benefit manager. (NRS 683A.171-683A.179) Section 9 of this bill revises the definition of "administrator" to include specifically any person who administers a program of pharmacy benefits for an employer, insurer, internal service fund or trust. Sections 11 and 12 of this bill revise requirements for the issuance and renewal of a certificate of registration as an administrator. ~~[Section 13 of this bill prohibits: (1) the rights and obligations of an administrator, as set forth in a written agreement between an insurer and an administrator, from being delegated to any third party; (2) any liability under such an agreement from being assumed by any third party; and (3) an insurer from allowing any duty of an administrator set forth in such an agreement to be performed by any person other than the administrator.]~~ Sections 10.5 and 13 of this bill authorize an administrator who has obtained a certificate of registration issued by the Commissioner to delegate any of the duties of the administrator to an administrator who has not obtained a certificate of registration only if the delegating administrator has first obtained the written approval of the Commissioner. Section 8 of this bill requires an administrator to notify the Commissioner of certain changes to the administrator. Section 10 of this bill makes a conforming change to indicate the proper placement of section 8 in the Nevada Revised Statutes.

Existing law authorizes the Commissioner to issue to a person a temporary license as a producer of insurance and independent adjuster and a temporary certificate as an exchange enrollment facilitator, which, in general, are valid for not more than 180 days. (NRS 683A.311, 684A.150, 695J.190) Sections 15, 19 and 36 of this bill authorize the Commissioner to renew such a license or certificate for one additional period of 180 days under certain circumstances.

~~[Existing law, in general, prohibits an insurer from cancelling an insurance policy before the expiration of the agreed term except for certain specified reasons, including, among other reasons, failure to pay a premium when due. If an insurer cancels an insurance policy for such a reason, the cancellation is prohibited from becoming effective until: (1) if the reason for the cancellation is the failure to pay a premium, at least 10 days after notice is provided to the policyholder; or (2) if the reason for the cancellation is due to another specified reason, at least 30 days after notice is provided to the policyholder. (NRS 687B.320) Existing law prohibits an insurer from cancelling, failing to renew or renew with altered terms certain life and health insurance policies, unless notice is provided to the policyholder at least 60 days before the proposed action becomes effective. (NRS 687B.420) Section 21 of this bill provides that a cancellation of certain life and health insurance policies for the failure to pay a premium or for certain other specified reasons is prohibited from becoming effective until at least 60 days after the policyholder is provided with notice of the cancellation.]~~

Existing law prohibits certain insurers from moving a prescription drug in a formulary from a lower cost tier to a higher cost tier under certain policies of health insurance issued to an individual or a small employer, except at certain times and under certain circumstances. However, existing law does not prohibit an insurer from, at any time, removing a prescription drug from a formulary and adding a prescription drug to a formulary. (NRS 687B.4095) Section 22 of this bill prohibits certain insurers who have removed a prescription drug from a formulary from adding that prescription drug back into the formulary in a higher cost tier in the same plan year in which it was removed, except at the times and under the circumstances provided for under existing law.

Sections 23 and 24 of this bill revise provisions relating to annuities for consistency with the Standard Nonforfeiture Law for Individual Deferred Annuities adopted by the National Association of Insurance Commissioners.

Existing law imposes certain requirements and restrictions on an applicant for a license as a producer of insurance or a licensee who wishes to use a name other than his or her true name to conduct business. (NRS 683A.301) Sections 25 and 27 of this bill make these requirements and restrictions applicable to an applicant for or a holder of a certificate of authority to sell prepaid contracts for funeral services or a permit to sell prepaid contracts for burial services. Section 26 of this bill requires a person to have a good

business and personal reputation to qualify for an agent's license to sell prepaid contracts for burial services on behalf of a seller.

Section 28 of this bill revises the definition of "health benefit plan" that is applicable to provisions of existing law governing health insurance for small employers to standardize the definition of the term with other provisions of existing law governing health benefit plans.

Existing law sets forth certain requirements relating to the confidentiality and disclosure of certain records and information relating to an insurer. (NRS 679B.285) Section 29 of this bill applies those requirements to certain records and information relating to a captive insurer. Sections 30-32 of this bill revise the dates by which certain captive insurers are required to submit certain information to the Commissioner.

Existing law sets forth procedures and requirements for delinquency proceedings against an insurer. (Chapter 696B of NRS) Existing law sets forth the manner in which a delinquency proceeding must be commenced. (NRS 696B.250) Section 37 of this bill provides that the Nevada Rules of Civil Procedure do not apply ~~for such~~ to the commencement of a delinquency proceeding. Section 38 of this bill eliminates certain duplicative statutory language with respect to the powers of the Commissioner as a receiver, rehabilitator or liquidator of an insurer.

Existing law sets forth certain requirements for a bail agent and bail enforcement agent with respect to the apprehension of a defendant and the surrender of a defendant to custody. (NRS 178.526, 697.325) Sections 43 and 46 of this bill establish that only a bail enforcement agent is authorized to take certain actions with respect to the apprehension and surrender of a defendant. Section 45 of this bill prohibits a bail agent, general agent, bail enforcement agent or bail solicitor from allowing any person other than a licensed bail enforcement agent to participate in the functions of a bail enforcement agent.

Existing law requires a bail agent or bail enforcement agent, before forcibly entering an inhabited dwelling, to notify the local law enforcement agency of the jurisdiction where the dwelling is located. Existing law defines "inhabited dwelling" to mean, in general, certain structures, buildings or vehicles in which the owner or other lawful occupant resides. (NRS 697.325) Section 43: (1) eliminates the term "inhabited dwelling"; (2) imposes certain requirements and restrictions on a bail enforcement agent with respect to the entry and forcible entry of any structure ~~as~~ as defined in section 43; and (3) imposes certain requirements and restrictions with respect to the use of physical force by a bail enforcement agent. Section 44 of this bill provides that a bail agent who improperly causes the surrender of a defendant to custody is not entitled to collect any fees related to the surrender.

Section 2 of Senate Bill No. 57 is hereby amended as follows:

Sec. 2. ~~NRS 679B.190 is hereby amended to read as follows:~~
~~679B.190 1. The Commissioner shall carefully preserve in the Division and in permanent form all papers and records relating to the business and~~

~~transactions of the Division and shall hand them over to the successor in office of the Commissioner.~~

~~2. Except as otherwise provided in subsections 3 and 5 to [9,] 10, inclusive, other provisions of this Code and NRS 616B.015, the papers and records must be open to public inspection.~~

~~3. Except as otherwise provided in NRS 239.0115, any records or information in the possession of the Division related to an investigation conducted by the Commissioner is confidential and not subject to subpoena unless:~~

~~(a) The Commissioner releases, in the manner that he or she deems appropriate, all or any part of the records or information for public inspection after determining that the release of the records or information:~~

~~(1) Will not harm the investigation or the person who is being investigated; or~~

~~(2) Serves the interests of a policyholder, the shareholders of the insurer or the public; or~~

~~(b) A court orders the release of the records or information after determining that the production of the records or information will not damage any investigation being conducted by the Commissioner.~~

~~4. The Commissioner may destroy unneeded or obsolete records and filings in the Division in accordance with provisions and procedures applicable in general to administrative agencies of this State.~~

~~5. The Commissioner may classify as confidential:~~

~~(a) Specified records and information obtained from a governmental agency; and~~

~~(b) Documents obtained or received from other sources upon the express condition that they remain confidential.~~

~~6. All information and documents in the possession of the Division or any of its employees which are related to cases or matters [under investigation] which were investigated by the Commissioner or the staff of the Commissioner but which resulted in no action or in a warning or other informal action being taken against a person by the Commissioner are confidential [for the period of the investigation] and may not be made public unless the Commissioner finds the existence of an imminent threat of harm to the safety or welfare of the policyholder, shareholders or the public and determines that the interests of the policyholder, shareholders or the public will be served by publication thereof, in which event the Commissioner may make a record public or publish all or any part of the record in any manner he or she deems appropriate.~~

~~7. The Commissioner may classify as confidential the records of a consumer or information relating to a consumer to protect the health, welfare or safety of the consumer.~~

~~8. In performing his or her duties, the Commissioner may:~~

~~(a) Share documents, materials or other information, including any documents, materials or information classified as confidential, with other~~

~~state, federal and international regulatory or law enforcement agencies or with the National Association of Insurance Commissioners and its affiliates and subsidiaries if the recipient agrees to maintain the confidentiality and privileged status of the documents, materials or other information.~~

~~(b) May receive documents, materials or other information, including any documents, materials or information otherwise confidential and privileged, from other state, federal and international regulatory or law enforcement agencies or from the National Association of Insurance Commissioners and its affiliates and subsidiaries, and shall maintain as confidential or privileged any document, material or information received with notice or the understanding that it is confidential or privileged under the law of the jurisdiction from which it was received.~~

~~(c) Enter into agreements, consistent with this subsection, governing the sharing and use of information.~~

~~9. The Commissioner may classify as confidential any records or information relating to the deliberations of the Commissioner or any employees of the Division that the Commissioner determines are necessary for the proper regulation of the business of insurance.~~

~~10. No waiver of confidentiality or privilege with respect to any document, material or information occurs as a result of disclosure to the Commissioner under this section or of sharing as authorized under this chapter. (Deleted by amendment.)~~

Section 4 of Senate Bill No. 57 is hereby amended as follows:

Sec. 4. NRS 679B.690 is hereby amended to read as follows:

679B.690 1. Except as otherwise provided in NRS 239.0115, all records and other information related to an investigation ~~conducted by the Attorney General and the Fraud Control Unit~~ for the prosecution of insurance fraud *conducted pursuant to NRS 679B.600 to 679B.700, inclusive, or 686A.281 to 686A.295, inclusive*, are confidential unless:

(a) The ~~Attorney General~~ *prosecuting attorney* releases, in such manner as he or she deems appropriate, all or any part of the records or information for public inspection after determining that the release of the records or information:

(1) Will not harm the investigation or the person who is being investigated; or

(2) Serves the interests of a policyholder, the shareholders of the insurer or the public; or

(b) A court orders the release of the records or information after determining that the production of the records or information will not damage any investigation being conducted ~~by the Fraud Control Unit~~ *pursuant to 679B.600 to 679B.700, inclusive, or 686A.281 to 686A.295, inclusive*.

2. The ~~Attorney General~~ *prosecuting attorney or Commissioner* may classify as confidential specific records and other information if the records or other information was obtained from a governmental agency or other

source upon the express condition that the contents would remain confidential.

3. ~~{All}~~ Except as otherwise provided in NRS 686A.287 and except as necessary for the prosecution of a crime, information and documents ~~{in the possession of the Attorney General and the Fraud Control Unit}~~ that are related to cases or matters ~~{under investigation are which were}~~ investigated for the prosecution of insurance fraud pursuant to NRS 679B.600 to 679B.700, inclusive, or 686A.281 to 686A.295, inclusive, ~~{remain}~~ are confidential for the duration of the investigation and remain confidential after the completion of the investigation. ~~{and}~~ Such information and documents may not be made public unless the ~~{Attorney General}~~ prosecuting attorney finds the existence of an imminent threat of harm to the safety or welfare of the policyholder, shareholders or the public and determines that the interests of the policyholder, shareholders or the public will be served by publication thereof, in which event the ~~{Attorney General}~~ prosecuting attorney may make a record public or publish all or any part of the record in any manner the ~~{Attorney General}~~ prosecuting attorney deems appropriate.

4. As used in this section, "prosecuting attorney" means the Attorney General or the district attorney of a county when acting pursuant to subsection 4 of NRS 686A.283.

NEW section 4.2 of Senate Bill No. 57 is hereby added as follows:

Sec. 4.2. Chapter 680A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The plan sponsor of a health plan may, on behalf of a party covered by the health plan, provide the consent for delivery of any notice or other document relating to the health plan required by paragraph (a) of subsection 1 of NRS 680A.550.

2. Before providing consent on behalf of a party covered by the health plan pursuant to subsection 1, the plan sponsor must confirm, using reasonable means, that the party routinely uses electronic communications during the normal course of employment.

3. Before delivering by electronic means any notice or other document to a party on whose behalf a plan sponsor has provided consent pursuant to subsection 1, the insurer for the health plan must:

(a) Provide the party an opportunity to opt out of delivery by electronic means; and

(b) Document that the conditions set forth in paragraphs (b) to (e), inclusive, of subsection 1 of NRS 680A.550 are satisfied.

4. A notice of cancellation, nonrenewal or termination of a health plan must be sent to a party covered by the health plan by mail unless the notice is delivered by electronic means in a manner that provides for the verification of the receipt of the notice.

5. As used in this section:

(a) "Health plan" means a policy, contract, certificate or agreement entered into, offered by or issued by an insurer to provide, deliver, arrange for, pay for or reimburse any of the costs of health care services, including, without limitation, services relating to vision or dental care.

(b) "Plan sponsor" means a person, other than a person regulated by the Commissioner or Division, who establishes, adopts or maintains a health plan that covers residents of this State. The term includes, without limitation:

(1) An employer who establishes, adopts or maintains a such a health plan;

(2) An employer and one or more employee organizations that jointly establish, adopt or maintain such a health plan; and

(3) An association, committee, joint board or trustees or any similar group of representatives that establish, adopt or maintain such a health plan.

NEW section 4.4 of Senate Bill No. 57 is hereby added as follows:

Sec. 4.4. NRS 680A.500 is hereby amended to read as follows:

680A.500 As used in NRS 680A.500 to 680A.600, inclusive, and section 4.2 of this act, unless the context otherwise requires, the words and terms defined in NRS 680A.510 and 680A.520 have the meanings ascribed to them in those sections.

NEW section 4.6 of Senate Bill No. 57 is hereby added as follows:

Sec. 4.6. NRS 680A.530 is hereby amended to read as follows:

680A.530 The provisions of NRS 680A.500 to 680A.600, inclusive ~~and~~ and section 4.2 of this act:

1. Do not apply to a notice or other document delivered by an insurer in an electronic form before October 1, 2017, to a party who consented before that date to receive the notice or other document in an electronic form which was authorized by law at the time of delivery; and

2. Shall not be construed to affect any other provision of law relating to the content or timing of delivery of any notice or other document.

NEW section 4.8 of Senate Bill No. 57 is hereby added as follows:

Sec. 4.8. NRS 680A.550 is hereby amended to read as follows:

680A.550 1. Except as otherwise provided in subsection 2 and NRS 680A.560 ~~and~~ and section 4.2 of this act, a notice or other document may be delivered by electronic means by an insurer to a party pursuant to subsection 1 of NRS 680A.540 if:

(a) The party has affirmatively consented to delivery by electronic means and has not withdrawn such consent;

(b) Before giving consent to delivery by electronic means, the party is provided with a clear and conspicuous statement informing the party of:

(1) The right of the party to withdraw consent to delivery by electronic means at any time and any conditions or consequences which may be imposed in the event consent is withdrawn;

(2) The types of notices and other documents to which the consent of the party to delivery by electronic means would apply;

(3) The right of the party to have a notice or other document delivered in paper form; and

(4) The procedures the party must follow to withdraw consent to delivery by electronic means and to update the electronic mail address of the party;

(c) The party, after being provided with a statement of the hardware and software requirements for access to and retention of a notice or other document delivered by electronic means, consents or confirms consent electronically in a manner that reasonably demonstrates that the party can access information in the electronic form that will be used for delivery by electronic means of notices or other documents to which the party has given consent;

(d) The insurer takes measures reasonably calculated to ensure that delivery by electronic means results in the receipt of a notice or other document by the party; and

(e) Upon a change in the hardware or software requirements for access to and retention of a notice or other document delivered by electronic means which occurs after the party has consented to delivery by electronic means which creates a material risk that the party will not be able to access or retain a subsequent notice or other document, the insurer provides the party with:

(1) A statement that describes the revised hardware or software requirements for access to and retention of a notice or other documents delivered by electronic means and the right of the party to withdraw consent without the imposition of any condition or consequence not described in the statement initially provided to the party pursuant to paragraph (b); and

(2) A revised statement containing the information described in paragraph (b) which applies to the revised hardware or software requirements.

2. If a provision of this Code or any other law applicable to the delivery of a notice or other document, including, without limitation, a notice required pursuant to NRS 687B.320 to 687B.350, inclusive, requires verification or acknowledgment of receipt of the notice or other document, the notice or other document may be delivered by electronic means only if the electronic form used for delivery provides for verification or acknowledgment of receipt. If the insurer does not receive verification or acknowledgment of receipt within 3 days after delivery by electronic means of a notice or other document described by this subsection, the insurer shall deliver the notice or other document by any other delivery method authorized by law.

Section 7 of Senate Bill No. 57 is hereby amended as follows:

Sec. 7. Before the issuance of a license as a managing general agent the Commissioner may require the applicant ~~shall~~ to file with the Commissioner, and thereafter maintain in force while so licensed, a surety bond which complies with NRS 679B.175 in ~~the sum of \$50,000~~ an amount determined by the Commissioner.

NEW section 10.5 of Senate Bill No. 57 is hereby added as follows:

Sec. 10.5. NRS 683A.085 is hereby amended to read as follows:

683A.085 ~~No~~ Except as otherwise provided in NRS 683A.086, no person may act as, offer to act as or hold himself or herself out to the public as an administrator, unless:

1. The person has obtained a certificate of registration as an administrator from the Commissioner pursuant to NRS 683A.08524;

2. If the person is an individual and adjusts workers' compensation claims in this State, the person is licensed pursuant to chapter 684A of NRS; and

3. If any employee of the person adjusts workers' compensation claims in this State, each such employee who adjusts workers' compensation claims in this State is licensed pursuant to chapter 684A of NRS.

Section 11 of Senate Bill No. 57 is hereby amended as follows:

Sec. 11. NRS 683A.08522 is hereby amended to read as follows:

683A.08522 Each application for a certificate of registration as an administrator must include or be accompanied by:

1. A financial statement of the applicant that has been reviewed by an independent certified public accountant and which includes:

(a) A statement regarding the amount of money that the applicant expects to collect from or disburse to residents of this state during the next calendar year.

(b) Financial information for the 90 days immediately preceding the date the application was filed with the Commissioner.

(c) An income statement and balance sheet for the 2 years immediately preceding the application that are:

(1) Prepared in accordance with generally accepted accounting principles; and

(2) Reviewed by an independent certified public accountant.

(d) A certification of the financial statement by an officer of the applicant.

2. The documents used to create the business association of the administrator, including articles of incorporation, articles of association, a partnership agreement, a trust agreement and a shareholders' agreement.

3. The documents used to regulate the internal affairs of the administrator, including the bylaws, rules or regulations of the administrator.

4. A certificate of registration issued pursuant to NRS 600.350 for a trade name or trademark used by the administrator, if applicable.

5. An organizational chart that identifies each person who directly or indirectly controls the administrator and each affiliate of the administrator.

6. A notarized affidavit from each person who manages or controls the administrator, including each member of the board of directors or board of trustees, each officer, partner and member of the business association of the administrator, and each shareholder of the administrator who holds not less than 10 percent of the voting stock of the administrator. The affidavit must include:

(a) The personal history, business record and insurance experience of the affiant;

(b) Whether the affiant has been investigated by any regulatory authority or has had any license or certificate denied, suspended or revoked in any state; and

(c) Any other information that the Commissioner may require.

7. The complete name and address of each office of the administrator, including offices located outside this state.

8. A statement that sets forth whether the administrator has:

(a) Held a license or certificate to transact any kind of insurance in this state or any other state and whether that license or certificate has been refused, suspended or revoked;

(b) Been indebted to any person and, if so, the circumstances of that debt; and

(c) Had an administrative agreement cancelled and, if so, the circumstances of that cancellation.

9. A statement that describes the business plan of the administrator. The statement must include information:

(a) Concerning the number of persons on the staff of the administrator and the activities proposed in this state or in any other state.

(b) That demonstrates the capability of the administrator to provide a sufficient number of experienced and qualified persons for the processing of claims, the keeping of records and, if applicable, underwriting.

10. If the applicant intends to solicit new or renewal business, proof that the applicant employs or has contracted with a producer of insurance licensed in this state to solicit and take applications. An applicant who intends to solicit insurance contracts directly or to act as a producer must provide proof that the applicant is licensed as a producer in this state.

11. *If the applicant is not an insurer and is not domiciled in this State, a copy of the license, certificate or other authorization issued by the state in which the applicant is domiciled which authorizes the applicant to act as an administrator in that state, if any.*

12. ~~A copy of any proposed administrative agreement with an insurer that the applicant intends to enter into if issued a certificate of registration as an administrator.~~

~~13.~~ Any other information required by the Commissioner.

Section 13 of Senate Bill No. 57 is hereby amended as follows:

Sec. 13. NRS 683A.086 is hereby amended to read as follows:

683A.086 1. No person may act as an administrator unless the person has entered into a written agreement with an insurer, and the written agreement contains provisions to effectuate the requirements contained in NRS 683A.08522 to 683A.08528, inclusive, 683A.087 to 683A.0883, inclusive, and 683A.0892 which apply to the duties of the administrator.

2. The written agreement must set forth:

(a) The duties the administrator will be required to perform on behalf of the insurer; and

(b) The lines, classes or types of insurance that the administrator is authorized to administer on behalf of the insurer.

3. A copy of an agreement entered into under the provisions of this section must be retained in the records of the administrator and of the insurer for a period of 5 years after the termination of the agreement.

4. When a policy is issued to a trustee or trustees, a copy of the trust agreement and amendments must be obtained by the administrator and a copy forwarded to the insurer. Each agreement must be retained by the administrator and the insurer for a period of 5 years after the termination of the policy.

5. ~~{The rights and obligations of an administrator, as set forth in a written agreement entered into pursuant to this section, may not be delegated or assigned to a third party by contract or any other means. Any liability under the written agreement may not be assumed by a third party. An insurer shall not allow any duty of an administrator set forth in the written agreement to be performed by any person other than the}~~ Except as otherwise provided in NRS 616B.500 and 616B.503, an administrator ~~f~~ who has obtained a certificate of registration as an administrator from the Commissioner pursuant to NRS 683A.08524 may delegate any of the duties of the administrator to an administrator who has not obtained such a certificate of registration only if the delegating administrator has first obtained the written approval of the Commissioner.

6. The Commissioner may adopt regulations which specify the functions an administrator may perform on behalf of an insurer.

~~{6.}~~ 7. The insurer or administrator may, upon written notice to the other party to the agreement and to the Commissioner, terminate the written agreement for any cause specified in the agreement. The insurer may suspend the authority of the administrator while any dispute regarding the cause for termination is pending. The insurer shall perform any obligations with respect to the policies affected by the agreement regardless of any dispute with the administrator.

Section 21 of Senate Bill No. 57 is hereby amended as follows:

Sec. 21. ~~[NRS 687B.320 is hereby amended to read as follows:~~

~~687B.320 1. Except as otherwise provided in subsection [3,] 4, no insurance policy that has been in effect for at least 70 days or that has been renewed may be cancelled by the insurer before the expiration of the agreed term or 1 year from the effective date of the policy or renewal, whichever occurs first, except on any one of the following grounds:~~

~~—(a) Failure to pay a premium when due;~~

~~—(b) Conviction of the insured of a crime arising out of acts increasing the hazard insured against;~~

~~—(c) Discovery of fraud or material misrepresentation in the obtaining of the policy or in the presentation of a claim thereunder;~~

- ~~—(d) Discovery of:~~
- ~~—(1) An act or omission; or~~
- ~~—(2) A violation of any condition of the policy,~~
- ~~→ which occurred after the first effective date of the current policy and substantially and materially increases the hazard insured against;~~
- ~~—(e) A material change in the nature or extent of the risk, occurring after the first effective date of the current policy, which causes the risk of loss to be substantially and materially increased beyond that contemplated at the time the policy was issued or last renewed;~~
- ~~—(f) A determination by the Commissioner that continuation of the insurer's present volume of premiums would jeopardize the insurer's solvency or be hazardous to the interests of policyholders of the insurer, its creditors or the public; or~~
- ~~—(g) A determination by the Commissioner that the continuation of the policy would violate, or place the insurer in violation of, any provision of the Code.~~
- ~~—2. [No] Except as otherwise provided in subsection 3, a cancellation under subsection 1 is effective until, in the case of paragraph (a) of subsection 1, at least 10 days and, in the case of any other paragraph of subsection 1, at least 30 days after the notice is delivered or mailed to the policyholder.~~
- ~~—3. For a policy or contract issued pursuant to chapter 688B, 689A, 689B, 689C, 695A, 695B, 695C, 695D or 695F of NRS, a cancellation under subsection 1 is not effective until at least 60 days after the notice required pursuant to NRS 687B.420 is delivered or mailed to the policyholder.~~
- ~~—4. The provisions of this section do not apply to a policy of industrial insurance.] (Deleted by amendment.)~~

Section 37 of Senate Bill No. 57 is hereby amended as follows:

Sec. 37. NRS 696B.190 is hereby amended to read as follows:

696B.190 1. The district court has original jurisdiction of delinquency proceedings under NRS 696B.010 to 696B.565, inclusive, and any court with jurisdiction may make all necessary or proper orders to carry out the purposes of those sections. The Nevada Rules of Civil Procedure do not govern the commencement of a delinquency proceeding pursuant to NRS 696B.010 to 696B.565, inclusive. 696B.250 and the filing of a petition by the Commissioner or the issuance by the court of an order to show cause pursuant to that section.

2. The venue of delinquency proceedings against a domestic insurer must be in the county in this state of the insurer's principal place of business or, if the principal place of business is located in another state, in any county in this state selected by the Commissioner for the purpose. The venue of proceedings against foreign insurers must be in any county in this state selected by the Commissioner for the purpose.

3. At any time after commencement of a proceeding, the Commissioner or any other party may apply to the court for an order changing the venue of,

and removing, the proceeding to any other county of this state in which the proceeding may most conveniently, economically and efficiently be conducted.

4. No court has jurisdiction to entertain, hear or determine any petition or complaint praying for the dissolution, liquidation, rehabilitation, sequestration, conservation or receivership of any insurer, or for an injunction or restraining order or other relief preliminary, incidental or relating to such proceedings, other than in accordance with NRS 696B.010 to 696B.565, inclusive.

5. An appeal to the appellate court of competent jurisdiction pursuant to the rules fixed by the Supreme Court pursuant to Section 4 of Article 6 of the Nevada Constitution may be taken from any court granting or refusing rehabilitation, liquidation, conservation or receivership, and from every order in delinquency proceedings having the character of a final order as to the particular portion of the proceedings embraced therein.

Section 43 of Senate Bill No. 57 is hereby amended as follows:

Sec. 43. NRS 697.325 is hereby amended to read as follows:

697.325 1. After apprehending a defendant in this state, a bail ~~agent or bail~~ enforcement agent shall immediately or without undue delay notify in person or by telephone the local law enforcement agency of the jurisdiction in which the defendant was apprehended of:

- (a) The identity of the defendant;
- (b) The identity of the bail ~~agent or bail~~ enforcement agent; and
- (c) Where the bail ~~agent or bail~~ enforcement agent is taking the defendant to surrender the defendant into custody.

2. ~~{Before forcibly entering an inhabited dwelling}~~ A bail enforcement agent may not enter a structure in this State ~~{, or}~~ to apprehend a defendant unless the bail ~~agent or bail~~ enforcement agent ~~{shall notify}~~ :

- (a) Reasonably believes that the defendant is within the structure; and
- (b) Has notified the local law enforcement agency of the jurisdiction in which the ~~{dwelling}~~ structure is located.

3. A bail ~~agent or bail~~ enforcement agent ~~{who violates the provisions of this section is guilty of a misdemeanor.}~~ may not forcibly enter any structure or other private property in this State to apprehend a defendant if:

- (a) The bail enforcement agent has not obtained the permission of the owner of the structure or property; or
- (b) Forcibly entering the structure or property creates a threat of harm to any person or property.

4. A bail enforcement agent may use physical force only when necessary to defend himself or herself in the process of locating, apprehending or surrendering a defendant. If it is necessary for a bail enforcement agent to use physical force under such circumstances, the bail enforcement agent may use only the amount of physical force that is reasonable under the circumstances.

5. As used in this section, ~~["inhabited dwelling" means]~~ "structure" includes, without limitation, any ~~[structure,]~~ building, house, room, apartment, tenement, tent, conveyance, vessel, boat, vehicle, house trailer, travel trailer, motor home or railroad car ~~[in which the owner or other lawful occupant resides. A bail enforcement agent may use physical force only when necessary to defend himself or herself in the process of locating, apprehending or surrendering a defendant. If it is necessary for a bail enforcement agent to use physical force under such circumstances, the bail enforcement agent may use only the amount of physical force that is reasonable under the circumstances.]~~, whether used as a residence, business or for any other purpose.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No 239 to Senate Bill No. 57 deletes a section that proposed confidentiality for certain information relating to a case investigated by the Commissioner of Insurance, amends disclosure regulations during and after investigations, authorizes the Commissioner to require surety bonds for managing general agent licenses, eliminates a requirement for administrators to provide a copy of proposed agreements with insurers, prohibits administrators from delegating duties to unlicensed administrators, removes a 60-day notice requirement for certain policy cancellations, specifies that Nevada Rules of Civil Procedure does not apply to certain delinquency proceedings, authorizes a bail enforcement agent to use physical force under certain conditions, and amends requirements for electronic communication consent and notices in health plans.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 78.

Bill read second time.

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

Amendment No. 94.

SUMMARY—Makes various changes relating to property. (BDR 10-623)

AN ACT relating to property; establishing and revising various definitions relating to property; establishing provisions relating to fees charged by landlords to prospective tenants; prohibiting landlords from transferring, selling, assigning or reporting to certain agencies information concerning amounts owed by tenants to landlords; establishing provisions relating to circumstances under which a landlord changes his or her agent, broker or property management company; making various changes relating to fees, fines, deposits and costs paid by tenants; requiring rental agreements to include a grace period for the late payment of rent; requiring a tenant to be served with advance notice of increases in certain fees, fines and costs; revising provisions relating to agents of attorneys who serve certain notices relating to evictions; revising provisions relating to representation in small claim actions; ~~increasing the length of notice before a person may be evicted from certain periodic tenancies under certain circumstances;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law ~~[provides that]~~ requires a landlord and a tenant to perform certain obligations with respect to a lease of real property. (NRS 118A.240-118A.300) As part of a lease of real property, a landlord may require a tenant to pay a security deposit, defined as a payment, deposit, fee or charge used by the landlord to: (1) remedy a default in the payment of rent by the tenant; (2) repair damage to the premises other than normal wear; and (3) clean the dwelling unit. (NRS 118A.240, 118A.242) ~~[Additionally, if reasonable modifications are made to the dwelling unit of a person with a disability, existing law provides that the landlord may require the person to deposit an additional security deposit in addition to the amount usually required by the landlord to cover the cost of restoring the modified unit to its original condition upon the termination of the tenancy. (NRS 118.101)]~~

~~Section 5 of this bill defines the term "security deposit" to mean a deposit made in cash or by any other acceptable manner to a landlord for any of the following purposes: (1) remedying any default of the tenant in the payment of periodic rent, including, without limitation, the cost of any fee for the late payment of rent; (2) repairing damage to the premises caused by the tenant other than normal wear; and (3) cleaning the unit. Section 28 of this bill repeals the existing definition of "security deposit." [deposit" and sections 3 and 5 of this bill establish the independent terms of "cleaning deposit" and "security deposit," respectively. Sections 1, 10, 16, 17 and 24 of this bill make various conforming changes relating to cleaning deposits and security deposits.]~~

Existing law requires a landlord to return a security deposit, or any remaining portion thereof, within 30 days after the termination of the tenancy and makes the landlord liable for certain amounts for failing to return the security deposit within this period. (NRS 118A.242) Section 15 of this bill ~~[reduces the period for the return of the security deposit from 30 days to 28 days. Section 15 also provides that if the landlord fails or refuses to return the security deposit within the statutory period, the landlord: (1) is liable to the tenant in the amount of the entire security deposit; and (2) waives all claims or causes of action relating to the security deposit. Additionally, section 15]~~ requires a landlord to deliver an itemized, written accounting of the disposition of the security deposit or surety bond, or a combination thereof in certain circumstances; (2) prescribes how delivery of the itemized, written accounting must be effectuated by the landlord; and (3) makes the landlord liable for certain amounts for failing to deliver the itemized, written accounting. Section 15 also provides that in any action relating to an amount claimed of a security deposit for repairing damage to the premises caused by the tenant, the landlord has the burden of proving: (1) that the damage to the premises occurred during the tenancy; and (2) the actual costs of repair.

Existing law defines "normal wear" as deterioration which occurs without negligence, carelessness or abuse of the premises, equipment or chattels by the tenant, a member of the household of the tenant or another person on the

premises with the consent of the tenant. (NRS 118A.110) Section 11 of this bill revises the definition of "normal wear" to mean expected deterioration which occurs during the course of a tenancy from the normal use of the premises by such persons.

Existing law requires written rental agreements to contain certain provisions, including , without limitation, provisions concerning the amount of rent and the manner and time of its payment. (NRS 118A.200) Existing law authorizes a landlord to charge a reasonable fee for the late payment of rent. (NRS 118A.210) Section 12 of this bill additionally requires such rental agreements to include a grace period for the late payment of rent. Section 13 of this bill prohibits a landlord from charging the fee for the late payment of rent until the expiration of the grace period set forth in the rental agreement. Section 4 of this bill defines the term "grace period" for such purposes. Section 12 also requires certain information relating to fees, fines and costs to be: (1) disclosed in writing to the tenant before he or she enters into a written rental agreement or otherwise begins the tenancy; and (2) printed clearly and conspicuously on the first page of the written rental agreement ~~, or clearly and conspicuously disclosed within the addenda to the written rental agreement, if applicable, that must be signed by the landlord or his or her agent and the tenant or his or her agent.~~

Existing law places certain prohibitions on rental agreements. (NRS 118A.220) Section 14 of this bill prohibits rental agreements from requiring tenants to pay any fee, fine or cost except those which are: (1) authorized by statute; or (2) actual and reasonable. Sections 12, 19-21 and 24 of this bill make conforming changes relating to the limitations on fees, fines and costs.

Section 7 of this bill authorizes a landlord to charge a fee for the eviction of a tenant ~~, under certain circumstances.~~ Additionally, section 6 of this bill : (1) authorizes a landlord to charge a single fee to every prospective tenant who intends to occupy one dwelling unit; and (2) prohibits a landlord from charging a [single] fee [for the submission of a rental application, and if multiple] to other prospective tenants who submit applications for occupancy of [a single] the same dwelling unit [, the landlord is limited to charging a single fee.] unless the initial application or applications, as applicable, for that dwelling unit have been denied.

Section 8 of this bill prohibits a landlord from transferring, selling, assigning or reporting to certain agencies any amount owed by the tenant, unless the landlord first ~~[obtains a judgment against the tenant for any such amount.]~~ delivers to the tenant an itemized, written accounting of all outstanding amounts owed by the tenant. Section ~~[8]~~ 8.5 of this bill requires any ~~[such]~~ action for the enforcement of any provision of a rental agreement to be brought: (1) ~~[within 8 months]~~ not later than 2 years after the termination of the tenancy; and (2) as a small claims action, if certain jurisdictional limits apply to the amount owed by the tenant.

Section 9 of this bill provides that if a landlord changes his or her agent, broker or property management company, the landlord or the new agent, broker or company is required to send certain information to the tenant within ~~77~~ 10 business days after the change.

Existing law prohibits a landlord from increasing the rent of a tenant unless the tenant is served with advance notice of the increase. (NRS 118A.300) Section 18 of this bill similarly prohibits a landlord from increasing certain fees, fines and costs charged to the tenant unless the tenant is served with advance notice of the increase.

Existing law provides that if a tenant's failure to perform basic obligations can be remedied by cleaning and the tenant fails to comply with a request to remedy such failure in a timely manner, the landlord may enter the dwelling unit, cause the work to be done and bill the tenant. (NRS 118A.440) Section 22 of this bill deletes this provision of existing law.

~~[Existing law: (1) prescribes certain criteria for unlawful detainer by a tenant of real property, a recreational vehicle or a mobile home; and (2) provides an increased length of possession before a person who is 60 years of age or older or who has a disability may be evicted from certain periodic tenancies under certain circumstances. (NRS 40.251) Section 23 of this bill increases the required period of notice before a person may be evicted from certain periodic tenancies from 30 days to 60 days.]~~

Existing law requires a tenant to be served with certain notices relating to evictions. Existing law also provides that certain notices may be served by an agent of an attorney who is licensed in this State if: (1) the attorney has been retained by the landlord in certain actions; and (2) the agent is acting at the direction and under the direct supervision of the attorney. (NRS 40.280) In addition to the existing requirements concerning such agents, section 25 of this bill prohibits the agent from being employed as a property manager in this State.

Existing law authorizes a nongovernmental legal or commercial entity to be represented by its director, officer or employee in an action in small claims court. (NRS 73.012) Similarly, section 26 of this bill authorizes a landlord to be represented by his or her agent in a small claims action.

Section 26.5 of this bill provides that the amendatory provisions of this bill do not apply to a tenant of a dwelling unit that is a manufactured home, or on the premises of a manufactured home lot or a manufactured home park.

Finally, section 27 of this bill provides that a rental agreement entered into before the effective date of this bill is binding upon the parties and may be enforced on or after that date, regardless of whether the provisions of the rental agreement conflict with the amendatory provisions of this bill.

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

Section 1. NRS 118.101 is hereby amended to read as follows:

118.101 1. A person may not refuse to:

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

(1) The person with the disability pays for the modifications; and

(2) The modifications are necessary to ensure that the person with the disability may use and enjoy the dwelling; or

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

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

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

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

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

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

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

5. As used in this section, "security deposit" has the meaning ascribed to it in ~~[NRS 118A.240.]~~ *section 5 of this act.*

Sec. 2. Chapter 118A of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 9, inclusive, of this act.

Sec. 3. ~~["Cleaning deposit" means a one-time, nonrefundable payment to a landlord for the purpose of cleaning a dwelling unit, including, without limitation, any cost associated with cleaning the carpet of the dwelling unit.]~~
(Deleted by amendment.)

Sec. 4. "Grace period" means a period of time, not less than 3 days, during which rent can be paid late by a tenant.

Sec. 5. "Security deposit" means a deposit paid in cash, by check or by any other acceptable manner to a landlord for any of the following purposes:

1. Remedying any default of the tenant in the payment of periodic rent, including, without limitation, the cost of any fee for the late payment of rent.

2. Repairing damage to the premises caused by the tenant other than normal wear.

3. ~~If the premises is financed in whole or in part from assistance provided by a governmental agency, necessary cleaning upon the termination~~

~~of the tenancy, unless the landlord charges the tenant a cleaning deposit.]~~
Cleaning the dwelling unit.

Sec. 6. 1. A landlord may charge a single fee for the submission of a rental application by ~~for every prospective tenant~~ ~~[. If the rental application is submitted by multiple prospective tenants]~~ who ~~[intend]~~ intends to occupy one dwelling unit. ~~[. the]~~ If a landlord ~~[may charge only]~~ has charged a ~~[single]~~ fee for the submission of a rental application from a prospective tenant or multiple prospective tenants that intend to occupy one dwelling unit, the ~~[submission of the]~~ landlord may not charge other prospective tenants a fee for the submission of a rental ~~[applications.]~~ application for the same dwelling unit unless the initial application or applications, as applicable, for that dwelling unit have been denied.

2. The fee described in subsection 1 must not exceed the direct and actual costs of the landlord in processing the application, ~~[excluding]~~ including, without limitaiton, reasonable personnel and administrative costs.

Sec. 7. ~~[1. Except as otherwise provided in subsection 2, a]~~ A landlord may charge a tenant a fee for the eviction of the tenant. The amount of the fee must not exceed the direct and actual costs of the landlord associated with the action for eviction.

~~[2. A landlord may not charge the fee described in subsection 1 if the landlord is the prevailing party in the action for eviction.]~~

Sec. 8. 1. A landlord may not transfer, sell, assign or report to a collection agency or credit reporting agency any amount owed by the tenant to the landlord, unless the landlord ~~[obtains a judgment against]~~ delivers to the tenant ~~[for any such amount.]~~ an itemized, written accounting of all outstanding amounts owed by the tenant at least 30 days in advance of transferring, selling, assigning or reporting the amount owed to a collection agency or credit reporting agency.

2. An itemized, written accounting required by subsection 1 must contain a disclosure which states that if the outstanding amounts are not paid within 30 days, the landlord will transfer, sell, assign or report the outstanding amount to a collection agency or credit reporting agency.

3. The delivery of the itemized, written accounting must be effectuated by the landlord by:

(a) Personally handing the itemized, written accounting to the tenant at the place where rent is paid by the tenant; or

(b) Mailing the itemized, written accounting to the tenant at the present address of the tenant, if known, or the last known address of the tenant, if the present address of the tenant is unknown.

Sec. 8.5. 1. Any action for ~~[a judgment described in this section]~~ the enforcement of any provision of a rental agreement must be commenced not later than ~~[8 months]~~ 2 years after the termination of the tenancy ~~[by either party]~~, as established by the rental agreement.

~~2. If the amount owed by the tenant does not exceed the jurisdictional limit set forth in chapter 73 of NRS, the landlord must bring a small claims action.~~

Sec. 9. Within ~~7~~ 10 business days after the landlord changes his or her agent, broker or property management company, the landlord or the new agent, broker or company shall provide written notification to the tenant which must contain:

1. The name, address and telephone number of the new agent, broker or company; and

2. A statement that the security deposit of the tenant was transferred, in its entirety without deductions, to the new entity and that no additional security deposit is required to be paid by the tenant.

Sec. 10. NRS 118A.020 is hereby amended to read as follows:

118A.020 As used in this chapter, unless the context otherwise requires, the terms defined in NRS 118A.030 to 118A.175, inclusive, and sections ~~3, 4 and 5 of this act~~ have the meanings ascribed to them in those sections.

Sec. 11. NRS 118A.110 is hereby amended to read as follows:

118A.110 1. "Normal wear" means ~~that~~ the expected deterioration which occurs ~~[without negligence, carelessness or abuse]~~ during the course of a tenancy from the normal use of the premises ~~[, equipment or chattels]~~ by the tenant, a household member of the ~~[tenant's household]~~ tenant or other person on the premises with the ~~[tenant's]~~ consent ~~[,]~~ of the tenant.

2. The term does not include damage to the premises which results from the neglect or abuse of the premises by the tenant, a household member of the tenant or other person on the premises ~~[with the consent of the tenant.]~~

Sec. 12. NRS 118A.200 is hereby amended to read as follows:

118A.200 1. Any written agreement for the use and occupancy of a dwelling unit or premises must be signed by the landlord or his or her agent and the tenant or his or her agent.

2. The landlord shall provide one copy of any written agreement described in subsection 1 to the tenant free of cost at the time the agreement is executed and, upon request of the tenant, provide additional copies of any such agreement to the tenant within a reasonable time. The landlord may charge a reasonable fee for providing the additional copies.

3. Any written rental agreement must contain, but is not limited to, provisions relating to the following subjects:

(a) Duration of the agreement.

(b) Amount of rent and the manner and time of its payment ~~[,]~~ , including, without limitation:

(1) The duration of the grace period.

(2) The fee for the late payment of rent.

(c) Occupancy by children or pets.

(d) Services included with the dwelling rental.

(e) ~~{Fees}~~ Subject to the limitations set forth in NRS 118A.220, fees, fines and costs which are ~~{required}~~ to be paid by the tenant and the purposes for which they are required.

(f) Deposits which are required and the conditions for their refund ~~{,}~~, as applicable.

(g) ~~{Charges which may be required for late or partial payment of rent or for return of any dishonored check.}~~

~~{(h)}~~ Inspection rights of the landlord.

~~{(i)}~~ (h) A listing of persons or numbers of persons who are to occupy the dwelling.

~~{(j)}~~ (i) Respective responsibilities of the landlord and the tenant as to the payment of utility charges.

~~{(k)}~~ (j) A signed record of the inventory and condition of the premises under the exclusive custody and control of the tenant.

~~{(l)}~~ (k) A summary of the provisions of NRS 202.470.

~~{(m)}~~ (l) Information regarding the procedure pursuant to which a tenant may report to the appropriate authorities:

(1) A nuisance.

(2) A violation of a building, safety or health code or regulation.

~~{(n)}~~ (m) Information regarding the right of the tenant to engage in the display of the flag of the United States, as set forth in NRS 118A.325.

4. In addition to the provisions required by subsection 3, any written rental agreement for a single-family residence which is not signed by an authorized agent of the landlord who at the time of signing holds a permit to engage in property management pursuant to chapter 645 of NRS must contain a disclosure at the top of the first page of the agreement, in a font size at least two times larger than any other font size in the agreement, which states that:

(a) There are rebuttable presumptions in NRS 205.0813 and 205.0817 that the tenant does not have lawful occupancy of the dwelling unless the agreement:

(1) Is notarized or is signed by an authorized agent of the landlord who at the time of signing holds a permit to engage in property management pursuant to chapter 645 of NRS; and

(2) Includes the current address and telephone number of the landlord or his or her authorized representative; and

(b) The agreement is valid and enforceable against the landlord and the tenant regardless of whether the agreement:

(1) Is notarized or is signed by an authorized agent of the landlord who at the time of signing holds a permit to engage in property management pursuant to chapter 645 of NRS; or

(2) Includes the current address and telephone number of the landlord or his or her authorized representative.

5. ~~The ~~amount~~ range of all fees, fines and costs, known or reasonably known, and the purpose for which they are required and ~~their total~~ the range of totals must be:~~

(a) Disclosed in writing to the tenant before he or she enters into a written rental agreement or otherwise commences the tenancy; and

(b) Clearly and conspicuously printed on the first page of the written rental agreement ~~or~~ or clearly and conspicuously disclosed within the addenda to the rental agreement, if applicable, that must be signed by the landlord or his or her agent and the tenant or his or her agent.

6. The absence of a written agreement raises a disputable presumption that:

(a) There are no restrictions on occupancy by children or pets.

(b) Maintenance and waste removal services are provided without charge to the tenant.

(c) ~~[No charges for partial or late payments of rent or for dishonored checks are paid by the tenant.]~~ *There is no fee for the late payment of rent.*

(d) Other than normal wear, the premises will be returned in the same condition as when the tenancy began.

~~{6.}~~ 7. It is unlawful for a landlord or any person authorized to enter into a rental agreement on his or her behalf to use any written agreement which does not conform to the provisions of this section, and any provision in an agreement which contravenes the provisions of this section is void.

~~{7.}~~ 8. As used in this section, "single-family residence" means a structure that is comprised of not more than four units. The term does not include a manufactured home as defined in NRS 118B.015.

Sec. 13. NRS 118A.210 is hereby amended to read as follows:

118A.210 1. Rent is payable without demand or notice at the time and place agreed upon by the parties.

2. Unless the rental agreement establishes a definite term, the tenancy is from week to week in the case of a tenant who pays weekly rent and in all other cases the tenancy is from month to month.

3. In the absence of an agreement, either written or oral:

(a) Rent is payable at the beginning of the tenancy; and

(b) Rent for the use and occupancy of a dwelling is the fair rental value for the use and occupancy.

4. A landlord may charge a reasonable late fee for the late payment of rent as set forth in the rental agreement, but:

(a) In a tenancy that is longer than week to week, no late fee may be charged or imposed until at least 3 calendar days after the date that rent is due;

(b) Such a late fee must not exceed 5 percent of the amount of the periodic rent; ~~and~~

(c) *Such a late fee must not be charged until the expiration of the grace period set forth in the rental agreement; and*

(d) The maximum amount of the late fee must not be increased based upon a late fee that was previously imposed.

Sec. 14. NRS 118A.220 is hereby amended to read as follows:

118A.220 1. A rental agreement shall not provide that the tenant:

(a) Agrees to waive or forego rights or remedies afforded by this chapter;
 (b) Authorizes any person to confess judgment on any claim arising out of the rental agreement;

(c) Agrees to pay ~~the~~ :

(1) The landlord's attorney's fees, except that the agreement may provide that reasonable attorney's fees may be awarded to the prevailing party in the event of court action; or

(2) Any fee, fine or cost, except those which are:

(I) Expressly authorized by statute; or

(II) Actual and reasonable;

(d) Agrees to the exculpation or limitation of any liability of the landlord arising under law or to indemnify the landlord for that liability or the costs connected therewith if the liability is based upon an act or omission of the landlord or any agent or employee of the landlord; or

(e) Agrees to give the landlord a different notice of termination than that required to be given by the landlord to the tenant.

2. Any provision prohibited by subsection 1 is void as contrary to public policy and the tenant may recover any actual damages incurred through the inclusion of the prohibited provision.

Sec. 15. NRS 118A.242 is hereby amended to read as follows:

118A.242 1. The landlord may not demand or receive ~~a fee~~ —(a) A security deposit or a surety bond, or a combination thereof, including the last month's rent, whose ~~the~~ total amount or value ~~of which~~ exceeds 3 months' periodic rent.

~~[(b) A cleaning deposit, the total amount of which exceeds 15 percent of the periodic rent.]~~

2. In lieu of paying all or part of the security deposit required by the landlord, a tenant may, if the landlord consents, purchase a surety bond to secure the tenant's obligation to the landlord under the rental agreement to:

(a) Remedy any default of the tenant in the payment of rent.

(b) Repair damages to the premises other than normal wear and tear.

(c) Clean the dwelling unit.

3. The landlord:

(a) Is not required to accept a surety bond purchased by the tenant in lieu of paying all or part of the security deposit; and

(b) May not require a tenant to purchase a surety bond in lieu of paying all or part of the security deposit.

4. Upon termination of the tenancy by either party for any reason, the landlord may claim ~~fee~~

~~[(a) Claim]~~ of the security deposit or surety bond, or a combination thereof, only such amounts as are reasonably necessary to ~~remedy~~ :

~~{(1)}~~ (a) Remedy any default of the tenant in the payment of rent ~~[, to repair]~~ ;

~~{(2)}~~ (b) Repair damages to the premises caused by the tenant other than normal wear ~~[and to pay the reasonable costs of cleaning the premises.]~~ ; and

~~{(3)}~~ (c) Clean the premises . ~~if:~~

~~—— (I) The premises are financed in whole or in part from assistance provided by a governmental agency; and~~

~~—— (II) The landlord did not charge the tenant a cleaning deposit; and~~

~~—— (b) Claim the entirety of the cleaning deposit.~~

~~{3}~~ 5. The landlord shall ~~[provide]~~ deliver to the tenant ~~[with]~~ an itemized, written accounting of the disposition of the security deposit or surety bond, or a combination thereof, and return any remaining portion of the security deposit to the tenant ~~no~~ not later than 30 ~~{28}~~ days after the termination of the tenancy by handing it to the tenant personally at the place where the rent is paid, or by mailing it to the tenant at the tenant's present address or, if that address is unknown, at the tenant's last known address.

~~{5. If a tenant disputes an item contained in an itemized written accounting received from a landlord pursuant to subsection 4, the tenant may send a written response disputing the item to the surety. If the tenant sends the written response within 30 days after receiving the itemized written accounting, the surety shall not report the claim of the landlord to a credit reporting agency unless the surety obtains a judgment against the tenant.}~~

6. The delivery of the itemized, written accounting must be effectuated by the landlord by:

(a) Personally handing the itemized, written accounting to the tenant at the place where rent is paid by the tenant; or

(b) Mailing the itemized, written accounting to the tenant at the present address of the tenant, if known, or the last known address of the tenant, if the present address of the tenant is unknown.

~~{4}~~ 7. If the landlord fails or refuses to deliver the itemized, written accounting or return the remainder of a security deposit within 30 ~~{28}~~ days after the end of a tenancy, the landlord is ~~is~~

~~(a) Is~~ liable to the tenant for damages :

(a) In ~~for~~ an amount equal to the entire security deposit; and

(b) For a sum to be fixed by the court of not more than the amount of the entire security deposit.

~~{7}~~ 8. In determining the sum, if any, to be awarded under paragraph (b) of subsection ~~{6}~~ 7, the court shall consider:

(a) Whether the landlord acted in good faith;

(b) The course of conduct between the landlord and the tenant; and

(c) The degree of harm to the tenant caused by the landlord's conduct.

~~{8. Except for an agreement which provides for a nonrefundable charge for cleaning, in a reasonable amount, no Waives all claims or causes of action against the tenant relating to the security deposit.~~

~~5.7~~ 9. *In any action relating to an amount claimed of a security deposit or surety bond, or a combination thereof, by a landlord for repairing damage to the premises caused by the tenant other than normal wear, the landlord has the burden of proving:*

(a) *That the damage to the premises occurred during the tenancy of the tenant; and*

(b) *The actual costs of repair.*

~~6.7~~ 10. A rental agreement ~~[may]~~ must not contain any provision characterizing any security deposit under this section as nonrefundable or any provision waiving or modifying a tenant's rights under this section. Any such provision is void as contrary to public policy.

~~9.7~~ 11. The claim of a tenant to a security deposit to which the tenant is entitled under this chapter takes precedence over the claim of any creditor of the landlord.

Sec. 16. ~~[NRS 118A.244 is hereby amended to read as follows:~~

~~118A.244 1. Upon termination of the landlord's interest in the dwelling unit, whether by sale, assignment, death, appointment of receiver or otherwise, the landlord or his or her agent shall, within a reasonable time, do one of the following, which relieves the landlord of further liability with respect to the security deposit: [or surety bond, or a combination thereof:]~~

~~—(a) Notify the tenant in writing of the name, address and telephone number of the landlord's successor in interest, and that the landlord has transferred to his or her successor in interest the portion of the security deposit [or surety bond, or combination thereof,] remaining after making any deductions allowed under NRS 118A.242.~~

~~—(b) Return to the tenant the portion of the security deposit remaining after making any deductions allowed under NRS 118A.242.~~

~~—The successor has the rights, obligations and liabilities of the former landlord as to any portion of the security deposit owed under this section or NRS 118A.242 at the time of transfer.~~

~~2. The landlord shall, before he or she records a deed transferring any dwelling unit:~~

~~—(a) Transfer to his or her successor, in writing, the portion of any tenant's security deposit or other money held by the landlord which remains after making any deductions allowed under NRS 118A.242; or~~

~~—(b) Notify his or her successor in writing that the landlord has returned all such security deposits or portions thereof to the tenant.~~

~~3. Upon the termination of a landlord's interest in the dwelling unit, whether by sale, assignment, death, appointment of receiver or otherwise, the successor in interest:~~

~~—(a) Shall accept the tenant's security deposit; [or surety bond, or a combination thereof,] and~~

~~—(b) Shall not require any additional security deposit [or surety bond, or a combination thereof,] from the tenant during the term of the rental agreement.] (Deleted by amendment.)~~

Sec. 17. ~~[NRS 118A.250 is hereby amended to read as follows:~~

~~118A.250 The landlord shall deliver to the tenant upon the tenant's request a signed written receipt for the security deposit [or surety bond, or a combination thereof,] and any other payments, deposits or fees, including rent, paid by the tenant and received by the landlord. The tenant may refuse to make rent payments until the landlord tenders the requested receipt.]~~
(Deleted by amendment.)

Sec. 18. NRS 118A.300 is hereby amended to read as follows:

118A.300 The landlord may not increase ~~[the]~~ :

1. The rent payable by a tenant unless the landlord serves the tenant with a written notice, ~~[60]~~ at least ~~[45]~~ 60 days or, in the case of any periodic tenancy of less than 1 month, ~~[30]~~ at least ~~[45]~~ 30 days in advance of the first rental payment to be increased, advising the tenant of the increase.

2. Any fee, fine or cost required to be paid by the tenant, unless the landlord serves the tenant with a written notice:

(a) At least ~~[45]~~ 60 days in advance of the first payment to be increased, if the tenancy is from month to month; or

(b) At least ~~[45]~~ 30 days in advance of the first payment to be increased, if the tenancy is from week to week.

Sec. 19. NRS 118A.355 is hereby amended to read as follows:

118A.355 1. Except as otherwise provided in this chapter, if a landlord fails to maintain a dwelling unit in a habitable condition as required by this chapter, the tenant shall deliver a written notice to the landlord specifying each failure by the landlord to maintain the dwelling unit in a habitable condition and requesting that the landlord remedy the failures. If a failure is remediable and the landlord adequately remedies the failure or uses his or her best efforts to remedy the failure within 14 days after receipt of the notice, the tenant may not proceed under this section. If the landlord fails to remedy a material failure to maintain the dwelling unit in a habitable condition or to make a reasonable effort to do so within the prescribed time, the tenant may:

(a) Terminate the rental agreement immediately.

(b) Recover actual damages.

(c) Apply to the court for such relief as the court deems proper under the circumstances.

(d) Withhold any rent that becomes due without incurring ~~[late fees, charges for notice or]~~ any ~~[other charge or]~~ fee, *fine or cost* authorized by ~~[this chapter or]~~ the rental agreement until the landlord has remedied, or has attempted in good faith to remedy, the failure.

2. The tenant may not proceed under this section:

(a) For a condition caused by the tenant's own deliberate or negligent act or omission or that of a member of his or her household or other person on the premises with his or her consent; or

(b) If the landlord's inability to adequately remedy the failure or use his or her best efforts to remedy the failure within 14 days is due to the tenant's

refusal to allow lawful access to the dwelling unit as required by the rental agreement or this chapter.

3. If the rental agreement is terminated, the landlord shall return all prepaid rent and any security deposit recoverable by the tenant under this chapter.

4. A tenant may not proceed under this section unless the tenant has given notice as required by subsection 1, except that the tenant may, without giving that notice:

(a) Recover damages under paragraph (b) of subsection 1 if the landlord:

(1) Admits to the court that the landlord had knowledge of the condition constituting the failure to maintain the dwelling in a habitable condition; or

(2) Has received written notice of that condition from a governmental agency authorized to inspect for violations of building, housing or health codes.

(b) Withhold rent under paragraph (d) of subsection 1 if the landlord:

(1) Has received written notice of the condition constituting the failure to maintain the dwelling in a habitable condition from a governmental agency authorized to inspect for violations of building, housing or health codes; and

(2) Fails to remedy or attempt in good faith to remedy the failure within the time prescribed in the written notice of that condition from the governmental agency.

5. Justice courts shall establish by local rule a mechanism by which tenants may deposit rent withheld under paragraph (d) of subsection 1 into an escrow account maintained or approved by the court. A tenant does not have a defense to an eviction under paragraph (d) of subsection 1 unless the tenant has deposited the withheld rent into an escrow account pursuant to this subsection.

Sec. 20. NRS 118A.370 is hereby amended to read as follows:

118A.370 If the landlord fails to deliver possession of the dwelling unit to the tenant as provided in this chapter, rent abates until possession is delivered as required, and the tenant may:

1. Terminate the rental agreement upon at least 5 days' written notice to the landlord and upon termination the landlord shall return all prepaid rent, any security deposit recoverable under this chapter ~~{,}~~ and any ~~{payment,}~~ *other fee, fine, cost or deposit* ~~{, fee or charge to secure the execution of}~~ *required under the rental agreement* ~~{, or}~~ *to be paid by the tenant before his or her possession of the premises.*

2. Demand performance of the rental agreement by the landlord and, if the tenant elects, maintain an action for possession of the dwelling unit against the landlord or any person wrongfully in possession and recover the actual damages sustained. If the landlord has exercised due diligence to evict the holdover tenant or remedy the condition keeping the new tenant from taking possession, the landlord is not liable for damages . ~~{, or}~~

3. Pursue any other remedies to which the tenant is entitled, including the right to recover any actual damages suffered.

Sec. 21. NRS 118A.380 is hereby amended to read as follows:

118A.380 1. If the landlord is required by the rental agreement or this chapter to supply heat, air-conditioning, running water, hot water, electricity, gas, a functioning door lock or another essential item or service and the landlord willfully or negligently fails to do so, causing the premises to become unfit for habitation, the tenant shall give written notice to the landlord specifying the breach. If the landlord does not adequately remedy the breach, or use his or her best efforts to remedy the breach within 48 hours, except a Saturday, Sunday or legal holiday, after it is received by the landlord, the tenant may, in addition to any other remedy:

(a) Procure reasonable amounts of such essential items or services during the landlord's noncompliance and deduct their actual and reasonable cost from the rent;

(b) Recover actual damages, including damages based upon the lack of use of the premises or the diminution of the fair rental value of the dwelling unit;

(c) Withhold any rent that becomes due during the landlord's noncompliance without incurring ~~[late fees, charges for notice or]~~ any ~~[other charge or]~~ fee, *fine or cost* authorized by ~~[this chapter or]~~ the rental agreement, until the landlord has attempted in good faith to restore the essential items or services; or

(d) Procure other housing which is comparable during the landlord's noncompliance, and the rent for the original premises fully abates during this period. The tenant may recover the actual and reasonable cost of that other housing which is in excess of the amount of rent which is abated.

2. If the tenant proceeds under this section, the tenant may not proceed under NRS 118A.350 and 118A.360 as to that breach.

3. The rights of the tenant under this section do not arise until the tenant has given written notice as required by subsection 1, except that the tenant may, without having given that notice:

(a) Recover damages as authorized under paragraph (b) of subsection 1 if the landlord:

(1) Admits to the court that the landlord had knowledge of the lack of such essential items or services; or

(2) Has received written notice of the uninhabitable condition caused by such a lack from a governmental agency authorized to inspect for violations of building, housing or health codes.

(b) Withhold rent under paragraph (c) of subsection 1 if the landlord:

(1) Has received written notice of the condition constituting the breach from a governmental agency authorized to inspect for violations of building, housing or health codes; and

(2) Fails to remedy or attempt in good faith to remedy the breach within the time prescribed in the written notice of that condition from the governmental agency.

4. The rights of the tenant under paragraph (c) of subsection 1 do not arise unless the tenant is current in the payment of rent at the time of giving written notice pursuant to subsection 1.

5. If such a condition was caused by the deliberate or negligent act or omission of the tenant, a member of his or her household or other person on the premises with his or her consent, the tenant has no rights under this section.

Sec. 22. NRS 118A.440 is hereby amended to read as follows:

118A.440 If the tenant's failure to perform basic obligations under this chapter can be remedied by repair ~~[-]~~ or replacement of a damaged item, ~~[-]~~ or cleaning, and the tenant fails to use his or her best efforts to comply within 14 days after written notice by the landlord specifying the breach and requesting that the tenant remedy it within that period of time or more promptly if conditions require in case of emergency, the landlord may enter the dwelling unit and cause the work to be done in a workmanlike manner and submit the itemized bill for the actual and reasonable cost, or the fair and reasonable value of the work. The itemized bill must be paid as rent on the next date periodic rent is due, or if the rental agreement has terminated, may be submitted to the tenant for immediate payment or deducted from the security deposit.

Sec. 23. ~~NRS 40.251 is hereby amended to read as follows:~~

~~40.251 1. A tenant of real property, a recreational vehicle or a mobile home for a term less than life is guilty of an unlawful detainer when having leased:~~

~~(a) Real property, except as otherwise provided in this section, or a mobile home for an indefinite time, with monthly or other periodic rent reserved, the tenant continues in possession thereof, in person or by subtenant, without the landlord's consent after the expiration of a notice of:~~

~~— (1) For tenancies from week to week, at least 7 days;~~

~~— (2) Except as otherwise provided in subsection 2, for all other periodic tenancies, at least [30] 60 days; or~~

~~— (3) For tenancies at will, at least 5 days.~~

~~(b) A dwelling unit subject to the provisions of chapter 118A of NRS, the tenant continues in possession, in person or by subtenant, without the landlord's consent after expiration of:~~

~~— (1) The term of the rental agreement or its termination and, except as otherwise provided in subparagraph (2), the expiration of a notice of:~~

~~— (I) At least 7 days for tenancies from week to week; and~~

~~— (II) Except as otherwise provided in subsection 2, at least [30] 60 days for all other periodic tenancies; or~~

~~— (2) A notice of at least 5 days where the tenant has failed to perform the tenant's basic or contractual obligations under chapter 118A of NRS.~~

~~—(c) A mobile home lot subject to the provisions of chapter 118B of NRS, or a lot for a recreational vehicle in an area of a mobile home park other than an area designated as a recreational vehicle lot pursuant to the provisions of subsection 8 of NRS 40.215, the tenant continues in possession, in person or by subtenant, without the landlord's consent:~~

~~—(1) After notice has been given pursuant to NRS 118B.115, 118B.170 or 118B.190 and the period of the notice has expired; or~~

~~—(2) If the person is not a natural person and has received three notices for nonpayment of rent within a 12-month period, immediately upon failure to pay timely rent.~~

~~—(d) A recreational vehicle lot, the tenant continues in possession, in person or by subtenant, without the landlord's consent, after the expiration of a notice of at least 5 days.~~

~~—2. Except as otherwise provided in this section, if a tenant with a periodic tenancy pursuant to paragraph (a) or (b) of subsection 1, other than a tenancy from week to week, is 60 years of age or older or has a physical or mental disability, the tenant may request to be allowed to continue in possession for an additional 30 days beyond the time specified in subsection 1 by submitting a written request for an extended period and providing proof of the tenant's age or disability. A landlord may not be required to allow a tenant to continue in possession if a shorter notice is provided pursuant to subparagraph (2) of paragraph (b) of subsection 1.~~

~~—3. Except as otherwise provided in this section, if a tenant with a periodic tenancy pursuant to paragraph (a) or (b) of subsection 1 is a federal worker, tribal worker, state worker or household member of such a worker, the tenant may request to be allowed to continue in possession during the period commencing on the date on which a shutdown begins and ending on the date that is 30 days after the date on which the shutdown ends by submitting a written request for the extended period and providing proof that he or she is a federal worker, tribal worker, state worker or household member of such a worker during the shutdown.~~

~~—4. Except as otherwise provided in NRS 118A.315, a landlord who receives a request from a tenant pursuant to subsection 3 shall allow a tenant to continue in possession for the period requested.~~

~~—5. Any notice provided pursuant to paragraph (a) or (b) of subsection 1 must include a statement advising the tenant of the provisions of subsections 2, 3 and 4.~~

~~—6. If a landlord rejects a request to allow a tenant to continue in possession for an additional 30 days pursuant to subsection 2, the tenant may petition the court for an order to continue in possession for the additional 30 days. If the tenant submits proof to the court that the tenant is entitled to request such an extension, the court may grant the petition and enter an order allowing the tenant to continue in possession for the additional 30 days. If the court denies the petition, the tenant must be allowed to continue in~~

~~possession for 5 calendar days following the date of entry of the order denying the petition.] (Deleted by amendment.)~~

Sec. 24. NRS 40.253 is hereby amended to read as follows:

40.253 1. Except as otherwise provided in subsection 12, in addition to the remedy provided in NRS 40.2512 and 40.290 to 40.420, inclusive, when the tenant of any dwelling, apartment, mobile home or recreational vehicle with periodic rent reserved by the month or any shorter period is in default in payment of the rent, the landlord or the landlord's agent may cause to be served a notice in writing, requiring in the alternative the payment of the rent or the surrender of the premises:

(a) Before the close of business on the seventh judicial day following the day of service; or

(b) If the landlord chooses not to proceed in the manner set forth in paragraph (a) and the rent is reserved by a period of 1 week or less and the tenancy has not continued for more than 45 days, at or before noon of the fourth full day following the day of service.

➡ As used in this subsection, "day of service" means the day the landlord or the landlord's agent personally delivers the notice to the tenant. If personal service was not so delivered, the "day of service" means the day the notice is delivered, after posting and mailing pursuant to subsection 2, to the sheriff or constable for service if the request for service is made before noon. If the request for service by the sheriff or constable is made after noon, the "day of service" shall be deemed to be the day next following the day that the request is made for service by the sheriff or constable.

2. A landlord or the landlord's agent who serves a notice to a tenant pursuant to paragraph (b) of subsection 1 shall attempt to deliver the notice in person in the manner set forth in subsection 2 of NRS 40.2542. If the notice cannot be delivered in person, the landlord or the landlord's agent:

(a) Shall post a copy of the notice in a conspicuous place on the premises and mail the notice by overnight mail; and

(b) After the notice has been posted and mailed, may deliver the notice to the sheriff or constable for service in the manner set forth in subsection 1 of NRS 40.280. The sheriff or constable shall not accept the notice for service unless it is accompanied by written evidence, signed by the tenant when the tenant took possession of the premises, that the landlord or the landlord's agent informed the tenant of the provisions of this section which set forth the lawful procedures for eviction from a short-term tenancy. Upon acceptance, the sheriff or constable shall serve the notice within 48 hours after the request for service was made by the landlord or the landlord's agent.

3. A notice served pursuant to subsection 1 or 2 must:

(a) Identify the court that has jurisdiction over the matter; and

(b) Advise the tenant:

(1) Of the tenant's right to contest the matter by filing, within the time specified in subsection 1 for the payment of the rent or surrender of the premises, an affidavit with the court that has jurisdiction over the matter

stating that the tenant has tendered payment or is not in default in the payment of the rent;

(2) That if the court determines that the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant, directing the sheriff or constable of the county to post the order in a conspicuous place on the premises not later than 24 hours after the order is received by the sheriff or constable. The sheriff or constable shall remove the tenant not earlier than 24 hours but not later than 36 hours after the posting of the order; and

(3) That, pursuant to NRS 118A.390, a tenant may seek relief if a landlord unlawfully removes the tenant from the premises or excludes the tenant by blocking or attempting to block the tenant's entry upon the premises or willfully interrupts or causes or permits the interruption of an essential service required by the rental agreement or chapter 118A of NRS.

4. If the tenant files such an affidavit at or before the time stated in the notice, the landlord or the landlord's agent, after receipt of a file-stamped copy of the affidavit which was filed, shall not provide for the nonadmittance of the tenant to the premises by locking or otherwise.

5. Upon noncompliance with the notice:

(a) The landlord or the landlord's agent may apply by affidavit of complaint for eviction to the justice court of the township in which the dwelling, apartment, mobile home or recreational vehicle are located or to the district court of the county in which the dwelling, apartment, mobile home or recreational vehicle are located, whichever has jurisdiction over the matter. The court may thereupon issue an order directing the sheriff or constable of the county to post the order in a conspicuous place on the premises not later than 24 hours after the order is received by the sheriff or constable. The sheriff or constable shall remove the tenant not earlier than 24 hours but not later than 36 hours after the posting of the order. The affidavit must state or contain:

(1) The date the tenancy commenced.

(2) The amount of periodic rent reserved.

(3) The amounts of any cleaning, security or rent deposits paid in advance, in excess of the first month's rent, by the tenant.

(4) The date the rental payments became delinquent.

(5) The length of time the tenant has remained in possession without paying rent.

(6) The amount of rent claimed due and delinquent.

(7) A statement that the written notice was served on the tenant in accordance with NRS 40.280.

(8) A copy of the written notice served on the tenant.

(9) A copy of the signed written rental agreement, if any.

(b) Except when the tenant has timely filed the affidavit described in subsection 3 and a file-stamped copy of it has been received by the landlord or the landlord's agent, and except when the landlord is prohibited pursuant

to NRS 118A.480, the landlord or the landlord's agent may, in a peaceable manner, provide for the nonadmittance of the tenant to the premises by locking or otherwise.

6. Upon the filing by the tenant of the affidavit permitted in subsection 3, regardless of the information contained in the affidavit, and the filing by the landlord of the affidavit permitted by subsection 5, the justice court or the district court shall hold a hearing, after service of notice of the hearing upon the parties, to determine the truthfulness and sufficiency of any affidavit or notice provided for in this section. If the court determines that there is no legal defense as to the alleged unlawful detainer and the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant. If the court determines that there is a legal defense as to the alleged unlawful detainer, the court shall refuse to grant either party any relief, and, except as otherwise provided in this subsection, shall require that any further proceedings be conducted pursuant to NRS 40.290 to 40.420, inclusive. The issuance of a summary order for removal of the tenant does not preclude an action by the tenant for any damages or other relief to which the tenant may be entitled. If the alleged unlawful detainer was based upon subsection 5 of NRS 40.2514, the refusal by the court to grant relief does not preclude the landlord thereafter from pursuing an action for unlawful detainer in accordance with NRS 40.251.

7. The tenant may, upon payment of the appropriate fees relating to the filing and service of a motion, file a motion with the court, on a form provided by the clerk of the court, to dispute the amount of the costs, if any, claimed by the landlord pursuant to NRS 118A.460 for the inventory, moving and storage of personal property left on the premises. The motion must be filed within 20 days after the summary order for removal of the tenant or the abandonment of the premises by the tenant, or within 20 days after:

- (a) The tenant has vacated or been removed from the premises; and
 - (b) A copy of those charges has been requested by or provided to the tenant,
- ↪ whichever is later.

8. Upon the filing of a motion pursuant to subsection 7, the court shall schedule a hearing on the motion. The hearing must be held within 10 days after the filing of the motion. The court shall affix the date of the hearing to the motion and order a copy served upon the landlord by the sheriff, constable or other process server. At the hearing, the court may:

- (a) Determine the costs, if any, claimed by the landlord pursuant to NRS 118A.460 and any accumulating daily costs; and
- (b) Order the release of the tenant's property upon the payment of the charges determined to be due or if no charges are determined to be due.

9. The tenant may, upon payment of the appropriate fees relating to the filing and service of a motion, file a motion with the court on a form

provided by the clerk of court to dispute the reasonableness of the actions of a landlord pursuant to subsection 3 of NRS 118A.460. The motion must be filed within 5 days after the tenant has vacated or been removed from the premises. Upon the filing of a motion pursuant to this subsection, the court shall schedule a hearing on the motion. The hearing must be held within 5 days after the filing of the motion. The court shall affix the date of the hearing to the motion and order a copy served upon the landlord by the sheriff, constable or other process server. At the hearing, the court may:

(a) Order the landlord to allow the retrieval of the tenant's essential personal effects at the date and time and for a period necessary for the retrieval, as determined by the court; and

(b) Award damages in an amount not greater than \$2,500.

10. In determining the amount of damages, if any, to be awarded under paragraph (b) of subsection 9, the court shall consider:

(a) Whether the landlord acted in good faith;

(b) The course of conduct between the landlord and the tenant; and

(c) The degree of harm to the tenant caused by the landlord's conduct.

11. A landlord shall not refuse to accept rent from a tenant that is submitted after the landlord or the landlord's agent has served or had served a notice pursuant to subsection 1 if the refusal is based on the fact that the tenant has not paid collection fees, attorney's fees or other costs other than rent, a reasonable ~~{charge}~~ fee for late ~~{payments}~~ payment of rent ~~{or dishonored checks,}~~ or a security deposit. As used in this subsection, "security deposit" has the meaning ascribed to it in ~~{NRS 118A.240,}~~ *section 5 of this act*.

12. Except as otherwise provided in NRS 118A.315, this section does not apply to:

(a) The tenant of a mobile home lot in a mobile home park or to the tenant of a recreational vehicle lot in an area of a mobile home park in this State other than an area designated as a recreational vehicle lot pursuant to the provisions of subsection 8 of NRS 40.215.

(b) A tenant who provides proof to the landlord that he or she is a federal worker, tribal worker, state worker or household member of such a worker during a shutdown.

13. As used in this section, "close of business" means the close of business of the court that has jurisdiction over the matter.

Sec. 25. NRS 40.280 is hereby amended to read as follows:

40.280 1. Except as otherwise provided in NRS 40.253 and 40.2542, the notices required by NRS 40.251 to 40.260, inclusive, must be served by the sheriff, a constable, a person who is licensed as a process server pursuant to chapter 648 of NRS or the agent of an attorney licensed to practice in this State:

(a) By delivering a copy to the tenant personally.

(b) If the tenant is absent from the tenant's place of residence or from the tenant's usual place of business, by leaving a copy with a person of suitable

age and discretion at either place and mailing a copy to the tenant at the tenant's place of residence or place of business.

(c) If the place of residence or business cannot be ascertained, or a person of suitable age or discretion cannot be found there, by posting a copy in a conspicuous place on the leased property, delivering a copy to a person there residing, if the person can be found, and mailing a copy to the tenant at the place where the leased property is situated.

2. The notices required by NRS 40.230, 40.240 and 40.414 must be served upon an unlawful or unauthorized occupant:

(a) Except as otherwise provided in this paragraph and paragraph (b), by delivering a copy to the unlawful or unauthorized occupant personally, in the presence of a witness. If service is accomplished by the sheriff, constable or a person who is licensed as a process server pursuant to chapter 648 of NRS, the presence of a witness is not required.

(b) If the unlawful or unauthorized occupant is absent from the real property, by leaving a copy with a person of suitable age and discretion at the property and mailing a copy to the unlawful or unauthorized occupant at the place where the property is situated. If the occupant is unknown, the notice must be addressed to "Current Occupant."

(c) If a person of suitable age or discretion cannot be found at the real property, by posting a copy in a conspicuous place on the property and mailing a copy to the unlawful or unauthorized occupant at the place where the property is situated. If the occupant is unknown, the notice must be addressed to "Current Occupant."

3. Service upon a subtenant may be made in the same manner as provided in subsection 1.

4. Proof of service of any notice required by NRS 40.230 to 40.260, inclusive, must be filed with the court before:

(a) An order for removal of a tenant is issued pursuant to NRS 40.253 or 40.254;

(b) An order for removal of an unlawful or unauthorized occupant is issued pursuant to NRS 40.414;

(c) A writ of restitution is issued pursuant to NRS 40.290 to 40.420, inclusive; or

(d) An order for removal of a commercial tenant pursuant to NRS 40.2542.

5. Proof of service of notice pursuant to NRS 40.230 to 40.260, inclusive, that must be filed before the court may issue an order or writ filed pursuant to paragraph (a), (b) or (c) of subsection 4 must consist of:

(a) Except as otherwise provided in paragraph (b):

(1) If the notice was served pursuant to subsection 1, a written statement, endorsed by the person who served the notice, stating the date and manner of service. The statement must also include the number of the badge or license of the person who served the notice. If the notice was served by the agent of an attorney licensed in this State, the statement must be

accompanied by a declaration, signed by the attorney and bearing the license number of the attorney, stating that the attorney:

(I) Was retained by the landlord in an action pursuant to NRS 40.230 to 40.420, inclusive;

(II) Reviewed the date and manner of service by the agent; and

(III) Believes to the best of his or her knowledge that such service complies with the requirements of this section.

(2) If the notice was served pursuant to paragraph (a) of subsection 2, an affidavit or declaration signed by the tenant or the unlawful or unauthorized occupant, as applicable, and a witness, signed under penalty of perjury by the server, acknowledging that the tenant or occupant received the notice on a specified date.

(3) If the notice was served pursuant to paragraph (b) or (c) of subsection 2, an affidavit or declaration signed under penalty of perjury by the person who served the notice, stating the date and manner of service and accompanied by a confirmation of delivery or certificate of mailing issued by the United States Postal Service or confirmation of actual delivery by a private postal service.

(b) For a short-term tenancy, if service of the notice was not delivered in person:

(1) A certificate of mailing issued by the United States Postal Service or by a private postal service to the landlord or the landlord's agent; or

(2) The endorsement of a sheriff or constable stating the:

(I) Time and date the request for service was made by the landlord or the landlord's agent;

(II) Time, date and manner of the service; and

(III) Fees paid for the service.

6. Proof of service of notice pursuant to NRS 40.230 to 40.260, inclusive, that must be filed before the court may issue an order filed pursuant to paragraph (d) of subsection 4 must consist of:

(a) Except as otherwise provided in paragraphs (b) and (c):

(1) If the notice was served pursuant to subsection 2 of NRS 40.2542, an affidavit or declaration signed by the tenant or the unlawful or unauthorized occupant, and a witness, as applicable, signed under penalty of perjury by the server, acknowledging that the tenant or occupant received the notice on a specified date.

(2) If the notice was served pursuant to paragraph (b) or (c) of subsection 1, an affidavit or declaration signed under penalty of perjury by the person who served the notice, stating the date and manner of service and accompanied by a confirmation of delivery or certificate of mailing issued by the United States Postal Service or confirmation of actual delivery by a private postal service.

(b) If the notice was served by a sheriff, a constable or a person who is licensed as a process server pursuant to chapter 648 of NRS, a written statement, endorsed by the person who served the notice, stating the date and

manner of service. The statement must also include the number of the badge or license of the person who served the notice.

(c) For a short-term tenancy, if service of the notice was not delivered in person:

(1) A certificate of mailing issued by the United States Postal Service or by a private postal service to the landlord or the landlord's agent; or

(2) The endorsement of a sheriff or constable stating the:

(I) Time and date the request for service was made by the landlord or the landlord's agent;

(II) Time, date and manner of the service; and

(III) Fees paid for the service.

7. For the purpose of this section, an agent of an attorney licensed in this State shall only serve notice pursuant to subsection 1 if:

(a) The landlord has retained the attorney in an action pursuant to NRS 40.230 to 40.420, inclusive; ~~and~~

(b) The agent is acting at the direction and under the direct supervision of the attorney ~~[-]~~; and

(c) *The agent is not employed as the property manager of any premises in this State.*

Sec. 26. NRS 73.012 is hereby amended to read as follows:

73.012 1. A corporation, partnership, business trust, estate, trust, association or any other nongovernmental legal or commercial entity may be represented by its director, officer or employee in an action mentioned or covered by this chapter.

2. *A landlord may be represented by his or her agent in an action mentioned or covered by this chapter.*

Sec. 26.5. 1. The amendatory provisions of this act do not apply to the tenant of a dwelling that is a manufactured home or on the premises of a manufactured home lot or a manufactured home park.

2. As used in this section:

(a) "Dwelling" has the meaning ascribed to it in 118A.080.

(b) "Manufactured home" has the meaning ascribed to it in NRS 118B.015.

(c) "Manufactured home lot" has the meaning ascribed to it in NRS 118B.016.

(d) "Manufactured home park" has the meaning ascribed to it in NRS 118B.017.

(e) "Tenant" has the meaning ascribed to it in NRS 118A.170.

Sec. 27. Any rental agreement between a landlord and tenant entered into before the effective date of this act is binding upon the parties to the agreement and may be enforced on or after the effective date of this act, regardless of whether any provision of the rental agreement conflicts with the amendatory provisions of this act.

Sec. 28. NRS 118A.240 is hereby repealed.

Sec. 29. This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTION

118A.240 "Security deposit" defined.

1. Any payment, deposit, fee or charge that is to be used for any of the following purposes is a "security deposit" and is governed by the provisions of this section and NRS 118A.242 and 118A.244:

(a) Remediating any default of the tenant in the payments of rent.

(b) Repairing damages to the premises other than normal wear caused by the tenant.

(c) Cleaning the dwelling unit.

2. "Security deposit" does not include:

(a) Any payment, deposit or fee to secure an option to purchase the premises; or

(b) Any payment to a corporation qualified under the laws of this State as a surety, guarantor or obligator for a premium paid to secure a surety bond or a similar bond, guarantee or insurance coverage for purposes of securing a tenant's obligations to a landlord as described in NRS 118A.242.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 94 to Senate Bill No. 78 deletes the definition of "cleaning deposit" and removes some restrictions on cleaning deposits; revises provisions for security deposits, adjusts rental application fees, changes the notice period for transferring outstanding amounts to collection or credit reporting agencies, alters the enforcement period for residential lease agreement provisions, retains notice periods for landlord or agent changes and rent increases and provisions concerning the purchase of a surety bond by a tenant, amends itemized accounting requirements for security deposits and states that the bill's provisions do not apply to manufactured homes.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 92.

Bill read second time.

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

Amendment No. 473.

SUMMARY—Revises provisions relating to sidewalk vendors. (BDR 20-53)

AN ACT relating to sidewalk vendors; establishing certain requirements for the regulation of sidewalk vendors by the governing body of certain counties and cities; requiring a local board of health to adopt certain regulations relating to sidewalk vendors who sell food; creating the Task Force on Safe Sidewalk Vending; setting forth the membership and duties of the Task Force on Safe Sidewalk Vending; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law grants a governing body of a county or city all powers necessary and proper to address matters of local concern. (NRS 244.146,

268.0035) Sections 1-11 and ~~[15-24]~~ 15-24.5 of this bill set forth various requirements for the licensing and regulation of ~~street food and merchandise~~ sidewalk vendors of food by the governing body of certain counties and cities.

Sections 2 and 16 of this bill provide that the provisions of sections 1-10 and 15-25 of this bill apply only to a county whose population is 100,000 or more (currently Clark and Washoe Counties) or to a city in a county whose population is 100,000 or more.

Sections 4-6 and 18-20 of this bill define the terms "roaming sidewalk vendor," "sidewalk vendor" and "stationary sidewalk vendor."

Sections 7 and 21 of this bill authorize a governing body of a county or city to adopt an ordinance regulating sidewalk vendors. Sections 7 and 21 also prohibit a governing body of a county or city from ~~[1]~~, with certain exceptions: (1) enforcing or enacting a complete prohibition on sidewalk vending; (2) imposing criminal penalties for the act of sidewalk vending ~~[1]~~ in a residential area; or (3) regulating sidewalk vendors, except in compliance or substantial compliance with the provisions of this bill.

Sections 7.5 and 21.5 of this bill prohibit a person from selling food upon a public sidewalk or pedestrian path from a nonmotorized conveyance within 1,500 feet of: (1) a resort hotel; (2) certain event facilities; (3) certain convention facilities; and (4) state historical markers.

Sections 8 and 22 of this bill authorize a governing body of a county or city to require that a sidewalk vendor: (1) hold certain state and local permits or licenses; and (2) submit certain information to the county or city.

Sections 9 and 23 of this bill provide that an ordinance adopted by a governing body of a county or city ~~[1] (1) may not impose certain restrictions on sidewalk vending, including restricting a sidewalk vendor to certain parts of the public right of way or requiring a sidewalk vendor to operate only in certain designated areas or neighborhoods; and (2)]~~ may, with certain exceptions, impose additional requirements regulating the time, place and manner of sidewalk vending.

Sections 10 and 24 of this bill authorize a governing body of a county or city to impose by ordinance certain ~~administrative~~ penalties and fines for a violation of the provisions of the ordinance regulating sidewalk vendors ~~[1]~~ or for operating without any required license or permit for sidewalk vendors.

Sections 10.5 and 24.5 of this bill provide that the provisions of this bill governing the regulation of sidewalk vendors by a governing body of county or city shall not be construed to: (1) exempt a person from complying with any state or local law or regulation; or (2) provide a defense to any criminal act that is not related to the act of sidewalk vending.

Section 11 of this bill makes a conforming change to create an exception to the authority of a board of county commissioners to regulate all character of lawful trades, callings, industries, occupations, professions and business.

Existing law authorizes a local board of health to adopt regulations relating to food establishments. (NRS 446.940) Section 25 of this bill requires a local

board of health to adopt regulations to establish a process for a person to apply for a permit, license or other authorization from the local board of health to operate as a sidewalk vendor and that allow a person applying for ~~to~~ ~~permit~~ any such authorization to operate as a sidewalk vendor to: (1) pay any fees required by the local board of health using a payment plan; and (2) obtain any necessary certification as a food handler if the person does not have a driver's license or identification card.

Section 13 of this bill creates the Task Force on Safe Sidewalk Vending in the Office of the Secretary of State and requires the Secretary of State to appoint nine members to the Task Force. Section 14 of this bill requires the Task Force to review existing laws governing sidewalk vending and recommend approaches to improve the laws of this State and cities and counties of this State governing sidewalk vending.

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

Section 1. Chapter 244 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to ~~10,~~ 10.5, inclusive, of this act.

Sec. 2. *The provisions of sections 2 to ~~10,~~ 10.5, inclusive, of this act apply only to a county whose population is 100,000 or more.*

Sec. 3. *As used in sections 2 to ~~10,~~ 10.5, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4, 5 and 6 of this act have the meanings ascribed to them in those sections.*

Sec. 4. *"Roaming sidewalk vendor" means a sidewalk vendor who moves from place to place and stops only to sell food ~~for merchandise.~~*

Sec. 5. *"Sidewalk vendor" means a person who sells food ~~for merchandise~~ upon a public sidewalk or other pedestrian path from a nonmotorized conveyance, including, without limitation, a pushcart, stand, display, pedal-driven cart, wagon, showcase or rack. This term includes, without limitation, a roaming sidewalk vendor and a stationary sidewalk vendor.*

Sec. 6. *"Stationary sidewalk vendor" means a sidewalk vendor who sells food ~~for merchandise~~ from a fixed location.*

Sec. 7. 1. A board of county commissioners may adopt an ordinance regulating sidewalk vendors in accordance with the requirements of sections 2 to 10.5, inclusive, of this act.

2. Except as otherwise provided in sections 2 to 10.5, inclusive, of this act, a board of county commissioners shall not:

(a) Enact or enforce a complete prohibition on sidewalk vendors.

(b) Impose a criminal penalty on the act of sidewalk vending ~~for~~ in a residential area.

~~{2. If a board of county commissioners adopts an ordinance regulating sidewalk vendors, the ordinance must comply with the requirements of sections 2 to 10, inclusive, of this act.}~~

3. A board of county commissioners that does not adopt an ordinance that complies or substantially complies with sections 2 to ~~10,~~ 10.5,

inclusive, of this act, shall not cite, fine or prosecute a sidewalk vendor for a violation of any rule or regulation that is inconsistent with the provisions of sections 2 to ~~10,~~ 10.5, inclusive, of this act.

Sec. 7.5. 1. A person shall not sell food upon a public sidewalk or pedestrian path from a nonmotorized conveyance, including, without limitation, a pushcart, stand, display, pedal-driven cart, wagon, showcase or rack, within 1,500 feet of:

(a) A resort hotel, as defined in NRS 463.01865;

(b) An event facility that has seating capacity for at least 20,000 people and is constructed to accommodate a major or minor league sports team;

(c) A convention facility operated by a county fair and recreation board;
or

(d) A state historical marker.

2. For any violation of subsection 1, a board of county commissioners may impose a criminal, civil or administrative penalty in accordance with an ordinance adopted by the board of county commissioners pursuant to section 7 of this act.

Sec. 8. An ordinance adopted by a board of county commissioners regulating sidewalk vendors pursuant to section 7 of this act may require that a sidewalk vendor:

1. Hold:

(a) A permit or license for sidewalk vending;

(b) A state business license; and

(c) Any other licenses issued by a state or local governmental agency to the extent otherwise required by law.

➡ Nothing in this section shall be construed to authorize a sidewalk vendor to not comply with any requirement to obtain a state business license or other license issued by a state agency or any permit or license issued by a local government, agency or board of health to the extent otherwise required by law.

2. Submit information to the designated representative of the county relating to his or her operations, including, with limitation:

(a) The name and current mailing address of the sidewalk vendor;

(b) If the sidewalk vendor is an agent of an individual, company, partnership or corporation, the name and business address of the principal office;

(c) A description of the food ~~for merchandise~~ offered for sale; and

(d) A certification by the sidewalk vendor that, to the best of his or her knowledge and belief, the information submitted pursuant to this section is true.

Sec. 9. ~~1. Except as otherwise provided in subsection 2, an ordinance adopted by a board of county commissioners that regulates sidewalk vendors must not:~~

~~(a) Require a sidewalk vendor to:~~

~~(1) Operate within specific parts of the public right of way;~~

~~(2) Obtain the consent or approval of any nongovernmental entity or individual before the sidewalk vendor may sell food or merchandise; or~~

~~(3) Operate only in a designated neighborhood or area;~~

~~(b) Prohibit a sidewalk vendor from selling food or merchandise in a park owned or operated by the county, unless the operator of the park has signed an agreement for concessions that exclusively permits the sale of food or merchandise by the concessionaire; or~~

~~(c) Restrict the overall number of sidewalk vendors permitted to operate within the county.~~

~~2.7~~ In addition to the provisions of section 8 of this act, an ordinance adopted by a board of county commissioners that regulates sidewalk vendors may:

(a) Adopt requirements regulating the time, place and manner of sidewalk vending if the requirements are objectively and directly related to the health, safety or welfare concerns of the public, which may include, without limitation:

(1) Restrictions on ~~fr~~

~~(I) The] the hours of operation of a sidewalk vendor, which may not be funduly restrictive. In a nonresidential area, any restriction on the hours of operation of a sidewalk vendor must not be] more restrictive than any restriction imposed by any applicable ordinance regulating noise or any restriction on the hours of operation imposed on home-based businesses or other businesses for uses on the same street.~~

~~(II) Sidewalk vending in a park owned or operated by the county if the restrictions are necessary to ensure the use and enjoyment by the public of natural resources and recreational opportunities or to prevent an unreasonable interference with the scenic and natural character of the park.] that are similar to sidewalk vending; and~~

(2) Requirements to:

(I) Maintain sanitary conditions ~~fr~~ and comply with the regulations adopted by a local board of health pursuant to section 25 of this act.

(II) Ensure compliance with the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.

(b) Restrict or prohibit sidewalk vendors from operating:

(1) In areas located within the immediate vicinity of a farmers' market licensed pursuant to NRS 244.337 during the operating hours of the farmers' market.

(2) Within the immediate vicinity of an area designated for a temporary special event by the board of county commissioners, provided that any notice or other right provided to affected businesses or property owners during the temporary special event is also provided to any sidewalk vendors permitted to operate in the area, if applicable. A prohibition of sidewalk vendors pursuant to this subparagraph must only be effective for the limited duration of the temporary special event.

(3) Within a set distance established by the board of county commissioners of ~~ten~~ ;

(I) Except as otherwise provided in section 7.5 of this act, an establishment that holds a nonrestricted gaming license described in subsection 1 or 2 of NRS 463.0177 ~~is~~ ;

(II) A food establishment;

(III) A school, child care facility, community center, polling place, religious institution or place of worship or park or recreational facility owned by the county; or

(IV) A highly trafficked pedestrian mall, convention center or designated entertainment district.

(4) In residential areas, ~~that are zoned exclusively for residential use,~~ but must not prohibit roaming sidewalk vendors in such areas.

~~[(c) Establish a schedule of administrative fines for violations of the ordinance in accordance with the requirements of section 10 of this act.~~

~~3. For the purposes of this section, perceived community animus or economic competition does not constitute an objective health, safety or welfare concern.]~~

2. As used in this section:

(a) "Entertainment district" means a contiguous area located within a county that:

(1) Is zoned for or customarily used for commercial purposes; and

(2) Contains any number and combination of restaurants, bars, entertainment establishments, music venues, theaters, art galleries or studios, dance studios or athletic stadiums.

(b) "Pedestrian mall" has the meaning ascribed to it in NRS 268.811.

Sec. 10. 1. ~~[Except as otherwise provided in subsection 2, in] In~~ accordance with an ordinance adopted pursuant to sections 2 to ~~10,~~ 10.5, inclusive, of this act, a board of county commissioners may ~~impose an administrative fine on a sidewalk vendor not to exceed:~~

~~— (a) For a first violation, \$100;~~

~~— (b) For a second violation within 1 year of the first violation, \$200; and~~

~~— (c) For a third or subsequent violation within 1 year of the first violation, \$500.~~

~~2. If a board of county commissioners requires a sidewalk vendor to obtain a permit for sidewalk vending, the board of county commissioners may, for a violation of the requirement to obtain the permit:~~

~~— (a) Impose an administrative fine not to exceed:~~

~~— (1) For a first violation, \$250;~~

~~— (2) For a second violation within 1 year of the first violation, \$500; and~~

~~— (3) For a third or subsequent violation within 1 year of the first violation, \$1,000; and~~

~~— (b) Suspend or revoke a permit issued to a sidewalk vendor for the term of that permit upon a fourth or subsequent violation.~~

~~Upon proof of a valid permit issued by the county, the administrative fines set forth in this subsection must be reduced to the administrative fines set forth in subsection 1.~~

~~3. No additional fines, fees, assessments or any other financial conditions beyond those authorized by this section may be imposed by ordinance. When imposing an administrative fine in accordance with the provisions of this section, the ability of the person to pay the fine must be taken into consideration. In lieu of paying an administrative fine, an ordinance adopted pursuant to sections 2 to 10, inclusive, of this act, must allow for:~~

~~(a) A person to complete community service in lieu of paying an administrative fine;~~

~~(b) The fine to be waived; or~~

~~(c) An alternative disposition.] :~~

(a) Suspend or revoke any permit or license for sidewalk vending for any violation of the ordinance or the terms or conditions of the permit or license in the same manner as such suspensions or revocations are imposed for other types of businesses;

(b) Impose a civil penalty on the holder of a permit or license for sidewalk vending that engages in sidewalk vending in a residential area or for any violation of the terms or conditions of the permit or license in accordance with the schedule of civil penalties set forth in the ordinance, if any;

(c) Impose a civil penalty on a person who engages in sidewalk vending without holding a permit or license for sidewalk vending required by the ordinance in accordance with the schedule of civil penalties set forth in the ordinance, if any; and

(d) Authorize any other action to prevent the sale or consumption of any food or drink that violates any requirements established by a local board of health pursuant to section 25 of this act.

2. For any person who engages in sidewalk vending without holding a permit or license for sidewalk vending or who engages in sidewalk vending in a prohibited area, a board of county commissioners may also take any other action authorized under existing law to enforce any prohibition on unlicensed business activities, including, without limitation, any action authorized pursuant to section 7.5 of this act.

Sec. 10.5. The provisions of sections 2 to 10.5, inclusive, of this act shall not be construed to:

1. Exempt a person from complying with any state or local law or regulation; or

2. Provide a defense to any criminal charge unrelated to the act of sidewalk vending.

Sec. 11. NRS 244.335 is hereby amended to read as follows:

244.335 1. Except as otherwise provided in subsections 2, 3, 4 and 9, and NRS 244.33501, 244.35253, 244.3535 and 244.35351 to 244.35359, inclusive, a board of county commissioners may:

(a) Except as otherwise provided in NRS 244.331 to 244.3345, inclusive, 598D.150 and 640C.100, *and sections 2 to ~~10.5~~ 10.5, inclusive, of this act*, regulate all character of lawful trades, callings, industries, occupations, professions and business conducted in its county outside of the limits of incorporated cities and towns.

(b) Except as otherwise provided in NRS 244.3359 and 576.128, fix, impose and collect a license tax for revenue or for regulation, or for both revenue and regulation, on such trades, callings, industries, occupations, professions and business.

2. The county license boards have the exclusive power in their respective counties to regulate entertainers employed by an entertainment by referral service and the business of conducting a dancing hall, escort service, entertainment by referral service or gambling game or device permitted by law, outside of an incorporated city. The county license boards may fix, impose and collect license taxes for revenue or for regulation, or for both revenue and regulation, on such employment and businesses.

3. A board of county commissioners shall not require that a person who is licensed as a contractor pursuant to chapter 624 of NRS obtain more than one license to engage in the business of contracting or pay more than one license tax related to engaging in the business of contracting, regardless of the number of classifications or subclassifications of licensing for which the person is licensed pursuant to chapter 624 of NRS.

4. The board of county commissioners or county license board shall not require a person to obtain a license or pay a license tax on the sole basis that the person is a professional. As used in this subsection, "professional" means a person who:

(a) Holds a license, certificate, registration, permit or similar type of authorization issued by a regulatory body as defined in NRS 622.060 or who is regulated pursuant to the Nevada Supreme Court Rules; and

(b) Practices his or her profession for any type of compensation as an employee.

5. The county license board shall provide upon request an application for a state business license pursuant to chapter 76 of NRS. No license to engage in any type of business may be granted unless the applicant for the license:

(a) Signs an affidavit affirming that the business has complied with the provisions of chapter 76 of NRS; or

(b) Provides to the county license board the business identification number of the applicant assigned by the Secretary of State pursuant to NRS 225.082 which the county may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of chapter 76 of NRS.

6. No license to engage in business as a seller of tangible personal property may be granted unless the applicant for the license:

(a) Presents written evidence that:

(1) The Department of Taxation has issued or will issue a permit for this activity, and this evidence clearly identifies the business by name; or

(2) Another regulatory agency of the State has issued or will issue a license required for this activity; or

(b) Provides to the county license board the business identification number of the applicant assigned by the Secretary of State pursuant to NRS 225.082 which the county may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of paragraph (a).

7. Any license tax levied for the purposes of NRS 244.3358 or 244A.597 to 244A.655, inclusive, constitutes a lien upon the real and personal property of the business upon which the tax was levied until the tax is paid. The lien has the same priority as a lien for general taxes. The lien must be enforced:

(a) By recording in the office of the county recorder, within 6 months after the date on which the tax became delinquent or was otherwise determined to be due and owing, a notice of the tax lien containing the following:

(1) The amount of tax due and the appropriate year;

(2) The name of the record owner of the property;

(3) A description of the property sufficient for identification; and

(4) A verification by the oath of any member of the board of county commissioners or the county fair and recreation board; and

(b) By an action for foreclosure against the property in the same manner as an action for foreclosure of any other lien, commenced within 2 years after the date of recording of the notice of the tax lien, and accompanied by appropriate notice to other lienholders.

8. The board of county commissioners may delegate the authority to enforce liens from taxes levied for the purposes of NRS 244A.597 to 244A.655, inclusive, to the county fair and recreation board. If the authority is so delegated, the board of county commissioners shall revoke or suspend the license of a business upon certification by the county fair and recreation board that the license tax has become delinquent, and shall not reinstate the license until the tax is paid. Except as otherwise provided in NRS 239.0115 and 244.3357, all information concerning license taxes levied by an ordinance authorized by this section or other information concerning the business affairs or operation of any licensee obtained as a result of the payment of such license taxes or as the result of any audit or examination of the books by any authorized employee of a county fair and recreation board of the county for any license tax levied for the purpose of NRS 244A.597 to 244A.655, inclusive, is confidential and must not be disclosed by any member, officer or employee of the county fair and recreation board or the county imposing the license tax unless the disclosure is authorized by the affirmative action of a majority of the members of the appropriate county fair and recreation board. Continuing disclosure may be so authorized under an agreement with the Department of Taxation or Secretary of State for the exchange of information concerning taxpayers.

9. Except as otherwise provided by regulations adopted by the Cannabis Compliance Board pursuant to NRS 678B.645, a board of county commissioners shall not license or otherwise allow a person to operate a business that allows cannabis, as defined in NRS 678A.085, or cannabis products, as defined in NRS 678A.120, to be consumed on the premises of the business, other than a cannabis consumption lounge, as defined in NRS 678A.087, in accordance with the provisions of chapter 678B of NRS.

Sec. 12. Chapter 225 of NRS is hereby amended by adding thereto the provisions set forth as sections 13 and 14 of this act.

Sec. 13. 1. *The Task Force on Safe Sidewalk Vending is hereby created within the Office of the Secretary of State.*

2. *The Task Force consists of the following nine members appointed by the Secretary of State:*

(a) *A representative of a health district in this State;*

(b) *A representative employed by a county or city whose primary duties are the performance of tasks related to ~~code enforcement or zoning;~~ business licensing;*

(c) *A representative ~~who owns a small business~~ of the gaming or restaurant industries in this State;*

(d) *A representative from ~~a rural area of this State;~~ a law enforcement agency;*

(e) *A representative from the Office of the Secretary of State; and*

(f) *Four members at large chosen by the Secretary of State ~~for~~, with priority given to persons who are sidewalk vendors or are affiliated with a community organization that represents and affiliates with sidewalk vendors.*

3. *The members of the Task Force:*

(a) *Shall serve terms of 3 years. A member may be reappointed to the Task Force and any vacancy must be filled in the same manner as the original appointment.*

(b) *Serve without compensation.*

4. *A majority of the members of the Task Force constitutes a quorum for the transaction of business, and a majority of these members present at the meeting is sufficient for any official action taken by the Task Force.*

5. *~~As used in this section, "code enforcement" means the enforcement of laws, ordinances or codes regulating public nuisances or the public health, safety and welfare.~~ To support the activities of the Task Force, the Secretary of State may establish an advisory board composed of representatives of counties, cities and businesses, including, without limitation, a member of a health department or health district.*

Sec. 14. 1. *The Task Force on Safe Sidewalk Vending created by section 13 of this act shall:*

(a) *Review the existing laws of this State, the cities and counties in this State and those of other states and municipalities relating to sidewalk vending; and*

(b) Recommend approaches to improve the laws of this State and the cities and counties of this State to:

- (1) Legalize sidewalk vending;
- (2) Simplify and standardize the laws governing sidewalk vending;
- (3) Remove unnecessary barriers to sidewalk vending; ~~and~~
- (4) Protect the public health, safety and welfare by ensuring sidewalk vendors follow clear and narrowly tailored laws which address demonstrable health, safety and welfare risks ~~for~~ ; and
- (5) Develop enforcement mechanisms, including, without limitation, civil penalties for sidewalk vendors that operate in prohibited areas.

2. On or before September 1 of each even-numbered year, the Task Force shall submit to the Director of the Legislative Counsel Bureau for submission to the Legislative Commission a written report. The report must include, without limitation, a summary of the work of the Task Force and any recommendations for legislation.

Sec. 15. Chapter 268 of NRS is hereby amended by adding thereto the provisions set forth as sections 16 to ~~[24.]~~ 24.5, inclusive, of this act.

Sec. 16. The provisions of sections 16 to ~~[24.]~~ 24.5, inclusive, of this act apply only to a city in a county whose population is 100,000 or more.

Sec. 17. As used in sections 16 to ~~[24.]~~ 24.5, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 18, 19 and 20 of this act have the meanings ascribed to them in those sections.

Sec. 18. "Roaming sidewalk vendor" means a sidewalk vendor who moves from place to place and stops only to sell food ~~for merchandise.~~

Sec. 19. "Sidewalk vendor" means a person who sells food ~~for merchandise~~ upon a public sidewalk or other pedestrian path from a nonmotorized conveyance, including, without limitation, a pushcart, stand, display, pedal-driven cart, wagon, showcase or rack. This term includes, without limitation, a roaming sidewalk vendor and a stationary sidewalk vendor.

Sec. 20. "Stationary sidewalk vendor" means a sidewalk vendor who sells food ~~for merchandise~~ from a fixed location.

Sec. 21. 1. A city council or other governing body of an incorporated city may adopt an ordinance regulating sidewalk vendors in accordance with the requirements of sections 16 to 24.5, inclusive, of this act.

2. Except as otherwise provided in sections 16 to 24.5, inclusive, of this act, a city council or other governing body of an incorporated city shall not:

- (a) Enact or enforce a complete prohibition on sidewalk vendors.
- (b) Impose a criminal penalty on the act of sidewalk vending ~~for~~ in a residential area.

~~[2. If a city council or other governing body of an incorporated city adopts an ordinance regulating sidewalk vendors, the ordinance must comply with the requirements of sections 16 to 24, inclusive, of this act.]~~

3. A city council or other governing body of an incorporated city that does not adopt an ordinance that complies or substantially complies with

sections 16 to ~~{24,}~~ 24.5, inclusive, of this act, shall not cite, fine or prosecute a sidewalk vendor for a violation of any rule or regulation that is inconsistent with the provisions of sections 16 to ~~{24,}~~ 24.5, inclusive, of this act.

Sec. 21.5. 1. A person shall not sell food upon a public sidewalk or pedestrian path from a nonmotorized conveyance, including, without limitation, a pushcart, stand, display, pedal-driven cart, wagon, showcase or rack, within 1,500 feet of:

(a) A resort hotel, as defined in NRS 463.01865;

(b) An event facility that has seating capacity for at least 20,000 people and is constructed to accommodate a major or minor league sports team;

(c) A convention facility operated by a county fair and recreation board;
or

(d) A state historical marker.

2. For any violation of subsection 1, a city council or other governing body of an incorporated city may impose a criminal, civil or administrative penalty in accordance with an ordinance adopted by the city council or other governing body of an incorporated city pursuant to section 21 of this act.

Sec. 22. An ordinance adopted by a city council or other governing body of an incorporated city regulating sidewalk vendors pursuant to section 21 of this act may require that a sidewalk vendor:

1. Hold:

(a) A permit or license for sidewalk vending;

(b) A state business license; and

(c) Any other licenses issued by a state or local governmental agency to the extent otherwise required by law.

➡ Nothing in this section shall be construed to authorize a sidewalk vendor to not comply with any requirement to obtain a state business license or other license issued by a state agency or any permit or license issued by a local government, agency or board of health to the extent otherwise required by law.

2. Submit information to the designated representative of the city relating to his or her operations, including, with limitation:

(a) The name and current mailing address of the sidewalk vendor;

(b) If the sidewalk vendor is an agent of an individual, company, partnership or corporation, the name and business address of the principal office;

(c) A description of the food ~~for merchandise~~ offered for sale; and

(d) A certification by the sidewalk vendor that, to the best of his or her knowledge and belief, the information submitted pursuant to this section is true.

Sec. 23. ~~1. Except as otherwise provided in subsection 2, an ordinance adopted by a city council or other governing body of an incorporated city that regulates sidewalk vendors must not:~~

~~(a) Require a sidewalk vendor to:~~

- ~~— (1) Operate within specific parts of the public right of way;~~
- ~~— (2) Obtain the consent or approval of any nongovernmental entity or individual before the sidewalk vendor may sell food or merchandise; or~~
- ~~— (3) Operate only in a designated neighborhood or area;~~
- ~~— (b) Prohibit a sidewalk vendor from selling food or merchandise in a park owned or operated by the city, unless the operator of the park has signed an agreement for concessions that exclusively permits the sale of food or merchandise by the concessionaire; or~~
- ~~— (c) Restrict the overall number of sidewalk vendors permitted to operate within the city.~~

~~— 2.1~~ In addition to the provisions of section 22 of this act, an ordinance adopted by a city council or other governing body of an incorporated city that regulates sidewalk vendors may:

(a) Adopt requirements regulating the time, place and manner of sidewalk vending if the requirements are objectively and directly related to the health, safety or welfare concerns of the public, which may include, without limitation:

(1) Restrictions on ~~the~~

~~— (I) The] the hours of operation of a sidewalk vendor, which may not be unduly restrictive. In a nonresidential area, any restriction on the hours of operation of a sidewalk vendor must not be] more restrictive than any restriction imposed by any applicable ordinance regulating noise or any restriction on the hours of operation imposed on home-based businesses or other businesses for uses on the same street.~~

~~— (II) Sidewalk vending in a park owned or operated by the city if the restrictions are necessary to ensure the use and enjoyment by the public of natural resources and recreational opportunities or to prevent an unreasonable interference with the scenic and natural character of the park.] that are similar to sidewalk vending; and~~

(2) Requirements to:

(I) Maintain sanitary conditions ~~and~~ and comply with the regulations adopted by a local board of health pursuant to section 25 of this act.

(II) Ensure compliance with the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.

(b) Restrict or prohibit sidewalk vendors from operating:

(1) In areas located within the immediate vicinity of a farmers' market licensed pursuant to NRS 268.092 during the operating hours of the farmers' market.

(2) Within the immediate vicinity of an area designated for a temporary special event by the city council or other governing body of an incorporated city, provided that any notice or other right provided to affected businesses or property owners during the temporary special event is also provided to any sidewalk vendors permitted to operate in the area, if applicable. A prohibition of sidewalk vendors pursuant to this subparagraph must only be effective for the limited duration of the temporary special event.

(3) Within a set distance established by the city council or other governing body of an incorporated city of:

(I) Except as otherwise provided in section 21.5 of this act, an establishment that holds a nonrestricted gaming license described in subsection 1 or 2 of NRS 463.0177 ~~is~~;

(II) A food establishment;

(III) A school, child care facility, community center, polling place, religious institution or place of worship or a park or recreational facility owned by the city; or

(IV) A highly trafficked pedestrian mall, convention center or designated entertainment district.

(4) In residential areas, ~~that are zoned exclusively for residential use,~~ but must not prohibit roaming sidewalk vendors in such areas.

~~[(c) Establish a schedule of administrative fines for violations of the ordinance in accordance with the requirements of section 24 of this act.~~

~~3. For the purposes of this section, perceived community animus or economic competition does not constitute an objective health, safety or welfare concern.]~~

2. As used in this section:

(a) "Entertainment district" means a contiguous area located within a city that:

(1) Is zoned for or customarily used for commercial purposes; and

(2) Contains any number and combination of restaurants, bars, entertainment establishments, music venues, theaters, art galleries or studios, dance studios or athletic stadiums.

(b) "Pedestrian mall" has the meaning ascribed to it in NRS 268.811.

Sec. 24. 1. ~~[Except as otherwise provided in subsection 2, in] In accordance with an ordinance adopted pursuant to sections 16 to ~~[24,]~~ 24.5, inclusive, of this act, a city council or other governing body of an incorporated city may ~~impose an administrative fine on a sidewalk vendor not to exceed:~~~~

~~— (a) For a first violation, \$100;~~

~~— (b) For a second violation within 1 year of the first violation, \$200; and~~

~~— (c) For a third or subsequent violation within 1 year of the first violation, \$500.~~

~~2. If a city council or other governing body of an incorporated city requires a sidewalk vendor to obtain a permit for sidewalk vending, the city council or other governing body of an incorporated city may, for a violation of the requirement to obtain the permit:~~

~~— (a) Impose an administrative fine not to exceed:~~

~~— (1) For a first violation, \$250;~~

~~— (2) For a second violation within 1 year of the first violation, \$500; and~~

~~— (3) For a third or subsequent violation within 1 year of the first violation, \$1,000; and~~

~~(b) Suspend or revoke a permit issued to a sidewalk vendor for the term of that permit upon a fourth or subsequent violation.~~

~~➤ Upon proof of a valid permit issued by the city council or other governing body of an incorporated city, the administrative fines set forth in this subsection must be reduced to the administrative fines set forth in subsection 1.~~

~~3. No additional fines, fees, assessments or any other financial conditions beyond those authorized by this section may be imposed by ordinance. When imposing an administrative fine in accordance with the provisions of this section, the ability of the person to pay the fine must be taken into consideration. In lieu of paying an administrative fine, an ordinance adopted pursuant to sections 16 to 24, inclusive, of this act, must allow for:~~

~~(a) A person to complete community service in lieu of paying an administrative fine;~~

~~(b) The fine to be waived; or~~

~~(c) An alternative disposition.]:~~

(a) Suspend or revoke any permit or license for sidewalk vending for any violation of the ordinance or the terms or conditions of the permit or license in the same manner as such suspensions or revocations are imposed for other types of businesses;

(b) Impose a civil penalty on the holder of a permit or license for sidewalk vending that engages in sidewalk vending in a residential area or for any violation of the terms or conditions of the permit or license in accordance with the schedule of civil penalties set forth in the ordinance, if any;

(c) Impose a civil penalty on a person who engages in sidewalk vending without holding a permit or license for sidewalk vending required by the ordinance in accordance with the schedule of civil penalties set forth in the ordinance, if any; and

(d) Authorize any other action to prevent the sale or consumption of any food or drink that violates any requirements established by a local board of health pursuant to section 25 of this act.

2. For any person who engages in sidewalk vending without holding a permit or license for sidewalk vending or who engages in sidewalk vending in a prohibited area, a city council or other governing body of an incorporated city may also take any other action authorized under existing law to enforce any prohibition on unlicensed business activities, including, without limitation, any action authorized pursuant to section 21.5 of this act.

Sec. 24.5. The provisions of sections 16 to 24.5, inclusive, of this act, shall not be construed to:

1. Exempt a person from complying with any state or local law or regulation; or

2. Provide a defense to any criminal charge unrelated to the act of sidewalk vending.

Sec. 25. Chapter 446 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A local board of health in a county whose population is 100,000 or more or a city in a county whose population is 100,000 or more shall adopt regulations pursuant to NRS 446.940 ~~for~~ regulating sidewalk vendors of food which must, without limitation:

(a) Establish a process for a person to apply to the local board of health for a permit, license or other authorization to operate as a sidewalk vendor;

(b) Provide for a person applying for a permit, license or other authorization for sidewalk vending to pay any fees required by the local board of health using a payment plan; and

~~((b))~~ (c) Establish procedures for a person seeking to operate as a sidewalk vendor who does not have a drivers' license or identification card issued by this State or another State, the District of Columbia or any territory of the United States to obtain any certification required by the local board of health as a food handler.

2. As used in this section:

(a) "Roaming sidewalk vendor" means a sidewalk vendor who moves from place to place and stops only to sell food.

(b) "Sidewalk vendor" means a person who sells food upon a public sidewalk or other pedestrian path from a nonmotorized conveyance, including, without limitation, a pushcart, stand, display, pedal-driven cart, wagon, showcase or rack. This term includes a roaming sidewalk vendor and a stationary sidewalk vendor.

(c) "Stationary sidewalk vendor" means a sidewalk vendor who sells food from a fixed location.

Sec. 26. Any ordinance, regulation or rule of a county or city which conflicts with the provisions of this act is void and unenforceable.

Sec. 26.5. Each local board of health in a county whose population is 100,000 or more and local board of health of a city in a county whose population is 100,000 or more shall adopt the regulations required by section 25 of this act on or before January 1, 2024.

Sec. 27. ~~[1. The provisions of sections 2 to 11, inclusive, and 15 to 24, inclusive, of this act apply to any pending criminal proceeding for a violation of an ordinance regulating the act of sidewalk vending. All pending criminal proceedings for a violation of such an ordinance or regulation shall be dismissed. Any person who is currently serving or who has completed a sentence, or who is subject to a criminal fine, for a conviction for the act of sidewalk vending, whether by trial or by open or negotiated plea, who would not have been guilty of that offense under the provisions of sections 2 to 11, inclusive, and 15 to 24, inclusive, of this act may petition for dismissal of the sentence, fine or conviction.~~

~~2. Nothing in this section is intended to diminish or abrogate:~~

~~(a) Any rights or remedies otherwise available to a petitioner; or~~

~~(b) The finality of judgements in any case that does not fall within the provisions of sections 2 to 11, inclusive, and 15 to 24, inclusive, of this act.] (Deleted by amendment.)~~

Sec. 27.5. The amendatory provisions of this section and sections 2 to 11, inclusive, and 16 to 26.5, inclusive, of this act are not severable. If any provision of this section or sections 2 to 11, inclusive, or 16 to 26.5, inclusive, of this act, or any application thereof to any person, thing or circumstance is held invalid, the other provisions of this section and sections 2 to 11, inclusive, and 16 to 26.5, inclusive, of this act become ineffective.

Sec. 28. 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. 29. 1. This section and sections 26 ~~[, 27 and]~~ to 28, inclusive, of this act become effective upon passage and approval.

2. Sections 12, 13 and 14 of this act become effective:

(a) Upon passage and approval for the purpose of appointing members of the Task Force on Safe Sidewalk Vending and performing any other preparatory administrative tasks to carry out the provisions of sections 12, 13 and 14 of this act; and

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

3. Sections 1 to 11, inclusive, and 15 to 25, inclusive, of this act become effective on January 1, 2024.

Senator Flores moved the adoption of the amendment.

Remarks by Senator Flores.

Amendment No. 473 to Senate Bill No. 92 revises the definition of "sidewalk vendor" to exclude vendors who sell merchandise; adds penalties for failure to comply with certain ordinances including suspension or revocation of a license and other civil penalties; requires a local board of health in a county and a city in a county with a population of 100,000 or more to adopt regulations regarding sidewalk vendors on or before January 1, 2024; revises the membership of the Task Force on Safe Sidewalk Vending and expands its duties to recommend approaches to improve the laws of the State, counties and cities; authorizes the Secretary of State to establish an advisory board to support the Task Force to support the uniformity of regulations across the State; prohibits sidewalk vendors from operating within 1,500 feet of a resort hotel, certain event facilities, convention facilities and state historical markers and also authorizes criminal enforcement or impoundment of equipment for operating in a prohibited area; adds a severability clause regarding enforceability if certain provisions are held invalid or unenforceable; and revises the effective date.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 147.

Bill read second time.

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

Amendment No. 187.

SUMMARY—Makes changes relating to employment. (BDR 53-463)

AN ACT relating to employment; requiring the payment of certain wages and compensation to an employee when an employer ~~lays off~~ places the employee ~~for~~ on a certain work status; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law: (1) whenever an employer discharges an employee, the wages and compensation earned and unpaid at the time of the discharge become due and payable immediately; and (2) if an employer fails to pay the wages or compensation within 3 days after the wages or compensation becomes due, the wages and compensation continue at the same rate from the day the employee was discharged until paid or for 30 days, whichever is less. (NRS 608.020, 608.040)

Section 2 of this bill provides that whenever an employer ~~lays off~~ places an employee ~~for~~ on nonworking status, the wages ~~and compensation~~ earned and unpaid at the time of such ~~layoff~~ placement also become due and payable immediately. As defined for the purposes of section 2, the term "nonworking status" means the temporary layoff of an employee whereby the employee remains employed and may be called back to work at a future date. The term does not include an employee who an employer: (1) places on suspension pending an investigation; (2) places on suspension pursuant to a disciplinary action; (3) places on-call for available work; or (4) approves to take a leave of absence. Section 3 of this bill provides that if an employer fails to pay the wages ~~for compensation~~ of ~~a laid-off~~ an employee placed on nonworking status within 3 days after the wages ~~for compensation becomes~~ become due, the wages ~~for compensation~~ also ~~continues~~ continue at the same rate from the day the employee was ~~laid-off~~ placed on nonworking status until paid or for 30 days, whichever is less. Section 1 of this bill makes a conforming change to provide that the term "wages" includes amounts due to ~~a laid-off employee.~~ an employee placed on nonworking status.

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

Section 1. NRS 608.012 is hereby amended to read as follows:

608.012 "Wages" means:

1. The amount which an employer agrees to pay an employee for the time the employee has worked, computed in proportion to time;
 2. Commissions owed the employee; and
 3. Amounts due to a discharged ~~for laid-off~~ employee, employee placed on nonworking status pursuant to NRS 608.020 or to an employee who resigns or quits pursuant to NRS 608.040,
- ↪ but excludes any bonus or arrangement to share profits.

Sec. 2. NRS 608.020 is hereby amended to read as follows:

608.020 1. Whenever an employer discharges ~~for lays off~~ an employee, the wages and compensation earned and unpaid at the time of such discharge ~~for layoff~~ shall become due and payable immediately.

2. Whenever an employer places an employee on a nonworking status, the wages earned and unpaid at the time the employee is placed on nonworking status are due and payable immediately.

3. As used in this section, "nonworking status" means the temporary layoff of an employee by the employer whereby the employee remains employed and may be called back to work by the employer at a future date. The term does not include an employee who an employer:

(a) Places on suspension pending an investigation relating to employment;

(b) Places on suspension pursuant to a disciplinary action relating to employment;

(c) Places on-call for available work; or

(d) Approves to take a leave of absence.

Sec. 3. NRS 608.040 is hereby amended to read as follows:

608.040 1. If an employer fails to pay:

(a) Within 3 days after the wages or compensation of a discharged ~~for laid off~~ employee becomes due; ~~for~~

(b) Within 3 days after the wages of an employee placed on nonworking status pursuant to NRS 608.020 becomes due; or

(c) On the day the wages or compensation is due to an employee who resigns or quits,

↪ the wages or compensation of the employee continues at the same rate from the day the employee resigned, quit or was discharged or ~~laid off~~ placed on nonworking status until paid or for 30 days, whichever is less.

2. Any employee who secretes or absents himself or herself to avoid payment of his or her wages or compensation, or refuses to accept them when fully tendered to him or her, is not entitled to receive the payment thereof for the time he or she secretes or absents himself or herself to avoid payment.

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

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 187 to Senate Bill No. 147 expands the definition of wages to include the amounts due to an employee on nonworking status, requires immediate payment of unpaid wages upon placement of nonworking status and defines "nonworking status" and provides that within three days the wages of an employee placed on nonworking status become due or the wages continue at the same rate from the day the employee was placed on nonworking status.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 183.

Bill read second time.

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

Amendment No. 407.

SUMMARY—Establishes provisions relating to the collection and destruction of unused drugs. (BDR 54-576)

AN ACT relating to pharmacy; establishing requirements governing the maintenance of secure drug take-back bins for the collection and destruction of unused drugs; ~~[indemnifying]~~ providing that entities that maintain a secure drug take-back bin in accordance with such requirements ~~[from liability and professional]~~ are not subject to certain discipline for certain injuries and harms; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal regulations authorize pharmacies, hospitals and other entities authorized to handle controlled substances to register with the Drug Enforcement Administration of the United States Department of Justice to obtain authorization to be a collector of controlled substances. Existing federal regulations authorize such collectors to: (1) conduct mail-back programs for the return of controlled substances; and (2) maintain collection receptacles for disposal of the controlled substances. (21 C.F.R. §§ 1317.40, 1317.70, 1317.75) Existing federal regulations also prescribe standards governing the disposal of controlled substances by entities authorized to handle and dispose of controlled substances. (21 C.F.R. Part 1317) Existing regulations of the State Board of Pharmacy require an entity that is authorized pursuant to federal law and conducts such a mail-back program or maintains such collection receptacles to provide to the Board: (1) written notification of the registration of the entity with the Drug Enforcement Administration to be a collector; and (2) copies of a certain federal form which is required to document the destruction of controlled substances. (NAC 639.050) Existing regulations of the Board also prescribe standards for the destruction of controlled substances, which mirror the relevant federal regulations. (NAC 639.498)

This bill prescribes requirements for the installation and maintenance of secure drug take-back bins by a collector that is registered with the Drug Enforcement Administration for the on-site collection and destruction of home-generated pharmaceutical waste. Specifically, this bill requires such a collector to: (1) comply with all applicable state and federal laws and regulations; (2) ~~[communicate with local law enforcement agencies and health authorities as to the existence and status of use of the secure drug take-back bin, including notifying]~~ notify at least one local law enforcement agency of any suspected or known tampering or theft or significant loss of controlled substances ~~[+]~~ from a secure drug take-back bin that occurs while the bin is under the control of the collector; (3) post signage notifying customers of ~~[certain requirements relating to the use of]~~ the substances that are and are not acceptable for deposit into the secure drug take-back bin; (4) regularly monitor and inspect the bin and surrounding area, including by limiting customer access to the bin to certain hours when the bin is being actively monitored; and (5) maintain records of such inspections and other records required by law. This bill also prohibits such a collector from receiving any compensation from a customer to maintain the secure drug take-back bin. This bill ~~[indemnifies]~~ ; (1) provides that a collector who

complies with such requirements ~~[(from civil or criminal liability and professional)]~~ is not subject to discipline by the Board for any injury or harm that directly results from the collector maintaining a secure drug take-back bin, unless the injury or harm directly resulted from the gross negligence or willful and wanton misconduct of the collector ~~[(1)]~~; and (2) relieves such a collector from compliance with any restriction established by the governing body of a county, city or other local governmental entity that would affect the collection and destruction of the contents of a secure drug take-back bin.

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

Section 1. Chapter 639 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A collector that maintains a secure drug take-back bin for the collection and destruction of home-generated pharmaceutical waste shall:

(a) Comply with all applicable state and federal laws and regulations relating to the collection of home-generated pharmaceutical waste for destruction in secure drug take-back bins;

~~[(b) Notify a local law enforcement agency and the health authority of:~~

~~— (1) The existence and location of any secure drug take-back bin on the premises of the collector; and~~

~~— (2) The status of the registration of the collector as a collector with the Drug Enforcement Administration;~~

~~— (c)]~~ Ensure that the secure drug take-back bin is placed in a location that is regularly monitored by employees of the collector;

~~[(d)]~~ (c) Ensure that conspicuous signage is posted on the secure drug take-back bin that clearly notifies customers as to ~~[(1)]~~

~~— (1) The~~ the substances that are and are not acceptable for deposit into the bin; ~~[(and~~

~~— (2) The hours during which deposit into the bin is permitted;~~

~~— (e)]~~ (d) Ensure that public access to the secure drug take-back bin is limited to hours during which employees of the collector are present and able to monitor the operation of the secure drug take-back bin;

~~[(f)]~~ (e) Regularly inspect the secure drug take-back bin and the area surrounding the secure drug take-back bin for potential tampering or diversion;

~~[(g)]~~ (f) Maintain a record of inspections conducted pursuant to paragraph ~~[(f)]~~ (e) that must:

(1) Be documented in writing or electronically and may be combined with records required to be maintained by other state or federal laws or regulations;

(2) Include the date and time of each inspection; and

(3) Include the initials of the employee who conducted each inspection;

~~[(h)]~~ (g) Retain each record maintained pursuant to paragraph ~~[(g)]~~ (f) and any other record relating to the secure drug take-back bin required by

state or federal laws or regulations for at least 2 years after the date of the event to which the record pertains; and

~~[(c)]~~ (h) Notify at least one local law enforcement agency of any suspected or known tampering or theft or significant loss of controlled substances that occurs while the secure drug take-back bin is under the control of the collector not later than 1 business day after the date on which the tampering, theft or significant loss is suspected or discovered; ~~and~~

~~[(j)]~~ ~~If the collector discontinues its maintenance of a secure drug take-back bin on the premises of the collector, provide to at least one local law enforcement agency and the health authority:~~

~~(1) Notification that the collector has discontinued such maintenance; and~~

~~(2) Proof that the collector has provided any notification to the Drug Enforcement Administration that is required by federal law.~~

2. A collector shall not receive compensation from a customer of the collector to maintain a secure drug take-back bin or to perform any act required by subsection 1.

3. Any collector that maintains a secure drug take-back bin and complies with the provisions of subsections 1 and 2 is not subject to any ~~civil or criminal liability or disciplinary~~:

(a) Disciplinary action by [a professional licensing board] the Board for any injury or harm that directly results from the collector maintaining a secure drug take-back bin on its premises, unless the injury or harm directly results from the gross negligence or willful and wanton misconduct of the collector; ~~or~~

(b) Restriction established by the governing body of a county, city or other local governmental entity that would affect the collection, transportation, treatment or destruction of the contents of a secure drug take-back bin pursuant to this section.

4. Nothing in this section shall be construed to require any entity that ~~may~~:

(a) May qualify as a collector to acquire, maintain or make available to the public a secure drug take-back bin on its premises; ~~or~~

(b) Has entered into an agreement to collect and dispose of solid waste as part of a solid waste management system to collect and dispose of the contents of secure drug take-back bins, unless the agreement or plan expressly provides for such collection and disposal.

5. The Board may adopt regulations necessary to carry out the provisions of this section.

6. As used in this section:

(a) "Collector" means an entity that is:

(1) Authorized by and registered with the Drug Enforcement Administration to receive a controlled substance for the purpose of destruction; and

(2) In good standing with ~~any applicable licensing authority.~~

~~(b) "Health authority" means the district health department or, in a location that is not part of a health district, the Division of Public and Behavioral Health of the Department of Health and Human Services,] the Board.~~

~~((c))~~ (b) "Home-generated pharmaceutical waste" means a pharmaceutical that is no longer wanted or needed by the consumer, including, without limitation, in the form of pills, liquids, inhalers, topical creams, suppositories or patches.

~~((d))~~ (c) "Local law enforcement agency" means:

- (1) The sheriff's office of a county;
- (2) A metropolitan police department; or
- (3) A police department of an incorporated city.

~~((e))~~ (d) "Maintain" means to own, lease, operate or otherwise host a secure drug take-back bin.

~~((f))~~ (e) "Pharmaceutical" means a drug intended for human or veterinary use, regardless of whether the drug is sold with or without a prescription. The term includes, without limitation, controlled substances listed in schedule II, III, IV or V. The term does not include controlled substances listed in schedule I.

~~((g))~~ (f) "Secure drug take-back bin" means a collection receptacle as described in 21 C.F.R. § 1317.75.

(g) "Solid waste management system" has the meaning ascribed to it in NRS 444.500.

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

2. Section 1 of this act becomes effective:

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

(b) On October 1, 2023, for all other purposes.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 407 to Senate Bill No. 183 deletes requirements for collectors to notify law enforcement and health authorities about secure drug take-back bins; clarifies that agreements for solid waste collection and disposal do not apply to home-generated pharmaceutical waste unless specified; removes the need for bin signage to display deposit hours; requires collectors to notify law enforcement only of suspected tampering, theft or significant loss of controlled substances; exempts collectors from restrictions imposed by political subdivisions or other authorities; replaces references to "professional licensing board" or "licensing authority" with the State Board of Pharmacy; and limits collectors' liability for injury or harm directly resulting from secure drug take-back bins except in cases of gross negligence or willful misconduct.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 201.

Bill read second time.

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

Amendment No. 400.

SUMMARY—Revises provisions governing pharmacists. (BDR 54-582)

AN ACT relating to pharmacy; authorizing a pharmacist to engage in certain activity relating to laboratories and laboratory testing; requiring certain insurance plans to cover certain services of pharmacists; requiring health carriers to demonstrate the capacity to adequately deliver such services; imposing certain requirements relating to the participation of pharmacists in a network plan; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Pharmacy to adopt regulations governing the manipulation of a person for the collection of specimens by a pharmacist that: (1) require the pharmacist to use only a fingerstick or oral or nasal swab to collect the specimens; and (2) set forth the procedures and requirements the pharmacist is required to follow when manipulating a person for the collection of a specimen. (NRS 639.0747) Section 2 of this bill removes the requirement a pharmacist only use a fingerstick or oral or nasal swab to collect a specimen, thereby authorizing a pharmacist to collect a specimen using any method available for the collection of the specimen.

Existing law authorizes a pharmacist to: (1) perform a home blood glucose test; and (2) order and perform laboratory tests that are necessary for therapy that uses a drug approved by the United State Food and Drug Administration for preventing the acquisition of human immunodeficiency virus. (NRS 639.2808, 639.28085) Section 3 of this bill additionally authorizes a pharmacist to: (1) order laboratory tests that are necessary for any drug therapy or that otherwise facilitate the care of a patient ~~for~~ within the authorized scope of practice of the pharmacist; and (2) perform certain other laboratory tests determined by the Federal Government to be simple laboratory examinations and procedures that have an insignificant risk of an erroneous result. Section 1 of this bill provides that ordering and performing such laboratory tests constitutes the practice of pharmacy. Section 4 of this bill removes a duplicative provision from existing law.

Existing law requires the State Board of Health to adopt regulations for the certification and licensure of laboratory directors. (NRS 652.125) Existing regulations define an exempt laboratory to be a laboratory that: (1) conducts only certain microscopy tests and tests determined by the Federal Government to be simple laboratory examinations and procedures that have an insignificant risk of an erroneous result; and (2) does not perform only tests for human immunodeficiency virus. (NAC 652.072) Section 5 of this bill requires regulations of the Board to authorize a pharmacist to serve as the director of an exempt laboratory.

Existing law requires public and private policies of insurance regulated under Nevada law to include certain coverage. (NRS 287.010, 287.04335,

422.2717-422.27241, 689A.04033-689A.0465, 689B.0303-689B.0379, 689C.1655-689C.169, 689C.194-689C.195, 695A.184-695A.1875, 695B.1901-695B.1948, 695C.1691-695C.176, 695G.162-695G.177) Existing law requires employers to provide certain benefits to employees, including the coverage required of health insurers, if the employer provides health benefits for its employees. (NRS 608.1555) Sections 7-9, 15, 18, 20, 22, 23, 25, 27, 28 and 31 of this bill require public and private health plans, including Medicaid and health plans for state and local government employees, to: (1) provide coverage for services provided by a pharmacist within his or her scope of practice if such services are covered when performed by another provider of health care; and (2) reimburse such services at a rate equal to or greater than that provided to a physician, physician assistant or advanced practice registered nurse for similar services. Sections 7-9, 12, 15, 18, 20, 22, 23, 25, 27, 28 and 31 prohibit such a health plan requiring prior authorization for such services performed by a pharmacist if prior authorization is not required when the service is performed by another provider of health care. Sections 10, 16, 19, 21, 24, 26, 29 and 32 of this bill remove duplicative provisions from existing law. Sections 6 and 17 of this bill make conforming changes to indicate the proper placement of sections 9 and 15 in the Nevada Revised Statutes. Section 30 of this bill authorizes the Commissioner of Insurance to suspend or revoke the certificate of a health maintenance organization that fails to comply with the requirements of section 27. The Commissioner would also be authorized to take such action against other health insurers who fail to comply with the requirements of sections 15, 18, 20, 22, 23, 25 and 31. (NRS 680A.200)

Existing law requires a carrier that offers coverage in the small employer group or individual market to, before making any network plan available for sale in this State, demonstrate the capacity to deliver services adequately by applying to the Commissioner for the issuance of a network plan. (NRS 687B.490) Sections 7, 8 and 11 of this bill require a health carrier offering coverage in any market, including health plans for state and local government employees, to: (1) demonstrate the capacity to adequately deliver the services of pharmacists to covered persons; (2) accept the credentialing of a pharmacist who is employed by a health care facility to which the health carrier has delegated the authority to enter into credentialing agreements; and (3) negotiate in good faith with such a health care facility to include such pharmacists in the network plan of the health carrier. Sections 13 and 14 of this bill make conforming changes to indicate the proper placement of section 11 in the Nevada Revised Statutes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN

SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 639.0124 is hereby amended to read as follows:

639.0124 1. "Practice of pharmacy" includes, but is not limited to, the:

(a) Performance or supervision of activities associated with manufacturing, compounding, labeling, dispensing and distributing of a drug,

including the receipt, handling and storage of prescriptions and other confidential information relating to patients.

(b) Interpretation and evaluation of prescriptions or orders for medicine.

(c) Participation in drug evaluation and drug research.

(d) Advising of the therapeutic value, reaction, drug interaction, hazard and use of a drug.

(e) Selection of the source, storage and distribution of a drug.

(f) Maintenance of proper documentation of the source, storage and distribution of a drug.

(g) Interpretation of clinical data contained in a person's record of medication.

(h) Development of written guidelines and protocols in collaboration with a practitioner which authorize collaborative drug therapy management. The written guidelines and protocols must comply with NRS 639.2629.

(i) Implementation and modification of drug therapy, administering drugs and ordering and performing tests in accordance with a collaborative practice agreement.

(j) Prescribing, dispensing and administering of drugs for preventing the acquisition of human immunodeficiency virus and ordering and conducting laboratory tests necessary for therapy that uses such drugs pursuant to the protocol prescribed pursuant to NRS 639.28085.

(k) Dispensing a self-administered hormonal contraceptive pursuant to NRS 639.28078.

(l) Performing and ordering laboratory tests in accordance with NRS 639.2808.

2. The term does not include the changing of a prescription by a pharmacist or practitioner without the consent of the prescribing practitioner, except as otherwise provided in NRS 639.2583, 639.28078 and 639.28085.

Sec. 2. NRS 639.0747 is hereby amended to read as follows:

639.0747 ~~{1.}~~ The Board shall adopt such regulations as are necessary to carry out the provisions of NRS 652.210 with regard to a registered pharmacist, including, without limitation, regulations that ~~f-~~

~~—(a) Require a registered pharmacist to use only a fingerstick or oral or nasal swab to collect the specimens pursuant to NRS 652.210; and~~

~~—(b) Set} set forth the procedures and requirements with which a registered pharmacist shall comply when manipulating a person for the collection of specimens or performing any laboratory test pursuant to NRS 652.210.~~

~~{2. As used in this section, "fingerstick" means a procedure in which a finger is pricked with a lancet, small blade or other instrument to obtain a small quantity of blood for any laboratory test pursuant to NRS 652.210.}~~

Sec. 3. NRS 639.2808 is hereby amended to read as follows:

639.2808 1. A registered pharmacist ~~for a}~~ may:

(a) Order laboratory tests that are necessary for therapy that uses a drug approved by the Food and Drug Administration or to otherwise facilitate the

care of a patient ~~for~~ within the authorized scope of practice of the registered pharmacist; and

(b) Perform any laboratory test that is classified as a waived test under 42 C.F.R. Part 493, Subpart A, including, without limitation, a blood glucose test using devices for monitoring approved by the Food And Drug Administration for use in the home.

2. A registered intern pharmacist may perform a blood glucose test using devices for monitoring approved by the Food and Drug Administration for use in the home. The performance of such a test must be in compliance with standards of practice recommended by the American Association of Diabetes Educators or its successor organization. *The Board may adopt regulations authorizing a registered intern pharmacist to perform other activities described in subsection 1.*

Sec. 4. NRS 639.28085 is hereby amended to read as follows:

639.28085 1. To the extent authorized by federal law, a pharmacist who meets the requirements prescribed by the Board pursuant to subsection 2 may, in accordance with the requirements of the protocol prescribed pursuant to subsection 2:

(a) ~~[Order and perform]~~ *Perform* laboratory tests that are necessary for therapy that uses a drug approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus; and

(b) Prescribe, dispense and administer any drug described in paragraph (a) to a patient.

2. The Board shall adopt regulations:

(a) Requiring a pharmacist who takes the actions authorized by this section to be covered by adequate liability insurance, as determined by the Board; and

(b) Establishing a protocol for the actions authorized by this section.

Sec. 5. NRS 652.125 is hereby amended to read as follows:

652.125 1. The Board shall adopt regulations for the certification and licensure of laboratory directors and laboratory personnel who perform technical duties other than the collection of blood. *Those regulations must authorize a registered pharmacist to serve as the director of an exempt laboratory, regardless of whether the registered pharmacist has entered into a collaborative practice agreement.*

2. The Division shall, as a prerequisite for the renewal of a certificate or license, require the laboratory director and any laboratory personnel certified by the Division pursuant to this chapter to comply with the requirements for continuing education adopted by the Board.

3. *As used in this section:*

(a) *"Collaborative practice agreement" has the meaning ascribed to it in NRS 639.0052.*

(b) *"Exempt laboratory" means a laboratory:*

(1) *That is licensed pursuant to this chapter and the regulations adopted pursuant thereto;*

(2) *That does not only perform testing for human immunodeficiency virus; and*

(3) *In which each test performed is:*

(I) *Classified as a waived test pursuant to 42 C.F.R. Part 493, Subpart A; or*

(II) *Categorized as a provider-performed microscopy procedure pursuant to 42 C.F.R. § 493.19.*

Sec. 6. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

(1) The Administrator of the Aging and Disability Services Division;

(2) The Administrator of the Division of Welfare and Supportive Services;

(3) The Administrator of the Division of Child and Family Services;

(4) The Administrator of the Division of Health Care Financing and Policy; and

(5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, *and section 9 of this act*, 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department.

Sec. 7. NRS 287.010 is hereby amended to read as follows:

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

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

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

(c) Provide group life, accident or health coverage through a self-insurance reserve fund and, where necessary, deduct contributions to the maintenance of the fund from the compensation of officers and employees and pay the deductions into the fund. The money accumulated for this purpose through deductions from the compensation of officers and employees and contributions of the governing body must be maintained as an internal service fund as defined by NRS 354.543. The money must be deposited in a state or national bank or credit union authorized to transact business in the State of Nevada. Any independent administrator of a fund created under this section is subject to the licensing requirements of

chapter 683A of NRS, and must be a resident of this State. Any contract with an independent administrator must be approved by the Commissioner of Insurance as to the reasonableness of administrative charges in relation to contributions collected and benefits provided. The provisions of NRS 686A.135, 687B.352, 687B.408, 687B.723, 687B.725, 689B.030 to 689B.050, inclusive, *and section 18 of this act*, 689B.265, 689B.287 and 689B.500 *and section 11 of this act* apply to coverage provided pursuant to this paragraph, except that the provisions of NRS 689B.0378, 689B.03785 and 689B.500 only apply to coverage for active officers and employees of the governing body, or the dependents of such officers and employees.

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

2. If a school district offers group insurance to its officers and employees pursuant to this section, members of the board of trustees of the school district must not be excluded from participating in the group insurance. If the amount of the deductions from compensation required to pay for the group insurance exceeds the compensation to which a trustee is entitled, the difference must be paid by the trustee.

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

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

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

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

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

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

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

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

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

Sec. 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.174, inclusive, *and sections 11 and 31 of this act*, 695G.176, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, and 695G.405, in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 9. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Director shall include in the State Plan for Medicaid a requirement that the State must pay the nonfederal share of expenditures incurred for services of a pharmacist that are:*

- (a) *Within the authorized scope of practice of a pharmacist; and*
- (b) *Reimbursed when provided by another provider of health care.*

2. *The State Plan for Medicaid must not limit:*

- (a) *Coverage for services provided by a pharmacist to a number of occasions less than for services provided by another provider of health care.*
- (b) *Reimbursement for services provided by a pharmacist to an amount less than the amount reimbursed for similar services provided by a physician, physician assistant or advanced practice registered nurse.*

3. *The State Plan for Medicaid must not require a recipient of Medicaid to obtain prior authorization for any services provided by a pharmacist that is not required for the service when provided by another provider of health care.*

4. *As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.*

Sec. 10. NRS 422.27235 is hereby amended to read as follows:

422.27235 The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for ~~the~~:

~~1.] Any laboratory testing that is necessary for therapy that uses a drug approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus . ~~1.] and~~~~

~~2. The services of a pharmacist described in NRS 639.28085. The State must provide reimbursement for such services at a rate equal to the rate of~~

~~reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.]~~

Sec. 11. Chapter 687B of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A health carrier which offers or issues a network plan must demonstrate the capacity to adequately deliver services of pharmacists to covered persons in accordance with the regulations adopted pursuant to subsection 3.*

2. *If a health carrier delegates credentialing agreements to a health care facility that is part of the network of the health carrier, the health carrier shall:*

(a) Accept credentialing for pharmacists employed by the health care facility; and

(b) Negotiate in good faith with the health care facility to enter into a provider network contract with the health care facility that covers the services of those pharmacists.

3. *The Commissioner shall adopt regulations to carry out the provisions of this section, including, without limitation, prescribing requirements for a health carrier to demonstrate the capacity to adequately deliver services by pharmacists to covered persons. Those regulations must not allow a health carrier to demonstrate the capacity to adequately deliver such services by demonstrating that the health carrier has entered into a network contract with one or more pharmacies for the sole purpose of dispensing prescription drugs to covered persons.*

4. *As used in this section, "health care facility" means any facility licensed under chapter 449 of NRS.*

Sec. 12. NRS 687B.225 is hereby amended to read as follows:

687B.225 1. Except as otherwise provided in NRS 689A.0405, 689A.0412, 689A.0413, 689A.044, 689A.0445, 689B.031, 689B.0313, 689B.0315, 689B.0317, 689B.0374, 689C.1675, 695A.1856, 695B.1912, 695B.1913, 695B.1914, 695B.1925, 695B.1942, 695C.1713, 695C.1735, 695C.1737, 695C.1745, 695C.1751, 695G.170, 695G.171, 695G.1714 and 695G.177, and sections 15, 18, 20, 23, 25, 27 and 31 of this act, any contract for group, blanket or individual health insurance or any contract by a nonprofit hospital, medical or dental service corporation or organization for dental care which provides for payment of a certain part of medical or dental care may require the insured or member to obtain prior authorization for that care from the insurer or organization. The insurer or organization shall:

(a) File its procedure for obtaining approval of care pursuant to this section for approval by the Commissioner; and

(b) Respond to any request for approval by the insured or member pursuant to this section within 20 days after it receives the request.

2. The procedure for prior authorization may not discriminate among persons licensed to provide the covered care.

Sec. 13. NRS 687B.600 is hereby amended to read as follows:

687B.600 As used in NRS 687B.600 to 687B.850, inclusive, *and section 11 of this act*, unless the context otherwise requires, the words and terms defined in NRS 687B.602 to 687B.665, inclusive, have the meanings ascribed to them in those sections.

Sec. 14. NRS 687B.670 is hereby amended to read as follows:

687B.670 If a health carrier offers or issues a network plan, the health carrier shall, with regard to that network plan:

1. Comply with all applicable requirements set forth in NRS 687B.600 to 687B.850, inclusive ~~{ }~~, *and section 11 of this act*;

2. As applicable, ensure that each contract entered into for the purposes of the network plan between a participating provider of health care and the health carrier complies with the requirements set forth in NRS 687B.600 to 687B.850, inclusive ~~{ }~~, *and section 11 of this act*; and

3. As applicable, ensure that the network plan complies with the requirements set forth in NRS 687B.600 to 687B.850, inclusive ~~{ }~~, *and section 11 of this act*.

Sec. 15. Chapter 689A of NRS is hereby amended by adding thereto a new section to read as follows:

1. *If a policy of health insurance provides coverage for services that are within the authorized scope of practice of a pharmacist and which are reimbursed when provided by another provider of health care, the insured is entitled to reimbursement for services provided by a pharmacist who participates in the network plan of the insurer.*

2. *The terms of the policy must not limit:*

(a) *Coverage for services provided by such a pharmacist to a number of occasions less than for services provided by another provider of health care.*

(b) *Reimbursement for services provided by such a pharmacist to an amount less than the amount reimbursed for similar services provided by a physician, physician assistant or advanced practice registered nurse.*

3. *A policy of health insurance must not require an insured to obtain prior authorization for any service provided by a pharmacist that is not required for the service when provided by another provider of health care.*

4. *A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including coverage required by subsections 1 and 2, and any provision of the policy that conflicts with the provisions of this section is void.*

5. *As used in this section:*

(a) *"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.*

(b) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 16. NRS 689A.0437 is hereby amended to read as follows:

689A.0437 1. An insurer that offers or issues a policy of health insurance shall include in the policy coverage for:

(a) Drugs approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus; *and*

(b) Laboratory testing that is necessary for therapy that uses such a drug .
~~{; and~~

~~—(c) The services described in NRS 639.28085, when provided by a pharmacist who participates in the network plan of the insurer.}~~

2. ~~{An insurer that offers or issues a policy of health insurance shall reimburse a pharmacist who participates in the network plan of the insurer for the services described in NRS 639.28085 at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.~~

~~—3.}~~ An insurer may subject the benefits required by subsection 1 to reasonable medical management techniques.

~~{4.}~~ 3. An insurer shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

~~{5.}~~ 4. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2021, has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

~~{6.}~~ 5. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 17. NRS 689A.330 is hereby amended to read as follows:

689A.330 If any policy is issued by a domestic insurer for delivery to a person residing in another state, and if the insurance commissioner or corresponding public officer of that other state has informed the Commissioner that the policy is not subject to approval or disapproval by that officer, the Commissioner may by ruling require that the policy meet the

standards set forth in NRS 689A.030 to 689A.320, inclusive ~~[;]~~ , and section 15 of this act.

Sec. 18. Chapter 689B of NRS is hereby amended by adding thereto a new section to read as follows:

1. *If a policy of group health insurance provides coverage for services that are within the authorized scope of practice of a pharmacist and which are reimbursed when provided by another provider of health care, the insured is entitled to reimbursement for services provided by a pharmacist who participates in the network plan of the insurer.*

2. *The terms of the policy must not limit:*

(a) *Coverage for services provided by such a pharmacist to a number of occasions less than for services provided by another provider of health care.*

(b) *Reimbursement for services provided by such a pharmacist to an amount less than the amount reimbursed for similar services provided by a physician, physician assistant or advanced practice registered nurse.*

3. *A policy of group health insurance must not require an insured to obtain prior authorization for any service provided by a pharmacist that is not required for the service when provided by another provider of health care.*

4. *A policy of group health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including coverage required by subsections 1 and 2, and any provision of the policy that conflicts with the provisions of this section is void.*

5. *As used in this section:*

(a) *"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.*

(b) *"Provider of health care" has the meaning ascribed to it in NRS 629.031.*

Sec. 19. NRS 689B.0312 is hereby amended to read as follows:

689B.0312 1. An insurer that offers or issues a policy of group health insurance shall include in the policy coverage for:

(a) *Drugs approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus; and*

(b) *Laboratory testing that is necessary for therapy that uses such a drug .*
~~[; and~~

~~—(c) The services described in NRS 639.28085, when provided by a pharmacist who participates in the network plan of the insurer.]~~

2. ~~[An insurer that offers or issues a policy of group health insurance shall reimburse a pharmacist who participates in the network plan of the insurer for the services described in NRS 639.28085 at a rate equal to the rate~~

~~of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.~~

~~—3.~~ An insurer may subject the benefits required by subsection 1 to reasonable medical management techniques.

~~{4.}~~ 3. An insurer shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

~~{5.}~~ 4. A policy of group health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2021, has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

~~{6.}~~ 5. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of group health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 20. Chapter 689C of NRS is hereby amended by adding thereto a new section to read as follows:

1. *If a health benefit plan provides coverage for services that are within the authorized scope of practice of a pharmacist and which are reimbursed when provided by another provider of health care, the insured is entitled to reimbursement for services provided by a pharmacist who participates in the network plan of the carrier.*

2. *The terms of the plan must not limit:*

(a) *Coverage for services provided by such a pharmacist to a number of occasions less than for services provided by another provider of health care.*

(b) *Reimbursement for services provided by such a pharmacist to an amount less than the amount reimbursed for similar services provided by a physician, physician assistant or advanced practice registered nurse.*

3. *A health benefit plan must not require an insured to obtain prior authorization for any service provided by a pharmacist that is not required for the service when provided by another provider of health care.*

4. *A health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including coverage required by subsections 1 and 2, and any provision of the plan that conflicts with the provisions of this section is void.*

5. As used in this section:

(a) "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.

(b) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 21. NRS 689C.1671 is hereby amended to read as follows:

689C.1671 1. A carrier that offers or issues a health benefit plan shall include in the plan coverage for:

(a) Drugs approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus; and

(b) Laboratory testing that is necessary for therapy that uses such a drug .
~~}; and~~

~~—(c) The services described in NRS 639.28085, when provided by a pharmacist who participates in the health benefit plan of the carrier.]~~

2. ~~[A carrier that offers or issues a health benefit plan shall reimburse a pharmacist who participates in the health benefit plan of the carrier for the services described in NRS 639.28085 at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.~~

~~—3.]~~ A carrier may subject the benefits required by subsection 1 to reasonable medical management techniques.

~~[4.]~~ 3. A carrier shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the carrier.

~~[5.]~~ 4. A health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2021, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

~~[6.]~~ 5. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health benefit plan offered by a carrier under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the carrier. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 22. NRS 689C.425 is hereby amended to read as follows:

689C.425 A voluntary purchasing group and any contract issued to such a group pursuant to NRS 689C.360 to 689C.600, inclusive, are subject to the provisions of NRS 689C.015 to 689C.355, inclusive, *and section 20 of this act* to the extent applicable and not in conflict with the express provisions of NRS 687B.408 and 689C.360 to 689C.600, inclusive.

Sec. 23. Chapter 695A of NRS is hereby amended by adding thereto a new section to read as follows:

1. *If a benefit contract provides coverage for services that are within the authorized scope of practice of a pharmacist and which are reimbursed when provided by another provider of health care, the insured is entitled to reimbursement for services provided by a pharmacist who participates in the network plan of the society.*

2. *The terms of the contract must not limit:*

(a) *Coverage for services provided by such a pharmacist to a number of occasions less than for services provided by another provider of health care.*

(b) *Reimbursement for services provided by such a pharmacist to an amount less than the amount reimbursed for similar services provided by a physician, physician assistant or advanced practice registered nurse.*

3. *A benefit contract must not require an insured to obtain prior authorization for any service provided by a pharmacist that is not required for the service when provided by another provider of health care.*

4. *A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including coverage required by subsections 1 and 2, and any provision of the contract that conflicts with the provisions of this section is void.*

5. *As used in this section:*

(a) *"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.*

(b) *"Provider of health care" has the meaning ascribed to it in NRS 629.031.*

Sec. 24. NRS 695A.1843 is hereby amended to read as follows:

695A.1843 1. A society that offers or issues a benefit contract shall include in the benefit coverage for:

(a) Drugs approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus; *and*

(b) Laboratory testing that is necessary for therapy that uses such a drug .
~~[- and~~

~~-(c) The services described in NRS 639.28085, when provided by a pharmacist who participates in the network plan of the society.]~~

~~2. [A society that offers or issues a benefit contract shall reimburse a pharmacist who participates in the network plan of the society for the services described in NRS 639.28085 at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.]~~

~~3.]~~ A society may subject the benefits required by subsection 1 to reasonable medical management techniques.

~~4.]~~ 3. A society shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the society.

~~5.]~~ 4. A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2021, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

~~6.]~~ 5. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a benefit contract offered by a society under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the society. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 25. Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:

1. *If a policy of health insurance provides coverage for services that are within the authorized scope of practice of a pharmacist and which are reimbursed when provided by another provider of health care, the insured is entitled to reimbursement for services provided by a pharmacist who participates in the network plan of the hospital or medical services corporation.*

2. *The terms of the policy must not limit:*

(a) *Coverage for services provided by such a pharmacist to a number of occasions less than for services provided by another provider of health care.*

(b) *Reimbursement for services provided by such a pharmacist to an amount less than the amount reimbursed for similar services provided by a physician, physician assistant or advanced practice registered nurse.*

3. *A policy of health insurance must not require an insured to obtain prior authorization for any service provided by a pharmacist that is not required for the service when provided by another provider of health care.*

4. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including coverage required by subsections 1 and 2, and any provision of the policy that conflicts with the provisions of this section is void.

5. As used in this section:

(a) "Network plan" means a policy of health insurance offered by a hospital or medical services corporation under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the hospital or medical services corporation. The term does not include an arrangement for the financing of premiums.

(b) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 26. NRS 695B.1924 is hereby amended to read as follows:

695B.1924 1. A hospital or medical services corporation that offers or issues a policy of health insurance shall include in the policy coverage for:

(a) Drugs approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus; and

(b) Laboratory testing that is necessary for therapy using such a drug . ~~;~~
and

~~—(c) The services described in NRS 639.28085, when provided by a pharmacist who participates in the network plan of the hospital or medical services corporation.]~~

2. ~~{A hospital or medical services corporation that offers or issues a policy of health insurance shall reimburse a pharmacist who participates in the network plan of the hospital or medical services corporation for the services described in NRS 639.28085 at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.~~

~~—3.}~~ A hospital or medical services corporation may subject the benefits required by subsection 1 to reasonable medical management techniques.

~~{4.}~~ 3. A hospital or medical services corporation shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the hospital or medical services corporation.

~~{5.}~~ 4. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2021, has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

~~{6.}~~ 5. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and

categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of health insurance offered by a hospital or medical services corporation under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the hospital or medical services corporation. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 27. Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:

1. *If a health care plan provides coverage for services that are within the authorized scope of practice of a pharmacist and which are reimbursed when provided by another provider of health care, the enrollee is entitled to reimbursement for services provided by a pharmacist in the network plan of the health maintenance organization.*

2. *The terms of the plan must not limit:*

(a) *Coverage for services provided by such a pharmacist to a number of occasions less than for services provided by another provider of health care.*

(b) *Reimbursement for services provided by such a pharmacist to an amount less than the amount reimbursed for similar services provided by a physician, physician assistant or advanced practice registered nurse.*

3. *A health care plan must not require an enrollee to obtain prior authorization for any service provided by a pharmacist that is not required for the service when provided by another provider of health care.*

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, 2024, has the legal effect of including coverage required by subsections 1 and 2, and any provision of the plan that conflicts with the provisions of this section is void.*

5. *As used in this section:*

(a) *"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.*

(b) *"Provider of health care" has the meaning ascribed to it in NRS 629.031.*

Sec. 28. 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, *and section 27 of this act*, 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.

Sec. 29. NRS 695C.1743 is hereby amended to read as follows:

695C.1743 1. A health maintenance organization that offers or issues a health care plan shall include in the plan coverage for:

(a) Drugs approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus; *and*

(b) Laboratory testing that is necessary for therapy that uses such a drug .
~~[- and~~

~~—(c) The services described in NRS 639.28085, when provided by a pharmacist who participates in the network plan of the health maintenance organization.]~~

2. ~~{A health maintenance organization that offers or issues a health care plan shall reimburse a pharmacist who participates in the network plan of the health maintenance organization for the services described in NRS 639.28085 at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.~~

~~—3.}~~ A health maintenance organization may subject the benefits required by subsection 1 to reasonable medical management techniques.

~~{4.}~~ 3. A health maintenance organization shall ensure that the benefits required by subsection 1 are made available to an enrollee through a provider of health care who participates in the network plan of the health maintenance organization.

~~{5.}~~ 4. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2021, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

~~{6.}~~ 5. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health care plan offered by a health maintenance organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the health maintenance organization. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 30. NRS 695C.330 is hereby amended to read as follows:

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

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

(b) The health maintenance organization issues evidence of coverage or uses a schedule of charges for health care services which do not comply with the requirements of NRS 695C.1691 to 695C.200, inclusive, *and section 27 of this act*, or 695C.207;

(c) The health care plan does not furnish comprehensive health care services as provided for in NRS 695C.060;

(d) The Commissioner certifies that the health maintenance organization:

(1) Does not meet the requirements of subsection 1 of NRS 695C.080;

or

(2) Is unable to fulfill its obligations to furnish health care services as required under its health care plan;

(e) The health maintenance organization is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees;

(f) The health maintenance organization has failed to put into effect a mechanism affording the enrollees an opportunity to participate in matters relating to the content of programs pursuant to NRS 695C.110;

(g) The health maintenance organization has failed to put into effect the system required by NRS 695C.260 for:

(1) Resolving complaints in a manner reasonably to dispose of valid complaints; and

(2) Conducting external reviews of adverse determinations that comply with the provisions of NRS 695G.241 to 695G.310, inclusive;

(h) The health maintenance organization or any person on its behalf has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive or unfair manner;

(i) The continued operation of the health maintenance organization would be hazardous to its enrollees or creditors or to the general public;

(j) The health maintenance organization fails to provide the coverage required by NRS 695C.1691; or

(k) The health maintenance organization has otherwise failed to comply substantially with the provisions of this chapter.

2. A certificate of authority must be suspended or revoked only after compliance with the requirements of NRS 695C.340.

3. If the certificate of authority of a health maintenance organization is suspended, the health maintenance organization shall not, during the period of that suspension, enroll any additional groups or new individual contracts, unless those groups or persons were contracted for before the date of suspension.

4. If the certificate of authority of a health maintenance organization is revoked, the organization shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs and shall conduct no further business except as may be essential to the orderly conclusion of the affairs of the organization. It shall engage in no further advertising or solicitation of any kind. The Commissioner may, by written order, permit such further operation of the organization as the Commissioner may find to be in the best interest of enrollees to the end that enrollees are afforded the greatest practical opportunity to obtain continuing coverage for health care.

Sec. 31. Chapter 695G of NRS is hereby amended by adding thereto a new section to read as follows:

1. *If a health care plan provides coverage for services that are within the authorized scope of practice of a pharmacist and which are reimbursed when provided by another provider of health care, the insured is entitled to reimbursement for services provided by a pharmacist who participates in the network plan of the managed care organization.*

2. *The terms of the plan must not limit:*

(a) Coverage for services provided by such a pharmacist to a number of occasions less than for services provided by another provider of health care.

(b) Reimbursement for services provided by such a pharmacist to an amount less than the amount reimbursed for similar services provided by a physician, physician assistant or advanced practice registered nurse.

3. A health care plan must not require an insured to obtain prior authorization for any service provided by a pharmacist that is not required for the service when provided by another provider of health care.

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, 2024, has the legal effect of including coverage required by subsections 1 and 2, and any provision of the plan that conflicts with the provisions of this section is void.

5. As used in this section:

(a) "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.

(b) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 32. NRS 695G.1705 is hereby amended to read as follows:

695G.1705 1. A managed care organization that offers or issues a health care plan shall include in the plan coverage for:

(a) Drugs approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus; and

(b) Laboratory testing that is necessary for therapy that uses such a drug .

~~—(c) The services described in NRS 639.28085, when provided by a pharmacist who participates in the network plan of the managed care organization.~~

~~2. [A managed care organization that offers or issues a health care plan shall reimburse a pharmacist who participates in the network plan of the managed care organization for the services described in NRS 639.28085 at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.~~

~~—3.]~~ A managed care organization may subject the benefits required by subsection 1 to reasonable medical management techniques.

~~[4.]~~ 3. A managed care organization shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the managed care organization.

~~[5.]~~ 4. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2021, has the

legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

~~[6.]~~ 5. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health care plan offered by a managed care organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the managed care organization. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 33. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 34. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 33, inclusive, of this act become effective:

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

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

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 400 to Senate Bill No. 201 clarifies that pharmacists may order necessary lab tests for Food and Drug Administration approved drug therapy or patient care within the scope of their practice.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 216.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 363.

SUMMARY—Establishes provisions relating to elections. (BDR 24-364)

AN ACT relating to elections; requiring each county and city clerk to establish and maintain a working relationship with each Indian tribe located in whole or in part within the county or city; ~~authorizing~~ requiring the Secretary of State to allow a member of an Indian tribe to submit a request to the Secretary of State to allow the tribal identification card of the Indian tribe to be accepted by the online voter preregistration and registration, who resides on an Indian reservation or Indian colony to use the system

~~[established by the Secretary of State,] of approved electronic transmission to register to vote and request and cast a ballot; and providing other matters properly relating thereto.~~

Legislative Counsel's Digest:

Existing law authorizes an Indian tribe to submit a request to a county or city clerk to establish a polling place or ballot drop box within the boundaries of an Indian reservation or Indian colony on the day of an election or for early voting. (NRS 293.2733, 293.3572, 293C.2675, 293C.3572) Sections 2 and 4 of this bill require each county and city clerk to establish and maintain a working relationship with each Indian tribe located in whole or in part within the county or city.

~~[Existing law requires the Secretary of State to establish a system on the Internet website of the Office of the Secretary of State to allow a person by computer to: (1) preregister and register to vote; (2) cancel his or her preregistration or voter registration; (3) update his or her preregistration or voter registration; and (4) determine the polling places at which he or she is entitled to vote. (NRS 293.671) Section 3 of this bill authorizes an Indian tribe to submit a request to the Secretary of State to allow a member of the Indian tribe to use a tribal identification card for purposes of using the system established by the Secretary of State to perform any of these same tasks. Section 3 further requires the Secretary of State, under certain circumstances, to ensure that the system allows such a tribal member to use his or her tribal identification card for such purposes.] Sections 2 and 4 require, as part of such a working relationship, each county and city clerk to schedule meetings with each Indian tribe to discuss certain topics relating to an election and the establishment of a polling place, temporary branch polling place or ballot drop box within the boundaries of an Indian reservation or Indian colony.~~

Existing law requires the Secretary of State to establish a system of approved electronic transmission through which certain military and overseas voters and electors and registered voters with a disability may register to vote, apply for a ballot and cast a ballot. (NRS 293.269951, 293D.200) Section 3.5 of this bill requires the Secretary of State to allow electors and registered voters who are tribal members and who reside on an Indian reservation or Indian colony to register to vote and apply for and cast a ballot using the system of approved electronic transmission.

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

Section 1. Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. Each county clerk shall establish and maintain a working relationship with each Indian tribe located in whole or in part within the county. Such a working relationship must include, without limitation, scheduling a meeting with each Indian tribe:

(a) Between June and December of each odd-numbered year to prepare for the election in the following year and to discuss, without limitation:

(1) The establishment of polling places, temporary branch polling places or ballot drop boxes within an Indian reservation or Indian colony and the size requirements for any such polling places and temporary branch polling places;

(2) The dates and times of the upcoming elections;

(3) Responsibilities for the recruitment of election board officers; and

(4) Any other information relating to the establishment of polling places, temporary branch polling places and ballot drop boxes;

(b) During the first quarter of the year of an election to discuss, without limitation:

(1) Whether the Indian tribe will request or has requested to establish any polling places, temporary branch polling places or ballot drop boxes within an Indian reservation or Indian colony and the size requirements for any such polling places and temporary branch polling places;

(2) The days and hours of any polling place or temporary branch polling place established within an Indian reservation or Indian colony;

(3) Election board officers for any polling place or temporary branch polling place established within an Indian reservation or Indian colony; and

(4) The deadlines for an Indian tribe to submit a request pursuant to NRS 293.2733 and 293.3572; and

(c) On an ongoing basis during the year of an election if an Indian tribe elects to establish any polling places or temporary branch polling places within an Indian reservation or Indian colony.

2. If a county clerk:

(a) Is unable to make contact with an Indian tribe to carry out the requirements of subsection 1, the county clerk shall contact the Secretary of State to facilitate contact; or

(b) Has not contacted an Indian tribe, a representative of the Indian tribe may contact the Secretary of State to facilitate contact.

3. The tribal liaison designated by the Office of the Secretary Of State pursuant to NRS 233A.260 may assist the county clerk or an Indian tribe to facilitate any contact required pursuant to this section.

~~Sec. 3. {1. If an Indian reservation or Indian colony is located in whole or in part within a county in this State, the respective Indian tribe may submit a request to the Secretary of State for approval to allow a member of the Indian tribe to use a tribal identification card for the purposes of using the system established pursuant to NRS 293.671 to:~~

~~— (a) Preregister and register to vote;~~

~~— (b) Cancel his or her preregistration or voter registration;~~

~~— (c) Update his or her preregistration or voter registration information, including, without limitation, the person's name, address and party affiliation; and~~

~~— (d) Determine at what polling place or places he or she is entitled to vote.~~

~~2. If the Secretary of State determines that the tribal identification cards issued by an Indian tribe that submits a request to the Secretary of State~~

~~pursuant to subsection 1 meet the requirements of federal law and this chapter for purposes of determining eligibility for voter preregistration and registration, the Secretary of State shall ensure that the system established pursuant to NRS 293.671 allows a member of the Indian tribe to use his or her tribal identification card to:~~

- ~~(a) Preregister and register to vote;~~
 - ~~(b) Cancel his or her preregistration or voter registration;~~
 - ~~(c) Update his or her preregistration or voter registration information, including, without limitation, the person's name, address and party affiliation; and~~
 - ~~(d) Determine at what polling place or places he or she is entitled to vote.~~
- ~~3. As used in this section, "tribal identification card" means an identification card issued by an Indian tribe located in whole or in part in this State and which satisfies the requirements of subsection 3 of NRS 222.006.~~ (Deleted by amendment.)

Sec. 3.5. NRS 293.269951 is hereby amended to read as follows:

293.269951 1. The Secretary of State shall allow:

(a) ~~[An elector with a disability]~~ The following electors to use the system of approved electronic transmission established pursuant to NRS 293D.200 to register to vote in every election where the system of approved electronic transmission is available to a covered voter to register to vote ~~[. The deadline for an elector with a disability to use the system of approved electronic transmission to register to vote is the same as the deadline set forth in NRS 293D.230 for a covered voter to register to vote.]~~:

(1) An elector with a disability; and

(2) An elector who is a tribal member and who resides on an Indian reservation or Indian colony.

(b) ~~[A]~~ The following registered ~~[voter with a disability]~~ voters to use the system of approved electronic transmission established pursuant to NRS 293D.200 to apply for and cast a ballot in every election where the system of approved electronic transmission is available to a covered voter to request and cast a military-overseas ballot ~~[. The deadlines for a registered voter with a disability to use the system of approved electronic transmission to request and cast a ballot are the same as the deadlines set forth in NRS 293D.310 and 293D.400 for a covered voter to request and cast a military overseas ballot.]~~:

(1) A registered voter with a disability; and

(2) A registered voter who is a tribal member and who resides on an Indian reservation or Indian colony.

2. The deadline to use the system of approved electronic transmission:

(a) To register to vote for an elector pursuant to paragraph (a) of subsection 1 is the same as the deadline set forth in NRS 293D.230 for a covered voter to register to vote.

(b) To apply for ballot for a registered voter pursuant to paragraph (b) of subsection 1, is the same as the deadline set forth in NRS 293D.310 for a covered voter to request and cast a military-overseas ballot.

(c) To cast a ballot for a registered voter pursuant to paragraph (b) of subsection 1, is the same as the deadline set forth in NRS 293D.400 for a covered voter to request and cast a military-overseas ballot.

~~3.~~ Upon receipt of an application and ballot cast by a person ~~[with a disability using]~~ authorized pursuant to subsection 1 to use the system of approved electronic transmission established pursuant to NRS 293D.200, the local elections official shall affix, mark or otherwise acknowledge receipt of the application and ballot by means of a time stamp on the application.

~~3.~~ ~~4.~~ The Secretary of State shall ensure that ~~[an elector with a disability or a registered voter with a disability]~~ a person who is authorized pursuant to subsection 1 may provide his or her digital signature or electronic signature on any document or other material that is necessary for the elector or registered voter to register to vote, apply for a ballot or cast a ballot, as applicable.

~~4.~~ ~~5.~~ The Secretary of State shall prescribe the form and content of a declaration for use by ~~[an elector with a disability or a registered voter with a disability]~~ a person authorized pursuant to subsection 1 to swear or affirm specific representations pertaining to identity, eligibility to vote, status as such an elector or registered voter and timely and proper completion of a ballot.

~~5.~~ ~~6.~~ The Secretary of State shall prescribe the duties of the county clerk upon receipt of a ballot sent by a registered voter ~~[with a disability using]~~ authorized pursuant to subsection 1 to use the system of approved electronic transmission, including, without limitation, the procedures to be used in accepting, handling and counting the ballot.

~~6.~~ ~~7.~~ The Secretary of State shall make available to ~~[an elector with a disability or a registered voter with a disability]~~ a person authorized pursuant to subsection 1 information regarding instructions on using the system for approved electronic transmission to register to vote and apply for and cast a ballot.

~~7.~~ ~~8.~~ The Secretary of State shall adopt any regulation necessary to carry out the provisions of this section.

~~8.~~ ~~9.~~ As used in this section:

- (a) "Covered voter" has the meaning ascribed to it in NRS 293D.030.
- (b) "Digital signature" has the meaning ascribed to it in NRS 720.060.
- (c) "Electronic signature" has the meaning ascribed to it in NRS 719.100.
- (d) "Military-overseas ballot" has the meaning ascribed to it in NRS 293D.050.

Sec. 4. Chapter 293C of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each city clerk shall establish and maintain a working relationship with each Indian tribe located in whole or in part within the city. Such a

working relationship must include, without limitation, scheduling a meeting with each Indian tribe:

(a) Between June and December of each odd-numbered year to prepare for the election in the following year and to discuss, without limitation:

(1) The establishment of polling places, temporary branch polling places or ballot drop boxes within an Indian reservation or Indian colony and the size requirements for any such polling places and temporary branch polling places;

(2) The dates and times of the upcoming elections;

(3) Responsibilities for the recruitment of election board officers; and

(4) Any other information relating to the establishment of polling places, temporary branch polling places and ballot drop boxes;

(b) During the first quarter of the year of an election to discuss, without limitation:

(1) Whether the Indian tribe will request or has requested to establish any polling places, temporary branch polling places or ballot drop boxes within an Indian reservation or Indian colony and the size requirements for any such polling places and temporary branch polling places;

(2) The days and hours of any polling place or temporary branch polling place established within an Indian reservation or Indian colony;

(3) Election board officers for any polling place or temporary branch polling place established within an Indian reservation or Indian colony; and

(4) The deadlines for an Indian tribe to submit a request pursuant to NRS 293C.2675 and 293C.3572; and

(c) On an ongoing basis during the year of an election if an Indian tribe elects to establish any polling places or temporary branch polling places within an Indian reservation or Indian colony.

2. If a city clerk:

(a) Is unable to make contact with an Indian tribe to carry out the requirements of subsection 1, the city clerk shall contact the Secretary of State to facilitate contact; or

(b) Has not contacted an Indian tribe, a representative of the Indian tribe may contact the Secretary of State to facilitate contact.

3. The tribal liaison designated by the Office of the Secretary Of State pursuant to NRS 233A.260 may assist a city clerk or an Indian tribe to facilitate any contact required pursuant to this section.

Sec. 5. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 4, inclusive, of this act become effective:

(a) Upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks; and

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

Senator Ohrenschall moved the adoption of the amendment.

Remarks by Senator Ohrenschall.

Amendment No. 363 to Senate Bill No. 216 amends section 2 to require meetings between Native American tribes and county clerks with facilitation by the Secretary of State under certain

circumstances. This change also carries through to section 4, NRS Chapter 293C, so that it applies to city clerks as well. It also authorizes the tribal liaison designated by the Secretary of State to facilitate any such meetings. It removes section 3 of the bill relating to tribal identification cards and requires the Secretary of State to allow a member of a Native American tribe to use the System of Approved Electronic Transmission—commonly known as Nevada's EASE System—to register to vote and to request and cast a ballot.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 274.

Bill read second time.

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

Amendment No. 242.

SUMMARY—Revises provisions relating to industrial insurance. (BDR 53-946)

AN ACT relating to industrial insurance; ~~authorizing a claimant to bring a civil action against an insurer or third party administrator for certain violations of the Nevada Industrial Insurance Act or the Nevada Occupational Diseases Act;~~ requiring the Administrator of the Division of Industrial Relations of the Department of Business and Industry to post certain information on the Internet website of the Division; increasing the amount of certain penalties for certain violations of the Nevada Industrial Insurance Act or the Nevada Occupational Diseases Act; revising provisions relating to the imposition and payment of benefit penalties; revising certain requirements for certain investigations conducted by the Administrator; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Nevada Industrial Insurance Act and the Nevada Occupational Diseases Act, which provide for the payment of compensation to employees who are injured or disabled as the result of an occupational injury or occupational disease. (Chapters 616A-616D and 617 of NRS) ~~Existing law provides that administrative fines are the exclusive remedy for a violation of the Nevada Industrial Insurance Act or the Nevada Occupational Diseases Act committed by an insurer or a third party administrator. (NRS 616D.030) Section 1 of this bill authorizes a claimant who has been aggrieved by a violation of the Nevada Industrial Insurance Act or the Nevada Occupational Diseases Act to bring a civil action for actual damages against an insurer or third party administrator who committed the violation if the violation involved: (1) the refusal to pay or unreasonably delayed payment to the claimant of compensation or other relief found to be due the claimant; and (2) negligence or bad faith on the part of the insurer or third party administrator.~~

Existing law requires the Administrator of the Division of Industrial Relations of the Department of Business and Industry under certain circumstances to order an insurer, organization for managed care, health care

provider, third-party administrator, employer or professional employer organization to pay a claimant a benefit penalty in an amount not less than \$5,000 and not greater than \$50,000 for refusing to process a claim for compensation, refusing to pay or unreasonably delaying payment to a claimant of compensation or other relief found to be due or committing certain other violations of the Nevada Industrial Insurance Act or the Nevada Occupational Diseases Act. (NRS 616D.120) Section 2 of this bill increases the amount of that benefit penalty to not less than ~~[\$15,000]~~ \$17,000 and not greater than ~~[\$200,000]~~ \$120,000. Section 2 also extends from 10 days to 15 days the time in which a benefit penalty must be paid to a claimant after the Administrator determines the amount of the benefit penalty. Section 1.5 of this bill requires the Administrator to publish, maintain and make available to the public on the Internet website of the Division certain information relating to benefit penalties imposed by the Administrator.

Existing law sets forth procedures by which a person may contest a decision of the Administrator to impose or refuse to impose a benefit penalty. (NRS 616D.140) Section 4 of this bill extends the time in which a person may appeal from the failure of the Administrator to respond to a notice of appeal from 100 days after the date on which the notice of appeal was mailed to the Administrator to 120 days after that date. Section 4 also: (1) requires a party who unsuccessfully appeals the imposition of a benefit penalty to pay a claimant double the amount of the benefit penalty initially imposed; (2) establishes certain requirements for when a benefit penalty must be paid; and (3) authorizes the Commissioner of Insurance to suspend a certification issued to an insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization under certain circumstances.

Existing law requires the Administrator, upon receipt of a complaint or if the Administrator has reason to believe that certain provisions of the Nevada Industrial Insurance Act have been violated, to cause an investigation to be conducted and render a determination concerning those violations. (NRS 616D.130) Section 3 of this bill broadens the circumstances under which the Administrator is required to cause an investigation to be conducted and requires the Administrator to: (1) provide the Commissioner and the suspected violator with a copy of the complaint or an explanation of the reason why the Administrator believes a violation has occurred and a copy of the determination rendered on the matter; and (2) include with the Administrator's determination any settlement agreement relating to the violation. Section 3 also revises the time in which the Administrator must complete certain actions pursuant to the investigation.

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

Section 1. ~~NRS 616D.030 is hereby amended to read as follows:~~
~~616D.030 1. [No] Except as otherwise provided in subsection 3, no~~
~~cause of action may be brought or maintained against an insurer or a~~

~~third party administrator who violates any provision of this chapter or chapter 616A, 616B, 616C or 617 of NRS.~~

~~2. [The] Except as otherwise provided in subsection 3, the administrative fines provided for in NRS 616B.318 and 616D.120 are the exclusive remedies for any violation of this chapter or chapter 616A, 616B, 616C or 617 of NRS committed by an insurer or a third party administrator.~~

~~3. A claimant aggrieved by a violation of this chapter or chapter 616A, 616B, 616C or 617 of NRS committed by an insurer or third party administrator may bring a civil action in a court of competent jurisdiction to seek actual damages and reasonable attorney's fees and costs from the insurer or third party administrator who committed the violation if the violation involved:~~

~~(a) The refusal to pay or the unreasonably delayed payment to the claimant of compensation or other relief found to be due the claimant by a hearing officer, appeals officer, court of competent jurisdiction, written settlement agreement, written stipulation or the Division when carrying out its duties pursuant to chapters 616A to 617, inclusive, of NRS; and~~

~~(b) Negligence or bad faith on the part of the insurer or third party administrator.] (Deleted by amendment.)~~

Sec. 1.5. Chapter 616D of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the Administrator orders an insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization to pay a benefit penalty pursuant to NRS 616D.120, the Administrator shall post on the Internet website of the Division:

(a) The full legal name of the insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization;

(b) The amount of the benefit penalty imposed; and

(c) A brief description of the violation for which the benefit penalty was imposed.

2. The information required by subsection 1 must:

(a) Be published not more than 30 days after the date on which the time for taking an appeal on the order to impose the benefit penalty has elapsed or the date on which all appeals regarding the order have been exhausted, whichever is later.

(b) Remain posted on the Internet website of the Division for not less than 5 years after the date on which it is initially posted.

3. The Administrator shall establish and maintain on the Internet website of the Division a database which:

(a) Contains the information required by subsection 1;

(b) Is publicly accessible;

(c) Is searchable; and

(d) Is updated regularly.

Sec. 2. NRS 616D.120 is hereby amended to read as follows:

616D.120 1. Except as otherwise provided in this section, if the Administrator determines that an insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization has:

(a) Induced a claimant to fail to report an accidental injury or occupational disease;

(b) Without justification, persuaded a claimant to:

(1) Settle for an amount which is less than reasonable;

(2) Settle for an amount which is less than reasonable while a hearing or an appeal is pending; or

(3) Accept less than the compensation found to be due the claimant by a hearing officer, appeals officer, court of competent jurisdiction, written settlement agreement, written stipulation or the Division when carrying out its duties pursuant to chapters 616A to 617, inclusive, of NRS;

(c) Refused to pay or unreasonably delayed payment to a claimant of compensation or other relief found to be due the claimant by a hearing officer, appeals officer, court of competent jurisdiction, written settlement agreement, written stipulation or the Division when carrying out its duties pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS, if the refusal or delay occurs:

(1) Later than 10 days after the date of the settlement agreement or stipulation;

(2) Later than 30 days after the date of the decision of a court, hearing officer, appeals officer or the Division, unless a stay has been granted; or

(3) Later than 10 days after a stay of the decision of a court, hearing officer, appeals officer or the Division has been lifted;

(d) Refused to process a claim for compensation pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS;

(e) Made it necessary for a claimant to initiate proceedings pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS for compensation or other relief found to be due the claimant by a hearing officer, appeals officer, court of competent jurisdiction, written settlement agreement, written stipulation or the Division when carrying out its duties pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS;

(f) Failed to comply with the Division's regulations covering the payment of an assessment relating to the funding of costs of administration of chapters 616A to 617, inclusive, of NRS;

(g) Failed to provide or unreasonably delayed payment to an injured employee or reimbursement to an insurer pursuant to NRS 616C.165;

(h) Engaged in a pattern of untimely payments to injured employees; or

(i) Intentionally failed to comply with any provision of, or regulation adopted pursuant to, this chapter or chapter 616A, 616B, 616C or 617 of NRS,

↪ the Administrator shall impose an administrative fine of \$1,500 for each initial violation, or a fine of \$15,000 for a second or subsequent violation.

2. Except as otherwise provided in chapters 616A to 616D, inclusive, or chapter 617 of NRS, if the Administrator determines that an insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization has failed to comply with any provision of this chapter or chapter 616A, 616B, 616C or 617 of NRS, or any regulation adopted pursuant thereto, the Administrator may take any of the following actions:

(a) Issue a notice of correction for:

(1) A minor violation, as defined by regulations adopted by the Division; or

(2) A violation involving the payment of compensation in an amount which is greater than that required by any provision of this chapter or chapter 616A, 616B, 616C or 617 of NRS, or any regulation adopted pursuant thereto.

↪ The notice of correction must set forth with particularity the violation committed and the manner in which the violation may be corrected. The provisions of this section do not authorize the Administrator to modify or negate in any manner a determination or any portion of a determination made by a hearing officer, appeals officer or court of competent jurisdiction or a provision contained in a written settlement agreement or written stipulation.

(b) Impose an administrative fine for:

(1) A second or subsequent violation for which a notice of correction has been issued pursuant to paragraph (a); or

(2) Any other violation of this chapter or chapter 616A, 616B, 616C or 617 of NRS, or any regulation adopted pursuant thereto, for which a notice of correction may not be issued pursuant to paragraph (a).

↪ The fine imposed must not be greater than \$375 for an initial violation, or more than \$3,000 for any second or subsequent violation.

(c) Order a plan of corrective action to be submitted to the Administrator within 30 days after the date of the order.

3. If the Administrator determines that a violation of any of the provisions of paragraphs (a) to (e), inclusive, (h) or (i) of subsection 1 has occurred, the Administrator shall order the insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization to pay to the claimant a benefit penalty:

(a) Except as otherwise provided in paragraph (b), in an amount that is not less than ~~[\$5,000—\$15,000]~~ \$17,000 and not greater than ~~[\$50,000; \$200,000;]~~ \$120,000; or

(b) Of \$3,000 if the violation involves a late payment of compensation or other relief to a claimant in an amount which is less than \$500 or which is not more than 14 days late.

4. To determine the amount of the benefit penalty, the Administrator shall consider the degree of physical harm suffered by the injured employee

or the dependents of the injured employee as a result of the violation of paragraph (a), (b), (c), (d), (e), (h) or (i) of subsection 1, the amount of compensation found to be due the claimant and the number of fines and benefit penalties, other than a benefit penalty described in paragraph (b) of subsection 3, previously imposed against the insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization pursuant to this section. The Administrator shall also consider the degree of economic harm suffered by the injured employee or the dependents of the injured employee as a result of the violation of paragraph (a), (b), (c), (d), (e), (h) or (i) of subsection 1. Except as otherwise provided in this section, the benefit penalty is for the benefit of the claimant and must be paid directly to the claimant within ~~10~~ 15 days after the date of the Administrator's determination. If the claimant is the injured employee and the claimant dies before the benefit penalty is paid to him or her, the benefit penalty must be paid to the estate of the claimant. Proof of the payment of the benefit penalty must be submitted to the Administrator within ~~10~~ 15 days after the date of the Administrator's determination unless an appeal is filed pursuant to NRS 616D.140. Any compensation to which the claimant may otherwise be entitled pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS must not be reduced by the amount of any benefit penalty received pursuant to this subsection. To determine the amount of the benefit penalty in cases of multiple violations occurring within a certain period of time, the Administrator shall adopt regulations which take into consideration:

(a) The number of violations within a certain number of years for which a benefit penalty was imposed; and

(b) The number of claims handled by the insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization in relation to the number of benefit penalties previously imposed within the period of time prescribed pursuant to paragraph (a).

5. In addition to any fine or benefit penalty imposed pursuant to this section, the Administrator may assess against an insurer who violates any regulation concerning the reporting of claims expenditures or premiums received that are used to calculate an assessment an administrative penalty of up to twice the amount of any underpaid assessment.

6. If:

(a) The Administrator determines that a person has violated any of the provisions of NRS 616D.200, 616D.220, 616D.240, 616D.300, 616D.310 or 616D.350 to 616D.440, inclusive; and

(b) The Fraud Control Unit for Industrial Insurance of the Office of the Attorney General established pursuant to NRS 228.420 notifies the Administrator that the Unit will not prosecute the person for that violation, ➡ the Administrator shall impose an administrative fine of not more than \$15,000.

7. Two or more fines of \$1,000 or more imposed in 1 year for acts enumerated in subsection 1 must be considered by the Commissioner as evidence for the withdrawal of:

- (a) A certificate to act as a self-insured employer.
- (b) A certificate to act as an association of self-insured public or private employers.
- (c) A certificate of registration as a third-party administrator.

8. The Commissioner may, without complying with the provisions of NRS 616B.327 or 616B.431, withdraw the certification of a self-insured employer, association of self-insured public or private employers or third-party administrator if, after a hearing, it is shown that the self-insured employer, association of self-insured public or private employers or third-party administrator violated any provision of subsection 1.

9. If the Administrator determines that a vocational rehabilitation counselor has violated the provisions of NRS 616C.543, the Administrator may impose an administrative fine on the vocational rehabilitation counselor of not more than \$250 for a first violation, \$500 for a second violation and \$1,000 for a third or subsequent violation.

10. The Administrator may make a claim against the bond required pursuant to NRS 683A.0857 for the payment of any administrative fine or benefit penalty imposed for a violation of the provisions of this section.

Sec. 3. NRS 616D.130 is hereby amended to read as follows:

616D.130 1. Upon receipt of a complaint for a violation of subsection 1, 2 or 3 of NRS 616D.120, or if the Administrator has reason to believe that such a violation has occurred, the Administrator shall ~~cause~~ :

(a) Promptly provide a copy of the complaint, or an explanation of the reason the Administrator believes that a violation has occurred to :

(1) The Commissioner; and

(2) The insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization that allegedly committed the violation; and

(b) Cause to be conducted an investigation of the alleged violation. [Except as otherwise provided in subsection 2, the]

2. The Administrator shall [within] :

(a) Within 30 days after [initiating the] receipt of a complaint, initiate an investigation [;

~~— (a) Render] :~~

(b) Within 60 days after the date on which the investigation is initiated, complete the investigation; and

(c) Within 30 days after the investigation is completed, render a determination [;] and deliver a copy of the determination to:

(1) The Commissioner; and

(2) The insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization that was the subject of the investigation.

3. The determination *rendered pursuant to subsection 2* must include the Administrator's findings of fact, *any settlement agreement on the matter* and, if the Administrator determines that a violation has occurred, one or more of the following:

~~[(1)]~~ (a) The amount of any fine required to be paid pursuant to NRS 616D.120.

~~[(2)]~~ (b) The amount of any benefit penalty required to be paid to a claimant pursuant to NRS 616D.120.

~~[(3)]~~ (c) A plan of corrective action to be taken by the insurer, organization for managed care, health care provider, third-party administrator or employer, including the manner and time within which the violation must be corrected.

~~[(4)]~~ (d) A requirement that notice of the violation be given to the appropriate agency that regulates the activities of the violator.

~~[(b) Notify the Commissioner if the Administrator determines that a violation was committed by a self-insured employer, association of self-insured public or private employers or third-party administrator.~~

~~2. Upon receipt of a complaint for any violation of paragraph (a), (b), (c) or (d) of subsection 1 of NRS 616D.120, or if the Administrator has reason to believe that such a violation has occurred, the Administrator shall complete the investigation required by subsection 1 within 60 days and, within 30 days after the completion of the investigation, render a determination and notify the Commissioner if the Administrator determines that a violation was committed by a self-insured employer, association of self-insured public or private employers or third-party administrator.~~

~~3.~~ 4. If, based upon the Administrator's findings of fact, the Administrator determines that a violation has not occurred, the Administrator shall issue a determination to that effect.

Sec. 4. NRS 616D.140 is hereby amended to read as follows:

616D.140 1. If a person wishes to contest a decision of the Administrator to impose or refuse to impose a benefit penalty pursuant to NRS 616D.120, the person must file a notice of appeal with an appeals officer in accordance with this section. The notice of appeal must set forth the reasons the proposed benefit penalty should or should not be imposed.

2. A person who is aggrieved by:

(a) A written determination of the Administrator; or

(b) The failure of the Administrator to respond within 90 days to a written request mailed to the Administrator by the person who is aggrieved,

➤ may appeal from the determination or failure to respond by filing a request for a hearing before an appeals officer. The request must be filed within 30 days after the date on which the notice of the Administrator's determination was mailed by the Administrator or within ~~100~~ 120 days after the date on which the unanswered written request was mailed to the Administrator, as applicable. The failure of the Administrator to respond to a

written request for a determination within 90 days after receipt of the request shall be deemed by the appeals officer to be a denial of the request.

3. If a notice of appeal is not filed as required by this section, the imposition of or refusal to impose the benefit penalty shall be deemed a final order and is not subject to review by any court or agency.

4. A hearing held pursuant to this section must be conducted by the appeals officer as a hearing de novo. The appeals officer shall render a written decision on the appeal. Except as otherwise provided in this section, the provisions of NRS 616C.345 to 616C.385, inclusive, apply to an appeal filed pursuant to this section.

5. A benefit penalty imposed pursuant to NRS 616D.120 must be paid to the claimant on whose behalf it is imposed. If such a payment is not made within the period required by NRS 616D.120, the benefit penalty may be recovered in a civil action brought by the Administrator on behalf of the claimant in a court of competent jurisdiction in the county in which the claimant resides, in which the violation occurred or in which the person who is required to pay the benefit penalty has his or her principal place of business.

6. Any party aggrieved by a decision issued pursuant to this section by an appeals officer may appeal the decision directly to the district court.

7. If an appeals officer or district court renders a decision upholding the imposition of a benefit penalty, the insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization upon which the benefit penalty is imposed must, not later than 15 days after the date on which the decision is rendered, pay to the claimant the benefit penalty in an amount equal to twice the amount of the benefit penalty initially imposed.

8. If a claimant enters into a settlement agreement with an insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization concerning the amount of a benefit penalty owed to the claimant, the insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization shall pay directly to the claimant the amount agreed upon in the settlement agreement not later than 15 days after the date on which the settlement agreement is made.

9. If an insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization fails to pay a benefit penalty to a claimant within the time limits imposed by this section or subsection 4 of NRS 616D.120, the Commissioner may suspend, pending an investigation or any other disciplinary action, any certificate issued by the Commissioner to the insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization, as applicable.

Sec. 5. The amendatory provisions of sections 1 to 4, inclusive, of this act apply only with respect to claims which are filed on or after January 1, 2024.

Sec. 6. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 4, inclusive, of this act become effective:

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

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

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 242 to Senate Bill No. 274 deletes section 1, which allowed civil action for violations of Nevada's Industrial Insurance Act or Occupational Diseases Act; makes adjustments to administrative fines and benefit penalties for violating workers' compensation laws; adds a new section requiring transparency in benefit penalties; adds a new section amending provisions for investigation of violations and determination process; adds a new section amending provisions regarding appeal procedures and penalties; and clarifies the bill's applicability to claims and its effective date.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 308.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 410.

SUMMARY—Revises provisions relating to educational personnel.
(BDR 23-1018)

~~AN ACT relating to public employees; authorizing teachers and instructors employed by a school district under a teacher exchange program to elect to pay the employee's portion of contributions to the Public Employees' Retirement System on their own behalf; reducing the number of years of service required for eligibility to receive retirement benefits for certain persons, other than police officers or firefighters, who become members of the Public Employees' Retirement System on or after July 1, 2023; prohibiting a school district from contracting or partnering with persons or entities who charge more than a certain amount of fees and costs related to the employment of certain visa holders; and providing other matters properly relating thereto.~~

Legislative Counsel's Digest:

Existing law authorizes the board of trustees of a school district or the governing body of a charter school to employ teachers and instructors under teacher exchange programs authorized by federal law. (NRS 391.070) Under existing federal regulations, the participation of the teacher or instructor in the program is prohibited from exceeding 3 years but may be extended for 1 or 2 years under certain circumstances. (22 C.F.R. § 62.24 (j), (k))

Existing law ~~[requires certain public employers to pay their employees' portion of contributions to the Public Employees' Retirement System. (NRS 286.421) Section 1 of this bill creates an exception to this requirement by authorizing a person who, on or after July 1, 2023, is hired as a teacher or instructor under a teacher exchange program to elect to pay the employee's portion on his or her own behalf.~~

~~Section 2 of this bill similarly authorizes a teacher or instructor who was employed under a teacher exchange program by such an employer before July 1, 2023, and continues to be employed on or after that date without a break in service, to elect to pay the employee's portion of the contributions on his or her own behalf if such election is made on or before September 30, 2023.]~~ provides that a person who becomes a member of the Public Employees' Retirement System on or after July 1, 2015, other than a police officer or firefighter, is eligible to retire at 65 years of age if he or she has at least 5 years of service, at 62 years of age if he or she has at least 10 years of service, at 55 years of age if he or she has at least 30 years of service, and at any age if he or she has at least 33 1/3 years of service. (NRS 286.510) Section 1.3 of this bill provides that a person who becomes a member of the System on or after July 1, 2023, other than a police officer or firefighter, is eligible to retire at 65 years of age if he or she has at least 3 years of service, at 62 years of age if he or she has at least 10 years of service, at 55 years of age if he or she has at least 30 years of service and at any age if he or she has at least 33 1/3 years of service.

Section 1.6 of this bill prohibits a school district that employs, or intends to employ, a J-1 visa holder through a teacher exchange program from entering into a contract or partnering with a person or entity that is a sponsor of such a program or recruits candidates for such a program if the total amount of the fees and costs charged per person who participates in, or applies to be a candidate for, the program exceeds \$5,000. Section 2.5 of this bill provides that this prohibition does not apply to a contract or partnership existing on July 1, 2023, but does apply to any renewal or extension of such a contract or partnership after that date.

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

Section 1. ~~[NRS 286.421 is hereby amended to read as follows:~~

~~286.421 1. [A] Except as otherwise provided in subsection 3, 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.~~

~~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. Notwithstanding the provisions of any collective bargaining agreement to the contrary, an employee who, on or after July 1, 2023, is hired as a teacher or instructor under a teacher exchange program pursuant to NRS 391.070 by a public employer that is required to pay on behalf of its employees the contributions required by subsection 1 of NRS 286.410, 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.~~

~~— 4. Notwithstanding the provisions of any collective bargaining agreement to the contrary, if an employee described in subsection 3 elects to pay the contribution required by subsection 1 of NRS 286.410 on the employee's own behalf pursuant to paragraph (a) of subsection 3, the public employer of such an employee must proportionally increase the salary of the employee in an amount that reflects the reduction of the contribution made by the public employer on the employee's behalf.~~

~~— 5. 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 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 with respect to each month beginning after June 30, 1975, by 50 percent of the contribution made by the public employer, and must not be 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.] 6. 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.] 7. 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.] 8. 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.] 9, 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.] 9. The total contribution rate for employers must not be adjusted in accordance with the provisions of paragraph (b) of subsection [6.] 8 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.] 10. For the purposes of adjusting salary increases and cost of living increases or of salary reduction, the total contribution must be equally divided between employer and employee.~~

~~— [9.] 11. 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. 1.3. NRS 286.510 is hereby amended to read as follows:

286.510 1. Except as otherwise provided in subsections 2 and 3, a member of the System:

(a) Who has an effective date of membership before January 1, 2010, is eligible to retire at age 65 if the member has at least 5 years of service, at age 60 if the member has at least 10 years of service and at any age if the member has at least 30 years of service.

(b) Who has an effective date of membership on or after January 1, 2010, and before July 1, 2015, is eligible to retire at age 65 if the member has at least 5 years of service, at age 62 if the member has at least 10 years of service and at any age if the member has at least 30 years of service.

(c) Who has an effective date of membership on or after July 1, 2015, and before July 1, 2023, is eligible to retire at age 65 if the member has at least 5 years of service, at age 62 if the member has at least 10 years of service, at age 55 if the member has at least 30 years of service and at any age if the member has at least 33 1/3 years of service. For the purposes of this paragraph, any year or part of a year of service purchased by a member

pursuant to subsection 2 or 3 of NRS 286.300 or purchased on behalf of the member pursuant to subsection 4 of NRS 286.300 or as authorized by NRS 286.3005 and subsections 1 and 2 of NRS 286.3007 must not be considered in determining the number of years of service of a member unless the member has a family medical emergency. For the purposes of this paragraph, the Board shall define by regulation "family medical emergency" and set forth by regulation the circumstances in which purchased service credit may be considered in determining the number of years of service of a member who has a family medical emergency.

(d) Who has an effective date of membership on or after July 1, 2023, is eligible to retire at age 65 if the member has at least 3 years of service, at age 62 if the member has at least 10 years of service, at age 55 if the member has at least 30 years of service and at any age if the member has at least 33 1/3 years of service. For the purposes of this paragraph, any year or part of a year of service purchased by a member pursuant to subsection 2 or 3 of NRS 286.300 or purchased on behalf of the member pursuant to subsection 4 of NRS 286.300 or as authorized by NRS 286.3005 and subsections 1 and 2 of NRS 286.3007 must not be considered in determining the number of years of service of a member unless the member has a family medical emergency. For the purposes of this paragraph, the Board shall define by regulation "family medical emergency" and set forth by regulation the circumstances in which purchased service credit may be considered in determining the number of years of service of a member who has a family medical emergency.

2. A police officer or firefighter:

(a) Who has an effective date of membership before January 1, 2010, is eligible to retire at age 65 if the police officer or firefighter has at least 5 years of service, at age 55 if the police officer or firefighter has at least 10 years of service, at age 50 if the police officer or firefighter has at least 20 years of service and at any age if the police officer or firefighter has at least 25 years of service.

(b) Who has an effective date of membership on or after January 1, 2010, and before July 1, 2015, is eligible to retire at age 65 if the police officer or firefighter has at least 5 years of service, at age 60 if the police officer or firefighter has at least 10 years of service and at age 50 if the police officer or firefighter has at least 20 years of service.

(c) Who has an effective date of membership on or after July 1, 2015, is eligible to retire at age 65 if the police officer or firefighter has at least 5 years of service, at age 60 if the police officer or firefighter has at least 10 years of service and at age 50 if the police officer or firefighter has at least 20 years of service. For the purposes of this paragraph, any year or part of a year of service purchased by a police officer or firefighter pursuant to subsection 2 or 3 of NRS 286.300 or subsection 7 of NRS 286.367 or purchased on behalf of the police officer or firefighter as authorized by NRS 286.3005 and subsections 1 and 2 of NRS 286.3007 must not be considered in determining the number of years of service of a police officer

or firefighter unless the police officer or firefighter has a family medical emergency. For the purposes of this paragraph, the Board shall define by regulation "family medical emergency" and set forth by regulation the circumstances in which purchased service credit may be considered in determining the number of years of service of a police officer or firefighter who has a family medical emergency.

➔ Only service performed in a position as a police officer or firefighter, established as such by statute or regulation, service performed pursuant to subsection 3 and credit for military service, may be counted toward eligibility for retirement pursuant to this subsection.

3. Except as otherwise provided in subsection 4, a police officer or firefighter who has at least 5 years of service as a police officer or firefighter and is otherwise eligible to apply for disability retirement pursuant to NRS 286.620 because of an injury arising out of and in the course of the police officer's or firefighter's employment remains eligible for retirement pursuant to subsection 2 if:

(a) The police officer or firefighter applies to the Board for disability retirement and the Board approves the police officer's or firefighter's application;

(b) In lieu of a disability retirement allowance, the police officer or firefighter accepts another position with the public employer with which the police officer or firefighter was employed when the police officer or firefighter became disabled as soon as practicable but not later than 90 days after the Board approves the police officer's or firefighter's application for disability retirement;

(c) The police officer or firefighter remains continuously employed by that public employer until the police officer or firefighter becomes eligible for retirement pursuant to subsection 2; and

(d) After the police officer or firefighter accepts a position pursuant to paragraph (b), the police officer's or firefighter's contributions are paid at the rate that is actuarially determined for police officers and firefighters until the police officer or firefighter becomes eligible for retirement pursuant to subsection 2.

4. If a police officer or firefighter who accepted another position with the public employer with which the police officer or firefighter was employed when the police officer or firefighter became disabled pursuant to subsection 3 ceases to work for that public employer before becoming eligible to retire pursuant to subsection 2, the police officer or firefighter may begin to receive a disability retirement allowance without further approval by the Board by notifying the Board on a form prescribed by the Board.

5. Eligibility for retirement, as provided in this section, does not require the member to have been a participant in the System at the beginning of the police officer's or firefighter's credited service.

6. Any member who has the years of creditable service necessary to retire but has not attained the required age, if any, may retire at any age with

a benefit actuarially reduced to the required retirement age. Except as otherwise required as a result of NRS 286.537, a retirement benefit pursuant to this subsection must be reduced:

(a) If the member has an effective date of membership before January 1, 2010, by 4 percent of the unmodified benefit for each full year that the member is under the appropriate retirement age, and an additional 0.33 percent for each additional month that the member is under the appropriate retirement age.

(b) If the member has an effective date of membership on or after January 1, 2010, by 6 percent of the unmodified benefit for each full year that the member is under the appropriate retirement age, and an additional 0.5 percent for each additional month that the member is under the appropriate retirement age.

➤ Any option selected pursuant to this subsection must be reduced by an amount proportionate to the reduction provided in this subsection for the unmodified benefit. The Board may adjust the actuarial reduction based upon an experience study of the System and recommendation by the actuary.

Sec. 1.6. Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A school district in this State that employs, or intends to employ, a J-1 visa holder pursuant to a teacher exchange program shall not enter into a contract or partner with any person or entity that is a sponsor of such a program or that recruits candidates for such a program if the total amount of fees and costs charged per person who participates in, or applies to be a candidate for, the program exceeds \$5,000.

2. As used in this section, "J-1 visa holder" means a person who holds a visa issued pursuant to 8 U.S.C. § 1101(a)(15)(J).

~~Sec. 2. [Notwithstanding the provisions of any applicable collective bargaining agreement to the contrary, an employee who was employed before July 1, 2023, as a teacher or instructor under a teacher exchange program pursuant to NRS 391.070 by a public employer that is required to pay on behalf of an employee contributions to the Public Employees' Retirement Fund pursuant to subsection 1 of NRS 286.410 and who is so employed on or after July 1, 2023, without a break in service, may make a one-time election to pay such contributions on the employee's own behalf. Such a one-time election must be made not later than September 30, 2023.] (Deleted by amendment.)~~

Sec. 2.5. The provisions of section 1.6 of this act do not apply to a contract or partnership existing on July 1, 2023, but do apply to any renewal or extension of such a contract.

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

Senator Lange moved the adoption of the amendment.

Remarks by Senator Lange.

Amendment No. 410 to Senate Bill No. 308 removes the authorization that certain personnel employed under teacher exchange programs may elect to pay the employee's portion of

contributions to the Public Employees' Retirement System on his or her own behalf. It reduces the number of years of service required for eligibility to receive retirement benefits for public employees other than police officers or firefighters from five years to three years. It prohibits a school district employing or intending to employ certain personnel under a teacher exchange program from entering into a contract with a person or entity that is a sponsor of a teacher exchange program or that recruits candidates for such a program if the total cost exceeds \$5,000 per participant or applicant.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 328.

Bill read second time.

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

Amendment No. 405.

SUMMARY—~~[Revises]~~ Eliminating the [procedures by which] exemption of the Cannabis Compliance Board [is required to adopt, amend or repeal regulations,] from the provisions of the Nevada Administrative Procedure Act. (BDR 56-519)

AN ACT relating to cannabis; eliminating the exemption of the Cannabis Compliance Board from the provisions of the Nevada Administrative Procedure Act ~~[with respect to the adoption, amendment or repeal of regulations,]~~ : revising procedures governing disciplinary proceedings conducted by the Board; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth the Nevada Administrative Procedure Act, which establishes the procedures for state agencies to adopt, amend or repeal administrative regulations and adjudicate contested cases. (Chapter 233B of NRS) Existing law exempts the Cannabis Compliance Board from the provisions of the Act. (NRS 233B.039) Existing law instead sets forth specific procedures for the Board to : (1) adopt, amend or repeal regulations [; and (2) take disciplinary action against a person who holds a license or registration card issued by the Board. (NRS [678A.460] Sections 1 and 2] 678A.460, 678A.500-678A.640) Section 5 of this bill [repeal those procedures and eliminate] eliminates the exemption of the Board from the provisions of the Act, ~~[with respect to the adoption, amendment or repeal of regulations,]~~ thereby requiring the Board to adopt, amend and repeal regulations and adjudicate contested cases in the same manner as other state agencies subject to the provisions of the Act. Section ~~[1 retains the exemption of the Board from the provisions of the Act with respect to adjudication of contested cases.]~~ 6 of this bill repeals the specific procedures for the Board to adopt, amend or repeal regulations set forth under existing law. Sections 1-3 of this bill revise the procedures for the Board to take disciplinary action to conform with the procedures for the adjudication of contested cases set forth in the Act.

Existing law sets forth procedures by which a person aggrieved by a final decision of the Board in a disciplinary proceeding may obtain judicial review of the decision. (NRS 678A.610-678A.640) Section 6 eliminates those procedures. Section 4 of this bill instead authorizes a person aggrieved by a final decision of the Board in a disciplinary proceeding to obtain judicial review of the decision in the manner provided in the Act.

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

Section 1. NRS 678A.510 is hereby amended to read as follows:

678A.510 1. If the Executive Director transmits the details of a suspected violation to the Attorney General pursuant to NRS 678A.500, the Attorney General shall conduct an investigation of the suspected violation to determine whether it warrants proceedings for disciplinary action of the licensee or registrant. If the Attorney General determines that further proceedings are warranted, he or she shall report the results of the investigation together with a recommendation to the Executive Director in a manner which does not violate the right of the person charged in the complaint to due process in any later hearing on the complaint. The Executive Director shall transmit the recommendation and other information received from the Attorney General to the Board.

2. The Board shall promptly make a determination with respect to each complaint resulting in an investigation by the Attorney General. The Board shall:

- (a) Dismiss the complaint; or
- (b) Proceed with appropriate disciplinary action in accordance with NRS 678A.520 to 678A.600, inclusive, chapter 233B of NRS and the regulations adopted by the Board.

Sec. 2. NRS 678A.540 is hereby amended to read as follows:

678A.540 1. At all hearings before the Board:

(a) Oral evidence may be taken only upon oath or affirmation administered by the Board.

(b) Every party has the right to:

- (1) Call and examine witnesses;
- (2) Introduce exhibits relevant to the issues of the case;
- (3) Cross-examine opposing witnesses on any matters relevant to the issues of the case, even though the matter was not covered in a direct examination;

(4) Impeach any witness regardless of which party first called the witness to testify; and

(5) Offer rebuttal evidence.

(c) If the respondent does not testify in his or her own behalf, the respondent may be called and examined as if under cross-examination.

(d) The hearing need not be conducted according to technical rules relating to evidence and witnesses ~~but~~, except that those prescribed in NRS 233B.123 apply. Any relevant evidence that is not immaterial or unduly

repetitious may be admitted and is sufficient in itself to support a finding if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in a civil action.

(e) The parties or their counsel may by written stipulation agree that certain specified evidence may be admitted even though such evidence might otherwise be subject to objection.

2. The Board may take official notice of any generally accepted information or technical or scientific matter within the field of cannabis, and of any other fact which may be judicially noticed by the courts of this State. The parties must be informed of any information, matters or facts so noticed, and must be given a reasonable opportunity, on request, to refute such information, matters or facts by evidence or by written or oral presentation of authorities, the manner of such refutation to be determined by the Board.

3. Affidavits may be received in evidence at any hearing of the Board in accordance with the following:

(a) The party wishing to use an affidavit must, not less than 10 days before the day set for hearing, serve upon the opposing party or counsel, either personally or by registered or certified mail, a copy of the affidavit which the party proposes to introduce in evidence together with a notice as provided in paragraph (c).

(b) Unless the opposing party, within 7 days after such service, mails or delivers to the proponent a request to cross-examine the affiant, the opposing party's right to cross-examine the affiant is waived and the affidavit, if introduced in evidence, must be given the same effect as if the affiant had testified orally. If an opportunity to cross-examine an affiant is not afforded after request therefor is made in accordance with this paragraph, the affidavit may be introduced in evidence, but must be given only the same effect as other hearsay evidence.

(c) The notice referred to in paragraph (a) must be substantially in the following form:

The accompanying affidavit of (here insert name of affiant) will be introduced as evidence at the hearing set for the day of the month of of the year (Here insert name of affiant) will not be called to testify orally and you will not be entitled to question (here insert name of affiant) unless you notify the undersigned that you wish to cross-examine (here insert name of affiant). To be effective your request must be mailed or delivered to the undersigned on or before 7 days from the date this notice and the enclosed affidavit are served upon you.

.....
(Party or Counsel)

.....
(Address)

Sec. 3. NRS 678A.590 is hereby amended to read as follows:

678A.590 1. Within 60 days after the hearing of a contested matter, the Board shall render a written decision on the merits ~~. [which]~~ Except as otherwise provided in subsection 5 of NRS 233B.121, the written decision must contain findings of fact ~~[.]~~ and conclusions of law which are separately stated, a determination of the issues presented and the penalty to be imposed, if any. The Board shall thereafter make and enter its written order in conformity to its decision. No member of the Board who did not hear the evidence may vote on the decision. The affirmative votes of a majority of the whole Board are required to impose any penalty. Copies of the decision and order must be served on the parties personally or sent to them by registered or certified mail. The decision is effective upon such service, unless the Board orders otherwise.

2. The Board may, upon motion made within ~~[10]~~ 15 days after service of a decision and order, order a rehearing before the Board upon such terms and conditions as it may deem just and proper if a petition for judicial review of the decision and order has not been filed. The motion must not be granted except upon a showing that there is additional evidence which is material and necessary and reasonably calculated to change the decision of the Board, and that sufficient reason existed for failure to present the evidence at the hearing of the Board. The motion must be supported by an affidavit of the moving party or his or her counsel showing with particularity the materiality and necessity of the additional evidence and the reason why it was not introduced at the hearing. Upon rehearing, rebuttal evidence to the additional evidence must be permitted. After rehearing, the Board may modify its decision and order as the additional evidence may warrant.

Sec. 4. NRS 678A.610 is hereby amended to read as follows:

678A.610 ~~[1.]~~ Any person aggrieved by a final decision or order of the Board made after hearing or rehearing by the Board pursuant to NRS 678A.520 to 678A.600, inclusive, and whether or not a motion for rehearing was filed, ~~[may obtain a]~~ is entitled to judicial review ~~[thereof in the district court of the county in which the petitioner resides or has his, her or its principal place of business.]~~

~~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 motion for rehearing or a rehearing is pending before the Board. 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 Board 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 Board, but the Board itself may grant a stay upon such terms and conditions as it deems proper.] of the decision or order in the manner provided by chapter 233B of NRS.~~

~~[Section 1.]~~ Sec. 5. NRS 233B.039 is hereby amended to read as follows:

233B.039 1. The following agencies are entirely exempted from the requirements of this chapter:

- (a) The Governor.
- (b) Except as otherwise provided in NRS 209.221 and 209.2473, the Department of Corrections.
- (c) The Nevada System of Higher Education.
- (d) The Office of the Military.
- (e) The Nevada Gaming Control Board.
- (f) Except as otherwise provided in NRS 368A.140 and 463.765, the Nevada Gaming Commission.
- (g) Except as otherwise provided in NRS 425.620, the Division of Welfare and Supportive Services of the Department of Health and Human Services.
- (h) Except as otherwise provided in NRS 422.390, the Division of Health Care Financing and Policy of the Department of Health and Human Services.
- (i) Except as otherwise provided in NRS 533.365, the Office of the State Engineer.
- (j) The Division of Industrial Relations of the Department of Business and Industry acting to enforce the provisions of NRS 618.375.
- (k) The Administrator of the Division of Industrial Relations of the Department of Business and Industry in establishing and adjusting the schedule of fees and charges for accident benefits pursuant to subsection 2 of NRS 616C.260.
- (l) The Board to Review Claims in adopting resolutions to carry out its duties pursuant to NRS 445C.310.

(m) The Silver State Health Insurance Exchange.

~~[(n) The Cannabis Compliance Board.]~~

2. Except as otherwise provided in subsection 5 and NRS 391.323, the Department of Education, the Board of the Public Employees' Benefits Program and the Commission on Professional Standards in Education are subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

3. The special provisions of:

(a) Chapter 612 of NRS for the adoption of an emergency regulation or the distribution of regulations by and the judicial review of decisions of the Employment Security Division of the Department of Employment, Training and Rehabilitation;

(b) Chapters 616A to 617, inclusive, of NRS for the determination of contested claims;

(c) Chapter 91 of NRS for the judicial review of decisions of the Administrator of the Securities Division of the Office of the Secretary of State; and

(d) NRS 90.800 for the use of summary orders in contested cases, ➡ prevail over the general provisions of this chapter.

4. The provisions of NRS 233B.122, 233B.124, 233B.125 and 233B.126 do not apply to the Department of Health and Human Services in the adjudication of contested cases involving the issuance of letters of approval for health facilities and agencies.

5. The provisions of this chapter do not apply to:

(a) Any order for immediate action, including, but not limited to, quarantine and the treatment or cleansing of infected or infested animals, objects or premises, made under the authority of the State Board of Agriculture, the State Board of Health, or any other agency of this State in the discharge of a responsibility for the preservation of human or animal health or for insect or pest control;

(b) An extraordinary regulation of the State Board of Pharmacy adopted pursuant to NRS 453.2184;

(c) A regulation adopted by the State Board of Education pursuant to NRS 388.255 or 394.1694;

(d) The judicial review of decisions of the Public Utilities Commission of Nevada;

(e) The adoption, amendment or repeal of policies by the Rehabilitation Division of the Department of Employment, Training and Rehabilitation pursuant to NRS 426.561 or 615.178;

(f) The adoption or amendment of a rule or regulation to be included in the State Plan for Services for Victims of Crime by the Department of Health and Human Services pursuant to NRS 217.130;

(g) The adoption, amendment or repeal of rules governing the conduct of contests and exhibitions of unarmed combat by the Nevada Athletic Commission pursuant to NRS 467.075;

(h) The adoption, amendment or repeal of regulations by the Director of the Department of Health and Human Services pursuant to NRS 447.335 to 447.350, inclusive;

(i) The adoption, amendment or repeal of standards of content and performance for courses of study in public schools by the Council to Establish Academic Standards for Public Schools and the State Board of Education pursuant to NRS 389.520;

(j) The adoption, amendment or repeal of the statewide plan to allocate money from the Fund for a Resilient Nevada created by NRS 433.732 established by the Department of Health and Human Services pursuant to paragraph (b) of subsection 1 of NRS 433.734; or

(k) The adoption or amendment of a data request by the Commissioner of Insurance pursuant to NRS 687B.404.

6. The State Board of Parole Commissioners is ~~and the Cannabis Compliance Board are~~ subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

~~[Sec. 2.]~~ Sec. 6. NRS 678A.460 ~~is~~, 678A.560, 678A.620, 678A.630 and 678A.640 are hereby repealed.

~~[Sec. 3.]~~ Sec. 7. This act becomes effective upon passage and approval.

~~[TEXT]~~ LEADLINES OF REPEALED ~~[SECTION]~~ SECTIONS

678A.460 Regulations: Procedure for adoption, amendment and repeal.

~~[1. The Board shall adopt, amend and repeal regulations in accordance with the following procedures:~~

~~— (a) At least 30 days before a meeting of the Board at which the adoption, amendment or repeal of a regulation is considered, notice of the proposed action must be:~~

~~— (1) Posted on the Internet website of the Board;~~

~~— (2) Mailed to every person who has filed a request therefor with the Board; and~~

~~— (3) When the Board deems advisable, mailed to any person whom the Board believes would be interested in the proposed action, and published in such additional form and manner as the Board prescribes.~~

~~— (b) The notice of proposed adoption, amendment or repeal must include:~~

~~— (1) A statement of the time, place and nature of the proceedings for adoption, amendment or repeal;~~

~~— (2) Reference to the authority under which the action is proposed; and~~

~~— (3) Either the express terms or an informative summary of the proposed action.~~

~~— (c) On the date and at the time and place designated in the notice, the Board shall afford any interested person or his or her authorized representative, or both, the opportunity to present statements, arguments or contentions in writing, with or without opportunity to present them orally. The Board shall consider all relevant matter presented to it before adopting, amending or repealing any regulation.~~

~~— (d) Any interested person may file a petition with the Board requesting the adoption, amendment or repeal of a regulation. The petition must state, clearly and concisely:~~

~~— (1) The substance or nature of the regulation, amendment or repeal requested;~~

~~— (2) The reasons for the request; and~~

~~— (3) Reference to the authority of the Board to take the action requested.~~

~~— Upon receipt of the petition, the Board shall within 45 days deny the request in writing or schedule the matter for action pursuant to this subsection.~~

~~2. In emergencies, the Board may summarily adopt, amend or repeal any regulation if:~~

~~— (a) The Board submits to the Governor:~~

~~— (1) A written finding that such action is necessary for the immediate preservation of the public peace, health, safety, morals, good order or general welfare; and~~

~~— (2) A written statement of the facts constituting an emergency;~~

~~— (b) The Governor endorses the written finding and written statement described in paragraph (a) by written endorsement at the end of the full text of the written statement and written finding; and~~

~~— (c) The Board files the written statement and written finding endorsed by the Governor at the same time it adopts, amends or repeals the regulation.~~

~~— 3. In any hearing held pursuant to this section, the Board or its authorized representative may administer oaths or affirmations, and may continue or postpone the hearing from time to time and at such places as it prescribes.~~

~~— 4. The Board shall file a copy of any regulation adopted, amended or repealed by the Board with the Legislative Counsel as soon as practicable after adoption, amendment or repeal. The adoption, amendment or repeal of a regulation by the Board becomes effective upon filing with the Secretary of State. The Board shall not file a regulation with the Secretary of State until 15 days after the date on which the regulation was adopted, amended or repealed by the Board.~~

~~— 5. Upon the request of a Legislator, the Legislative Commission may examine a regulation adopted, amended or repealed by the Board that is not yet effective pursuant to subsection 4 to determine whether the regulation conforms to the statutory authority pursuant to which it was adopted and whether the regulation carries out the intent of the Legislature in granting that authority.~~

~~— 6. Except as otherwise provided in subsection 7, the Legislative Commission shall:~~

~~— (a) Review the regulation at its next regularly scheduled meeting if the request for examination of the regulation is received more than 10 working days before the meeting; or~~

~~— (b) Refer the regulation for review to the Subcommittee to Review Regulations appointed pursuant to subsection 6 of NRS 233B.067.~~

~~— 7. If the Board determines that an emergency exists which requires a regulation of the Board for which a Legislator requested an examination pursuant to subsection 5 to become effective before the next meeting of the Legislative Commission is scheduled to be held, the Board may notify the Legislative Counsel in writing of the emergency. Upon receipt of such a notice, the Legislative Counsel shall refer the regulation for review by the Subcommittee to Review Regulations as soon as practicable.~~

~~— 8. If the Legislative Commission, or the Subcommittee to Review Regulations if the regulation was referred to the Subcommittee, approves the regulation, the Legislative Counsel shall notify the Board that the Board may file the regulation with the Secretary of State. If the Commission or the Subcommittee objects to the regulation after determining that:~~

~~— (a) The regulation does not conform to statutory authority; or~~

~~(b) The regulation does not carry out legislative intent, the Legislative Counsel shall attach to the regulation a written notice of the objection, including, if practicable, a statement of the reasons for the objection, and shall promptly return the regulation to the Board.~~

~~9. If the Legislative Commission or the Subcommittee to Review Regulations has objected to a regulation, the Board shall revise the regulation to conform to the statutory authority pursuant to which it was adopted and to carry out the intent of the Legislature in granting that authority and return it to the Legislative Counsel within 60 days after the Board received the written notice of the objection to the regulation pursuant to subsection 8. Upon receipt of the revised regulation, the Legislative Counsel shall resubmit the regulation to the Legislative Commission or the Subcommittee for review. If the Legislative Commission or the Subcommittee approves the revised regulation, the Legislative Counsel shall notify the Board that the Board may file the revised regulation with the Secretary of State.~~

~~10. If the Legislative Commission or the Subcommittee to Review Regulations objects to the revised regulation, the Legislative Counsel shall attach to the revised regulation a written notice of the objection, including, if practicable, a statement of the reasons for the objection, and shall promptly return the revised regulation to the Board. The Board shall continue to revise the regulation and resubmit it to the Legislative Commission or the Subcommittee within 30 days after the Board receives a written notice of the objection to the revised regulation.]~~

678A.560 Hearings: Limitations on communications.

678A.620 Judicial review: Record on review.

678A.630 Judicial review: Additional evidence taken by Board; review confined to record; court may affirm, remand or reverse.

678A.640 Judicial review: Appeal to appellate court; exclusive method of review for disciplinary hearings; certain actions not subject to judicial review.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 405 to Senate Bill No. 328 removes the Cannabis Compliance Board's exemption from the Nevada Administrative Procedure Act regarding contested case adjudication and makes contested case provisions under NRS 233B applicable to the Board with necessary adjustments to NRS 678A.

Conflict of interest declared by Senator Ohrenschall.

Remarks by Senator Ohrenschall.

I have a disclosure to make on this bill. Because we are considering Senate Bill No. 328 which directly affects the Cannabis Compliance Board, I would like to advise the body that my better half serves as an appointed member of the Nevada Cannabis Compliance Board. I have sought the advice of our Legislative Counsel, and based on that advice, I plan to abstain on this and any future votes on Senate Bill No. 328.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 333.

Bill read second time.

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

Amendment No. 244.

SUMMARY—Revises provisions relating to virtual currency. (BDR 57-18)

AN ACT relating to virtual currency; requiring a virtual currency business to ~~[provide to]~~ register with the Commissioner of Financial Institutions ~~to~~ before engaging in virtual currency business activity with or on behalf of a resident of this State; creating the Virtual Currency Recovery Account; [requiring] authorizing the Commissioner to impose a civil penalty on a virtual currency business [to pay to the Commissioner an annual assessment]; that engages in certain conduct; authorizing the Commissioner to award [grants] payments of restitution to certain residents who are [customers of certain] victims of fraud committed by a virtual currency [businesses who are unable to satisfy their monetary obligations to customers]; business; requiring a virtual currency business to provide certain disclosures to a resident before engaging in virtual currency business activity with or on behalf of the resident; prohibiting a person from engaging in certain conduct relating to the solicitation of virtual currency business activity; prohibiting a virtual currency business from engaging in certain advertisements or promotions; prohibiting a domestic life insurer from investing money allocated to certain accounts in virtual currency; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill, ~~[based in part on similar legislation proposed in Massachusetts and Connecticut]~~, sets forth various requirements and restrictions concerning virtual currency and virtual currency business activity. [(S. 690, 193rd Gen. Court (Mass. 2023); H.B. 5320, Gen. Assem., Reg. Sess. (Conn. 2022))] Section 9 of this bill defines "virtual currency business activity" to mean, in general: (1) receiving virtual currency for transmission or transmitting virtual currency; (2) storing, holding or maintaining custody or control of virtual currency on behalf of others; (3) buying and selling virtual currency as a business; (4) performing exchange services as a business; or (5) controlling or issuing virtual currency. Section 8 of this bill designates a person who engages in virtual currency business activity as a "virtual currency business." Sections 3-7 and 9.5 of this bill define additional words and terms for the purposes of sections 2-17.5 of this bill. Section 10 of this bill exempts a broker-dealer registered with the Securities and Exchange Commission and certain financial institutions from the provisions of [this bill] sections 2-17.5.

Section 11 of this bill requires a virtual currency business, before engaging in virtual currency business activity with or on behalf of a resident of this State, to ~~[submit to]~~ register with the Commissioner of Financial Institutions by submitting a [written disclosure] form containing certain information.

~~Section 12 of this bill requires each virtual currency business who engages in virtual currency business activity with or on behalf of a resident to pay to~~ provides that if the Commissioner ~~[an annual assessment]~~ determines that a virtual currency business has committed an act constituting fraud against an older person, vulnerable person or a person under 21 years of age, the Commissioner is authorized to impose a civil penalty against the virtual currency business in an amount ~~[equal]~~ not to exceed 5 percent of the gross revenue of the virtual currency business in the immediately preceding year that was derived from engaging in virtual currency business activities ~~[with or on behalf of residents]~~. Section 12 requires the money collected from the ~~[assessment]~~ civil penalty to be deposited in the Virtual Currency Recovery Account, which is created by section 13 of this bill.

Section 14 of this bill authorizes the Commissioner to award ~~[grants]~~ payments of restitution from the Account to eligible residents. Under section 14, a resident is eligible for a grant from the Account if: (1) the resident ~~[has deposited government currency with]~~ is a victim of fraud committed by a virtual currency business; ~~[for used the services of a virtual currency business to exchange government currency];~~ (2) ~~at the time the fraud was committed, the [virtual currency business is unable to meet any monetary obligations to any of its customers];~~ resident was an older person, a vulnerable person or a person under 21 years of age; and (3) the resident meets any other criteria for eligibility established by the Commissioner by regulation.

Section 15 of this bill requires a virtual currency business, before engaging in virtual currency business activity with or on behalf of a resident, to provide to the resident a written disclosure containing the material risks involved in the activity and certain other information. Section 15.5 of this bill prohibits a person from engaging in any act or practice for the purpose of soliciting virtual currency business activity with a resident of this State that is intended to produce an erroneous belief by the resident that the person wishes to pursue a romantic or sexual relationship. Section 16 of this bill prohibits a virtual currency business from engaging in advertising or promotions which target any person or group of persons who, for certain specified reasons, is particularly vulnerable to financial exploitation. Section 17 of this bill authorizes the Commissioner to adopt regulations to carry out the provisions of ~~[this bill]~~ sections 2-17.

Existing law authorizes a domestic life insurer to establish separate accounts and allocate to those accounts amounts to provide for life insurance or annuities payable in fixed or variable amounts, or both. Existing law authorizes any amounts allocated to a separate account to be invested without regard to any requirements or limitations set forth under existing law governing the investments of life insurance companies. (NRS 688A.390) Section 17.5 of this bill prohibits a domestic life insurer from investing any amount allocated to a separate account to provide for life insurance in virtual currency.

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

Section 1. Title 57 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 17, inclusive, of this act.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to ~~10~~ 9.5, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. "Commissioner" means the Commissioner of Financial Institutions.

Sec. 4. "Exchange service" means:

1. The conversion or exchange of government currency or other value into virtual currency;

2. The conversion or exchange of virtual currency into government currency or other value; or

3. The conversion or exchange of one form of virtual currency into another form of virtual currency.

Sec. 5. "Government currency" means currency which has been issued by a government and has been designated as legal tender in its country of issuance through law, regulation or government decree.

Sec. 5.5. "Older person" has the meaning ascribed to it in NRS 200.5092.

Sec. 6. "Resident" means a person whose information on record with or available to a virtual currency business indicates that the person has:

1. A home address in this State;

2. A mailing address in this State; or

3. An Internet protocol address connected with a location in this State.

Sec. 7. 1. "Virtual currency" means a digital representation of value that is used as a medium of exchange or a form of digitally stored value.

2. The term includes a digital representation of value that:

(a) Has a centralized repository or administrator;

(b) Is decentralized and does not have a centralized repository or administrator; or

(c) May be created or obtained by computing or manufacturing effort.

3. The term does not include a digital representation of value that is used exclusively:

(a) Within one or more online game platforms and which does not have a market or application outside of those gaming platforms and cannot be converted to or redeemed for government currency; or

(b) As part of a consumer affinity or rewards program which can be applied solely as payment for purchases with the issuer of the digital representation of value or other designated merchant but cannot be converted to or redeemed for government currency.

Sec. 8. "Virtual currency business" means a person who engages in virtual currency business activity.

Sec. 9. "Virtual currency business activity" means:

1. Receiving virtual currency for transmission or transmitting virtual currency, except where the transaction is undertaken for nonfinancial purposes and does not involve the transfer of more than a nominal amount of virtual currency;
2. Storing, holding or maintaining custody or control of virtual currency on behalf of others;
3. Buying and selling virtual currency as a business;
4. Performing exchange services as a business; or
5. Controlling or issuing virtual currency.

Sec. 9.5. "Vulnerable person" has the meaning ascribed to it in NRS 200.5092.

Sec. 10. The provisions of this chapter do not apply to a ~~bank~~ ;

1. Bank, trust company, bank holding company, credit union, building and loan association, savings and loan association, savings bank or mutual savings bank organized under the laws of any state or the United States.

2. Broker-dealer registered with the Securities and Exchange Commission.

Sec. 11. 1. Before engaging in any virtual currency business activity with or on behalf of any resident, a virtual currency business shall ~~submit~~ register with the Commissioner by submitting to the Commissioner ~~on~~ a form prescribed by the Commissioner ~~on a written disclosure~~ that contains, without limitation:

- (a) The name and address of the virtual currency business;
- (b) Any affiliate or subsidiary of the virtual currency business; and
- (c) Any other virtual currency business in which the virtual currency business holds an ownership interest.

2. A virtual currency business that has ~~submitted a disclosure~~ registered pursuant to subsection 1 shall thereafter promptly notify the Commissioner of every material change in the information provided in the ~~disclosure~~ form submitted pursuant to subsection 1.

Sec. 12. 1. ~~On or before a date prescribed by~~ If the Commissioner ~~each year, each~~ determines that a virtual currency business ~~that has engaged in virtual currency business activity with or on behalf of~~ has committed any act constituting fraud against a resident ~~in the immediately preceding year shall submit to~~ who is an older person, vulnerable person or under 21 years of age, the Commissioner ~~an assessment~~ may, after notice and a hearing, impose a civil penalty against the virtual currency business in an amount ~~equal~~ not to exceed 5 percent of the gross revenue of the virtual currency business in the immediately preceding year that was derived from engaging in virtual currency business activities ~~with or on behalf of residents.~~

2. The money collected by the Commissioner from the ~~assessment~~ civil penalty imposed pursuant to subsection 1 must be deposited in the Virtual Currency Recovery Account created by section 13 of this act.

Sec. 13. 1. The Virtual Currency Recovery Account is hereby created in the State General Fund.

2. The Commissioner shall administer the Account. The money in the Account must be expended to award ~~grants~~ payments of restitution to eligible residents in accordance with section 14 of this act.

3. The Commissioner may apply for and accept any gift, donation, bequest, grant, transfer or other source of money for deposit in the Account.

4. The interest and income earned on the money in the Account, after deducting applicable charges, must be credited to the Account.

5. The money in the Account must remain in the Account and does not revert to the State General Fund at the end of any fiscal year.

Sec. 14. 1. To the extent that money is available in the Virtual Currency Recovery Account created by section 13 of this act, the Commissioner may award ~~grants~~ payments of restitution from the Account to eligible residents who submit an application to the Commissioner in the form and manner prescribed by the Commissioner.

2. Except as otherwise provided in subsection 3, a resident is eligible for a ~~grant~~ payment of restitution from the Account if:

(a) The resident ~~has:~~

~~(1) Deposited government currency with a virtual currency business for the purchase of virtual currency; or~~

~~(2) Used the services of~~ is a victim of fraud committed by a virtual currency business; ~~[to exchange government currency for virtual currency];~~

(b) At the time the ~~resident submits an application to the Commissioner for a grant from the Account, the virtual currency business that conducted the virtual currency business activity described in paragraph (a) with~~ fraud was committed by the virtual currency business, the resident ~~is unable to meet any monetary obligations to any of the customers of the virtual currency business;~~ was:

(1) An older person;

(2) A vulnerable person; or

(3) Under 21 years of age; and

(c) The resident meets any other criteria for eligibility established by the Commissioner by regulation.

3. The amount of money from the Account that may be awarded to a resident based upon any number of applications submitted by the resident involving a single virtual currency business must not exceed \$10,000.

4. The Commissioner shall adopt regulations to carry out the provisions of this section. The regulations must include, without limitation:

(a) The procedure by which a person may apply for a ~~grant~~ payment of restitution from the Account;

(b) Any additional criteria that a person must meet to be eligible for a ~~grant~~ payment of restitution from the Account; and

(c) Procedures to distribute the money in the Account in a fair and equitable manner.

Sec. 15. A virtual currency business shall, before engaging in virtual currency business activity with or on behalf of a resident, provide to the resident a written disclosure, which includes, without limitation, all material risks that, to the best of the virtual currency business's knowledge, the virtual currency business activity may pose and the following statements:

1. That virtual currency is not legal tender and is not backed by the United States government;

2. That the virtual currency held by the virtual currency business on behalf of the resident is not insured by the Federal Deposit Insurance Corporation;

3. That transactions in virtual currency held by the virtual currency business on behalf of the resident may be irreversible and losses due to fraudulent or accidental transactions may not be recoverable;

4. That laws determining the rights and obligations of virtual currency users are not fully developed and a court may find that the elements of the transaction, including, without limitation, the timing, amount, identity or location of the parties may not be the same as if the transaction had occurred with government currency; and

5. That the value of the virtual currency held by the virtual currency business on behalf of the resident may change more quickly and unexpectedly than that of government currency and may in fact become zero. ~~f; and~~

~~6. That technological difficulties experienced by the virtual currency business may prevent the resident from accessing the virtual currency held by the virtual currency business on behalf of the resident.~~

Sec. 15.5. A person shall not engage in any act or practice for the purpose of soliciting virtual currency business activity with a resident that is intended to produce an erroneous belief by the resident that the person wishes to pursue a romantic or sexual relationship with the resident.

Sec. 16. A virtual currency business shall not engage in advertising or promotions which target any person or group of persons who, by reason of age, health, economic status, infirmity, impaired understanding or disability, is particularly vulnerable to financial exploitation.

Sec. 17. The Commissioner may adopt such regulations as are necessary to carry out the provisions of this chapter.

Sec. 17.5. NRS 688A.390 is hereby amended to read as follows:

688A.390 1. A domestic life insurer may establish one or more separate accounts, and may allocate thereto amounts (including without limitation proceeds applied under optional modes of settlement or under dividend options) to provide for life insurance or annuities (and benefits incidental thereto), payable in fixed or variable amounts or both, subject to the following:

(a) The income, gains and losses, realized or unrealized, from assets allocated to a separate account shall be credited to or charged against the account, without regard to other income, gains or losses of the company.

(b) Except as may be provided with respect to reserves for guaranteed benefits and funds referred to in paragraph (c):

(1) Amounts allocated to any separate account and accumulations thereon may be invested and reinvested without regard to any requirements or limitations prescribed by the laws of this state governing the investments of life insurance companies ~~and~~, except that no amounts allocated to any separate account or any accumulations thereon to provide for life insurance may be invested in virtual currency, as defined in section 7 of this act; and

(2) The investments in such separate account or accounts shall not be taken into account in applying the investment limitations otherwise applicable to the investments of the company.

(c) Except with the approval of the Commissioner and under such conditions as to investments and other matters as the Commissioner may prescribe, which shall recognize the guaranteed nature of the benefits provided, reserves for:

(1) Benefits guaranteed as to dollar amount and duration; and

(2) Funds guaranteed as to principal amount or stated rate of interest,
 ➡ shall not be maintained in a separate account.

(d) Unless otherwise approved by the Commissioner, assets allocated to a separate account shall be valued at their market value on the date of valuation, or if there is no readily available market, then as provided under the terms of the contract or the rules or other written agreement applicable to such separate account; but unless otherwise approved by the Commissioner, the portion if any of the assets of such separate account equal to the company's reserve liability with regard to the guaranteed benefits and funds referred to in paragraph (c) shall be valued in accordance with the rules otherwise applicable to the company's assets.

(e) Amounts allocated to a separate account in the exercise of the power granted by this section shall be owned by the company, and the company shall not be, nor hold itself out to be, a trustee with respect to such amounts. If and to the extent so provided under the applicable contracts, that portion of the assets of any such separate account equal to the reserves and other contract liabilities with respect to such account shall not be chargeable with liabilities arising out of any other business the company may conduct.

(f) No sale, exchange or other transfer of assets may be made by a company between any of its separate accounts or between any other investment account and one or more of its separate accounts unless, in case of a transfer into a separate account, such transfer is made solely to establish the account pursuant to subsection 6 or to support the operation of the contracts with respect to the separate account to which the transfer is made, and unless such transfer, whether into or from a separate account, is made:

(1) By a transfer of cash; or

(2) By a transfer of securities having a readily determinable market value, provided that such transfer of securities is approved by the Commissioner.

↪ The Commissioner may approve other transfers among such accounts if, in the opinion of the Commissioner, such transfers would not be inequitable.

(g) To the extent such company deems it necessary to comply with any applicable federal or state laws, such company, with respect to any separate account, including without limitation any separate account which is a management investment company or a unit investment trust, may provide for persons having an interest therein appropriate voting and other rights and special procedures for the conduct of the business of such account, including without limitation special rights and procedures relating to investment policy, investment advisory services, selection of independent public accountants and the selection of a committee, the members of which need not be otherwise affiliated with such company, to manage the business of such account.

2. Any contract providing benefits payable in variable amounts delivered or issued for delivery in this state, including a group contract and any certificate issued thereunder, shall contain a statement of the essential features of the procedures to be followed by the insurance company in determining the dollar amount of such variable benefits. Any such contract under which the benefits vary to reflect investment experience, including a group contract and any certificate in evidence of variable benefits issued thereunder, shall state that such dollar amount will so vary and shall contain on its first page a statement to the effect that the benefits thereunder are on a variable basis.

3. No company shall deliver or issue for delivery within this state variable contracts unless it is licensed or organized to do a life insurance or annuity business in this state, and the Commissioner is satisfied that its condition or method of operation in connection with the issuance of such contracts will not render its operation hazardous to the public or its policyholders in this state. In this connection, the Commissioner shall consider among other things:

- (a) The history and financial condition of the company;
- (b) The character, responsibility and fitness of the officers and directors of the company; and
- (c) The law and regulations under which the company is authorized in the state of domicile to issue variable contracts.

↪ If the company is a subsidiary of an admitted life insurance company, or affiliated with such company through common management or ownership, it may be deemed by the Commissioner to have met the provisions of this subsection if either it or the parent or the affiliated company meets the requirements hereof.

4. Notwithstanding any other provision of law, the Commissioner has sole authority to regulate the issuance and sale of variable contracts, and to issue such reasonable rules and regulations as may be appropriate to carry out the purposes and provisions of this section.

5. Except for NRS 688A.190, 688A.240 and 688A.250 in the case of a variable annuity contract and NRS 688A.060, 688A.110, 688A.120, 688A.130, 688A.290 to 688A.360, inclusive, and 688B.050 in the case of a variable life insurance policy and except as otherwise provided in this Code, all pertinent provisions of this Code shall apply to separate accounts and contracts relating thereto. Any individual variable life insurance contract, delivered or issued for delivery in this state, shall contain grace, reinstatement and nonforfeiture provisions appropriate to such a contract. Any individual variable annuity contract, delivered or issued for delivery in this state, shall contain grace and reinstatement provisions appropriate to such a contract. The reserve liability for variable contracts shall be established in accordance with actuarial procedures that recognize the variable nature of the benefits provided and any mortality guarantees.

6. A domestic life insurer which establishes one or more separate accounts pursuant to this section may participate therein by allocating and contributing to such separate account funds which otherwise might be invested pursuant to NRS 682A.410 and 682A.514. The insurer shall have a proportionate interest in any such account, along with all other participating contract holders, to the extent of its participation therein. The aggregate amount so allocated or contributed by such an insurer to one or more separate accounts shall not, without the consent of the Commissioner, exceed the greater of:

- (a) One hundred thousand dollars;
- (b) One percent of its admitted assets as of December 31 next preceding;

or

(c) Five percent of its surplus as to policyholders as of December 31 next preceding.

↪ All funds allocated or contributed by the insurer to a separate account for the purpose of participation therein shall be included in applying the limitations upon investments otherwise specified in this Code. The insurer shall be entitled to withdraw at any time in whole or in part its participation in any separate account to which funds have been allocated or contributed and to receive upon withdrawal its proportional share of the value of the assets of the separate account at the time of withdrawal.

Sec. 18. 1. This section becomes effective upon passage and approval.

2. Sections 1 to ~~17.1~~ 17.5, inclusive, of this act become effective:

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

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

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 244 to Senate Bill No. 333 exempts broker-dealers registered with the United States Securities and Exchange Commission from this bill; requires virtual currency businesses to register with the Division of Financial Institutions, providing certain information;

provides that the Virtual Recovery Account is created for fraud and abuse protection funded by a civil penalty as a result of certain actions that are found to be fraud in the amount of a 5 percent gross revenue assessment from the virtual currency businesses; sets forth circumstances that are considered to be fraud, including, but not limited to, romance scams; amends section 14 to allow restitution payments instead of grants to eligible residents; prohibits cryptocurrency use in life insurance; and deletes the requirement for a technology difficulties statement within the written disclosures.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 355.

Bill read second time.

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

Amendment No. 246.

SUMMARY—Revises provisions relating to financial services.
(BDR 55-59)

AN ACT relating to financial services; prohibiting the Commissioner of Financial Institutions from requiring an applicant for a license to establish a new depository institution to identify the physical address of the proposed depository institution in the application for the license; authorizing certain persons employed by financial institutions to temporarily delay certain financial transactions involving the suspected exploitation of an older person or vulnerable person; exempting certain persons from liability for certain actions relating to the suspected exploitation of an older person or vulnerable person; authorizing the employee of a person licensed to engage in the business of lending in this State to perform certain work from a remote location under certain circumstances; setting forth various requirements concerning such work performed at a remote location; requiring a person licensed to engage in the business of lending in this State to provide notice to the Attorney General and certain other persons of certain breaches of security involving personal information; revising the circumstances under which a person is not required to accept an acknowledged power of attorney; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensure and regulation of various types of financial institutions, including, without limitation, depository institutions, by the Commissioner of Financial Institutions. (Title 55 of NRS) Existing law requires the Commissioner, during the process for the organization and licensing of a banking corporation or company, to examine all the facts connected with the formation of the proposed banking corporation or company, including its location. (NRS 659.045) Similarly, existing law requires a person who desires to organize a savings bank to submit to the Commissioner an application that contains, among other things, the location of the proposed main office of the savings bank. (NRS 673.080) Section 1 of this bill prohibits the Commissioner from requiring an applicant for a license

to establish a new depository institution to identify in the application for the license the physical address where the main office of the proposed depository institution will be located. Section 1 authorizes the Commissioner to require such an applicant to: (1) identify the location of the proposed main office, described in general terms, in the application; and (2) provide the physical address of the proposed main office before the depository institution commences business. Section 2 of this bill makes a conforming change to indicate the proper placement of section 1 in the Nevada Revised Statutes.

Existing law prohibits a person from engaging in the business of lending in this State without having first obtained a license from the Commissioner for each office or other place of business in which the person engages in the business of lending. (NRS 675.060) Section 5 of this bill authorizes an employee of a licensee to engage in the business of lending in this State at a remote location if authorized by the licensee. Section 5 requires a licensee: (1) to enter into a written agreement with an employee before authorizing the employee to work at a remote location; and (2) to ensure that the employee and the remote location meet certain requirements. Section 6 of this bill requires a licensee who authorizes an employee to engage in the business of lending in this State at a remote location to develop and adhere to a written data security policy meeting certain requirements. Section 7 of this bill sets forth certain prohibited acts with respect to an employee who engages in the business of lending in this State at a remote location. Section 8 of this bill requires a licensee who authorizes any employee to engage in the business of lending in this State at a remote location to conduct an annual review and evaluation of the operations of the licensee which are conducted by employees working at remote locations. Section 11 of this bill defines words and terms for the purposes of this bill. Sections 12-16 of this bill make certain changes to provisions governing the licensing of persons engaged in the business of lending to account for the provisions of sections 5-8 which authorize an employee of a licensee to engage in the business of lending in this State at a remote location.

Existing law requires a data collector that owns, licenses or maintains computerized data which includes personal information to, after discovery or notification of a breach of security in which personal information maintained by the data collector was, or is reasonably believed to have been, acquired by an unauthorized person, notify each affected resident of this State and certain other persons. (NRS 603A.220) Section 17 of this bill exempts a person licensed to engage in the business of lending in this State from those requirements. Section 9 of this bill instead sets forth similar provisions which require a licensee, after discovery or notification of a breach of security in which personal information maintained by the licensee was, or is reasonably believed to have been, acquired by an unauthorized person, to notify each affected resident if the breach is reasonably likely to subject the resident to a risk of harm and certain other conditions are met. Section 9 sets forth certain requirements for such a notification. Section 10 of this bill requires a licensee

who is required to notify more than 500 residents of this State pursuant to section 9 as the result of a single breach also to notify the Attorney General.

Existing law requires certain financial institutions to designate a person to whom an officer or employee of the financial institution must report known or suspected exploitation of an older person or vulnerable person. (NRS 657.290) Section 3 of this bill authorizes a designated reporter to delay a requested disbursement or transaction involving an older person or vulnerable person if the designated reporter knows or has reasonable cause to believe that the older person or vulnerable person has been exploited. Section 3 sets forth procedures and requirements for the imposition of such a delay. Additionally, section 3 provides that a financial institution and its officers, employees and designated reporters are immune from criminal, civil and administrative liability for: (1) making a report concerning the known or suspected exploitation of an older person or vulnerable person; (2) delaying or not delaying a requested disbursement or transaction involving such exploitation pursuant to section 3; and (3) taking certain other actions relating to known or suspected exploitation of an older person or vulnerable person.

Under existing law, a person who refuses to accept an acknowledged power of attorney, with certain exceptions, is subject to: (1) a court order mandating acceptance of the power of attorney; and (2) liability for reasonable attorney's fees and costs incurred in any action or proceeding that confirms the validity of the power of attorney or mandates acceptance of the power of attorney. (NRS 162A.370) Section 16.5 of this bill provides that a designated reporter who delays a requested disbursement or transaction pursuant to section 3 or certain other persons who make a report concerning the exploitation of an older person or vulnerable person are not required to accept an acknowledged power of attorney under certain circumstances.

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

Section 1. Chapter 657 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Commissioner shall not require an applicant for a license to establish a new depository institution to identify in the application for the license the physical address where the main office of the proposed depository institution will be located.*

2. *The Commissioner may require an applicant for a license to establish a new depository institution to:*

(a) Identify in the application for the license the location, described in general terms, where the main office of the proposed depository institution will be located; and

(b) Provide to the Commissioner the physical address of the main office of the proposed depository institution before the depository institution commences business.

Sec. 2. NRS 657.150 is hereby amended to read as follows:

657.150 As used in NRS 657.150 to 657.290, inclusive, *and section 1 of this act*, unless the context otherwise requires, the words and terms defined in NRS 657.160 and 657.170 have the meanings ascribed to them in those sections.

Sec. 3. NRS 657.290 is hereby amended to read as follows:

657.290 1. Each financial institution shall designate a person or persons to whom an officer or employee of the financial institution must report known or suspected exploitation of an older person or vulnerable person.

2. If an officer or employee reports known or suspected exploitation of an older person or vulnerable person to a designated reporter and, based on such a report or based on his or her own observations or knowledge, the designated reporter knows or has reasonable cause to believe that an older person or vulnerable person has been exploited, the designated reporter : ~~[shall:]~~

(a) Except as otherwise provided in subsection 3, *shall* report the known or suspected exploitation of the older person or vulnerable person to:

(1) The local office of the Aging and Disability Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office;

(3) The county's office for protective services, if one exists in the county where the suspected action occurred; or

(4) A toll-free telephone service designated by the Aging and Disability Services Division of the Department of Health and Human Services; ~~[and]~~

(b) ~~[Make]~~ *Shall* make such a report as soon as reasonably practicable ~~[:]~~ ;
and

(c) *May temporarily delay a requested disbursement from, or a requested transaction involving, an account of an older person or vulnerable person or an account to which an older person or vulnerable person is a beneficiary if the designated reporter:*

(1) *Not later than 2 business days after the date on which the requested disbursement or transaction is delayed:*

(I) *Provides written notification of the delay and the reason for the delay to all parties authorized to transact business on the account, except a party who is reasonably believed to have engaged in the suspected exploitation; and*

(II) *Notifies the local office of the Aging and Disability Services Division of the Department of Health and Human Services and a local law enforcement agency of the delay; and*

(2) *Notifies the local office of the Aging and Disability Services Division of the Department of Health and Human Services and the appropriate local law enforcement agency of any new information that is relevant to the delay within a reasonable time after becoming aware of the information.*

3. If the designated reporter knows or has reasonable cause to believe that the exploitation of the older person or vulnerable person involves an act or omission of the Aging and Disability Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the designated reporter shall make the report to an agency other than the one alleged to have committed the act or omission.

4. In accordance with the provisions of subsection 3 of NRS 239A.070, in making a report pursuant to this section, a designated reporter may:

(a) Disclose any facts or information that form the basis of the determination that the designated reporter knows or has reasonable cause to believe that an older person or vulnerable person has been exploited, including, without limitation, the identity of any person believed to be involved in the exploitation of the older person or vulnerable person; and

(b) Provide any financial records or other documentation relating to the exploitation of the older person or vulnerable person.

5. ~~[An officer, employee, A financial institution and any of its officers, employees and the designated reporter] reporters are [entitled to the immunity] immune from civil, criminal and administrative liability [set forth in NRS 200.5096 for making a report in good faith.] arising from:~~

(a) Making a report in good faith pursuant to this section;

(b) Delaying or not delaying a requested disbursement or transaction involving the known or suspected exploitation of an older person or vulnerable person pursuant to this section; or

(c) Taking any reasonable action which is:

(1) Performed in furtherance of a duty or authorization created by subsection 2, 3 or 4; and

(2) Based upon a reasonable belief that an older person or vulnerable person has been exploited.

6. Except as otherwise provided in this subsection and subsections 7 and 8, a delay in a requested disbursement or transaction authorized by paragraph (c) of subsection 2 expires 15 business days after the date on which the requested disbursement or transaction was delayed. If the local office of the Aging and Disability Services Division of the Department of Health and Human Services or a local law enforcement agency requests in writing that the designated reporter extend the delay, the delay expires upon the earlier of:

(a) Twenty-five business days after the date on which the requested disbursement or transaction was delayed; or

(b) Upon the written request of the local office of the Aging and Disability Services Division of the Department of Health and Human Services or the local law enforcement agency that requested the extension of the delay or upon the order of a court of competent jurisdiction.

7. A delay in a requested disbursement or transaction authorized by paragraph (c) of subsection 2 may expire before the period set forth in subsection 6 and the designated reporter may proceed with the requested

disbursement or transaction if the designated reporter ~~is, after consulting with and receiving no objection from the local office of the Aging and Disability Services Division of the Department of Health and Human Services or a local law enforcement agency, determines~~ reasonably believes that the requested disbursement or transaction will not result in exploitation of the older person or vulnerable person.

8. A court of competent jurisdiction may issue an order extending a delay of a requested disbursement or transaction authorized by paragraph (c) of subsection 2 based on the petition of the local office of the Aging and Disability Services Division of the Department of Health and Human Services, a local law enforcement agency or any other interested party.

9. When determining whether an older person or vulnerable person has been exploited, a designated reporter ~~(shall)~~ may consider any of the following circumstances, if applicable and without limitation:

(a) A requested disbursement from, or a requested transaction involving, an account of an older person or vulnerable person or an account to which an older person or vulnerable person is a beneficiary that the older person or vulnerable person cannot explain;

(b) A request to close a certificate of deposit of an older person or vulnerable person that is made:

(1) Before the date of maturity of the certificate of deposit; and

(2) With apparent disregard for any penalty associated with closing the certificate of deposit before the date of maturity of the certificate of deposit;

(c) A check written by an older person or vulnerable person under suspicious circumstances;

(d) An uncharacteristic attempt by an older person or vulnerable person to initiate a wire transfer of a significant sum of money;

(e) A suspicious signature on documentation relating to an account of an older person or vulnerable person;

(f) A suspicious alteration to a:

(1) Trust to which an older person or vulnerable person is a beneficiary; or

(2) Will or trust for which an older person or vulnerable person is a testator or trustee;

(g) A suspicious alteration in a power of attorney relating to an older person or a vulnerable person; and

(h) A person attempting to initiate a financial transaction on behalf of an older person or vulnerable person without proper documentation.

Sec. 4. Chapter 675 of NRS is hereby amended by adding thereto the provisions set forth as sections 5 to 10, inclusive, of this act.

Sec. 5. 1. An employee of a licensee may engage in the business of lending in this State at a remote location in accordance with sections 5 to 8, inclusive, of this act if authorized by the licensee.

2. *Before authorizing an employee to engage in the business of lending in this State at a remote location, a licensee must enter into a written agreement with the employee that is signed by the employee in which the employee:*

(a) Agrees to:

(1) Maintain the confidentiality of data concerning borrowers and potential borrowers while working at the remote location;

(2) Maintain all data of the licensee electronically while working at the remote location;

(3) Read and comply with the data security policy adopted by the licensee pursuant to section 6 of this act; and

(4) Keep any equipment provided to the employee by the licensee for use at the remote location safe and secure in the manner prescribed by the licensee;

(b) Agrees not to:

(1) Print or otherwise reproduce physical documents containing any data of the licensee at the remote location;

(2) Except as authorized by section 7 of this act, disclose to a borrower or potential borrower that the employee is working at a remote location;

(3) Convey to a borrower or potential borrower that the remote location at which the licensee is working is the place of business of the licensee; and

(4) Conduct any interactions with a borrower or potential borrower in person at the remote location.

3. *A licensee shall not authorize an employee to engage in the business of lending in this State at a remote location unless the remote location:*

(a) Is located in the United States;

(b) Is secure and sufficiently closed off from the public to enable the employee to maintain the confidentiality of borrowers and potential borrowers; and

(c) Contains all the equipment necessary for the employee to perform his or her work for the licensee, which must:

(1) Be sufficiently connected to the systems used by the licensee, including, without limitation, telephone systems, computerized data systems and other computer systems, to allow the licensee to monitor and oversee the work of the employee as though the employee were performing the same work at the place of business of the licensee; and

(2) Require the employee to enter unique credentials, passwords or similar information to access the computerized data system of the licensee and other computer systems used by the licensee to conduct business.

4. *A licensee shall ensure that each employee of the licensee who engages in the business of lending at a remote location:*

(a) Before beginning work at a remote location, completes a training program at the place of business of the licensee that includes, without limitation, instruction on privacy, confidentiality, monitoring and security in

the context of remote work and compliance with applicable laws and the policies of the licensee;

(b) Receives the same level of communication, management, oversight and monitoring he or she would receive while working at the place of business of the licensee; and

(c) Complies with the provisions of this chapter and the regulations adopted pursuant thereto.

5. As used in this section, "place of business" means an office or place of business for which a license has been issued pursuant to this chapter.

Sec. 6. A licensee who authorizes any employee to engage in the business of lending in this State at a remote location shall develop and adhere to a written data security policy. The data security policy must set forth procedures and requirements to ensure that:

1. Data of the licensee that is stored at or accessible from a remote location is protected against unauthorized or accidental disclosure, access, use, modification, duplication or destruction;

2. An employee working at a remote location is able to access the computerized data system of the licensee and other computer systems of the licensee only through the use of a virtual private network or other system that:

(a) Requires the use of a username and password, frequent password changes, multifactor authentication, a system that automatically prevents a person from accessing an account upon the failure of the person to enter the appropriate credentials after a set number of attempts or any combination thereof; and

(b) Uses data encryption;

3. Any updates or repairs necessary to keep data and equipment secure are installed or implemented immediately;

4. All data of the licensee is stored in a safe and secure manner and the computerized data system of the licensee is capable of being modified to accommodate the storage of data necessary for an employee working at a remote location to perform his or her work;

5. Each remote location at which an employee works contains computers or other electronic devices which make use of reasonable security measures, such as antivirus software and firewalls;

6. The computerized data system of the licensee and other computer systems of the licensee may only be accessed through computers or other electronic devices which:

(a) Are issued by the licensee; and

(b) May only be used by an employee while performing activities approved by the licensee;

7. An internal or external risk assessment is performed annually on the protection of the data of the licensee from reasonably foreseeable internal or external risks;

8. After the performance of a risk assessment pursuant to subsection 7, the data security policy is updated to correct any deficiencies identified in the risk assessment;

9. The licensee has procedures in place which establish the actions that must be taken upon the:

(a) Discovery of a breach of the security of the computerized data system, including, without limitation, any actions that must be taken concerning the disclosure of the breach as required by section 9 of this act or other applicable law; and

(b) Occurrence of an emergency, including, without limitation, a fire or natural disaster, that has the potential to impact the storage of or access to data of the licensee;

10. The data of the licensee is disposed of in a timely and secure manner as required by applicable law and contractual requirements; and

11. The licensee is able, without the licensee or an agent of the licensee being physically present at a remote location, to disconnect any computer or device provided to an employee at a remote location from the computerized data system of the licensee or other computer systems of the licensee and disable and erase any data from such a computer or device upon termination of the employee's employment with the licensee.

Sec. 7. 1. An employee who engages in the business of lending in this State at a remote location shall not print or store physical records containing any data of the licensee at the remote location.

2. Except as otherwise provided in subsection 3, an employee who engages in the business of lending in this State at a remote location or the licensee who employs such an employee shall not represent in any manner to a borrower, potential borrower or any other person that the employee is working at a remote location, including, without limitation, by:

(a) Advertising in any form the address of the remote location where the employee works or a personal telephone number or facsimile number associated with the remote location;

(b) Meeting a borrower or potential borrower at, or inviting a borrower or potential borrower to, the remote location; or

(c) Directly or indirectly suggesting or holding out in any manner that the address of the remote location is the address of the place of business of the licensee, including, without limitation, by receiving mail intended for the licensee at the remote location or storing physical records of the licensee at the remote location.

3. An employee may respond to an inquiry concerning his or her location by stating that he or she is working remotely or working at a remote location.

4. As used in this section, "place of business" has the meaning ascribed to it in section 5 of this act.

Sec. 8. A licensee who authorizes any employee to engage in the business of lending in this State at a remote location shall, at least once each year, conduct a review and evaluation of the operations of the licensee which

are conducted by employees working at remote locations to determine whether such operations comply with the provisions of sections 5 to 8, inclusive, of this act. The Commissioner may require a licensee to conduct such a review and evaluation at such other times as the Commissioner deems necessary.

Sec. 9. 1. If a licensee that owns or licenses computerized data that includes personal information discovers or is notified of a breach of the security of the computerized data system of the licensee, the licensee shall notify any resident of this State whose personal information was, or is reasonably believed to have been, acquired by an unauthorized person if:

(a) The breach is reasonably likely to subject the resident to a risk of harm; and

(b) Either:

(1) The personal information acquired or believed to have been acquired was not encrypted; or

(2) The breach resulted in, or is reasonably believed to have resulted in, an unauthorized person acquiring an encryption key or other means of converting encrypted personal information acquired by the person into an unencrypted or otherwise intelligible form.

2. Except as otherwise provided in this subsection and subsection 4, the notification required by subsection 1 must be made in the most expedient time possible and not more than 30 days after the date on which the licensee discovered or was notified of the breach. A licensee may delay providing the notification beyond the period required by this subsection, as authorized by subsection 4 or if the delay is caused by any measures necessary to determine the scope of the breach and restore the reasonable integrity of the computerized data system of the licensee.

3. Except as otherwise provided in subsection 4, a licensee that maintains data which includes personal information that the licensee does not own shall notify the owner of the information of any breach of the security of the computerized data system of the licensee immediately following discovery if the personal information was, or is reasonably believed to have been, acquired by an unauthorized person.

4. A notification required by this section may be delayed if a law enforcement agency determines that the notification will impede a criminal investigation. The notification must be made after the law enforcement agency determines that the notification will not impede a criminal investigation.

5. Except as otherwise provided in subsections 6 and 8, a notification required by this section may be provided by any of the following methods:

(a) Written notification.

(b) Electronic notification, if the notification provided is consistent with the provisions of the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. §§ 7001 et seq.

(c) Substitute notification, if the licensee demonstrates that the cost of providing notification would exceed \$250,000, the affected class of subject persons to be notified exceeds 500,000 or the licensee does not have sufficient contact information. Substitute notification must consist of all the following:

(1) Notification by electronic mail when the licensee has electronic mail addresses for the subject persons.

(2) Conspicuous posting of the notification on the Internet website of the licensee, if the licensee maintains an Internet website.

(3) Notification to major statewide media.

6. If a breach involves a username, password or other login credentials to an electronic mail account furnished by the licensee, the licensee shall not provide the notification required pursuant to this section to that electronic mail account.

7. A notification provided by a licensee pursuant to this section must be written in plain language and contain, at a minimum, the following information:

(a) The name and contact information of the licensee;

(b) A list of the types of personal information that were or are reasonably believed to have been subject to the breach;

(c) The period of time, if known, in which personal information was potentially subject to acquisition by unauthorized persons as a result of the breach, including, without limitation, the date of the breach and the date upon which the licensee discovered or was notified of the breach;

(d) The toll-free telephone numbers and addresses of the major credit reporting agencies; and

(e) If the breach involved personal information that includes a username, password or other login credentials to an online account, an advisement to the person whose personal information was, or is reasonably believed to have been, acquired by an unauthorized person to promptly change any relevant passwords or security questions or answers associated with the online account and to take any other appropriate steps to protect the online account and any other online account for which the person uses any of the same information to access.

8. A licensee who maintains his or her own notification procedures as part of a data security policy for the treatment of personal information that are otherwise consistent with the timing requirements of this section shall be deemed to be in compliance with the notification requirements of this section if the licensee notifies subject persons in accordance with its policies and procedures in the event of a breach of the security of the computerized data system of the licensee.

Sec. 10. 1. A licensee who is required to notify more than 500 residents of this State pursuant to section 9 of this act as the result of a single breach shall notify the Attorney General of the breach not more than

30 days after the date on which the licensee discovered or was notified of the breach. The notification must include, without limitation:

(a) The number of residents of this State affected or estimated to be affected by the breach.

(b) A list of the types of personal information that were or are reasonably believed to have been subject to the breach.

(c) The period of time, if known, in which personal information was potentially subject to acquisition by unauthorized persons as a result of the breach, including, without limitation, the date of the breach and the date upon which the licensee discovered or was notified of the breach.

(d) A summary of the actions taken to contain the breach.

(e) A sample copy of the notification the licensee provided to persons affected or reasonably believed to be affected by the breach which excludes any personally identifiable information.

2. If any of the information described in subsection 1 is unavailable to a licensee at the time the licensee submits the notification to the Attorney General, the licensee shall promptly provide the information to the Attorney General after the information becomes available to the licensee.

Sec. 11. NRS 675.020 is hereby amended to read as follows:

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

1. "Amount of cash advance" means the amount of cash or its equivalent actually received by a borrower or paid out at his or her direction or on his or her behalf.

2. "Amount of loan obligation" means the amount of cash advance plus the aggregate of charges added thereto pursuant to authority of this chapter.

3. "Breach of the security of the computerized data system" or "breach" means the unauthorized acquisition of computerized data from the computerized data system of the licensee that compromises the security, confidentiality or integrity of personal information maintained by the licensee. The term does not include the good faith acquisition of personal information by an employee or agent of a licensee for a legitimate purpose of the licensee, so long as the personal information is not used for a purpose unrelated to the licensee or subject to further authorized disclosure.

4. "Business of lending in this State" means that a person:

(a) Solicits loans in this State or makes loans to persons in this State, unless these are isolated, incidental or occasional transactions; or

(b) Is located in this State and solicits loans outside of this State or makes loans to persons located outside of this State, unless these are isolated, incidental or occasional transactions.

5. "Commissioner" means the Commissioner of Financial Institutions.

~~{4.}~~ 6. "Community" means a contiguous area of the same economic unit or metropolitan area as determined by the Commissioner, and may include all or part of a city or several towns or cities.

~~{5-}~~ 7. "Computerized data system" means a system of software, hardware or firmware, including, without limitation, a system of web-based applications, that:

(a) Is owned, leased or licensed by a licensee;

(b) Is located at the place of business of the licensee or hosted remotely; and

(c) Stores or provides access to personal information, financial information or other data related to borrowers or potential borrowers.

8. "Consumer credit" has the meaning ascribed to it in NRS 604A.036.

~~{6-}~~ 9. "Covered service member" has the meaning ascribed to it in NRS 604A.038.

~~{7-}~~ 10. "Dependent" has the meaning ascribed to it in NRS 604A.057.

~~{8-}~~ 11. "Internet business lender" means a person who makes business loans exclusively through the Internet.

~~{9-}~~ 12. "License" means a license, issued under the authority of this chapter, to make loans in accordance with the provisions of this chapter, at a single place of business.

~~{10-}~~ 13. "Licensee" means a person to whom one or more licenses have been issued.

~~{11-}~~ 14. "Nationwide Multistate Licensing System and Registry" or "Registry" has the meaning ascribed to it in NRS 604A.083.

15. "Personal information" has the meaning ascribed to it in NRS 603A.040.

16. "Remote location" means a location other than an office or place of business for which a license has been issued pursuant to this chapter and at which the employee of a licensee engages in the business of lending in this State pursuant to sections 5 to 8, inclusive, of this act.

Sec. 12. NRS 675.060 is hereby amended to read as follows:

675.060 ~~{1-}~~ No person may engage in the business of lending in this State without first having obtained a license from the Commissioner pursuant to this chapter for each office or other place of business at which the person engages in such business, except that ~~{if}~~:

1. If a person intends to engage in the business of lending in this State as a deferred deposit loan service, high-interest loan service or title loan service, as those terms are defined in chapter 604A of NRS, the person must obtain a license from the Commissioner pursuant to chapter 604A of NRS before the person may engage in any such business.

2. ~~{For the purpose of this section, a person engages in the business of lending in this State if he or she:~~

~~—(a) Solicits loans in this State or makes loans to persons in this State, unless these are isolated, incidental or occasional transactions; or~~

~~—(b) Is located in this State and solicits loans outside of this State or makes loans to persons located outside of this State, unless these are isolated, incidental or occasional transactions.}~~ An employee of a licensee may engage

in the business of lending in this State at a remote location in accordance with sections 5 to 8, inclusive, of this act.

Sec. 13. NRS 675.120 is hereby amended to read as follows:

675.120 If the Commissioner finds:

1. That the financial responsibility, experience, character and general fitness of the applicant are such as to command the confidence of the public and to warrant belief that the business will be operated lawfully, honestly, fairly and efficiently, within the purposes of this chapter; and

2. That the applicant, unless he or she will function solely as a loan broker, has available for the operation of the business at the specified location *identified in the application* liquid assets of at least \$50,000,

➡ he or she shall thereupon enter an order granting the application, and file his or her findings of fact together with the transcript of any hearing held under this chapter, and forthwith issue and deliver a license to the applicant.

Sec. 14. NRS 675.130 is hereby amended to read as follows:

675.130 Each license shall:

1. State the address at which the business is to be conducted ~~{;}~~ , *not including any remote location*; and

2. State fully the name of the licensee, and if the licensee is a copartnership or association, the names of its members, and if a corporation, the date and place of its incorporation.

Sec. 15. NRS 675.210 is hereby amended to read as follows:

675.210 Not more than one place of business may be maintained under the same license. The Commissioner may issue additional licenses to the same licensee for other business locations upon compliance with all the provisions of this chapter governing issuance of a single license. Nothing herein requires a license for ~~{any}~~ :

1. Any place of business devoted to accounting, recordkeeping or administrative purposes only ~~{;}~~ ; or

2. A remote location.

Sec. 16. NRS 675.240 is hereby amended to read as follows:

675.240 No licensee shall conduct the business of making loans provided for by this chapter under any name or at any place other than that stated in the license. Nothing herein shall prevent ~~{the}~~ :

1. The making of loans by mail nor prohibit accommodations to individual borrowers when necessitated by hours of employment, sickness or other emergency situations ~~{;}~~ ; or

2. A licensee from authorizing an employee to engage in the business of lending in this State at a remote location in accordance with sections 5 to 8, inclusive, of this act.

Sec. 16.5. NRS 162A.370 is hereby amended to read as follows:

162A.370 1. Except as otherwise provided in subsection 2:

(a) A person shall either accept an acknowledged power of attorney, or request a certification, a translation or an opinion of counsel pursuant to

NRS 162A.360, not later than 10 business days after presentation of the power of attorney for acceptance;

(b) If a person requests a certification, a translation or an opinion of counsel pursuant to NRS 162A.360, the person shall accept the power of attorney not later than 5 business days after receipt of the certification, translation or opinion of counsel; and

(c) A person may not require an additional or different form of power of attorney for authority granted in the power of attorney presented.

2. A person is not required to accept an acknowledged power of attorney if:

(a) The person is not otherwise required to engage in a transaction with the principal in the same circumstances;

(b) Engaging in a transaction with the agent or the principal in the same circumstances would be inconsistent with federal law;

(c) The person has actual knowledge of the termination of the agent's authority or of the power of attorney before exercise of the power;

(d) A request for a certification, a translation or an opinion of counsel pursuant to NRS 162A.360 is refused;

(e) The person in good faith believes that the power is not valid or that the agent does not have the authority to perform the act requested, whether or not a certification, a translation or an opinion of counsel has been requested or provided pursuant to NRS 162A.360; ~~for~~

(f) The person makes, or has actual knowledge that another person has made, a report pursuant to NRS 200.5093 stating a good faith belief that the principal may be subject to abuse, neglect, exploitation, isolation or abandonment by the agent or a person acting for or with the agent ~~for~~; or

(g) The person:

(1) Makes, or has actual knowledge that another person has made, a report pursuant to NRS 657.290 of the known or suspected exploitation by the agent, or a person acting for or with the agent, of the principal who is an older person or vulnerable person; or

(2) Is a designated reporter of a financial institution who, pursuant to NRS 657.290, delays a requested disbursement or transaction involving a principal who is an older person or vulnerable person whom the designated reporter knows or has reasonable cause to believe is being exploited.

3. A person that refuses in violation of this section to accept an acknowledged power of attorney is subject to:

(a) A court order mandating acceptance of the power of attorney; and

(b) Liability for reasonable attorney's fees and costs incurred in any action or proceeding that confirms the validity of the power of attorney or mandates acceptance of the power of attorney.

4. As used in this section:

(a) "Designated reporter" has the meaning ascribed to it in NRS 657.230.

(b) "Older person" has the meaning ascribed to it in NRS 657.250.

(c) "Vulnerable person" has the meaning ascribed to it in NRS 657.270.

Sec. 17. NRS 603A.220 is hereby amended to read as follows:

603A.220 1. ~~Any~~ *Except as otherwise provided in subsection 7, a* data collector that owns or licenses computerized data which includes personal information shall disclose any breach of the security of the system data following discovery or notification of the breach to any resident of this State whose unencrypted personal information was, or is reasonably believed to have been, acquired by an unauthorized person. The disclosure must be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement, as provided in subsection 3, or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the system data.

2. Any data collector that maintains computerized data which includes personal information that the data collector does not own shall notify the owner or licensee of the information of any breach of the security of the system data immediately following discovery if the personal information was, or is reasonably believed to have been, acquired by an unauthorized person.

3. The notification required by this section may be delayed if a law enforcement agency determines that the notification will impede a criminal investigation. The notification required by this section must be made after the law enforcement agency determines that the notification will not compromise the investigation.

4. For purposes of this section, except as otherwise provided in subsection 5, the notification required by this section may be provided by one of the following methods:

(a) Written notification.

(b) Electronic notification, if the notification provided is consistent with the provisions of the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. §§ 7001 et seq.

(c) Substitute notification, if the data collector demonstrates that the cost of providing notification would exceed \$250,000, the affected class of subject persons to be notified exceeds 500,000 or the data collector does not have sufficient contact information. Substitute notification must consist of all the following:

(1) Notification by electronic mail when the data collector has electronic mail addresses for the subject persons.

(2) Conspicuous posting of the notification on the Internet website of the data collector, if the data collector maintains an Internet website.

(3) Notification to major statewide media.

5. A data collector which:

(a) Maintains its own notification policies and procedures as part of an information security policy for the treatment of personal information that is otherwise consistent with the timing requirements of this section shall be deemed to be in compliance with the notification requirements of this section

if the data collector notifies subject persons in accordance with its policies and procedures in the event of a breach of the security of the system data.

(b) Is subject to and complies with the privacy and security provisions of the Gramm-Leach-Bliley Act, 15 U.S.C. §§ 6801 et seq., shall be deemed to be in compliance with the notification requirements of this section.

6. If a data collector determines that notification is required to be given pursuant to the provisions of this section to more than 1,000 persons at any one time, the data collector shall also notify, without unreasonable delay, any consumer reporting agency that compiles and maintains files on consumers on a nationwide basis, as that term is defined in 15 U.S.C. § 1681a(p), of the time the notification is distributed and the content of the notification.

7. *The provisions of this section do not apply to a person licensed pursuant to chapter 675 of NRS.*

Sec. 18. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 17, inclusive, of this act become effective:

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

(b) On October 1, 2023, for all other purposes.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 246 to Senate Bill No. 355 provides immunity to financial institutions and related parties for reporting suspected financial exploitation, requires written requests to extend transaction delays, allows designated reporters to proceed with disbursements if they believe no exploitation will occur, gives designated reporters discretion when determining exploitation and adds a new section to provide that a person is not required to accept a power of attorney if another person reports or knows about suspected exploitation or delays transactions due to such suspicion.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 393.

Bill read second time.

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

Amendment No. 402.

SUMMARY—Revises provisions related to dental insurance. (BDR 57-101)

AN ACT relating to insurance; ~~making certain provisions governing insurance rates applicable to contracts providing coverage for dental care sold to small employers;~~ revising the circumstances under which a rate paid for dental coverage is presumed to be excessive; establishing certain procedures to enforce the prohibition on imposing excessive rates for dental coverage; ~~prescribing a time period within which a dental insurer is required to retain certain documents; imposing certain requirements related to billing;~~

~~diagnostic and procedure codes submitted to an insurer by dentists and dental hygienists,~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits the sale or offering for sale of any contract providing coverage for dental care at a rate which is excessive, defined as a ratio of losses to premiums collected which is less than 75 percent. Existing law exempts contracts providing coverage for dental care that are sold to small employers from this prohibition. (NRS 686B.125) Section 3 of this bill ~~[(1) eliminates the exemption of contracts providing coverage for dental care that are sold to small employers; and (2) revises the method for calculating the ratio of losses to premiums collected which is presumed to be excessive for contracts providing coverage for dental care in this State.]~~ requires an insurer, organization or person licensed to engage in the business of insurance in this State that provides coverage for dental care in this State to report certain information concerning the losses and premiums collected by the insurer, organization or person. Section 3 authorizes the Commissioner of Insurance to examine the records and transactions of those insurers, organizations and ~~[other]~~ persons to ascertain compliance with the prohibition on selling or offering for sale any contract providing coverage for dental care at an excessive rate ~~[. If, after conducting such an examination,~~ and the reporting requirement. Beginning in 2026, if the Commissioner determines that an insurer, organization or ~~[other]~~ person has violated ~~[that]~~ the prohibition ~~[,]~~ on charging excessive rates, section ~~[2.]~~ 3.5 of this bill: (1) requires the insurer, organization or ~~[other]~~ person to submit an adjusted rate filing; and (2) authorizes the Commissioner to require the insurer, organization or ~~[other]~~ person to submit a plan to compensate insureds or members who were affected by excessive rates. ~~[Finally, section 3 requires insurers, organizations and other persons to maintain certain records relating to underwriting and sales of contracts providing for dental care for not less than 5 years after the end of the calendar year in which the records were created. Section 2 of this bill requires the Commissioner to disapprove a rate filing that includes a proposed rate that is excessive pursuant to section 3.]~~ Sections 4 and 7 of this bill prohibit a health carrier which provides dental coverage, an administrator of a health benefit plan that provides dental coverage, an organization for dental care or an administrator for an organization for dental care from altering a billing code or other coding relating to diagnostics and procedures submitted by a dentist or dental hygienist for billing purposes: (1) in a manner that prevents a dentist or dental hygienist from collecting the contracted fee for actual services performed; or (2) with the intent to reduce or deny reimbursement otherwise due to the dentist or dental hygienist, with certain exceptions. Sections 4 and 7 also prohibit such a health carrier, organization for dental care or administrator from using code bundling in a manner such that a code is rendered unbillable to an insured unless the code is for a procedure that may be performed in conjunction with another procedure. Sections 4 and 7 require

~~such a health carrier, organization for dental care or administrator that alters a code to provide certain information concerning the alteration to the insured in an explanation of benefits. Sections 4 and 7 prohibit such a health carrier, organization for dental care or administrator from stating in an explanation of benefits that a code submitted by a dentist was inappropriate or a charge was excessive without clear evidence. Finally, sections 4 and 7 require such a health carrier, organization for dental care or administrator to disclose its policies concerning downcoding and code bundling to each dentist or dental hygienist with which the health carrier, organization for dental care or administrator has contract for the provision of services. Sections 8-10 of this bill make the provisions of section 4 applicable to coverage for dental benefits provided by employers, including the State and local governments. Sections 5 and 6 of this bill make conforming changes to indicate the proper placement of section 4 in the Nevada Revised Statutes.]~~

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

Section 1. ~~[NRS 686B.030 is hereby amended to read as follows:~~
~~686B.030 1. Except as otherwise provided in subsection 2, [and~~
~~NRS 686B.125,] the provisions of NRS 686B.010 to 686B.1799, inclusive,~~
~~apply to all kinds and lines of direct insurance written on risks or operations~~
~~in this State by any insurer authorized to do business in this State, except:~~
~~(a) Ocean marine insurance;~~
~~(b) Contracts issued by fraternal benefit societies;~~
~~(c) Life insurance and credit life insurance;~~
~~(d) Variable and fixed annuities;~~
~~(e) Credit accident and health insurance;~~
~~(f) Property insurance for business and commercial risks;~~
~~(g) Casualty insurance for business and commercial risks other than~~
~~insurance covering the liability of a practitioner licensed pursuant to~~
~~chapters 630 to 640, inclusive, of NRS or who holds a license or limited~~
~~license issued pursuant to chapter 653 of NRS;~~
~~(h) Surety insurance;~~
~~(i) Health insurance offered through a group health plan maintained by a~~
~~large employer; and~~
~~(j) Credit involuntary unemployment insurance.~~
~~2. The exclusions set forth in paragraphs (f) and (g) of subsection 1~~
~~extend only to issues related to the determination or approval of premium~~
~~rates.] (Deleted by amendment.)~~

Sec. 2. ~~[NRS 686B.112 is hereby amended to read as follows:~~
~~686B.112 1. The Commissioner shall perform an actuarial review of~~
~~and consider each rate filing of a health plan issued pursuant to the~~
~~provisions of chapter 689A, 689B, 689C, 695B, 695C, 695D or 695F of~~
~~NRS, including, without limitation, long-term care and Medicare supplement~~
~~plans, filed with the Commissioner pursuant to subsection 1 of~~
~~NRS 686B.070. If the Commissioner finds that a proposed rate which is~~

~~contained in a rate filing will result in a rate which is not in compliance with NRS 686B.050, [or] subsection 3 of NRS 686B.070 [.] or subsection 1 of NRS 686B.125, the Commissioner shall disapprove the rate filing. The Commissioner shall approve or disapprove each rate filing not later than 60 days after the rate filing is determined by the Commissioner to be complete pursuant to subsection 4. If the Commissioner fails to approve or disapprove the rate filing within that period, the rate filing shall be deemed approved.~~

~~2. Whenever an insurer has no legally effective rates as a result of the Commissioner's disapproval of rates or other act, the Commissioner shall on request specify interim rates for the insurer that are high enough to protect the interests of all parties and may order that a specified portion of the premiums be placed in an escrow account approved by the Commissioner. When new rates become legally effective, the Commissioner shall order the escrowed funds or any overcharge in the interim rates to be distributed appropriately, except that refunds to policyholders that are de minimis must not be required.~~

~~3. If the Commissioner disapproves a rate filing pursuant to subsection 1, and an insurer requests a hearing to determine the validity of the action of the Commissioner, the insurer has the burden of showing compliance with the applicable standards for rates established in NRS 686B.010 to 686B.1799, inclusive. Any such hearing must be held:~~

~~—(a) Within 30 days after the request for a hearing has been submitted to the Commissioner; or~~

~~—(b) Within a period agreed upon by the insurer and the Commissioner.~~

~~↔ If the hearing is not held within the period specified in paragraph (a) or (b), or if the Commissioner fails to issue an order concerning the rate filing for which the hearing is held within 45 days after the hearing, the rate filing shall be deemed approved.~~

~~4. The Commissioner shall by regulation specify the documents or any other information which must be included in a rate filing submitted to the Commissioner pursuant to subsection 1. Each such rate filing shall be deemed complete upon its filing with the Commissioner, unless the Commissioner, within 15 business days after the rate filing is filed with the Commissioner, determines that the rate filing is incomplete because the rate filing does not comply with the regulations adopted by the Commissioner pursuant to this subsection.~~

~~5. The Commissioner may assess against an insurer the actual cost for the external actuarial review of a rate filing submitted pursuant to subsection 1.] (Deleted by amendment.)~~

Sec. 3. NRS 686B.125 is hereby amended to read as follows:

686B.125 1. Except as otherwise provided in this section, no ~~4a~~ insurer, organization or ~~other~~ person licensed pursuant to this title may ~~shall not~~ sell or offer to sell any contract providing coverage for dental care

~~[in this State]~~ at a rate which is excessive for the benefits offered to the insured or member. For the purpose of this section, ~~a~~ the

~~— (a) For the first or second calendar year or part of a calendar year that an insurer, organization or other person sells or offers to sell in this State a contract providing coverage for dental care, an aggregate average ratio of losses to premiums collected over the entire period that the insurer, organization or other person has sold or offered to sell such contracts in this State,~~ which is less than 75 percent is presumed to show an excessive rate.

~~[(b) For each calendar year thereafter, an aggregate average ratio of losses to premiums collected over any 3-year period that is more than 1.5 standard deviations below the aggregate average ratio of losses to premiums collected for all insurers, organizations and other persons that sell or offer to sell contracts providing coverage for dental care in this State over the same 3-year period, as calculated by the Commissioner pursuant to paragraph (a) of subsection 4, is presumed to show an excessive rate.]~~

2. The provisions of subsection 1 do not apply to a contract providing coverage for dental care that is sold to a small employer pursuant to the provisions of chapter 689C of NRS.

~~[3.]~~ As used in this [section,] subsection, "small employer" has the meaning ascribed to it in NRS 689C.095.

3. Each year, every insurer, organization or ~~for other~~ person licensed pursuant to this title who ~~sells or offers to sell in this State any contract providing~~ provides coverage for dental care in this State shall, in accordance with requirements established by regulation of the Commissioner, file with the Commissioner a report of the losses and premiums collected for that insurer, organization or person, as applicable, for ~~the~~

~~— (a) Each of the immediately preceding 3 calendar years, if the insurer, organization or other person has sold or offered to sell contracts providing coverage for dental care in this State for more than 2 calendar years.~~

~~— (b) Each the calendar year that the insurer, organization or other person has sold or offered to sell such contracts in this State, if the insurer, organization or other person has sold or offered to sell contracts providing coverage for dental care in this State for 2 calendar years or fewer.~~

~~— 3.]~~ 4. For the purposes of subsection ~~[2.]~~ 3, the values of losses and premiums collected must be determined at the end of each calendar year for the entire calendar year.

~~[4. The Commissioner shall, based on the reports filed pursuant to subsection 2:~~

~~— (a) Calculate, for the immediately preceding 3-year period, the aggregate average ratio of losses to premiums collected for all insurers, organizations and other persons who sold or offered to sell contracts providing coverage for dental care in this State;~~

~~— (b) Calculate the aggregate average ratio of losses to premiums collected for each such insurer, organization and other person for the immediately~~

~~preceding 3 year period or for the entire period during which the insurer, organization or other person has sold or offered to sell contracts providing dental care in this State, whichever time period is shorter; and~~

~~— (c) Identify each such insurer, organization and other person whose aggregate average ratio of losses to premiums collected is presumed to show an excessive rate pursuant to subsection 1.~~

~~— 5. On April 1 of each year, the Commissioner shall publish on an internet website maintained by the Division:~~

~~— (a) A list of each insurer, organization or other person who provided coverage for dental care in this State during the immediately preceding calendar year; and~~

~~— (b) For each such insurer, organization or other person, the aggregate average ratio of losses to premiums collected for the immediately preceding 3 year period or for the entire period during which the insurer, organization or other person has sold or offered to sell contracts providing dental care in this State, whichever time period is shorter.~~

~~— 6.]~~ 5. The Commissioner may, pursuant to NRS 679B.240, examine the accounts, records, documents and transactions of any insurer, organization or ~~[other]~~ person licensed pursuant to this title who sells or offers to sell any contract providing coverage for dental care in this State to ascertain compliance with the provisions of this section.

~~[7. If the Commissioner determines, after conducting an examination pursuant to subsection 6, that an insurer, organization or other person has failed to comply with the provisions of subsection 1:~~

~~— (a) The insurer, organization or other person, as applicable, must submit to the Commissioner an adjusted rate filing in accordance with NRS 686B.070 not later than 60 days after the date of the determination, regardless of whether the insurer, organization or other person is requesting a change in rates. If the Commissioner determines, based on the historical loss experience of the insurer, organization or other person, that the previously approved rates are excessive, the Commissioner may require the insurer, organization or other person to file a decreased rate that would bring the insurer, organization or other person into compliance with provisions of subsection 1.~~

~~— (b) The Commissioner may order the insurer, organization or other person to submit a plan to compensate any insureds or members who:~~

~~— (1) Are residents of this State; and~~

~~— (2) Were affected by the excessive rates during any year under examination pursuant to subsection 6.~~

~~— 8. An insurer, organization or other person shall maintain records relating to the underwriting and sales of contracts providing coverage for dental care in this State for not less than 5 years after the end of the calendar year in which such a record was created.]~~

Sec. 3.5. NRS 686B.125 is hereby amended to read as follows:

686B.125 1. Except as otherwise provided in this section, no insurer, organization or person licensed pursuant to this title may sell or offer to sell any contract providing coverage for dental care at a rate which is excessive for the benefits offered to the insured or member. For the purpose of this section, a ratio of losses to premiums collected which is less than 75 percent is presumed to show an excessive rate.

~~2. The provisions of subsection 1 do not apply to a contract providing coverage for dental care that is sold to a small employer pursuant to the provisions of chapter 689C of NRS. As used in this subsection "small employer" has the meaning ascribed to it in NRS 689C.095.~~

~~3.~~ Each year, every insurer, organization or person licensed pursuant to this title who provides coverage for dental care in this State shall, in accordance with requirements established by regulation of the Commissioner, file with the Commissioner a report of the losses and premiums collected for that insurer, organization or person, as applicable, for the calendar year.

~~4.~~ 3. For the purposes of subsection ~~3.~~ 2, the values of losses and premiums collected must be determined at the end of each calendar year for the entire calendar year.

~~5.~~ 4. The Commissioner shall, based on the reports filed pursuant to subsection 2:

(a) Calculate the aggregate average ratio of losses to premiums collected for each such insurer, organization and other person licensed pursuant to this title for the immediately preceding 3-year period or for the entire period during which the insurer, organization or other person has provided coverage for dental care in this State, whichever time period is shorter, for each market segment in which the insurer, organization or person operates; and

(b) Identify each such insurer, organization and other person licensed pursuant to this title whose aggregate average ratio of losses to premiums collected for a market segment is presumed to show an excessive rate pursuant to subsection 1.

5. On or before June 1 of each year, the Commissioner shall publish on an internet website maintained by the Division:

(a) A list of each insurer, organization or person licensed pursuant to this title who provided coverage for dental care in this State during the immediately preceding calendar year; and

(b) For each such insurer, organization or person licensed pursuant to this title, the aggregate average ratio of losses to premiums collected for the immediately preceding 3-year period or for the entire period during which the insurer, organization or person has provided coverage for dental care in this State, whichever time period is shorter, for each market segment in which the insurer, organization or person operates.

6. The Commissioner may, pursuant to NRS 679B.240, examine the accounts, records, documents and transactions of any insurer, organization or

person licensed pursuant to this title who sells or offers to sell any contract providing coverage for dental care in this State to ascertain compliance with the provisions of this section.

7. If the Commissioner determines, after conducting an examination pursuant to subsection 6, that an insurer, organization or person licensed pursuant to this title has failed to comply with the provisions of subsection 1:

(a) The insurer, organization or person, as applicable, must submit to the Commissioner an adjusted rate filing in accordance with NRS 686B.070 not later than 60 days after the date of the determination, regardless of whether the insurer, organization or person is requesting a change in rates. If the Commissioner determines, based on the information calculated pursuant to paragraph (a) of subsection 4, that the previously approved rates are excessive, the Commissioner may require the insurer, organization or person to file a decreased rate that would bring the insurer, organization or person into compliance with provisions of subsection 1.

(b) The Commissioner may order the insurer, organization or person to submit a plan to compensate any insureds or members who:

(1) Are residents of this State; and

(2) Were affected by the excessive rates during any year under examination pursuant to subsection 6.

8. The provisions of subsections 1 and 7 and paragraph (b) of subsection 4 do not apply to a contract providing coverage for dental care that is sold to a small employer pursuant to the provisions of chapter 689C of NRS. As used in this subsection, "small employer" has the meaning ascribed to it in NRS 689C.095.

~~Sec. 4. [Chapter 687B of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. A health carrier which provides dental coverage or an administrator of a health benefit plan that includes dental coverage shall not:~~

~~(a) Alter a code in a manner that prevents a dentist from collecting from the insured or health carrier the contracted fee for actual services performed;~~

~~(b) Alter a code with the intent to reduce or deny reimbursement otherwise due to a dentist unless:~~

~~(1) The alteration is consistent with the policies of the health carrier or administrator, as applicable;~~

~~(2) The health carrier or administrator, as applicable, possesses sufficient information and clinical evidence to make the alteration; and~~

~~(3) The health carrier or administrator, as applicable, consults with the dentist before making the alteration.~~

~~(c) Use code bundling in a manner such that a code is rendered unbillable to an insured unless, under generally accepted standards of practice, the code is for a procedure that may be performed in conjunction with another procedure.~~

~~2. If a health carrier or administrator alters a code, the health carrier or administrator, as applicable, shall state on the explanation of benefits that is provided to the insured:~~

~~(a) The clinical reason for altering the code; and~~

~~(b) A citation to the applicable policy of the health carrier or administrator, as applicable.~~

~~3. A health carrier or administrator shall not, in an explanation of benefits, state or infer that:~~

~~(a) A code submitted by a dentist was inappropriate unless the health carrier or administrator, as applicable, possesses clear evidence that the code listed on the claim for reimbursement by the dentist is in no way related to the procedure actually performed by the dentist.~~

~~(b) A charge by a dentist was excessive unless the health carrier or administrator, as applicable, possesses clear evidence that the charge was substantially greater than the regular fees of the dentist.~~

~~4. A health carrier or administrator shall disclose the specific policies of the health carrier or administrator concerning downcoding and code bundling to each dentist with whom the health carrier contracted for the provision of services:~~

~~(a) Through mail or electronic mail; or~~

~~(b) On an Internet website maintained by the health carrier or administrator, as applicable.~~

~~5. As used in this section:~~

~~(a) "Code" means:~~

~~(1) A billing code; or~~

~~(2) Any other coding relating to diagnostics and procedures.~~

~~(b) "Code bundling" means combining distinct dental procedures into a single procedure and code for billing purposes.~~

~~(c) "Dentist" has the meaning ascribed to it in NRS 695D.040.~~

~~(d) "Downcoding" means the alteration by a health carrier or administrator of a code submitted with a claim for reimbursement by a dentist to a code for a procedure of lesser complexity, resulting in a decrease in reimbursement to the dentist.] (Deleted by amendment.)~~

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

~~687B.600 As used in NRS 687B.600 to 687B.850, inclusive, and section 4 of this act, unless the context otherwise requires, the words and terms defined in NRS 687B.602 to 687B.665, inclusive, have the meanings ascribed to them in those sections.] (Deleted by amendment.)~~

Sec. 6. ~~[NRS 687B.670 is hereby amended to read as follows:~~

~~687B.670 If a health carrier offers or issues a network plan, the health carrier shall, with regard to that network plan:~~

~~1. Comply with all applicable requirements set forth in NRS 687B.600 to 687B.850, inclusive [;], and section 4 of this act;~~

~~2. As applicable, ensure that each contract entered into for the purposes of the network plan between a participating provider of health care and the~~

health carrier complies with the requirements set forth in NRS 687B.600 to 687B.850, inclusive [;], and section 4 of this act; and

~~3. As applicable, ensure that the network plan complies with the requirements set forth in NRS 687B.600 to 687B.850, inclusive [;], and section 4 of this act.} (Deleted by amendment.)~~

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

~~1. An organization for dental care or an administrator shall not:~~

~~(a) Alter a code in a manner that prevents a dentist from collecting from the member or organization for dental care the contracted fee for actual services performed;~~

~~(b) Alter a code with the intent to reduce or deny reimbursement otherwise due to a dentist unless:~~

~~(1) The alteration is consistent with the policies of the organization for dental care or administrator, as applicable;~~

~~(2) The organization for dental care or administrator, as applicable, possesses sufficient information and clinical evidence to make the alteration; and~~

~~(3) The organization for dental care or administrator, as applicable, consults with the dentist before making the alteration;~~

~~(c) Use code bundling in a manner such that a code is rendered unbillable to a member unless, under generally accepted standards of practice, the code is for a procedure that may be performed in conjunction with another procedure;~~

~~2. If an organization for dental care or administrator alters a code, the organization for dental care or administrator, as applicable, shall state on the explanation of benefits that is provided to the member:~~

~~(a) The clinical reason for altering the code; and~~

~~(b) A citation to the applicable policy of the organization for dental care or administrator, as applicable;~~

~~3. An organization for dental care or administrator shall not, in an explanation of benefits, state or infer that:~~

~~(a) A code submitted by a dentist was inappropriate unless the organization for dental care or administrator, as applicable, possesses clear evidence that the code listed on the claim for reimbursement by the dentist is in no way related to the procedure actually performed by the dentist;~~

~~(b) A charge by a dentist was excessive unless the organization for dental care or administrator, as applicable, possesses clear evidence that the charge was substantially greater than the regular fees of the dentist;~~

~~4. An organization for dental care or administrator shall disclose the specific policies of the organization for dental care or administrator concerning downcoding and code bundling to each dentist with whom the organization for dental care contracted for the provision of services;~~

~~(a) Through mail or electronic mail; or~~

~~—(b) On an Internet website maintained by the organization for dental care or administrator, as applicable.~~

~~—5. As used in this section:~~

~~—(a) "Code" means:~~

~~—(1) A billing code; or~~

~~—(2) Any other coding relating to diagnostics and procedures.~~

~~—(b) "Code bundling" means combining distinct dental procedures into a single procedure and code for billing purposes.~~

~~—(c) "Downcoding" means the alteration by an organization for dental care or administrator of a code submitted with a claim for reimbursement by a dentist to a code for a procedure of lesser complexity, resulting in a decrease in reimbursement to the dentist.] (Deleted by amendment.)~~

Sec. 8. [NRS 287.010 is hereby amended to read as follows:

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

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

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

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

~~act, apply to coverage provided pursuant to this paragraph, except that the provisions of NRS 689B.0378, 689B.03795 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.~~ (Deleted by amendment.)

Sec. 9. ~~[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, 695C.150, 695C.155, 695C.160, 695C.162, 695C.1635, 695C.164, 695C.1645, 695C.1665, 695C.167, 695C.1675, 695C.170 to 695C.174, inclusive, 695C.176, 695C.177, 695C.200 to 695C.230, inclusive, 695C.241 to 695C.310, inclusive, and 695C.405, and section 4 of this act, in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.] (Deleted by amendment.)~~

Sec. 10. ~~[NRS 608.1555 is hereby amended to read as follows:
 608.1555 Any employer who provides benefits for health care to his or her employees shall provide the same benefits and pay providers of health care in the same manner as a policy of insurance pursuant to chapters 689A and 689B of NRS, including, without limitation, as required by NRS 687B.409, 687B.723 and 687B.725 [.] and section 4 of this act.] (Deleted by amendment.)~~

Sec. 11. ~~[1. The amendatory provisions of sections 4 and 7 to 10, inclusive, of this act apply to any dental care provided pursuant to a contract between a health carrier or an organization for dental care and a dentist entered into on or after January 1, 2024.~~

~~2. As used in this section:
 (a) "Dental care" has the meaning ascribed to it in NRS 695D.030.
 (b) "Dentist" has the meaning ascribed to it in NRS 695D.040.
 (c) "Health carrier" has the meaning ascribed to it in NRS 687B.625.
 (d) "Organization for dental care" has the meaning ascribed to it in NRS 695D.060.] (Deleted by amendment.)~~

Sec. 12. ~~[NRS 695D.240 is hereby repealed.] (Deleted by amendment.)~~

Sec. 13. 1. This section and sections 1 to 3, inclusive, and 4 to 12, inclusive, of this act [becomes] become effective on January 1, 2024.

2. Section 3.5 of this act becomes effective on January 1, 2026.f

~~TEXT OF REPEALED SECTION~~

~~695D.240 Limitation on use of charges or premiums for marketing and administrative expenses; regulations.~~

~~1. The organization for dental care shall use not more than 25 percent of its prepaid charges or premiums for marketing and administrative expenses, including all costs to solicit members or dentists.~~

~~2. The Commissioner may adopt regulations which define "marketing and administrative expenses" for the purposes of subsection 1.]~~

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 402 to Senate Bill No. 393 deletes sections 1, 2 and 4 through 12, retains language on small employers and adds annual reporting requirements for dental care insurers, revises the method for calculating average loss-to-premium ratios and requires the Insurance

Commissioner to publish a list of dental care providers with their ratios starting in 2026 and removes the recordkeeping requirement for insurers.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 406.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 518.

SUMMARY—Revises provisions relating to elections. (BDR 24-894)

AN ACT relating to elections; making it unlawful for a person to use or threaten or attempt to use any force, intimidation, coercion, violence, restraint or undue influence with the intent to interfere with the performance of duties of an elections official or retaliate against an elections official for the performance of such duties; making it unlawful to disseminate certain information about an elections official; ~~authorizing certain employees of the Office of the Secretary of State, county or city clerk or registrar of voters, and the spouse, domestic partner or minor child thereof, to request that certain personal information be kept in a confidential manner; authorizing such persons to request that the Department of Motor Vehicles display an alternate address on his or her driver's license, commercial driver's license or identification card;~~ providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law makes it a crime, punishable as a category E felony, to use or threaten to use any force, intimidation, coercion, violence, restraint or undue influence in connection with any election, petition or preregistration or registration of voters. (NRS 293.710) Section 1 of this bill makes it a crime, punishable as a category E felony, for any person to use or threaten or attempt to use any force, intimidation, coercion, violence, restraint or undue influence with the intent to: (1) interfere with the performance of the duties of any elections official relating to an election; or (2) retaliate against any elections official for performing duties relating to an election. Section 1 further makes it a crime, punishable as a category E felony, for any person to disseminate any personal identifying information or sensitive information of an elections official without the consent of the elections official, knowing that the elections official could be identified by such information, if: (1) the person disseminates such personal identifying information or sensitive information with the intent to aid, assist, encourage, facilitate, further or promote any criminal offense which would be reasonably likely to cause death, bodily injury or stalking or with the intent to cause harm to the elections official and with knowledge of or reckless disregard for the reasonable likelihood that the dissemination of the information may cause death, bodily injury or stalking; and (2) the dissemination of the personal

identifying information or sensitive information would cause a reasonable person to fear the death, bodily injury or stalking of himself or herself or a close relation or causes the death, bodily injury or stalking of the elections official whose information was disseminated or a close relation of the elections official.

~~[Existing law authorizes certain persons, including, without limitation, a county or city clerk or registrar of voters charged with the powers and duties relating to elections and any deputy appointed by such a county or city clerk or registrar of voters in the elections division of the county or city, to request: (1) a court order to require that a county assessor, county recorder, county clerk, city clerk or the Secretary of State maintain his or her records in a confidential manner; and (2) that the Department of Motor Vehicles display an alternate address on the person's driver's license, commercial driver's license or identification card. (NRS 247.530, 247.540, 250.130, 250.140, 293.906, 293.908, 481.091) Sections 2-5 of this bill authorize such requests to be made by: (1) an employee of a county or city clerk or registrar of voters in the elections division of the county or city; (2) any employee of the Office of the Secretary of State charged with the powers and duties relating to elections; and (3) the spouse, domestic partner or minor child thereof.] Finally, section 1 establishes that certain activities are not restricted by section 1.~~

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

Section 1. Chapter 293 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *It is unlawful for any person to use or threaten or attempt to use any force, intimidation, coercion, violence, restraint or undue influence with the intent to:*

(a) Interfere with the performance of the duties of any elections official relating to an election; or

(b) Retaliate against any elections official for performing duties relating to an election.

2. *The provisions of subsection 1 apply regardless of whether a person uses or threatens or attempts to use such force, intimidation, coercion, violence, restraint or undue influence at a polling place or a location other than a polling place.*

3. *It is unlawful for a person to disseminate any personal identifying information or sensitive information of an elections official without the consent of the elections official, knowing that the elections official could be identified by such information, if:*

(a) The person disseminates such personal identifying information or sensitive information:

(1) With the intent to aid, assist, encourage, facilitate, further or promote any criminal offense which would be reasonably likely to cause death, bodily injury or stalking; or

(2) With the intent to cause harm to the elections official and with knowledge of or reckless disregard for the reasonable likelihood that the dissemination of the information may cause death, bodily injury or stalking; and

(b) The dissemination of the personal identifying information or sensitive information:

(1) Would cause a reasonable person to fear the death, bodily injury or stalking of himself or herself or a close relation; or

(2) Causes the death, bodily injury or stalking of the elections official whose information was disseminated or a close relation of the elections official.

4. A person who violates the provisions of subsection 1 or 3 is guilty of a category E felony and shall be punished as provided in NRS 193.130.

5. The section does not limit:

(a) The applicability of the provisions of law relating to:

(1) Observing the conduct of voting at a polling place pursuant to NRS 293.274 or 293C.269;

(2) Observing the conduct of tests pursuant to NRS 293B.145 or 293C.615;

(3) Observing the handling of ballots upon the closing of the polls pursuant to NRS 293B.330 or 293C.630;

(4) Observing the counting of ballots at the central counting place pursuant to NRS 293B.353;

(5) Observing the delivery, counting, handling and processing of the ballots at a polling place, receiving center and the central counting place pursuant to NRS 293B.354; and

(6) Observing ballot processing pursuant to NRS 293B.380.

(b) The ability of a person to give or offer to give prepackaged food items, nonalcoholic beverages, coats, handwarmers or other similar items to other persons who are at a polling place or any other location described in paragraph (a), if done in accordance with any other law and to the extent such items are not distributed inside of a building which does not permit the distribution of such items in the building as indicated by a sign posted in a prominent place at the entrance of the building.

(c) The ability of a person to engage in written recordation of notes at a polling place or a location other than a polling place; or

(d) The ability of a person to communicate with voters, election board officers or other persons in any way that is not otherwise limited or prohibited pursuant to subsection 1 or 3 or any other provision of law, including, without limitation, NRS 293.740.

6. As used in this section:

(a) "Close relation" means a current or former spouse or domestic partner, parent, child, sibling, stepparent, grandparent or any person who regularly resides in the household of who, within the immediately preceding 6 months, regularly resided in the household.

(b) "Elections official" means:

(1) The Secretary of State or any deputy or employee in the Elections Division of the Office of the Secretary of State who is charged with duties relating to an election;

(2) A registrar of voters, county clerk, city clerk or any deputy or employee in the elections division of a county or city who is charged with elections duties; or

(3) An election board officer or counting board officer.

(c) "Personal identifying information" has the meaning ascribed to it in NRS 205.4617.

(d) "Sensitive information" has the meaning ascribed to it in NRS 41.1347.

(e) "Stalking" means a violation of NRS 200.575.

Sec. 2. ~~NRS 293.908 is hereby amended to read as follows:~~

~~293.908 1. The following persons may request that personal information contained in the records of the Secretary of State or a county or city clerk be kept confidential:~~

~~(a) Any justice or judge in this State.~~

~~(b) Any senior justice or senior judge in this State.~~

~~(c) Any court-appointed master in this State.~~

~~(d) Any clerk of a court, court administrator or court executive officer in this State.~~

~~(e) Any district attorney or attorney employed by the district attorney who as part of his or her normal job responsibilities prosecutes persons for:~~

~~(1) Crimes that are punishable as category A felonies; or~~

~~(2) Domestic violence.~~

~~(f) Any state or county public defender who as part of his or her normal job responsibilities defends persons for:~~

~~(1) Crimes that are punishable as category A felonies; or~~

~~(2) Domestic violence.~~

~~(g) Any person employed by the Office of the Attorney General who prosecutes or defends actions on behalf of the State of Nevada or any agency in the Executive Department of the State Government.~~

~~(h) Any person, including without limitation, a social worker, employed by this State or a political subdivision of this State who as part of his or her normal job responsibilities:~~

~~(1) Interacts with the public; and~~

~~(2) Performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers.~~

~~(i) Any county manager in this State.~~

~~(j) Any inspector, officer or investigator employed by this State or a political subdivision of this State designated by his or her employer:~~

~~(1) Who possess specialized training in code enforcement;~~

~~(2) Who, as part of his or her normal job responsibilities, interacts with the public; and~~

~~— (3) Whose primary duties are the performance of tasks related to code enforcement.~~

~~— (k) Any county or city clerk or registrar of voters charged with the powers and duties relating to elections and any deputy or employee appointed by the county or city clerk or registrar of voters in the elections division of the county or city.~~

~~— (l) Any employee of the Office of the Secretary of State charged with the powers and duties relating to elections.~~

~~— (m) The spouse, domestic partner or minor child of a person described in paragraphs (a) to [(k),] (l), inclusive.~~

~~— [(m)] (n) The surviving spouse, domestic partner or minor child of a person described in paragraphs (a) to [(k),] (l), inclusive, who was killed in the performance of his or her duties.~~

~~— 2. As used in this section:~~

~~— (a) "Child protective services" has the meaning ascribed to it in NRS 432B.042.~~

~~— (b) "Child welfare services" has the meaning ascribed to it in NRS 432B.044.~~

~~— (c) "Code enforcement" means the enforcement of laws, ordinances or codes regulating public nuisances or the public health, safety and welfare.~~

~~— (d) "Social worker" means any person licensed under chapter 641B of NRS.] (Deleted by amendment.)~~

Sec. 3. ~~{NRS 247.540 is hereby amended to read as follows:~~

~~— 247.540 1. The following persons may request that the personal information described in subsection 1, 2 or 3 of NRS 247.520 that is contained in the records of a county recorder be kept confidential:~~

~~— (a) Any justice or judge in this State.~~

~~— (b) Any senior justice or senior judge in this State.~~

~~— (c) Any court-appointed master in this State.~~

~~— (d) Any clerk of a court, court administrator or court executive officer in this State.~~

~~— (e) Any county or city clerk or registrar of voters charged with the powers and duties relating to elections and any deputy or employee appointed by such county or city clerk or registrar of voters in the elections division of the county or city.~~

~~— (f) Any employee of the Office of the Secretary of State charged with the powers and duties relating to elections.~~

~~— (g) Any district attorney or attorney employed by the district attorney who as part of his or her normal job responsibilities prosecutes persons for:~~

~~— (1) Crimes that are punishable as category A felonies; or~~

~~— (2) Domestic violence.~~

~~— [(g)] (h) Any state or county public defender who as part of his or her normal job responsibilities defends persons for:~~

~~— (1) Crimes that are punishable as category A felonies; or~~

~~— (2) Domestic violence.~~

~~— [(h)] (i) Any person employed by the Office of the Attorney General who prosecutes or defends actions on behalf of the State of Nevada or any agency in the Executive Department of the State Government.~~

~~— [(i)] (j) Any person, including without limitation, a social worker, employed by this State or a political subdivision of this State who as part of his or her normal job responsibilities:~~

~~— (1) Interacts with the public; and~~

~~— (2) Performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers.~~

~~— [(j)] (k) Any county manager in this State.~~

~~— [(k)] (l) Any inspector, officer or investigator employed by this State or a political subdivision of this State designated by his or her employer:~~

~~— (1) Who possesses specialized training in code enforcement;~~

~~— (2) Who, as part of his or her normal job responsibilities, interacts with the public; and~~

~~— (3) Whose primary duties are the performance of tasks related to code enforcement.~~

~~— [(l)] (m) The spouse, domestic partner or minor child of a person described in paragraphs (a) to [(k)], (l), inclusive.~~

~~— [(m)] (n) The surviving spouse, domestic partner or minor child of a person described in paragraphs (a) to [(k)], (l), inclusive, who was killed in the performance of his or her duties.~~

~~— [(n)] (o) Any person for whom a fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive.~~

~~— 2. Any nonprofit entity in this State that maintains a confidential location for the purpose of providing shelter to victims of domestic violence may request that the personal information described in subsection 4 of NRS 247.520 that is contained in the records of a county recorder be kept confidential.~~

~~— 3. As used in this section:~~

~~— (a) "Child protective services" has the meaning ascribed to it in NRS 432B.042.~~

~~— (b) "Child welfare services" has the meaning ascribed to it in NRS 432B.044.~~

~~— (c) "Code enforcement" means the enforcement of laws, ordinances or codes regulating public nuisances or the public health, safety and welfare.~~

~~— (d) "Social worker" means any person licensed under chapter 641B of NRS.] (Deleted by amendment.)~~

Sec. 4. ~~[NRS 250.140 is hereby amended to read as follows:~~

~~— 250.140 1. The following persons may request that personal information described in subsection 1, 2 or 3 of NRS 250.120 that is contained in the records of a county assessor be kept confidential:~~

~~— (a) Any justice or judge in this State.~~

~~— (b) Any senior justice or senior judge in this State.~~

~~— (c) Any court appointed master in this State.~~

~~—(d) Any clerk of a court, court administrator or court executive officer in this State.~~

~~—(e) Any county or city clerk or registrar of voters charged with the powers and duties relating to elections and any deputy or employee appointed by such county or city clerk or registrar of voters in the elections division of the county or city.~~

~~—(f) Any employee of the Office of the Secretary of State charged with the powers and duties relating to elections.~~

~~—(g) Any peace officer or retired peace officer.~~

~~—[(g)] (h) Any prosecutor.~~

~~—[(h)] (i) Any state or county public defender.~~

~~—[(i)] (j) Any person employed by the Office of the Attorney General who prosecutes or defends actions on behalf of the State of Nevada or any agency in the Executive Department of the State Government.~~

~~—[(j)] (k) Any person, including without limitation, a social worker, employed by this State or a political subdivision of this State who as part of his or her normal job responsibilities interacts with the public and performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers.~~

~~—[(k)] (l) Any county manager in this State.~~

~~—[(l)] (m) Any inspector, officer or investigator employed by this State or a political subdivision of this State designated by his or her employer who possesses specialized training in code enforcement, interacts with the public and whose primary duties are the performance of tasks related to code enforcement.~~

~~—[(m)] (n) The spouse, domestic partner or minor child of a person described in paragraphs (a) to [(l)], (m), inclusive.~~

~~—[(n)] (o) The surviving spouse, domestic partner or minor child of a person described in paragraphs (a) to [(l)], (m), inclusive, who was killed in the performance of his or her duties.~~

~~—[(o)] (p) Any person for whom a fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive.~~

~~—2. Any nonprofit entity in this State that maintains a confidential location for the purpose of providing shelter to victims of domestic violence may request that the personal information described in subsection 4 of NRS 250.120 that is contained in the records of a county assessor be kept confidential.~~

~~—3. As used in this section:~~

~~—(a) "Child protective services" has the meaning ascribed to it in NRS 432B.042.~~

~~—(b) "Child welfare services" has the meaning ascribed to it in NRS 432B.044.~~

~~—(c) "Code enforcement" means the enforcement of laws, ordinances or codes regulating public nuisances or the public health, safety and welfare.~~

~~—(d) "Peace officer" means:~~

~~— (1) Any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive; and~~

~~— (2) Any person:~~

~~— (I) Who resides in this State;~~

~~— (II) Whose primary duties are to enforce the law; and~~

~~— (III) Who is employed by a law enforcement agency of the Federal Government, including, without limitation, a ranger for the National Park Service and an agent employed by the Federal Bureau of Investigation, Secret Service, United States Department of Homeland Security or United States Department of the Treasury;~~

~~— (e) "Prosecutor" has the meaning ascribed to it in NRS 241A.030;~~

~~— (f) "Social worker" means any person licensed under chapter 641B of NRS.] (Deleted by amendment.)~~

Sec. 5. ~~[NRS 481.091 is hereby amended to read as follows:~~

~~481.091 1. The following persons may request that the Department display an alternate address on the person's driver's license, commercial driver's license or identification card:~~

~~— (a) Any justice or judge in this State;~~

~~— (b) Any senior justice or senior judge in this State;~~

~~— (c) Any court-appointed master in this State;~~

~~— (d) Any clerk of the court, court administrator or court executive officer in this State;~~

~~— (e) Any prosecutor who as part of his or her normal job responsibilities prosecutes persons for:~~

~~— (1) Crimes that are punishable as category A felonies; or~~

~~— (2) Domestic violence;~~

~~— (f) Any state or county public defender who as part of his or her normal job responsibilities defends persons for:~~

~~— (1) Crimes that are punishable as category A felonies; or~~

~~— (2) Domestic violence;~~

~~— (g) Any person employed by the Office of the Attorney General who prosecutes or defends actions on behalf of the State of Nevada or any agency in the Executive Department of the State Government;~~

~~— (h) Any person, including, without limitation, a social worker, employed by this State or a political subdivision of this State who as part of his or her normal job responsibilities:~~

~~— (1) Interacts with the public; and~~

~~— (2) Performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers;~~

~~— (i) Any county manager in this State;~~

~~— (j) Any inspector, officer or investigator employed by this State or a political subdivision of this State designated by his or her employer;~~

~~— (1) Who possesses specialized training in code enforcement;~~

~~— (2) Who, as part of his or her normal job responsibilities, interacts with the public; and~~

~~—(3) Whose primary duties are the performance of tasks related to code enforcement.~~

~~—(k) Any county or city clerk or registrar of voters charged with the powers and duties relating to elections and any deputy or employee appointed by the county or city clerk or registrar of voters in the elections division of the county or city.~~

~~—(l) Any employee of the Office of the Secretary of State charged with the powers and duties relating to elections.~~

~~—(m) The spouse, domestic partner or minor child of a person described in paragraphs (a) to [(k),] (l), inclusive.~~

~~—[(m)] (n) The surviving spouse, domestic partner or minor child of a person described in paragraphs (a) to [(k),] (l), inclusive, who was killed in the performance of his or her duties.~~

~~—[(n)] (o) Any person for whom a fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive.~~

~~—2. A person who wishes to have an alternate address displayed on his or her driver's license, commercial driver's license or identification card pursuant to this section must submit to the Department satisfactory proof:~~

~~—(a) That he or she is a person described in subsection 1; and~~

~~—(b) Of the person's address of principal residence and mailing address, if different from the address of principal residence.~~

~~—3. A person who obtains a driver's license, commercial driver's license or identification card that displays an alternate address pursuant to this section may subsequently submit a request to the Department to have his or her address of principal residence displayed on his or her driver's license, commercial driver's license or identification card instead of the alternate address.~~

~~—4. The Department may adopt regulations to carry out the provisions of this section.~~

~~—5. As used in this section:~~

~~—(a) "Child protective services" has the meaning ascribed to it in NRS 432B.042.~~

~~—(b) "Child welfare services" has the meaning ascribed to it in NRS 432B.044.~~

~~—(c) "Code enforcement" means the enforcement of laws, ordinances or codes regulating public nuisances or the public health, safety and welfare.~~

~~—(d) "Social worker" means any person licensed under chapter 641B of NRS.] (Deleted by amendment.)~~

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

Senator Ohrenschall moved the adoption of the amendment.

Remarks by Senator Ohrenschall.

Amendment No. 518 to Senate Bill No. 406 removes all provisions of the bill relating to confidentiality of certain personal information relating to elections employees; authorizes a person to distribute certain items, such as prepackaged food, certain beverages, coats and hand warmers, to persons waiting in line at a polling place to vote or to register to vote; and clarifies that the criminal provisions of section 1.3 of the bill do not limit the ability of persons to observe

certain voting procedures, write written notes at a polling place or engage in certain communications relating to elections.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 413.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 277.

SUMMARY—Revises provisions relating to credits to reduce the sentence of an offender. (BDR 16-313)

AN ACT relating to sentencing; revising the method for determining credits to reduce the sentence of an offender; requiring the Director of the Department of Corrections to provide an offender with a list of certain programs; requiring the Director of the Department to submit a report to the Board of State Prison Commissioners which includes certain information concerning the institutional programming and placement of an offender under certain circumstances; requiring the Board of State Prison Commissioners to adopt regulations to carry out the revised method for determining credits to reduce the sentence of an offender; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law allows an offender to earn certain credits to reduce his or her sentence of imprisonment. (NRS 209.432-209.453) For example, under existing law, an offender who is sentenced to prison for a crime committed on or after July 17, 1997, may, under certain circumstances, be allowed: (1) a deduction of 20 days from his or her sentence for each month the offender serves; (2) up to 10 days of credit each month for diligence in labor and study; (3) certain credits for educational achievement; (4) up to 10 days of credit each month for participation in a center for the purpose of making restitution, program for reentry of offenders and parolees into the community, conservation camp, program of work release or another program conducted outside of the prison; (5) up to 90 days of credit each year for exceptional meritorious service; and (6) if the Governor determines, by executive order, that it is necessary, a deduction of up to 5 days from his or her sentence for each month the offender serves. Existing law provides that such credits must be deducted from the maximum term or the maximum aggregate term imposed by the sentence, as applicable, and apply to eligibility for parole unless the offender was sentenced pursuant to a statute which specifies a minimum sentence that must be served before a person becomes eligible for parole. Existing law also provides that, unless an offender has been convicted of certain crimes, such credits must also be deducted from the minimum term or the minimum aggregate term imposed by the sentence, as applicable, until the offender becomes eligible for parole. (NRS 209.4465) Existing law also allows certain offenders to earn credit for:

(1) being incarcerated during a state of emergency due to communicable or infectious disease; (2) completing a program of treatment for an alcohol or other substance use disorder; and (3) completing a vocational education and training or other program. (NRS 209.4477, 209.448, 209.449)

Existing law requires the Director of the Department of Corrections to administer a risk and needs assessment to each person in the custody of the Department to measure criminal risk factors and individual needs for the purpose of guiding institutional programming and placement. (NRS 209.341) Before a meeting to consider a prisoner for parole, existing law requires the Department to compile and provide to the State Board of Parole Commissioners data that will assist the Board in determining whether parole should be granted to the prisoner. (NRS 213.131)

This bill provides a revised method for determining credits to reduce the sentence of an offender that applies to an offender sentenced to prison for a crime committed: (1) on or after January 1, 2025; or (2) before January 1, 2025, if the offender elects to be subject to the revised method.

Section 1 of this bill provides that an offender who complies with the programming and placement identified in the risk and needs assessment administered to the offender, as determined by the Director ~~, [of the Department of Corrections,]~~ must be allowed credit against the minimum term or minimum aggregate term, as applicable, of his or her sentence for good behavior in an amount of days that is equivalent to ~~[25]~~ 35 percent of the minimum term or minimum aggregate term, as applicable, of the sentence of the offender. Section 1 does not apply to an offender who has been convicted of: (1) any crime that is punishable as a felony involving the use or threatened use of force or violence against the victim; (2) a sexual offense that is punishable as a felony; (3) certain offenses relating to driving under the influence of alcohol or a controlled substance that are punishable as a felony; or (4) a category A or B felony. Therefore, under section 1, an offender convicted of such an offense is not eligible for credit to reduce the minimum term or minimum aggregate term, as applicable, of his or her sentence.

Section 1 also provides for the allowance of credit against the maximum term or maximum aggregate term, as applicable, of the sentence of an offender. Under section 1, an offender who complies with the programming and placement identified in the risk and needs assessment administered to the offender, as determined by the Director, must be allowed credit against the maximum term or maximum aggregate term, as applicable, of his or her sentence for good behavior in an amount of days that is equivalent to ~~[25]~~ 35 percent of the maximum term or maximum aggregate term, as applicable, of his or her sentence.

Section 1 requires the Director to provide each offender in the custody of the Department with a list that includes: (1) the programs identified in the risk and needs assessment administered to the offender, as determined by the Director; (2) the programs available at the institution or facility to which the

offender has been assigned; and (3) which of the programs identified in the risk and needs assessment are available at the institution or facility to which the offender has been assigned. At the time the Department compiles and provides to the State Board of Parole Commissioners data that will assist the Board in determining whether parole should be granted to an offender, section 1 requires the Director to additionally submit to the Board a report that includes: (1) the list of programs provided to each offender in the custody of the Department; and (2) the programs the offender has successfully completed.

Section 2 of this bill makes a conforming change to indicate the proper placement of section 1 in the Nevada Revised Statutes. Sections 3-10 of this bill make conforming changes to include necessary references to section 1 and to reflect the changes in section 1.

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

Section 1. Chapter 209 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in this subsection, an offender who complies with the programming and placement identified in the risk and needs assessment administered pursuant to NRS 209.341, as determined by the Director, must be allowed credit against the minimum term or minimum aggregate term, as applicable, of his or her sentence for good behavior in an amount of days that is equivalent to ~~25~~ 35 percent of the minimum term or minimum aggregate term, as applicable, of the sentence of the offender. Any credit allowed pursuant to this subsection may reduce the minimum term or the minimum aggregate term imposed by the sentence, as applicable, by not more than 58 percent. Credit must be allowed for the period the offender is actually incarcerated pursuant to his or her sentence and applies to eligibility for parole, unless the offender was sentenced pursuant to a specific statute which specifies that a minimum sentence must be served before the offender becomes eligible for parole. Any forfeiture of credit pursuant to a specific statute must be applied after the credit allowed in this subsection. This subsection does not apply to an offender who has been convicted of:*

(a) Any crime that is punishable as a felony involving the use or threatened use of force or violence against the victim.

(b) A sexual offense that is punishable as a felony.

(c) A violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430 that is punishable as a felony.

(d) A category A or B felony.

2. *Except as otherwise provided in this subsection, an offender who complies with the programming and placement identified in the risk and needs assessment administered pursuant to NRS 209.341, as determined by the Director, must be allowed credit against the maximum term or maximum aggregate term, as applicable, of his or her sentence for good behavior in an amount of days that is equivalent to ~~25~~ 35 percent of the maximum term or*

maximum aggregate term, as applicable, of his or her sentence. Any forfeiture of credit pursuant to a specific statute must be applied after the credit allowed in this subsection. Credit allowed pursuant to this subsection:

(a) Must be allowed only for any period the offender is:

(1) Actually incarcerated pursuant to his or her sentence;

(2) In residential confinement; or

(3) In the custody of the Division of Parole and Probation of the Department of Public Safety pursuant to NRS 209.4886 or 209.4888.

(b) Is in addition to any credit allowed to reduce the sentence of the offender that is authorized pursuant to a specific statute.

3. An offender who is sentenced to prison for a crime committed before January 1, 2025, may irrevocably elect to be subject to the provisions of this section. The election by an offender to be subject to the provisions of this section must not:

(a) Extend the sentence of the offender; or

(b) Otherwise reduce retroactively the amount of credit allowed to reduce the sentence of the offender under the laws of this State as those laws existed before January 1, 2025, if doing so would constitute a violation under the United States Constitution or the Nevada Constitution.

4. The Director shall:

(a) Provide each offender in the custody of the Department with a list that includes:

(1) The programs identified in the risk and needs assessment administered to the offender pursuant to NRS 209.341, as determined by the Director;

(2) The programs available at the institution or facility to which the offender has been assigned; and

(3) Which of the programs described in subparagraph (1) are available at the institution or facility to which the offender has been assigned; and

(b) At the time the Department compiles and provides to the State Board of Parole Commissioners data that will assist the Board in determining whether parole should be granted to the offender pursuant to NRS 213.131, submit a report to the Board that includes:

(1) The list of programs provided to the offender pursuant to paragraph (a); and

(2) The programs provided to the offender pursuant to paragraph (a) that the offender successfully completed.

5. The Board shall adopt regulations to carry out the provisions of this section.

Sec. 2. NRS 209.432 is hereby amended to read as follows:

209.432 As used in NRS 209.432 to 209.453, inclusive, and section 1 of this act, unless the context otherwise requires:

1. "Offender" includes:

(a) A person who is convicted of a felony under the laws of this State and sentenced, ordered or otherwise assigned to serve a term of residential confinement.

(b) A person who is convicted of a felony under the laws of this State and assigned to the custody of the Division of Parole and Probation of the Department of Public Safety pursuant to NRS 209.4886 or 209.4888.

2. "Residential confinement" means the confinement of a person convicted of a felony to his or her place of residence under the terms and conditions established pursuant to specific statute. The term does not include any confinement ordered pursuant to NRS 176A.540, 176A.550, 176A.560, 176A.660 to 176A.690, inclusive, 213.15105, 213.15193 or 213.152 to 213.1528, inclusive.

Sec. 3. NRS 209.4465 is hereby amended to read as follows:

209.4465 1. ~~Am~~ Unless an offender has elected to be subject to the provisions of section 1 of this act, an offender who is sentenced to prison for a crime committed on or after July 17, 1997, *but before January 1, 2025*, who has no serious infraction of the regulations of the Department, the terms and conditions of his or her residential confinement or the laws of the State recorded against the offender, and who performs in a faithful, orderly and peaceable manner the duties assigned to the offender, must be allowed:

(a) For the period the offender is actually incarcerated pursuant to his or her sentence;

(b) For the period the offender is in residential confinement; and

(c) For the period the offender is in the custody of the Division of Parole and Probation of the Department of Public Safety pursuant to NRS 209.4886 or 209.4888,

↪ a deduction of 20 days from his or her sentence for each month the offender serves.

2. In addition to the credits allowed pursuant to subsection 1, the Director may allow not more than 10 days of credit each month for an offender whose diligence in labor and study merits such credits. In addition to the credits allowed pursuant to this subsection, an offender is entitled to the following credits for educational achievement:

(a) For earning a general educational development certificate or an equivalent document, 60 days.

(b) For earning a high school diploma, 90 days.

(c) For earning his or her first associate degree, 120 days.

3. The Director may, in his or her discretion, authorize an offender to receive a maximum of 90 days of credit for each additional degree of higher education earned by the offender.

4. The Director may allow not more than 10 days of credit each month for an offender who participates in a diligent and responsible manner in a center for the purpose of making restitution, program for reentry of offenders and parolees into the community, conservation camp, program of work release or another program conducted outside of the prison. An offender who

earns credit pursuant to this subsection is eligible to earn the entire 30 days of credit each month that is allowed pursuant to subsections 1 and 2.

5. The Director may allow not more than 90 days of credit each year for an offender who engages in exceptional meritorious service.

6. The Board shall adopt regulations governing the award, forfeiture and restoration of credits pursuant to this section.

7. Except as otherwise provided in subsections 8 and 9, credits earned pursuant to this section:

(a) Must be deducted from the maximum term or the maximum aggregate term imposed by the sentence, as applicable; and

(b) Apply to eligibility for parole unless the offender was sentenced pursuant to a statute which specifies a minimum sentence that must be served before a person becomes eligible for parole.

8. Credits earned pursuant to this section by an offender who has not been convicted of:

(a) Any crime that is punishable as a felony involving the use or threatened use of force or violence against the victim;

(b) A sexual offense that is punishable as a felony;

(c) A violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430 that is punishable as a felony; or

(d) A category A or B felony,

↪ apply to eligibility for parole and, except as otherwise provided in subsection 9, must be deducted from the minimum term or the minimum aggregate term imposed by the sentence, as applicable, until the offender becomes eligible for parole and must be deducted from the maximum term or the maximum aggregate term imposed by the sentence, as applicable.

9. Credits deducted pursuant to subsection 8 may reduce the minimum term or the minimum aggregate term imposed by the sentence, as applicable, by not more than 58 percent for an offender who:

(a) Is serving a sentence for an offense committed on or after July 1, 2014; or

(b) On or after July 1, 2014, makes an irrevocable election to have his or her consecutive sentences aggregated pursuant to NRS 213.1212.

10. In addition to the credits allowed pursuant to this section, if the Governor determines, by executive order, that it is necessary, the Governor may authorize the deduction of not more than 5 days from a sentence for each month an offender serves. This subsection must be uniformly applied to all offenders under a sentence at the time the Governor makes such a determination.

Sec. 4. NRS 209.4475 is hereby amended to read as follows:

209.4475 1. In addition to any credits earned pursuant to NRS 209.447 ~~and section 1 of this act~~, an offender who is on parole as of January 1, 2004, or who is released on parole on or after January 1, 2004, for a term less than life must be allowed for the period the offender is actually on parole a

deduction of 20 days from the offender's sentence for each month the offender serves if:

(a) The offender is current with any fee to defray the costs of his or her supervision charged by the Division of Parole and Probation of the Department of Public Safety pursuant to NRS 213.1076; and

(b) The offender is current with any payment of restitution required by the State Board of Parole Commissioners pursuant to NRS 213.126.

2. An offender shall be deemed to be current with any fee and payment of restitution described in subsection 1 for any given month if, during that month, the offender makes at least the minimum monthly payment established by:

(a) The Division of Parole and Probation of the Department of Public Safety, if any; and

(b) The State Board of Parole Commissioners, if any.

3. In addition to any credits earned pursuant to subsection 1, ~~and~~ NRS 209.447 ~~and~~ *section 1 of this act*, the Director may allow not more than 10 days of credit each month for an offender:

(a) Who is on parole as of January 1, 2004, or who is released on parole on or after January 1, 2004, for a term less than life; and

(b) Whose diligence in labor or study merits such credits.

4. An offender is entitled to the deductions authorized by this section only if the offender satisfies the conditions of subsection 1 or 3, as determined by the Director. The Chief Parole and Probation Officer or other person responsible for the supervision of an offender shall report to the Director the failure of an offender to satisfy those conditions.

5. Credits earned pursuant to this section must, in addition to any credits earned pursuant to NRS 209.443, 209.446, 209.4465, 209.447, 209.448 and 209.449, *and section 1 of this act*, be deducted from the maximum term or the maximum aggregate term imposed by the sentence, as applicable.

6. The Director shall maintain records of the credits to which each offender is entitled pursuant to this section.

Sec. 5. NRS 209.4477 is hereby amended to read as follows:

209.4477 1. ~~Any~~ Unless an offender has elected to be subject to the provisions of section 1 of this act, an offender who is serving a sentence for a crime committed before January 1, 2025, and who is actually incarcerated in an institution or facility of the Department pursuant to his or her sentence during a period in which a state of emergency due to a communicable or infectious disease has been declared by the Governor and remains in effect must be allowed, in addition to the credits provided pursuant to NRS 209.433, 209.443, 209.446 or 209.4465, a deduction of 5 days from his or her sentence for each month the offender serves during the state of emergency. An offender shall not be allowed more than 60 days of credit pursuant to this section.

2. Credits earned pursuant to this section:

(a) Apply to eligibility for parole and must be deducted from the minimum term or the minimum aggregate term imposed by the sentence, as applicable, until the offender becomes eligible for parole, unless the offender was sentenced pursuant to a statute which specifies a minimum sentence which must be served before a person becomes eligible for parole; and

(b) Must be deducted from the maximum term or the maximum aggregate term imposed by the sentence, as applicable.

3. Not later than 60 days after a state of emergency due to a communicable or infectious disease has been declared by the Governor, the Director shall submit a report containing a list of the offenders who have received credits pursuant to this section to the Chief Justice of the Nevada Supreme Court, the State Public Defender, the Attorney General, the Executive Director of the Department of Sentencing Policy and the Director of the Legislative Counsel Bureau for transmittal to the Legislature or, if the Legislature is not in session, to the Joint Interim Standing Committee on the Judiciary.

4. As used in this section:

(a) "Communicable disease" means an infectious disease that can be transmitted from person to person, animal to person or insect to person.

(b) "Infectious disease" means a disease caused by a living organism or other pathogen, including a fungus, bacillus, parasite, protozoan or virus. An infectious disease may or may not be transmissible from person to person, animal to person or insect to person.

Sec. 6. NRS 209.448 is hereby amended to read as follows:

209.448 1. An offender who has no serious infraction of the regulations of the Department or the laws of the State recorded against the offender must be allowed, in addition to the credits provided pursuant to NRS 209.433, 209.443, 209.446 or 209.4465, a deduction of not more than 60 days from the maximum term or the maximum aggregate term of the offender's sentence, as applicable, for the successful completion of a program of treatment for an alcohol or other substance use disorder which is conducted jointly by the Department and a person who is licensed as a clinical alcohol and drug counselor, licensed or certified as an alcohol and drug counselor or certified as an alcohol and drug counselor intern or a clinical alcohol and drug counselor intern, pursuant to chapter 641C of NRS.

2. ~~The~~ Unless an offender has elected to be subject to the provisions of section 1 of this act, the provisions of this section apply to any offender who is sentenced on or after October 1, 1991 ~~[-]~~ , for a crime committed before January 1, 2025.

Sec. 7. NRS 209.449 is hereby amended to read as follows:

209.449 1. ~~An~~ Unless an offender has elected to be subject to the provisions of section 1 of this act, an offender who is serving a sentence for a crime committed before January 1, 2025, and who has no serious infraction of the regulations of the Department, the terms and conditions of his or her residential confinement or the laws of the State recorded against the offender

must be allowed, in addition to the credits provided pursuant to NRS 209.433, 209.443, 209.446 or 209.4465, a deduction of 60 days from the maximum term or the maximum aggregate term of the offender's sentence, as applicable, for the successful completion of:

- (a) A program of vocational education and training; or
- (b) Any other program approved by the Director.

2. If the offender completes such a program with meritorious or exceptional achievement, the Director may allow not more than 60 days of credit in addition to the 60 days allowed for completion of the program.

Sec. 8. NRS 209.4495 is hereby amended to read as follows:

209.4495 1. Notwithstanding any provision of NRS 209.432 to 209.453, inclusive, *and section 1 of this act*, which entitles an offender to receive credit or which authorizes the Director to allow credit for an offender, an offender may not earn more than the amount of credit required to expire his or her sentence.

2. Nothing in this section shall be construed to reduce retroactively the amount of credit earned by an offender if doing so would constitute a violation under the Constitution of the United States or the Constitution of the State of Nevada.

Sec. 9. NRS 213.120 is hereby amended to read as follows:

213.120 1. Except as otherwise provided in NRS 213.1213 *or section 1 of this act* and as limited by statute for certain specified offenses, a prisoner who was sentenced to prison for a crime committed before July 1, 1995, may be paroled when the prisoner has served one-third of the definite period of time for which the prisoner has been sentenced pursuant to NRS 176.033, less any credits earned to reduce his or her sentence pursuant to chapter 209 of NRS.

2. Except as otherwise provided in NRS 213.1213 and as limited by statute for certain specified offenses, a prisoner who was sentenced to prison for a crime committed on or after July 1, 1995, may be paroled when the prisoner has served the minimum term or minimum aggregate term of imprisonment imposed by the court. Except as otherwise provided in NRS 209.4465 ~~§~~ *and section 1 of this act*, any credits earned to reduce his or her sentence pursuant to chapter 209 of NRS while the prisoner serves the minimum term or minimum aggregate term of imprisonment may reduce only the maximum term or the maximum aggregate term of imprisonment imposed, as applicable, and must not reduce the minimum term or the minimum aggregate term of imprisonment, as applicable.

Sec. 10. NRS 213.1212 is hereby amended to read as follows:

213.1212 1. Notwithstanding any other provision of law, if a prisoner is sentenced pursuant to NRS 176.035 to serve two or more consecutive sentences, the terms of which have been aggregated:

(a) The prisoner shall be deemed to be eligible for parole from all such sentences after serving the minimum aggregate term of imprisonment; and

(b) The Board is not required to consider the prisoner for parole until the prisoner has served the minimum aggregate term of imprisonment.

2. Except as otherwise provided in subsection 3, for purposes of determining parole eligibility, a prisoner whose sentences have been aggregated may earn credit pursuant to NRS 209.433 to 209.449, inclusive, *and section 1 of this act*, which must be deducted from the minimum aggregate term of imprisonment or the maximum aggregate term of imprisonment, as applicable. Such credits may be earned only to the extent that the credits would otherwise be earned had the sentences not been aggregated.

3. For purposes of determining parole eligibility, if the sentences of a prisoner are governed by different provisions of law concerning the earning of credits pursuant to NRS 209.433 to 209.446, inclusive, *and section 1 of this act*, the Department of Corrections shall determine the minimum term of each sentence to be aggregated for the purpose of establishing a minimum aggregate term of imprisonment as follows:

(a) If the parole eligibility of a prisoner is based on credits earned pursuant to NRS 209.433 or 209.443, the Department of Corrections shall establish a fixed minimum term for that sentence based on the assumption that the prisoner will earn all future credits to reduce that sentence as provided in NRS 209.433 or 209.443, as applicable, except for credits earned for donating blood or for educational achievements in accordance with any regulations adopted by the Board pursuant to subsection 2 of NRS 209.433 or subsection 3 of NRS 209.443. Any such credits earned by a prisoner for donating blood or for educational achievements that are awarded after a minimum aggregate term of imprisonment is established must be applied only to the maximum aggregate term of imprisonment.

(b) If the parole eligibility of a prisoner is based on credits earned pursuant to NRS 209.446, the Department of Corrections shall establish a fixed minimum term for that sentence based on the assumption that the prisoner will earn all future credits to reduce that sentence as provided in NRS 209.446, except for credits earned for educational achievements pursuant to subsection 2 of NRS 209.446 or for meritorious service pursuant to subsection 4 of NRS 209.446. Any such credits earned for educational achievements or meritorious service that are awarded after a minimum aggregate term of imprisonment is established must be applied only to the maximum aggregate term of imprisonment.

(c) If a prisoner is eligible to earn a deduction from the minimum term of his or her sentence pursuant to subsection 8 of NRS 209.446 ~~or~~ *or section 1 of this act*, the minimum term of the sentence to be aggregated must be the minimum term set by the court, and the provisions of subsection 9 of NRS 209.446 *or section 1 of this act, as applicable*, must be applied to the aggregated sentence.

(d) If a prisoner is not eligible to earn a deduction from the minimum term of his or her sentence, the minimum term of the sentence to be aggregated

must be the term set by the court or, if the court does not set the minimum term, the minimum term required by law.

4. A prisoner whose sentences have been aggregated pursuant to subsection 3 may earn credits to reduce the maximum aggregate term of imprisonment, as already reduced by any presentence credits stipulated in the judgment of conviction or other applicable court order, pursuant to NRS 209.4465 or 209.4475 or *section 1 of this act* beginning on the date the prisoner elected to have the sentences aggregated or on the date of sentencing.

5. Except as otherwise provided in subsection 6 and subsection 3 of NRS 176.035, a prisoner who is serving consecutive sentences which have not been aggregated may, by submitting a written request to the Director of the Department of Corrections, make an irrevocable election to have the sentences aggregated. If the prisoner makes such an irrevocable election to have the sentences aggregated and:

(a) The prisoner has not been considered for parole on any of the sentences requested to be aggregated, the Department of Corrections shall aggregate the sentences in the manner set forth in this section and NRS 176.035 and the Board is not required to consider the prisoner for parole until the prisoner has served the minimum aggregate term of imprisonment.

(b) The prisoner has been considered for parole on one or more of the sentences requested to be aggregated, the Department of Corrections shall aggregate only the sentences for which parole has not been considered. The Board is not required to consider the prisoner for parole on the aggregated sentences until the prisoner has served the minimum aggregate term of imprisonment.

6. At the request of a prisoner, the Department of Corrections may disaggregate any aggregated sentences for which parole has not been considered for the purpose of aggregating such sentences with other sentences pursuant to this section or NRS 176.035.

7. Except as otherwise provided in subsection 3 of NRS 176.035, if the Department of Corrections aggregates sentences that are comprised of separate aggregated sentences, the Department of Corrections may aggregate all the consecutive sentences to create a single aggregated sentence.

8. The provisions of this section do not establish a basis for any cause of action by a prisoner against the State or its political subdivisions, agencies, boards, commissions, departments, officers or employees relating to any credits the prisoner might have earned if the sentences of the prisoner had not been aggregated.

Sec. 11. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 10, inclusive, of this act become effective:

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

(b) On January 1, 2025, for all other purposes.

Senator Scheible moved the adoption of the amendment.

Remarks by Senator Scheible.

Amendment No. 277 to Senate Bill No. 413 changes the percentage in the revised method for calculating a release date from 25 percent to 35 percent of an offender's sentence and requires the Director of the Nevada Department of Corrections to report to the offender and the Parole Board on the programs required and available to an offender and which programs were completed based on availability.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 426.

Bill read second time.

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

Amendment No. 315.

SUMMARY—Revises provisions governing rent increases. (BDR 10-15)

AN ACT relating to property; requiring the Housing Division of the Department of Business and Industry to annually calculate and publish a cost-of-living increase; establishing certain requirements relating to increases in rent; authorizing a landlord to apply for an exemption to certain requirements relating to increases in rent; providing certain remedies for a violation of certain requirements relating to increases in rent; prohibiting a landlord from taking certain retaliatory actions against a tenant; revising provisions relating to notices of increases in rent; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Residential Landlord and Tenant Act, which governs rental agreements for dwelling units. The Act establishes certain obligations for landlords and tenants and provides certain remedies for landlords and tenants for violations of such obligations. (Chapter 118A of NRS) Section 4 of this bill prohibits, with certain exceptions, a landlord from increasing the rent payable by an existing tenant during: (1) the first year of a tenancy; and (2) any 12-month period by an amount that exceeds the cost-of-living increase published by the Housing Division of the Department of Business and Industry pursuant to section 3 of this bill. Section 4 also prohibits, with certain exceptions, a landlord from charging a prospective tenant: (1) if there was an existing tenant in the dwelling unit, a rent that exceeds the maximum amount the landlord was authorized to charge the existing tenant; and (2) if there was not an existing tenant, a rent that exceeds the amount for which the dwelling unit was advertised. Section 4 exempts certain dwelling units from these requirements.

Section 5 of this bill authorizes a landlord to apply to the Housing Division for an exemption from the cost-of-living increase in order for the landlord to obtain a fair and reasonable rate of return on his or her property if: (1) ~~the operating costs of the landlord exceed the amount the landlord would earn~~

~~with the cost of living increase;]~~ an additional occupant is residing in the dwelling unit; (2) the landlord makes capital improvements to a dwelling unit ~~[-] that primarily benefit the tenant; (3) the landlord changes the amount and quality of housing services [offered by] attributable to the [landlord;] dwelling unit and included in the rental agreement; (4) the amount of property taxes owed by the landlord decreases or increases; (5) a landlord or tenant makes uninsured repairs ; [damage to a dwelling unit that was not caused by ordinary wear and tear;]~~ or (6) any other [circumstance established by the Division by regulation.] increase necessary to provide the landlord with a just and reasonable return pursuant to the United States Constitution. Section 5 further : (1) requires the landlord to provide the tenant with a written notice if the landlord applies to the Division for an exemption from the cost-of-living increase; (2) authorizes the tenant to present evidence to support or oppose the application of the landlord; and (3) requires the Division to adopt regulations to [establish the application process.] carry out the provisions of section 5.

Section 6 of this bill provides that if a landlord violates the requirements of section 4, the tenant may: (1) apply to the court for relief; (2) withhold any rent that becomes due without incurring late fees, charges for notice or any other charge or authorized fee; and (3) recover actual damages and receive an amount equal to 3 months' rent in addition to such actual damages. Under existing law, the tenant is also entitled to certain other remedies if the landlord engages in retaliatory conduct against the tenant for a good faith complaint regarding a violation of section 4. (NRS 118A.510)

Existing law prohibits a landlord from taking certain retaliatory actions against a tenant. (NRS 118A.510) Section 6.5 of this bill prohibits a landlord from retaliating against a tenant by: (1) threatening to bring or bringing an action to recover possession of the dwelling unit; (2) causing the tenant to quit the dwelling unit involuntarily; (3) serving the tenant with notice to quit the dwelling unit; (4) serving the tenant with notice of a termination of the tenancy; (5) decreasing any housing services; or (6) increasing rent. Section 6.5 further: (1) provides a rebuttable presumption that a landlord acted in retaliation under certain circumstances; (2) authorizes a tenant to use evidence that a landlord acted in retaliation as a defense; and (3) authorizes a tenant to bring a claim against a landlord for retaliation.

Section 3 requires the Housing Division to annually determine and publish on the Internet website of the Division the maximum cost-of-living increase for that calendar year, which must be equal to the increase in the Consumer Price Index for the region where the dwelling unit is located and which must not exceed 5 percent. Section 3 also requires the Division to: (1) issue a press release containing the maximum cost-of-living increase for that calendar year; and (2) maintain on its Internet website information relating to each such cost-of-living increase for at least 2 years.

~~[Section 2 of this bill defines "cost of living increase" to mean the cost of living increase published by the Division. Section 7 of this bill makes~~

~~a conforming change to indicate the proper placement of section 2 in the Nevada Revised Statutes.~~ Sections 2 to 2.9 of this bill define terms related to increases in rent.

Existing law prohibits a landlord from increasing the rent payable by a tenant unless the landlord serves the tenant with written notice of the increase: (1) for a periodic tenancy of 1 month or more, 60 days in advance of the first rental payment to be increased; or (2) for a periodic tenancy of less than 1 month, 30 days in advance of the first rental payment to be increased. (NRS 118A.300) Section 8 of this bill instead requires such notice for a periodic tenancy of 1 month or more to be served 90 days in advance of the first rental payment to be increased. Section 8 further requires that such notice include: (1) the amount of the increase; (2) the total amount of the new rent; (3) if the increase exceeds the cost-of-living increase, the reason the landlord is exempt from the requirements of section 4; and (4) the date on which the increase becomes effective.

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

Section 1. Chapter 118A of NRS is hereby amended by adding thereto the provisions set forth as sections ~~2.1~~ 1.5 to 6.5, inclusive, of this act.

Sec. 1.5. As used in sections 1.5 to 6.5, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 2 to 2.9, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 2. "Cost-of-living increase" means the cost-of-living increase published by the Housing Division of the Department of Business and Industry pursuant to section 3 of this act.

Sec. 2.1. "Dwelling unit" means any unit of real property, including the land appurtenant to such a unit that is rented or made available to rent for residential use or occupancy, including, without limitation, any housing services, common areas and recreational facilities held out by the landlord for use by the tenant.

Sec. 2.3. "Housing services" means services connected with the use or occupancy of a dwelling unit, including, without limitation:

- 1. Utilities, such as light, heat, water and telephone services;*
- 2. Ordinary repairs, replacements and maintenance, including, without limitation, painting;*
- 3. Elevator services;*
- 4. Laundry facilities and privileges;*
- 5. Recreational facilities;*
- 6. Janitorial services;*
- 7. The provision of a resident manager;*
- 8. Refuse removal;*
- 9. Furnishings;*
- 10. Food services;*
- 11. Parking; and*
- 12. Any other benefits, privileges or facilities.*

Sec. 2.4. "Landlord" means a person who provides a dwelling unit for occupancy by another person pursuant to a rental agreement. The term includes, without limitation:

1. An owner of record;
2. A lessor;
3. A sublessor;
4. Any other person entitled to receive rent for the use or occupancy of any dwelling unit;
5. An agent of the landlord;
6. A representative of the landlord; or
7. Any successor of the foregoing.

Sec. 2.6. "Rent" means the consideration demanded or received for or in connection with the use or occupancy of a dwelling unit and housing services, including, without limitation, any fee, deposit, bonus, benefit, gratuity, money or the fair market value of goods and services provided to the landlord under the rental agreement.

Sec. 2.8. "Rental agreement" means a lease or contract, oral, written or implied, between the landlord and a tenant for the use and occupancy of a dwelling unit.

Sec. 2.9. "Tenant" means a person entitled under a rental agreement to occupy a dwelling unit including, without limitation:

1. A renter;
2. A tenant;
3. A subtenant;
4. A lessee or sublessees;
5. A successor to the interest of a tenant;
6. A group of tenants, subtenants, lessees, or sublessees of a dwelling unit; or
7. Any other person entitled to the use or occupancy of a dwelling unit.

Sec. 3. 1. The Housing Division of the Department of Business and Industry shall determine a maximum cost-of-living increase for each calendar year which must, except as otherwise provided in this subsection, be equal to the percentage increase from September 30 of the immediately preceding year to September 30 of the current year using the Consumer Price Index for All Urban Consumers, U.S. City Average (All Items) as published by the United States Department of Labor, for the region where the dwelling unit is located. The cost-of-living increase must not exceed 5 percent.

2. On or before January 1 of each year, the Housing Division shall publish on the Internet website of the Housing Division the maximum cost-of-living increase for that calendar year and issue a press release containing the maximum cost-of-living increase for that calendar year.

3. The Housing Division shall maintain the information for each cost-of-living increase on the Internet website of the Housing Division for at least 2 years.

Sec. 4. 1. The Legislature hereby finds and declares that the State of Nevada is experiencing a housing crisis because of the lack of affordable housing and excessive increases in the rent charged for rental housing in this State.

2. Except as otherwise provided in subsection 3 and section 5 of this act, and in addition to the requirements of NRS 118A.300, a landlord shall not:

(a) Increase the rent payable by an existing tenant:

(1) During the first year of tenancy; and

(2) During any 12-month period by an amount that exceeds the cost-of-living increase for the region where the dwelling unit is located, as published by the Housing Division of the Department of Business and Industry pursuant to section 3 of this act, that is in effect at the time the landlord provides written notice of the increase in rent pursuant to NRS 118A.300; and

(b) For a prospective tenant:

(1) If there was an existing tenant in the dwelling unit, charge a rent that exceeds the maximum amount the landlord was authorized to charge to an existing tenant in accordance with paragraph (a); and

(2) If there was not an existing tenant in the dwelling unit, charge a rent that exceeds the amount for which the dwelling unit was advertised.

3. The provisions of this section do not apply to a dwelling unit:

(a) Owned by a governmental agency;

(b) In a structure that contains living quarters occupied or intended to be occupied by not more than four families living independently of each other if the owner actually maintains and occupies one of the living quarters as his or her primary residence;

(c) Issued a certificate of occupancy on or after January 1, 2024, if less than 15 years have passed since the date the certificate was issued;

(d) Where the landlord is providing reduced rent to the tenant through a federal, state or local program; or

(e) That is the only dwelling unit owned by the landlord in this State.

4. Nothing in this section shall be construed as creating a right to increase rent.

Sec. 5. 1. A landlord may apply to the Housing Division of the Department of Business and Industry for an exemption from the requirements of subsection 2 of section 4 of this act if an exemption is necessary for the landlord to obtain a fair and reasonable rate of return on his or her property . ~~For~~ A landlord may not increase rent above the cost-of-living increase without obtaining an exemption from Housing Division to increase rent. A landlord may apply for exemption pursuant to this subsection under one or more of the following circumstances:

(a) ~~The operating costs of the landlord exceed the amount the landlord would earn with the cost-of-living increase established pursuant to subsection 2 of section 3 of this act.~~ An additional occupant is residing in the dwelling unit;

(b) The landlord makes capital improvements to a dwelling unit ~~that~~ that primarily benefit the tenant;

(c) The landlord changes the amount and quality of housing services ~~offered by the landlord;~~ attributable to the dwelling unit and included in the rental agreement;

(d) The amount of property taxes owed by the landlord decreases or increases;

(e) The landlord or tenant makes uninsured repairs ; ~~damage to a dwelling unit that was not caused by ordinary wear and tear;~~ or

(f) Any other ~~circumstance established by the Division in accordance with the regulations adopted pursuant to subsection 2;~~ increase necessary to provide the landlord with a just and reasonable return pursuant to the United States Constitution.

2. An increase in rent granted pursuant to paragraph (a) of subsection 1 must not exceed 5 percent for each additional occupant. An increase in rent for an additional occupant is applicable only for the period of time the additional occupant resides in the dwelling unit.

3. An increase in rent granted pursuant to paragraph (b) of subsection 1 must not exceed 70 percent of the actual costs of the capital improvements attributable to the dwelling unit, plus imputed financing. The cost of a capital improvement must be amortized over the useful life of the capital improvement as set forth by the Housing Division on an amortization schedule.

4. The landlord shall serve the tenant with a written notice if the landlord applies to the Housing Division for an exemption pursuant to subsection 1. The tenant may present evidence in support of or in opposition to the application of the landlord.

5. The Housing Division shall adopt regulations to carry out the provisions of ~~subsection 1;~~ of this section. The regulations must include an amortization schedule for capital improvements pursuant to subsection 3.

6. As used in this section:

(a) "Additional occupant" means an occupant of a dwelling unit whose occupancy of the dwelling unit increases the total number of occupants above the number of occupants of which the landlord has knowledge. The term does not include a spouse, registered domestic partner, parent, grandparent, child, adopted child, foster child, grandchild, caretaker or attendant that is required for a reasonable accommodation for an occupant with a disability.

(b) "Capital improvement" means an improvement to a dwelling unit or a common area accessible to a tenant that materially adds to the value of the property and appreciably prolongs the useful life of the dwelling unit. The term does not include:

(1) The correction of serious code violations that were not created by the tenant;

(2) Improvements that bring the dwelling unit up to current building or housing codes;

(3) Improvements or repairs required because of deferred maintenance;

(4) Improvements that are substantially greater in character or quality than existing improvements, unless approved in writing by the tenant after disclosure of any related increase in rent; and

(5) Costs for which a landlord is reimbursed by a third party that is not the tenant, including, without limitation, insurance, court awarded damages, subsidies, tax credits and grants.

(c) "Uninsured repair" means a repair performed by a landlord or tenant to a dwelling unit or to the common area of the property or structure containing a dwelling unit:

(1) Which is performed for compliance with any federal, state or local law;

(2) To repair damage that is not the result of normal wear and tear; or

(3) To repair damage resulting from a fire, earthquake or other casualty or natural disaster, to the extent such repair is not reimbursed by insurance proceeds or other third-party reimbursement, including, without limitation, court awarded damages, subsidies, tax credits and grants.

Sec. 6. If the landlord increases or charges rent to a tenant in violation of the provisions of section 4 of this act, the tenant may, in addition to any other remedy:

1. Apply to the court for such relief as the court deems proper under the circumstances;

2. Withhold any rent that becomes due without incurring late fees, charges for notice or any other charge or fee authorized by this chapter or the rental agreement until the landlord has remedied, or has attempted in good faith to remedy, the failure; and

3. Recover actual damages and receive an amount equal to 3 months' rent in addition to actual damages.

Sec. 6.5. 1. If a tenant exerts any right under section 4, 5 or 6 of this act, the landlord may not, in retaliation:

(a) Threaten to bring or bring an action to recover possession of the dwelling unit;

(b) Cause the tenant to quit the dwelling unit involuntarily;

(c) Serve the tenant with notice to quit the dwelling unit;

(d) Serve the tenant with notice of a termination of the tenancy;

(e) Decrease any housing services; or

(f) Increase rent.

2. A showing by the tenant that the tenant complained in good faith to the landlord or a law enforcement agency of a violation of this section in the 6 months immediately preceding the alleged retaliatory act creates a rebuttable presumption that the action was retaliatory.

3. Regardless of the applicability of the presumption created in subsection 2, evidence that the landlord acted in retaliation:

(a) Is a defense in any retaliatory action by a landlord for possession; or
(b) Is a basis for an action by the tenant to recover actual damages, any
punitive damages that the facts may warrant or obtain injunctive relief.

Sec. 7. ~~[NRS 118A.020 is hereby amended to read as follows:
 118A.020 As used in this chapter, unless the context otherwise requires,
 the terms defined in NRS 118A.030 to 118A.175, inclusive, and section 2 of
 this act have the meanings ascribed to them in those sections.] (Deleted by
 amendment.)~~

Sec. 8. NRS 118A.300 is hereby amended to read as follows:

118A.300 The landlord may not increase the rent payable by a tenant unless the landlord serves the tenant with a written notice, ~~{60}~~ 90 days or, in the case of any periodic tenancy of less than 1 month, 30 days in advance of the first rental payment to be increased, advising the tenant of :

1. *The amount of the increase* ~~{-}~~ ;
2. *The total amount of the new rent;*
3. *If the increase exceeds the cost-of-living increase, the reason the landlord is exempt from the provisions of section 4 of this act; and*
4. *The date on which the increase becomes effective.*

Sec. 9. On or before January 1, 2024, the Housing Division of the Department of Business and Industry shall, in accordance with section 3 of this act:

1. Determine the maximum cost-of-living increase for calendar year 2024;
2. Publish on the Internet website of the Housing Division the maximum cost-of-living increase for calendar year 2024; and
3. Issue a press release containing the maximum cost-of-living increase for calendar year 2024.

Sec. 10. 1. This section and section 9 of this act become effective upon passage and approval.

2. Sections 1 to 8, inclusive, of this act become effective:

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

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

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 315 to Senate Bill No. 426 adds definitions for various terms used in the bill; amends section 5 to require a landlord to petition for an exemption and receive approval before applying rent increases above the limits and revises justifications for the exemption; adds provisions to section 5 to cap rent increases for additional occupants at 5 percent applying only during the additional occupant's residency; adds provisions to section 5 to limit rent increases for tenant-benefitting improvements to 70 percent of costs plus imputed financing; adds provisions to section 5 to require tenant notice and allow tenants to submit evidence in support of or opposition to the landlord rent increase exemption; adds provisions to section 5 to mandate amortization schedules for capital improvements in regulations; adds provisions to section 5 to define terms within the section; adds section 6.5 to prohibit landlord retaliation, establish

rebuttable presumption and authorize tenant defenses and claims; and deletes section 7 related to "cost of living increase" definition placement.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 427.

Bill read second time.

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

Amendment No. 313.

SUMMARY—Revises provisions relating to occupational safety and health. (BDR 53-682)

AN ACT relating to occupational safety; revising the requirements of written safety programs in certain workplaces to include programs and training related to the mitigation of heat illness and exposure to poor air quality; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Division of Industrial Relations of the Department of Business and Industry to provide for the establishment and supervision of programs for the education and training of employers and employees on certain unsafe or unhealthful working conditions. (NRS 618.353) Existing law requires certain employers to establish a written safety program and implement the safety program within 90 days after it is established. (NRS 618.383) This bill requires such a written safety program to include: (1) a program to mitigate heat illness on any day that the temperature is expected to be ~~105~~ 105 degrees Fahrenheit or greater; (2) a training program for employees who may be affected by issues related to heat illness; (3) a program to mitigate exposure to poor air quality on any day that employees are exposed to air with an Environmental Protection Agency Air Quality Index value of 201 or greater; and (4) a training program for employees who may be exposed to poor air quality on the hazards of working without personal protection equipment. This bill exempts providers of emergency services, including, without limitation, a law enforcement agency, a fire-fighting agency and a provider of emergency medical services, from these requirements. This bill further requires these programs and training to be conducted and made available in a language and format that is understandable to each employee.

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

Section 1. NRS 618.383 is hereby amended to read as follows:

618.383 1. Except as otherwise provided in subsections 8, ~~and 9,~~
and 10, an employer shall establish a written safety program and carry out the requirements of the program within 90 days after it is established.

2. The written safety program must include:

(a) The establishment of a training program for employees concerning safety in the workplace, particularly in those areas where there have been recurring injuries or where explosives are manufactured.

(b) The establishment of a program to mitigate heat illness on any day that the expected temperature is ~~95~~ 105 degrees Fahrenheit or greater regardless of whether employees work outdoors or in an indoor setting without climate control. The program must include, without limitation, the provision of:

(1) Not less than one quart of ~~fresh, pure and~~ cool potable drinking water per employee for each hour the employee is required to work;

(2) Access by an employee to an area with shade that is open to the air or provided with ventilation or cooling ~~that~~, unless the provision of a shade structure would create a safety hazard;

(3) ~~Mandatory breaks~~ Periods throughout the workday for employees ~~for a period not less than 10 minutes for each hour the employee is required to work~~ to hydrate, as needed, to prevent the occurrence of heat illness;

(4) A system for monitoring employees for signs of heat illness; and

(5) Procedures for responding to a medical emergency related to heat illness.

(c) The establishment of a training program for employees who may be affected by issues related to heat illness, which must include, without limitation, information regarding:

(1) The different types of heat illness and the common signs and symptoms of heat illness;

(2) Working conditions in which heat illness may occur;

(3) The importance of acclimatization; and

(4) Recovery procedures after experiencing heat illness.

(d) The establishment of a program to mitigate exposure to poor air quality on any day employees are exposed to air with an Environmental Protection Agency Air Quality Index value of 201 or greater. The program must include, without limitation, the provision of:

(1) Proper respiratory protection equipment, which may include, without limitation, disposable filtering facepiece respirators, half facepiece respirators or full facepiece respirators;

(2) Not less than one quart of ~~fresh, pure and~~ cool potable drinking water per employee for each hour the employee is required to work;

(3) Access by an employee to an indoor environment with appropriate ventilation and air filtering;

(4) ~~Mandatory breaks~~ Periods throughout the workday for employees ~~for a period not less than 10 minutes for each hour the employee is required to work~~ to hydrate, as needed; and

(5) A system for monitoring employees for signs of health effects resulting from exposure to poor air quality as a result of wildfire smoke.

(e) *The establishment of a training program for employees who may be exposed to poor air quality on the hazards of working without personal protection equipment.*

(f) If an employer has more than 25 employees, or if an employer's employees are engaged in the manufacture of explosives, the establishment of a safety committee. The safety committee must include representatives of employees. If the employees are represented by a labor organization, the representatives of employees must be selected by the employees and not appointed by the employer.

3. A representative of employees while engaging in the business of a safety committee, including attendance at meetings, authorized inspections or any other activity of the committee, must be paid by his or her employer as if that employee were engaged in the employee's usual work activities.

4. The written safety program , *program to mitigate heat illness, program to mitigate exposure to poor air quality* and all training programs required pursuant to this section must be conducted and made available in a language and format that is understandable to each employee.

5. The Administrator of the Division shall adopt regulations establishing the minimum requirements for a written safety program.

6. The Administrator of the Division shall develop and provide each employer with a written guide for establishing a written safety program.

7. An employer who contracts with a temporary employment service shall provide specialized training concerning safety for the employees of the service before they begin work at each site or as soon as possible thereafter.

8. An employer who has 10 or fewer employees is exempted from the provisions of this section unless the employer has employees engaged in the manufacture of explosives.

9. For the purposes of this section, an employer in the mining industry shall not be deemed to be a manufacturer of explosives.

10. *Providers of emergency services, including, without limitation, a law enforcement agency, a fire-fighting agency and a provider of emergency medical services, are exempt from the requirement to include in a written safety program, a program to mitigate heat illness and a program to mitigate exposure to poor air quality pursuant to paragraphs (b) and (d) of subsection 2.*

11. Except as otherwise provided in subsection ~~{11}~~ 12, as used in this section, "explosives" means gunpowders, powders used for blasting, all forms of high explosives, blasting materials, fuses other than electric circuit breakers, detonators and other detonating agents, smokeless powders, other explosive or incendiary devices and any chemical compound, mechanical mixture or device that contains any oxidizing and combustible units, or other ingredients, in such proportions, quantities or packing that ignition by fire, friction, concussion, percussion or detonation of the compound, mixture or device or any part thereof may cause an explosion.

~~{11}~~ 12. For the purposes of this section, an explosive does not include:

(a) Ammunition for small arms, or any component thereof;
 (b) Black powder commercially manufactured in quantities that do not exceed 50 pounds, percussion caps, safety and pyrotechnic fuses, quills, quick and slow matches, and friction primers that are intended to be used solely for sporting, recreation or cultural purposes:

(1) In an antique firearm, as that term is defined in 18 U.S.C. § 921(a)(16), as that section existed on January 1, 1999; or

(2) In an antique device which is exempted from the definition of "destructive device" pursuant to 18 U.S.C. § 921(a)(4), as that section existed on January 1, 1999; or

(c) Any explosive that is manufactured under the regulation of a military department of the United States, or that is distributed to, or possessed or stored by, the military or naval service or any other agency of the United States, or an arsenal, a navy yard, a depot or any other establishment owned by or operated on behalf of the United States.

~~12.~~ 13. As used in this section:

(a) "Acclimatization" means the temporary adaptation of a person's body to work in the heat that occurs gradually when the person is exposed to heat.

(b) "Heat illness" means a medical condition resulting from the body's inability to cope with a particular heat load and includes, without limitation, heat cramps, heat rash, heat exhaustion, fainting and heat stroke.

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

Sec. 3. 1. This section becomes effective upon passage and approval.

2. Sections 1 and 2 of this act become effective:

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

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

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 313 to Senate Bill No. 427 raises the temperature requirement for heat illness mitigation programs from 95 to 105 degrees Fahrenheit, revises provisions concerning to drinking water, replaces break provisions with hydration periods to prevent heat illness and mitigate exposure to poor air quality, excludes critical emergency infrastructure employees and emergency services personnel from the bill and provides exceptions to the shade requirement when it would create a safety hazard.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 437.

Bill read second time.

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

Amendment No. 520.

SUMMARY—Revises provisions governing accountants. (BDR 54-1079)

AN ACT relating to accountants; revising provisions governing the registration by the Nevada State Board of Accountancy of partnerships, corporations, limited-liability companies and sole proprietorships; revising requirements for a person to take an examination for and to obtain a certificate of certified public accountant; removing the requirement that the Board ~~[adopt regulations charging]~~ charge a fee for an examination for a certificate of certified public accountant; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a person seeking a certificate of certified public accountant to meet certain requirements relating to education and work experience, including the completion of 2 years of public accounting experience in a partnership, corporation, limited-liability company or sole proprietorship engaged in the practice of public accounting. Existing law authorizes the Nevada State Board of Accountancy to prescribe by regulation for the substitution of certain qualified programs of continued education to satisfy partially the requirements for work experience. (NRS 628.200) Section 2 of this bill replaces the requirement to obtain 2 years of work experience with a requirement to complete not less than 2,000 hours of work experience in a period of not less than 1 year. Section 2 also removes the authority of the Board to adopt regulations providing for substitute programs of continuing education to satisfy the requirements for work experience.

Existing law provides that a candidate for a certificate of certified public accountant who meets certain educational requirements is eligible to take the examination for the certificate before completing the requirements for work experience if the candidate is without any history of acts involving dishonesty or moral turpitude. (NRS 628.190, 628.240) Section 3 of this bill removes the requirement that the candidate must not have any history of acts involving dishonesty or moral turpitude. Existing law requires the Board to charge a candidate a fee for the examination. (NRS 628.280) Section 4 of this bill authorizes, rather than requires, the Board to charge an examination fee.

Existing law authorizes the Board to waive the requirement that an applicant for a certificate take an examination if the applicant satisfies certain requirements, including having experience in the practice of public accountancy either as a certified public accountant or as a staff accountant under certain circumstances. (NRS 628.310) Section 5 of this bill authorizes the Board to waive the examination for a person who has experience in the practice of public accountancy, ~~[the financial services]~~ private industry or ~~the~~ federal, state or local government, while holding a certificate as a certified public accountant for more than 4 of the immediately preceding 10 years.

Existing law grants practice privileges in this State to a natural person who holds a valid license as a certified public accountant in another state. Such a natural person is not required to obtain a certificate of certified public accountant or a permit to engage in the practice of public accounting from the Board but is required to consent to certain specified conditions, including

consent to the disciplinary authority of the Board. (NRS 628.315) Section 6 of this bill extends the authority of the Board to grant such practice privileges to a certified public accounting firm organized as a partnership, corporation or limited-liability company or a sole proprietorship which holds a valid registration in good standing from another state. Such a certified public accounting firm is not required to register with the Board but is required to consent to the same conditions as natural persons, such as consent to the disciplinary authority of the Board. Sections 1 and 8-20 of this bill make conforming changes to account for the Board's authority to grant practice privileges to those entities. Sections 8-10 of this bill also require those entities which are organized as a partnership, corporation or limited-liability company to maintain an office in this State.

Section 7 of this bill exempts certain entities whose sole business is preparing tax returns and related schedules from the requirement of registration.

Section 21 of this bill repeals the definition of "home office" which is rendered obsolete by the changes made by sections 6 and 7.

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

Section 1. NRS 628.023 is hereby amended to read as follows:

628.023 "Practice of public accounting" means the offering to perform or the performance by a holder of a live permit or a natural person *or certified public accounting firm* granted practice privileges pursuant to NRS 628.315, for a client or potential client, of one or more services involving the use of skills in accounting or auditing, one or more services relating to advising or consulting with clients on matters relating to management or the preparation of tax returns and the furnishing of advice on matters relating to taxes.

Sec. 2. NRS 628.200 is hereby amended to read as follows:

628.200 1. Except as otherwise provided in subsection 4, the requirements of education for a certificate of certified public accountant are:

(a) At least 150 semester hours or an equivalent number of quarter hours; and

(b) A baccalaureate degree or an equivalent degree from a college or university recognized by the Board:

(1) With a major in accounting, or what the Board determines to be substantially the equivalent of a major in accounting; or

(2) With a major other than accounting supplemented by what the Board determines to be substantially the equivalent of an accounting major, including related courses in other areas of business administration.

2. The requirement for work experience for a certificate of certified public accountant is:

(a) ~~Two years~~ *Not less than 2,000 hours accumulated over a period of not less than 1 year* of public accounting experience in a partnership, corporation, limited-liability company or sole proprietorship engaged in the practice of public

accounting under the direct supervision of a person who is a certified public accountant; or

(b) Other work experience under the direct supervision of a person engaged in active practice as a certified public accountant, of a character and for a length of time sufficient in the opinion of the Board to be substantially equivalent to the requirements of paragraph (a).

3. The Board ~~is~~

~~—(a) Shall~~ shall adopt regulations concerning:

~~{{(1)}} (a) The number of semester hours or an equivalent number of quarter hours in accounting and other courses required by an applicant to satisfy the requirements of subsection 1.~~

~~{{(2)}} (b) The public accounting experience or other work experience required by an applicant to satisfy the requirements of subsection 2.~~

~~{{(b) May provide by regulation for the substitution of qualified programs of continuing education to satisfy partially the requirement of work experience described in paragraph (b) of subsection 2 or may add any program to the requirement of work experience.}}~~

4. Notwithstanding any provision of this section to the contrary, an applicant for a certificate of certified public accountant who has received conditional credit pursuant to NRS 628.260 for passing a section of the examination required for a certificate, and who applies that credit to subsequent passage of the examination, is subject to the educational requirements to receive a certificate that were in effect on the date on which the applicant passed all sections of the examination.

Sec. 3. NRS 628.240 is hereby amended to read as follows:

628.240 A candidate for a certificate of certified public accountant who has met the educational requirements as prescribed by the Board pursuant to NRS 628.230 is eligible to take the examination without waiting until he or she meets the requirements of work experience . ~~{if the candidate also meets the requirements of paragraph (a) of subsection 1 of NRS 628.190.}~~

Sec. 4. NRS 628.280 is hereby amended to read as follows:

628.280 1. The Board ~~{shall}~~ may charge each candidate for a certificate of certified public accountant a fee, to be determined by the Board by regulation, for the examination prescribed by the Board.

2. The applicable fee must be paid by the candidate at the time he or she applies for examination.

Sec. 5. NRS 628.310 is hereby amended to read as follows:

628.310 1. The Board may waive the examination, the requirements for education or the requirements for work experience, or any combination thereof, required under NRS 628.190, and may issue a certificate as a certified public accountant to any person who is the holder of a certificate as a certified public accountant then in effect issued under the laws of any state or other jurisdiction of the United States approved by the Board, constituting a recognized qualification for the practice of public accounting comparable to that of a certified public accountant of this State, if:

(a) The person has passed an examination that is substantially the same as the examination conducted pursuant to NRS 628.230 with a grade that would have been a passing grade in this State on the date on which the person received his or her original certificate;

(b) The person has experience in the practice of public accountancy, ~~either as a certified public accountant or as a staff accountant employed by a partnership, corporation, limited liability company or sole proprietorship engaged in the practice of public accounting and working under the direct supervision of a person who is a certified public accountant, the financial services,~~ private industry or the federal, state or local government, while holding a certificate as a certified public accountant for more than 4 of the 10 years immediately preceding his or her making application pursuant to this chapter; and

(c) The requirements for education of the state or other jurisdiction from which the person received his or her original certificate are determined by the Board to satisfy the requirements for education of this State.

2. The Board may issue a certificate as a certified public accountant to any person who is the holder of an equivalent certificate then in effect issued by a foreign country if:

(a) Persons who are certified as public accountants in this State are granted similar privileges by the foreign country in which the applicant is certified;

(b) The applicant's certificate:

(1) Was issued by the appropriate authority that regulates the practice of public accountancy in the foreign country in which the certificate was issued;

(2) Has not expired or been revoked or suspended; and

(3) Authorizes the applicant to issue reports upon financial statements;

(c) The requirements for education and examination of the regulatory authority of the foreign country were substantially equivalent to the requirements for education and examination of this State on the date on which the applicant received his or her certificate;

(d) The applicant:

(1) Complied with requirements for experience in the foreign country in which the certificate was issued that are substantially equivalent to the requirements set forth in NRS 628.200; or

(2) Has completed in any state at least 4 years of public accounting experience, or equivalent experience determined to be appropriate by the Board, within the 10 years immediately preceding his or her making application for certification in this State;

(e) The applicant has passed a written examination on national standards for public accounting and ethics that is acceptable to the Board; and

(f) The applicant submits with the application a list of all jurisdictions in which he or she has applied for and received a certificate to practice public accounting.

3. A person who is granted a certificate as a certified public accountant pursuant to subsection 2 shall notify the Board, in writing, within 30 days after:

(a) The person is issued an equivalent certificate to practice public accounting by another jurisdiction or is denied the issuance of such a certificate;

(b) A certificate to practice public accounting issued to the person by another jurisdiction is revoked or suspended; or

(c) Another jurisdiction in which the person is certified to practice public accounting commences any type of disciplinary action against the person.

Sec. 6. NRS 628.315 is hereby amended to read as follows:

628.315 1. Except as otherwise provided in this chapter, a natural person who holds a valid license *in good standing* as a certified public accountant *or a certified public accounting firm organized as a partnership, corporation, limited-liability company or sole proprietorship that holds a valid registration in good standing* from any state other than this State shall be deemed to be a certified public accountant *or a certified public accounting firm* for all purposes under the laws of this State other than this chapter.

2. A natural person *or certified public accounting firm* granted practice privileges pursuant to subsection 1 is not required to obtain ~~it~~, as applicable:

(a) A certificate pursuant to NRS 628.190; ~~or~~

(b) A permit pursuant to NRS 628.380 ~~it~~; or

(c) A registration pursuant to NRS 628.335.

3. A natural person *or certified public accounting firm* granted practice privileges pursuant to subsection 1 and a partnership, corporation, limited-liability company or sole proprietorship that employs such a *natural person or a certified public accounting firm granted practice privileges pursuant to subsection 1* shall be deemed to consent, as a condition of the grant of such practice privileges:

(a) To the personal and subject matter jurisdiction, and disciplinary authority, of the Board.

(b) To comply with the provisions of this chapter and the regulations of the Board.

(c) That, in the event that the license from the state wherein the ~~natural person's~~ principal place of business *of the natural person or certified public accounting firm* is located becomes invalid ~~it, the~~ *or not in good standing*:

(1) *The natural person will cease offering or engaging in the practice of* ~~professional~~ *public accounting in this State individually and on behalf of a partnership, corporation, limited-liability company or sole proprietorship* ~~it~~; or

(2) *The certified public accounting firm will cease offering or engaging in the practice of public accounting* ~~it in this State.~~

(d) To the appointment of the state board that issued the license as the agent upon whom process may be served in any investigation, action or proceeding *by the Board* relating to ~~the~~ :

(1) *The natural person or the partnership, corporation, limited-liability company or sole proprietorship* ~~by the Board.~~

~~4. A natural person granted practice privileges pursuant to subsection 1 may perform attest services for a client having his or her home office in this State only if the partnership, corporation, limited liability company or sole proprietorship that employs the person is registered pursuant to NRS 628.335.~~ *that employs the natural person; or*

(2) *The certified public accounting firm.*

Sec. 7. NRS 628.335 is hereby amended to read as follows:

628.335 1. The Board shall grant or renew registration to a partnership, corporation, limited-liability company or sole proprietorship that demonstrates its qualifications therefor in accordance with this chapter.

2. ~~{A}~~ *Except as otherwise provided in subsection 3, a partnership, corporation or limited-liability company with an office in this State shall register with the Board if the partnership, corporation or limited-liability company:*

(a) Performs attest services;

(b) Performs compilation services;

(c) Is engaged in the practice of public accounting; or

(d) Is styled and known as a certified public accountant or uses the abbreviation "C.P.A."

3. ~~{A}~~ *An entity that is organized as a partnership, corporation, limited-liability company or sole proprietorship* ~~{that does}~~ *is not* ~~{have an office in this State:~~

~~(a) Shall register with the Board if the partnership, corporation, limited liability company or sole proprietorship performs attest services for a client having his or her home office in this State.~~

~~(b) May practice public accounting, may perform compilation services or other professional services within the practice of public accounting other than attest services for a client having his or her home office in this State, may be required to register pursuant to this section if:~~

~~(a) The entity is not styled {and} or known as a firm of certified public {accountant and may use} accountants;~~

~~(b) The entity is not using the title or designation "certified public accountant" {and} or the abbreviation "C.P.A." {without registering with the Board if:~~

~~(1) Persons who are certified public accountants in any state constitute a simple majority, in terms of financial interests and voting rights of all partners, shareholders, officers, members and principals thereof, of the ownership of the partnership, corporation, limited liability company or ; and~~

~~(c) The sole {proprietorship;~~

~~—(2) The partnership, corporation, limited liability company or sole proprietorship complies with the provisions of subsection 5 of NRS 628.325, if applicable;~~

~~—(3) A natural person granted practice privileges pursuant to NRS 628.315 practices such public accounting or performs such compilation services or such other professional services within the practice of public accounting for the client having his or her home office} business of the entity is preparing tax returns or schedules in {this State; and~~

~~—(4) The partnership, corporation, limited liability company or sole proprietorship can lawfully perform such services in the state where the natural person described in subparagraph (3) has his or her principal place of business.~~

~~—4. A natural person granted practice privileges pursuant to NRS 628.315 must not be required to obtain a permit from this State pursuant to NRS 628.380 if the person performs such professional services for:~~

~~—(a) Which a partnership, corporation, limited liability company or sole proprietorship is required to register pursuant to subsection 2 or 3; or~~

~~—(b) A partnership, corporation or limited liability company registered pursuant to the provisions of NRS 628.325.} support of tax returns.~~

Sec. 8. NRS 628.340 is hereby amended to read as follows:

628.340 1. A partnership required *or otherwise seeking* to register with the Board pursuant to NRS 628.335 must meet the following requirements:

(a) At least one general partner must be ~~{either}~~ a certified public accountant of this State in good standing . ~~{or, if the partnership is required to register pursuant to paragraph (a) of subsection 3 of NRS 628.335, a natural person granted practice privileges pursuant to NRS 628.315.}~~

(b) Each partner who is a resident of this State and is personally and regularly engaged within this State in the practice of public accounting as a member thereof, or whose principal place of business is in this State and who is engaged in the practice of ~~{professional}~~ public accounting in this State, must be a certified public accountant of this State in good standing.

(c) Each partner who is personally and regularly engaged in the practice of public accounting in this State must be ~~{either}~~ a certified public accountant of this State in good standing . ~~{or, if the partnership is required to register pursuant to paragraph (a) of subsection 3 of NRS 628.335, a natural person granted practice privileges pursuant to NRS 628.315.}~~

(d) Each partner who is regularly engaged in the practice of public accounting within the United States must be a certified public accountant in good standing of some state or jurisdiction of the United States.

(e) Each manager in charge of an office of the partnership in this State must be ~~{either}~~ a certified public accountant of this State in good standing . ~~{or a natural person granted practice privileges pursuant to NRS 628.315.}~~

(f) *The partnership maintains an office in this State.*

(g) A corporation or limited-liability company which is registered pursuant to NRS 628.343 or 628.345 may be a partner, and a partnership

which is registered pursuant to this section may be a general partner, in a partnership engaged in the practice of public accounting.

2. Application for registration must be made upon the affidavit of ~~{either}~~ a general partner who holds a live permit to practice in this State as a certified public accountant . ~~{or, if the partnership is required to register pursuant to paragraph (a) of subsection 3 of NRS 628.335, a natural person granted practice privileges pursuant to NRS 628.315.}~~ The Board shall determine whether the applicant is eligible for registration and may charge an initial fee and an annual renewal fee set by the Board by regulation. A partnership which is so registered may use the words "certified public accountants" or the abbreviation "C.P.A.'s" or "CPA's" in connection with its partnership name. Notice must be given to the Board within 1 month after the admission to or withdrawal of a partner from any partnership so registered.

Sec. 9. NRS 628.343 is hereby amended to read as follows:

628.343 1. A corporation required *or otherwise seeking* to register with the Board pursuant to NRS 628.335 shall comply with the following requirements:

(a) The sole purpose and business of the corporation must be to furnish to the public services not inconsistent with this chapter or the regulations of the Board, except that the corporation may invest its money in a manner not incompatible with the practice of public accounting.

(b) The principal officer of the corporation and any officer or director having authority over the practice of public accounting by the corporation must be a certified public accountant of ~~{some state}~~ *this State* in good standing.

(c) At least one shareholder of the corporation must be ~~{either}~~ a certified public accountant of this State in good standing . ~~{or, if the corporation is required to register pursuant to paragraph (a) of subsection 3 of NRS 628.335, a natural person granted practice privileges pursuant to NRS 628.315.}~~

(d) Each manager in charge of an office of the corporation in this State and each shareholder or director who is regularly and personally engaged within this State in the practice of public accounting must be ~~{either}~~ a certified public accountant of this State in good standing . ~~{or, if the corporation is required to register pursuant to paragraph (a) of subsection 3 of NRS 628.335, a natural person granted practice privileges pursuant to NRS 628.315.}~~

(e) In order to facilitate compliance with the provisions of this section relating to the ownership of stock, there must be a written agreement binding the shareholders or the corporation to purchase any shares offered for sale by, or not under the ownership or effective control of, a qualified shareholder. The corporation may retire any amount of stock for this purpose, notwithstanding any impairment of its capital, so long as one share remains outstanding.

(f) *The corporation maintains an office in this State.*

(g) The corporation shall comply with other regulations pertaining to corporations practicing public accounting in this State adopted by the Board.

2. Application for registration must be made upon the affidavit of ~~{either}~~ a shareholder who holds a live permit to practice in this State as a certified public accountant . ~~for, if the corporation is required to register pursuant to paragraph (a) of subsection 3 of NRS 628.335, a natural person granted practice privileges pursuant to NRS 628.315.}~~ The Board shall determine whether the applicant is eligible for registration and may charge an initial fee and an annual renewal fee set by the Board by regulation. A corporation which is so registered may use the words "certified public accountants" or the abbreviation "C.P.A.'s" or "CPA's" in connection with its corporate name. Notice must be given to the Board within 1 month after the admission to or withdrawal of a shareholder from any corporation so registered.

Sec. 10. NRS 628.345 is hereby amended to read as follows:

628.345 1. A limited-liability company required *or otherwise seeking* to register with the Board pursuant to NRS 628.335 shall comply with the following requirements:

(a) The sole purpose and business of the limited-liability company must be to furnish to the public services not inconsistent with this chapter or the regulations of the Board, except that the limited-liability company may invest its money in a manner not incompatible with the practice of public accounting.

(b) The manager, if any, of the limited-liability company must be a certified public accountant of ~~{some state}~~ *this State* in good standing.

(c) At least one member of the limited-liability company must be ~~{either}~~ a certified public accountant of this State in good standing . ~~for, if the limited liability company is required to register pursuant to paragraph (a) of subsection 3 of NRS 628.335, a natural person granted practice privileges pursuant to NRS 628.315.}~~

(d) Each person in charge of an office of the limited-liability company in this State and each member who is regularly and personally engaged within this State in the practice of public accounting must be ~~{either}~~ a certified public accountant of this State in good standing . ~~for, if the limited liability company is required to register pursuant to paragraph (a) of subsection 3 of NRS 628.335, a natural person granted practice privileges pursuant to NRS 628.315.}~~

(e) In order to facilitate compliance with the provisions of this section relating to the ownership of interests, there must be a written agreement binding the members or the limited-liability company to purchase any interest offered for sale by, or not under the ownership or effective control of, a qualified member.

(f) *The limited-liability company maintains an office in this State.*

(g) The limited-liability company shall comply with other regulations pertaining to limited-liability companies practicing public accounting in this State adopted by the Board.

2. Application for registration must be made upon the affidavit of the manager or a member of the limited-liability company. The affiant must hold a live permit to practice in this State as a certified public accountant . ~~for, if the limited liability company is required to register pursuant to paragraph (a) of subsection 3 of NRS 628.335, be a natural person granted practice privileges pursuant to NRS 628.315.~~ The Board shall determine whether the applicant is eligible for registration and may charge an initial fee and an annual renewal fee set by the Board by regulation. A limited-liability company which is so registered may use the words "certified public accountants" or the abbreviation "C.P.A.'s" or "CPA's" in connection with its name. Notice must be given to the Board within 1 month after the admission to or withdrawal of a member from any limited-liability company so registered.

Sec. 11. NRS 628.390 is hereby amended to read as follows:

628.390 1. After giving notice and conducting a hearing, the Board may revoke, or may suspend for a period of not more than 5 years, any certificate issued under NRS 628.190 to 628.310, inclusive, any practice privileges granted pursuant to NRS 628.315 ~~for 628.335~~ or any registration of a partnership, corporation, limited-liability company, sole proprietorship or office, or may revoke, suspend or refuse to renew any permit issued under NRS 628.380, or may publicly censure the holder of any permit, certificate or registration or any natural person *or certified public accounting firm* granted practice privileges pursuant to NRS 628.315, for any one or any combination of the following causes:

(a) Fraud or deceit in obtaining a certificate as a certified public accountant or in obtaining a permit to practice public accounting under this chapter.

(b) Dishonesty, fraud or gross negligence by a certified public accountant , ~~for~~ a natural person *or a certified public accounting firm* granted practice privileges pursuant to NRS 628.315.

(c) Violation of any of the provisions of this chapter.

(d) Violation of a regulation or rule of professional conduct adopted by the Board under the authority granted by this chapter.

(e) Conviction of a felony relating to the practice of public accounting under the laws of any state or jurisdiction.

(f) Conviction of any crime:

(1) An element of which is dishonesty or fraud; or

(2) Involving moral turpitude,

↪ under the laws of any state or jurisdiction.

(g) Cancellation, revocation, suspension, placing on probation or refusal to renew authority to practice as a certified public accountant by any other state, for any cause . ~~for other than failure to pay an annual registration fee or to comply with requirements for continuing education or review of his or her practice in the other state.~~

(h) Suspension, revocation or placing on probation of the right to practice before any state or federal agency.

(i) Unless the person has been placed on inactive or retired status, failure to obtain an annual permit under NRS 628.380, within:

(1) Sixty days after the expiration date of the permit to practice last obtained or renewed by the holder of a certificate; or

(2) Sixty days after the date upon which the holder of a certificate was granted the certificate, if no permit was ever issued to the person, unless the failure has been excused by the Board.

(j) Conduct discreditable to the profession of public accounting or which reflects adversely upon the fitness of the person to engage in the practice of public accounting.

(k) Making a false or misleading statement in support of an application for a certificate or permit of another person.

(l) Committing an act in another state or jurisdiction which would be subject to discipline in that state.

2. After giving notice and conducting a hearing, the Board may deny an application to take the examination prescribed by the Board pursuant to NRS 628.190, deny a person admission to such an examination, invalidate a grade received for such an examination or deny an application for a certificate issued pursuant to NRS 628.190 to 628.310, inclusive, to a person who has:

(a) Made any false or fraudulent statement, or any misleading statement or omission relating to a material fact in an application:

(1) To take the examination prescribed by the Board pursuant to NRS 628.190; or

(2) For a certificate issued pursuant to NRS 628.190 to 628.310, inclusive;

(b) Cheated on an examination prescribed by the Board pursuant to NRS 628.190 or any such examination taken in another state or jurisdiction of the United States;

(c) Aided, abetted or conspired with any person in a violation of the provisions of paragraph (a) or (b); or

(d) Committed any combination of the acts set forth in paragraphs (a), (b) and (c).

3. In addition to other penalties prescribed by this section, the Board may impose a civil penalty of not more than \$5,000 for each violation of this section.

4. The Board shall not privately censure the holder of any permit or certificate or any natural person or *certified public accounting firm* granted practice privileges pursuant to NRS 628.315.

5. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 12. NRS 628.430 is hereby amended to read as follows:

628.430 All statements, records, schedules, working papers and memoranda made by a certified public accountant or a natural person *or certified public accounting firm* granted practice privileges pursuant to NRS 628.315 incident to or in the course of professional service to clients by the accountant, except reports submitted by a certified public accountant or a natural person *or certified public accounting firm* granted practice privileges pursuant to NRS 628.315 to a client, are the property of the accountant, in the absence of an express agreement between the accountant and the client to the contrary. No such statement, record, schedule, working paper or memorandum may be sold, transferred or bequeathed, without the consent of the client or the client's personal representative or assignee, to anyone other than one or more surviving partners or new partners of the accountant or to his or her corporation.

Sec. 13. NRS 628.435 is hereby amended to read as follows:

628.435 1. A practitioner shall comply with all professional standards for accounting and documentation related to an attestation applicable to particular engagements.

2. Except as otherwise provided in this section and in all professional standards for accounting and documentation related to an attestation applicable to particular engagements, a practitioner shall retain all documentation related to an attestation for not less than 5 years after the date of the report containing the attestation.

3. Documentation related to an attestation that, at the end of the retention period set forth in subsections 1 and 2, is a part of or subject to a pending investigation of, or disciplinary action against, a practitioner must be retained and must not be destroyed until the practitioner has been notified in writing that the investigation or disciplinary action has been closed or concluded.

4. As used in this section:

(a) "Documentation related to an attestation" includes, without limitation:

(1) All documentation relating to consultations and resolutions of any differences of professional opinion regarding the exercise of professional judgment relating to an attestation; and

(2) Documentation of the findings or issues related to the attestation that, based on the judgment of the practitioner after an objective analysis of the facts and circumstances, is determined to be significant, regardless of whether the documentation includes information or data that is inconsistent with the final conclusions of the practitioner.

(b) "Practitioner" means:

(1) A holder of a certificate issued pursuant to NRS 628.190 to 628.310, inclusive, or a permit issued pursuant to NRS 628.380;

(2) A partnership, corporation, limited-liability company or sole proprietorship registered pursuant to NRS 628.335; or

(3) A natural person *or certified public accounting firm* granted practice privileges pursuant to NRS 628.315.

Sec. 14. NRS 628.460 is hereby amended to read as follows:

628.460 A partnership, corporation, limited-liability company or sole proprietorship shall not assume or use the title or designation "certified public accountant" or the abbreviation "C.P.A." or any other title, designation, words, letters, abbreviation, sign, card or device tending to indicate that the partnership, corporation, limited-liability company or sole proprietorship is composed of certified public accountants unless the partnership, corporation, limited-liability company or sole proprietorship is:

1. Registered as a partnership, corporation, limited-liability company or sole proprietorship of certified public accountants and all offices of the partnership, corporation, limited-liability company or sole proprietorship in this State for the practice of public accounting are maintained and registered as required under NRS 628.370; or

2. ~~[Performing services within the practice of public accounting]~~
Granted practice privileges pursuant to the provisions of ~~[subsection 3 of]~~
NRS ~~[628.335.]~~ 628.315.

Sec. 15. NRS 628.480 is hereby amended to read as follows:

628.480 A partnership, corporation, limited-liability company or sole proprietorship shall not assume or use the title or designation "public accountant" or any other title, designation, words, letters, abbreviation, sign, card or device tending to indicate that the partnership, corporation, limited-liability company or sole proprietorship is composed of public accountants unless the partnership, corporation, limited-liability company or sole proprietorship is:

1. Registered as a partnership, corporation, limited-liability company or sole proprietorship of certified public accountants and all offices of the partnership, corporation, limited-liability company or sole proprietorship in this State for the practice of public accounting are maintained and registered as required under NRS 628.370; or

2. ~~[Performing services within the practice of public accounting]~~
Granted practice privileges pursuant to the provisions of ~~[subsection 3 of]~~
NRS ~~[628.335.]~~ 628.315.

Sec. 16. NRS 628.490 is hereby amended to read as follows:

628.490 1. Except as otherwise provided in subsection 2 and NRS 628.450 to 628.480, inclusive, a person, partnership, corporation, limited-liability company or sole proprietorship shall not assume or use the title or designation "certified accountant," or any other title or designation likely to be confused with "certified public accountant" or "public accountant," or any of the abbreviations "C.A." or "P.A." or similar abbreviations likely to be confused with "C.P.A."

2. Anyone who:

(a) Holds a live permit pursuant to NRS 628.380 or is registered as a partnership, corporation, limited-liability company or sole proprietorship pursuant to the provisions of this chapter and all of whose offices in this State

for the practice of public accounting are maintained and registered as required under NRS 628.370; or

(b) Has been granted practice privileges pursuant to NRS 628.315, ~~or~~
~~—(c) Is performing services within the practice of public accounting pursuant to the provisions of subsection 3 of NRS 628.335,]~~

→ may hold himself or herself out to the public as an "accountant," "auditor" or "certified public accountant."

Sec. 17. NRS 628.510 is hereby amended to read as follows:

628.510 1. Except as otherwise provided in subsection 2, a person shall not sign or affix his or her name or the name of a partnership, corporation, limited-liability company or sole proprietorship, or any trade or assumed name used by the person or by the partnership, corporation, limited-liability company or sole proprietorship in business, with any wording indicating that he or she is an accountant or auditor, or that the partnership, corporation, limited-liability company or sole proprietorship is authorized to practice as an accountant or auditor or with any wording indicating that the person or the partnership, corporation, limited-liability company or sole proprietorship has expert knowledge in accounting or auditing, to any accounting or financial statement, or attest to any accounting or financial statement, unless:

(a) The person holds a live permit or the partnership, corporation, limited-liability company or sole proprietorship is registered pursuant to NRS 628.335 and all of the person's offices in this State for the practice of public accounting are maintained and registered under NRS 628.370; or

(b) The person is a natural person or *certified public accounting firm* granted practice privileges pursuant to NRS 628.315. ~~or~~

~~—(c) The partnership, corporation, limited liability company or sole proprietorship is performing services within the practice of public accounting pursuant to the provisions of subsection 3 of NRS 628.335.]~~

2. The provisions of subsection 1 do not prohibit:

(a) Any officer, employee, partner, principal or member of any organization from affixing his or her signature to any statement or report in reference to the financial affairs of that organization with any wording designating the position, title or office which he or she holds in the organization.

(b) Any act of a public official or public employee in the performance of his or her duties as such.

(c) Any person who does not hold a live permit from preparing a financial statement or issuing a report if the statement or report, respectively, includes a disclosure that:

(1) The person who prepared the statement or issued the report does not hold a live permit issued by the Board; and

(2) The statement or report does not purport to have been prepared in compliance with the professional standards of accounting adopted by the Board.

Sec. 18. NRS 628.520 is hereby amended to read as follows:

628.520 A person shall not sign or affix the name of a partnership, corporation, limited-liability company or sole proprietorship with any wording indicating that it is a partnership, corporation, limited-liability company or sole proprietorship composed of accountants or auditors or persons having expert knowledge or special expertise in accounting or auditing, to any accounting or financial statement, or attest to any accounting or financial statement, unless the partnership, corporation, limited-liability company or sole proprietorship is:

1. Registered pursuant to NRS 628.335 and all of its offices in this State for the practice of public accounting are maintained and registered as required under NRS 628.370; or

2. ~~{Performing services within the practice of public accounting}~~
Granted practice privileges pursuant to the provisions of ~~{subsection 3 of}~~
NRS ~~{628.335.}~~ 628.315.

Sec. 19. NRS 628.540 is hereby amended to read as follows:

628.540 1. Except as otherwise provided in subsection 2, a person, partnership, corporation, limited-liability company or sole proprietorship shall not engage in the practice of public accounting or hold himself, herself or itself out to the public as an "accountant" or "auditor" by use of either or both of those words in connection with any other language which implies that such a person or firm holds a certificate, permit or registration or has special competence as an accountant or auditor on any sign, card, letterhead or in any advertisement or directory unless:

(a) If a natural person, he or she holds a live permit or has been granted practice privileges pursuant to NRS 628.315; or

(b) If a partnership, corporation, limited-liability company or sole proprietorship, it is registered pursuant to NRS 628.335 or ~~{is performing services within the practice of public accounting}~~ *has been granted practice privileges* pursuant to the provisions of ~~{subsection 3 of}~~ NRS ~~{628.335.}~~ 628.315.

2. The provisions of subsection 1 do not prohibit:

(a) Any officer, employee, partner, shareholder, principal or member of any organization from describing himself or herself by the position, title or office he or she holds in that organization.

(b) Any act of a public official or public employee in the performance of his or her duties as such.

Sec. 20. NRS 628.550 is hereby amended to read as follows:

628.550 1. A person shall not assume or use the title or designation "certified public accountant" or "public accountant" in conjunction with names indicating or implying that there is a partnership, corporation or limited-liability company, or in conjunction with the designation "and Company" or "and Co." or a similar designation, if there is in fact no bona fide partnership, corporation or limited-liability company:

(a) Registered under NRS 628.335; or

(b) ~~[Performing services within the practice of public accounting]~~ *Granted practice privileges* pursuant to the provisions of ~~[subsection 3 of]~~ NRS ~~[628.335.]~~ 628.315.

2. A person, partnership, corporation or limited-liability company shall not engage in the practice of public accounting under any name which is misleading as to:

- (a) The legal form of the firm;
- (b) The persons who are partners, officers, shareholders or members; or
- (c) Any other matter.

↪ The names of past partners, shareholders or members may be included in the name of a firm or its successors.

Sec. 21. NRS 628.017 is hereby repealed.

Sec. 22. This act becomes effective on July 1, 2023.

TEXT OF REPEALED SECTION

628.017 "Home office" defined. "Home office" means the location specified by a client of an accountant as the address of an entity for which the accountant practices public accounting, performs an attestation or compilation or performs other professional services within the practice of public accounting.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 520 to Senate Bill No. 437 deletes provisions authorizing a waiver of the examination requirement for persons with experience in financial services and clarifies that if a certified public accounting firm's license from the state of their principal place of business becomes invalid, the firm will cease the practice of public accounting in this State.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 443.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 519.

SUMMARY—Revises provisions relating to voter registration. (BDR 24-842)

AN ACT relating to elections; revising provisions relating to provisional ballots; revising provisions relating to voter registration during certain periods preceding an election; requiring the Department of Motor Vehicles to have extended hours of operation in certain counties during certain periods preceding the deadline to register to vote by mail for certain elections and following the day of certain elections; prohibiting, in certain counties, the Department from requiring an appointment to obtain a driver's license or identification card during certain periods; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth certain deadlines for registering to vote by mail, computer or appearing in person at the office of the county or city clerk. (NRS 293.560, 293C.527) Existing law also authorizes an elector to register to vote after such deadlines: (1) through the Thursday preceding the election, by computer using the online registration system provided on the Internet website of the Office of the Secretary of State; and (2) after such online registration, by appearing in person during the period for early voting or on election day. To register to vote during such periods, an elector must provide his or her driver's license or identification card issued by the Department of Motor Vehicles and, if the license or identification card does not include his or her current residential address, certain documents establishing proof of residency. (NRS 293.5837-293.5847) Sections ~~1.4~~ 1.6 and 2 of this bill instead provide that to register to vote in person during the period for early voting or on election day, an elector must, with certain exceptions, provide ~~any current and valid photo~~ a driver's license or identification card issued by this State, another state, the District of Columbia or a territory of the United States as proof of identity and, if such proof of identity was not issued by the Department of Motor Vehicles or does not include his or her current residential address, the elector must also provide proof of residency. Sections 1.6 and 2 also provide that an elector may present an original, electronic or certified copy of a document as proof of residency and that, for certain documents, such document must be dated not more than 60 days before the date the elector is registering to vote.

Sections 1.6 and 2 further provide that if an elector does not have the required identification, the elector must sign an affirmation and must cast a provisional ballot in accordance with certain provisions of existing law. Section 1 of this bill makes a conforming change to authorize an elector who does not provide the required identification pursuant to section 1.6 to cast a provisional ballot. Section 1.3 of this bill makes a conforming change to require an elector who casts such a provisional ballot to provide the required identification to the county or city clerk not later than 5 p.m. on the Friday following election day.

Existing law authorizes the Director of the Department of Motor Vehicles to arrange for extended hours of operation for offices of the Department in a county whose population is 100,000 or more (currently Clark County and Washoe County). (NRS 481.057) Section 3 of this bill provides that, in a county whose population is 100,000 or more, the Director is required to arrange for the offices of the Department to remain open on Saturdays and Sundays and at hours other than 8 a.m. to 5 p.m. for a person to only apply for the issuance or renewal of any type of driver's license or identification card issued by the Department: (1) during the 2 weeks immediately preceding the last day to register to vote by mail for a primary election, presidential preference primary election or general election; and (2) during the 6 calendar days immediately following the day of a primary election,

presidential preference primary election or general election. Section 3 further prohibits the Department from requiring, in a county whose population is 100,000 or more, a person to have an appointment to apply for the issuance or renewal of any type of driver's license or identification card issued by the Department: (1) during the 2 weeks immediately preceding the last day to register to vote by mail for a primary election, presidential preference primary election or general election; and (2) during the 6 calendar days immediately following the day of a primary election, presidential preference primary election or general election.

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

Section 1. NRS 293.3081 is hereby amended to read as follows:

293.3081 A person at a polling place may cast a provisional ballot in an election pursuant to NRS 293.3078 to 293.3086, inclusive, if the person complies with the applicable provisions of NRS 293.3082 and:

1. Declares that he or she has registered to vote and is eligible to vote at that election in that jurisdiction, but his or her name does not appear on a voter registration list as a voter eligible to vote in that election in that jurisdiction or an election official asserts that the person is not eligible to vote in that election in that jurisdiction;

2. Applies by mail or computer, on or after January 1, 2003, to register to vote and has not previously voted in an election for federal office in this State and fails to provide the identification required pursuant to paragraph (a) of subsection 1 of NRS 293.2725 to the election board officer at the polling place; or

3. Declares that he or she is entitled to vote after the polling place would normally close as a result of a court order or other order extending the time established for the closing of polls pursuant to a law of this State in effect 10 days before the date of the election.

4. Registers to vote in person at a polling place for early voting or on the day of the election and declares that he or she is a qualified elector but does not have a driver's license or identification card issued by this State or another state, the District of Columbia or any territory of the United States or a social security number.

Sec. 1.3. NRS 293.3082 is hereby amended to read as follows:

293.3082 1. Before a person may cast a provisional ballot pursuant to NRS 293.3081, the person must complete a written affirmation on a form provided by an election board officer, as prescribed by the Secretary of State, at the polling place which includes:

- (a) The name of the person casting the provisional ballot;
- (b) The reason for casting the provisional ballot;
- (c) A statement in which the person casting the provisional ballot affirms under penalty of perjury that he or she is a registered voter in the jurisdiction and is eligible to vote in the election;
- (d) The date and type of election;

- (e) The signature of the person casting the provisional ballot;
- (f) The signature of the election board officer;
- (g) A unique affirmation identification number assigned to the person casting the provisional ballot;

(h) If the person is casting the provisional ballot pursuant to subsection 1 of NRS 293.3081:

(1) An indication by the person as to whether or not he or she provided the required identification at the time the person applied to register to vote;

(2) The address of the person as listed on the application to register to vote;

(3) Information concerning the place, manner and approximate date on which the person applied to register to vote;

(4) Any other information that the person believes may be useful in verifying that the person has registered to vote; and

(5) A statement informing the voter that if the voter does not provide identification at the time the voter casts the provisional ballot, the required identification must be provided to the county or city clerk not later than 5 p.m. on the Friday following election day and that failure to do so will result in the provisional ballot not being counted;

(i) If the person is casting the provisional ballot pursuant to subsection 2 or 4 of NRS 293.3081:

(1) The address of the person as listed on the application to register to vote;

(2) The voter registration number, if any, issued to the person; and

(3) A statement informing the voter that the required identification must be provided to the county or city clerk not later than 5 p.m. on the Friday following election day and that failure to do so will result in the provisional ballot not being counted; and

(j) If the person is casting the provisional ballot pursuant to subsection 3 of NRS 293.3081, the voter registration number, if any, issued to the person.

2. After a person completes a written affirmation pursuant to subsection 1:

(a) The election board officer shall provide the person with a receipt that includes the unique affirmation identification number described in subsection 1 and that explains how the person may use the free access system established pursuant to NRS 293.3086 to ascertain whether the person's vote was counted, and, if the vote was not counted, the reason why the vote was not counted;

(b) The voter's name and applicable information must be entered into the roster in a manner which indicates that the voter cast a provisional ballot; and

(c) The election board officer shall issue a provisional ballot to the person to vote.

~~Section 1.1~~ Sec. 1.6. NRS 293.5842 is hereby amended to read as follows:

293.5842 1. Notwithstanding the close of any method of registration for an election pursuant to NRS 293.560 or 293C.527, an elector may register to vote in person at any polling place for early voting by personal appearance in the county or city, as applicable, in which the elector is eligible to vote.

2. To register to vote in person during the period for early voting, an elector must:

(a) Appear before the close of polls at a polling place for early voting by personal appearance in the county or city, as applicable, in which the elector is eligible to vote.

(b) Complete the application to register to vote by a method authorized by the county or city clerk pursuant to this paragraph. The county or city clerk shall authorize at least one of the following methods for a person to register to vote pursuant to this paragraph:

(1) A paper application; or

(2) The system established by the Secretary of State pursuant to NRS 293.671.

➡ If the county or city clerk authorizes the use of both methods, the county or city clerk may limit the use of one method to circumstances when the other method is not reasonably available.

(c) Except as otherwise provided in subsection 3, ~~4~~ or 5, provide his or her current and valid driver's license or ~~photo~~ identification card issued by the Department of Motor Vehicles which shows his or her physical address this State or another state, the District of Columbia or any territory of the United States as proof of the elector's identity and , if the photo identification was issued by the Department of Motor Vehicles and shows the elector's current residential address, as proof of the elector's identity and residency.

3. If the driver's license or ~~photo~~ identification card was not issued by the Department of Motor Vehicles to the elector or does not have the elector's current residential address, an original, electronic or certified copy of the following documents may be used to establish the residency of the elector if the current residential address of the elector, as indicated on his or her application to register to vote, is displayed on the document:

(a) A military identification card;

(b) A utility bill, including, without limitation, a bill for electric, gas, oil, water, sewer, septic, telephone, cellular telephone or cable television service ~~4~~, that is dated not more than 60 days before the date on which the elector is registering to vote;

(c) A bank or credit union statement ~~4~~ that is dated not more than 60 days before the date on which the elector is registering to vote;

(d) A paycheck ~~4~~ that is dated not more than 60 days before the date on which the elector is registering to vote;

(e) An income tax return;

(f) A statement concerning the mortgage, rental or lease of a residence;

(g) A motor vehicle registration;

(h) A property tax statement; or

(i) Any other document issued by a governmental agency.

4. ~~Subject~~ *Except as otherwise provided in subsection 5, subject* to final verification, if an elector registers to vote in person at a polling place pursuant to this section:

(a) The elector shall be deemed to be conditionally registered to vote at the polling place upon:

(1) The determination that the application to register to vote is complete; and

(2) The verification of the elector's identity and residency pursuant to this section.

(b) After the elector is deemed to be conditionally registered to vote at the polling place pursuant to paragraph (a), the elector:

(1) May vote in the election only at that polling place;

(2) Must vote as soon as practicable and before leaving that polling place; and

(3) Must vote by casting a provisional ballot, unless it is verified, at that time, that the elector is qualified to register to vote and to cast a regular ballot in the election at that polling place.

5. If an elector who appears to vote does not have a driver's license or identification card issued by this State or another state, the District of Columbia or any territory of the United States or a social security number, the elector may cast a provisional ballot, as defined in NRS 293.3078, pursuant to NRS 293.3078 to 293.3086, inclusive. In addition to the affirmation required pursuant to NRS 293.3082, the elector must complete a written affirmation on a form provided by an election officer which includes a statement in which the person affirms under penalty of perjury that he or she is a qualified elector but has not been issued a driver's license or identification card by this State or another state, the District of Columbia or any territory of the United States and does not have a social security number.

Sec. 2. NRS 293.5847 is hereby amended to read as follows:

293.5847 1. Notwithstanding the close of any method of registration for an election pursuant to NRS 293.560 or 293C.527, an elector may register to vote in person on the day of the election at any polling place in the county or city, as applicable, in which the elector is eligible to vote.

2. To register to vote on the day of the election, an elector must:

(a) Appear before the close of polls at a polling place in the county or city, as applicable, in which the elector is eligible to vote.

(b) Complete the application to register to vote by a method authorized by the county or city clerk pursuant to this paragraph. The county or city clerk shall authorize at least one of the following methods for a person to register to vote pursuant to this paragraph:

(1) A paper application; or

(2) The system established by the Secretary of State pursuant to NRS 293.671.

↪ If the county or city clerk authorizes the use of both methods, the county or city clerk may limit the use of one method to circumstances when the other method is not reasonably available.

(c) Except as otherwise provided in subsection 3 ~~4~~ or 5, provide his or her current and valid driver's license or ~~photo~~ identification card issued by the Department of Motor Vehicles which shows his or her physical address this State or another state, the District of Columbia or any territory of the United States as proof of the elector's identity, and if the photo identification was issued by the Department of Motor Vehicles and shows the elector's current residential address, as proof of the elector's identity and residency.

3. If the driver's license or ~~photo~~ identification card was not issued by the Department of Motor Vehicles to the elector or does not have the elector's current residential address, an original, electronic or certified copy of the following documents may be used to establish the residency of the elector if the current residential address of the elector, as indicated on his or her application to register to vote, is displayed on the document:

- (a) A military identification card;
- (b) A utility bill, including, without limitation, a bill for electric, gas, oil, water, sewer, septic, telephone, cellular telephone or cable television service ~~4~~, that is dated not more than 60 days before the elector is registering to vote;
- (c) A bank or credit union statement ~~4~~ that is dated not more than 60 days before the elector is registering to vote;
- (d) A paycheck ~~4~~ that is dated not more than 60 days before the elector is registering to vote;
- (e) An income tax return;
- (f) A statement concerning the mortgage, rental or lease of a residence;
- (g) A motor vehicle registration;
- (h) A property tax statement; or
- (i) Any other document issued by a governmental agency.

4. ~~Subject~~ Except as otherwise provided in subsection 5, subject to final verification, if an elector registers to vote in person at a polling place pursuant to this section:

(a) The elector shall be deemed to be conditionally registered to vote at the polling place upon:

- (1) The determination that the application to register to vote is complete; and
- (2) The verification of the elector's identity and residency pursuant to this section.

(b) After the elector is deemed to be conditionally registered to vote at the polling place pursuant to paragraph (a), the elector:

- (1) May vote in the election only at that polling place;
- (2) Must vote as soon as practicable and before leaving that polling place; and
- (3) Must vote by casting a provisional ballot.

5. If an elector who appears to vote does not have a driver's license or identification card issued by this State or another state, the District of Columbia or any territory of the United States or a social security number, the elector may cast a provisional ballot, as defined in NRS 293.3078, pursuant to NRS 293.3078 to 293.3086, inclusive. In addition to the affirmation required pursuant to NRS 293.3082, the elector must complete a written affirmation on a form provided by an election officer which includes a statement in which the person affirms under penalty of perjury that he or she is a qualified elector but has not been issued a driver's license or identification card by this State or another state, the District of Columbia or any territory of the United States and does not have a social security number.

Sec. 3. NRS 481.057 is hereby amended to read as follows:

481.057 ~~{1}~~

1. Except as otherwise provided in subsection 2, in a county whose population is 100,000 or more, the Director may arrange for offices of the Department to remain open on Saturdays and Sundays and at hours other than 8 a.m. to 5 p.m.

2. In county whose population is 100,000 or more, the Director shall arrange for the offices of the Department to remain open on Saturdays and Sundays and at hours other than 8 a.m. to 5 p.m. for a person to apply only for the issuance or renewal of any type of driver's license or identification card issued by the Department:

(a) During the 2 weeks immediately preceding the last day to register to vote by mail pursuant to NRS 293.560 for a primary election, presidential preference primary election or general election; and

(b) During the 6 calendar days immediately following the day of a primary election, presidential preference primary election or general election.

3. In a county whose population is 100,000 or more, the Department shall not require a person to have an appointment for the issuance or renewal of any type of driver's license or identification card issued by the Department:

(a) During the 2 weeks immediately preceding the last day to register to vote by mail pursuant to NRS 293.560 for a primary election, presidential preference primary election or general election; and

(b) During the 6 calendar days immediately following the day of a primary election, presidential preference primary election or general election.

4. As used in this section:

(a) "General election" has the meaning ascribed to it in NRS 293.060.

(b) "Presidential preference primary election" has the meaning ascribed to it in NRS 293.0771.

(c) "Primary election" has the meaning ascribed to it in NRS 293.080.

Sec. 4. 1. This section becomes effective upon passage and approval.

2. Sections 1, ~~2 and~~ 2 and 3, inclusive, of this act become effective:

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

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

Senator Ohrenschall moved the adoption of the amendment.

Remarks by Senator Ohrenschall.

Amendment No. 519 to Senate Bill No. 443 makes several changes. Sections 1.6 and 2 remove the photo ID originally in the bill and instead provide for a valid driver's license or ID card issued by this State, another state, the District of Columbia or any territory of the United States as proof of identity to register to vote in person. Sections 1.6 and 2 also authorize an elector who does not have the required photo identification or a social security number to sign an affirmation and cast a provisional ballot. The amendment also specifies the requirements of the written affirmation. Sections 1.6 and 2 also authorize an elector to present an original, electronic or certified copy of a document as proof of residency and provide that such document must be dated not more than 60 days before the date that elector is registering to vote. Finally, sections 1, 1.3 and 4 make conforming changes.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Dondero Loop moved that Senate Bills Nos. 201, 216, 274, 308, 413, 426 and 443 be taken from their positions on the General File and re-referred to the Committee on Finance upon return from reprint.

Motion carried.

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

Motion carried.

Senate in recess at 4:28 p.m.

SENATE IN SESSION

At 7:56 p.m.

President Anthony presiding.

Quorum present.

REPORTS OF COMMITTEE

Mr. President:

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 195, 336, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

PAT SPEARMAN, *Chair*

Mr. President:

Your Committee on Education, to which were referred Senate Bills Nos. 148, 282, 438, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERTA LANGE, *Chair*

Mr. President:

Your Committee on Growth and Infrastructure, to which were referred Senate Bills Nos. 6, 40, 59, 205, 293, 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. 390, 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. 63, 307, 335, 359, 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 were referred Senate Bills Nos. 68, 144, 240, 278, 400, 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*

MOTIONS, RESOLUTIONS AND NOTICES

Senator Cannizzaro moved that Senate Bill No. 404 be taken from the Secretary's Desk and placed at the bottom of the Second Reading File, sixth agenda.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 114.

Bill read second time.

The following amendment was proposed by the Committee on Education:
Amendment No. 223.

SUMMARY—Revises provisions governing the Nevada Interscholastic Activities Association. (BDR 34-854)

AN ACT relating to the Nevada Interscholastic Activities Association; prohibiting the Association from taking adverse action against a person or school for certain activities; revising provisions governing the eligibility of ~~fe~~ pupils who transfer schools to ~~pupil who transfers to a charter school~~ participate and practice in a sanctioned sport or other interscholastic event; revising provisions governing the process of appealing certain decisions to the Executive Director of the Association; authorizing the appeal of certain decisions or orders made pursuant to regulations adopted by the Association to the State Board of Education; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Nevada Interscholastic Activities Association controls, supervises and regulates all interscholastic athletic events and other interscholastic events in public schools and governs, among other matters,

the eligibility and participation of certain children in interscholastic activities and events. (NRS 385B.050, 385B.060, 385B.130) Under existing regulations, any pupil who transfers to another school is presumed ineligible to participate in any sanctioned sport at the school to which the pupil transfers for 180 school days. (NAC 385B.716) Section ~~44~~ 1.5 of this bill provides that a pupil who transfers to a charter school or school that uses a lottery system to determine which pupils may enroll is immediately eligible to participate and practice in any sanctioned sport or other interscholastic activity or event at the school to which the pupil transfers. Section 1.5 additionally authorizes a pupil who transfers from one school to another school to elect, once in his or her lifetime, to be immediately eligible. Section 2 of this bill makes a conforming change to prohibit school districts, public schools and private schools from making regulations, rules, policies, procedures or requirements governing the eligibility and participation of such pupils in interscholastic activities and events that are more restrictive than the provisions governing eligibility and participation prescribed by the Nevada Interscholastic Activities Association.

Existing law authorizes a pupil or school that is aggrieved by a final decision or order made pursuant to a regulation adopted by the Association by an administrator, a panel of principals or the Executive Director of the Association to appeal the decision or order to a hearing officer appointed by the Executive Director. (NRS 385B.100) Section 1.3 of this bill authorizes a person or school who is aggrieved by a decision or order of the hearing officer to appeal to the State Board of Education. Section 1.1 of this bill makes a conforming change to prohibit the stay of a decision of the State Board in the same manner as a decision of the Association.

Section 1 of this bill prohibits the Association from penalizing, retaliating against or taking adverse action against a school or person for: (1) participating in the legislative process; or (2) advocating for or against any policy before a public body.

Section 3 of this bill requires the Nevada Interscholastic Activities Association to amend its rules and regulations to conform to the provisions of sections ~~1 and 2~~ 1.3-2 on or before June 30, 2024.

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

Section 1. Chapter 385B of NRS is hereby amended by adding thereto a new section to read as follows:

The Nevada Interscholastic Activities Association shall not penalize, retaliate against or otherwise take any adverse action against a school or person for:

1. Participating in the legislative process; or
2. Advocating for or against any policy before a public body.

Sec. 1.1. NRS 385B.090 is hereby amended to read as follows:

385B.090 1. The rules and regulations of the Nevada Interscholastic Activities Association adopted pursuant to NRS 385B.060 must provide for

adequate review procedures to determine and review disputes arising in regard to the Association's decisions and activities.

2. A decision of the Nevada Interscholastic Activities Association, ~~for~~ a decision of a person designated by the Association to review and make final decisions on disputes on behalf of the Association pursuant to the rules and regulations adopted pursuant to NRS 385B.060 *or a decision of the State Board on a matter which is appealed to the State Board pursuant to NRS 385B.100* must not be stayed by a court pending the court's final judgment on the matter.

Sec. 1.3. NRS 385B.100 is hereby amended to read as follows:

385B.100 1. Any pupil or school that is aggrieved by a final decision or order made pursuant to a regulation adopted by the Nevada Interscholastic Activities Association by:

(a) An administrator of a school district who is responsible for interpreting and enforcing the regulations adopted by the Nevada Interscholastic Activities Association;

(b) A panel of principals chosen from schools located in a school district; or

(c) The Executive Director,
→ may file a written appeal with the Executive Director. The Executive Director shall appoint a hearing officer to review the decision or order that is the subject of the appeal.

2. A hearing officer appointed pursuant to subsection 1 shall issue a decision or order in writing and shall cause a copy of the decision or order to be served on each party to the appeal or counsel for the party. The decision or order must include a summary of the appeal that includes:

(a) A statement of the relevant facts;

(b) A statement of the issues presented and the opposing arguments of the parties;

(c) An analysis of the arguments; and

(d) The conclusion of the hearing officer.

3. Not later than 10 days after the issuance of the decision or order of the hearing officer, the Executive Director shall cause a copy of the summary required by subsection 2 to be posted on the Internet website of the Nevada Interscholastic Activities Association. The summary must be redacted as necessary to prevent the identification of any person involved in the appeal who is less than 18 years of age, which information is confidential. The redacted summary is a public record and must be open to public inspection as provided in NRS 239.010.

4. Any pupil or school that is aggrieved by a decision or order of the hearing officer may appeal to the State Board within 30 days after the decision or order of the hearing officer. The State Board may affirm, modify or reverse the decision or order of the hearing officer.

5. As used in this section, "Executive Director" means the Executive Director of the Nevada Interscholastic Activities Association.

~~[Section 1.]~~ Sec. 1.5. NRS 385B.130 is hereby amended to read as follows:

385B.130 1. Any rules and regulations adopted by the Nevada Interscholastic Activities Association governing the eligibility of a pupil who transfers from one school to another school to participate in an interscholastic activity or event must apply equally to public schools and to private schools that are members of the Association.

2. Notwithstanding any provision of law to the contrary, a pupil who ~~is~~:
(a) Is a child of a military family and transferred schools pursuant to the provisions of chapter 388F of NRS ; ~~for~~

(b) Transfers to a charter school ~~for~~ ; or

(c) Transfers to a school that uses a lottery system to determine which pupils may enroll.

↪ is immediately eligible to participate and practice in any sanctioned sport or other interscholastic activity or event at the school to which the pupil transfers.

3. Notwithstanding any provision of law to the contrary, a pupil who transfers from one school to another school who would not otherwise be immediately eligible to participate and practice in a sanctioned sport or other interscholastic activity or event at the school to which the pupil transfers as a result of the transfer may, not more than once in his or her lifetime, elect to be immediately eligible to participate and practice in any sanctioned sport or other interscholastic activity or event at a school to which the pupil transfers.

Sec. 2. NRS 385B.170 is hereby amended to read as follows:

385B.170 A school district, public school or private school shall not prescribe any regulations, rules, policies, procedures or requirements governing the:

1. Eligibility of homeschooled children , *children who transfer to a charter school , children who transfer to a school that uses a lottery system to determine which pupils may enroll* or children of a military family who transferred schools pursuant to the provisions of chapter 388F of NRS to participate in interscholastic activities and events pursuant to this chapter; or

2. Participation of homeschooled children , *children who transfer to a charter school , children who transfer to a school that uses a lottery system to determine which pupils may enroll* or children of a military family who transferred schools pursuant to the provisions of chapter 388F of NRS in interscholastic activities and events pursuant to this chapter,

↪ that are more restrictive than the provisions governing eligibility and participation prescribed by the Nevada Interscholastic Activities Association pursuant to NRS 385B.060 and 385B.130.

Sec. 3. The Nevada Interscholastic Activities Association shall, on or before June 30, 2024, amend its rules and regulations as necessary to conform to the provisions of sections ~~1.1~~ 1.3, 1.5 and 2 of this act.

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

Senator Lange moved the adoption of the amendment.

Remarks by Senator Lange.

Amendment No. 223 to Senate Bill No. 114 adds a one-time eligibility provision across the board for pupils who transfer to another school to be immediately eligible to participate and practice in a sanctioned sport or other interscholastic activity or event at the school to which the pupil transfers; adds that a pupil who transfers to any school that uses a lottery system is immediately eligible to participate and practice in such sports or activities at the school to which the pupil transfers; prohibits the Nevada Interscholastic Activities Association (NIAA) from penalizing, retaliating against or taking adverse action against any school or person for participating in a legislative or advocating for or against any policy before a public body; and authorizes the appeal of NIAA decisions to the State Board of Education.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 119.

Bill read second time.

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

Amendment No. 231.

SUMMARY—Provides for the continuation of certain requirements governing insurance coverage of telehealth services. (BDR ~~[S-236]~~ 57-336)

AN ACT relating to health care; ~~[providing for the continuation of a requirement that certain third-party payers cover services provided through telehealth, except for services provided through audio-only interaction,]~~ revising provisions governing the circumstances under which certain insurers are required to provide reimbursement for services provided through telehealth in the same amount as services provided in person or through other means; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a third-party payer who is not an industrial insurer to cover services provided through telehealth, except for services provided through audio-only interaction, in the same amount as services provided in person or by other means. (NRS 422.2721, 689A.0463, 689B.0369, 689C.195, 695A.265, 695B.1904, 695C.1708, 695D.216, 695G.162) However, existing law provides for the expiration of ~~that~~ the requirement: (1) as it applies to services other than mental health services, 1 year after the termination of the emergency declared for COVID-19 or on June 30, 2023, whichever is earlier; and (2) as it applies to mental health services, on June 30, 2023. (Chapter 479, Statutes of Nevada 2021, at page 3046) The Declaration of Emergency for COVID-19 was terminated on May 20, 2022. (Proclamation Terminating Declaration of Emergency Related to COVID-19, May 18, 2022) Therefore, the requirement for certain third-party payers to cover services provided through telehealth, except for services provided through audio-only interaction, in the same amount as services provided in person or by other means expires: (1) as it applies to services other than mental health services, on May 20, 2023; and (2) as it applies to mental

health services, on June 30, 2023. (Section 17 of chapter 479, Statutes of Nevada 2021, at page 3046) ~~[This] Sections 2 and 4 of this bill [repeals that expiration, thereby making permanent the provisions of existing law requiring]~~ retain the requirement that a third-party payer who is not an industrial insurer ~~[to]~~ cover services provided through telehealth, except for services provided through audio-only interaction, in the same amount as services provided in person or by other means ~~[,]~~ until July 1, 2023. On that date, sections 1-1.9 of this bill retain that requirement with respect to: (1) services delivered through means other than audio-only interaction to patients at certain originating sites located in rural areas or by certain facilities; and (2) counseling or treatment relating to a mental health condition or substance use disorder. Sections 1-1.9 additionally require an insurer to provide reimbursement for counseling or treatment relating to a mental health condition or substance use disorder provided through an audio-only telehealth interaction in the same amount as if the counseling or treatment was provided in person or through other means.

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

Section 1. NRS 689A.0463 is hereby amended to read as follows:

689A.0463 1. A policy of health insurance must include coverage for services provided to an insured through telehealth to the same extent ~~[and, except for services provided through audio-only interaction, in the same amount]~~ as though provided in person or by other means.

2. A policy of health insurance must provide reimbursement for services described in subsection 1 in the same amount as though provided in person or by other means:

(a) If the services:

(1) Are received at an originating site described in 42 U.S.C. § 1395m(m)(4)(c) or furnished by a federally-qualified health center or a rural health clinic; and

(2) Except for services described in paragraph (b), are not provided through audio-only interaction; or

(b) For counseling or treatment relating to a mental health condition or a substance use disorder, including, without limitation, when such counseling or treatment is provided through audio-only interaction.

~~[2.]~~ 3. An insurer shall not:

(a) Require an insured to establish a relationship in person with a provider of health care or provide any additional consent to or reason for obtaining services through telehealth as a condition to providing the coverage described in subsection 1 ~~[,]~~ or the reimbursement described in subsection 2;

(b) Require a provider of health care to demonstrate that it is necessary to provide services to an insured through telehealth or receive any additional type of certification or license to provide services through telehealth as a condition to providing the coverage described in subsection 1 ~~[,]~~ or the reimbursement described in subsection 2;

(c) Refuse to provide the coverage described in subsection 1 or the reimbursement described in subsection 2 because of:

(1) The distant site from which a provider of health care provides services through telehealth or the originating site at which an insured receives services through telehealth; or

(2) The technology used to provide the services;

(d) Require covered services to be provided through telehealth as a condition to providing coverage for such services; or

(c) Categorize a service provided through telehealth differently for purposes relating to coverage or reimbursement than if the service had been provided in person or through other means.

~~3.4~~ 4. A policy of health insurance must not require an insured to obtain prior authorization for any service provided through telehealth that is not required for the service when provided in person. A policy of health insurance may require prior authorization for a service provided through telehealth if such prior authorization would be required if the service were provided in person or by other means.

~~4.4~~ 5. The provisions of this section do not require an insurer to:

(a) Ensure that covered services are available to an insured through telehealth at a particular originating site;

(b) Provide coverage for a service that is not a covered service or that is not provided by a covered provider of health care; or

(c) Enter into a contract with any provider of health care or cover any service if the insurer is not otherwise required by law to do so.

~~5.4~~ 6. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~October 1, 2021,~~ July 1, 2023, has the legal effect of including the coverage required by this section, and any provision of the policy or the renewal which is in conflict with this section is void.

~~6.4~~ 7. As used in this section:

(a) "Distant site" has the meaning ascribed to it in NRS 629.515.

(b) "Federally-qualified health center" has the meaning ascribed to it in 42 U.S.C. § 1396d(l)(2)(B).

(c) "Originating site" has the meaning ascribed to it in NRS 629.515.

~~(c)~~ (d) "Provider of health care" has the meaning ascribed to it in NRS 439.820.

(c) "Rural health clinic" has the meaning ascribed to it in 42 U.S.C. § 1395x(aa)(2).

~~(d)~~ (f) "Telehealth" has the meaning ascribed to it in NRS 629.515.

Sec. 1.2. NRS 689B.0369 is hereby amended to read as follows:

689B.0369 1. A policy of group or blanket health insurance must include coverage for services provided to an insured through telehealth to the same extent ~~[and, except for services provided through audio-only interaction, in the same amount]~~ as though provided in person or by other means.

2. A policy of group or blanket health insurance must provide reimbursement for services described in subsection 1 in the same amount as though provided in person or by other means:

(a) If the services:

(1) Are received at an originating site described in 42 U.S.C. § 1395m(m)(4)(c) or furnished by a federally-qualified health center or a rural health clinic; and

(2) Except for services described in paragraph (b), are not provided through audio-only interaction; or

(b) For counseling or treatment relating to a mental health condition or a substance use disorder, including, without limitation, when such counseling or treatment is provided through audio-only interaction.

3. An insurer shall not:

(a) Require an insured to establish a relationship in person with a provider of health care or provide any additional consent to or reason for obtaining services through telehealth as a condition to providing the coverage described in subsection 1 ~~1.1~~ or the reimbursement described in subsection 2;

(b) Require a provider of health care to demonstrate that it is necessary to provide services to an insured through telehealth or receive any additional type of certification or license to provide services through telehealth as a condition to providing the coverage described in subsection 1 ~~1.1~~ or the reimbursement described in subsection 2;

(c) Refuse to provide the coverage described in subsection 1 or the reimbursement described in subsection 2 because of:

(1) The distant site from which a provider of health care provides services through telehealth or the originating site at which an insured receives services through telehealth; or

(2) The technology used to provide the services;

(d) Require covered services to be provided through telehealth as a condition to providing coverage for such services; or

(c) Categorize a service provided through telehealth differently for purposes relating to coverage or reimbursement than if the service had been provided in person or through other means.

~~3.1~~ 4. A policy of group or blanket health insurance must not require an insured to obtain prior authorization for any service provided through telehealth that is not required for that service when provided in person. A policy of group or blanket health insurance may require prior authorization for a service provided through telehealth if such prior authorization would be required if the service were provided in person or by other means.

~~4.1~~ 5. The provisions of this section do not require an insurer to:

(a) Ensure that covered services are available to an insured through telehealth at a particular originating site;

(b) Provide coverage for a service that is not a covered service or that is not provided by a covered provider of health care; or

(c) Enter into a contract with any provider of health care or cover any service if the insurer is not otherwise required by law to do so.

~~5.1~~ 6. A policy of group or blanket health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~October 1, 2021,~~ July 1, 2023, has the legal effect of including the coverage required by this section, and any provision of the policy or the renewal which is in conflict with this section is void.

~~6.1~~ 7. As used in this section:

(a) "Distant site" has the meaning ascribed to it in NRS 629.515.

(b) "Federally-qualified health center" has the ascribed to it in 42 U.S.C. § 1396d(l)(2)(B).

(c) "Originating site" has the meaning ascribed to it in NRS 629.515.

~~(c)~~ (d) "Provider of health care" has the meaning ascribed to it in NRS 439.820.

(c) "Rural health clinic" has the meaning ascribed to it in 42 U.S.C. § 1395x(aa)(2).

~~(d)~~ (f) "Telehealth" has the meaning ascribed to it in NRS 629.515.

Sec. 1.3. NRS 689C.195 is hereby amended to read as follows:

689C.195 1. A health benefit plan must include coverage for services provided to an insured through telehealth to the same extent ~~and, except for services provided through audio-only interaction, in the same amount,~~ as though provided in person or by other means.

2. A health benefit plan must provide reimbursement for services described in subsection 1 in the same amount as though provided in person or by other means:

(a) If the services:

(1) Are received at an originating site described in 42 U.S.C. § 1395m(m)(4)(c) or furnished by a federally-qualified health center or a rural health clinic;

(2) Except for services described in paragraph (b), are not provided through audio-only interaction; or

(b) For counseling or treatment relating to a mental health condition or a substance use disorder, including, without limitation, when such counseling or treatment is provided through audio-only interaction.

3. A carrier shall not:

(a) Require an insured to establish a relationship in person with a provider of health care or provide any additional consent to or reason for obtaining services through telehealth as a condition to providing the coverage described in subsection 1 ~~or~~ or the reimbursement described in subsection 2;

(b) Require a provider of health care to demonstrate that it is necessary to provide services to an insured through telehealth or receive any additional type of certification or license to provide services through telehealth as a condition to providing the coverage described in subsection 1 ~~or~~ or the reimbursement described in subsection 2;

(c) Refuse to provide the coverage described in subsection 1 or the reimbursement described in subsection 2 because of:

(1) The distant site from which a provider of health care provides services through telehealth or the originating site at which an insured receives services through telehealth; or

(2) The technology used to provide the services;

(d) Require covered services to be provided through telehealth as a condition to providing coverage for such services; or

(c) Categorize a service provided through telehealth differently for purposes relating to coverage or reimbursement than if the service had been provided in person or through other means.

~~3.4~~ 4. A health benefit plan must not require an insured to obtain prior authorization for any service provided through telehealth that is not required for the service when provided in person. A health benefit plan may require prior authorization for a service provided through telehealth if such prior authorization would be required if the service were provided in person or by other means.

~~4.4~~ 5. The provisions of this section do not require a carrier to:

(a) Ensure that covered services are available to an insured through telehealth at a particular originating site;

(b) Provide coverage for a service that is not a covered service or that is not provided by a covered provider of health care; or

(c) Enter into a contract with any provider of health care or cover any service if the carrier is not otherwise required by law to do so.

~~5.4~~ 6. A plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~October~~ July 1, 2021, ~~2021~~, 2023, has the legal effect of including the coverage required by this section, and any provision of the plan or the renewal which is in conflict with this section is void.

~~6.4~~ 7. As used in this section:

(a) "Distant site" has the meaning ascribed to it in NRS 629.515.

(b) "Federally-qualified health center" has the ascribed to it in 42 U.S.C. § 1396d(1)(2)(B).

(c) "Originating site" has the meaning ascribed to it in NRS 629.515.

~~(e)~~ (d) "Provider of health care" has the meaning ascribed to it in NRS 439.820.

(c) "Rural health clinic" has the meaning ascribed to it in 42 U.S.C. § 1395x(aa)(2).

~~(d)~~ (f) "Telehealth" has the meaning ascribed to it in NRS 629.515.

Sec. 1.4. NRS 695A.265 is hereby amended to read as follows:

695A.265 1. A benefit contract must include coverage for services provided to an insured through telehealth to the same extent ~~(and, except for services provided through audio-only interaction, in the same amount)~~ as though provided in person or by other means.

2. A benefit contract must provide reimbursement for services described in subsection 1 in the same amount as though provided in person or by other means:

(a) If the services:

(1) Are received at an originating site described in 42 U.S.C. § 1395m(m)(4)(c) or furnished by a federally-qualified health center or a rural health clinic; and

(2) Except for services described in paragraph (b), are not provided through audio-only interaction; or

(b) For counseling or treatment relating to a mental health condition or a substance use disorder, including, without limitation, when such counseling or treatment is provided through audio-only interaction.

3. A society shall not:

(a) Require an insured to establish a relationship in person with a provider of health care or provide any additional consent to or reason for obtaining services through telehealth as a condition to providing the coverage described in subsection 1 ~~1.1~~ or the reimbursement described in subsection 2;

(b) Require a provider of health care to demonstrate that it is necessary to provide services to an insured through telehealth or receive any additional type of certification or license to provide services through telehealth as a condition to providing the coverage described in subsection 1 ~~1.1~~ or the reimbursement described in subsection 2;

(c) Refuse to provide the coverage described in subsection 1 or the reimbursement described in subsection 2 because of:

(1) The distant site from which a provider of health care provides services through telehealth or the originating site at which an insured receives services through telehealth; or

(2) The technology used to provide the services;

(d) Require covered services to be provided through telehealth as a condition to providing coverage for such services; or

(c) Categorize a service provided through telehealth differently for purposes relating to coverage or reimbursement than if the service had been provided in person or through other means.

~~3.1~~ 4. A benefit contract must not require an insured to obtain prior authorization for any service provided through telehealth that is not required for the service when provided in person. A benefit contract may require prior authorization for a service provided through telehealth if such prior authorization would be required if the service were provided in person or by other means.

~~4.1~~ 5. The provisions of this section do not require a society to:

(a) Ensure that covered services are available to an insured through telehealth at a particular originating site;

(b) Provide coverage for a service that is not a covered service or that is not provided by a covered provider of health care; or

(c) Enter into a contract with any provider of health care or cover any service if the society is not otherwise required by law to do so.

~~5.1~~ 6. A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~October~~ July 1, 2021, ~~2023,~~ has the legal effect of including the coverage required by this section, and any provision of the contract or the renewal which is in conflict with this section is void.

~~6.1~~ 7. As used in this section:

(a) "Distant site" has the meaning ascribed to it in NRS 629.515.

(b) "Federally-qualified health center" has the meaning ascribed to it in 42 U.S.C. § 1396d(1)(2)(B).

~~(c)~~ (c) "Originating site" has the meaning ascribed to it in NRS 629.515.

~~(c)~~ (d) "Provider of health care" has the meaning ascribed to it in NRS 439.820.

(c) "Rural health clinic" has the meaning ascribed to it in 42 U.S.C. § 1395x(aa)(2).

~~(d)~~ (f) "Telehealth" has the meaning ascribed to it in NRS 629.515.

Sec. 1.5. NRS 695B.1904 is hereby amended to read as follows:

695B.1904 1. A contract for hospital, medical or dental services subject to the provisions of this chapter must include services provided to an insured through telehealth to the same extent ~~[and, except for services provided through audio-only interaction, in the same amount]~~ as though provided in person or by other means.

2. A contract for hospital, medical or dental services must provide reimbursement for services described in subsection 1 in the same amount as though provided in person or by other means:

(a) If the services:

(1) Are received at an originating site described in 42 U.S.C. § 1395m(m)(4)(c) or furnished by a federally-qualified health center or a rural health clinic; and

(2) Except for services described in paragraph (b), are not provided through audio-only interaction; or

(b) For counseling or treatment relating to a mental health condition or a substance use disorder, including, without limitation, when such counseling or treatment is provided through audio-only interaction.

3. A medical services corporation that issues contracts for hospital, medical or dental services shall not:

(a) Require an insured to establish a relationship in person with a provider of health care or provide any additional consent to or reason for obtaining services through telehealth as a condition to providing the coverage described in subsection 1, ~~or the reimbursement described in subsection 2;~~

(b) Require a provider of health care to demonstrate that it is necessary to provide services to an insured through telehealth or receive any additional type of certification or license to provide services through telehealth as a

condition to providing the coverage described in subsection 1 ~~(f)~~ or the reimbursement described in subsection 2;

(c) Refuse to provide the coverage described in subsection 1 or the reimbursement described in subsection 2 because of:

(1) The distant site from which a provider of health care provides services through telehealth or the originating site at which an insured receives services through telehealth; or

(2) The technology used to provide the services;

(d) Require covered services to be provided through telehealth as a condition to providing coverage for such services; or

(c) Categorize a service provided through telehealth differently for purposes relating to coverage or reimbursement than if the service had been provided in person or through other means.

~~(3)~~ 4. A contract for hospital, medical or dental services must not require an insured to obtain prior authorization for any service provided through telehealth that is not required for the service when provided in person. A contract for hospital, medical or dental services may require prior authorization for a service provided through telehealth if such prior authorization would be required if the service were provided in person or by other means.

~~(4)~~ 5. The provisions of this section do not require a medical services corporation that issues contracts for hospital, medical or dental services to:

(a) Ensure that covered services are available to an insured through telehealth at a particular originating site;

(b) Provide coverage for a service that is not a covered service or that is not provided by a covered provider of health care; or

(c) Enter into a contract with any provider of health care or cover any service if the medical services corporation is not otherwise required by law to do so.

~~(5)~~ 6. A contract for hospital, medical or dental services subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~October 1, 2021~~ July 1, 2023, has the legal effect of including the coverage required by this section, and any provision of the contract or the renewal which is in conflict with this section is void.

~~(6)~~ 7. As used in this section:

(a) "Distant site" has the meaning ascribed to it in NRS 629.515.

(b) "Federally-qualified health center" has the meaning ascribed to it in 42 U.S.C. § 1396d(l)(2)(B).

(c) "Originating site" has the meaning ascribed to it in NRS 629.515.

~~(c)~~ (d) "Provider of health care" has the meaning ascribed to it in NRS 439.820.

(c) "Rural health clinic" has the meaning ascribed to it in 42 U.S.C. § 1395x(aa)(2).

~~(d)~~ (f) "Telehealth" has the meaning ascribed to it in NRS 629.515.

Sec. 1.6. NRS 695C.1708 is hereby amended to read as follows:

695C.1708 1. A health care plan of a health maintenance organization must include coverage for services provided to an enrollee through telehealth to the same extent ~~[and, except for services provided through audio only interaction, in the same amount]~~ as though provided in person or by other means.

2. A health care plan of a health maintenance organization must provide reimbursement for services described in subsection 1 in the same amount as though provided in person or by other means:

(a) If the services:

(1) Are received at an originating site described in 42 U.S.C. § 1395m(m)(4)(c) or furnished by a federally-qualified health center or a rural health clinic; and

(2) Except for services described in paragraph (b), are not provided through audio-only interaction; or

(b) For counseling or treatment relating to a mental health condition or a substance use disorder, including, without limitation, when such counseling or treatment is provided through audio-only interaction.

3. A health maintenance organization shall not:

(a) Require an enrollee to establish a relationship in person with a provider of health care or provide any additional consent to or reason for obtaining services through telehealth as a condition to providing the coverage described in subsection 1 ~~or~~ or the reimbursement described in subsection 2;

(b) Require a provider of health care to demonstrate that it is necessary to provide services to an enrollee through telehealth or receive any additional type of certification or license to provide services through telehealth as a condition to providing the coverage described in subsection 1 ~~or~~ or the reimbursement described in subsection 2;

(c) Refuse to provide the coverage described in subsection 1 or the reimbursement described in subsection 2 because of:

(1) The distant site from which a provider of health care provides services through telehealth or the originating site at which an enrollee receives services through telehealth; or

(2) The technology used to provide the services;

(d) Require covered services to be provided through telehealth as a condition to providing coverage for such services; or

(c) Categorize a service provided through telehealth differently for purposes relating to coverage or reimbursement than if the service had been provided in person or through other means.

~~3.~~ 4. A health care plan of a health maintenance organization must not require an enrollee to obtain prior authorization for any service provided through telehealth that is not required for the service when provided in person. Such a health care plan may require prior authorization for a service provided through telehealth if such prior authorization would be required if the service were provided in person or by other means.

~~4.1~~ 5. The provisions of this section do not require a health maintenance organization to:

- (a) Ensure that covered services are available to an enrollee through telehealth at a particular originating site;
- (b) Provide coverage for a service that is not a covered service or that is not provided by a covered provider of health care; or
- (c) Enter into a contract with any provider of health care or cover any service if the health maintenance organization is not otherwise required by law to do so.

~~5.1~~ 6. Evidence of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~October 1, 2021,~~ July 1, 2023, has the legal effect of including the coverage required by this section, and any provision of the plan or the renewal which is in conflict with this section is void.

~~6.1~~ 7. As used in this section:

- (a) "Distant site" has the meaning ascribed to it in NRS 629.515.
- (b) "Federally-qualified health center" has the meaning ascribed to it in 42 U.S.C. § 1396d(l)(2)(B).
- (c) "Originating site" has the meaning ascribed to it in NRS 629.515.
- ~~(c)~~ (d) "Provider of health care" has the meaning ascribed to it in NRS 439.820.
- (c) "Rural health clinic" has the meaning ascribed to it in 42 U.S.C. § 1395x(aa)(2).

~~(d)~~ (f) "Telehealth" has the meaning ascribed to it in NRS 629.515.

Sec. 1.7. NRS 695D.216 is hereby amended to read as follows:

695D.216 1. A plan for dental care must include coverage for services provided to a member through telehealth to the same extent ~~and, except for services provided through audio-only interaction, in the same amount,~~ as though provided in person or by other means.

2. A plan for dental care must provide reimbursement for services described in subsection 1 in the same amount as though provided in person or by other means if the services:

(a) Are received at an originating site described in 42 U.S.C. § 1395m(m)(4)(C) or furnished by a federally-qualified health center or a rural health clinic; and

(b) Are not provided through audio-only interaction.

3. An organization for dental care shall not:

(a) Require a member to establish a relationship in person with a provider of health care or provide any additional consent to or reason for obtaining services through telehealth as a condition to providing the coverage described in subsection 1, ~~or the reimbursement described in subsection 2;~~

(b) Require a provider of health care to demonstrate that it is necessary to provide services to a member through telehealth or receive any additional type of certification or license to provide services through telehealth as a

condition to providing the coverage described in subsection 1 ~~(f)~~ or the reimbursement described in subsection 2;

(c) Refuse to provide the coverage described in subsection 1 or the reimbursement described in subsection 2 because of:

(1) The distant site from which a provider of health care provides services through telehealth or the originating site at which a member receives services through telehealth; or

(2) The technology used to provide the services;

(d) Require covered services to be provided through telehealth as a condition to providing coverage for such services; or

(c) Categorize a service provided through telehealth differently for purposes relating to coverage or reimbursement than if the service had been provided in person or through other means.

~~(3)~~ 4. A plan for dental care must not require a member to obtain prior authorization for any service provided through telehealth that is not required for the service when provided in person. A plan for dental care may require prior authorization for a service provided through telehealth if such prior authorization would be required if the service were provided in person or by other means.

~~(4)~~ 5. The provisions of this section do not require an organization for dental care to:

(a) Ensure that covered services are available to a member through telehealth at a particular originating site;

(b) Provide coverage for a service that is not a covered service or that is not provided by a covered provider of health care; or

(c) Enter into a contract with any provider of health care or cover any service if the organization for dental care is not otherwise required by law to do so.

~~(5)~~ 6. A plan for dental care subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~(October)~~ July 1, 2021, ~~2021,~~ 2023, has the legal effect of including the coverage required by this section, and any provision of the plan or the renewal which is in conflict with this section is void.

~~(6)~~ 7. As used in this section:

(a) "Distant site" has the meaning ascribed to it in NRS 629.515.

(b) "Federally-qualified health center" has the meaning ascribed to it in 42 U.S.C. § 1396d(l)(2)(B).

(c) "Originating site" has the meaning ascribed to it in NRS 629.515.

~~(c)~~ (d) "Provider of health care" has the meaning ascribed to it in NRS 439.820.

(c) "Rural health clinic" has the meaning ascribed to it in 42 U.S.C. § 1395x(aa)(2).

~~(d)~~ (f) "Telehealth" has the meaning ascribed to it in NRS 629.515.

Sec. 1.8. NRS 695G.162 is hereby amended to read as follows:

695G.162 1. A health care plan issued by a managed care organization for group coverage must include coverage for services provided to an insured through telehealth to the same extent ~~[and, except for services provided through audio-only interaction, in the same amount]~~ as though provided in person or by other means.

2. A health care plan issued by a managed care organization for group coverage must provide reimbursement for services described in subsection 1 in the same amount as though provided in person or by other means:

(a) If the services:

(1) Are received at an originating site described in 42 U.S.C. § 1395m(m)(4)(c) or furnished by a federally-qualified health center or a rural health clinic; and

(2) Except for services described in paragraph (b), are not provided through audio-only interaction; or

(b) For counseling or treatment relating to a mental health condition or a substance use disorder, including, without limitation, when such counseling or treatment is provided through audio-only interaction.

3. A managed care organization shall not:

(a) Require an insured to establish a relationship in person with a provider of health care or provide any additional consent to or reason for obtaining services through telehealth as a condition to providing the coverage described in subsection 1 ~~1.1~~ or the reimbursement described in subsection 2;

(b) Require a provider of health care to demonstrate that it is necessary to provide services to an insured through telehealth or receive any additional type of certification or license to provide services through telehealth as a condition to providing the coverage described in subsection 1 ~~1.1~~ or the reimbursement described in subsection 2;

(c) Refuse to provide the coverage described in subsection 1 or the reimbursement described in subsection 2 because of:

(1) The distant site from which a provider of health care provides services through telehealth or the originating site at which an insured receives services through telehealth; or

(2) The technology used to provide the services;

(d) Require covered services to be provided through telehealth as a condition to providing coverage for such services; or

(c) Categorize a service provided through telehealth differently for purposes relating to coverage or reimbursement than if the service had been provided in person or through other means.

~~3.1~~ 4. A health care plan of a managed care organization must not require an insured to obtain prior authorization for any service provided through telehealth that is not required for the service when provided in person. Such a health care plan may require prior authorization for a service provided through telehealth if such prior authorization would be required if the service were provided in person or by other means.

~~{4.}~~ 5. The provisions of this section do not require a managed care organization to:

- (a) Ensure that covered services are available to an insured through telehealth at a particular originating site;
- (b) Provide coverage for a service that is not a covered service or that is not provided by a covered provider of health care; or
- (c) Enter into a contract with any provider of health care or cover any service if the managed care organization is not otherwise required by law to do so.

~~{5.}~~ 6. Evidence of coverage that is delivered, issued for delivery or renewed on or after ~~{October}~~ July 1, ~~{2021}~~ 2023, has the legal effect of including the coverage required by this section, and any provision of the plan or the renewal which is in conflict with this section is void.

~~{6.}~~ 7. As used in this section:

- (a) "Distant site" has the meaning ascribed to it in NRS 629.515.
- (b) *"Federally-qualified health center" has the meaning ascribed to it in 42 U.S.C. § 1396d(l)(2)(B).*
- ~~(c)~~ (d) "Originating site" has the meaning ascribed to it in NRS 629.515.
- ~~{(c)}~~ (d) "Provider of health care" has the meaning ascribed to it in NRS 439.820.
- (c) *"Rural health clinic" has the meaning ascribed to it in 42 U.S.C. § 1395x(aa)(2).*

~~{(d)}~~ (f) "Telehealth" has the meaning ascribed to it in NRS 629.515.

Sec. 1.9. NRS 422.2721 is hereby amended to read as follows:

422.2721 1. The Director shall include in the State Plan for Medicaid:

(a) A requirement that the State ~~and, to the extent applicable, any of its political subdivisions,~~ shall pay for the nonfederal share of expenses for services provided to a person through telehealth to the same extent and, except for services provided through audio-only interaction, in the same amount as though provided in person or by other means; ~~and~~

(b) A requirement that the State shall pay the nonfederal share of expenses for services described in paragraph (a) in the same amount as though provided in person or by other means:

(1) If the services:

(I) Are received at an originating site described in 42 U.S.C. § 1395m(m)(4)(c) or furnished by a federally-qualified health center or a rural health clinic; and

(II) Except for services described in subparagraph (2), are not provided through audio-only interaction; or

(2) For counseling or treatment relating to a mental health condition or a substance use disorder, including, without limitation, when such counseling or treatment is provided through audio-only interaction; and

(c) A provision prohibiting the State from:

(1) Requiring a person to obtain prior authorization that would not be required if a service were provided in person or through other means,

establish a relationship with a provider of health care or provide any additional consent to or reason for obtaining services through telehealth as a condition to paying for services as described in paragraph (a) ~~or (b)~~. The State Plan for Medicaid may require prior authorization for a service provided through telehealth if such prior authorization would be required if the service were provided in person or through other means.

(2) Requiring a provider of health care to demonstrate that it is necessary to provide services to a person through telehealth or receive any additional type of certification or license to provide services through telehealth as a condition to paying for services as described in paragraph (a) ~~or (b)~~.

(3) Refusing to pay for services as described in paragraph (a) or (b) because of:

(I) The distant site from which a provider of health care provides services through telehealth or the originating site at which a person who is covered by the State Plan for Medicaid receives services through telehealth; or

(II) The technology used to provide the services.

(4) Requiring services to be provided through telehealth as a condition to paying for such services.

(5) Categorizing a service provided through telehealth differently for purposes relating to coverage or reimbursement than if the service had been provided in person or through other means.

2. The provisions of this section do not:

(a) Require the Director to include in the State Plan for Medicaid coverage of any service that the Director is not otherwise required by law to include; or

(b) Require the State or any political subdivision thereof to:

(1) Ensure that covered services are available to a recipient of Medicaid through telehealth at a particular originating site; or

(2) Provide coverage for a service that is not included in the State Plan for Medicaid or provided by a provider of health care that does not participate in Medicaid.

3. As used in this section:

(a) "Distant site" has the meaning ascribed to it in NRS 629.515.

(b) "Federally-qualified health center" has the meaning ascribed to it in 42 U.S.C. § 1396d(l)(2)(B).

~~(c)~~ (c) "Originating site" has the meaning ascribed to it in NRS 629.515.

~~(c)~~ (d) "Provider of health care" has the meaning ascribed to it in NRS 439.820.

(c) "Rural health clinic" has the meaning ascribed to it in 42 U.S.C. § 1395x(aa)(2).

~~(d)~~ (f) "Telehealth" has the meaning ascribed to it in NRS 629.515.

~~Section 17~~ Sec. 2. Section 17 of chapter 479, Statutes of Nevada 2021, at page 3046, is hereby amended to read as follows:

Sec. 17. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 4, inclusive, 5 to 9, inclusive, 10, 11, 12, 13, 14, 15, 16 and 16.5 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, 2021, for all other purposes.

3. ~~{Sections 4.3, 9.3, 10.3, 11.3, 12.3, 13.3, 14.3 and 16.1 of this act become effective 1 year after the date on which the Governor terminates the emergency described in the Declaration of Emergency for COVID 19 issued on March 12, 2020, only if the Governor terminates that emergency before July 1, 2022.~~

~~4. Sections 4.6, 9.6, 10.6, 11.6, 12.6, 13.6, 14.6 and 16.2 of this act become effective on July 1, 2023, only if the Governor terminates the emergency described in the Declaration of Emergency for COVID 19 issued on March 12, 2020, before July 1, 2022.~~

~~5.} Sections 4.9, 9.9, 10.9, 11.9, 12.9, 13.9, 14.9 and 16.3 of this act become effective on June 30, 2023, only if the Governor terminates the emergency described in the Declaration of Emergency for COVID-19 issued on March 12, 2020, on or after July 1, 2022.~~

~~{6. Section 15.5 of this act becomes effective on June 30, 2023, or 1 year after the date on which the Governor terminates the emergency described in the Declaration of Emergency for COVID 19 issued on March 12, 2020, whichever is earlier.}~~

~~{Sec. 2.}~~ Sec. 3. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

~~{Sec. 3.}~~ Sec. 4. 1. This ~~act~~ section and section 3 of this act become effective upon passage and approval.

2. Section 2 of this act becomes effective upon passage and approval and applies retroactively on and after May 20, 2023.

3. Sections 1 to 1.9, inclusive, of this act become effective on July 1, 2023.

Senator Doñate moved the adoption of the amendment.

Remarks by Senator Doñate.

Amendment No. 231 to Senate Bill No. 119 revises provisions governing the circumstances under which certain insurers are required to provide reimbursement through telehealth.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 344.

Bill read second time.

The following amendment was proposed by the Committee on Education:
Amendment No. 411.

SUMMARY—Revises provisions governing education. (BDR 34-4)

AN ACT relating to education; prohibiting certain practices that impede public comment at meetings of boards of trustees of large school districts and local school precincts; requiring large school districts to undergo certain audits regardless of the availability of certain funds; ~~revising provisions governing the qualifications for the hiring of certain school officials;~~ prescribing certain requirements for obtaining a license to serve as a substitute teacher; requiring evaluations for certain school officials; prohibiting certain governing bodies from using certain methods to ~~support,~~ sponsor or operate a charter school; ~~requiring,~~ authorizing all employers to provide paid leave for certain employees to attend certain school meetings; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides certain requirements governing the conduct of meetings held by the board of trustees of a school district. (NRS 386.330) Existing law also provides certain requirements governing open meetings, including requirements governing the access of all persons to such meetings that are held either in a physical location or through a remote technology system and providing notice of such meetings. (NRS 241.020) Section 1 of this bill prohibits the board of trustees of a large school district from impeding, interfering with or discouraging public comment during a meeting.

Existing law requires the principal of a local school precinct to present a plan of operation for the local school precinct at a public meeting held at the local school precinct to which the plan of operation applies. (NRS 388G.710) Existing law also provides certain requirements governing notice of meetings of an organizational team for a local school precinct. (NRS 388G.730) Sections 5 and 6 of this bill prohibit the principal and organizational team from discouraging public comment during such meetings.

Existing law requires, in general, that, to the extent that money is made available by the Legislature, each school district undergo an audit every 6 years to determine its adherence to certain financial management principles. (NRS 387.607, 387.613, 387.622) Section 2 of this bill requires that large school districts undergo such an audit regardless of the availability of money from the Legislature.

Existing law requires the superintendent of schools of a large school district to assign a school associate superintendent to oversee local school precincts. Existing law also requires the superintendent to interview candidates in the event of a vacancy in the position of school associate superintendent. (NRS 388G.620) Existing law prescribes the duties of a school associate superintendent and requires the school associate superintendent to be held accountable for all aspects of the performance of the local school precincts to which he or she is assigned to oversee. (NRS 388G.630) Existing law authorizes the board of trustees of a school

district to employ a superintendent of schools. (NRS 391.110) Section 3 of this bill requires a ~~[candidate for the position of]~~ school associate superintendent to ~~[possess at least 5 years of experience with academic achievement and pupil performance as an employee of a public school in this State.]~~, after being hired for such a position, research certain laws governing education in Nevada and programs and policies of the district in which the school associate superintendent is employed that have been enacted in the 5 years before the date of his or her hiring. Section 8 of this bill requires a ~~[candidate for the position of]~~ superintendent of schools to ~~[possess at least]~~ conduct similar research for the 10 years ~~[of such experience.]~~ before his or her hiring. Section 4 of this bill requires a school associate superintendent to undergo an annual evaluation based on an objective evaluation policy developed by the board of trustees of a school district in which the school associate superintendent is assigned to oversee, which includes, without limitation ~~[]~~ : (1) an evaluation of the effectiveness of the school associate superintendent at improving the academic achievement and performance of pupils ~~[]~~ ; and (2) a demonstration of mastery of the material required to be researched by section 3. Section ~~[7]~~ 7.1 of this bill establishes similar provisions for a superintendent of schools.

Existing law requires the Commission on Professional Standards in Education to adopt regulations prescribing the qualifications for licensing teachers and other educational personnel. (NRS 391.019) Existing law sets forth the kinds of licenses for teachers and other educational personnel in this State. (NRS 391.031) Section 7.2 of this bill requires a person to, before obtaining a license to serve as a substitute teacher: (1) hold an associate's degree or a higher degree; (2) have completed at least 60 credit hours at an accredited college or university; or (3) hold a highly qualified substitute teacher certificate if an institution within the Nevada System of Higher Education offers such a certificate. Additionally, section 7.2 prohibits the Superintendent of Public Instruction from issuing an endorsement or license to serve as a substitute teacher to a person who does not meet such requirements.

Existing law requires an employer in private employment who has 50 or more employees in this State to provide a certain amount of paid leave to an employee. Existing law authorizes an employer to impose certain limitations on the accrual and use of paid leave and exempts certain employers from the requirements of existing law. (NRS 608.0197) In addition to this existing paid leave, section 12 of this bill ~~[requires]~~ authorizes such an employer to provide to an employee who is the parent or legal guardian of a child as much leave as required for the purpose of attending any meeting of the school or school district ~~[]~~ ~~[(1)]~~ in which the child of an employee is enrolled, ~~[]~~ and ~~[(2)]~~ at which the attendance of a parent or legal guardian is encouraged or required ~~[]~~ , including, without limitation: (1) parent-teacher conferences; (2) awards ceremonies; and (3) meetings related to the grades or academic performance of a child. Section 11 of this bill similarly ~~[requires]~~

authorizes an employee in the public service to be granted as much administrative leave as is required for the purpose of attending such meetings. Section 13 of this bill makes a conforming change to indicate the proper placement of section 12 in the Nevada Revised Statutes.

Sections 9 and 10 of this bill prohibit the governing bodies of counties and cities in this State from: (1) sponsoring or operating a charter school; (2) establishing a corporation for public benefit or a nonprofit organization to sponsor or operate a charter school; (3) expending money to provide direct or indirect support to a charter school; or (4) awarding a grant to a corporation for public benefit or a nonprofit organization for the purpose of ~~supporting or~~ operating a charter school. However, section 10 provides an exemption for any public educational activities and programs that are funded, either directly or indirectly, by a city council or other governing body of an incorporated city of the State.

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

Section 1. NRS 386.330 is hereby amended to read as follows:

386.330 1. The board of trustees shall hold a regular meeting at least once each month, at such time and place as the board shall determine.

2. Special meetings of the board of trustees shall be held at the call of the president whenever there is sufficient business to come before the board, or upon the written request of three members of the board.

3. The clerk of the board of trustees shall give written notice of each special meeting to each member of the board of trustees by personal delivery of the notice of the special meeting to each trustee at least 1 day before the meeting, or by mailing the notice to each trustee's residence of record, by deposit in the United States mails, postage prepaid, at least 4 days before the meeting. The notice shall specify the time, place and purpose of the meeting. If all of the members of the board of trustees are present at a special meeting, the lack of notice shall not invalidate the proceedings of the board of trustees.

4. A majority of the members of the board of trustees shall constitute a quorum for the transaction of business, and no action of the board of trustees shall be valid unless such action shall receive, at a regularly called meeting, the approval of a majority of all the members of the board of trustees.

5. In any county whose population is 55,000 or more, the board of trustees may cause each meeting of the board to be broadcast on a television station created to provide community access to cable television by using the facilities of the school district, county or any city located in the county. The board of trustees and the county or city shall cooperate fully with each other to determine:

- (a) The feasibility of televising the meetings of the board of trustees;
- (b) The costs to televise the meetings of the board of trustees for each proposed method of televising; and
- (c) The number of potential viewers of the meetings of the board of trustees for each proposed method of televising.

6. In addition to complying with all applicable requirements of chapter 241 of NRS, the board of trustees of a large school district, as defined in NRS 388G.530, may not impede or interfere with the ability of a member of the public to give comment during a meeting or engage in any practice to discourage members of the public from giving comment, including, without limitation, by requiring:

(a) A request to be filed on an Internet website of the board of trustees before giving public comment; or

(b) A member of the public to obtain the permission of the board of trustees or any employee of the board of trustees before giving public comment.

Sec. 2. NRS 387.607 is hereby amended to read as follows:

387.607 1. The provisions of NRS 387.602 to 387.644, inclusive, apply ~~only~~:

(a) To each large school district, as defined in NRS 388G.530; and

(b) To all other school districts, to the extent that money is made available by the Legislature to carry out the provisions of those sections.

2. The Legislative Counsel Bureau may accept gifts, grants and other sources of money to provide financial assistance in expanding the number of school districts selected for reviews pursuant to NRS 387.602 to 387.644, inclusive.

Sec. 3. NRS 388G.620 is hereby amended to read as follows:

388G.620 1. The superintendent shall assign a school associate superintendent to oversee one or more local school precincts.

2. Whenever a vacancy occurs in the position of school associate superintendent, the superintendent shall post notice of the vacancy. The superintendent shall interview qualified candidates for the vacant position. ~~A qualified candidate must have at least 5 years of experience with the academic achievement and performance of pupils as an employee of a public school in this State.~~

3. At least one, but not more than two representatives of the principals of the local school precincts overseen by the vacant position must be allowed to participate in interviewing candidates for the vacant position. If the local governmental agency which has the most schools that are overseen by the vacant position is:

(a) A city, the governing body of the city may appoint one representative to participate in interviewing candidates for the vacant position.

(b) Not a city, the board of county commissioners for the county in which the large school district is located may appoint one representative to participate in interviewing candidates for the vacant position.

~~3.~~ 4. Each person who participates in interviewing candidates pursuant to subsection 2 shall comply with all laws that apply to an employer when making a decision about employment.

~~4.~~ 5. Upon completion of the interviews pursuant to subsection 2 and before the superintendent makes a final determination about which candidate

to hire, the superintendent must notify the governing body of the city or the board of county commissioners for the county, as applicable, regarding the candidate whom the superintendent intends to hire. After receiving such notice, the governing body of the city or the board of county commissioners, as applicable, may hold a public meeting within 10 days to question the superintendent and the candidate for the vacant position and receive public input. After any such meeting or, if no such meeting is held, after 10 days, the superintendent shall, in his or her sole discretion, hire a candidate for the vacant position.

~~{5-}~~ 6. After the school associate superintendent is hired, the school associate superintendent must research any statutes and regulations governing education in Nevada and any programs and policies of the district in which the associate school superintendent is employed that have been enacted in the 5 years before the date of his or her hiring. The school associate superintendent must demonstrate mastery of such knowledge at the annual evaluation conducted pursuant to subsection 2 of NRS 388G.630.

7. After the school associate superintendent is hired, the superintendent may, in his or her sole discretion, reassign and make other employment decisions concerning the school associate superintendent.

Sec. 4. NRS 388G.630 is hereby amended to read as follows:

388G.630 1. A school associate superintendent shall, with respect to each local school precinct to which he or she is assigned to oversee:

(a) Provide training to and supervise the principal of the local school precinct;

(b) Review and approve the plan of operation for the local school precinct and assist the principal of the local school precinct in making any necessary revisions to the plan;

(c) Ensure that each local school precinct to which he or she is assigned to oversee remains in compliance with all applicable federal, state and local laws;

(d) Provide a report in person, not less than quarterly, to the governing body of each city and county within which a local school precinct to which he or she is assigned to oversee is located and, if created pursuant to NRS 388G.760, to the Community Education Advisory Board; and

(c) Carry out any other duties assigned by the superintendent at his or her discretion or after approval by the superintendent of a request made by the local school precinct.

2. Each board of trustees of a school district, following consultation with and involvement of elected representatives of administrative personnel or their designated representatives, shall develop an objective policy for the objective evaluation of a school associate superintendent. The school associate superintendent must receive one evaluation during each school year of his or her employment. Such an evaluation must include, without limitation, a demonstration of mastery of the requirements of subsection 6 of NRS 388G.620 and an evaluation of the effectiveness of the school associate

superintendent in improving the academic achievement and performance of pupils in the local school precincts to which he or she is assigned to oversee based upon any relevant data in the annual report of accountability prepared pursuant to NRS 385A.070. The evaluation of the effectiveness of the school associate superintendent in improving the academic achievement and performance of pupils must constitute at least 25 percent of the annual evaluation of the school associate superintendent.

3. The school associate superintendent must be held accountable for all aspects of the performance of each local school precinct to which he or she is assigned to oversee. As used in this subsection, "performance" means the overall operation of each such local school precinct as measured by:

(a) The satisfaction of the parents and legal guardians of pupils and the teachers, administrators and other staff of the local school precinct as determined by the surveys administered pursuant to NRS 388G.800; and

(b) The progress made by the local school precinct to satisfy the goals and objectives set forth in the statewide system of accountability for public schools.

Sec. 5. NRS 388G.710 is hereby amended to read as follows:

388G.710 1. Before approving a plan of operation for a local school precinct, the principal of the local school precinct shall present the plan at a public meeting held in accordance with subsection 2 at the local school precinct to which the plan of operation applies.

2. The principal shall post notice of the meeting not less than 3 working days before the date on which the meeting will be held. Members of the public must be allowed to attend any portion of the meeting, except any portion of the meeting during which confidential information is discussed, and each meeting must include a period for public comment. A meeting held pursuant to this subsection is not subject to the provisions of chapter 241 of NRS. *During a period of public comment included pursuant to this subsection, the principal and organizational team may not impede or interfere with the ability of a member of the public to give comment or engage in any practice to discourage members of the public from giving comment, including, without limitation, by requiring:*

(a) A request to be filed on an Internet website of the local school precinct before giving public comment; or

(b) A member of the public to obtain the permission of the principal, organizational team or any employee of the local school precinct before giving public comment.

3. When the plan of operation for the local school precinct is finalized by the principal, the principal must submit the plan to the school associate superintendent for approval. After receipt of the plan of operation, the school associate superintendent must approve or deny the plan of operation within 10 days. The plan of operation must be approved unless any provision of the plan violates any federal or state law or policy of the large school district.

4. If the school associate superintendent:

(a) Approves the plan of operation for a local school precinct, the school associate superintendent must notify the principal of the local school precinct and cause the plan of operation to be posted on the Internet website of the large school district and on the Internet website of the local school precinct and make the plan of operation available to any person upon request.

(b) Does not approve the plan of operation for a local school precinct, the school associate superintendent must notify the principal of the local school precinct of the reasons for not approving the plan and post those reasons on the Internet website of the large school district and on the Internet website of the local school precinct and make the plan of operation available to any person upon request. The school associate superintendent must assist the principal as necessary to revise the plan of operation.

5. Any adjustment to the budget that the principal of the local school precinct determines is necessary after the plan of operation has been approved may be made upon consultation with the organizational team and approval of the school associate superintendent.

Sec. 6. NRS 388G.730 is hereby amended to read as follows:

388G.730 1. Upon the establishment of an organizational team pursuant to NRS 388G.700, the principal of the local school precinct shall schedule the first meeting of the team and act as the chair of the team until a chair is selected. The first item of business for the organizational team must be to select a chair and vice chair from among its members.

2. A majority of the voting members of the organizational team constitutes a quorum for purposes of voting. A majority vote of the quorum is required to take action with respect to any matter.

3. Notice of a meeting of the organizational team must be posted not less than 3 working days before the date on which the meeting will be held. Members of the public must be allowed to attend any portion of the meeting, except any portion of the meeting during which confidential information is discussed, and each meeting must include a period for public comment. A meeting held pursuant to this subsection is not subject to the provisions of chapter 241 of NRS. *During a period of public comment included pursuant to this subsection, the principal and organizational team may not impede or interfere with the ability of a member of the public to give comment or engage in any practice to discourage members of the public from giving comment, including, without limitation, by requiring:*

(a) *A request to be filed on an Internet website of the local school precinct before giving public comment; or*

(b) *A member of the public to obtain the permission of the principal, organizational team or any employee of the local school precinct before giving public comment.*

4. Each member of the organizational team serves until October 1 of the year following his or her election and may serve additional terms.

5. The organizational team must meet not less than one time each month during the school year.

6. If a vacancy occurs in the membership of the organizational team, a new member must be elected in the same manner as the original selection, and the vacancy must be filled within 30 days.

7. Each member of the organizational team serves without compensation of any kind.

Sec. 7. Chapter 391 of NRS is hereby amended by adding thereto ~~the provisions set forth as sections 7.1 and 7.2 of this act.~~ the provisions set forth as sections 7.1 and 7.2 of this act.

Sec. 7.1. 1. Each board of trustees of a school district, following consultation with and involvement of elected representatives of administrative personnel or their designated representatives, shall develop an objective policy for the objective evaluation of the superintendent of schools of the school district.

2. The superintendent of schools must receive one evaluation during each school year of his or her employment. Such an evaluation must include, without limitation, a demonstration of mastery of the requirements of subsection 4 of NRS 391.110 and an evaluation of the effectiveness of the superintendent of schools in improving the academic achievement and performance of pupils in the district based upon any relevant data in the annual report of accountability prepared pursuant to NRS 385A.070. The evaluation of the effectiveness of the superintendent of schools in improving the academic achievement and performance of pupils must constitute at least 25 percent of the annual evaluation of the superintendent of schools.

Sec. 7.2. 1. To obtain a license to serve as a substitute teacher, a person must:

(a) Hold an associate's degree or a higher degree;

(b) Have completed at least 60 credit hours at an accredited college or university; or

(c) Hold, if an institution within the Nevada System of Higher Education offers such a certificate, a highly qualified substitute teacher certificate.

2. The Superintendent of Public Instruction shall only issue an endorsement or license to serve as a substitute teacher to a person who:

(a) Holds an associate's degree or a higher degree;

(b) Has completed at least 60 credit hours at an accredited college or university; or

(c) Holds, if an institution within the Nevada System of Higher Education offers such a certificate, a highly qualified substitute teacher certificate,

and meets all other requirements prescribed by the Commission to obtain an endorsement or license to serve as a substitute teacher.

Sec. 8. NRS 391.110 is hereby amended to read as follows:

391.110 1. The board of trustees of a school district may:

(a) Employ any person the board of trustees determines is qualified to serve as the superintendent of schools of the school district. ~~A qualified candidate must have at least 10 years of experience with the academic achievement and performance of pupils as an employee of a public school in~~

~~this State.]~~ The Commission may require the superintendent of any school district to hold a master's degree.

(b) Define the powers and fix the duties of the superintendent of schools.

(c) Fix the salary of the superintendent of schools.

2. If the board of trustees of a school district employs a person who is not licensed as an administrator to serve as the superintendent of schools, the board of trustees shall employ a person who is licensed as an administrator to oversee the academic programs of the public schools within the school district.

3. A superintendent of schools may be employed for an initial term not to exceed 4 years. The term of any subsequent employment may be of any duration.

4. After a superintendent of schools is hired, the superintendent must research any statutes and regulations governing education in Nevada and any programs and policies of the district in which the superintendent is employed that have been enacted in the 10 years before the date of his or her hiring. The superintendent of schools must demonstrate mastery of such knowledge at the annual evaluation conducted pursuant to section 7.1 of this act.

5. A superintendent of schools may be dismissed at any time for cause.

~~5.]~~ 6. A superintendent of schools may administer oaths or affirmations relating to public schools.

Sec. 9. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The boards of county commissioners of each of the counties of the State shall not:*

(a) *Sponsor or operate a charter school;*

(b) *Establish a corporation for public benefit or nonprofit organization for the purpose of sponsoring or operating a charter school;*

(c) *Expend money for the direct or indirect support of a charter school; or*

(d) *Award a grant to any corporation for public benefit or nonprofit organization for the purpose of ~~supporting or~~ operating a charter school.*

2. *As used in this section:*

(a) *"Corporation for public benefit" has the meaning ascribed to it in NRS 82.021.*

(b) *"Nonprofit organization" means an organization that is recognized as exempt pursuant to 26 U.S.C. § 501(c)(3).*

Sec. 10. Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The city council or other governing body of an incorporated city of the State shall not:*

(a) *Sponsor or operate a charter school;*

(b) *Establish a corporation for public benefit or nonprofit organization for the purpose of sponsoring or operating a charter school;*

(c) *Expend money for the direct or indirect support of a charter school; or*

(d) Award a grant to any corporation for public benefit or nonprofit organization for the purpose of ~~supporting or~~ operating a charter school.

2. The provisions of this section do not apply to any public educational activities and programs for which a city council or other governing body of an incorporated city of the State has expended money to support, either directly or indirectly, on or before July 1, 2023.

3. As used in this section:

(a) "Corporation for public benefit" has the meaning ascribed to it in NRS 82.021.

(b) "Nonprofit organization" means an organization that is recognized as exempt pursuant to 26 U.S.C. § 501(c)(3).

(c) "Public educational activities and programs" has the meaning ascribed to it in NRS 279.405.

Sec. 11. Chapter 284 of NRS is hereby amended by adding thereto a new section to read as follows:

1. An employee in the public service, whether in the classified or unclassified service, who is the parent or legal guardian of a child ~~must~~ may be granted as much administrative leave as is required for the purpose of attending any meeting of the school or school district in which the child is enrolled at which the attendance of a parent or legal guardian is required or encouraged ~~for~~, including, without limitation:

(a) Parent-teacher conferences;

(b) Awards ceremonies; and

(c) Meetings related to the grades or academic performance of the child.

2. Any administrative leave granted pursuant to this section must be issued to the public employee without loss of his or her regular compensation. Such leave does not reduce the amount of the accrued leave possessed by the employee.

3. An employee shall, at least 24 hours before using administrative leave provided to the employee pursuant to this section, give notice to his or her employer that the employee intends to use the administrative leave.

Sec. 12. Chapter 608 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In addition to the paid leave provided pursuant to NRS 608.0197, every employer in private employment ~~shall~~ may provide to each employee who is the parent or legal guardian of a child as much leave as is required for the purpose of attending any meeting of the school or school district in which the child is enrolled at which the attendance of a parent or legal guardian is required or encouraged ~~for~~, including, without limitation:

(a) Parent-teacher conferences;

(b) Awards ceremonies; and

(c) Meetings related to the grades or academic performance of the child.

2. An employee shall, at least ~~12~~ 24 hours before using paid leave provided to the employee pursuant to this section, give notice to his or her employer that the employee intends to use the paid leave.

3. An employer, and any agent, representative, supervisory employee or other person acting on behalf of or under the authority of the employer, shall not ~~fr~~:

~~(a) Deny an employee the right to use the paid leave provided to the employee pursuant to this section;~~

~~(b) Require an employee to find a replacement worker as a condition of using the paid leave provided to the employee pursuant to this section; or~~

~~(c) Retaliate~~ retaliate or take any adverse action against an employee for using the paid leave provided to the employee pursuant to this section. Such prohibited retaliation includes, without limitation:

~~[(1)]~~ (a) Discharging or firing the employee;

~~[(2)]~~ (b) Penalizing the employee in any fashion; and

~~[(3)]~~ (c) Deducting the paid leave provided to the employee pursuant to this section from the accrued paid leave, salary or wages of the employee.

4. Any paid leave provided to the employee pursuant to this section must not be used in calculating the number of hours for which an employee is entitled to be compensated for overtime.

5. The Labor Commissioner shall prepare a bulletin which clearly sets forth the benefits created by this section. The Labor Commissioner shall post the bulletin on the Internet website maintained by the Office of Labor Commissioner, if any, and shall require all employers to post the bulletin in a conspicuous location in each workplace maintained by the employer. The bulletin may be included in any printed abstract posted by the employer pursuant to NRS 608.013.

6. An employer shall maintain a record of the receipt or accrual and use of paid leave pursuant to this section for each employee for a 1-year period following the entry of such information in the record and, upon request, shall make those records available for inspection by the Labor Commissioner.

7. The provisions of this section do not:

(a) Limit or abridge any other rights, remedies or procedures available under the law.

(b) Negate any other rights, remedies or procedures available to an aggrieved party.

(c) Prohibit, preempt or discourage any contract or other agreement that provides a more generous paid leave benefit or paid time off benefit.

8. As used in this section, "employer" means a private employer who has 50 or more employees in private employment in this State.

Sec. 13. NRS 608.180 is hereby amended to read as follows:

608.180 The Labor Commissioner or the representative of the Labor Commissioner shall cause the provisions of NRS 608.005 to 608.195, inclusive, and section 12 of this act, and 608.215 to be enforced, and upon notice from the Labor Commissioner or the representative:

1. The district attorney of any county in which a violation of those sections has occurred;

2. The Deputy Labor Commissioner, as provided in NRS 607.050;

3. The Attorney General, as provided in NRS 607.160 or 607.220; or

4. The special counsel, as provided in NRS 607.065,

↪ shall prosecute the action for enforcement according to law.

Sec. 14. The amendatory provisions of sections 3 and 8 of this act do not apply to a contract entered into on or before July 1, 2023, but do apply to any renewal or extension of such a contract.

Sec. 15. The amendatory provisions of sections 4 and ~~7~~ 7.1 of this act apply to a contract entered into on or before July 1, 2023.

Sec. 16. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 17. This act becomes effective on July 1, 2023.

Senator Lange moved the adoption of the amendment.

Remarks by Senator Lange.

Amendment No. 411 to Senate Bill No. 344 establishes a minimum educational requirement of an associate's degree, 60 credit hours, or higher education certificate to serve as a substitute teacher; allows, rather than requires, certain employers to provide leave to an employee who is a parent or legal guardian of a child to attend certain school or school district meetings, such as parent-teacher conferences, award ceremonies and meetings related to the grades or academic performance of the child; requires a superintendent of a school district and an associate school superintendent to learn and be evaluated on Nevada education law and policies and programs for the district that he or she intends to lead; it allows, rather than prohibits, the boards of county commissioners and the city council or other governing body of an incorporated city to award a grant to any corporation for public benefit or nonprofit organization for the purpose of supporting a charter school but cannot expend funds for operating a charter school, with certain exceptions.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 394.

Bill read second time.

The following amendment was proposed by the Committee on Revenue and Economic Development:

Amendment No. 451.

SUMMARY—Revises provisions governing ~~property taxes levied for the support of public schools;~~ abatements and partial abatements of certain taxes. (BDR ~~[34-603]~~ 32-603)

AN ACT relating to taxation; ~~requiring the board of county commissioners of a county to levy an additional ad valorem tax on property for the support of the public schools; requiring the inclusion of certain information on the property tax bill issued to a taxpayer;~~ limiting the total amount of certain abatements and partial abatements of taxes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law requires each board of county commissioners to levy a tax of 75 cents on each \$100 of assessed valuation of taxable property within the county for the support of the public schools and requires the proceeds of that tax to be remitted in the State Education Fund. (NRS 387.1214, 387.195)]~~

~~Section 2 of this bill requires each board of county commissioners to levy an additional tax of 10 cents on each \$100 of assessed valuation of taxable property within the county for the support of the public schools. Section 2 exempts this tax from certain partial tax abatements during the first year in which the tax is levied. Section 4 of this bill makes a conforming change to include this tax in the sources of revenue for the State Education Fund.~~

~~Existing law, in general, limits the total amount of property taxes which may be imposed to \$3.64 on each \$100 of assessed valuation. (NRS 361.453) Sections 2 and 7 of this bill exempt the property tax authorized by section 2 from this limitation and, thus, allow that tax to cause the total property tax rate in a jurisdiction to exceed that amount.~~

~~Section 3 of this bill requires certain information relating to the taxes levied for the support of the public schools to be included in the tax bill of a taxpayer.~~

~~Sections 5 and 6 of this bill make conforming changes to provide for the disposition of the new property tax authorized by section 2 in the same manner as the existing property tax levy for the support of the public schools in certain circumstances.] Existing law authorizes the Office of Economic Development to approve an abatement or partial abatement of certain property taxes, business taxes and sales and use taxes in certain circumstances. (NRS 274.310, 274.320, 274.330, 360.750, 360.753, 360.754) Sections 1-6 of this bill provide that the total amount of such an abatement or partial abatement must not exceed \$500,000.~~

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

Delete existing sections 1 through 8 of this bill and replace with the following new sections 1 through 7:

Section 1. NRS 360.750 is hereby amended to read as follows:

360.750 1. A person who intends to locate or expand a business in this State may apply to the Office of Economic Development pursuant to this section for a partial abatement of one or more of the taxes imposed on the:

(a) New business pursuant to chapter 361, 363B or 374 of NRS.
(b) Expanded business pursuant to chapter 361 or 363B of NRS or a partial abatement of the local sales and use taxes imposed on the expanded business. As used in this paragraph, "local sales and use taxes" means the taxes imposed on the gross receipts of any retailer from the sale of tangible personal property sold at retail, or stored, used or otherwise consumed, in the political subdivision in which the business is to be located or expanded, except the taxes imposed by the Sales and Use Tax Act and the Local School Support Tax Law.

2. The Office of Economic Development shall approve an application for a partial abatement pursuant to this section if the Office makes the following determinations:

(a) The business offers primary jobs and is consistent with:

(1) The State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053; and

(2) Any guidelines adopted by the Executive Director of the Office to implement the State Plan for Economic Development.

(b) Not later than 1 year after the date on which the application was received by the Office, the applicant has executed an agreement with the Office which must:

(1) Comply with the requirements of NRS 360.755;

(2) State the date on which the abatement becomes effective, as agreed to by the applicant and the Office, which must not be earlier than the date on which the Office received the application and not later than 1 year after the date on which the Office approves the application;

(3) State that the business will, after the date on which the abatement becomes effective, continue in operation in this State for a period specified by the Office, which must be at least 5 years, and will continue to meet the eligibility requirements set forth in this subsection;

(4) State that the business will offer primary jobs; and

(5) Bind the successors in interest of the business for the specified period.

(c) The business is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the business operates.

(d) Except as otherwise provided in subsection 4 or 5, the average hourly wage that will be paid by the business to its new employees in this State is at least 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.

(e) The business will, by the eighth calendar quarter following the calendar quarter in which the abatement becomes effective, offer a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees, and the health care benefits the business offers to its employees in this State will meet the minimum requirements for health care benefits established by the Office.

(f) Except as otherwise provided in this subsection and NRS 361.0687, if the business is a new business in a county whose population is 100,000 or more or a city whose population is 60,000 or more, the business meets at least one of the following requirements:

(1) The business will have 50 or more full-time employees on the payroll of the business by the eighth calendar quarter following the calendar quarter in which the abatement becomes effective who will be employed at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective.

(2) Establishing the business will require the business to make, not later than the date which is 2 years after the date on which the abatement becomes

effective, a capital investment of at least \$1,000,000 in this State in capital assets that will be retained at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective.

(g) Except as otherwise provided in NRS 361.0687, if the business is a new business in a county whose population is less than 100,000, in an area of a county whose population is 100,000 or more that is located within the geographic boundaries of an area that is designated as rural by the United States Department of Agriculture and at least 20 miles outside of the geographic boundaries of an area designated as urban by the United States Department of Agriculture, or in a city whose population is less than 60,000, the business meets at least one of the following requirements:

(1) The business will have 10 or more full-time employees on the payroll of the business by the eighth calendar quarter following the calendar quarter in which the abatement becomes effective who will be employed at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective.

(2) Establishing the business will require the business to make, not later than the date which is 2 years after the date on which the abatement becomes effective, a capital investment of at least \$250,000 in this State in capital assets that will be retained at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective.

(h) If the business is an existing business, the business meets at least one of the following requirements:

(1) For a business in:

(I) Except as otherwise provided in sub-subparagraph (II), a county whose population is 100,000 or more or a city whose population is 60,000 or more, the business will, by the eighth calendar quarter following the calendar quarter in which the abatement becomes effective, increase the number of employees on its payroll in that county or city by 10 percent more than it employed in the fiscal year immediately preceding the fiscal year in which the abatement becomes effective or by twenty-five employees, whichever is greater, who will be employed at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective; or

(II) A county whose population is less than 100,000, an area of a county whose population is 100,000 or more that is located within the geographic boundaries of an area that is designated as rural by the United States Department of Agriculture and at least 20 miles outside of the geographic boundaries of an area designated as urban by the United States Department of Agriculture, or a city whose population is less than 60,000, the business will, by the eighth calendar quarter following the calendar quarter in which the abatement becomes effective, increase the number of employees on its payroll in that county or city by 10 percent more than it

employed in the fiscal year immediately preceding the fiscal year in which the abatement becomes effective or by six employees, whichever is greater, who will be employed at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective.

(2) The business will expand by making a capital investment in this State, not later than the date which is 2 years after the date on which the abatement becomes effective, in an amount equal to at least 20 percent of the value of the tangible property possessed by the business in the fiscal year immediately preceding the fiscal year in which the abatement becomes effective, and the capital investment will be in capital assets that will be retained at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective. The determination of the value of the tangible property possessed by the business in the immediately preceding fiscal year must be made by the:

(I) County assessor of the county in which the business will expand, if the business is locally assessed; or

(II) Department, if the business is centrally assessed.

(i) The applicant has provided in the application an estimate of the total number of new employees which the business anticipates hiring in this State by the eighth calendar quarter following the calendar quarter in which the abatement becomes effective if the Office approves the application.

3. Notwithstanding the provisions of subsection 2, the Office of Economic Development:

(a) Shall not consider an application for a partial abatement pursuant to this section unless the Office has requested a letter of acknowledgment of the request for the abatement from any affected county, school district, city or town.

(b) Shall consider the level of health care benefits provided by the business to its employees, the projected economic impact of the business and the projected tax revenue of the business after deducting projected revenue from the abated taxes.

(c) May, if the Office determines that such action is necessary:

(1) Approve an application for a partial abatement pursuant to this section by a business that does not meet the requirements set forth in paragraph (f), (g) or (h) of subsection 2;

(2) Make any of the requirements set forth in paragraphs (d) to (h), inclusive, of subsection 2 more stringent; or

(3) Add additional requirements that a business must meet to qualify for a partial abatement pursuant to this section.

4. Notwithstanding any other provision of law, the Office of Economic Development shall not approve an application for a partial abatement pursuant to this section if:

(a) The applicant intends to locate or expand in a county in which the rate of unemployment is 7 percent or more and the average hourly wage that will be paid by the applicant to its new employees in this State is less than 70 percent of the average statewide hourly wage, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.

(b) The applicant intends to locate or expand in a county in which the rate of unemployment is less than 7 percent and the average hourly wage that will be paid by the applicant to its new employees in this State is less than 85 percent of the average statewide hourly wage, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.

(c) The applicant intends to locate in a county but has already received a partial abatement pursuant to this section for locating that business in that county.

(d) The applicant intends to expand in a county but has already received a partial abatement pursuant to this section for expanding that business in that county.

(e) The applicant has changed the name or identity of the business to evade the provisions of paragraph (c) or (d).

5. Notwithstanding any other provision of law, if the Office of Economic Development approves an application for a partial abatement pursuant to this section, in determining the types of taxes imposed on a new or expanded business for which the partial abatement will be approved and the amount of the partial abatement:

(a) If the new or expanded business is located in a county in which the rate of unemployment is 7 percent or more and the average hourly wage that will be paid by the business to its new employees in this State is less than 85 percent of the average statewide hourly wage, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year, the Office shall not:

(1) Approve an abatement of the taxes imposed pursuant to chapter 361 of NRS which exceeds 25 percent of the taxes on personal property payable by the business each year.

(2) Approve an abatement of the taxes imposed pursuant to chapter 363B of NRS which exceeds 25 percent of the amount of tax otherwise due pursuant to NRS 363B.110.

(b) If the new or expanded business is located in a county in which the rate of unemployment is less than 7 percent and the average hourly wage that will be paid by the business to its new employees in this State is less than 100 percent of the average statewide hourly wage, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year, the Office shall not:

(1) Approve an abatement of the taxes imposed pursuant to chapter 361 of NRS which exceeds 25 percent of the taxes on personal property payable by the business each year.

(2) Approve an abatement of the taxes imposed pursuant to chapter 363B of NRS which exceeds 25 percent of the amount of tax otherwise due pursuant to NRS 363B.110.

(c) The Office shall not approve a partial abatement pursuant to this section which exceeds \$500,000.

6. If the Office of Economic Development approves an application for a partial abatement pursuant to this section, the Office shall immediately forward a certificate of eligibility for the abatement to:

(a) The Department;

(b) The Nevada Tax Commission; and

(c) If the partial abatement is from the property tax imposed pursuant to chapter 361 of NRS, the county treasurer.

7. An applicant for a partial abatement pursuant to this section or an existing business whose partial abatement is in effect shall, upon the request of the Executive Director of the Office of Economic Development, furnish the Executive Director with copies of all records necessary to verify that the applicant meets the requirements of subsection 2.

8. If an applicant for a partial abatement pursuant to this section fails to execute the agreement described in paragraph (b) of subsection 2 within 1 year after the date on which the application was received by the Office, the applicant shall not be approved for a partial abatement pursuant to this section unless the applicant submits a new application.

9. If a business whose partial abatement has been approved pursuant to this section and is in effect ceases:

(a) To meet the requirements set forth in subsection 2; or

(b) Operation before the time specified in the agreement described in paragraph (b) of subsection 2,

➡ the business shall repay to the Department or, if the partial abatement was from the property tax imposed pursuant to chapter 361 of NRS, to the county treasurer, the amount of the partial abatement that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the partial abatement required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

10. A county treasurer:

(a) Shall deposit any money that he or she receives pursuant to subsection 9 in one or more of the funds established by a local government of the county pursuant to NRS 354.6113 or 354.6115; and

(b) May use the money deposited pursuant to paragraph (a) only for the purposes authorized by NRS 354.6113 and 354.6115.

11. The Office of Economic Development may adopt such regulations as the Office of Economic Development determines to be necessary to carry out the provisions of this section and NRS 360.755.

12. The Nevada Tax Commission:

(a) Shall adopt regulations regarding:

(1) The capital investment that a new business must make to meet the requirement set forth in paragraph (f) or (g) of subsection 2; and

(2) Any security that a business is required to post to qualify for a partial abatement pursuant to this section.

(b) May adopt such other regulations as the Nevada Tax Commission determines to be necessary to carry out the provisions of this section and NRS 360.755.

13. An applicant for a partial abatement pursuant to this section who is aggrieved by a final decision of the Office of Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

14. For the purposes of this section, an employee is a "full-time employee" if he or she is in a permanent position of employment and works an average of 30 hours per week during the applicable period set forth in subsection 2.

Sec. 2. NRS 360.753 is hereby amended to read as follows:

360.753 1. An owner of a business or a person who intends to locate or expand a business in this State may apply to the Office of Economic Development pursuant to this section for a partial abatement of one or more of:

(a) The personal property taxes imposed on an aircraft and the personal property used to own, operate, manufacture, service, maintain, test, repair, overhaul or assemble an aircraft or any component of an aircraft; and

(b) The local sales and use taxes imposed on the purchase of tangible personal property used to operate, manufacture, service, maintain, test, repair, overhaul or assemble an aircraft or any component of an aircraft.

2. Notwithstanding the provisions of any law to the contrary and except as otherwise provided in subsections 3 and 4, the Office of Economic Development shall approve an application for a partial abatement if the Office makes the following determinations:

(a) Not later than 1 year after the date on which the application was received by the Office, the applicant has executed an agreement with the Office which:

(1) Complies with the requirements of NRS 360.755;

(2) States the date on which the abatement becomes effective, as agreed to by the applicant and the Office, which must not be earlier than the date on

which the Office received the application and not later than 1 year after the date on which the Office approves the application;

(3) States that the business will, after the date on which a certificate of eligibility for the partial abatement is issued pursuant to subsection 5, continue in operation in this State for a period specified by the Office, which must be not less than 5 years, and will continue to meet the eligibility requirements set forth in this subsection; and

(4) Binds any successor in interest of the applicant for the specified period;

(b) The business is registered pursuant to the laws of this State or the applicant commits to obtaining a valid business license and all other permits required by the county, city or town in which the business operates;

(c) The business owns, operates, manufactures, services, maintains, tests, repairs, overhauls or assembles an aircraft or any component of an aircraft;

(d) The average hourly wage that will be paid by the business to its employees in this State during the period of partial abatement is not less than 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year;

(e) The business will, by the eighth calendar quarter following the calendar quarter in which the abatement becomes effective, offer a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees, and the health care benefits the business offers to its employees in this State will meet the minimum requirements for health care benefits established by the Office;

(f) If the business is:

(1) A new business, that it will have five or more full-time employees on the payroll of the business within 1 year after receiving its certificate of eligibility for a partial abatement; or

(2) An existing business, that it will increase its number of full-time employees on the payroll of the business in this State by 3 percent or three employees, whichever is greater, within 1 year after receiving its certificate of eligibility for a partial abatement;

(g) The business meets at least one of the following requirements:

(1) The business will make a new capital investment of at least \$250,000 in this State within 1 year after receiving its certificate of eligibility for a partial abatement;

(2) The business will maintain and possess in this State tangible personal property having a value of not less than \$5,000,000 during the period of partial abatement;

(3) The business develops, refines or owns a patent or other intellectual property, or has been issued a type certificate by the Federal Aviation Administration pursuant to 14 C.F.R. Part 21; and

(h) If the application is for the partial abatement of the taxes imposed by the Local School Support Tax Law, the application has been approved by a

vote of at least two-thirds of the members of the Board of Economic Development created by NRS 231.033.

3. The Office of Economic Development:

(a) Shall approve or deny an application submitted pursuant to this section and notify the applicant of its decision not later than 45 days after receiving the application.

(b) Must not:

(1) Consider an application for a partial abatement unless the Office has requested a letter of acknowledgment of the request for the partial abatement from any affected county, school district, city or town and has complied with the requirements of NRS 360.757; ~~for~~

(2) Approve a partial abatement for any applicant for a period of more than 10 years ~~for~~; or

(3) Approve a partial abatement pursuant to this section which exceeds \$500,000.

4. The Office of Economic Development must not approve a partial abatement of personal property taxes for a business whose physical property is collectively valued and centrally assessed pursuant to NRS 361.320 and 361.3205.

5. If the Office of Economic Development approves an application for a partial abatement pursuant to this section, the Office shall immediately forward a certificate of eligibility for the partial abatement to:

(a) The Department;

(b) The Nevada Tax Commission; and

(c) If the partial abatement is from personal property taxes, the appropriate county treasurer.

6. An applicant for a partial abatement pursuant to this section or an existing business whose partial abatement is in effect shall, upon the request of the Executive Director of the Office of Economic Development, furnish the Executive Director with copies of all records necessary to verify that the applicant meets the requirements of subsection 2.

7. If an applicant for a partial abatement pursuant to this section fails to execute the agreement described in paragraph (a) of subsection 2 within 1 year after the date on which the application was received by the Office, the applicant shall not be approved for a partial abatement pursuant to this section unless the applicant submits a new application.

8. If a business whose partial abatement has been approved pursuant to this section and whose partial abatement is in effect ceases:

(a) To meet the requirements set forth in subsection 2; or

(b) Operation before the time specified in the agreement described in paragraph (a) of subsection 2,

→ the business shall repay to the Department or, if the partial abatement was from personal property taxes, to the appropriate county treasurer, the amount of the partial abatement that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission

determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the partial abatement required to be repaid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

9. The Office of Economic Development may adopt such regulations as the Office determines to be necessary to carry out the provisions of this section.

10. The Nevada Tax Commission may adopt such regulations as the Commission determines are necessary to carry out the provisions of this section.

11. An applicant for a partial abatement who is aggrieved by a final decision of the Office of Economic Development may petition a court of competent jurisdiction to review the decision in the manner provided in chapter 233B of NRS.

12. As used in this section:

(a) "Aircraft" means any fixed-wing, rotary-wing or unmanned aerial vehicle.

(b) "Component of an aircraft" means any:

(1) Element that makes up the physical structure of an aircraft, or is affixed thereto;

(2) Mechanical, electrical or other system of an aircraft, including, without limitation, any component thereof; and

(3) Raw material or processed material, part, machinery, tool, chemical, gas or equipment used to operate, manufacture, service, maintain, test, repair, overhaul or assemble an aircraft or component of an aircraft.

(c) "Full-time employee" means a person who is in a permanent position of employment and works an average of 30 hours per week during the applicable period set forth in subparagraph (3) of paragraph (a) of subsection 2.

(d) "Local sales and use taxes" means any taxes imposed on the gross receipts of any retailer from the sale of tangible personal property sold at retail, or stored, used or otherwise consumed, in any political subdivision of this State, except the taxes imposed by the Sales and Use Tax Act.

(e) "Personal property taxes" means any taxes levied on personal property by the State or a local government pursuant to chapter 361 of NRS.

Sec. 3. NRS 360.754 is hereby amended to read as follows:

360.754 1. A person who intends to locate or expand a data center in this State may apply to the Office of Economic Development pursuant to this section for a partial abatement , not to exceed \$500,000, of one or more of the taxes imposed on the new or expanded data center pursuant to chapter 361 or 374 of NRS.

2. The Office of Economic Development shall approve an application for a partial abatement pursuant to this section if the Office makes the following determinations:

(a) The application is consistent with the State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053 and any guidelines adopted by the Executive Director of the Office to implement the State Plan for Economic Development.

(b) Not later than 1 year after the date on which the application was received by the Office, the applicant has executed an agreement with the Office of Economic Development which must:

(1) Comply with the requirements of NRS 360.755;

(2) State the date on which the abatement becomes effective, as agreed to by the applicant and the Office of Economic Development, which must not be earlier than the date on which the Office received the application and not later than 1 year after the date on which the Office approves the application;

(3) State that the data center will, after the date on which the abatement becomes effective, continue in operation in this State for a period specified by the Office of Economic Development, which must be at least 10 years, and will continue to meet the eligibility requirements set forth in this subsection; and

(4) Bind the successors in interest of the applicant for the specified period.

(c) The applicant is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by each county, city or town in which the data center operates.

(d) If the applicant is seeking a partial abatement for a period of not more than 10 years, the applicant meets the following requirements:

(1) The data center will, by not later than the date that is 5 years after the date on which the abatement becomes effective, have or have added 10 or more full-time employees who are residents of Nevada and who will be employed at the data center and will continue to employ 10 or more full-time employees who are residents of Nevada at the data center until at least the date which is 10 years after the date on which the abatement becomes effective.

(2) Establishing or expanding the data center will require the data center or any combination of the data center and one or more colocated businesses to make in each county in this State in which the data center is located, by not later than the date which is 5 years after the date on which the abatement becomes effective, a cumulative capital investment of at least \$25,000,000 in capital assets that will be used or located at the data center.

(3) The average hourly wage that will be paid by the data center to its employees in this State is at least 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department

of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The data center will, by not later than the date which is 2 years after the date on which the abatement becomes effective, provide a health insurance plan for all employees employed at the data center that includes an option for health insurance coverage for dependents of the employees; and

(II) The health care benefits provided to employees employed at the data center will meet the minimum requirements for health care benefits established by the Office of Economic Development by regulation pursuant to subsection 13.

(4) At least 50 percent of the employees engaged in the construction of the data center are residents of Nevada, unless waived by the Executive Director of the Office of Economic Development upon proof satisfactory to the Executive Director of the Office of Economic Development that there is an insufficient number of residents of Nevada available and qualified for such employment.

(e) If the applicant is seeking a partial abatement for a period of 10 years or more but not more than 20 years, the applicant meets the following requirements:

(1) The data center will, by not later than the date that is 5 years after the date on which the abatement becomes effective, have or have added 50 or more full-time employees who are residents of Nevada and who will be employed at the data center and will continue to employ 50 or more full-time employees who are residents of Nevada at the data center until at least the date which is 20 years after the date on which the abatement becomes effective.

(2) Establishing or expanding the data center will require the data center or any combination of the data center and one or more colocated businesses to make in each county in this State in which the data center is located, by not later than the date which is 5 years after the date on which the abatement becomes effective, a cumulative capital investment of at least \$100,000,000 in capital assets that will be used or located at the data center.

(3) The average hourly wage that will be paid by the data center to its employees in this State is at least 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The data center will, by not later than the date which is 2 years after the date on which the abatement becomes effective, provide a health insurance plan for all employees employed at the data center that includes an option for health insurance coverage for dependents of the employees; and

(II) The health care benefits provided to employees employed at the data center will meet the minimum requirements for health care benefits established by the Office of Economic Development by regulation pursuant to subsection 13.

(4) At least 50 percent of the employees engaged in the construction of the data center are residents of Nevada, unless waived by the Executive Director of the Office of Economic Development upon proof satisfactory to the Executive Director of the Office of Economic Development that there is an insufficient number of residents of Nevada available and qualified for such employment.

(f) The applicant has provided in the application an estimate of the total number of new employees which the data center anticipates hiring in this State if the Office of Economic Development approves the application.

(g) If the applicant is seeking a partial abatement of the taxes imposed by the Local School Support Tax Law, the application has been approved by a vote of at least two-thirds of the members of the Board of Economic Development created by NRS 231.033.

3. Notwithstanding the provisions of subsection 2, the Office of Economic Development:

(a) Shall not consider an application for a partial abatement pursuant to this section unless the Office of Economic Development has requested a letter of acknowledgment of the request for the abatement from each affected county, school district, city or town.

(b) Shall consider the level of health care benefits provided to employees employed at the data center, the projected economic impact of the data center and the projected tax revenue of the data center after deducting projected revenue from the abated taxes.

(c) May, if the Office of Economic Development determines that such action is necessary:

(1) Approve an application for a partial abatement pursuant to this section by a data center that does not meet the requirements set forth in paragraph (d) or (e) of subsection 2;

(2) Make the requirements set forth in paragraphs (d) and (e) of subsection 2 more stringent; or

(3) Add additional requirements that an applicant must meet to qualify for a partial abatement pursuant to this section.

4. If the Office of Economic Development approves an application for a partial abatement pursuant to this section, the Office shall immediately forward a certificate of eligibility for the abatement to:

(a) The Department;

(b) The Nevada Tax Commission; and

(c) If the partial abatement is from the property tax imposed pursuant to chapter 361 of NRS, the county treasurer of each county in which the data center is or will be located.

5. If the Office of Economic Development approves an application for a partial abatement pursuant to this section, the Office may also approve a partial abatement of taxes for each colocated business that enters into a contract to use or occupy, for a period of at least 2 years, all or a portion of the new or expanded data center. Each such colocated business shall obtain a

state business license issued by the Secretary of State. The percentage amount of a partial abatement approved for a colocated business pursuant to this subsection must not exceed the percentage amount of the partial abatement approved for the data center. The total amount of a partial abatement approved for a colocated business pursuant to this subsection must not exceed \$500,000. The duration of a partial abatement approved for a colocated business pursuant to this subsection must not exceed the duration of the contract or contracts entered into between the colocated business and the data center, including the duration of any contract or contracts extended or renewed by the parties. If a colocated business ceases to meet the requirements set forth in this subsection, the colocated business shall repay the amount of the abatement that was allowed in the same manner in which a data center is required by subsection 8 to repay the Department or a county treasurer. If a data center ceases to meet the requirements of subsection 2 or ceases operation before the time specified in the agreement described in paragraph (b) of subsection 2, any partial abatement approved for a colocated business ceases to be in effect, but the colocated business is not required to repay the amount of the abatement that was allowed before the date on which the abatement ceases to be in effect. A data center shall provide the Executive Director of the Office and the Department with a list of the colocated businesses that are qualified to receive a partial abatement pursuant to this subsection and shall notify the Executive Director within 30 days after any change to the list. The Executive Director shall provide the list and any updates to the list to the Department and the county treasurer of each affected county.

6. An applicant for a partial abatement pursuant to this section or a data center whose partial abatement is in effect shall, upon the request of the Executive Director of the Office of Economic Development, furnish the Executive Director with copies of all records necessary to verify that the applicant meets the requirements of subsection 2.

7. If an applicant for a partial abatement pursuant to this section fails to execute the agreement described in paragraph (b) of subsection 2 within 1 year after the date on which the application was received by the Office, the applicant shall not be approved for a partial abatement pursuant to this section unless the applicant submits a new application.

8. If a data center whose partial abatement has been approved pursuant to this section and is in effect ceases:

(a) To meet the requirements set forth in subsection 2; or

(b) Operation before the time specified in the agreement described in paragraph (b) of subsection 2,

➡ the data center shall repay to the Department or, if the partial abatement was from the property tax imposed pursuant to chapter 361 of NRS, to the county treasurer, the amount of the partial abatement that was allowed pursuant to this section before the failure of the data center to comply unless the Nevada Tax Commission determines that the data center has substantially

complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the data center shall, in addition to the amount of the partial abatement required to be repaid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

9. A county treasurer:

(a) Shall deposit any money that he or she receives pursuant to subsection 5 or 8 in one or more of the funds established by a local government of the county pursuant to NRS 354.6113 or 354.6115; and

(b) May use the money deposited pursuant to paragraph (a) only for the purposes authorized by NRS 354.6113 and 354.6115.

10. An applicant for a partial abatement pursuant to this section who is aggrieved by a final decision of the Office of Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

11. For an employee to be considered a resident of Nevada for the purposes of this section, a data center must maintain the following documents in the personnel file of the employee:

(a) A copy of the current and valid Nevada driver's license of the employee or a current and valid identification card for the employee issued by the Department of Motor Vehicles;

(b) If the employee is a registered owner of one or more motor vehicles in Nevada, a copy of the current motor vehicle registration of at least one of those vehicles;

(c) Proof that the employee is a full-time employee; and

(d) Proof that the employee is covered by the health insurance plan which the data center is required to provide pursuant to sub-subparagraph (I) of subparagraph (3) of paragraph (d) of subsection 2 or sub-subparagraph (I) of subparagraph (3) of paragraph (e) of subsection 2.

12. For the purpose of obtaining from the Executive Director of the Office of Economic Development any waiver of the requirements set forth in subparagraph (4) of paragraph (d) of subsection 2 or subparagraph (4) of paragraph (e) of subsection 2, a data center must submit to the Executive Director of the Office of Economic Development written documentation of the efforts to meet the requirements and documented proof that an insufficient number of Nevada residents is available and qualified for employment.

13. The Office of Economic Development:

(a) Shall adopt regulations relating to the minimum level of health care benefits that a data center must provide to its employees to meet the requirement set forth in paragraph (d) or (e) of subsection 2;

(b) May adopt such other regulations as the Office determines to be necessary to carry out the provisions of this section; and

(c) Shall not approve any application for a partial abatement submitted pursuant to this section which is received on or after January 1, 2036.

14. The Nevada Tax Commission:

(a) Shall adopt regulations regarding:

(1) The capital investment necessary to meet the requirement set forth in paragraph (d) or (e) of subsection 2; and

(2) Any security that a data center is required to post to qualify for a partial abatement pursuant to this section.

(b) May adopt such other regulations as the Nevada Tax Commission determines to be necessary to carry out the provisions of this section.

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

(a) "Colocated business" means a person who enters into a contract with a data center that is qualified to receive an abatement pursuant to this section to use or occupy all or part of the data center.

(b) "Data center" means one or more buildings located at one or more physical locations in this State which house a group of networked server computers for the purpose of centralizing the storage, management and dissemination of data and information pertaining to one or more businesses and includes any modular or preassembled components, associated telecommunications and storage systems and, if the data center includes more than one building or physical location, any network or connection between such buildings or physical locations.

(c) "Full-time employee" means a person who is in a permanent position of employment and works an average of 30 hours per week during the applicable period set forth in paragraph (d) or (e) of subsection 2.

Sec. 4. NRS 274.310 is hereby amended to read as follows:

274.310 1. A person who intends to locate a business in this State within:

(a) A historically underutilized business zone, as defined in 15 U.S.C. § 632;

(b) A redevelopment area created pursuant to chapter 279 of NRS;

(c) An area eligible for a community development block grant pursuant to 24 C.F.R. Part 570; or

(d) An enterprise community established pursuant to 24 C.F.R. Part 597, ➤ may submit a request to the governing body of the county, city or town in which the business would operate for an endorsement of an application by the person to the Office of Economic Development for a partial abatement of one or more of the taxes imposed pursuant to chapter 361 of NRS or the local sales and use taxes. The governing body of the county, city or town shall provide notice of the request to the board of trustees of the school district in which the business would operate. The notice must set forth the date, time and location of the hearing at which the governing body will consider whether to endorse the application. As used in this subsection, "local sales and use taxes" means the taxes imposed on the gross receipts of any retailer from the sale of tangible personal property sold at retail, or stored, used or

otherwise consumed, in the political subdivision in which the business is located, except the taxes imposed by the Sales and Use Tax Act and the Local School Support Tax Law.

2. The governing body of a county, city or town shall develop procedures for:

(a) Evaluating whether such an abatement would be beneficial for the economic development of the county, city or town.

(b) Issuing a certificate of endorsement for an application for such an abatement that is found to be beneficial for the economic development of the county, city or town.

3. A person whose application has been endorsed by the governing body of the county, city or town, as applicable, pursuant to this section may submit the application to the Office of Economic Development. The Office shall approve the application if the Office makes the following determinations:

(a) The business is consistent with:

(1) The State Plan for Economic Development developed by the Administrator pursuant to subsection 2 of NRS 231.053; and

(2) Any guidelines adopted by the Administrator to implement the State Plan for Economic Development.

(b) Not later than 1 year after the date on which the application was received by the Office, the applicant has executed an agreement with the Office which states:

(1) The date on which the abatement becomes effective, as agreed to by the applicant and the Office, which must not be earlier than the date on which the Office received the application and not later than 1 year after the date on which the Office approves the application; and

(2) That the business will, after the date on which the abatement becomes effective:

(I) Commence operation and continue in operation in the historically underutilized business zone, as defined in 15 U.S.C. § 632, redevelopment area created pursuant to chapter 279 of NRS, area eligible for a community development block grant pursuant to 24 C.F.R. Part 570 or enterprise community established pursuant to 24 C.F.R. Part 597 for a period specified by the Office, which must be at least 5 years; and

(II) Continue to meet the eligibility requirements set forth in this subsection.

➡ The agreement must bind successors in interest of the business for the specified period.

(c) The business is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the business will operate.

(d) The applicant invested or commits to invest a minimum of \$500,000 in capital assets that will be retained at the location of the business in the historically underutilized business zone, as defined in 15 U.S.C. § 632, redevelopment area created pursuant to chapter 279 of NRS, area eligible for

a community development block grant pursuant to 24 C.F.R. Part 570 or enterprise community established pursuant to 24 C.F.R. Part 597 until at least the date which is 5 years after the date on which the abatement becomes effective.

4. If the Office of Economic Development approves an application for a partial abatement, the Office shall immediately forward a certificate of eligibility for the abatement to:

(a) The Department of Taxation;

(b) The Nevada Tax Commission; and

(c) If the partial abatement is from the property tax imposed pursuant to chapter 361 of NRS, the county treasurer of the county in which the business will be located.

5. If the Office of Economic Development approves an application for a partial abatement pursuant to this section:

(a) The partial abatement must be for a duration of not less than 1 year but not more than 5 years.

(b) If the abatement is from the property tax imposed pursuant to chapter 361 of NRS, the partial abatement must not exceed 75 percent of the taxes on personal property payable by a business each year pursuant to that chapter.

(c) The amount of the partial abatement must not exceed \$500,000.

6. If an applicant for a partial abatement pursuant to this section fails to execute the agreement described in paragraph (b) of subsection 3 within 1 year after the date on which the application was received by the Office, the applicant shall not be approved for a partial abatement pursuant to this section unless the applicant submits a new request pursuant to subsection 1.

7. If a business whose partial abatement has been approved pursuant to this section and is in effect ceases:

(a) To meet the eligibility requirements for the partial abatement; or

(b) Operation before the time specified in the agreement described in paragraph (b) of subsection 3,

➡ the business shall repay to the Department of Taxation or, if the partial abatement was from the property tax imposed pursuant to chapter 361 of NRS, to the county treasurer, the amount of the partial abatement that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the partial abatement required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

8. The Office of Economic Development may adopt such regulations as the Office determines to be necessary or advisable to carry out the provisions of this section.

9. An applicant for an abatement who is aggrieved by a final decision of the Office of Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

Sec. 5. NRS 274.320 is hereby amended to read as follows:

274.320 1. A person who intends to expand a business in this State within:

(a) A historically underutilized business zone, as defined in 15 U.S.C. § 632;

(b) A redevelopment area created pursuant to chapter 279 of NRS;

(c) An area eligible for a community development block grant pursuant to 24 C.F.R. Part 570; or

(d) An enterprise community established pursuant to 24 C.F.R. Part 597, ➡ may submit a request to the governing body of the county, city or town in which the business operates for an endorsement of an application by the person to the Office of Economic Development for a partial abatement of the local sales and use taxes imposed on capital equipment. The governing body of the county, city or town shall provide notice of the request to the board of trustees of the school district in which the business operates. The notice must set forth the date, time and location of the hearing at which the governing body will consider whether to endorse the application. As used in this subsection, "local sales and use taxes" means the taxes imposed on the gross receipts of any retailer from the sale of tangible personal property sold at retail, or stored, used or otherwise consumed, in the political subdivision in which the business is located, except the taxes imposed by the Sales and Use Tax Act and the Local School Support Tax Law.

2. The governing body of a county, city or town shall develop procedures for:

(a) Evaluating whether such an abatement would be beneficial for the economic development of the county, city or town.

(b) Issuing a certificate of endorsement for an application for such an abatement that is found to be beneficial for the economic development of the county, city or town.

3. A person whose application has been endorsed by the governing body of the county, city or town, as applicable, pursuant to this section may submit the application to the Office of Economic Development. The Office shall approve the application if the Office makes the following determinations:

(a) The business is consistent with:

(1) The State Plan for Economic Development developed by the Administrator pursuant to subsection 2 of NRS 231.053; and

(2) Any guidelines adopted by the Administrator to implement the State Plan for Economic Development.

(b) Not later than 1 year after the date on which the application was received by the Office, the applicant has executed an agreement with the Office which states:

(1) The date on which the abatement becomes effective, as agreed to by the applicant and the Office, which must not be earlier than the date on which the Office received the application and not later than 1 year after the date on which the Office approves the application; and

(2) That the business will, after the date on which the abatement becomes effective:

(I) Continue in operation in the historically underutilized business zone, as defined in 15 U.S.C. § 632, redevelopment area created pursuant to chapter 279 of NRS, area eligible for a community development block grant pursuant to 24 C.F.R. Part 570 or enterprise community established pursuant to 24 C.F.R. Part 597 for a period specified by the Office, which must be at least 5 years; and

(II) Continue to meet the eligibility requirements set forth in this subsection.

➡ The agreement must bind successors in interest of the business for the specified period.

(c) The business is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the business operates.

(d) The applicant invested or commits to invest a minimum of \$250,000 in capital equipment that will be retained at the location of the business in the historically underutilized business zone, as defined in 15 U.S.C. § 632, redevelopment area created pursuant to chapter 279 of NRS, area eligible for a community development block grant pursuant to 24 C.F.R. Part 570 or enterprise community established pursuant to 24 C.F.R. Part 597 until at least the date which is 5 years after the date on which the abatement becomes effective.

4. If the Office of Economic Development approves an application for a partial abatement, the Office shall immediately forward a certificate of eligibility for the abatement to:

- (a) The Department of Taxation; and
- (b) The Nevada Tax Commission.

5. If the Office of Economic Development approves an application for a partial abatement pursuant to this section:

(a) The partial abatement must be for a duration of not less than 1 year but not more than 5 years.

(b) If the abatement is from the property tax imposed pursuant to chapter 361 of NRS, the partial abatement must not exceed 75 percent of the taxes on personal property payable by a business each year pursuant to that chapter.

(c) The total amount of the partial abatement must not exceed \$500,000.

6. If an applicant for a partial abatement pursuant to this section fails to execute the agreement described in paragraph (b) of subsection 3 within 1 year after the date on which the application was received by the Office, the applicant shall not be approved for a partial abatement pursuant to this section unless the applicant submits a new request pursuant to subsection 1.

7. If a business whose partial abatement has been approved pursuant to this section and is in effect ceases:

(a) To meet the eligibility requirements for the partial abatement; or

(b) Operation before the time specified in the agreement described in paragraph (b) of subsection 3,

↪ the business shall repay to the Department of Taxation the amount of the partial abatement that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the partial abatement required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

8. The Office of Economic Development may adopt such regulations as the Office determines to be necessary or advisable to carry out the provisions of this section.

9. An applicant for an abatement who is aggrieved by a final decision of the Office of Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

Sec. 6. NRS 274.330 is hereby amended to read as follows:

274.330 1. A person who owns a business which is located within an enterprise community established pursuant to 24 C.F.R. Part 597 in this State may submit a request to the governing body of the county, city or town in which the business is located for an endorsement of an application by the person to the Office of Economic Development for a partial abatement of one or more of the taxes imposed pursuant to chapter 361 of NRS or the local sales and use taxes. The governing body of the county, city or town shall provide notice of the request to the board of trustees of the school district in which the business operates. The notice must set forth the date, time and location of the hearing at which the governing body will consider whether to endorse the application. As used in this subsection, "local sales and use taxes" means the taxes imposed on the gross receipts of any retailer from the sale of tangible personal property sold at retail, or stored, used or otherwise consumed, in the political subdivision in which the business is located, except the taxes imposed by the Sales and Use Tax Act and the Local School Support Tax Law.

2. The governing body of a county, city or town shall develop procedures for:

(a) Evaluating whether such an abatement would be beneficial for the economic development of the county, city or town.

(b) Issuing a certificate of endorsement for an application for such an abatement that is found to be beneficial for the economic development of the county, city or town.

3. A person whose application has been endorsed by the governing body of the county, city or town, as applicable, pursuant to this section may submit the application to the Office of Economic Development. The Office shall approve the application if the Office makes the following determinations:

(a) The business is consistent with:

(1) The State Plan for Economic Development developed by the Administrator pursuant to subsection 2 of NRS 231.053; and

(2) Any guidelines adopted by the Administrator to implement the State Plan for Economic Development.

(b) Not later than 1 year after the date on which the application was received by the Office, the applicant has executed an agreement with the Office which states:

(1) The date on which the abatement becomes effective, as agreed to by the applicant and the Office, which must not be earlier than the date on which the Office received the application and not later than 1 year after the date on which the Office approves the application; and

(2) That the business will, after the date on which the abatement becomes effective:

(I) Continue in operation in the enterprise community for a period specified by the Office, which must be at least 5 years; and

(II) Continue to meet the eligibility requirements set forth in this subsection.

➡ The agreement must bind successors in interest of the business for the specified period.

(c) The business is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the business operates.

(d) The business:

(1) Employs one or more dislocated workers who reside in the enterprise community; and

(2) Pays such employees a wage of not less than 100 percent of the federally designated level signifying poverty for a family of four persons and provides medical benefits to the employees and their dependents which meet the minimum requirements for medical benefits established by the Office.

4. If the Office of Economic Development approves an application for a partial abatement, the Office shall:

(a) Determine the percentage of employees of the business which meet the requirements of paragraph (d) of subsection 3 and grant a partial abatement equal to that percentage; and

(b) Immediately forward a certificate of eligibility for the abatement to:

(1) The Department of Taxation;

(2) The Nevada Tax Commission; and

(3) If the partial abatement is from the property tax imposed pursuant to chapter 361 of NRS, the county treasurer of the county in which the business is located.

5. If the Office of Economic Development approves an application for a partial abatement pursuant to this section:

(a) The partial abatement must be for a duration of not less than 1 year but not more than 5 years.

(b) If the abatement is from the property tax imposed pursuant to chapter 361 of NRS, the partial abatement must not exceed 75 percent of the taxes on personal property payable by a business each year pursuant to that chapter.

(c) The total amount of the partial abatement must not exceed \$500,000.

6. If an applicant for a partial abatement pursuant to this section fails to execute the agreement described in paragraph (b) of subsection 3 within 1 year after the date on which the application was received by the Office, the applicant shall not be approved for a partial abatement pursuant to this section unless the applicant submits a new request pursuant to subsection 1.

7. If a business whose partial abatement has been approved pursuant to this section and is in effect ceases:

(a) To meet the eligibility requirements for the partial abatement; or

(b) Operation before the time specified in the agreement described in paragraph (b) of subsection 3,

↪ the business shall repay to the Department of Taxation or, if the partial abatement was from the property tax imposed pursuant to chapter 361 of NRS, to the county treasurer, the amount of the partial abatement that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the partial abatement required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

8. The Office of Economic Development:

(a) Shall adopt regulations relating to the minimum level of benefits that a business must provide to its employees to qualify for an abatement pursuant to this section.

(b) May adopt such other regulations as the Office determines to be necessary or advisable to carry out the provisions of this section.

9. An applicant for an abatement who is aggrieved by a final decision of the Office of Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

10. As used in this section, "dislocated worker" means a person who:

(a) Has been terminated, laid off or received notice of termination or layoff from employment;

(b) Is eligible for or receiving or has exhausted his or her entitlement to unemployment compensation;

(c) Has been dependent on the income of another family member but is no longer supported by that income;

(d) Has been self-employed but is no longer receiving an income from self-employment because of general economic conditions in the community or natural disaster; or

(e) Is currently unemployed and unable to return to a previous industry or occupation.

Sec. 7. This act becomes effective on July 1, 2023.

Senator Neal moved the adoption of the amendment.

Remarks by Senator Neal.

Amendment No. 451 to Senate Bill No. 394 repeals the provisions of the bill and instead replaces them with language prohibiting the Governor's Office of Economic Development from approving any tax abatements that exceed \$500,000.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

REPORTS OF COMMITTEE

Mr. President:

Your Committee on Growth and Infrastructure, to which were referred Senate Bills Nos. 10, 281, 314, 349, 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 Legislative Operations and Elections, to which were referred Senate Bills Nos. 60, 327, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAMES OHRENSCHALL, *Chair*

SECOND READING AND AMENDMENT

Senate Bill No. 6.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 298.

SUMMARY—Revises provisions relating to the release of personal information maintained by the Department of Motor Vehicles. (BDR 43-255)

AN ACT relating to public records; ~~limiting~~ revising the circumstances under which the Director of the Department of Motor Vehicles is authorized to release certain personal information to a reporter or editorial employee; prohibiting a person who requests and receives personal information from the Department from selling such information, except for certain insurance purposes; prohibiting the Director from releasing personal information for the purpose of sale except for certain insurance purposes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

With certain exceptions, existing law prohibits the Director of the Department of Motor Vehicles from releasing personal information from a file or record relating to a driver's license or identification card or the title or registration of a motor vehicle. Existing law authorizes the Director of the Department to release such information to certain ~~reporters and editorial employees~~ persons if: (1) the ~~reporter or editorial employee~~ person provides a description of the information requested and its proposed use and signs an affidavit to that effect; and (2) the information requested will be used for ~~a journalistic~~ an authorized purpose. The persons who are authorized to request personal information in this manner include: (1) certain reporters or editorial employees who intend to use the information for a journalistic purpose; and (2) an insurer, self-insurer or organization that provides assistance or support to an insurer or self-insurer or its agents, employees or contractors, in connection with activities relating to the rating, underwriting or investigation of claims or the prevention of fraud. (NRS 481.063) This bill revises the provisions governing the reporters or editorial employees to whom the Director may release personal information to provide that: (1) such a reporter or editorial employee must be employed by or affiliated with a press association, newspaper in regular publication that is affiliated with a press association or commercially operated, federally licensed radio or television station; and (2) the journalistic purpose for which the information is requested must be a journalistic purpose of the press association, newspaper or radio or television station.

This bill also prohibits a person who requests and receives personal information from the Department from selling such information, except to an insurer, self-insurer or organization that provides assistance or support to an insurer or self-insurer in connection with activities relating to the rating, underwriting or investigation of claims or the prevention of fraud. This bill prohibits the Director of the Department from releasing personal information to ~~such a reporter or editorial employee unless the affidavit submitted by the reporter or editorial employee contains the name of the person to whom~~ an individual or company for the purpose of selling the information ~~pertains~~ except for such insurance related purposes and authorizes the Director to deny any use of the files and records of the Department if the Director reasonably believes that the information may be sold.

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

Section 1. NRS 481.063 is hereby amended to read as follows:

481.063 1. The Director may charge and collect reasonable fees for official publications of the Department and from persons making use of files and records of the Department or its various divisions for a private purpose. All money so collected must be deposited in the State Treasury for credit to the Motor Vehicle Fund.

2. Except as otherwise provided in subsection 6, the Director may release personal information, except a photograph, from a file or record relating to the driver's license, identification card, or title or registration of a vehicle of a person if the requester submits a written release from the person who holds a lien on the vehicle, or an agent of that person, or the person about whom the information is requested which is dated not more than 90 days before the date of the request. The written release must be in a form required by the Director.

3. Except as otherwise provided in subsections 2 and 4, the Director shall not release to any person who is not a representative of the Division of Welfare and Supportive Services of the Department of Health and Human Services or an officer, employee or agent of a law enforcement agency, an agent of the public defender's office or an agency of a local government which collects fines imposed for parking violations, who is not conducting an investigation pursuant to NRS 253.0415 or 253.220, who is not authorized to transact insurance pursuant to chapter 680A of NRS or who is not licensed as a private investigator pursuant to chapter 648 of NRS and conducting an investigation of an insurance claim:

(a) A list which includes license plate numbers combined with any other information in the records or files of the Department;

(b) The social security number of any person, if it is requested to facilitate the solicitation of that person to purchase a product or service; or

(c) The name, address, telephone number or any other personally identifiable information if the information is requested by the presentation of a license plate number.

↪ When such personally identifiable information is requested of a law enforcement agency by the presentation of a license plate number, the law enforcement agency shall conduct an investigation regarding the person about whom information is being requested or, as soon as practicable, provide the requester with the requested information if the requester officially reports that the motor vehicle bearing that license plate was used in a violation of NRS 205.240, 205.345, 205.380 or 205.445.

4. If a person is authorized to obtain such information pursuant to a contract entered into with the Department and if such information is requested for the purpose of an advisory notice relating to a motor vehicle or the recall of a motor vehicle or for the purpose of providing information concerning the history of a vehicle, the Director may release:

(a) A list which includes license plate numbers combined with any other information in the records or files of the Department; or

(b) The name, address, telephone number or any other personally identifiable information if the information is requested by the presentation of a license plate number.

5. Except as otherwise provided in subsections 2, 4, 6 and 7 and NRS 483.294, 483.855 and 483.937, the Director shall not release any personal information from a file or record relating to a driver's license, identification card, or title or registration of a vehicle.

6. Except as otherwise provided in paragraph (a) and subsection ~~(subsections) 8 , (and 9),~~ if a person or governmental entity provides a description of the information requested and its proposed use and signs an affidavit to that effect, the Director may release any personal information, except a photograph, from a file or record relating to a driver's license, identification card, or title or registration of a vehicle for use:

(a) By any governmental entity, including, but not limited to, any court or law enforcement agency, in carrying out its functions, or any person acting on behalf of a federal, state or local governmental agency in carrying out its functions. The personal information may include a photograph from a file or record relating to a driver's license, identification card, or title or registration of a vehicle.

(b) In connection with any civil, criminal, administrative or arbitration proceeding before any federal or state court, regulatory body, board, commission or agency, including, but not limited to, use for service of process, investigation in anticipation of litigation, and execution or enforcement of judgments and orders, or pursuant to an order of a federal or state court.

(c) In connection with matters relating to:

- (1) The safety of drivers of motor vehicles;
- (2) Safety and thefts of motor vehicles;
- (3) Emissions from motor vehicles;
- (4) Alterations of products related to motor vehicles;
- (5) An advisory notice relating to a motor vehicle or the recall of a motor vehicle;
- (6) Monitoring the performance of motor vehicles;
- (7) Parts or accessories of motor vehicles;
- (8) Dealers of motor vehicles; or
- (9) Removal of nonowner records from the original records of motor vehicle manufacturers.

(d) Except as otherwise provided in subsection 6 of NRS 482.2175, by any insurer, self-insurer or organization that provides assistance or support to an insurer or self-insurer or its agents, employees or contractors, in connection with activities relating to the rating, underwriting or investigation of claims or the prevention of fraud.

(e) In providing notice to the owners of vehicles that have been towed, repossessed or impounded.

(f) By an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license who is employed by or has applied for employment with the employer.

(g) By a private investigator, private patrol officer or security consultant who is licensed pursuant to chapter 648 of NRS, for any use permitted pursuant to this section.

(h) By a reporter or editorial employee who is employed by or affiliated with any press association, newspaper ~~that~~ in regular publication that is affiliated with a press association or commercially operated, federally licensed radio or television station for a journalistic purpose ~~that~~ of the press association, newspaper or radio or television station. The Department may not make any inquiries regarding the use of or reason for the information requested other than whether the information will be used for such a journalistic purpose.

(i) In connection with an investigation conducted pursuant to NRS 253.0415 or 253.220.

(j) In activities relating to research and the production of statistical reports, if the personal information will not be published or otherwise redisclosed, or used to contact any person.

7. Upon the request of a court or its traffic violations bureau, the Director shall release the mailing address and contact information of a person who has been issued a traffic citation that is filed with the court or traffic violations bureau from a file or record relating to the driver's license of the person or the title or registration of the person's vehicle for the purpose of enabling the court or traffic violations bureau to provide notifications concerning the traffic citation to the person.

~~8. The Director shall not provide any personal information to a reporter or editorial employee pursuant to paragraph (h) of subsection 6 unless the affidavit required by subsection 6 contains the name of the person about whom the information is requested.~~

~~9.~~ Except as otherwise provided in paragraph (j) of subsection 6, the Director shall not provide personal information to individuals or companies for the purpose of ~~marketing~~ :

(a) Marketing extended vehicle warranties ~~and~~ ; or

(b) Selling such personal information, unless the sale is authorized pursuant to subsection 9.

9. A person who requests and receives personal information may ~~sell or disclose~~ :

(a) Disclose that information only for a use permitted pursuant to subsection 6 ~~such as~~ ; and

(b) Sell that information only if the person obtained the information pursuant to paragraph (d) of subsection 6 and sells the information to an insurer, self-insurer or organization that provides assistance or support to an

insurer or self-insurer or its agents, employees or contractors for the purposes set forth in paragraph (d) of subsection 6.

10. A person who discloses or sells information pursuant to subsection 9 shall keep and maintain for 5 years a record of:

- (a) Each person to whom the information is provided; and
- (b) The purpose for which that person will use the information.

➔ The record must be made available for examination by the Department at all reasonable times upon request.

~~{9.-10.}~~ 11. Except as otherwise provided in subsection 2, the Director may deny any use of the files and records if the Director reasonably believes that the information taken may be ~~used~~ :

(a) Used for an unwarranted invasion of a particular person's privacy ~~is~~ ~~10.11.}~~ ; or

(b) Sold, except as authorized pursuant to subsection 9.

12. Except as otherwise provided in NRS 485.316, the Director shall not allow any person to make use of information retrieved from the system created pursuant to NRS 485.313 for a private purpose and shall not in any other way release any information retrieved from that system.

~~{11.-12.}~~ 13. The Director shall not release any information relating to legal presence or any other information relating to or describing immigration status, nationality or citizenship from a file or record relating to a request for or the issuance of a license, identification card or title or registration of a vehicle to any person or to any federal, state or local governmental entity for any purpose relating to the enforcement of immigration laws.

~~{12.-13.}~~ 14. The Director shall adopt such regulations as the Director deems necessary to carry out the purposes of this section. In addition, the Director shall, by regulation, establish a procedure whereby a person who is requesting personal information may establish an account with the Department to facilitate the person's ability to request information electronically or by written request if the person has submitted to the Department proof of employment or licensure, as applicable, and a signed and notarized affidavit acknowledging that the person:

(a) Has read and fully understands the current laws and regulations regarding the manner in which information from the Department's files and records may be obtained and the limited uses which are permitted;

(b) Understands that any sale or disclosure of information so obtained must be in accordance with the provisions of this section;

(c) Understands that a record will be maintained by the Department of any information he or she requests; and

(d) Understands that a violation of the provisions of this section is a criminal offense.

~~{13.-14.}~~ 15. It is unlawful for any person to:

(a) Make a false representation to obtain any information from the files or records of the Department.

(b) Knowingly obtain or disclose any information from the files or records of the Department for any use not permitted by the provisions of this chapter.

~~[14.15.]~~ 16. As used in this section:

(a) "Information relating to legal presence" means information that may reveal whether a person is legally present in the United States, including, without limitation, whether the driver's license that a person possesses is a driver authorization card, whether the person applied for a driver's license pursuant to NRS 483.290 or 483.291 and the documentation used to prove name, age and residence that was provided by the person with his or her application for a driver's license.

(b) "Personal information" means information that reveals the identity of a person, including, without limitation, his or her photograph, social security number, individual taxpayer identification number, driver's license number, identification card number, name, address, telephone number or information regarding a medical condition or disability. The term does not include the zip code of a person when separate from his or her full address, information regarding vehicular crashes or driving violations in which he or she has been involved or other information otherwise affecting his or her status as a driver.

(c) "Vehicle" includes, without limitation, an off-highway vehicle as defined in NRS 490.060.

Senator Harris moved the adoption of the amendment.

Remarks by Senator Harris.

Amendment No. 298 to Senate Bill No. 6 revises the provisions governing reporters and editorial employees to whom the Director of the Department of Motor Vehicles (DMV) may release personal information and the journalistic purposes for which such personal information may be released; prohibits a person who requests and receives personal information from the Department from selling such information except to an insurer, self-insurer or organization that provides assistance or support to an insurer or self-insurer in connection with activities relating to the rating, underwriting or investigation of claims or the prevention of fraud; and prohibits the Director of the DMV from releasing personal information to an individual or company for the purpose of selling the information and to deny any use of the files and records of the Department if the Director reasonably believes that the information may be sold.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 40.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 196.

SUMMARY—Revises provisions related to manufactured housing. (BDR 43-270)

AN ACT relating to manufactured housing; changing the name of the document issued by the Housing Division of the Department of Business and Industry indicating the ownership of a manufactured home, mobile home, manufactured building or commercial coach or factory-built housing from a "certificate of ownership" to a "certificate of title"; authorizing the

Administrator of the Division to issue certain documents in electronic form; revising requirements for certain transactions involving the ownership of a manufactured home, mobile home, manufactured building or commercial coach or factory-built housing; ~~clarifying certain requirements related to the collection of certain data by the Administrator;~~ revising eligibility requirements for persons seeking assistance from the Account for Affordable Housing; revising provisions governing local ordinances concerning the placement of certain manufactured homes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth various requirements and restrictions relating to a certificate of ownership that is issued by the Housing Division of the Department of Business and Industry for a manufactured home, mobile home, manufactured building or commercial coach or factory-built housing. (NRS 489.501-489.585) Sections 1-4, 6-16 and 18-23 of this bill change the name of such a certificate from a "certificate of ownership" to a "certificate of title." Section 24 of this bill provides that any valid certificate of ownership issued by the Division before July 1, 2023, is deemed to be a certificate of title issued by the Division.

Section 2 of this bill authorizes the Administrator of the Division to issue certain documents, including, among others, a certificate of title, in electronic form.

Existing law sets forth certain requirements concerning the sale of a new, used or rebuilt manufactured home, mobile home, manufactured building or commercial coach or new, used or rebuilt factory-built housing. (NRS 489.501, 489.511, 489.521) If such a sale is conducted by a dealer, existing law requires the dealer to: (1) complete a dealer's report of sale on a form prescribed by the Division which contains certain required information; and (2) require the buyer to sign an acknowledgement of taxes on a form prescribed by the Division which includes certain information. (NRS 489.501, 489.511) Sections 5 and 6 of this bill eliminate certain requirements concerning the dealer's report of sale and the information that is required to be included on the dealer's report of sale and the acknowledgement of taxes.

If the sale of a used or rebuilt manufactured home, mobile home, manufactured building or commercial coach or used or rebuilt factory-built housing is conducted by a person who is not a dealer, existing law requires the seller or buyer, or both, to submit certain documents to the Division and the county assessor of the county in which the manufactured home, mobile home, manufactured building, commercial coach or factory-built housing is located. (NRS 489.521) Section 7 of this bill eliminates that requirement and instead requires the seller or buyer, or both, to submit to the Division and the county assessor any information that the Administrator requires by regulation.

Existing law prohibits the Division from issuing a certificate of ownership of a used manufactured home or used mobile home unless the county

assessor of the county in which the manufactured home or mobile home was situated at the time of sale has endorsed on the certificate that certain taxes have been paid. (NRS 489.531) Section 8 of this bill revises that prohibition to authorize the Division to issue a certificate of title of a used manufactured home or used mobile home if the county assessor verifies to the Division, on a form prescribed by the Division, that certain taxes have been paid.

With certain exceptions, existing law prohibits any money concerning the sale or exchange of an interest in a manufactured home, mobile home, manufactured building or commercial coach or factory-built housing which is held by a dealer from being distributed until, among other things, an application for a certificate of ownership or certificate of title has been submitted to the Division and certain documents have been executed. (NRS 489.723) Section 15 of this bill requires that application to be submitted and those documents to be executed in a form prescribed by the Division.

Section 26 of this bill eliminates certain requirements concerning the transfer of the title to or the interest of an owner in a manufactured home, mobile home or commercial coach.

~~[Existing law requires the Administrator to collect economic and demographic data annually from each manufactured home park, including the amount of rent and rate of vacancy for each type of lot in the park. (NRS 118B.025) Section 17 of this bill clarifies that the economic and demographic data that is required to be collected by the Administrator is not limited to the amount of rent and rate of vacancy.]~~

Existing law creates the Account for Low-Income Housing, which is administered by the Division, and establishes the purposes for which the Account is required to be used. (NRS 118B.215, 319.500, 319.510) One such required use is to assist eligible persons by supplementing their monthly rent for the manufactured home lot on which their manufactured home is located. Under existing law, to be eligible for assistance from the Account, a person is required to have, among other things, a monthly household income that is at or below certain specified amounts. (NRS 118B.215) Section 18 of this bill revises those eligibility requirements to instead require that, to be eligible for assistance from the Account, a person must have a monthly household income that is at or below: (1) the federally designated level signifying poverty or thirty percent of the median family income, as prescribed by the HOME Investment Partnerships Act, adjusted for household size, which the United States Department of Housing and Urban Development has established for the area of the State in which the manufactured home is located ~~[+]~~, whichever is greater; or (2) a maximum monthly household income that the Administrator has established by regulation. (42 U.S.C. §§ 12701 et seq.)

Existing law requires a governing body of a city or county to adopt standards for the placement of a manufactured home that will not be affixed to a lot within a mobile home park and prescribes certain criteria for such a

manufactured home that must be incorporated into such standards. (NRS 278.02095) Section 19 of this bill revises these criteria to provide that such a manufactured home must consist of one or more sections and consist of at least 400 square feet of living area, except under certain circumstances.

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

Section 1. NRS 487.100 is hereby amended to read as follows:

487.100 1. Except as otherwise provided in subsections 2 and 3, any automobile wrecker purchasing from any person other than a licensed operator of a salvage pool any vehicle subject to registration pursuant to the laws of this State shall forward to the Department the certificates of title and registration last issued therefor.

2. The certificate of ~~ownership~~ title last issued for a mobile home or commercial coach must be sent by the wrecker to the Housing Division of the Department of Business and Industry.

3. An automobile wrecker is not required to:

(a) Provide the Department with a certificate of title, salvage title or a nonrepairable vehicle certificate and certificate of registration last issued; or

(b) Obtain from the Department a certificate of title, salvage title, nonrepairable vehicle certificate or certificate of registration,

➡ for a motor vehicle that is to be processed as parts or scrap metal by the automobile wrecker pursuant to NRS 487.105.

Sec. 2. NRS 489.231 is hereby amended to read as follows:

489.231 1. To carry out the provisions of this chapter, the Administrator may:

(a) Issue subpoenas for the attendance of witnesses or the production of books, papers and documents; and

(b) Conduct hearings.

2. The Administrator may apply for and receive grants from the Secretary of Housing and Urban Development for developing and carrying out a plan for enforcement and administration of federal standards of safety and construction respecting manufactured homes offered for sale or lease in this state.

3. The Administrator may adopt regulations to ensure acceptance by the Secretary of Housing and Urban Development of the state plan for administration and enforcement of federal standards of safety and construction respecting manufactured homes in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. §§ 5401 et seq.

4. The Administrator may:

(a) Make inspections;

(b) Approve plans and specifications;

(c) Provide technical services;

(d) Issue licenses, permits, certificates of ~~ownership~~ title and certificates and labels of compliance and installation ~~in such form as he or she may deem proper, including, without limitation, in electronic form;~~

(e) Enter into reciprocal agreements with other states or private organizations that adopt and maintain standards reasonably consistent with this chapter;

(f) Collect the fees provided for in this chapter; and

(g) Adopt regulations necessary to carry out his or her duties under this chapter.

5. The Administrator or a representative of the Administrator may enter, at reasonable times and without notice, any mobile home park or place of business or any factory, warehouse or establishment in which manufactured homes, mobile homes, travel trailers, manufactured buildings or factory-built housing are manufactured, stored or held for sale or distribution and inspect at reasonable times in a reasonable manner the premises and books, papers, records and documents which are relevant to the manufacture, distribution and sale of manufactured homes, mobile homes, travel trailers, manufactured buildings or factory-built housing and compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. §§ 5401 et seq., this chapter and chapter 461 of NRS, and any regulations adopted pursuant thereto, and to compliance by landlords of mobile home parks with the prohibition in NRS 118B.140 against charging or receiving any entrance or exit fee. A magistrate shall issue a warrant to permit an inspection if the Administrator has shown:

(a) Evidence that a violation of a provision of this chapter or of the prohibition in NRS 118B.140 against charging or receiving any entrance or exit fee has been committed or is being committed; or

(b) That the business has been chosen for an inspection on the basis of a general administrative plan for the enforcement of the provisions of this chapter.

Sec. 3. NRS 489.272 is hereby amended to read as follows:

489.272 The Administrator shall adopt regulations:

1. Requiring a person who is buying or selling a manufactured home, mobile home or commercial coach pursuant to:

(a) A sale to satisfy a lien; or

(b) A contract for sale or other agreement by which the certificate of title ~~for certificate of ownership~~ does not pass immediately from the seller to the buyer upon the sale,

➤ to submit to the Administrator such information regarding the sale as the Administrator deems necessary.

2. Establishing requirements for the issuance or transfer of a certificate of title ~~for certificate of ownership~~ of a mobile home, manufactured home or a commercial coach in cases involving:

(a) More than one transferor or transferee;

(b) A transferor or transferee who holds a certificate of title ~~for certificate of ownership~~ in trust for another person; or

(c) A sale to satisfy a lien.

Sec. 4. NRS 489.481 is hereby amended to read as follows:

489.481 The Division shall adopt regulations providing fees for:

1. Certificates of installation;
2. Labels of installation;
3. Certificates of compliance;
4. Labels of compliance;
5. Certificates of ~~ownership;~~ title;
6. Licenses of manufacturers, dealers, distributors, salespersons, responsible managing employees, general servicepersons and specialty servicepersons;
7. Licenses for branch offices; and
8. Any other services provided by the Division.

Sec. 5. NRS 489.501 is hereby amended to read as follows:

489.501 1. When a new manufactured home, new mobile home, new manufactured building or new commercial coach or new factory-built housing is sold in this State by a dealer, the dealer shall complete a report of sale. The report of sale must be in a form prescribed by the Division . ~~and include a description of the manufactured home, mobile home, manufactured building, commercial coach or factory built housing, the name and address of the seller and the name and address of the buyer. If in connection with the sale a security interest is taken or retained by the seller or dealer to secure all or part of the purchase price, or a security interest is taken by a person who gives value to enable the buyer to acquire rights in the manufactured home, mobile home, manufactured building, commercial coach or factory built housing, the name and address of the secured party or an assignee thereof must be entered on the report of sale.~~

2. The dealer shall require the buyer to sign an acknowledgment of taxes, on a form prescribed by the Division . ~~[, which includes a statement that a manufactured home, mobile home, manufactured building or commercial coach or factory built housing is taxable in the county in which it is located.]~~ A dealer who sells a new manufactured home, new mobile home, new manufactured building or new commercial coach or new factory-built housing shall deliver the buyer's copy of the acknowledgment of taxes to the buyer at the time of sale and submit another copy within 30 days after the date of the sale to the county assessor of the county in which the manufactured home, mobile home, manufactured building, commercial coach or factory-built housing will be located.

3. The dealer shall submit the ~~[original of the]~~ report of sale and the manufacturer's certificate or statement of origin to the Division within 30 days after the execution of all instruments which the contract of sale required to be executed at the time of sale or within 30 days after the date of

sale, whichever is later, unless an extension of time is granted by the Division.

4. A dealer who sells a new manufactured home, new mobile home, new manufactured building or new commercial coach or new factory-built housing shall deliver ~~[the buyer's]~~ a copy of the report of sale to the buyer at the time of sale and submit another copy within 30 days after the date of the sale to the county assessor of the county in which the manufactured home, mobile home, manufactured building, commercial coach or factory-built housing will be located.

Sec. 6. NRS 489.511 is hereby amended to read as follows:

489.511 1. If a used or rebuilt manufactured home, mobile home, manufactured building or commercial coach or used or rebuilt factory-built housing is sold in this State by a dealer, the dealer shall complete a dealer's report of sale. The report must be in a form prescribed by the Division . ~~{and include a description of the manufactured home, mobile home, manufactured building, commercial coach or factory built housing, the name and address of the seller and the name and address of the buyer. If a security interest exists at the time of the sale, or if in connection with the sale a security interest is taken or retained by the seller or dealer to secure all or part of the purchase price, or a security interest is taken by a person who gives value to enable the buyer to acquire rights in the manufactured home, mobile home, manufactured building, commercial coach or factory built housing, the name and address of the secured party must be entered on the dealer's report of sale.}~~

2. The dealer shall submit the ~~{original of the}~~ dealer's report of sale to the Division within 45 days after the execution of all instruments which the contract of sale requires to be executed at the time of the sale, unless an extension of time is granted by the Division, together with the endorsed certificate of title ~~{or certificate of ownership}~~ previously issued. The dealer shall furnish one copy of the report of sale to the buyer at the time of the sale. Within 45 days after the sale, the dealer shall furnish one copy of the report of sale to the assessor of the county in which the manufactured home, mobile home, manufactured building, commercial coach or factory-built housing will be located.

3. The dealer shall require the buyer to sign an acknowledgment of taxes, on a form prescribed by the Division . ~~{, which includes a statement that the manufactured home, mobile home, manufactured building, commercial coach or factory built housing is taxable in the county in which it is located.}~~ The dealer shall deliver the buyer's copy of the acknowledgment to the buyer at the time of sale and submit another copy to the county assessor of the county in which the manufactured home, mobile home, manufactured building, commercial coach or factory-built housing is to be located.

4. If a used or rebuilt manufactured home, mobile home, manufactured building or commercial coach or used or rebuilt factory-built housing is sold by a dealer pursuant to an installment contract or other agreement by which

the certificate of title ~~for certificate of ownership~~ does not pass immediately from the seller to the buyer upon the sale, the dealer shall submit to the Division any information required by the regulations adopted by the Administrator pursuant to NRS 489.272.

Sec. 7. NRS 489.521 is hereby amended to read as follows:

489.521 1. If a used or rebuilt manufactured home, mobile home, manufactured building or commercial coach or used or rebuilt factory-built housing is sold in this State by a person who is not a dealer, the seller or buyer, or both, shall :

(a) *Within 45 days after the sale*, submit to the Division ~~[,]~~ and ~~a copy~~ to the county assessor of the county in which the manufactured home, mobile home, manufactured building, commercial coach or factory-built housing is located ~~[, within 45 days after the sale]~~:

~~—(a) If a certificate of ownership has been issued in this State, that certificate properly endorsed, the information required by the regulations adopted by the Administrator pursuant to subsection 2; and~~

~~(b) If a certificate of title or other document of title has been issued by a public authority of another state, territory or country:~~

~~—(1) The certificate or document properly endorsed; and~~

~~—(2) A statement showing, if not included on the endorsed certificate or document, the description of the manufactured home, mobile home, manufactured building, commercial coach or factory built housing, the names and addresses of the buyer and seller, and the name and address of any person who takes or retains a purchase money security interest. The statement must be signed and acknowledged by the seller and buyer.~~

~~—(c) If a document of title has not been issued by any public authority, a statement showing all the information and signed and acknowledged in the manner required by subparagraph (2) of paragraph (b).~~

~~2. If a) the used or rebuilt manufactured home, mobile home, manufactured building or commercial coach or used or rebuilt factory-built housing is sold by a person who is not a dealer pursuant to an installment contract or other agreement by which the certificate of title for certificate of ownership does not pass immediately from the seller to the buyer upon the sale, [the seller or buyer, or both, shall] submit to the Division any information required by the regulations adopted by the Administrator pursuant to NRS 489.272.~~

2. *The Administrator shall adopt regulations prescribing the information that is required to be submitted to the Division and county assessor pursuant to paragraph (a) of subsection 1.*

Sec. 8. NRS 489.531 is hereby amended to read as follows:

489.531 ~~[1.]~~ The Division shall not issue a certificate of ~~ownership~~ title of a used manufactured home or used mobile home unless the county assessor of the county in which the manufactured home or mobile home was situated at the time of sale has ~~endorsed on~~ *provided to the [certificate] Division, on a form prescribed by the Division, verification that all personal*

property taxes on that manufactured home or mobile home for the fiscal year have been paid.

~~[2. Every certificate of ownership issued for a used manufactured home or mobile home must contain a warning, printed or stamped on its face, to the effect that title to a used manufactured home or used mobile home does not pass until the county assessor of the county in which the manufactured home or mobile home was situated at the time of the sale has endorsed on the certificate that all personal property taxes on that manufactured home or mobile home for the fiscal year have been paid.]~~

Sec. 9. NRS 489.541 is hereby amended to read as follows:

489.541 1. Except as otherwise provided in subsections 4 and 5, upon receipt of the documents required by the Division, the Division shall issue a certificate of ~~{ownership}~~ title.

2. If no security interest is created or exists in connection with the sale, the certificate of ~~{ownership}~~ title must be issued to the buyer.

3. If a security interest is created by the sale, the certificate of ~~{ownership}~~ title must be issued to the secured party or an assignee thereof, and must show the name of the registered owner.

4. The Division shall not issue a certificate of ~~{ownership}~~ title for a mobile home that has been determined to be substandard until the conditions that rendered the mobile home substandard are abated.

5. The Division shall not issue a certificate of title ~~{or certificate of ownership}~~ for factory-built housing that constitutes real property pursuant to subsection 4 of NRS 361.244.

Sec. 10. NRS 489.561 is hereby amended to read as follows:

489.561 Whenever an application is made to the Division for title of a manufactured home, mobile home or commercial coach previously titled and the applicant is unable to present the certificate of ~~{ownership}~~ title previously issued because it is lost or being unlawfully detained by one in possession or is not otherwise available, the Division may receive the application and examine the circumstances of the case and require the filing of affidavits or other information. When the Division is satisfied that the applicant is entitled to a certificate of ~~{ownership,}~~ title, or pursuant to NRS 489.562, it may issue the certificate on the manufactured home, mobile home or commercial coach.

Sec. 11. NRS 489.562 is hereby amended to read as follows:

489.562 1. If an applicant who is seeking a certificate of ~~{ownership}~~ title is unable to provide the information required by the Division pursuant to NRS 489.561 and satisfy the Division that the applicant is entitled to a certificate of ~~{ownership}~~ title pursuant to that section, the applicant may obtain a new certificate of ~~{ownership}~~ title from the Division by:

(a) Filing a bond with the Division that meets the requirements of subsection 3; and

(b) Allowing the Division to inspect the manufactured home, mobile home or commercial coach for compliance with the safety standards and other

requirements provided in regulations adopted by the Administrator pursuant to NRS 489.251.

2. Any person damaged by the issuance of a certificate of ~~ownership~~ *title* pursuant to this section has a right of action to recover on the bond for any breach of its conditions, except the aggregate liability of the surety to all persons must not exceed the amount of the bond.

3. The bond required pursuant to subsection 1 must be:

- (a) In a form prescribed by the Division;
- (b) Executed by the applicant as principal and by a corporation qualified under the laws of this State as surety;
- (c) In an amount equal to one and one-half times the most recent assessed value assigned by the relevant county assessor to the manufactured home, mobile home or commercial coach; and
- (d) Conditioned to indemnify any:

(1) Prior owner or lienholder of the manufactured home, mobile home or commercial coach, and his or her successors in interest;

(2) Subsequent purchaser of the manufactured home, mobile home or commercial coach, and his or her successors in interest; or

(3) Person acquiring a security interest in the manufactured home, mobile home or commercial coach, and his or her successors in interest,
↪ against any expense, loss or damage because of the issuance of the certificate of ~~ownership~~ *title* or because of any defect in or undisclosed security interest in the applicant's right or title to the manufactured home, mobile home or commercial coach or the applicant's interest in the manufactured home, mobile home or commercial coach.

4. A right of action does not exist in favor of any person by reason of any action or failure to act on the part of the Division or any officer or employee thereof in carrying out the provisions of this section, or in giving or failing to give any information concerning the legal ownership of a manufactured home, mobile home or commercial coach or the existence of a certificate of ~~ownership~~ *title* obtained pursuant to this section.

Sec. 12. NRS 489.564 is hereby amended to read as follows:

489.564 1. The owner or joint owners of a manufactured home, mobile home or commercial coach may request the Division to issue a certificate of ~~ownership~~ *title* in beneficiary form for the manufactured home, mobile home or commercial coach, as applicable, which includes a directive to the Division to transfer the certificate of ~~ownership~~ *title* upon the death of the owner or upon the death of all joint owners to a beneficiary named on the face of the certificate of ~~ownership~~ *title*.

2. A request made pursuant to subsection 1 must be submitted on an application made available by the Division and must:

- (a) Contain a notarized signature of the owner or each joint owner; and
- (b) Be accompanied by the fee for the issuance of a certificate of ~~ownership~~ *title*.

3. A certificate of ~~ownership~~ *title* in beneficiary form may not be issued to a person who holds an interest in a manufactured home, mobile home or commercial coach as a tenant in common with another person.

4. A certificate of ~~ownership~~ *title* in beneficiary form must include after the name of the owner or after the names of joint owners the words "transfer on death to" or the abbreviation "TOD" followed by the name of the beneficiary.

5. During the lifetime of a sole owner or before the death of the last surviving joint owner:

(a) The signature or consent of the beneficiary is not required for any transaction relating to a manufactured home, mobile home or commercial coach for which a certificate of ~~ownership~~ *title* in beneficiary form has been issued; and

(b) The certificate of ~~ownership~~ *title* in beneficiary form may be revoked or the beneficiary changed at any time by:

(1) Sale of the manufactured home, mobile home or commercial coach with proper assignment and delivery of the certificate of ~~ownership~~ *title* to another person; or

(2) Filing an application with, and paying a fee to, the Division to reissue the certificate of ~~ownership~~ *title* with no designation of a beneficiary or with the designation of a different beneficiary.

6. The interest of the beneficiary in a manufactured home, mobile home or commercial coach on the death of the sole owner or on the death of the last surviving joint owner is subject to any contract of sale, assignment or ownership or security interest to which the owner or owners of the manufactured home, mobile home or commercial coach were subject during their lifetime.

7. Except as otherwise provided in paragraph (b) of subsection 5, the designation of a beneficiary in a certificate of ~~ownership~~ *title* in beneficiary form may not be changed or revoked by will, any other instrument or a change in circumstances, or otherwise changed or revoked.

8. The Division shall, upon:

(a) Proof of death of one of the owners, of two or more joint owners or of a sole owner; and

(b) Payment of the fee for a certificate of ~~ownership,~~ *title*,
➔ issue a new certificate of ~~ownership~~ *title* for the manufactured home, mobile home or commercial coach to the surviving owner or owners or, if none, to the beneficiary, subject to any security interest.

9. For the purposes of complying with the provisions of subsection 8, the Division may rely on a death certificate, record or report that constitutes prima facie evidence of death.

10. The transfer on death of a manufactured home, mobile home or commercial coach pursuant to this section is not considered as testamentary and is not subject to administration pursuant to the provisions of title 12 of NRS.

11. As used in this section:

(a) "Beneficiary" means a person or persons designated to become the owner or owners of a manufactured home, mobile home or commercial coach on the death of the preceding owner or owners.

(b) "Certificate of ~~ownership~~ title in beneficiary form" means a certificate of ~~ownership~~ title of a manufactured home, mobile home or commercial coach that indicates the present owner or owners of the manufactured home, mobile home or commercial coach and designates a beneficiary.

Sec. 13. NRS 489.571 is hereby amended to read as follows:

489.571 1. Whenever a security interest is created in a manufactured home, mobile home or commercial coach, the certificate of ~~ownership~~ title must be delivered to the Division with a statement signed by the debtor showing the date of the security agreement, the names and addresses of the debtor and the secured party.

2. The Division shall issue to the secured party a certificate of ~~ownership~~ title with the name and address of the secured party and the name and address of the registered owner noted on it. If the security interest is subsequently acquired by another person, or if there is a change in the name or address of the secured party, the secured party shall apply to the Division for a corrected certificate of ~~ownership~~ title.

3. When the contract or terms of the security agreement have been fully performed, the seller or other secured party who holds the certificate of ~~ownership~~ title shall deliver the certificate to the person legally entitled to it with proper evidence of the termination or release of the security interest.

Sec. 14. NRS 489.585 is hereby amended to read as follows:

489.585 The Administrator shall adopt regulations pertaining to:

1. The issuance of a certificate of ~~ownership~~ title pursuant to NRS 489.562; and

2. The issuance and revocation of a certificate of ~~ownership~~ title in beneficiary form and a change in beneficiary for such a certificate of ~~ownership~~ title pursuant to NRS 489.564.

Sec. 15. NRS 489.723 is hereby amended to read as follows:

489.723 1. Any money that a dealer receives from a client or other person concerning the sale or exchange of an interest in a manufactured home, mobile home, manufactured building or commercial coach or factory-built housing must be accounted for by the dealer when:

(a) The sale or exchange of the interest in the manufactured home, mobile home, manufactured building, commercial coach or factory-built housing is executed; or

(b) The contract for the sale or exchange of the interest in the manufactured home, mobile home, manufactured building, commercial coach or factory-built housing is rescinded by the dealer, client or any other person, ➡ whichever occurs earlier.

2. The dealer shall:

(a) Prepare or cause to be prepared a written itemized statement concerning each expenditure or deduction of money made by the dealer;

(b) Deliver or cause to be delivered to each person from whom the dealer received money a copy of the written itemized statement; and

(c) Maintain a copy of the written itemized statement at the dealer's place of business.

3. Except as otherwise provided in a brokerage agreement or an escrow agreement signed by the parties to a sale or exchange of an interest in a manufactured home, mobile home, manufactured building or commercial coach or factory-built housing and the escrow agent or escrow officer licensed pursuant to the provisions of chapter 645A or 692A of NRS, no money concerning that sale or exchange held by a dealer may be distributed until:

(a) An application for:

(1) A certificate of ~~ownership~~ *title* for the manufactured home, mobile home, manufactured building, commercial coach or factory-built housing; or

(2) A certificate of title ~~for certificate of ownership~~ that does not pass immediately upon the sale or transfer of the manufactured home, mobile home, manufactured building, commercial coach or factory-built housing, ➔ has been submitted to the Division ~~for~~ *in a form prescribed by the Division*;

(b) Each person who has a financial interest in the manufactured home, mobile home, manufactured building, commercial coach or factory-built housing has executed a document *in a form prescribed by the Division* that releases or waives the person's interest; and

(c) Each party to the sale or exchange has complied with the requirements for the sale or exchange that are set forth in the regulations adopted pursuant to the provisions of this chapter.

Sec. 16. NRS 489.821 is hereby amended to read as follows:

489.821 1. A person is guilty of a gross misdemeanor who knowingly:

(a) Makes any false entry on any certificate of origin or certificate of ~~ownership~~ *title*.

(b) Furnishes false information to the Division concerning any security interest.

(c) Files with the Administrator any notice, statement or other document required under the provisions of this chapter which is false or contains any material misstatement of fact.

(d) Whether acting individually or as a director, officer or agent of a corporation, violates a provision of the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. §§ 5401 et seq., this chapter and chapter 461 of NRS, and any regulations adopted pursuant thereto, causing a condition which endangers the health or safety of a purchaser of a manufactured home.

2. A dealer is guilty of a gross misdemeanor who knowingly:

(a) Fails to maintain a trust account as required by NRS 489.724.

(b) Commingles the money or other property of a seller or purchaser of a manufactured home, manufactured building or mobile home or factory-built housing with his or her own.

(c) Fails to cooperate or comply with or knowingly impedes or interferes with any investigation or audit conducted by the Division pursuant to NRS 489.7235.

(d) Acts as a dealer while insolvent or engages in any financial practice which creates a substantial risk of insolvency.

3. Except as otherwise provided in this section, any person who knowingly or willfully violates any provision of this chapter is guilty of a misdemeanor.

4. Subsection 3 does not apply to a manufacturer of travel trailers.

Sec. 17. ~~[NRS 118B.025 is hereby amended to read as follows:~~

~~118B.025 The Administrator shall collect economic and demographic data annually from each manufactured home park, including, without limitation, the amount of rent and rate of vacancy for each type of lot in the park, and shall prescribe the form for the collection of such data.] (Deleted by amendment.)~~

Sec. 18. NRS 118B.215 is hereby amended to read as follows:

118B.215 1. In addition to the requirements set forth in NRS 319.510, money in the Account may be used to pay necessary administrative costs and to assist eligible persons by supplementing their monthly rent for the manufactured home lot on which their manufactured home is located. Except as otherwise provided in subsection 3, to be eligible for assistance from the Account, a person must:

(a) Except as otherwise provided in this subsection, have been a tenant in the same manufactured home park in this State for at least 1 year immediately preceding his or her application for assistance;

(b) Be the registered owner of the manufactured home which is subject to the tenancy, as indicated on the certificate of ~~[ownership]~~ title that is issued by the Division pursuant to NRS 489.541;

(c) Have a monthly household income, as determined by the Administrator in accordance with subsection 2, which is at or below:

(1) ~~The federally designated level signifying poverty or \$750, whichever is greater, if the person is the sole occupant. Thirty~~ thirty percent of the median family income, as prescribed by the HOME Investment Partnerships Act, 42 U.S.C. §§ 12701 et seq., adjusted for household size, which the United States Department of Housing and Urban Development has established for the area of the State in which the manufactured home is located ~~[;], whichever is greater; or~~

(2) ~~[The federally designated level signifying poverty or \$1,125, whichever is greater, if the person is not the sole occupant of the manufactured home;]~~ A maximum monthly household income that the Administrator has established by regulation pursuant to subsection 5;

(d) Be a tenant in a manufactured home park that is operated for profit and maintain continuous tenancy in that park during the duration of the supplemental assistance; and

(e) Not have assets whose value is more than \$12,000, excluding the value of:

- (1) The manufactured home which is subject to the tenancy;
- (2) The contents of that manufactured home; and
- (3) One motor vehicle.

↪ A person who has been a tenant of a manufactured home park in this State for at least 1 year, but has not been a tenant of the manufactured home park in which the tenant resides at the time the tenant applies for assistance for at least 1 year, is eligible for assistance from the Account if the tenant moved to the manufactured home park in which the tenant resides at the time of his or her application because the tenant was unable to pay the rent at the manufactured home park from which the tenant moved or because that park was closed.

2. In determining the monthly household income of an applicant pursuant to subsection 1, the Administrator shall exclude from the calculation:

(a) The value of any food stamps the applicant received pursuant to the Food Stamp Act of 1977, as amended, 7 U.S.C. §§ 2011 et seq., during the year immediately preceding his or her application for assistance; or

(b) If the applicant is receiving coverage pursuant to Medicare Part B, 42 U.S.C. §§ 1395j et seq., the value of the cost of that coverage during the year immediately preceding his or her application for assistance,

↪ whichever is greater.

3. The Administrator may waive the requirements for eligibility set forth in subsection 1 upon the written request of an applicant if the applicant demonstrates to the satisfaction of the Administrator that the circumstances of the applicant warrant a waiver as a result of:

(a) Illness;

(b) Disability; or

(c) Extreme financial hardship based upon a significant reduction of income, when considering the applicant's current financial circumstances.

↪ An applicant shall include with his or her request for a waiver all medical and financial documents that support his or her request.

4. The Administrator shall adopt regulations establishing:

(a) The annual reporting requirements for persons receiving assistance pursuant to this section. The regulations must require that each such person provide the Division with a written acknowledgment of his or her continued eligibility for assistance.

(b) The maximum amount of assistance which may be distributed to a person to supplement his or her monthly rent pursuant to this section.

5. *The Administrator may adopt regulations establishing a maximum monthly household income for a person to be eligible for assistance from the Account pursuant to subparagraph (2) of paragraph (c) of subsection 1.*

6. As used in this section:

(a) "Manufactured home" includes a travel trailer that is located on a manufactured home lot within a manufactured home park.

(b) "Monthly household income" means the combined monthly incomes of the occupants of a manufactured home which is subject to the tenancy for which assistance from the Account is requested.

(c) "Travel trailer" has the meaning ascribed to it in NRS 489.150.

Sec. 19. NRS 278.02095 is hereby amended to read as follows:

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

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

(a) The manufactured home:

(1) Be permanently affixed to a residential lot;

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

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

(4) Consist of ~~more than~~ one ~~section~~ or more sections; and

(5) Consist of at least ~~[1,200]~~ 400 square feet of living area unless the governing body, by administrative variance or other expedited procedure established by the governing body, approves a lesser amount of square footage based on the size or configuration of the lot or the square footage of single-family residential dwellings in the immediate vicinity of the manufactured home; and

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

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

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

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

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

6. As used in this section:

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

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

Sec. 20. NRS 319.169 is hereby amended to read as follows:

319.169 1. The Account for Housing Inspection and Compliance is hereby created in the State General Fund.

2. The Account must be administered by the Division. Except as otherwise provided in NRS 118B.213 and 489.265, all money received by the Division pursuant to NRS 118B.185 or any other source must be deposited into the Account.

3. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.

4. Claims against the Account must be paid as other claims against the State are paid.

5. The Administrator shall adopt regulations setting forth the use of the money in the Account, including, without limitation:

(a) Licensing, regulating and inspecting:

(1) Housing for persons of low-income that is financed pursuant to this chapter; and

(2) Manufactured homes, mobile homes, manufactured buildings, commercial coaches, factory-built housing or manufactured home parks pursuant to chapters 118B, 461, 461A and 489 of NRS;

(b) Licensing, regulating and inspecting manufacturers, general servicepersons, dealers, responsible managing employees, salespersons, distributors and specialty servicepersons pursuant to chapter 489 of NRS;

(c) Maintaining title records, and issuing certificates of ~~ownership,~~ title, property liens and conversions to real property of a mobile home or manufactured home;

(d) Investigating complaints, including, without limitation, complaints:

(1) Between a landlord and a tenant of a mobile home park; and

(2) Alleging unlicensed activity; and

(e) Administering any educational and training program for a provider of manufactured housing.

6. As used in this section:

(a) "Commercial coach" has the meaning ascribed to it in NRS 489.062.

(b) "Dealer" has the meaning ascribed to it in NRS 489.076.

- (c) "Distributor" has the meaning ascribed to it in NRS 489.081.
- (d) "Factory-built housing" has the meaning ascribed to it in NRS 461.080.
- (e) "General serviceperson" has the meaning ascribed to it in NRS 489.102.
- (f) "Manufactured building" has the meaning ascribed to it in NRS 461.132.
- (g) "Manufactured home" has the meaning ascribed to it in NRS 489.113.
- (h) "Manufactured home lot" has the meaning ascribed to it in NRS 118B.016.
- (i) "Manufactured home park" has the meaning ascribed to it in NRS 118B.017.
- (j) "Manufacturer" has the meaning ascribed to it in NRS 489.115.
- (k) "Mobile home" has the meaning ascribed to it in NRS 489.120.
- (l) "Mobile home park" has the meaning ascribed to "manufactured home park" in NRS 118B.017.
- (m) "Responsible managing employee" has the meaning ascribed to it in NRS 489.1353.
- (n) "Salesperson" has the meaning ascribed to it in NRS 489.13.
- (o) "Specialty serviceperson" has the meaning ascribed to it in NRS 489.147.

Sec. 21. NRS 361.2445 is hereby amended to read as follows:

361.2445 1. A mobile or manufactured home which has been converted to real property pursuant to NRS 361.244 may not be removed from the real property to which it is affixed unless, at least 30 days before removing the mobile or manufactured home:

(a) The owner:

(1) Files with the Division an affidavit stating that the sole purpose for converting the mobile or manufactured home from real to personal property is to effect a transfer of the title to the mobile or manufactured home;

(2) Files with the Division the affidavit of consent to the removal of the mobile or manufactured home of each person who holds any legal interest in the real property to which the mobile or manufactured home is affixed; and

(3) Gives written notice to the county assessor of the county in which the real property is situated; and

(b) The county tax receiver certifies in writing that all taxes for the fiscal year on the mobile or manufactured home and the real property to which the mobile or manufactured home is affixed have been paid.

2. The county assessor shall not remove a mobile or manufactured home from the tax rolls until:

(a) The county assessor has received verification that there is no security interest in the mobile or manufactured home or the holders of security interests have agreed in writing to the conversion of the mobile or manufactured home to personal property; and

(b) An affidavit of conversion of the mobile or manufactured home from real to personal property has been recorded in the county recorder's office of the county in which the real property to which the mobile or manufactured home was affixed is situated.

3. A mobile or manufactured home which is physically removed from real property pursuant to this section shall be deemed to be personal property immediately upon its removal.

4. The Department shall adopt:

(a) Such regulations as are necessary to carry out the provisions of this section; and

(b) A standard form for the affidavits required by this section.

5. Before the owner of a mobile or manufactured home that has been converted to personal property pursuant to this section may transfer ownership of the mobile or manufactured home, he or she must obtain a certificate of ~~ownership~~ *title* from the Division.

6. For the purposes of this section, the removal of a mobile or manufactured home from real property includes the detachment of the mobile or manufactured home from its foundation, other than temporarily for the purpose of making repairs or improvements to the mobile or manufactured home or the foundation.

7. An owner who physically removes a mobile or manufactured home from real property in violation of this section is liable for all legal costs and fees, plus the actual expenses, incurred by a person who holds any interest in the real property to restore the real property to its former condition. Any judgment obtained pursuant to this section may be recorded as a lien upon the mobile or manufactured home so removed.

8. As used in this section:

(a) "Division" means the Housing Division of the Department of Business and Industry.

(b) "Owner" means any person who holds an interest in the mobile or manufactured home or the real property to which the mobile or manufactured home is affixed evidenced by a conveyance or other instrument which transfers that interest to him or her and is recorded in the office of the county recorder of the county in which the mobile or manufactured home and real property are situated, but does not include the owner or holder of a right-of-way, easement or subsurface property right appurtenant to the real property.

Sec. 22. NRS 372.383 is hereby amended to read as follows:

372.383 1. If a certificate of ~~ownership~~ *title* has been issued for a used manufactured home or used mobile home by the Department of Motor Vehicles or the Housing Division of the Department of Business and Industry, it is presumed that the taxes imposed by this chapter have been paid with respect to that manufactured home or mobile home.

2. As used in this section, "manufactured home" and "mobile home" have the meanings ascribed to them in NRS 372.316.

Sec. 23. NRS 374.388 is hereby amended to read as follows:

374.388 1. If a certificate of ~~ownership~~ *title* has been issued for a used manufactured home or used mobile home by the Department of Motor Vehicles or the Housing Division of the Department of Business and Industry, it is presumed that the taxes imposed by this chapter have been paid with respect to that manufactured home or mobile home.

2. As used in this section, "manufactured home" and "mobile home" have the meanings ascribed to them in NRS 374.321.

Sec. 24. Notwithstanding the amendatory provisions of this act, any valid certificate of ownership for a manufactured home, mobile home, manufactured building or commercial coach or factory-built housing that was issued by the Housing Division of the Department of Business and Industry before July 1, 2023, shall be deemed to be a certificate of title issued by the Housing Division of the Department of Business and Industry.

Sec. 25. The Legislative Counsel shall:

1. In preparing the Nevada Revised Statutes, make such changes as necessary so that references to a "certificate of ownership" issued by the Housing Division of the Department of Business and Industry are changed to a "certificate of title" issued by the Housing Division of the Department of Business and Industry; and

2. In preparing supplements to the Nevada Administrative Code, make such changes as necessary so that references to a "certificate of ownership" issued by the Housing Division of the Department of Business and Industry are changed to a "certificate of title" issued by the Housing Division of the Department of Business and Industry.

Sec. 26. NRS 489.551 is hereby repealed.

Sec. 27. 1. This section and section 26 of this act become effective upon passage and approval.

2. Sections 1 to 25, inclusive, of this act become effective:

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

(b) On July 1, 2023, for all other purposes.

TEXT OF REPEALED SECTION

489.551 Endorsement of certificate upon transfer. Except as otherwise provided in NRS 489.564, upon a transfer of the title to or the interest of an owner in a manufactured home, mobile home or commercial coach for which a certificate of ownership is issued pursuant to the provisions of this chapter, the person whose title or interest is to be transferred and the transferee shall write their signatures with ink upon the certificate of ownership issued for the manufactured home, mobile home or commercial coach, together with the residence address of the transferee, in the appropriate spaces provided upon the reverse side of the certificate. The signature of the person whose title or interest is to be transferred that is written upon a certificate of ownership pursuant to the provisions of this section must be notarized.

Senator Harris moved the adoption of the amendment.

Remarks by Senator Harris.

Amendment No. 196 to Senate Bill No. 40 removes the proposed language in section 17 of the bill, revises income eligibility requirements for assistance from the Account for Affordable Housing, revises standards adopted by local governments for the placement of manufactured homes that will not be affixed to a lot within a mobile home park and makes changes to the report of sale of a new manufactured home, new mobile home, new manufactured building, new commercial coach or new factory-built housing.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 59.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 300.

SUMMARY—Revises provisions relating to vessels. (BDR 43-225)

AN ACT relating to vessels; revising certain crimes relating to the operation of a vessel while under the influence of alcohol or a prohibited substance; ~~prescribing procedures to obtain a certificate of ownership to a power-driven vessel under certain circumstances;~~ revising certain terminology; clarifying that mechanically propelled personal hydrofoils, motorized surfboards and vessels equipped with both a sail and a motor are subject to certain requirements governing power-driven vessels; making certain provisions governing vessels applicable to governmental entities; requiring a sailing vessel ~~for a human-powered vessel~~ to be numbered; ~~increasing certain fees;~~ revising certain class categories for vessels; revising provisions governing the removal of an abandoned vessel; revising the prohibition on operating a power-driven vessel under certain circumstances; authorizing a court to prohibit a person from operating any vessel on the interstate waters of this State under certain circumstances; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines the term "motorboat" to mean any vessel propelled by machinery. (NRS 488.035) Existing law: (1) requires, with certain exceptions, a motorboat to be numbered and titled; (2) establishes requirements for obtaining such a number or a certificate of ownership, transferring of the title of or any interest in a motorboat and perfecting security interest in a motorboat; and (3) establishes certain other requirements governing the equipment and operation of a motorboat. (NRS 488.065-488.1827, 488.187, 488.193, 488.195, 488.580, 488.585) Sections 8-10, 16-19, 22, 23, 37, 38 and 48 of this bill replace the term "motorboat" with the term "power-driven vessel." Sections 8 and 22 also standardize terminology used to refer to sailing vessels and human-powered vessels. Section 8 specifically includes a mechanically propelled personal hydrofoil, a motorized surfboard and a vessel equipped with both a sail and a

motor within the definition of "power-driven vessel," thereby clarifying that such vessels are subject to requirements governing power-driven vessels. However, section 23 exempts a mechanically propelled personal hydrofoil or a motorized surfboard from the requirement that a power-driven vessel must be equipped with certain fire extinguishers. Section 8 also: (1) includes a governmental entity within the definition of "person," thereby requiring a governmental entity to comply with certain provisions governing watercraft that currently apply to persons; and (2) defines certain other terms relating to watercraft.

~~{Sections 6, 7 and 19 of this bill authorize a person to apply to obtain a certificate of ownership to a power-driven vessel if the certificate of ownership is unavailable and: (1) the person files a bond with the Department of Wildlife and allows the Department to inspect the vessel and conduct a search of the history of the vessel; or (2) the vessel was previously registered and the Department investigates the situation and is satisfied that the person is entitled to a new certificate of ownership. Section 17 of this bill requires an applicant for the transfer of title to or any interest in a power-driven vessel to provide to the Department a declaration of the amount paid for the vessel or the value of the vessel, as determined by the National Automobile Dealers Association. Section 18 of this bill increases the fee to apply for the new certificate of ownership for a power-driven vessel and authorizes an applicant to expedite his or her application for an increased fee.}~~ Sections 25 and 26 of this bill remove duplicative terminology.

Sections 9, 11-16 and 20 of this bill require ~~{a human-powered vessel and}~~ a sailing vessel to be numbered under similar conditions as currently apply to the numbering of power-driven vessels. ~~{Section 45 of this bill requires the Department to treat the money collected as fees for issuing numbers for sailing vessels and human-powered vessels in the same manner as fees for issuing numbers to power-driven vessels.}~~

Section 8 includes within the definition of the term "owner" a person, other than secured party, who has a property right with regard to a human-powered vessel. Section 8 thus makes such a person responsible for the vessel for purposes including abandonment, operation and, in combination with sections 9, 11-16 and 20, numbering. (NRS 488.291, 488.293, 488.600) Section 21 of this bill expands the class categories prescribed by existing law for power-driven vessels to apply to all vessels.

Existing law: (1) prohibits a person, other than a peace officer engaged in law enforcement activities, from displaying a flashing blue light or a flashing red light on a vessel operating on the waters of this State; and (2) requires a peace officer to seize, or cause to be seized, such a light installed or operated on such a vessel. (NRS 488.187) Section 22 removes that requirement and instead authorizes a peace officer to seize, or cause to be seized, such a light. Section 22 also authorizes a peace officer engaged in public safety activities that do not also constitute law enforcement activities to display a flashing blue light.

Existing federal law requires each vessel to be equipped with a certain number of life jackets and ring life buoys. (46 C.F.R. §§ 180.70, 180.71) Sections 23, 36 and 37 of this bill revise terminology used in existing law to conform more closely to terminology used in those federal regulations.

Existing law authorizes a game warden, sheriff or other peace officer to remove a vessel from a public waterway under certain conditions. (NRS 488.293) Section 24 of this bill additionally authorizes the game warden, sheriff or other peace officer to order the removal of such a vessel, thereby clarifying that such a peace officer is not required to personally remove the vessel. Section 24 also authorizes such a peace officer to remove or order the removal of a vessel that has been left unattended and adrift, moored, docked, beached, run aground, trailered or made fast to land in such a position as to interfere with navigation ~~{for more than 48 hours if the peace officer has made a reasonable attempt to contact or has contacted the owner,}~~ , in such a condition as to create a hazard or in a location owned or administered by a public entity.

Existing law prohibits a person from operating or being in actual physical control of a vessel under power or sail while the person meets certain criteria for being under the influence of alcohol or a prohibited substance. (NRS 488.410, 488.420) Existing law also provides that a person is guilty of homicide by vessel if the person: (1) meets certain criteria for being under the influence of alcohol or a prohibited substance; (2) operates or is in actual physical control of a vessel under power or sail; (3) proximately causes the death of another person; and (4) has previously been convicted of at least three offenses relating to the operation of a vessel under power or sail while under the influence of alcohol or a prohibited substance. (NRS 488.425) For the purposes of these crimes, sections 27-29 of this bill prohibit a person from operating or being in actual physical control of a power-driven vessel or sailing vessel under way when the person is under the influence of alcohol or a prohibited substance, regardless of the manner in which the vessel is actually propelled. Sections 1-4, 30-35 and 40-47 of this bill make conforming changes to provisions that refer to those offenses.

Existing federal law requires a person operating certain recreational vessels to use an engine cut-off switch, which stops the engine of the vessel if activated, under certain circumstances. (46 U.S.C. § 4312) Existing law prohibits a person who owns or controls a power-driven vessel that is equipped with an engine cut-off switch from operating or authorizing another person to operate the power-driven vessel above certain speeds if: (1) the engine cut-off switch is missing, disconnected or not operating properly; or (2) the engine-cut off switch link is not attached to his or her body, clothing or personal flotation device. (NRS 488.585) Section 38: (1) ~~{narrows the applicability of this provision to only apply to}~~ requires a person who operates a recreational power-driven ~~{vessels}~~ vessel covered by federal law ~~{(2) revises the maximum speed under which a person is authorized to operate such a vessel if the engine cut off switch is missing, disconnected or~~

~~not operating properly; and (3) removes any prohibitions applicable where the] to use the engine-cut off switch link [is not] when the vessel is on plane or above displacement speed; and (2) prohibits the operation of such a vessel that is equipped with an engine cut-off switch unless the engine cut-off switch link is attached to the body, clothing or properly worn personal flotation device of the operator.~~

Existing law provides that any violation of a provision of state law governing the use of a watercraft is a misdemeanor unless otherwise stated. (NRS 488.950) Section 39 of this bill revises this penalty to instead provide that, except where otherwise stated, a person commits a misdemeanor if the person: (1) performs an act or attempts to perform an act prohibited by state law relating to the use of a watercraft; (2) willfully fails to perform an act required by state law relating to the use of a watercraft; or (3) ~~[hinders, obstructs, delays or interferes with an officer, employee or agent of the Department who is enforcing or attempting to enforce a provision of state law relating to the use of a watercraft or a related regulation; or (4)]~~ violates an order issued or regulation adopted by the Board of Wildlife Commissioners pursuant to state law relating to the use of a watercraft.

If a person violates any provision of state law governing the use of a watercraft, existing law authorizes a court to prohibit the person from operating a power-driven vessel on the interstate waters of this State until the person successfully completes a course in safe boating. Section 39 also expands the authority of a court by authorizing the court to prohibit a person who commits such a violation from operating any vessel on the interstate waters of this State until the person completes such a course.

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

Section 1. NRS 484A.774 is hereby amended to read as follows:

484A.774 1. Except as otherwise provided in subsection 2, after a person is arrested for the commission of a traffic violation pursuant to chapters 484A to 484E, inclusive, of NRS, there is a presumption that the person should be released on his or her own recognizance.

2. The presumption established in subsection 1 does not apply if:

(a) A person is arrested for:

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

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

(3) Driving, operating or being in actual physical control of a vehicle , *a power-driven vessel* or a *sailing vessel* under power or sail ~~way~~ while under the influence of intoxicating liquor or a controlled substance in violation of NRS 484C.110, 484C.120 or 488.410, as applicable; or

(b) The court determines that a person is willfully refusing to satisfy any obligations imposed by the court, including, without limitation, willfully refusing to pay any amount owed or willfully refusing to perform community service.

Sec. 2. NRS 484A.780 is hereby amended to read as follows:

484A.780 1. Except as otherwise provided in subsection 2, and subject to the limitation imposed by NRS 484A.782, a grace period of not less than 30 calendar days must be provided to a person who has failed to appear in court or failed to pay any administrative assessment, fine or court fee imposed upon the person for a violation of any provision of chapters 484A to 484E, inclusive, of NRS before a warrant can be issued for such a failure to appear or failure to pay.

2. The provisions of subsection 1 do not apply if:

(a) The court determines that providing such a grace period would substantially jeopardize public safety;

(b) The person was issued a traffic citation for:

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

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

(3) Driving, operating or being in actual physical control of a vehicle , *a power-driven vessel* or a *sailing vessel* under ~~power or sail~~ way while under the influence of intoxicating liquor or a controlled substance in violation of NRS 484C.110, 484C.120 or 488.410, as applicable; or

(c) During the immediately preceding 30 calendar days, the person was released from custody and given a date to return to court but failed to appear in court.

Sec. 3. NRS 484A.798 is hereby amended to read as follows:

484A.798 1. Notwithstanding any other provision of law, and except as otherwise provided in subsection 2, any conviction for a traffic violation pursuant to chapters 484A to 484E, inclusive, of NRS is not a criminal conviction for the purpose of applying for employment, a professional license or any educational opportunity.

2. The provisions of subsection 1 do not apply if a person is convicted of:

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

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

(c) Driving, operating or being in actual physical control of a vehicle , *a power-driven vessel* or a *sailing vessel* under ~~power or sail~~ way while under the influence of intoxicating liquor or a controlled substance in violation of NRS 484C.110, 484C.120 or 488.410, as applicable.

Sec. 4. NRS 484C.360 is hereby amended to read as follows:

484C.360 1. When a program of treatment is ordered pursuant to NRS 484C.340 or subsection 1 of NRS 484C.400, the court shall place the offender under the clinical supervision of a treatment provider for treatment in accordance with the report submitted to the court pursuant to NRS 484C.340 or subsection 3, 4, 5 or 6 of NRS 484C.350, as appropriate. The court shall:

(a) Order the offender to be placed under the supervision of a treatment provider, then release the offender for supervised aftercare in the community; or

(b) Release the offender for treatment in the community,

↪ for the period of supervision ordered by the court.

2. The court shall:

(a) Require the treatment provider to submit monthly progress reports on the treatment of an offender pursuant to this section; and

(b) Order the offender, to the extent of his or her financial resources, to pay any charges for treatment pursuant to this section. If the offender does not have the financial resources to pay all those charges, the court shall, to the extent possible, arrange for the offender to obtain the treatment from a treatment provider that receives a sufficient amount of federal or state money to offset the remainder of the charges.

3. A treatment provider is not liable for any damages to person or property caused by a person who:

(a) Drives, operates or is in actual physical control of a vehicle, a power-driven vessel or a sailing vessel under [power or sail] way while under the influence of intoxicating liquor or a controlled substance; or

(b) Engages in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420 or 488.425 or a law of any other jurisdiction that prohibits the same or similar conduct,

↪ after the treatment provider has certified that the offender has successfully completed a program of treatment ordered pursuant to NRS 484C.340 or subsection 1 of NRS 484C.400.

Sec. 5. ~~{Chapter 488 of NRS is hereby amended by adding thereto the provisions set forth as sections 6 and 7 of this act.} (Deleted by amendment.)~~

Sec. 6. ~~{1. If an applicant who is seeking a certificate of ownership to a power-driven vessel from the Department pursuant to NRS 488.075 or 488.1813 or section 7 of this act is unable to satisfy the Department that the applicant is entitled to a certificate of ownership, the applicant may apply to obtain a new certificate of ownership from the Department by:~~

~~— (a) Filing a bond with the Department that meets the requirements of subsection 3;~~

~~— (b) Allowing the Department to inspect the power-driven vessel to verify the hull identification number and identification numbers, if any, on parts used to repair the power-driven vessel; and~~

~~— (c) Authorizing the Department to conduct a search of the history of the power-driven vessel through any national crime information system, including, without limitation, the National Crime Information Center, as defined in NRS 179A.061.~~

~~— 2. Any person damaged by the issuance of a certificate of ownership pursuant to this section has a right of action to recover on the bond for any breach of its conditions, except the aggregate liability of the surety to all persons must not exceed the amount of the bond. The Department shall return the bond, and any deposit accompanying it, 3 years after the bond was filed with the Department, except that the Department shall not return the~~

~~bond if the Department has been notified of the pendency of an action to recover on the bond.~~

~~3. The bond required pursuant to subsection 1 must be:~~

~~(a) In a form prescribed by the Department;~~

~~(b) Executed by the applicant as principal and by a corporation qualified under the laws of this State as surety;~~

~~(c) In an amount equal to one and one half times the value of the power driven vessel, as determined by the Department; and~~

~~(d) Conditioned to indemnify any:~~

~~(1) Prior owner or lienholder of the power driven vessel, and his or her successors in interest;~~

~~(2) Subsequent purchaser of the power driven vessel, and his or her successors in interest; or~~

~~(3) Person acquiring a security interest in the power driven vessel, and his or her successors in interest,~~

~~— against any expenses, loss or damage because of the issuance of the certificate of ownership or because of any defect in or undisclosed security interest in the right or certificate of ownership of the applicant to the power driven vessel or the interest of the applicant in the power driven vessel.~~

~~4. A right of action does not exist in favor of any person by reason of any action or failure to act on the part of the Department or any officer or employee thereof in carrying out the provisions of this section, or in giving or failing to give any information concerning the legal ownership of a power driven vessel or the existence of a certificate of ownership obtained pursuant to this section.] (Deleted by amendment.)~~

Sec. 7. ~~[1. Whenever application is made to the Department for registration of a power driven vessel previously registered pursuant to this chapter and the applicant is unable to present the certificate of ownership previously issued for the power driven vessel because the certificate of ownership is lost, unlawfully detained by one in possession or otherwise not available, the Department may receive the application, investigate the circumstances of the case and require the filing of affidavits or other information. When the Department is satisfied that the applicant is entitled to a new certificate of ownership, it may register the power driven vessel and issue a new certificate of ownership to the person or persons entitled thereto. An applicant who is unable to satisfy the Department that the applicant is entitled to a new certificate of ownership pursuant to this subsection may obtain a new certificate of ownership pursuant to the provisions of section 6 of this act.~~

~~2. Whenever an application is made to the Department for the registration of a power driven vessel of which the:~~

~~(a) Ownership has been transferred;~~

~~(b) Certificate of ownership is lost, unlawfully detained by one in possession or otherwise not available; and~~

~~(c) Model year is 9 years old or newer;~~
~~the transferor of the power driven vessel may, to furnish any information required by the Department to carry out the provisions of NRS 488.1703, designate the transferee of the power driven vessel as attorney in fact on a form for a power of attorney provided by the Department.~~
~~3. The Department shall provide the form described in subsection 2.~~
~~4. The Department may charge a fee not to exceed \$1 for each form the Department provides. (Deleted by amendment.)~~

Sec. 8. NRS 488.035 is hereby amended to read as follows:

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

1. "Aquatic invasive species" means an aquatic species which is exotic or not native to this State and which the Commission has determined to be detrimental to aquatic life, water resources or infrastructure for providing water in this State.

2. "Aquatic plant material" means aquatic plants or parts of plants that are dependent on an aquatic environment to survive.

3. "Commission" means the Board of Wildlife Commissioners.

4. "Conveyance" means a motor vehicle, trailer or any other equipment used to transport a vessel or containers or devices used to haul water on a vessel that may contain or carry an aquatic invasive species or aquatic plant material.

5. "Decontaminate" means eliminate any aquatic invasive species on a vessel or conveyance in a manner specified by the Commission which may include, without limitation, washing the vessel or conveyance, draining the water in the vessel or conveyance, drying the vessel or conveyance or chemically, thermally or otherwise treating the vessel or conveyance.

6. "Department" means the Department of Wildlife.

7. "Flat wake" means the condition of the water close astern a moving vessel that results in a flat wave disturbance.

8. "Hull identification number" means the number assigned to a vessel pursuant to 33 C.F.R. Part 181, Subpart C.

9. "Human-powered vessel" means a vessel propelled by human power.

10. "Interstate waters of this State" means waters forming the boundary between the State of Nevada and an adjoining state.

~~{9.}~~ 11. "Legal owner" means a secured party under a security agreement relating to a vessel or a renter or lessor of a vessel to the State or any political subdivision of the State under a lease or an agreement to lease and sell or to rent and purchase which grants possession of the vessel to the lessee for a period of 30 consecutive days or more.

~~{10. "Motorboat" means any vessel propelled by machinery, whether or not the machinery is the principal source of propulsion.}~~

12. "Mechanically propelled personal hydrofoil" means a power-driven vessel that consists of a board fitted with a mast extending below the board that is attached to a fuselage with a forward wing, rear stabilizer and electric motor or internal combustion engine.

13. *"Motorized surfboard" means a power-driven vessel that consists of a board using a surfboard-type design fitted with either an electric motor or internal combustion engine.*

~~{11.}~~ 14. *"Operate" means to navigate or otherwise use a ~~motorboat or a~~ vessel.*

~~{12.}~~ 15. *"Owner" means:*

(a) A person having all the incidents of ownership, including the legal title of a vessel, whether or not he or she lends, rents or pledges the vessel; ~~and~~

(b) A debtor under a security agreement relating to a vessel ~~[-]~~ ; or

(c) *A person, other than a secured party, who has a property right with regard to a human-powered vessel, including, without limitation, a person entitled to use or possess a human-powered vessel subject to a security interest of another person.*

➤ *"Owner" does not include a person defined as a "legal owner" under subsection ~~{9.}~~ 11 or a person who is leasing a vessel where the vessel is not a security interest under the lease.*

16. *"Person" has the meaning ascribed to it in NRS 0.039 and includes, without limitation, a governmental entity.*

~~{13.}~~ 17. *"Power-driven vessel" means any vessel propelled by machinery, whether or not the machinery is the principal source of propulsion. The term includes, without limitation:*

(a) *A mechanically propelled personal hydrofoil;*

(b) *A motorized surfboard; and*

(c) *A vessel equipped with both a sail and a motor.*

18. *"Prohibited substance" has the meaning ascribed to it in NRS 484C.080.*

~~{14.}~~ 19. *"Registered owner" means the person registered by the Department as the owner of a vessel.*

20. *"Sailing vessel" means a vessel that is propelled by wind power and is not equipped with a motor.*

~~{15.}~~ 21. *"State hull number" means a hull number issued for a vessel by the Department that meets the requirements prescribed by the United States Coast Guard, including, without limitation, 33 C.F.R. § 174.16 and 33 C.F.R. Part 181, Subpart C.*

22. *"State of principal operation" means the state in ~~which~~ whose waters a vessel is ~~operated~~ or will be operated ~~for at least 6 months of~~ most during a calendar year.*

~~{16.}~~ 23. *"Under the influence" means impaired to a degree that renders a person incapable of safely operating or exercising actual physical control of a vessel.*

~~{17.}~~ 24. *A vessel is "under way" if it is adrift, making way or being propelled, and is not aground, made fast to the shore, or tied or made fast to a dock or mooring.*

~~{18.}~~ 25. "Vessel" means every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

~~{19.}~~ 26. "Waters of this State" means any waters within the territorial limits of this State.

Sec. 9. NRS 488.065 is hereby amended to read as follows:

488.065 1. Every ~~{motorboat on the waters of}~~ power-driven vessel for which this State is the principal state of operation must be numbered and titled, except as otherwise provided in subsection ~~{4.6}~~ 5 and NRS 488.175.

2. ~~{Every sailing vessel and human powered vessel for which this State is the state of principal operation must be numbered, except as otherwise provided in NRS 488.175. The Commission shall adopt regulations governing the numbering of sailing vessels and human powered vessels and prescribing the fees for such numbering.}~~

~~3.}~~ Upon receipt of an original application for a certificate of ownership or for transfer of a certificate of ownership on an undocumented ~~{motorboat}~~ power-driven vessel, the Department shall assign an appropriate state hull number to the ~~{motorboat}~~ power-driven vessel whenever there is no builder's hull identification number thereon, when the builder's hull identification number has been destroyed or obliterated, or if the builder's hull identification number does not meet the requirements prescribed by the United States Coast Guard. The state hull number must be permanently marked on an integral part of the hull which is accessible for inspection.

~~3.}~~ ~~4.}~~ A person shall not operate or give permission for the operation of any ~~{motorboat}~~ vessel on the waters of this state unless:

(a) The ~~{motorboat}~~ vessel is numbered in accordance with the provisions of this chapter or with the federally approved numbering system of another state;

(b) The certificate of number awarded to the ~~{motorboat}~~ vessel is in effect; and

(c) The identifying number set forth in the certificate of number is displayed on each side of the bow of the ~~{motorboat}~~ and

~~{(d)} vessel in the manner set forth in 33 C.F.R. Part 173.}~~

~~5.}~~ 4. A person shall not operate or give permission for the operation of any power-driven vessel on the waters of this State unless a valid certificate of ownership has been issued to the owner of ~~{any motorboat required to be numbered under this chapter.}~~

~~4.}~~ the power-driven vessel.

~~6.}~~ 5. Any person who purchases or otherwise owns a ~~{motorboat}~~ power-driven vessel before January 1, 1972, is not required to obtain title for the ~~{motorboat}~~ power-driven vessel until the person transfers any portion of his or her ownership in the ~~{motorboat}~~ power-driven vessel to another person.

Sec. 10. NRS 488.075 is hereby amended to read as follows:

488.075 1. The owner of each ~~{motorboat}~~ power-driven vessel

requiring numbering by this State shall file an application for a number and for a certificate of ownership with the Department on forms approved by it accompanied by:

(a) Proof of payment of Nevada sales or use tax as evidenced by proof of sale by a Nevada dealer or by a certificate of use tax paid issued by the Department of Taxation, or by proof of exemption from those taxes as provided in NRS 372.320.

(b) Such evidence of ownership as the Department may require.

➔ The Department shall not issue a number, a certificate of number or a certificate of ownership until this evidence is presented to it.

2. The application must be signed by the owner of the ~~motorboat~~ *power-driven vessel* and must be accompanied by:

(a) A fee of \$20 ~~(\$25)~~ for the certificate of ownership ; ~~for \$45 for an expedited certificate of ownership;~~ and

(b) Except as otherwise provided in subsection 2 of NRS 488.125, an annual fee according to the following schedule as determined by the straight line length which is measured from the tip of the bow to the back of the transom of the ~~motorboat~~ *power-driven vessel*:

Less than 13 feet	\$20
13 feet or more but less than 18 feet	25
18 feet or more but less than 22 feet	40
22 feet or more but less than 26 feet	55
26 feet or more but less than 31 feet	75
31 feet or more	100

Except as otherwise provided in this subsection, all fees received by the Department under the provisions of this chapter must be deposited in the Wildlife Account in the State General Fund and, except as otherwise provided in NRS 488.536, may be expended only for the administration and enforcement of the provisions of this chapter. On or before December 31 of each year, the Department shall deposit with the State Education Fund 50 percent of each fee collected according to the ~~motorboat's~~ *length of the power-driven vessel* for every ~~motorboat~~ *power-driven vessel* registered. Upon receipt of the application in approved form, the Department shall enter the application upon the records of its office and issue to the applicant a certificate of number stating the number awarded to the ~~motorboat~~ *power-driven vessel*, a certificate of ownership stating the same information and the name and address of the registered owner and the legal owner.

3. The Commission shall adopt regulations providing for the renewal of a certificate of number by the purchase of a validation decal. The fee for a validation decal is determined by the straight line length of the ~~motorboat~~ *power-driven vessel* and is equivalent to the fee set forth in the schedule provided in paragraph (b) of subsection 2. The amount of the fee for issuing a duplicate validation decal is \$20.

4. The owner shall paint on or attach to each side of the bow of the ~~motorboat~~ *power-driven vessel* the identification number in such manner as

may be prescribed by regulations of the Commission in order that the number may be clearly visible. The number must be maintained in legible condition.

5. The certificate of number must be available at all times for inspection on the ~~{motorboat}~~ power-driven vessel for which issued, whenever the ~~{motorboat}~~ power-driven vessel is in operation.

6. The Commission shall provide by regulation for the issuance of numbers to manufacturers and dealers which may be used interchangeably upon ~~{motorboats}~~ power-driven vessels operated by the manufacturers and dealers in connection with the demonstration, sale or exchange of those ~~{motorboats}~~ power-driven vessels. The amount of the fee for each such a number is \$20.

Sec. 11. NRS 488.085 is hereby amended to read as follows:

488.085 The owner of any ~~{motorboat}~~ vessel already covered by a number in effect which has been awarded to it pursuant to a federally approved numbering system of another state must record the number before operating the ~~{motorboat}~~ vessel on the waters of this State. The recordation must be in the manner and pursuant to the procedure required for the award of a number under NRS 488.075 ~~, for the regulations adopted pursuant to subsection 2 of NRS 488.065, as applicable,~~ but no additional or substitute number may be issued.

Sec. 12. NRS 488.105 is hereby amended to read as follows:

488.105 If an agency of the United States Government has in force an overall system of identification numbering for ~~{motorboats}~~ vessels within the United States, the numbering system employed pursuant to the provisions of this chapter by the Department must be in conformity therewith.

Sec. 13. NRS 488.125 is hereby amended to read as follows:

488.125 1. Every certificate of number awarded pursuant to the provisions of this chapter shall continue in full force and effect for a period of 1 year, or 2 years if allowed by regulations adopted by the Commission, unless sooner terminated or discontinued in accordance with the provisions of this chapter.

2. The fee for the issuance or renewal of a certificate of number for 2 years, if allowed, is an amount which is equal to twice the annual fee for the ~~{motorboat}~~ vessel set forth in paragraph (b) of subsection 2 of NRS 488.075 ~~, for the regulations adopted pursuant to subsection 2 of NRS 488.065, as applicable,~~

3. Certificates of number may be renewed by the owner in accordance with regulations adopted pursuant to subsection ~~2 of NRS 488.065 and subsection~~ 3 of NRS 488.075 ~~, as applicable,~~

Sec. 14. NRS 488.145 is hereby amended to read as follows:

488.145 1. The owner shall furnish the Department notice of the destruction or abandonment of any ~~{motorboat}~~ vessel numbered under this chapter, within 10 days thereof.

2. Such destruction or abandonment terminates the certificate of number for the ~~{motorboat}~~ vessel.

Sec. 15. NRS 488.165 is hereby amended to read as follows:

488.165 No number or decal other than the number or decal awarded to a ~~motorboat~~ vessel or granted reciprocity pursuant to the provisions of this chapter may be painted, attached or otherwise displayed on either side of the bow of such ~~motorboat~~ vessel. Only the current decal may be displayed or otherwise attached on either side of the bow of such ~~motorboat~~ vessel.

Sec. 16. NRS 488.175 is hereby amended to read as follows:

488.175 1. Except as otherwise provided in this section, a ~~motorboat~~ vessel need not be numbered pursuant to the provisions of this chapter if it is:

(a) Already covered by a number in effect which has been awarded or issued to it pursuant to a federally approved numbering system of another state.

(b) A ~~motorboat~~ vessel from a country other than the United States temporarily using the waters of this State.

(c) A public vessel of the United States, a state or a political subdivision of a state.

(d) A ship's lifeboat.

(e) A ~~motorboat~~ vessel belonging to a class of ~~boats~~ vessels which has been exempted from numbering by the Department after the Department has found:

(1) That the numbering of ~~motorboats~~ vessels of that class will not materially aid in their identification; and

(2) If an agency of the Federal Government has a numbering system applicable to the class of ~~motorboats~~ vessels to which the ~~motorboat~~ vessel in question belongs, that the ~~motorboat~~ vessel would also be exempt from numbering if it were subject to the federal law.

2. If the owner or operator of a ~~motorboat~~ vessel which is not numbered in this State is a resident of another state, and if this State is or will be the state of principal operation of the ~~motorboat~~ vessel during a calendar year, the ~~motorboat~~ vessel must be numbered and a certificate of number issued for the ~~motorboat~~ vessel pursuant to this chapter. ~~[As used in this subsection, "state of principal operation" means a state in whose waters a motorboat is primarily operated during a calendar year.]~~

3. The Department may, by regulation, provide for the issuance of exempt numbers for ~~motorboats~~ vessels not required to be registered under the provisions of this chapter.

4. A ~~motorboat~~ power-driven vessel need not be titled pursuant to the provisions of this chapter, if it is:

(a) Covered by a certificate of ownership which has been awarded or issued to it pursuant to the title system of another state; or

(b) Documented pursuant to 46 U.S.C. §§ 12101 et seq.

Sec. 17. NRS 488.1793 is hereby amended to read as follows:

488.1793 ~~1793~~ Except as otherwise provided for the creation or transfer of a security interest or the transfer on death of a certificate of ownership pursuant to NRS 488.1794, no transfer of title to or any interest in any

~~{motorboat}~~ power-driven vessel required to be numbered under this chapter is effective until one of the following conditions is fulfilled:

1. ~~{(a)}~~ The transferor has properly endorsed and delivered the certificate of ownership and has delivered the certificate of number to the transferee as provided in this chapter, and the transferee has, within the prescribed time, delivered the documents to the Department or placed them in the United States mail addressed to the Department with the transfer fee.

2. ~~{(b)}~~ The transferor has delivered to the Department or placed in the United States mail addressed to the Department the appropriate documents for the transfer of ownership pursuant to the sale or transfer.

~~{2. The documents provided to the Department pursuant to subsection 1 must include, without limitation, a declaration of amount paid for the power driven vessel or the NADA value of the power driven vessel.~~

~~3. As used in this section, "NADA value" means the value given to a power driven vessel by the National Automobile Dealers Association, or its successor organization.~~

Sec. 18. NRS 488.1795 is hereby amended to read as follows:

488.1795 Upon receipt of a properly endorsed certificate of ownership and the certificate of number of any ~~{motorboat}~~ power-driven vessel, the transferee shall within 10 days file the certificates, accompanied by a fee of \$20, ~~{ \$25, or \$45 for an expedited certificate of ownership, }~~ with the Department and thereby make application for a new certificate of ownership and , when required, a new certificate of number.

Sec. 19. NRS 488.1813 is hereby amended to read as follows:

488.1813 1. If a certificate of ownership is lost, stolen, damaged or mutilated, an application for transfer may be made upon a form provided by the Department for a duplicate certificate of ownership. The transferor shall write his or her signature and address in the appropriate spaces provided upon the application and file it together with the proper fees for a duplicate certificate of ownership and transfer.

2. The Department may receive the application and examine into the circumstances of the case and may require an inspection of the power-driven vessel and the filing of affidavits or other information. When the Department is satisfied that the applicant is entitled to a transfer of ownership, the Department may transfer the ownership of the ~~{motorboat}~~ power-driven vessel and issue a new certificate of ownership and certificate of number to the person found to be entitled thereto.

~~{3. An applicant who is unable to furnish information satisfactory to the Department that the applicant is entitled to a duplicate certificate of ownership pursuant to this section may obtain a new certificate of ownership pursuant to the provisions of section 6 of this act.}~~

Sec. 20. NRS 488.1827 is hereby amended to read as follows:

488.1827 The Department may suspend or revoke any certificate of ownership, certificate of number or number of any ~~{motorboat}~~ vessel if it is

satisfied that any such certificate or number was fraudulently obtained, or that the appropriate fee was not paid.

Sec. 21. NRS 488.185 is hereby amended to read as follows:

488.185 ~~[Motorboats]~~ *Vessels* subject to the provisions of this chapter shall be divided into four classes as follows:

Class A. Less than 16 feet in length.

Class 1. Sixteen feet or over and less than 26 feet in length.

Class 2. Twenty-six feet or over and less than 40 feet in length.

Class 3. Forty feet or over.

Sec. 22. NRS 488.187 is hereby amended to read as follows:

488.187 1. Every ~~[motorboat]~~ *power-driven vessel or sailing vessel* in all weathers from sunset to sunrise, as established by the Nautical Almanac Office, United States Naval Observatory, Washington, D.C., must carry and exhibit the following lights when underway, and during that time other lights which may be mistaken for those prescribed must not be exhibited:

(a) Every ~~[motorboat]~~ *power-driven vessel* of classes A and 1 must carry the following lights:

(1) A bright white light aft to show all around the horizon.

(2) A combined lantern in the forepart of the *power-driven* vessel and lower than the white light aft, showing green to starboard and red to port, so fixed as to throw the light from right ahead to 2 points abaft the beam on their respective sides.

(b) Every ~~[motorboat]~~ *power-driven vessel* of classes 2 and 3 must carry the following lights:

(1) A bright white light in the forepart of the *power-driven* vessel as near the stem as practicable, so constructed as to show an unbroken light over an arc of the horizon of 20 points of the compass, so fixed as to throw the light 10 points on each side of the *power-driven* vessel, from right ahead to 2 points abaft the beam on either side.

(2) A bright white light aft to show 12 points.

(3) On the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to throw the light from right ahead to 2 points abaft the beam on the starboard side. On the port side a red light so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to throw the light from right ahead to 2 points abaft the beam on the port side. The side lights must be fitted with inboard screens of sufficient height so set as to prevent these lights from being seen across the bow.

(c) ~~[Vessels]~~ *Sailing vessels* of classes A and 1 ~~[when propelled by sail alone]~~ must carry the combined lantern in the forepart of the *sailing* vessel and a white 12-point stern light. ~~[Vessels]~~ *Sailing vessels* of classes 2 and 3 ~~[when so propelled]~~ must carry the colored side lights, fitted so as to prevent these lights from being seen across the bow and a white 12-point stern light.

2. Every white light prescribed by this section must be visible at a distance of at least 2 miles. Every colored light prescribed by this section

must be visible at a distance of at least 1 mile. As used in this subsection, "visible" means visible on a dark night with clear atmosphere.

3. ~~{When propelled by sail and machinery a vessel must carry the lights required by this section for a motorboat propelled by machinery only.}~~

~~— 4. Manually propelled}~~ Human-powered vessels ~~{of classes A and 1}~~ must have ready at hand an electric torch or lighted lantern showing a white light which must be exhibited in sufficient time to prevent a collision.

~~{5.}~~ 4. Any vessel may carry and exhibit the lights required by the Inland Navigational Rules, ~~{34 U.S.C. §§ 2001 et seq.}~~ 33 C.F.R. Part 83, in lieu of the lights required by this section.

~~{6.}~~ 5. Except for vessels anchored or moored in an area designated by the Commission as an anchoring or mooring area pursuant to the provisions of NRS 488.265, every vessel, ~~{whether propelled by sail or machinery,}~~ when anchored or moored between sunset and sunrise where other vessels may navigate, must display a white light clearly visible in all directions.

~~{7.}~~ 6. Except as otherwise provided in this subsection, it is unlawful for a person to display a flashing blue light or a flashing red light on a vessel operating on the waters of this state. A vessel of the United States, this state or its political subdivisions or a bordering state under interstate compact may display a flashing blue light when operated by a peace officer engaged in law enforcement or public safety activities. A peace officer ~~{shall}~~ may seize, or cause to be seized, a flashing red or blue light installed or operated in violation of this subsection.

Sec. 23. NRS 488.193 is hereby amended to read as follows:

488.193 1. Except for a contrivance, propelled by a sail, whose occupant must stand erect, every vessel must carry at least one ~~{personal flotation device}~~ life jacket of ~~{a}~~ *an appropriate size and type for the person for whom it is intended that has been approved by the United States Coast Guard and meets any requirements* prescribed by the regulations of the Commission for each person on board and any person in a vessel being towed, so placed as to be readily accessible for use in an emergency. Every vessel carrying passengers for hire must carry so placed as to be readily accessible for use in an emergency at least one ~~{personal flotation device}~~ life jacket of the sort prescribed by *this subsection and* the regulations of the Commission for each person on board. A ~~{personal flotation device}~~ life jacket required by this subsection is readily accessible for use in an emergency if:

- (a) It is being worn; or
- (b) It is stowed where it is quickly reachable and is:
 - (1) Ready to wear;
 - (2) Out of its original packaging; and
 - (3) Not under lock and key.

2. In addition to the requirements set forth in subsection 1, unless exempted by the United States Coast Guard or the regulations of the Commission:

(a) Every vessel which is 16 feet or more in length but less than 26 feet in length, regardless of its method of propulsion, must carry, so placed as to be readily accessible for use in an emergency, a ~~{type-IV}~~ *throwable* personal flotation device approved by the United States Coast Guard , ~~{which is capable of being thrown,}~~ such as a ring life buoy or buoyant cushion. A ~~{type-IV}~~ *throwable* personal flotation device required by this paragraph is readily accessible for use in an emergency if it is stowed in close proximity to the operator of the vessel and in a position to be thrown to a person overboard by either the operator or a passenger.

(b) Except as otherwise provided in this paragraph, every vessel which is 26 feet or more in length, regardless of its method of propulsion, must carry, so placed as to be readily accessible for use in an emergency, a ~~{type-IV}~~ *throwable* personal flotation device approved by the United States Coast Guard , ~~{which is capable of being thrown,}~~ such as a ring life buoy or buoyant cushion . ~~{, with not less than 30 feet of throwing line attached.}~~ If the vessel is 40 feet or more in length, such a ~~{type-IV}~~ *throwable* personal flotation device must be carried on both the fore and the aft of the vessel. A ~~{type-IV}~~ *throwable* personal flotation device required by this paragraph is readily accessible for use in an emergency if it is prominently displayed on a bulkhead, railing or gunwale, and in a position to be thrown to a person overboard by either the operator or a passenger.

3. Every ~~{motorboat}~~ *power-driven vessel, except a mechanically propelled personal hydrofoil or a motorized surfboard,* must be provided with such number, size and type of fire extinguishers, capable of promptly and effectually extinguishing burning gasoline, as may be prescribed by the regulations of the Commission. The fire extinguishers must be of a marine type which has been approved by the United States Coast Guard and kept in condition for immediate and effective use and so placed as to be readily accessible.

4. Every ~~{motorboat}~~ *power-driven vessel* must have the carburetor of every engine therein, except outboard motors, using gasoline as fuel, equipped with such efficient flame arrestor, backfire trap or other similar device as may be prescribed by the regulations of the Commission.

5. Every ~~{motorboat and every}~~ vessel, except open boats, using as fuel any liquid of a volatile nature, must be provided with such means as may be prescribed by the regulations of the Commission for properly and efficiently ventilating the bilges of the engine and compartments for tanks of fuel to remove any explosive or flammable gases.

6. The Commission may adopt regulations modifying the requirements for equipment contained in this section to the extent necessary to keep these requirements in conformity with the provisions of the Federal Navigation Laws or with the rules for navigation adopted by the United States Coast Guard.

Sec. 24. NRS 488.291 is hereby amended to read as follows:

488.291 1. A person shall not abandon a vessel upon a public waterway

or public or private property without the consent of the owner or person in lawful possession or control of the property.

2. The abandonment of any vessel in a manner prohibited by subsection 1 is prima facie evidence that the last registered owner of record, unless the registered owner has notified the Department or other appropriate agency of his or her relinquishment of title or interest therein, is responsible for the abandonment. The person so responsible is liable for the cost of removal and disposition of the vessel.

3. A game warden, sheriff or other peace officer of this state may remove *or order the removal of* a vessel from a public waterway when:

(a) The vessel is left unattended and is adrift, moored, docked, beached, run aground, trailered or made fast to land in ~~such a position~~ :

(1) ~~Position~~ Such a position as to interfere with navigation; ~~for in such a condition for more than 48 hours and a game warden, sheriff or other peace officer of this State has contacted or made a reasonable attempt to contact the owner; or~~

(2) ~~Condition~~ Such a condition as to create a hazard to other vessels using the waterway, to public safety or to the property of another ~~person~~; or

(3) A location owned or administered by a public entity.

(b) The vessel is found upon a waterway and a report has previously been made that the vessel has been stolen or embezzled.

(c) The person in charge of the vessel is by reason of physical injuries or illness incapacitated to such an extent as to be unable to provide for its custody or removal.

(d) An officer arrests a person operating or in control of the vessel for an alleged offense, and the officer is required or permitted to take, and does take, the person arrested before a magistrate without unnecessary delay.

(e) The vessel seriously interferes with navigation or otherwise poses a critical and immediate danger to navigation or to the public health, safety or welfare.

Sec. 25. NRS 488.305 is hereby amended to read as follows:

488.305 1. The Department may authorize the holding of regattas, ~~motorboat or other boat~~ vessel races, marine parades, tournaments or exhibitions on any waters of this state. The Commission shall adopt regulations concerning the safety of ~~motorboats and other~~ vessels and persons thereon, either observers or participants.

2. At least 30 days before a regatta, ~~motorboat or other boat~~ vessel race, marine parade, tournament or exhibition is proposed to be held, the person in charge thereof must file an application with the Department for permission to hold the regatta, ~~motorboat or other boat~~ vessel race, marine parade, tournament or exhibition. No such event may be conducted without the written authorization of the Department.

3. The Director of the Department may require an applicant, or the sponsor of the event, as a condition of the approval of a regatta, ~~motorboat or other boat~~ vessel race, marine parade, tournament or exhibition, to enter

into an agreement to reimburse the Department for expenses incurred by the Department to ensure that the event is conducted safely, including, without limitation, expenses for equipment used, expenses for personnel and general operating expenses.

4. The application must set forth the date, time and location where it is proposed to hold the regatta, ~~{motorboat or other boat}~~ vessel race, marine parade, tournament or exhibition, the type of vessels participating, the number and kind of navigational aids required and the name of a person who will be present at the event to ensure that the conditions of the permit are satisfied.

5. The provisions of this section do not exempt any person from compliance with applicable federal law or regulation.

Sec. 26. NRS 488.400 is hereby amended to read as follows:

488.400 1. A person shall not operate any ~~{motorboat or}~~ vessel, or manipulate any water skis, surfboard or similar device in a reckless or negligent manner so as to endanger the life or property of any person.

2. A person shall not operate any ~~{motorboat or}~~ vessel, or manipulate any water skis, surfboard or similar device while intoxicated or under the influence of any controlled substance, unless in accordance with a lawfully issued prescription.

Sec. 27. NRS 488.410 is hereby amended to read as follows:

488.410 1. It is unlawful for any person who:

(a) Is under the influence of intoxicating liquor;
(b) Has a concentration of alcohol of 0.08 or more in his or her blood or breath; or

(c) Is found by measurement within 2 hours after operating or being in actual physical control of a *power-driven vessel or sailing vessel* under way to have a concentration of alcohol of 0.08 or more in his or her blood or breath,

↪ to operate or be in actual physical control of a *power-driven vessel or sailing vessel* under ~~{power or sail}~~ way on the waters of this State.

2. It is unlawful for any person who:

(a) Is under the influence of a controlled substance;
(b) Is under the combined influence of intoxicating liquor and a controlled substance; or

(c) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely operating or exercising actual physical control of a *power-driven vessel or sailing vessel* ~~or~~ under ~~{power or sail}~~ way,

↪ to operate or be in actual physical control of a *power-driven vessel or sailing vessel* under ~~{power or sail}~~ way on the waters of this State.

3. It is unlawful for any person to operate or be in actual physical control of a *power-driven vessel or sailing vessel* under ~~{power or sail}~~ way on the

waters of this State with an amount of any of the following prohibited substances in his or her blood or urine that is equal to or greater than:

Prohibited substance	Urine	Blood
	Nanograms per milliliter	Nanograms per milliliter
(a) Amphetamine	500	100
(b) Cocaine	150	50
(c) Cocaine metabolite	150	50
(d) Heroin	2,000	50
(e) Heroin metabolite:		
(1) Morphine	2,000	50
(2) 6-monoacetyl morphine	10	10
(f) Lysergic acid diethylamide	25	10
(g) Methamphetamine	500	100
(h) Phencyclidine	25	10

4. For any violation that is punishable pursuant to NRS 488.427, it is unlawful for any person to operate or be in actual physical control of a *power-driven vessel or sailing vessel under [power or sail] way* on the waters of this State with an amount of any of the following prohibited substances in his or her blood that is equal to or greater than:

Prohibited substance	Blood
	Nanograms per milliliter
(a) Marijuana (delta-9-tetrahydrocannabinol)	2
(b) Marijuana metabolite (11-OH-tetrahydrocannabinol)	5

5. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after operating or being in actual physical control of the *power-driven vessel or sailing vessel, as applicable, under way* and before his or her blood was tested, to cause the defendant to have a concentration of 0.08 or more of alcohol in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

6. Except as otherwise provided in NRS 488.427, a person who violates the provisions of this section is guilty of a misdemeanor.

Sec. 28. NRS 488.420 is hereby amended to read as follows:

488.420 1. Unless a greater penalty is provided pursuant to NRS 488.425, a person who:

- (a) Is under the influence of intoxicating liquor;
- (b) Has a concentration of alcohol of 0.08 or more in his or her blood or breath;
- (c) Is found by measurement within 2 hours after operating or being in actual physical control of a *power-driven vessel or sailing vessel under*

~~[power or sail]~~ way to have a concentration of alcohol of 0.08 or more in his or her blood or breath;

(d) Is under the influence of a controlled substance or is under the combined influence of intoxicating liquor and a controlled substance;

(e) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely operating or being in actual physical control of a *power-driven vessel or sailing vessel* ~~or under [power or sail]~~ way; or

(f) Has a prohibited substance in his or her blood or urine, as applicable, in an amount that is equal to or greater than the amount set forth in subsection 3 or 4 of NRS 488.410,

↪ and does any act or neglects any duty imposed by law while operating or being in actual physical control of any *power-driven vessel or sailing vessel* ~~or under [power or sail]~~ way, if the act or neglect of duty proximately causes the death of, or substantial bodily harm to, another person, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and shall be further punished by a fine of not less than \$2,000 nor more than \$5,000. A person so imprisoned must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

2. A prosecuting attorney shall not dismiss a charge of violating the provisions of subsection 1 in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless the prosecuting attorney knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial. A sentence imposed pursuant to subsection 1 must not be suspended, and probation must not be granted.

3. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after operating or being in actual physical control of the *power-driven vessel or sailing vessel* ~~under power or sail~~, as applicable, under way and before his or her blood was tested, to cause the defendant to have a concentration of alcohol of 0.08 or more in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

4. If a person less than 15 years of age was in the vessel at the time of the defendant's violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.

Sec. 29. NRS 488.425 is hereby amended to read as follows:

488.425 1. A person commits homicide by vessel if the person:

(a) Operates or is in actual physical control of a *power-driven vessel or sailing vessel* under ~~[power or sail]~~ way on the waters of this State and:

(1) Is under the influence of intoxicating liquor;

(2) Has a concentration of alcohol of 0.08 or more in his or her blood or breath;

(3) Is found by measurement within 2 hours after operating or being in actual physical control of a *power-driven vessel or sailing vessel* under ~~[power or sail]~~ way to have a concentration of alcohol of 0.08 or more in his or her blood or breath;

(4) Is under the influence of a controlled substance or is under the combined influence of intoxicating liquor and a controlled substance;

(5) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely operating or exercising actual physical control of a *power-driven vessel or sailing vessel* ~~+~~ under ~~[power or sail]~~ way; or

(6) Has a prohibited substance in his or her blood or urine, as applicable, in an amount that is equal to or greater than the amount set forth in subsection 3 or 4 of NRS 488.410;

(b) Proximately causes the death of another person while operating or in actual physical control of a *power-driven vessel or sailing vessel* ~~+~~ under ~~[power or sail]~~ way; and

(c) Has previously been convicted of at least three offenses.

2. A person who commits homicide by vessel is guilty of a category A felony and shall be punished by imprisonment in the state prison:

(a) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or

(b) For a definite term of 25 years, with eligibility for parole beginning when a minimum of 10 years has been served.

3. A person imprisoned pursuant to subsection 2 must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

4. A prosecuting attorney shall not dismiss a charge of homicide by vessel in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless the prosecuting attorney knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial. A sentence imposed pursuant to subsection 2 may not be suspended nor may probation be granted.

5. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under subparagraph (3) of paragraph (a) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after operating or being in actual physical control of the *power-driven vessel or sailing vessel*, *as applicable*, under way and before his or her blood or breath was

tested, to cause the defendant to have a concentration of alcohol of 0.08 or more in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

6. If the defendant was transporting a person who is less than 15 years of age in the *power-driven vessel or sailing vessel*, *as applicable*, under way at the time of the violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.

7. As used in this section, "offense" means:

(a) A violation of NRS 488.410 or 488.420;

(b) A homicide resulting from operating or being in actual physical control of a *power-driven vessel or sailing vessel* under way while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by this section or NRS 488.410 or 488.420; or

(c) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b).

Sec. 30. NRS 488.450 is hereby amended to read as follows:

488.450 1. Any person who operates or is in actual physical control of a *power-driven vessel or sailing vessel* under ~~[power or sail]~~ way on the waters of this State shall be deemed to have given consent to a preliminary test of his or her breath to determine the concentration of alcohol in his or her breath when the test is administered at the request of a peace officer after a *power-driven vessel or sailing vessel* accident or collision *while under way* or where an officer stops a *power-driven vessel or sailing vessel* ~~that~~ under way, if the officer has reasonable grounds to believe that the person to be tested was:

(a) Operating or in actual physical control of a *power-driven vessel or sailing vessel* under ~~[power or sail]~~ way while under the influence of intoxicating liquor or a controlled substance; or

(b) Engaging in any other conduct prohibited by NRS 488.410, 488.420 or 488.425.

2. If the person fails to submit to the test, the officer shall, if reasonable grounds otherwise exist, arrest the person and take him or her to a convenient place for the administration of a reasonably available evidentiary test under NRS 488.460.

3. The result of the preliminary test must not be used in any criminal action, except to show there were reasonable grounds to make an arrest.

Sec. 31. NRS 488.460 is hereby amended to read as follows:

488.460 1. Except as otherwise provided in subsections 3 and 4, a person who operates or is in actual physical control of a *power-driven vessel or sailing vessel* under ~~[power or sail]~~ way on the waters of this State shall be deemed to have given consent to an evidentiary test of his or her blood, urine, breath or other bodily substance to determine the concentration of alcohol in his or her blood or breath or to determine whether a controlled substance,

chemical, poison, organic solvent or another prohibited substance is present, if such a test is administered at the request of a peace officer having reasonable grounds to believe that the person to be tested was:

(a) Operating or in actual physical control of a *power-driven vessel or sailing vessel* ~~under power or sail~~ *way* while under the influence of intoxicating liquor or a controlled substance or with a prohibited substance in his or her blood or urine; or

(b) Engaging in any other conduct prohibited by NRS 488.410, 488.420 or 488.425.

2. If the person to be tested pursuant to subsection 1 is dead or unconscious, the officer shall direct that samples of blood from the person be tested.

3. Any person who is afflicted with hemophilia or with a heart condition requiring the use of an anticoagulant as determined by a physician is exempt from any blood test which may be required pursuant to this section, but must, when appropriate pursuant to the provisions of this section, be required to submit to a breath or urine test.

4. If the concentration of alcohol of the blood or breath of the person to be tested is in issue:

(a) Except as otherwise provided in this section, the person may refuse to submit to a blood test if means are reasonably available to perform a breath test.

(b) The person may request a blood test, but if means are reasonably available to perform a breath test when the blood test is requested, and the person is subsequently convicted, the person must pay for the cost of the blood test, including the fees and expenses of witnesses whose testimony in court is necessary because of the use of the blood test. The expenses of such a witness may be assessed at an hourly rate of not less than:

(1) Fifty dollars for travel to and from the place of the proceeding; and

(2) One hundred dollars for giving or waiting to give testimony.

(c) Except as otherwise provided in NRS 488.470, not more than three samples of the person's blood or breath may be taken during the 5-hour period immediately following the time of the initial arrest.

5. Except as otherwise provided in subsection 6, if the presence of a controlled substance, chemical, poison, organic solvent or another prohibited substance in the blood or urine of the person is in issue, the officer may request that the person submit to a blood or urine test, or both.

6. If the presence of marijuana in the blood of the person is in issue, the officer may request that the person submit to a blood test.

7. Except as otherwise provided in subsections 3 and 5, a peace officer shall not request that a person submit to a urine test.

8. If a person to be tested fails to submit to a required test as requested by a peace officer pursuant to this section and the officer has reasonable grounds to believe that the person to be tested was:

(a) Operating or in actual physical control of a *power-driven vessel or sailing vessel* ~~under [power or sail] way~~ while under the influence of intoxicating liquor or a controlled substance or with a prohibited substance in his or her blood or urine; or

(b) Engaging in any other conduct prohibited by NRS 488.410, 488.420 or 488.425,

→ the officer may apply for a warrant or court order directing that reasonable force be used to the extent necessary to obtain samples of blood from the person to be tested.

9. If a person who is less than 18 years of age is requested to submit to an evidentiary test pursuant to this section, the officer shall, before testing the person, make a reasonable attempt to notify the parent, guardian or custodian of the person, if known.

Sec. 32. NRS 488.480 is hereby amended to read as follows:

488.480 1. If a person refuses to submit to a required chemical test provided for in NRS 488.450 or 488.460, evidence of that refusal is admissible in any criminal action arising out of acts alleged to have been committed while the person was:

(a) Operating or in actual physical control of a *power-driven vessel or sailing vessel* ~~under [power or sail] way~~ while under the influence of intoxicating liquor or a controlled substance; or

(b) Engaging in any other conduct prohibited by NRS 488.410, 488.420 or 488.425.

2. Except as otherwise provided in subsection 3 of NRS 488.450, a court may not exclude evidence of a required test or failure to submit to such a test if the peace officer or other person substantially complied with the provisions of NRS 488.450 to 488.500, inclusive.

3. If a person submits to a chemical test provided for in NRS 488.450 or 488.460, full information concerning that test must be made available, upon request, to the person or the person's attorney.

4. Evidence of a required test is not admissible in a criminal proceeding unless it is shown by documentary or other evidence that the device for testing breath was certified pursuant to NRS 484C.610 and was calibrated, maintained and operated as provided by the regulations of the Committee on Testing for Intoxication adopted pursuant to NRS 484C.620, 484C.630 or 484C.640.

5. If the device for testing breath has been certified by the Committee on Testing for Intoxication to be accurate and reliable pursuant to NRS 484C.610, it is presumed that, as designed and manufactured, the device is accurate and reliable for the purpose of testing a person's breath to determine the concentration of alcohol in the person's breath.

6. A court shall take judicial notice of the certification by the Director of a person to operate testing devices of one of the certified types. If a test to determine the amount of alcohol in a person's breath has been performed with a certified type of device by a person who is certified pursuant to

NRS 484C.630 or 484C.640, it is presumed that the person operated the device properly.

7. This section does not preclude the admission of evidence of a test of a person's breath where the:

(a) Information is obtained through the use of a device other than one of a type certified by the Committee on Testing for Intoxication.

(b) Test has been performed by a person other than one who is certified by the Director.

8. As used in this section, "Director" means the Director of the Department of Public Safety.

Sec. 33. NRS 488.490 is hereby amended to read as follows:

488.490 1. A person who is arrested for operating or being in actual physical control of a *power-driven vessel or sailing vessel* ~~under power or sail~~ way while under the influence of intoxicating liquor or a controlled substance or for engaging in any other conduct prohibited by NRS 488.410, 488.420 or 488.425 must be permitted, upon the person's request and at his or her expense, reasonable opportunity to have a qualified person of his or her own choosing administer a chemical test to determine:

(a) The concentration of alcohol in his or her blood or breath; or

(b) Whether a controlled substance, chemical, poison, organic solvent or another prohibited substance is present in his or her blood or urine.

2. The failure or inability to obtain such a test does not preclude the admission of evidence relating to the refusal to submit to a test or relating to a test taken upon the request of a peace officer.

3. A test obtained under the provisions of this section may not be substituted for or stand in lieu of the test required by NRS 488.460.

Sec. 34. NRS 488.500 is hereby amended to read as follows:

488.500 1. The results of any blood test administered under the provisions of NRS 488.460 or 488.490 are not admissible in any criminal action arising out of acts alleged to have been committed by a person who was operating or in actual physical control of a *power-driven vessel or sailing vessel* ~~under power or sail~~ way while under the influence of intoxicating liquor or a controlled substance or with a prohibited substance in his or her blood or urine or who was engaging in any other conduct prohibited by NRS 488.410, 488.420 or 488.425 unless:

(a) The blood tested was withdrawn by a person, other than an arresting officer, who:

(1) Is a physician, registered nurse, licensed practical nurse, advanced emergency medical technician, paramedic or a phlebotomist, technician, technologist or assistant employed in a medical laboratory; or

(2) Has special knowledge, skill, experience, training and education in withdrawing blood in a medically acceptable manner, including, without limitation, a person qualified as an expert on that subject in a court of competent jurisdiction or a person who has completed a course of instruction that qualifies him or her to take an examination in phlebotomy that is

administered by the American Medical Technologists or the American Society for Clinical Pathology; and

(b) The test was performed on whole blood, except if the sample was clotted when it was received by the laboratory, the test may be performed on blood serum or plasma.

2. The limitation contained in paragraph (a) of subsection 1 does not apply to the taking of a chemical test of the urine, breath or other bodily substance.

3. No person listed in paragraph (a) of subsection 1 incurs any civil or criminal liability as a result of the administering of a blood test when requested by a peace officer or the person to be tested to administer the test.

Sec. 35. NRS 488.520 is hereby amended to read as follows:

488.520 1. Any coroner, or other public officer performing like duties, shall in all cases in which a death has occurred as a result of an accident involving a *power-driven vessel or sailing vessel under ~~power or sail~~ way* on the waters of this state, whether the person killed is the operator of the vessel or a passenger or other person, cause to be drawn from each decedent, within 8 hours after the accident, a blood sample to be analyzed for the presence and concentration of alcohol.

2. The findings of the examinations are a matter of public record and must be reported to the Commission by the coroner or other public officer within 30 days after the death.

3. Analyses of blood alcohol are acceptable only if made by laboratories licensed to perform this function.

Sec. 36. NRS 488.575 is hereby amended to read as follows:

488.575 1. Except as otherwise provided in subsection 2, a person shall not operate or authorize another person to operate a vessel under his or her ownership or control on any waters of this State unless each person on the vessel who is less than 13 years of age is wearing a ~~personal flotation device~~ *life jacket of ~~an~~ an appropriate size and type for the person for whom it is intended that has been approved by the United States Coast Guard and meets any requirements prescribed by the regulations of the Commission while the vessel is under way.*

2. The provisions of subsection 1 do not apply to persons on board:

(a) A commercial vessel licensed by the United States Coast Guard for the transportation of passengers for hire; or

(b) Any other vessel who are below the deck or inside a cabin of the vessel.

Sec. 37. NRS 488.580 is hereby amended to read as follows:

488.580 1. A person shall not operate or authorize another person to operate a personal watercraft under his or her ownership or control:

(a) In a reckless or negligent manner so as to endanger the life or property of another person.

(b) Unless the operator and each passenger is wearing a ~~personal flotation device~~ *life jacket of ~~an~~ an appropriate size and type for the person for*

whom it was intended that has been approved by the United States Coast Guard and meets any requirements prescribed by the regulations of the Commission.

(c) Unless the operator is at least 14 years of age.

(d) Unless the operator satisfies any applicable provisions of NRS 488.730.

2. There is prima facie evidence that a person is operating a personal watercraft in a reckless or negligent manner if that person commits two or more of the following acts simultaneously:

(a) Operates the personal watercraft within a zone closer than 5 lengths of the longest vessel, unless both are leaving a flat wake or traveling at a speed of not more than 5 nautical miles per hour.

(b) Operates the personal watercraft in the vicinity of a ~~motorboat~~ power-driven vessel in a manner that obstructs the visibility of either operator.

(c) Heads into the wake of a ~~motorboat~~ power-driven vessel which is within a zone closer than 5 lengths of the longest vessel and causes one-half or more of the length of the personal watercraft to leave the water.

(d) Within a zone closer than 5 lengths of the longest vessel, maneuvers quickly, turns sharply or swerves, unless the maneuver is necessary to avoid collision.

3. As used in this section, "personal watercraft" means ~~a~~ :

(a) A class A ~~motorboat~~ power-driven vessel which:

~~(a)~~ (1) Is less than 13 feet in length;

~~(b)~~ (2) Is designed to be operated by a person sitting, standing or kneeling on, rather than in, the ~~motorboat~~ power-driven vessel;

~~(c)~~ (3) Is capable of performing sharp turns or quick maneuvers; and

~~(d)~~ (4) Has a motor that exceeds 10 horsepower.

(b) A mechanically propelled personal hydrofoil or motorized surfboard.

Sec. 38. NRS 488.585 is hereby amended to read as follows:

488.585 1. A person who ~~owns or controls a motorboat~~ operates a recreational power-driven vessel ~~used for a recreational purpose~~ that ~~is equipped~~ :

(a) Is less than 26 feet overall in length;

(b) Has a main helm that is not installed within an enclosed ~~in a~~ cabin;

(c) Is capable of developing 115 pounds or more of static thrust; and

(d) Is equipped with an engine cut-off switch or built on or after December 4, 2019,

~~shall not operate or authorize another person to operate the motorboat at a rate of speed greater than 5 nautical miles per hour power driven vessel on plane or above displacement speed if use the engine cut off switch or engine cut-off switch link is missing, disconnected or not operating properly, when the vessel is on plane or above displacement speed.~~

2. A person shall not operate a ~~motorboat~~ recreational power-driven vessel that is equipped with an engine cut-off switch at a rate of speed

greater than 5 nautical miles per hour] unless the operator has attached the engine cut-off switch link [is attached] to his or her body, clothing or properly worn personal flotation device.

3. As used in this section:

(a) "Engine cut-off switch" means a switch that ~~[automatically stops the engine of a motorboat power driven vessel if]~~, when activated ~~[by an engine cut off switch link.]~~ in an emergency, provides the means to stop the mechanical propulsion system.

(b) "Engine cut-off switch link" means a device ~~[that, if attached to an]~~ designed to attach the operator ~~[, activates an engine cut off switch if the operator is separated from the motorboat. power driven vessel.]~~ of a vessel to the system that stops the engine under emergency conditions. The term includes a lanyard or other mechanical device and a wireless cut-off device.

(c) ~~["Wireless cut off device" means an engine cut off switch link that transmits an electromagnetic signal to an engine cut off switch.]~~ "Static thrust" means the forward or backward thrust developed by ~~[a]~~ propulsion ~~[system that is self contained, including, without limitation, an inboard engine, outboard motor or sterndrive engine.]~~ machinery while stationary.

Sec. 39. NRS 488.950 is hereby amended to read as follows:

488.950 1. Except as otherwise provided in this chapter, ~~[any person who violates any of the provisions of this chapter is guilty of a misdemeanor.]~~ a person is guilty of a misdemeanor if the person:

(a) Performs an act or attempts to perform an act made unlawful or prohibited by this chapter;

(b) Willfully fails to perform an act required of the person by this chapter;
or

(c) ~~[Obstructs, hinders, delays or otherwise interferes with any officer, employee or agent of the Department in the performance of any duty while enforcing or attempting to enforce any provision of this chapter or any regulation adopted pursuant thereto; or~~

~~—(d)]~~ Violates any order issued or regulation adopted by the Commission under the provisions of this chapter.

2. A court may prohibit a person who violates any of the provisions of this chapter from operating a ~~[motorboat]~~ vessel upon the interstate waters of this State until the person successfully completes, after the date of the violation, a course in safe boating approved by the National Association of State Boating Law Administrators. As used in this subsection, "interstate waters of this State" means waters forming the boundary between the State of Nevada and an adjoining state.

Sec. 40. NRS 50.325 is hereby amended to read as follows:

50.325 1. If a person is charged with an offense listed in subsection 4, and it is necessary to prove:

(a) The existence of any alcohol;

(b) The quantity of a controlled substance; or

(c) The existence or identity of a controlled substance, chemical, poison, organic solvent or another prohibited substance,

↪ the prosecuting attorney may request that the affidavit or declaration of an expert or other person described in NRS 50.315 and 50.320 be admitted into evidence at the preliminary hearing, hearing before a grand jury or trial concerning the offense. Except as otherwise provided in NRS 50.315 and 50.320, the affidavit or declaration must be admitted into evidence at the trial.

2. If the request is to have the affidavit or declaration admitted into evidence at a preliminary hearing or hearing before a grand jury, the affidavit or declaration must be admitted into evidence upon submission. If the request is to have the affidavit or declaration admitted into evidence at trial, the request must be:

(a) Made at least 10 days before the date set for the trial;

(b) Sent to the defendant's counsel and to the defendant, by registered or certified mail, or personally served on the defendant's counsel or the defendant; and

(c) Accompanied by a copy of the affidavit or declaration and the name, address and telephone number of the affiant or declarant.

3. The provisions of this section do not prohibit either party from producing any witness to offer testimony at trial.

4. The provisions of this section apply to any of the following offenses:

(a) An offense punishable pursuant to NRS 202.257, 455A.170, 455B.080, 493.130 or 639.283.

(b) An offense punishable pursuant to chapter 453, 484A to 484E, inclusive, or 488 of NRS.

(c) A homicide resulting from driving, operating or being in actual physical control of a vehicle, *a power-driven vessel* or a *sailing vessel* under ~~[power or sail]~~ way while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420 or 488.425.

(d) Any other offense for which it is necessary to prove, as an element of the offense:

(1) The existence of any alcohol;

(2) The quantity of a controlled substance; or

(3) The existence or identity of a controlled substance, chemical, poison, organic solvent or another prohibited substance.

Sec. 41. NRS 62E.620 is hereby amended to read as follows:

62E.620 1. The juvenile court shall order a delinquent child to undergo an evaluation to determine whether the child has an alcohol or substance use disorder if the child committed:

(a) An unlawful act in violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430;

(b) The unlawful act of using, possessing, selling or distributing a controlled substance; or

(c) The unlawful act of purchasing, consuming or possessing an alcoholic beverage in violation of NRS 202.020.

2. Except as otherwise provided in subsection 3, an evaluation of the child must be conducted by:

(a) A clinical alcohol and drug counselor who is licensed, an alcohol and drug counselor who is licensed or certified, or an alcohol and drug counselor intern or a clinical alcohol and drug counselor intern who is certified, pursuant to chapter 641C of NRS, to make that classification; or

(b) A physician who is certified to make that classification by the Board of Medical Examiners.

3. If the child resides in this State but the nearest location at which an evaluation may be conducted is in another state, the court may allow the evaluation to be conducted in the other state if the person conducting the evaluation:

(a) Possesses qualifications that are substantially similar to the qualifications described in subsection 2;

(b) Holds an appropriate license, certificate or credential issued by a regulatory agency in the other state; and

(c) Is in good standing with the regulatory agency in the other state.

4. The evaluation of the child may be conducted at an evaluation center.

5. The person who conducts the evaluation of the child shall report to the juvenile court the results of the evaluation and make a recommendation to the juvenile court concerning the length and type of treatment required for the child.

6. The juvenile court shall:

(a) Order the child to undergo a program of treatment as recommended by the person who conducts the evaluation of the child.

(b) Require the treatment provider to submit monthly reports on the treatment of the child pursuant to this section.

7. Except as otherwise provided in this subsection, the juvenile court shall not order the child or the parent or guardian of the child to pay any charges relating to the evaluation and treatment of the child pursuant to this section. The juvenile court shall:

(a) To the extent possible, arrange for the child to receive such evaluation and treatment from an approved provider that receives a sufficient amount of federal or state funding to offset the remainder of the costs of such evaluation and treatment.

(b) Arrange for the billing of any available public or private medical insurance to pay for such evaluation and treatment.

(c) Not order the parent or guardian of the child to pay the costs for such evaluation and treatment unless the child receives such evaluation and treatment from a provider that is not approved or the child seeks additional evaluation or treatment beyond that recommended for the child, in which

case the parent or guardian of the child shall pay the costs of such evaluation and treatment.

8. After a treatment provider has certified a child's successful completion of a program of treatment ordered pursuant to this section, the treatment provider is not liable for any damages to person or property caused by a child who:

(a) Drives, operates or is in actual physical control of a vehicle , *a power-driven vessel* or a *sailing vessel* ~~under [power or sail]~~ way while under the influence of intoxicating liquor or a controlled substance; or

(b) Engages in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420 or 488.425 or a law of any other jurisdiction that prohibits the same or similar conduct.

9. The provisions of this section do not prohibit the juvenile court from:

(a) Requiring an evaluation to be conducted by a person who is employed by a private company if the company meets the standards of the Division of Public and Behavioral Health of the Department of Health and Human Services. The evaluation may be conducted at an evaluation center.

(b) Ordering the child to attend a program of treatment which is administered by a private company.

10. Except as otherwise provided in NRS 239.0115, all information relating to the evaluation or treatment of a child pursuant to this section is confidential and, except as otherwise authorized by the provisions of this title or the juvenile court, must not be disclosed to any person other than:

(a) The juvenile court;

(b) The child;

(c) The attorney for the child, if any;

(d) The parents or guardian of the child;

(e) The district attorney; and

(f) Any other person for whom the communication of that information is necessary to effectuate the evaluation or treatment of the child.

11. A record of any finding that a child has violated the provisions of NRS 484C.110, 484C.120, 484C.130 or 484C.430 must be included in the driver's record of that child for 7 years after the date of the offense.

Sec. 42. NRS 178.484 is hereby amended to read as follows:

178.484 1. Except as otherwise provided in this section, a person arrested for an offense other than murder of the first degree must be admitted to bail.

2. A person arrested for a felony who has been released on probation or parole for a different offense must not be admitted to bail unless:

(a) A court issues an order directing that the person be admitted to bail;

(b) The State Board of Parole Commissioners directs the detention facility to admit the person to bail; or

(c) The Division of Parole and Probation of the Department of Public Safety directs the detention facility to admit the person to bail.

3. A person arrested for a felony whose sentence has been suspended pursuant to NRS 4.373 or 5.055 for a different offense or who has been sentenced to a term of residential confinement pursuant to NRS 4.3762 or 5.076 for a different offense must not be admitted to bail unless:

- (a) A court issues an order directing that the person be admitted to bail; or
- (b) A department of alternative sentencing directs the detention facility to admit the person to bail.

4. A person arrested for murder of the first degree may be admitted to bail unless the proof is evident or the presumption great by any competent court or magistrate authorized by law to do so in the exercise of discretion, giving due weight to the evidence and to the nature and circumstances of the offense.

5. A person arrested for a violation of NRS 484C.110, 484C.120, 484C.130, 484C.430, 488.410, 488.420 or 488.425 who is under the influence of intoxicating liquor must not be admitted to bail or released on the person's own recognizance unless the person has a concentration of alcohol of less than 0.04 in his or her breath. A test of the person's breath pursuant to this subsection to determine the concentration of alcohol in his or her breath as a condition of admission to bail or release is not admissible as evidence against the person.

6. A person arrested for a violation of NRS 484C.110, 484C.120, 484C.130, 484C.430, 488.410, 488.420 or 488.425 who is under the influence of a controlled substance, is under the combined influence of intoxicating liquor and a controlled substance, or inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely driving or exercising actual physical control of a vehicle , *a power-driven vessel or a sailing vessel* under [power or sail] way must not be admitted to bail or released on the person's own recognizance sooner than 12 hours after arrest.

7. A person arrested for a battery that constitutes domestic violence pursuant to NRS 33.018 must not be admitted to bail sooner than 12 hours after arrest. If the person is admitted to bail more than 12 hours after arrest, without appearing personally before a magistrate or without the amount of bail having been otherwise set by a magistrate or a court, the amount of bail must be:

(a) Three thousand dollars, if the person has no previous convictions of battery that constitute domestic violence pursuant to NRS 33.018 and there is no reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation;

(b) Five thousand dollars, if the person has:

(1) No previous convictions of battery that constitute domestic violence pursuant to NRS 33.018, but there is reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation; or

(2) One previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018, but there is no reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation; or

(c) Fifteen thousand dollars, if the person has:

(1) One previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018 and there is reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation; or

(2) Two or more previous convictions of battery that constitute domestic violence pursuant to NRS 33.018.

➡ The provisions of this subsection do not affect the authority of a magistrate or a court to set the amount of bail when the person personally appears before the magistrate or the court, or when a magistrate or a court has otherwise been contacted to set the amount of bail. For the purposes of this subsection, a person shall be deemed to have a previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018 if the person has been convicted of such an offense in this State or has been convicted of violating a law of any other jurisdiction that prohibits the same or similar conduct.

8. A person arrested for violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or for violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or for violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or for violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378 must not be admitted to bail sooner than 12 hours after arrest if:

(a) The arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm;

(b) The person has previously violated a temporary or extended order for protection of the type for which the person has been arrested; or

(c) At the time of the violation or within 2 hours after the violation, the person has:

(1) A concentration of alcohol of 0.08 or more in the person's blood or breath; or

(2) An amount of a prohibited substance in the person's blood or urine, as applicable, that is equal to or greater than the amount set forth in subsection 3 or 4 of NRS 484C.110.

9. If a person is admitted to bail more than 12 hours after arrest, pursuant to subsection 8, without appearing personally before a magistrate or without the amount of bail having been otherwise set by a magistrate or a court, the amount of bail must be:

(a) Three thousand dollars, if the person has no previous convictions of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378;

(b) Five thousand dollars, if the person has one previous conviction of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378; or

(c) Fifteen thousand dollars, if the person has two or more previous convictions of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378.

➡ The provisions of this subsection do not affect the authority of a magistrate or a court to set the amount of bail when the person personally appears before the magistrate or the court or when a magistrate or a court has otherwise been contacted to set the amount of bail. For the purposes of this subsection, a person shall be deemed to have a previous conviction of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378, if the person has been convicted of such an offense in this

State or has been convicted of violating a law of any other jurisdiction that prohibits the same or similar conduct.

10. For the purposes of subsections 8 and 9, an order or injunction is in the nature of a temporary or extended order for protection against domestic violence if it grants relief that might be given in a temporary or extended order issued pursuant to NRS 33.017 to 33.100, inclusive.

11. As used in this section, "strangulation" has the meaning ascribed to it in NRS 200.481.

Sec. 43. NRS 458.260 is hereby amended to read as follows:

458.260 1. Except as otherwise provided in subsection 2, the use of alcohol, the status of drunkard and the fact of being found in an intoxicated condition are not:

(a) Public offenses and shall not be so treated in any ordinance or resolution of a county, city or town.

(b) Elements of an offense giving rise to a criminal penalty or civil sanction.

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

(a) A civil or administrative violation for which intoxication is an element of the violation pursuant to the provisions of a specific statute or regulation;

(b) A criminal offense for which intoxication is an element of the offense pursuant to the provisions of a specific statute or regulation;

(c) A homicide resulting from driving, operating or being in actual physical control of a vehicle, *a power-driven vessel* or a *sailing vessel* under ~~[power or sail]~~ way while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420 or 488.425; and

(d) Any offense or violation which is similar to an offense or violation described in paragraph (a), (b) or (c) and which is set forth in an ordinance or resolution of a county, city or town.

3. This section does not make intoxication an excuse or defense for any criminal act.

Sec. 44. NRS 458.270 is hereby amended to read as follows:

458.270 1. Except as otherwise provided in subsection 7, a person who is found in any public place under the influence of alcohol, in such a condition that the person is unable to exercise care for his or her health or safety or the health or safety of other persons, must be placed under civil protective custody by a peace officer.

2. A peace officer may use upon such a person the kind and degree of force which would be lawful if the peace officer were effecting an arrest for a misdemeanor with a warrant.

3. If a licensed facility for the treatment of persons with an alcohol use disorder that has been certified by the Division for civil protective custody exists in the community where the person is found, the person must be delivered to the facility for observation and care. If no such facility exists in

the community, the person so found may be placed in a county or city jail or detention facility for shelter or supervision for his or her health and safety until he or she is no longer under the influence of alcohol. The person may not be required against his or her will to remain in a licensed facility, jail or detention facility longer than 48 hours.

4. An intoxicated person taken into custody by a peace officer for a public offense must immediately be taken to a secure detoxification unit or other appropriate medical facility if the condition of the person appears to require emergency medical treatment. Upon release from the detoxification unit or medical facility, the person must immediately be remanded to the custody of the apprehending peace officer and the criminal proceedings proceed as prescribed by law.

5. The placement of a person found under the influence of alcohol in civil protective custody must be:

(a) Recorded at the facility, jail or detention facility to which the person is delivered; and

(b) Communicated at the earliest practical time to the person's family or next of kin if they can be located.

6. Every peace officer and other public employee or agency acting pursuant to this section is performing a discretionary function or duty.

7. The provisions of this section do not apply to a person who is apprehended or arrested for:

(a) A civil or administrative violation for which intoxication is an element of the violation pursuant to the provisions of a specific statute or regulation;

(b) A criminal offense for which intoxication is an element of the offense pursuant to the provisions of a specific statute or regulation;

(c) A homicide resulting from driving, operating or being in actual physical control of a vehicle, *a power-driven vessel* or a *sailing vessel* under [power or sail] way while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420 or 488.425; and

(d) Any offense or violation which is similar to an offense or violation described in paragraph (a), (b) or (c) and which is set forth in an ordinance or resolution of a county, city or town.

Sec. 45. ~~[NRS 501.356 is hereby amended to read as follows:]~~

~~501.356 1. Money received by the Department from:~~

~~(a) The sale of licenses;~~

~~(b) Fees described in NRS 278.337;~~

~~(c) Fees pursuant to the provisions of NRS 488.065, 488.075 and 488.1795;~~

~~(d) Remittances from the State Treasurer pursuant to the provisions of NRS 365.535;~~

~~(e) Appropriations made by the Legislature; and~~

~~(f) All other sources, including, without limitation, the Federal Government, except money derived from the forfeiture of any property described in NRS 501.3857 or money deposited in the Wildlife Heritage Account pursuant to NRS 501.3575, the Wildlife Trust Fund pursuant to NRS 501.3585, the Energy Planning and Conservation Account created by NRS 701.630 or the Account for the Recovery of Costs created by NRS 701.640,~~

~~must be deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund.~~

~~2. The interest and income earned on the money in the Wildlife Account, after deducting any applicable charges, must be credited to the Account.~~

~~3. Except as otherwise provided in subsection 4 and NRS 503.597, the Department may use money in the Wildlife Account only to carry out the provisions of this title and chapter 488 of NRS and as provided in NRS 365.535, and the money must not be diverted to any other use.~~

~~4. Except as otherwise provided in NRS 502.250, 502.410 and 504.155, all fees for the sale or issuance of stamps, tags, permits and licenses that are required to be deposited in the Wildlife Account pursuant to the provisions of this title and any matching money received by the Department from any source must be accounted for separately and must be used:~~

~~(a) Only for the protection, propagation and management of wildlife; and~~

~~(b) If the fee is for the sale or issuance of a license, permit or tag other than a tag specified in subsection 5 or 6 of NRS 502.250, under the guidance of the Commission pursuant to subsection 2 of NRS 501.181.] (Deleted by amendment.)~~

Sec. 46. NRS 678C.300 is hereby amended to read as follows:

678C.300 1. A person who holds a registry identification card or letter of approval issued to him or her pursuant to NRS 678C.230 or 678C.270 is not exempt from state prosecution for, nor may the person establish an affirmative defense to charges arising from, any of the following acts:

(a) Driving, operating or being in actual physical control of a vehicle, a power-driven vessel or a sailing vessel under power or sail ~~under power or sail~~ way while under the influence of cannabis.

(b) Engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420, 488.425 or 493.130.

(c) Possessing a firearm in violation of paragraph (b) of subsection 1 of NRS 202.257.

(d) Possessing cannabis in violation of NRS 453.336 or possessing paraphernalia in violation of NRS 453.560 or 453.566:

(1) If the possession of the cannabis or paraphernalia is discovered because the person engaged or assisted in the medical use of cannabis in:

(I) Except as otherwise provided by regulations adopted by the Board pursuant to NRS 678B.645, any public place or in any place open to the public or exposed to public view; or

(II) Any local detention facility, county jail, state prison, reformatory or other correctional facility, including, without limitation, any facility for the detention of juvenile offenders; or

(2) If the possession of the cannabis or paraphernalia occurs on school property.

(e) Delivering cannabis to another person who he or she knows does not lawfully hold a registry identification card or letter of approval issued by the Division or its designee pursuant to NRS 678C.230 or 678C.270.

(f) Delivering cannabis for consideration to any person, regardless of whether the recipient lawfully holds a registry identification card or letter of approval issued by the Division or its designee pursuant to NRS 678C.230 or 678C.270.

2. Except as otherwise provided in NRS 678C.240 and in addition to any other penalty provided by law, if the Division determines that a person has willfully violated a provision of this chapter or any regulation adopted by the Division to carry out the provisions of this chapter, the Division may, at its own discretion, prohibit the person from obtaining or using a registry identification card or letter of approval for a period of up to 6 months.

3. Nothing in the provisions of this chapter shall be construed as in any manner affecting the provisions of chapter 678D of NRS relating to the adult use of cannabis.

4. As used in this section, "school property" means the grounds of any public school described in NRS 388.020 and any private school as defined in NRS 394.103.

Sec. 47. NRS 678D.300 is hereby amended to read as follows:

678D.300 1. A person is not exempt from state prosecution for any of the following acts:

(a) Driving, operating or being in actual physical control of a vehicle, a power-driven vessel or a sailing vessel under power or sail ~~under power or sail~~ way while under the influence of cannabis.

(b) Engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420, 488.425 or 493.130.

(c) Possessing a firearm in violation of paragraph (b) of subsection 1 of NRS 202.257.

(d) Possessing cannabis in violation of NRS 453.336 or possessing paraphernalia in violation of NRS 453.560 or 453.566:

(1) If the possession of the cannabis or paraphernalia is discovered because the person engaged in the adult use of cannabis in:

(I) Except as otherwise provided by regulations adopted by the Board pursuant to NRS 678B.645, any public place or in any place open to the public or exposed to public view; or

(II) Any local detention facility, county jail, state prison, reformatory or other correctional facility, including, without limitation, any facility for the detention of juvenile offenders; or

(2) If the possession of the cannabis or paraphernalia occurs on school property.

(e) Knowingly delivering cannabis to another person who is not 21 years of age or older unless:

(1) The recipient holds a valid registry identification card or letter of approval issued to the person by the Division of Public and Behavioral Health of the Department of Health and Human Services or its designee pursuant to NRS 678C.230 or 678C.270.

(2) The person demanded and was shown bona fide documentary evidence of the age and identity of the recipient issued by a federal, state, county or municipal government, or subdivision or agency thereof.

2. As used in this section, "school property" means the grounds of any public school described in NRS 388.020 and any private school as defined in NRS 394.103.

Sec. 48. The Legislative Counsel shall:

1. In preparing the Nevada Revised Statutes, use the authority set forth in subsection 10 of NRS 220.120 to substitute appropriately the term "power-driven vessel" for the term "motorboat."

2. In preparing supplements to Nevada Administrative Code, substitute appropriately the term "power-driven vessel" for the term "motorboat."

Sec. 49. 1. Notwithstanding the amendatory provisions of this act, a sailing vessel or human-powered vessel for which this State is the state of principal operation is not required to be numbered until January 1, 2024.

2. As used in this section, "human-powered vessel," "sailing vessel" and "state of principal operation" have the meanings ascribed to them in NRS 488.035, as amended by section 8 of this act.

Sec. 50. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 49, inclusive, of this act become effective:

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

(b) On July 1, 2023, for all other purposes.

Senator Harris moved the adoption of the amendment.

Remarks by Senator Harris.

Amendment No. 300 to Senate Bill No. 59 adds the term "under way" after each instance of the phrase "power-driven vessel or sailing vessel"; removes sections 6 and 7 of the bill; revises the definition of the term "state of principal operation"; eliminates the requirement for sailing vessels and human-powered vessels to be numbered; removes the changes to certain fees and changes to certain provisions governing ownership documents for power-driven vessels; eliminates the requirement for a personal flotation device on certain vessels to be tethered by a certain amount of throwing line; revises provisions governing the circumstances under which a vessel may be removed from a public waterway; amends provisions governing vessels with an engine cut-off switch; and removes a provision which would prohibit obstructing, hindering, delaying or otherwise interfering with an officer, employee or agent of the Nevada Department of Wildlife under certain circumstances.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 63.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 165.

SUMMARY—Revises provisions relating to the Judicial Department of State Government. (BDR 1-435)

AN ACT relating to the Judicial Department of State Government; making various changes relating to the policies and procedures of the Judicial Department; authorizing a judge to hold court by means of remote communication in certain circumstances; requiring the Nevada Supreme Court to prescribe certain policies and procedures relating to the Judicial Department by rule; authorizing a judge or justice of the peace to have a partner or associate who practices law in this State under certain circumstances; revising the duties of the Court Administrator; replacing the term "regulation" with "rule" for purposes of certain provisions of law relating to the Judicial Department; revising provisions relating to court interpreters; codifying in statute language from the Nevada Constitution relating to the expiration of the term of office for a justice appointed to fill a vacancy on the Nevada Supreme Court; revising provisions concerning the provision of certain resources to the Supreme Court and the district courts; providing that certain orders for protection issued in another state are not subject to certain requirements to be given full faith and credit in this State; repealing obsolete provisions relating to the Judicial Department; repealing various provisions relating to ~~recycling~~ court seals, qualifications of certain employees and reports; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires various courts in this State to follow certain policies and procedures. (Chapters 1-5 of NRS) Section 1 of this bill replaces a requirement that the telephone number for the office of each judge be published in a telephone directory with a requirement that the contact information for the office of each judge be made available to the public. (NRS 1.055)

Existing law authorizes a judge to issue an order directing that court be held at a location other than the location at which the judge regularly holds court under certain specific emergency circumstances. (NRS 1.070) Section 2 of this bill authorizes a judge to issue an order directing, instead, that court be held: (1) at any other place or location other than the place or location at which the judge regularly holds court under more generalized emergency circumstances; and (2) by means of remote communication when necessary to promote the interest of justice. Section 3 of this bill makes a conforming change relating to the appearance of parties by means of remote

communication if a judge issues an order directing that court be held remotely.

Section 4 of this bill removes an obsolete prohibition against excluding a minor who is a law student from a criminal trial.

Existing law authorizes: (1) the Nevada Supreme Court to adopt rules relating to the electronic filing, storage and reproduction of documents filed with the court of justice in this State; and (2) each court of justice to provide for such filing, storage and documentation in accordance with the rules adopted by the Supreme Court. (NRS 1.117) Section 5 of this bill instead requires the Supreme Court to adopt such rules and removes the explicit statutory authorization for other courts of justice in this State to provide for such filing, storage and documentation in accordance with such rules.

Existing law authorizes certain courts to conduct business on nonjudicial days for the purpose of receiving telephone calls relating to the issuance of certain orders for protection. (NRS 1.130) Section 6 of this bill expands the purposes for which such courts are authorized to transact business on nonjudicial days by authorizing the courts to conduct business on nonjudicial days for the purposes of receiving any electronic communication relating to the issuance of a temporary or emergency order for protection. Section 31 of this bill makes conforming changes related to the granting of such an order.

Existing law requires each court of justice to have a seal and prescribes requirements relating to the custody and use of such seals. (NRS 1.140-1.190) Section 37 of this bill repeals various provisions which prescribe requirements relating to seals. Section 7 of this bill instead requires: (1) each court of justice in this State to have a seal; and (2) the Nevada Supreme Court to adopt rules relating to the format, use and storage of such seals.

Existing law prescribes a procedure for disqualifying certain judges for actual or implied bias or prejudice ~~and requires any party to an action or proceeding pending in certain courts who seeks to disqualify a judge for actual or implied bias or prejudice to: (1) file an affidavit specifying the facts upon which the disqualification is sought; and (2) if the party is represented by an attorney, have the attorney of record file a certificate which states that the affidavit is filed in good faith and not interposed for delay.~~ (NRS 1.235) Section 8 of this bill ~~replaces that procedure with a requirement that the Nevada Supreme Court adopt rules prescribing the procedure for the disqualification of certain judges for actual or implied bias or prejudice.~~ ;(1) removes the requirement that an attorney must file such a certificate and instead requires any party, regardless of whether the party is represented by an attorney, to file an affidavit that includes certain statements supporting the assertion that the affidavit is filed in good faith.

Existing law prohibits a judge or justice of the peace from having a partner acting as an attorney or counsel in any court in this State. (NRS 1.270) Section 8.5 of this bill additionally prohibits a judge or justice of the peace from having an associate acting as an attorney under the same circumstances.

Section 8.5 creates an exception to these prohibitions for part-time judges under certain circumstances.

Existing law requires the Nevada Supreme Court to appoint a Court Administrator and prescribes the duties of the Court Administrator. (NRS 1.330, 1.360) Section 9 of this bill removes from the duties of the Court Administrator the duty to: (1) examine the condition of the dockets of the courts; and (2) make certain recommendations relating to the assignment of district judges.

Existing law provides for the adoption of regulations by the Commission on Judicial Selection, the Court Administrator, the Nevada Supreme Court and certain chief judges or justices relating to the Judicial Department of State Government. (NRS 1.400, 1.510, 1.520, 2.410, 3.025, 4.155, 4.157, 5.021) In general, existing law requires regulations adopted by agencies of the Executive Department of the State Government to be adopted through a rulemaking process. (Chapter 233B of NRS) Sections 10, 12-15, 25, 26, 28-30 and 32-34 of this bill replace the term "regulation" with the term "rule" and make conforming changes related to this change.

Section 11 of this bill revises provisions governing the compensation of court interpreters and translators.

Existing law requires the Chief Justice of the Nevada Supreme Court to appoint a committee to provide certain advice relating to the certification or registration of court interpreters. Existing law also prescribes the membership and duties of the committee. (NRS 1.530) Section 14 of this bill removes requirements relating to the appointment of certain members of the committee. Section 14 also: (1) authorizes the chair of the committee to designate a vice chair of the committee; and (2) revises the contents of the annual report the committee is required to submit to the Legislature.

Section 16 of this bill replaces certain requirements prescribed by existing law relating to the process by which a person may petition the Court Administrator to determine whether his or her criminal history will disqualify him or her from obtaining a certificate or registration as a court interpreter with a requirement that the Court Administrator adopt rules for this process.

Existing law codifies in statute certain provisions relating to the process set forth in the Nevada Constitution regarding the filling of vacancies in the office of justice of the Nevada Supreme Court. (Nev. Const. Art. 6, § 20; NRS 2.040) Section 17 of this bill additionally codifies in statute the date on which the term of office for a justice appointed to fill a vacancy on the Court expires. Section 18 of this bill removes a requirement that certain rules adopted by the Court be published and take effect within a prescribed period. (NRS 2.120)

Sections 19 and 27 of this bill revise and modernize statutory language relating to: (1) the circumstances under which certain courts may direct the sheriff of a county to provide a place to conduct court; and (2) the resources a county is required to provide upon receiving such a directive.

Section 20 of this bill removes provisions relating to the use of a facsimile signature by a justice of the Nevada Supreme Court and replaces those provisions with a requirement that the Court provide by rule for the use of a digital or electronic signature by each justice of the Court.

Existing law authorizes or requires the Nevada Supreme Court to employ certain officers and employees. (NRS 2.200-2.310) Section 24 of this bill revises provisions relating to the employment by the Court of certain employees by: (1) removing language authorizing a majority of justices of the Court to employ certain persons; and (2) authorizing the Court to employ personnel necessary for the operation, maintenance and improvement of the Court and the State Court System. Section 21 of this bill removes outdated language relating to the expiration of the term of a person elected to the office of Clerk of the Nevada Supreme Court. Sections 22 and 23 of this bill remove language authorizing a majority of justices to appoint and employ persons for the safety and security of the justices and employees of the Nevada Supreme Court.

Existing law authorizes a court to issue certain orders for protection against high-risk behavior. (NRS 33.500-33.670) Existing law additionally provides, under certain circumstances, that an order for protection against domestic violence which is issued by the court of another state, territory or Indian tribe within the United States is valid and must be accorded full faith and credit and enforced by the courts and law enforcement officers of this State as if it were issued by a court in this State. (NRS 33.085) Section 30.5 of this bill similarly requires an order for protection against high-risk behavior which is issued by the court of another state, territory or Indian tribe within the United States to be accorded full faith and credit and enforced by the courts and law enforcement officers of this State.

Existing law requires five justices of the Nevada Supreme Court and each judge of the Court of Appeals, other than the initial three judges, to be elected. (NRS 281.010) Section 35 of this bill removes the references to: (1) the specific number of justices on the Nevada Supreme Court; and (2) the initial judges appointed to the Court of Appeals.

Section 37 repeals various provisions of law relating to the Judicial Department, including provisions relating to ~~recycling,~~ the seals of certain courts, the qualifications of certain employees and the submission of certain reports.

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

Section 1. NRS 1.055 is hereby amended to read as follows:

1.055 ~~[A] The contact information for the office of each judge [of any court of justice for] in this State [shall cause the telephone number of his or her office that is located within the court to] must be [published in the telephone directory that is provided] made available to the public . [in the jurisdiction in which the court is located.]~~

Sec. 2. NRS 1.070 is hereby amended to read as follows:

1.070 1. A judge authorized to hold or preside at a court appointed to be held in a city, precinct or town, may, by an order filed with the county clerk and published as he or she may prescribe, direct that the court be held or continued ~~at~~ :

(a) At any other place or location in the city or county than that appointed, when ~~{war, pestilence, or other public calamity, or the dangers thereof, or the destruction of the building appointed for holding the court, may}~~ emergency conditions which impair the ability of the court to perform its basic functions render it necessary; ~~and~~ or

(b) By means of remote communication when necessary to promote the interest of justice.

2. A judge who directs that the court be held or continued at another place or location pursuant to subsection 1 may, in the same manner, revoke the order and, in his or her discretion, appoint another place ~~{in the same city}~~ or ~~{county}~~ location for holding or continuing the court.

3. As used in this section, "remote communication" means communication through telephone or videoconferencing.

Sec. 3. NRS 1.080 is hereby amended to read as follows:

1.080 When the court is held at a place or location appointed as provided in NRS 1.070, every person held to appear at the court shall appear at the place or location so appointed.

Sec. 4. NRS 1.090 is hereby amended to read as follows:

1.090 The sitting of every court of justice ~~{shall}~~ must be public except as otherwise provided by law, ~~{;}~~ but the judge of any court may exclude any minor during any criminal trial therein except ~~{such minor be on trial, or}~~ when the minor is on trial or is testifying as a witness. ~~{; or when the minor shall be a law student preparing to apply for a license to practice law.}~~

Sec. 5. NRS 1.117 is hereby amended to read as follows:

1.117 ~~{1.}~~ The Supreme Court ~~{may}~~ shall adopt rules not inconsistent with the laws of this State to provide for the electronic filing, storage and reproduction of documents filed with the courts of justice.

~~{2. If the Supreme Court adopts such rules, each court of justice may provide for the electronic filing, storage and reproduction of documents filed with the court in accordance with those rules.}~~

Sec. 6. NRS 1.130 is hereby amended to read as follows:

1.130 1. No court except a justice court or a municipal court shall be opened nor shall any judicial business be transacted except by a justice court or municipal court on Sunday, or on any day declared to be a legal holiday according to the provisions of NRS 236.015, except for the following purposes:

(a) To give, upon their request, instructions to a jury then deliberating on their verdict.

(b) To receive a verdict or discharge a jury.

(c) For the exercise of the power of a magistrate in a criminal action or in a proceeding of a criminal nature.

(d) To receive *electronic* communications ~~[by telephone and for]~~ related to the issuance of:

(1) A temporary order pursuant to subsection 8 of NRS 33.020; or

(2) An emergency order for protection against high-risk behavior pursuant to NRS 33.570.

(e) *For the issuance of any temporary or emergency order listed in paragraph (d).*

(f) For the issue of a writ of attachment, which may be issued on each and all of the days above enumerated upon the plaintiff, or some person on behalf of the plaintiff, setting forth in the affidavit required by law for obtaining the writ the additional averment as follows:

That the affiant has good reason to believe, and does believe, that it will be too late for the purpose of acquiring a lien by the writ to wait until subsequent day for the issuance of the same.

All proceedings instituted, and all writs issued, and all official acts done on any of the days above specified, under and by virtue of this section, shall have all the validity, force and effect of proceedings commenced on other days, whether a lien be obtained or a levy made under and by virtue of the writ.

2. Nothing herein contained shall affect private transactions of any nature whatsoever.

3. *As used in this section, "electronic communication" includes, without limitation, communication made by telephone, wireless phone or electronic mail or through the use of an Internet or network site.*

Sec. 7. NRS 1.140 is hereby amended to read as follows:

1.140 ~~[The Supreme Court, the Court of Appeals, the district courts, the justice courts and those municipal courts designated as courts of record pursuant to NRS 5.010]~~

1. *Each court of justice in this State shall have a seal.*

2. *The Supreme Court shall adopt rules relating to the format of a seal required by subsection 1 and the use and storage of any such seal.*

Sec. 8. NRS 1.235 is hereby amended to read as follows:

1.235 1. Any party to an action or proceeding pending in any court other than the Supreme Court or the Court of Appeals, who seeks to disqualify a judge for actual or implied bias or prejudice must file an affidavit specifying the facts upon which the disqualification is sought. The affidavit [of a party represented by an attorney must be accompanied by a certificate of the attorney of record] must contain a statement that the affidavit is filed in good faith and is not [interposed for delay].:

(a) Interposed for delay;

(b) Intended to harass a judge; or

(c) Filed for the purpose of:

(1) Unnecessarily increasing the costs of litigation; or

(2) Attempting to prevent prosecution.

2. Except as otherwise provided in subsections {2} 3 and {3,} 4 the affidavit must be filed:

(a) Not less than 20 days before the date set for trial or hearing of the case;
or

(b) Not less than 3 days before the date set for the hearing of any pretrial matter.

{2,} 3. Except as otherwise provided in this subsection and subsection {3,} 4, if a case is not assigned to a judge before the time required under subsection {1} 2 for filing the affidavit, the affidavit must be filed:

(a) Within 10 days after the party or the party's attorney is notified that the case has been assigned to a judge;

(b) Before the hearing of any pretrial matter; or

(c) Before the jury is empaneled, evidence taken or any ruling made in the trial or hearing.

↳ whichever occurs first. If the facts upon which disqualification of the judge is sought are not known to the party before the party is notified of the assignment of the judge or before any pretrial hearing is held, the affidavit may be filed not later than the commencement of the trial or hearing of the case.

{3,} 4. If a case is reassigned to a new judge and the time for filing the affidavit under subsection {1} 2 and paragraph (a) of subsection {2} 3 has expired, the parties have 10 days after notice of the new assignment within which to file the affidavit, and the trial or hearing of the case must be rescheduled for a date after the expiration of the 10-day period unless the parties stipulate to an earlier date.

{4,} 5. At the time the affidavit is filed, a copy must be served upon the judge sought to be disqualified. Service must be made by delivering the copy to the judge personally or by leaving it at the judge's chambers with some person of suitable age and discretion employed therein.

{5,} 6. Except as otherwise provided in subsection {6,} 7, the judge against whom an affidavit alleging bias or prejudice is filed shall proceed no further with the matter and shall:

(a) If the judge is a district judge, immediately transfer the case to another department of the court, if there is more than one department of the court in the district, or request the judge of another district court to preside at the trial or hearing of the matter;

(b) If the judge is a justice of the peace, immediately arrange for another justice of the peace to preside at the trial or hearing of the matter as provided pursuant to NRS 4.032, 4.340 or 4.345, as applicable; or

(c) If the judge is a municipal judge, immediately arrange for another municipal judge to preside at the trial or hearing of the matter as provided pursuant to NRS 5.023 or 5.024, as applicable.

{6,} 7. A judge may challenge an affidavit alleging bias or prejudice by filing a written answer with the clerk of the court within 5 judicial days after

the affidavit is ~~filed,~~ served, admitting or denying any or all of the allegations contained in the affidavit and setting forth any additional facts which bear on the question of the judge's disqualification. The question of the judge's disqualification must thereupon be heard and determined by ~~another judge agreed upon by the parties or, if they are unable to agree, by~~ a judge appointed:

(a) If the judge is a district judge, by the presiding judge of the judicial district in judicial districts having more than one judge, or if the presiding judge of the judicial district is sought to be disqualified, by the judge having the greatest number of years of service;

(b) If the judge is a justice of the peace, by the presiding judge of the justice court in justice courts having more than one justice of the peace, or if the presiding judge is sought to be disqualified, by the justice of the peace having the greatest number of years of service;

(c) If the judge is a municipal judge, by the presiding judge of the municipal court in municipal courts having more than one municipal judge, or if the presiding judge is sought to be disqualified, by the municipal judge having the greatest number of years of service; or

(d) If there is no presiding judge, by the ~~(The)~~ Supreme Court, ~~(shall adopt rules prescribing the procedure for disqualifying a judge who is not a justice of the Supreme Court or a judge of the Court of Appeals for actual or implied bias or prejudice.)~~

Sec. 8.5. NRS 1.270 is hereby amended to read as follows:

1.270 ~~(No)~~ 1. Except as otherwise provided in subsection 2, no judge or justice of the peace shall have a partner or associate acting as attorney or counsel in any court in this State.

2. A part-time judge may have a partner or associate who practices law in this State if the partner or associate does not engage in the practice of law before the part-time judge or in any court subject to the appellate jurisdiction of a court in which the part-time judge sits.

Sec. 9. NRS 1.360 is hereby amended to read as follows:

1.360 Under the direction of the Supreme Court, the Court Administrator shall:

1. Examine the administrative procedures employed in the ~~(offices of the judges, clerks, court reporters and employees of all)~~ courts of this State and make recommendations ~~[, through the Chief Justice,]~~ for the improvement ~~[of those procedures;]~~ thereof;

2. ~~[Examine the condition of the dockets of the courts and determine the need for assistance by any court;~~

~~—3. Make recommendations to and carry out the directions of the Chief Justice relating to the assignment of district judges where district courts are in need of assistance;~~

~~—4.]~~ Develop a uniform system for collecting and compiling statistics and other data regarding the operation of the State Court System and transmit that

information to the Supreme Court so that proper action may be taken in respect thereto;

~~{5.}~~ 3. Prepare and submit a budget of state appropriations necessary for the maintenance , ~~{and}~~ operation *and improvement* of the State Court System and make recommendations in respect thereto;

~~{6.}~~ 4. Develop procedures for accounting, internal auditing, procurement and disbursement for the State Court System;

~~{7.}~~ 5. Collect statistical and other data and make reports relating to the expenditure of all public money for the maintenance and operation of the State Court System and the offices connected therewith;

~~{8.}~~ 6. Compile statistics from the information required to be maintained by the clerks of the district courts pursuant to NRS 3.275 regarding criminal and civil cases and make reports as to the cases filed in the district courts;

~~{9.}~~ 7. Formulate and submit to the Supreme Court recommendations of policies or proposed legislation for the improvement of the State Court System;

~~{10.}~~ 8. On or before January 1 of each year, submit to the Director of the Legislative Counsel Bureau a written report:

(a) Compiling the information submitted to the Court Administrator pursuant to NRS 3.243, 4.175 and 5.045 during the immediately preceding fiscal year; and

(b) Concerning:

(1) The distribution of money deposited in the special account created ~~{by}~~ pursuant to NRS 176.0613 to assist with funding and establishing specialty court programs;

(2) The current status of any specialty court programs to which money from the account was allocated since the last report;

(3) Statistics compiled from information required to be maintained by clerks of the district courts pursuant to NRS 3.275 concerning specialty courts, including, without limitation, the number of participants in such programs, the nature of the criminal charges that were filed against participants, the number of participants who have completed the programs and the disposition of the cases; and

(4) Such other related information as the Court Administrator deems appropriate; and

~~{11.}~~ 9. Attend to such other matters as may be assigned by the Supreme Court or prescribed by law.

Sec. 10. NRS 1.400 is hereby amended to read as follows:

1.400 The Commission on Judicial Selection may adopt ~~{regulations}~~ rules for the operation of the Commission and for maintaining the confidentiality of its proceedings and records.

Sec. 11. NRS 1.500 is hereby amended to read as follows:

1.500 Interpreters and translators shall receive such fees as the court ~~{by whom they are employed shall certify to be just.}~~ determines are reasonable and necessary.

Sec. 12. NRS 1.510 is hereby amended to read as follows:

1.510 1. ~~{The}~~ *Subject to the limits of legislative appropriation, the Court Administrator shall, with the advice of the committee established pursuant to NRS 1.530, adopt ~~[regulations which, subject to the availability of funding, establish]~~ rules establishing* a program for the certification or registration of court interpreters for persons with limited English proficiency who are witnesses, defendants and litigants.

2. The ~~[regulations established]~~ *rules adopted* pursuant to subsection 1 must set forth:

(a) The specific languages for which court interpreters may obtain certification or registration . ~~[, based upon the need for interpreters of those languages.]~~

(b) Any examination and the qualifications which are required for:

(1) Certification or registration; and

(2) Renewal of the certification or registration.

(c) The circumstances under which the Court Administrator will deny, suspend or refuse to renew a certificate or registration.

(d) The circumstances under which the Court Administrator will take disciplinary action against a certified or registered court interpreter.

(c) The circumstances under which a court or juvenile court must proceed if a certified or registered interpreter is not available.

(f) Except as otherwise provided in NRS 50.050, the rate and source of the compensation to be paid for services provided by a certified or registered court interpreter.

3. An application for a certificate or registration as a court interpreter pursuant to subsection 1 must include the social security number of the applicant.

4. Every applicant for certification or registration as a court interpreter pursuant to subsection 1 must submit with his or her application:

(a) A complete set of his or her fingerprints; and

(b) Written permission authorizing the Court Administrator to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its initial report on the criminal history of the applicant and for reports thereafter upon renewal of the certification or registration, and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant.

5. Except as otherwise provided by a specific ~~[regulation]~~ *rule* of the Court Administrator, it is grounds for disciplinary action for a certified or registered court interpreter to act as interpreter in any action in which:

(a) The spouse of the court interpreter is a party;

(b) A party or witness is otherwise related to the court interpreter;

(c) The court interpreter is biased for or against one of the parties; or

(d) The court interpreter otherwise has an interest in the outcome of the proceeding.

6. As used in this section, "person with limited English proficiency" means a person who speaks a language other than English and who cannot readily understand or communicate in the English language.

Sec. 13. NRS 1.520 is hereby amended to read as follows:

1.520 The Court Administrator may:

1. With the advice of the committee established pursuant to NRS 1.530, adopt any ~~[regulations]~~ *rules* necessary to carry out a program for the certification ~~[and]~~ or registration of court interpreters ~~[.] established pursuant to NRS 1.510.~~

2. Impose on a certified or registered court interpreter:

(a) Any fees necessary to reimburse the Court Administrator for the cost of administering the program; and

(b) A fine for any violation of a ~~[regulation]~~ *rule* of the Court Administrator adopted pursuant to this section or NRS 1.510.

Sec. 14. NRS 1.530 is hereby amended to read as follows:

1.530 1. The Chief Justice shall appoint, from a list of recommendations submitted ~~[to the Chief Justice]~~ by the Court Administrator, a committee to advise the Court Administrator regarding the adoption of ~~[regulations]~~ *rules* pursuant to NRS 1.510 and 1.520. The committee must consist of:

(a) A district judge;

(b) A justice of the peace or municipal judge ; ~~[in a county whose population is less than 100,000;]~~

(c) An administrator of a district court;

(d) An administrator of a justice court or municipal court ; ~~[in a county whose population is less than 100,000;]~~

(e) A representative of the Nevada System of Higher Education;

(f) A representative of a nonprofit organization ~~[for]~~ *which serves* persons who speak a language other than English;

(g) A person certified to act as an interpreter for a court of this State or a federal court;

(h) A person certified to act as an interpreter for a court of this State in the Spanish language; and

(i) A person certified or registered to act as an interpreter for a court of this State in a language other than Spanish.

2. The Court Administrator is ex officio chair of the committee ~~[.] and may designate another member of the committee to serve as the vice chair of the committee.~~

3. Members of the committee shall serve in that capacity without any additional compensation.

4. The committee shall submit an annual report to the Chief Justice and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature and make the annual report available to the public. The annual report must contain, without limitation:

(a) A summary of the activities of the committee during the immediately preceding ~~[[fiscal]]~~ year, including any ~~[[development of recommendations for]]~~ revisions to the Nevada State Court Language Access Plan adopted by the Nevada Certified Court Interpreter Program as established pursuant to NRS 1.510; and

(b) Statistical information concerning the usage of court interpreters ~~[[]]~~ *in courts of this State for persons with limited English proficiency*, including, without limitation, information on the usage of ~~[[certified]]~~ :

(1) *Certified* and registered court interpreters ; and ~~[[the demand for court interpreters for persons with limited English proficiency in courts of this State.]]~~

(2) *Court interpreters who are not certified or registered when a certified or registered court interpreter is not available.*

5. As used in this section, "person with limited English proficiency" has the meaning ascribed to it in NRS 1.510.

Sec. 15. NRS 1.540 is hereby amended to read as follows:

1.540 1. It is unlawful for a person to act as a certified or registered court interpreter or advertise or put out any sign or card or other device which might indicate to the public that the person is entitled to practice as a certified or registered court interpreter without a certificate or registration as an interpreter issued by the Court Administrator pursuant to NRS 1.510 and 1.520.

2. No civil action may be instituted, nor recovery therein be had, for a violation of the provisions of this section or NRS 1.510 or 1.520 or a violation of a ~~[[regulation]]~~ rule adopted by the Court Administrator pursuant to NRS 1.510 or 1.520.

Sec. 16. NRS 1.545 is hereby amended to read as follows:

1.545 1. The Court Administrator shall ~~[[develop and implement a]]~~ *adopt rules prescribing the process by which a person with a criminal history may petition the Court Administrator to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a certificate or registration as a court interpreter pursuant to NRS 1.510.*

2. ~~[[Not later than 90 days after a petition is submitted to the Court Administrator pursuant to subsection 1, the Court Administrator shall inform the person of the determination of the Court Administrator of whether the person's criminal history will disqualify the person from obtaining a certificate or registration. The Court Administrator is not bound by his or her determination of disqualification or qualification and may rescind such a determination at any time.]]~~

~~3. The Court Administrator may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.~~

~~—4.— A person with a criminal history may petition the Court Administrator at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a certificate or registration.~~

~~—5.— A person may submit a new petition to the Court Administrator not earlier than 2 years after the final determination of the initial petition submitted to the Court Administrator.~~

~~—6.— The Court Administrator may [impose] adopt rules establishing a fee of up to \$50 upon the person to fund the administrative costs in complying with the provisions of this section. [The Court Administrator may waive such fees or allow such fees to be covered by funds from a scholarship or grant.~~

~~—7.— The Court Administrator may post on its Internet website:~~

~~—(a) The requirements to obtain a certification or registration as a court interpreter; and~~

~~—(b) A list of crimes, if any, that would disqualify a person from obtaining a certification or registration as a court interpreter from the Court Administrator.~~

~~—8.— The Court Administrator may request the criminal history record of a person who petitions the Court Administrator for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Court Administrator makes such a request of a person, the Court Administrator shall require the person to submit his or her criminal history record which includes a report from:~~

~~—(a) The Central Repository for Nevada Records of Criminal History; and~~

~~—(b) The Federal Bureau of Investigation.~~

~~—9.— A person who petitions the Court Administrator for a determination pursuant to subsection 1 shall not submit false or misleading information to the Court Administrator.~~

~~—10.— The Court Administrator shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:~~

~~—(a) The number of petitions submitted to the Court Administrator pursuant to subsection 1;~~

~~—(b) The number of determinations of disqualification made by the Court Administrator pursuant to subsection 1;~~

~~—(c) The reasons for such determinations; and~~

~~—(d) Any other information that is requested by the Director or which the Court Administrator determines would be helpful.~~

~~—11.— The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.]~~

Sec. 17. NRS 2.040 is hereby amended to read as follows:

2.040 Whenever any vacancy ~~[shall occur]~~ occurs in the office of justice of the Supreme Court, the Governor shall fill the same by granting a commission ~~[]~~ to a candidate put forth by the Commission on Judicial

Selection, which ~~[shall expire at]~~ expires on the first Monday of January following the next general election by the people and upon the qualification of his or her successor, at which election a justice ~~[shall]~~ must be chosen for the balance of the unexpired term.

Sec. 18. NRS 2.120 is hereby amended to read as follows:

2.120 1. The Supreme Court may make rules not inconsistent with the Constitution and laws of the State for its own government, the government of the district courts, and the government of the State Bar of Nevada. Such rules shall be published promptly upon adoption and take effect on a date specified by the Supreme Court . ~~[which in no event shall be less than 30 days after entry of an order adopting such rules.]~~

2. The Supreme Court, by rules adopted and published from time to time, shall regulate original and appellate civil practice and procedure, including, without limitation, pleadings, motions, writs, notices and forms of process, in judicial proceedings in all courts of the State, for the purpose of simplifying the same and of promoting the speedy determination of litigation upon its merits. Such rules shall not abridge, enlarge or modify any substantive right and shall not be inconsistent with the Constitution of the State of Nevada. Such rules shall be published promptly upon adoption and take effect on a date specified by the Supreme Court . ~~[which in no event shall be less than 60 days after entry of an order adopting such rules.]~~

Sec. 19. NRS 2.150 is hereby amended to read as follows:

2.150 If ~~[a room in which to hold the court, together with attendants, fuel, lights and stationery, suitable and sufficient for the transaction of business, is]~~ *an appropriate facility and any necessary staff, materials and technological resources are* not provided by the State, the Court may ~~[direct]~~ *order* the ~~[sheriff of any county where the session is held]~~ *State* to provide ~~[a room, attendants, fuel, lights and stationery,]~~ *an appropriate facility and any staff, materials and technological resources reasonably necessary for the transaction of the business of the Court,* and the expenses must be paid out of the State Treasury.

Sec. 20. NRS 2.195 is hereby amended to read as follows:

2.195 ~~[1.— Each justice of the]~~ *The* Supreme Court ~~[may use a facsimile]~~ *shall provide by rule for the use of a digital signature or electronic signature [produced through a mechanical device in place of the justice's handwritten signature whenever the necessity arises and upon approval] by each justice of the Supreme Court . [, subject to the following conditions:*

—(a) That the mechanical device must be of such a nature that the facsimile signature may be removed from the mechanical device and kept in a separate secure place.

—(b) That the use of the facsimile signature may be made only under the direction and supervision of the justice whose signature it represents.

—(c) That the entire mechanical device must at all times be kept in a vault, securely locked, when not in use, to prevent any misuse of the device.

~~2. No facsimile signature produced through a mechanical device authorized by the provisions of this section may be combined with the signature of another officer.]~~

Sec. 21. NRS 2.200 is hereby amended to read as follows:

2.200 ~~[1.]~~ The Supreme Court shall appoint a Clerk of the Supreme Court ~~[-; but any person elected to the office of Clerk of the Supreme Court before July 1, 1957, shall continue to hold such office until the expiration of the term for which he or she may have been elected.]~~

~~2. The Clerk of the Supreme Court shall hold office and be removable] who serves at the pleasure of the Supreme Court.~~

Sec. 22. NRS 2.290 is hereby amended to read as follows:

2.290 The Supreme Court ~~[- or a majority thereof,]~~ is authorized to designate any person appointed and employed pursuant to NRS 2.295 to act as Bailiff of the Supreme Court.

Sec. 23. NRS 2.295 is hereby amended to read as follows:

2.295 The Supreme Court ~~[- or a majority thereof,]~~ is authorized to appoint and employ one or more persons to provide for the safety and security of the justices and employees of the Supreme Court and to carry out any necessary police duties at the direction of the Chief Justice to maintain safe and reasonable access to justice for residents of Nevada.

Sec. 24. NRS 2.300 is hereby amended to read as follows:

2.300 The Supreme Court ~~[- or a majority thereof,]~~ is authorized to employ ~~[stenographic clerks, law clerks, legal assistants, legal secretaries and other]~~ necessary employees ~~[within the limits of the appropriation made for the support of the Supreme Court.]~~ *for the operation, maintenance and improvement of the Court and the State Court System.*

Sec. 25. NRS 2.410 is hereby amended to read as follows:

2.410 The Supreme Court Law Library ~~[shall]~~ *must* be under the supervision and control of the Supreme Court, which may make and enforce such rules ~~[and regulations]~~ as may be necessary for the government, use and services of the Library. Such rules ~~[or regulations shall]~~ *must* assure that the Library is accessible for public use and to users in all parts of the State.

Sec. 26. NRS 3.025 is hereby amended to read as follows:

3.025 1. In each judicial district that includes a county whose population is 100,000 or more, the district judges of that judicial district shall choose from among those district judges a Chief Judge who is to be the presiding judge of the judicial district.

2. The Chief Judge shall:

- (a) Assign cases to each judge in the judicial district;
- (b) Prescribe the hours of court;
- (c) Adopt such other rules ~~[or regulations]~~ as are necessary for the orderly conduct of court business; and
- (d) Perform all other duties of the Chief Judge or of a presiding judge that are set forth in this chapter and any other provision of NRS.

3. If a case involves a matter within the jurisdiction of the family court and:

(a) The parties to the case are also the parties in any other pending case or were the parties in any other previously decided case assigned to a department of the family court in the judicial district; or

(b) A child involved in the case is also involved in any other pending case or was involved in any other previously decided case assigned to a department of the family court in the judicial district, other than a case within the jurisdiction of the juvenile court pursuant to title 5 of NRS,

↪ the Chief Judge shall assign the case to the department of the family court to which the other case is presently assigned or, if the other case has been decided, to the department of the family court that decided the other case, unless a different assignment is required by another provision of NRS, a court rule or the Revised Nevada Code of Judicial Conduct or the Chief Judge determines that a different assignment is necessary because of considerations related to the management of the caseload of the district judges within the judicial district. If a case described in this subsection is heard initially by a master, the recommendation, report or order of the master must be submitted to the district judge of the department of the family court to which the case has been assigned pursuant to this subsection for consideration and decision by that district judge.

Sec. 27. NRS 3.100 is hereby amended to read as follows:

3.100 1. Except as otherwise provided in this subsection, the district courts shall hold court at the county seat of their respective counties. The board of county commissioners may establish one or more additional locations within the county for the district court to hold court.

2. ~~If a room county neglects or refuses to provide an appropriate facility for holding court, at the county seat is not provided by the county, together with attendants, fuel, lights and stationery, suitable and sufficient for the transaction of business, the court may direct the sheriff to provide such room, attendants, fuel, lights and stationery,] The board of county commissioners shall:~~

~~(a) Provide and furnish an appropriate facility [and any staff, materials and technological resources necessary] for the transaction of the business of the court, and the expenses thereof shall be a county charge.]~~

~~(b) Appropriate a budget to the district court which includes, without limitation, money for the payment of expenses which are reasonable and necessary to carry out the powers and duties of the district court in the administration of justice.~~

3. ~~[An office at each county seat must be provided and furnished by and at the expense of the several counties for the several district judges. Whenever the county commissioners of any county neglect or refuse to provide and furnish such an office for the use of the district judge, the district judge may make an order, which must be entered upon the minutes of the court, requiring the sheriff to provide and furnish the office. The necessary~~

~~expenses incurred therein are a legal and valid claim against the county.]~~
Except as otherwise provided in this subsection, the board of county commissioners may require the district court to expend money, appropriated for a specific purpose. The board of county commissioners shall not impose any specific requirements regarding the expenditure of money that interfere with the ability of the district court to carry out its constitutional functions.

4. If the board of county commissioners neglects or refuses to provide the resources required by subsection 2 to the district court, the court may order the board to provide such resources to be paid out of the county treasury.

5. No money shall be drawn from the county treasury to pay for any expense incurred or any expenditure made on behalf of the district court except as appropriated by the board of county commissioners in accordance with the budgeting process of the county.

Sec. 28. NRS 4.155 is hereby amended to read as follows:

4.155 In townships where more than one justice of the peace has been provided for by NRS 4.020, such justices of the peace shall have concurrent and coextensive jurisdiction within the territorial limits provided by law, and may make such rules ~~and regulations,~~ not inconsistent with law, as will enable them to transact judicial business in a convenient and lawful manner.

Sec. 29. NRS 4.157 is hereby amended to read as follows:

4.157 1. The justices of the peace of each justice court having more than one justice of the peace shall choose from among those justices of the peace a chief justice of the peace who is to be the presiding judge of that court.

2. The chief justice of the peace shall:

- (a) Assign cases to each justice of the peace of the justice court;
- (b) Prescribe the hours of court;
- (c) Adopt such other rules ~~for regulations~~ as are necessary for the orderly conduct of court business; and
- (d) Perform all other duties of the chief justice of the peace or of the presiding judge of a justice court that are set forth in this chapter and any other provision of NRS.

Sec. 30. NRS 5.021 is hereby amended to read as follows:

5.021 1. The municipal judges of each municipal court having more than one municipal judge shall choose from among those municipal judges a chief municipal judge who is to be the presiding judge of that court.

2. The chief municipal judge shall:

- (a) Assign cases to each judge in the municipal court;
- (b) Prescribe the hours of court;
- (c) Adopt such other rules ~~for regulations~~ as are necessary for the orderly conduct of court business; and
- (d) Perform all other duties of the chief municipal judge or of the presiding judge of a municipal court that are set forth in this chapter and any other provision of NRS.

Sec. 30.5. Chapter 33 of NRS is hereby amended by adding thereto a new section to read as follows:

1. An order for protection against high-risk behavior, or the behaviors described in NRS 33.550, issued by the court of another state, territory or Indian tribe within the United States is valid and must be accorded full faith and credit and enforced by the courts of this State as if it were issued by a court in this State, regardless of whether the order has been registered in this State, if a court in this State determines that:

(a) The issuing court had jurisdiction over the parties and the subject matter under the laws of the state, territory or Indian tribe in which the order was issued; and

(b) The adverse party was given reasonable notice and an opportunity to be heard before the order was issued or, in the case of an emergency order, the adverse party was given reasonable notice and an opportunity to be heard within the time required by the laws of the issuing state, territory or tribe and, in any event, within a reasonable time after the order was issued.

2. A law enforcement officer shall enforce an order for protection against high-risk behavior issued by a court of another state, territory or Indian tribe and shall make an arrest for a violation thereof in the same manner that a law enforcement officer would make an arrest for a violation of an emergency or extended order issued by a court of this State unless it is apparent to the officer that the order is not authentic on its face. An officer shall determine that an order is authentic on its face if the order contains:

(a) The names of the parties;

(b) Information indicating that the order has not expired; and

(c) Information indicating that the court which issued the order had legal authority to issue the order as evidenced by a certified copy of the order, a file-stamped copy of the order, an authorized signature or stamp of the court which issued the order or another indication of the authority of the court which issued the order.

3. An officer may determine that any order is authentic on its face.

4. In enforcing an order for protection against high-risk behavior issued by a court of another state, territory or Indian tribe or arresting a person for a violation of such an order, a law enforcement officer may rely upon:

(a) A copy of an order for protection against high-risk behavior that has been provided to the officer;

(b) An order for protection against high-risk behavior that is included in the Central Repository for Nevada Records of Criminal History or in any national crime information database;

(c) Oral or written confirmation from a law enforcement agency or court in the jurisdiction in which the order for protection against high-risk behavior was issued that the order is valid and effective; or

(d) An examination of the totality of the circumstances concerning the existence of a valid and effective order for protection against high-risk behavior.

5. The fact that an order has not been registered or included in the Central Repository for Nevada Records of Criminal History or in any national crime information database is not grounds for a law enforcement officer to refuse to enforce the terms of the order unless it is apparent to the officer that the order is not authentic on its face.

6. A court or law enforcement officer who enforces an order for protection against high-risk behavior issued by a court of another state, territory or Indian tribe based upon a reasonable belief that the order is valid or who refuses to enforce such an order based upon a reasonable belief that the order is not valid and the employer of such a law enforcement officer are immune from civil and criminal liability for any action taken or not taken based on that belief.

Sec. 31. NRS 33.020 is hereby amended to read as follows:

33.020 1. If it appears to the satisfaction of the court from specific facts shown by a verified application that an act of domestic violence has occurred or there exists a threat of domestic violence, the court may grant a temporary or extended order. A court shall only consider whether the act of domestic violence or the threat thereof satisfies the requirements of NRS 33.018 without considering any other factor in its determination to grant the temporary or extended order.

2. A temporary or extended order must not be granted to the applicant or the adverse party unless the applicant or the adverse party has requested the order and has filed a verified application that an act of domestic violence has occurred or there exists a threat of domestic violence. If the applicant reasonably believes that disclosing his or her address and contact information in the application would jeopardize his or her safety, the applicant may decline to disclose his or her address and contact information in the application. If the applicant declines to disclose his or her address and contact information in the application, then such information:

(a) Must be disclosed to the court and, for criminal justice purposes, to any other authorized agency of criminal justice to allow the agency of criminal justice to carry out any duty required pursuant to NRS 33.017 to 33.100, inclusive;

(b) Must be maintained in a separate, confidential, electronic document or database which is not publicly accessible; and

(c) Must not be released, disclosed or made accessible to the public, except as authorized by the court.

3. The court may require the applicant or the adverse party, or both, to appear before the court before determining whether to grant the temporary or extended order.

4. A temporary order may be granted with or without notice to the adverse party. An extended order may only be granted after notice to the adverse party and a hearing on the application.

5. A hearing on an application for an extended order must be held within 45 days after the date on which the application for the extended order is filed.

If the adverse party has not been served pursuant to NRS 33.060 or 33.065 and fails to appear at the hearing, the court may, upon a showing that law enforcement, after due diligence, has been unable to serve the adverse party or that the adverse party has sought to avoid service by concealment, set a date for a second hearing which must be held within 90 days after the date on which the first hearing was scheduled.

6. If the adverse party has not been served pursuant to NRS 33.060 or 33.065 and fails to appear on the date set for a second hearing on an application for an extended order pursuant to subsection 5, the court may, upon a showing that law enforcement, after due diligence, has been unable to serve the adverse party or that the adverse party has sought to avoid service by concealment, set a date for a third hearing which must be held within 90 days after the date on which the second hearing was scheduled.

7. The court shall rule upon an application for a temporary order within 1 judicial day after it is filed.

8. If it appears to the satisfaction of the court from specific facts communicated by ~~telephone~~ *electronic means* to the court by an alleged victim that an act of domestic violence has occurred and the alleged perpetrator of the domestic violence has been arrested and is presently in custody pursuant to NRS 171.137, the court may grant a temporary order. Before approving an order under such circumstances, the court shall confirm with the appropriate law enforcement agency that the applicant is an alleged victim and that the alleged perpetrator is in custody. Upon approval by the court, the signed order may be transmitted to the facility where the alleged perpetrator is in custody by electronic or telephonic transmission to a facsimile machine. If such an order is received by the facility holding the alleged perpetrator while the alleged perpetrator is still in custody, the order must be personally served by an authorized employee of the facility before the alleged perpetrator is released. The court shall mail a copy of each order issued pursuant to this subsection to the alleged victim named in the order and cause the original order to be filed with the court clerk on the first judicial day after it is issued.

9. In a county whose population is 52,000 or more, the court shall be available 24 hours a day, 7 days a week, including nonjudicial days and holidays, to receive *electronic* communications ~~by telephone~~ and for the issuance of a temporary order pursuant to subsection 8.

10. In a county whose population is less than 52,000, the court may be available 24 hours a day, 7 days a week, including nonjudicial days and holidays, to receive *electronic* communications ~~by telephone~~ and for the issuance of a temporary order pursuant to subsection 8.

11. The clerk of the court shall inform the protected party upon the successful transfer of information concerning the registration to the Central Repository for Nevada Records of Criminal History as required pursuant to NRS 33.095.

12. As used in this section, "agency of criminal justice" has the meaning ascribed to it in NRS 179A.030.

Sec. 31.5. NRS 33.500 is hereby amended to read as follows:

33.500 As used in NRS 33.500 to 33.670, inclusive, and section 30.5 of this act, unless the context otherwise requires, the words and terms defined in NRS 33.510 to 33.540, inclusive, have the meanings ascribed to them in those sections.

Sec. 32. NRS 50.054 is hereby amended to read as follows:

50.054 1. Except as otherwise provided by a ~~regulation~~ rule of the Court Administrator adopted pursuant to NRS 1.510 and 1.520, a person shall not act as an interpreter in a proceeding if the interpreter is:

- (a) The spouse of a witness;
- (b) Otherwise related to a witness;
- (c) Biased for or against one of the parties; or
- (d) Otherwise interested in the outcome of the proceeding.

2. Before undertaking his or her duties, the interpreter shall swear or affirm that he or she will:

(a) To the best of his or her ability, interpret accurately to the person with limited English proficiency in the language of the person, questions and statements addressed to the person;

(b) Make a true interpretation of the statements of the person with limited English proficiency in an understandable manner; and

(c) Repeat the statements of the person with limited English proficiency to the best of his or her ability.

3. While in the proper performance of his or her duties, an interpreter has the same rights and privileges as the person with limited English proficiency including the right to examine all relevant material, but is not entitled to waive or exercise any of those rights or privileges on behalf of the person with limited English proficiency.

4. If an interpreter appointed for a person with limited English proficiency is not effectively or accurately communicating with or on behalf of the person, and that fact becomes known to the person who appointed the interpreter, another interpreter must be appointed.

5. Claims against a county, municipality, this State or any agency thereof for the compensation of an interpreter in a criminal proceeding or other proceeding for which an interpreter must be provided at public expense must be paid in the same manner as other claims against the respective entities are paid. Payment may be made only upon the certificate of the judge, magistrate or other person presiding over the proceedings that the interpreter has performed the services required and incurred the expense claimed.

6. As used in this section:

(a) "Interpreter" means a person who has a certificate or registration as an interpreter issued by the Court Administrator pursuant to NRS 1.510 and 1.520.

(b) "Person with limited English proficiency" has the meaning ascribed to it in NRS 1.510.

Sec. 33. NRS 50.0545 is hereby amended to read as follows:

50.0545 1. An interpreter must be appointed at public expense for a person with limited English proficiency who is a defendant or a witness in a criminal proceeding.

2. If a certified or registered court interpreter is not available, a court shall appoint an interpreter in accordance with the ~~[regulations]~~ rules adopted pursuant to paragraph (c) of subsection 2 of NRS 1.510.

3. As used in this section:

(a) "Interpreter" means a person who has a certificate or registration as an interpreter issued by the Court Administrator pursuant to NRS 1.510 and 1.520.

(b) "Person with limited English proficiency" has the meaning ascribed to it in NRS 1.510.

Sec. 34. NRS 62D.405 is hereby amended to read as follows:

62D.405 1. The juvenile court shall appoint at public expense an interpreter for a person with limited English proficiency in all proceedings conducted pursuant to the provisions of this title if the person with limited English proficiency is:

(a) The child who is alleged to be or has been adjudicated delinquent or in need of supervision;

(b) A parent or guardian of the child that is alleged to be or has been adjudicated delinquent or in need of supervision; or

(c) A person who appears as a witness.

2. If a certified or registered court interpreter is not available, the juvenile court shall appoint an interpreter in accordance with the ~~[regulations]~~ rules adopted pursuant to paragraph (c) of subsection 2 of NRS 1.510.

3. As used in this section:

(a) "Interpreter" means a person who has a certificate or registration as an interpreter issued by the Court Administrator pursuant to NRS 1.510 and 1.520.

(b) "Person with limited English proficiency" has the meaning ascribed to it in NRS 1.510.

Sec. 35. NRS 281.010 is hereby amended to read as follows:

281.010 1. The following officers must be elected:

(a) A Governor.

(b) A Lieutenant Governor.

(c) Two United States Senators.

(d) The number of members of the House of Representatives of the United States to which this State may be entitled.

(e) The number of presidential electors to which this State may be entitled.

(f) ~~[Five justices]~~ Justices of the Supreme Court.

(g) Judges of the Court of Appeals. ~~[other than the initial three judges.]~~

- (h) District judges.
- (i) Senators and members of the Assembly.
- (j) A Secretary of State.
- (k) A State Treasurer.
- (l) A State Controller.
- (m) An Attorney General.
- (n) Other officers whose elections are provided for by law.
- (o) For each county, and the equivalent officers for Carson City:
 - (1) One county clerk, who is ex officio clerk of the board of county commissioners and *may also be* clerk of the district court of the county.
 - (2) One sheriff.
 - (3) One district attorney.
 - (4) One public administrator, except where otherwise provided by law.
 - (5) One county assessor, except where otherwise provided by law.
 - (6) One county treasurer, except where otherwise provided by law.
 - (7) The number of county commissioners as provided by law.
 - (8) One county recorder, who is ex officio county auditor in counties in which a county comptroller has not been appointed.
 - (9) Justices of the peace.
 - (10) Constables, except where otherwise provided by law.

2. All officers who are not elected must be appointed.

Sec. 36. 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. 37. NRS 1.060, ~~[1.115, 1.116,]~~ 1.150, 1.170, 1.180, ~~[1.270,]~~ 2.210, 2.230, ~~[2.240,]~~ 2.255, 2.270, 2.420, 2.440 and 2.450 are hereby repealed.

Sec. 38. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 37, inclusive, of this act become effective:

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

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

LEADLINES OF REPEALED SECTIONS

1.060 Adjournment on absence of judge.

~~[1.115 Recycling of paper and paper products, electronic waste and other recyclable materials by courts.~~

~~1.116 Removal of data stored on electronic waste.]~~

1.150 Clerk of district court to procure seal; form of seal.

1.170 Custody of seal.

1.180 Documents to which seal affixed.

~~[1.270 No judge or justice of the peace to have partner practicing law.]~~

2.210 Qualifications of Clerk.

2.230 Deputy clerks.

~~[2.240 Clerical assistants.]~~

2.255 Penalties for violations by Clerk.

2.270 Destruction of obsolete exhibits by Clerk.

2.420 Hours of use by public.

2.440 Qualifications of Librarian.

2.450 Biennial report.

Senator Scheible moved the adoption of the amendment.

Remarks by Senator Scheible.

Amendment No. 165 to Senate Bill No. 63 retains the current statutory provisions regarding judicial disqualification and adds provisions to better manage disqualification filings and judges' replies to such, clarifies that the provision of resources for the Supreme Court is the duty of the State, clarifies the obligations of a county in providing resources to a district court, provides that part-time judges may practice law in a firm or with a partner so long as certain conditions are met, and includes full faith and credit provisions regarding orders for protection against high-risk behavior as currently exists for other types of protection orders.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 68.

Bill read second time.

The following amendment was proposed by the Committee on Revenue and Economic Development:

Amendment No. 528.

SUMMARY—Establishes programs to provide certain assistance relating to housing. (BDR 25-303)

AN ACT relating to housing; creating the Critical Needs Fund; authorizing money in the Fund to be used for certain purposes relating to very low income housing, supportive housing and supportive services; ~~increasing~~ requiring the distribution of a certain portion of the real property transfer tax ~~requiring the money from the increased tax to be deposited in~~ to the Fund; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law imposes a tax on certain transfers of real property. The tax ~~is based on the value of the transferred property in increments of \$500 or a fraction thereof. (NRS 375.020) Existing law requires the State Controller to deposit a portion of that transfer tax into the Account for Affordable Housing, which is administered by the Housing Division of the Department of Business and Industry in order to assist certain persons in obtaining or keeping affordable housing. (NRS 319.500, 319.510, 375.070)~~ includes, without limitation, a tax, at the rate of \$1.30 on each \$500 of value or fraction thereof of the transferred property. After a portion of this tax is withheld by the county recorder of each county as reimbursement for the cost of collecting the tax, the proceeds of the tax are transmitted to the State Controller for deposit in the State General Fund. (NRS 375.023) Section 21.5 of this bill requires a portion of this tax equal to 15 cents on each \$500 of value of the transferrer property to be transmitted to the Critical Needs Fund created by section 14 of this bill. Section 14 : ~~of this bill.~~ (1) ~~creates the Critical Needs Fund;~~ (2) ~~requires the Housing Division of the Department of~~

Business and Industry to administer the Fund; and ~~{(3)}~~ (2) requires the money in the Fund to be used to provide certain assistance for very low income housing, supportive housing and supportive services. ~~{Section 21 of this bill increases the tax on certain transfers of real property by 20 cents for each \$500 of value or fraction thereof, and section 22 of this bill requires the State Controller to deposit the amount attributable to the increase into the Fund.}~~ Section 14 also authorizes the Division to apply for and accept gifts, bequests, grants, donations and other sources of money for credit to the Fund. Sections 3-13 of this bill define certain terms related to the use of money in the Fund.

Existing law divides this State into five behavioral health regions and creates a regional behavioral health policy board for each region. (NRS 433.428, 433.429) Existing law requires each policy board to advise certain agencies, including the Department of Health and Human Services, concerning priorities for allocating money to support and develop behavioral health services in each region. (NRS 433.4295) Section 15 of this bill requires the Division to annually allocate money in the Fund to be used in each behavioral health region and prescribes the manner in which the Division is required to calculate such allocations. From the money allocated for use in a behavioral health region, sections 15 and 23 of this bill require the policy board created for the region , or the Division if the policy board fails to act, to determine an amount to be used for: (1) rental or other assistance or home repair assistance ~~{for}~~ to assist eligible individuals to obtain or retain very low income housing; and (2) supportive housing and supportive services.

Section 16 of this bill requires the Division to distribute the money allocated by each policy board to rental and other assistance and home repair assistance for very low income housing to the housing authorities whose area of operation includes any part of the behavioral health region. Section 16 requires each housing authority to distribute that money to provide rental and other assistance and home repair assistance for very low income housing in the applicable behavioral health region, prioritizing households with the lowest income ~~{,}~~ and households which are in supportive housing.

Section ~~{17}~~ 18 of this bill requires the Division to distribute the money allocated by each policy board to supportive housing projects and supportive services ~~{in the following order of priority: (1) first,}~~ to itself for the purpose of awarding grants to provide : (1) rental assistance to supportive housing projects within the applicable behavioral health region; and (2) ~~{second, to the Department of Health and Human Services for the purpose of awarding grants to provide supportive services}~~ funding for the acquisition and rehabilitation of properties suitable for conversion to supportive housing within the applicable behavioral health region. ~~{Sections}~~ Section 18 ~~{and 19 of this bill require}~~ requires the Division ~~{and the Department, respectively,}~~ to ~~{(1) award such grants; and (2)}~~

for awarding those grants. Section 20 of this bill prescribes certain conditions applicable to the grants.

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

Section 1. Chapter 319 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 20, inclusive, of this act.

Sec. 2. *As used in sections 2 to 20, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 13, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Behavioral health region" has the meaning ascribed to it in NRS 433.426.*

Sec. 4. *"Department" means the Department of Health and Human Services.*

Sec. 5. *"Developmental disability" has the meaning ascribed to it in NRS 435.007.*

Sec. 6. *"Disabling condition" means a substance use disorder, serious mental illness, post-traumatic stress disorder or other debilitating trauma, serious emotional disturbance, developmental disability, intellectual disability or chronic physical illness or disability, including, without limitation, a combination of two or more such conditions.*

Sec. 7. *"Fund" means the Critical Needs Fund created by section 14 of this act.*

Sec. 8. *"Housing authority" means a housing authority created pursuant to chapter 315 of NRS. The term includes, without limitation, the Nevada Rural Housing Authority created by NRS 315.977.*

Sec. 9. *"Intellectual disability" has the meaning ascribed to it in NRS 435.007.*

Sec. 10. *"Policy board" has the meaning ascribed to it in NRS 433.427.*

Sec. 11. *"Supportive housing" means housing that:*

~~1. Including the cost of utilities, costs not more than 30 percent of the total monthly gross income of the household to which the housing is provided; and~~

~~2. Offers supportive services to achieve housing stability to:~~

~~(a) At least one person who is a member of the household, whether adult or minor, with a disabling condition; or~~

~~(b) A person who is an immediate family member of a person described in paragraph (a).] Is subsidized and prioritizes providing housing for persons with a disabling condition who:~~

~~(a) Have experienced or are at imminent risk of homelessness or whose disabling condition prevents independent living; and~~

~~(b) Can benefit from comprehensive support services to retain tenancy.~~

~~2. Uses admissions practices designed to result in lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, including, without limitation, requirements with respect to rental history, criminal history or source of income.~~

3. Is paired with on-site or off-site, voluntary and tenant-centered tenancy supportive services designed to serve the resident population and assist with achieving successful tenancy, improving health status and providing a connection to community-based services, health care, treatment or employment services.

4. Is subject to the provisions of chapter 118A of NRS.

Sec. 12. "Supportive services" means services available to a person with a disabling condition or to his or her immediate family, including, without limitation:

1. Case management and intensive services delivered in the household or through care coordination related to physical and behavioral health, treatment for and recovery from addictive disorders, recovery from trauma, management of a chronic disease or management of an intellectual, developmental or physical disability; and

2. Other tenancy supports.

Sec. 13. 1. "Very low income housing" means housing:

(a) For a household that has a total monthly gross income that is equal to not more than 50 percent of the median monthly gross household income for the county in which the housing is located; and

(b) Which, including the cost of utilities, costs not more than 30 percent of the total monthly gross household income of the household to which the housing is provided.

2. For the purposes of this section, median monthly gross household income must be determined based upon the estimates of the United States Department of Housing and Urban Development of the most current median monthly gross family income for the county in which the housing is located.

Sec. 14. 1. The Critical Needs Fund is hereby created in the State Treasury. The Division shall administer the Critical Needs Fund.

2. Money in the Fund must be expended in the manner prescribed by sections 2 to 20, inclusive, of this act, and any regulations adopted thereto.

3. The interest and income earned on the money in the Fund, after deducting any applicable charges, must be credited to the Fund. Any money remaining in the Fund at the end of the fiscal year does not revert to the State General Fund, and the balance in the Fund must be carried forward to the next fiscal year.

4. All money that is collected for the use of the Fund from any source, including, without limitation, pursuant to ~~subsection 7 or NRS 375.020~~ NRS 375.023 or from legislative appropriation, must be deposited in the State Treasury for credit to the Fund.

5. All claims against the Fund must be paid as other claims against the State are paid.

6. The Division may ~~not~~ use not more than 10 percent of the money in the Fund to ~~administer~~ :

(a) Administer the Fund ~~for~~ ; and

(b) Provide funding for administrative purposes to housing authorities.

7. The Division may apply for and accept any gift, donation, bequest, grant or other source of money for the purposes of providing rental and other assistance and home repair assistance for very low income housing, supportive housing and supportive services in accordance with sections 2 to 20, inclusive, of this act. Any money so received must be deposited in the State Treasury for credit to the Fund.

Sec. 15. 1. The Division shall, on or before July 1 of each year:

(a) Determine the total amount of money in the Fund which is available for use within all behavioral health regions in this State combined;

(b) Determine the amount of money in the Fund which is available for use within each behavioral health region in this State; and

(c) Report to each policy board the amounts determined in paragraphs (a) and (b).

2. In making a determination pursuant to paragraph (b) of subsection 1, the Division shall allocate:

(a) At least ~~[\$500,000]~~ \$400,000 or one-fifth of the total money determined to be available pursuant to paragraph (a) of subsection 1, whichever is less, for use in each behavioral health region; and

(b) Any additional money determined to be available pursuant to paragraph (a) of subsection 1 among the behavioral health regions in proportion to the current populations of the behavioral health regions.

3. Each policy board shall, within ~~(30)~~ 60 days after receipt of the report submitted by the Division pursuant to paragraph (c) of subsection 1 ~~and~~, in consultation with the social services department of each county within the behavioral health region:

(a) Determine an amount of money ~~f, which must be equal to or greater than 25 percent of the money allocated pursuant to subsection 2 for use in the behavioral health region for which the policy board was created,~~ to allocate toward rental and other assistance or home repair assistance ~~for~~ to assist eligible persons to obtain or retain very low income housing;

(b) Determine an amount of money ~~f, which must be equal to or greater than 25 percent of the money allocated pursuant to subsection 2 for use in the behavioral health region for which the policy board was created,~~ to allocate toward supportive housing and supportive services; and

(c) Report to the Division the amounts determined pursuant to paragraphs (a) and (b).

4. The Division shall, upon receipt of the report submitted by a policy board pursuant to paragraph (c) of subsection 3:

(a) Distribute the money allocated by the policy board toward rental and other assistance or home repair assistance ~~for~~ to assist eligible persons to obtain or retain very low income housing in accordance with section 16 of this act; and

(b) ~~Prioritize and distribute~~ Distribute the money allocated by the policy board toward supportive housing and supportive services in accordance with section ~~(17)~~ 18 of this act.

5. If a policy board does not make a determination within the time prescribed pursuant to subsection 3, the Division shall, after consultation with the social services agency of each county within the behavioral health region, determine an amount of money to allocate towards the purposes described in paragraphs (a) and (b) of subsection 3. Upon making such a determination, the Division shall distribute the money allocated by the Division pursuant to this subsection in accordance with sections 16 and 18 of this act as though the allocation had been made by the policy board.

6. As used in this section, "population" means the current population estimate for the counties within a behavioral health region as determined and published by the Department of Taxation and the demographer employed pursuant to NRS 360.283.

Sec. 16. 1. The Division shall distribute the money allocated by each policy board pursuant to paragraph (a) of subsection 3 of section 15 of this act to the housing authorities whose area of operation includes any part of the behavioral health region for which the policy board was established.

2. Upon receiving money from the Division pursuant to subsection 1, a housing authority shall distribute the money to households in the applicable behavioral health region for the purpose of providing rental and other assistance and home repair assistance ~~for~~ to assist eligible persons to obtain or retain very low income housing. When making such a distribution, a housing authority shall prioritize households with the lowest income ~~for~~ and households that are currently in supportive housing.

3. In order to receive assistance pursuant to subsection 2, a household must provide evidence to the housing authority awarding the assistance that the household:

(a) Has made at least one application for another source of assistance for which the household or person is eligible including, without limitation, from the Housing Choice Voucher Program or the Veterans Affairs Supportive Housing Program pursuant to 42 U.S.C. § 1437f and any regulations adopted pursuant thereto or any successor program, or from the Aging and Disability Services Division of the Department; or

(b) Is not eligible to receive any assistance described in paragraph (a).

Sec. 17. ~~[The Division shall distribute the money allocated by each policy board pursuant to paragraph (b) of subsection 3 of section 15 of this act in the following order of priority:~~

~~1. First, to itself for the purpose of awarding grants pursuant to section 19 of this act to provide assistance to supportive housing projects within the applicable behavioral health region; and~~

~~2. Second, to the Department for the purpose of awarding grants pursuant to section 19 of this act to provide supportive services within the applicable behavioral health region.] (Deleted by amendment.)~~

Sec. 18. 1. The Division shall use the money ~~described in subsection 1 of section 17 of this act to award~~ allocated by each policy board pursuant to paragraph (b) of subsection 3 of section 15 of this act to

the Division for the purpose of awarding competitive grants subject to the provisions of section 20 of this act to provide ~~rental~~ :

(a) Rental assistance and funding for supportive services to supportive housing projects within the applicable behavioral health region in order to ensure the financial sustainability of such projects ~~and~~ ; and

(b) Funding, not to exceed \$15,000 per unit, for the acquisition and rehabilitation of properties suitable for conversion to supportive housing within the applicable behavioral health region.

2. The Division shall adopt regulations prescribing the process for awarding competitive grants pursuant to this section, including, without limitation, the process to apply for such a grant. The regulations must ; ~~require;~~

(a) ~~An~~ Provide for the participation in the grant review process of a member of the applicable policy board, or a designee of the policy board, and a representative of a social services agency of a county;

(b) Require an applicant to demonstrate the ability to leverage federal and other sources of money and give priority to applications from applicants who show the most ability to or experience in securing leveraged funding;

(c) Require an applicant to make the supportive housing available to qualified tenants for not less than 24 months and provide that additional consideration in the competitive process will be given to projects that create permanent supportive housing accompanied by robust supportive services;

(d) Require an annual performance review of each person or entity to whom a grant is awarded; ~~and~~

~~(b) The~~

(e) Require the renewal of a grant at least every 3 years ~~and~~ and authorize up to four renewals, contingent upon successful annual performance reviews; and

(f) Authorize the use of unallocated money to supplement grants from prior years or the retention of unallocated money in a carryover account to fund future projects within the behavioral health region.

Sec. 19. ~~[1. The Department shall use the money described in subsection 2 of section 17 of this act to award competitive grants subject to the provisions of section 20 of this act, in approximately equal amounts, to provide supportive services:~~

~~(a) In conjunction with supportive housing projects within the applicable behavioral health region; and~~

~~(b) For persons who do not reside in supportive housing projects within the applicable behavioral health region.~~

~~2. The Department shall adopt regulations prescribing the process for awarding competitive grants pursuant to this section, including, without limitation, the process to apply for such a grant. The regulations must require:~~

~~(a) An annual performance review of each person or entity to whom a grant is awarded; and~~

~~(b) The renewal of a grant at least every 3 years.] (Deleted by amendment.)~~

Sec. 20. 1. A person or entity to which a grant is awarded pursuant to section 18 ~~for 19~~ of this act may make commitments of not more than ~~10~~ 15 years with regard to the use of the money. Such a commitment is contingent on the availability of funds, the outcome of the annual performance reviews conducted pursuant to section 18 ~~for 19, as applicable,~~ of this act, and the successful renewal of the grant. A person or entity to which a grant is awarded pursuant to section 18 of this act may apply for another competitive grant pursuant to that section after any previous grant has ended and can no longer be renewed.

2. A grant awarded pursuant to section 18 ~~for 19~~ of this act must require a person or entity that wishes to receive such assistance to provide evidence to the grantee that the person or entity:

(a) Has made at least one application for another source of assistance for which the person or entity is eligible including, without limitation, from the Housing Choice Voucher Program or the Veterans Affairs Supportive Housing Program pursuant to 42 U.S.C. § 1437f and any regulations adopted pursuant thereto or any successor program, or from the Aging and Disability Services Division of the Department; or

(b) Is not eligible to receive any assistance described in paragraph (a).

Sec. 21. ~~[NRS 375.020 is hereby amended to read as follows:~~

~~375.020 1. A tax, at the rate of:~~

~~(a) In a county whose population is 700,000 or more, [\$1.25;] \$1.45; and~~

~~(b) In a county whose population is less than 700,000, [65 85 cents,~~

~~for each \$500 of value or fraction thereof, is hereby imposed on each deed by which any lands, tenements or other realty is granted, assigned, transferred or otherwise conveyed to, or vested in, another person, or land sale installment contract, if the consideration or value of the interest or property conveyed exceeds \$100.~~

~~2. The amount of tax must be computed on the basis of the value of the transferred real property as declared pursuant to NRS 375.060.] (Deleted by amendment.)~~

Sec. 21.5. NRS 375.023 is hereby amended to read as follows:

375.023 1. In addition to all other taxes imposed on transfers of real property, a tax, at the rate of \$1.30 on each \$500 of value or fraction thereof, is hereby imposed on each deed by which any lands, tenements or other realty is granted, assigned, transferred or otherwise conveyed to, or vested in, another person, or land sale installment contract, if the consideration or value of the interest or property conveyed exceeds \$100.

2. The amount of the tax must be computed on the basis of the value of the transferred property as declared pursuant to NRS 375.060.

3. The county recorder of each county shall collect the tax in the manner provided in NRS 375.030, except that the amount collected must be transmitted to the State Controller ~~for~~ within 30 days after the end of the

calendar quarter during which the tax was collected. The State Controller shall deposit :

(a) An amount equal to that portion of the proceeds which is equivalent to 15 cents for each \$500 of value or fraction thereof in the Critical Needs Fund created by section 14 of this act; and

(b) The remaining amount in the State General Fund . ~~[within 30 days after the end of the calendar quarter during which the tax was collected.]~~

4. The county recorder of each county may deduct and withhold from the taxes collected 1 percent of those taxes to reimburse the county for the cost of collecting the tax.

Sec. 22. ~~[NRS 375.070 is hereby amended to read as follows:~~

~~375.070 1. The county recorder shall transmit the proceeds of the tax imposed by NRS 375.020 at the end of each quarter in the following manner:~~

~~(a) An amount equal to that portion of the proceeds which is equivalent to 10 cents for each \$500 of value or fraction thereof must be transmitted to the State Controller who shall deposit that amount in the Account for Affordable Housing created pursuant to NRS 319.500.~~

~~(b) An amount equal to that portion of the proceeds which is equivalent to 20 cents for each \$500 of value or fraction thereof must be transmitted to the State Controller who shall deposit that amount in the Critical Needs Fund created by section 14 of this act.~~

~~(c) In a county whose population is 700,000 or more, an amount equal to that portion of the proceeds which is equivalent to 60 cents for each \$500 of value or fraction thereof must be transmitted to the county treasurer for deposit in the county school district's fund for capital projects established pursuant to NRS 387.328, to be held and expended in the same manner as other money deposited in that fund.~~

~~[(c)] (d) The remaining proceeds must be transmitted to the State Controller for deposit in the Local Government Tax Distribution Account created by NRS 360.660 for credit to the respective accounts of Carson City and each county.~~

~~2. In addition to any other authorized use of the proceeds it receives pursuant to subsection 1, a county or city may use the proceeds to pay expenses related to or incurred for the development of tier one affordable housing and tier two affordable housing. A county or city that uses the proceeds in that manner must give priority to the development of tier one affordable housing and tier two affordable housing for persons who are elderly or persons with disabilities.~~

~~3. The expenses authorized by subsection 2 include, but are not limited to:~~

~~(a) The costs to acquire land and developmental rights;~~

~~(b) Related predevelopment expenses;~~

~~(c) The costs to develop the land, including the payment of related rebates;~~

~~(d) Contributions toward down payments made for the purchase of affordable housing; and~~

~~(e) The creation of related trust funds.~~

~~4. As used in this section:~~

~~(a) "Tier one affordable housing" has the meaning ascribed to it in NRS 278.01902.~~

~~(b) "Tier two affordable housing" has the meaning ascribed to it in NRS 278.01906.] (Deleted by amendment.)~~

Sec. 23. NRS 433.4295 is hereby amended to read as follows:

433.4295 1. Each policy board shall:

(a) Advise the Department, Division and Commission regarding:

(1) The behavioral health needs of adults and children in the behavioral health region;

(2) Any progress, problems or proposed plans relating to the provision of behavioral health services and methods to improve the provision of behavioral health services in the behavioral health region;

(3) Identified gaps in the behavioral health services which are available in the behavioral health region and any recommendations or service enhancements to address those gaps;

(4) Any federal, state or local law or regulation that relates to behavioral health which it determines is redundant, conflicts with other laws or is obsolete and any recommendation to address any such redundant, conflicting or obsolete law or regulation; and

(5) Priorities for allocating money to support and develop behavioral health services in the behavioral health region.

(b) Promote improvements in the delivery of behavioral health services in the behavioral health region.

(c) Coordinate and exchange information with the other policy boards to provide unified and coordinated recommendations to the Department, Division and Commission regarding behavioral health services in the behavioral health region.

(d) Review the collection and reporting standards of behavioral health data to determine standards for such data collection and reporting processes.

(e) To the extent feasible, establish an organized, sustainable and accurate electronic repository of data and information concerning behavioral health and behavioral health services in the behavioral health region that is accessible to members of the public on an Internet website maintained by the policy board. A policy board may collaborate with an existing community-based organization to establish the repository.

(f) To the extent feasible, track and compile data concerning persons placed on a mental health crisis hold pursuant to NRS 433A.160, persons admitted to mental health facilities and hospitals under an emergency admission pursuant to NRS 433A.162, persons admitted to mental health facilities under an involuntary court-ordered admission pursuant to NRS 433A.200 to 433A.330, inclusive, and persons ordered to receive assisted outpatient treatment pursuant to NRS 433A.335 to 433A.345, inclusive, in the behavioral health region, including, without limitation:

(1) The outcomes of treatment provided to such persons; and

(2) Measures taken upon and after the release of such persons to address behavioral health issues and prevent future mental health crisis holds and admissions.

(g) If a data dashboard is established pursuant to NRS 439.245, use the data dashboard to review access by different groups and populations in this State to behavioral health services provided through telehealth, as defined in NRS 629.515, and evaluate policies to make such access more equitable.

(h) Identify and coordinate with other entities in the behavioral health region and this State that address issues relating to behavioral health to increase awareness of such issues and avoid duplication of efforts.

(i) In coordination with existing entities in this State that address issues relating to behavioral health services, submit an annual report to the Commission which includes, without limitation:

(1) The specific behavioral health needs of the behavioral health region;

(2) A description of the methods used by the policy board to collect and analyze data concerning the behavioral health needs and problems of the behavioral health region and gaps in behavioral health services which are available in the behavioral health region, including, without limitation, a list of all sources of such data used by the policy board;

(3) A description of the manner in which the policy board has carried out the requirements of paragraphs (c) and (h) and the results of those activities; and

(4) The data compiled pursuant to paragraph (f) and any conclusions that the policy board has derived from such data.

(j) Allocate money from the Critical Needs Fund to support very low income housing and supportive housing and supportive services for use in the behavioral health region for which the policy board was created, as provided in section 15 of this act.

2. A report described in paragraph (i) of subsection 1 may be submitted more often than annually if the policy board determines that a specific behavioral health issue requires an additional report to the Commission.

Sec. 24. 1. Notwithstanding the provisions of section 15 of this act, the Housing Division of the Department of Business and Industry shall provide the initial report described in paragraph (c) of subsection 1 of section 15 of this act to each policy board in this State on or before July 1, 2024.

2. As used in this section, "policy board" has the meaning ascribed to it in section 10 of this act.

Sec. 25. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 24, inclusive, of this act become effective:

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

(b) On October 1, 2023, for all other purposes.

Senator Neal moved the adoption of the amendment.

Remarks by Senator Neal.

Amendment No. 528 to Senate Bill No. 68 removes the 20-cent real property transfer tax rate in the bill and instead requires that 15 cents of the existing \$1.30 State General Fund rate for this tax be deposited in the Critical Needs Fund established in the bill. The bill additionally revises the definition of "supportive housing" and revises the purposes for which the Critical Needs Fund may be used by housing authorities, the regional policy boards and the Housing Division of the Department of Business and Industry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 144.

Bill read second time.

The following amendment was proposed by the Committee on Revenue and Economic Development:

Amendment No. 131.

SUMMARY—Establishes a credit against certain taxes for a taxpayer who donates money to a career and technical program tax credit organization that makes grants to programs of career and technical education. (BDR 34-866)

AN ACT relating to education; providing for the ~~(appointment)~~ selection of a career and technical program tax credit organization to distribute donations to eligible programs of career and technical education at the direction of the State Board of Education; establishing a credit against the modified business tax and the general tax on insurance premiums for a taxpayer who donates money to a career and technical program tax credit organization; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires employers to pay an excise tax, commonly referred to as the modified business tax, on the wages paid to their employees during each calendar quarter. (NRS 363A.130, 363B.110) Existing law also requires each insurer to pay to the Department of Taxation a tax upon net direct premiums and net direct considerations written at the rate of 3.5 percent (the general tax on insurance premiums). (NRS 680B.027) Sections 3, 5 and 9 of this bill authorize a taxpayer to receive a credit against the modified business tax or general tax on insurance premiums equal to an amount which is approved by the Department of Taxation and which must not exceed the amount of any donation of money made by a taxpayer to a career and technical program tax credit organization selected by the Executive Director of the Department. To claim the tax credit, sections 3, 5 and 9 require the career and technical program credit organization to apply to the Department for approval of the credit for a taxpayer who intends to make a donation to the career and technical program tax credit organization. If the Department approves the application, the career and technical program tax credit organization must provide notice to the taxpayer, who must make the donation within 30 days after receiving the notice. If the taxpayer does not make the donation within the requisite period, the taxpayer forfeits eligibility for the credit. The Department: (1) must approve or deny applications for the

tax credit in the order in which the applications are received by the Department; (2) is authorized to approve applications for each fiscal year until the total amount of the tax credits approved for the fiscal year is \$10,000,000.

Sections 4 and 6 of this bill provide specifically for the application of the credit against the modified business tax. Section 10 of this bill provides specifically for the application of the credit against the general tax on insurance premiums.

Section 1 of this bill requires the Executive Director of the Department to select a career and technical program tax credit organization to oversee and administer the donations received pursuant to the provisions of this bill. Section 1 requires the career and technical program tax credit organization to accept applications each year from programs of career and technical education who wish to receive a grant of money donated pursuant to the provisions of this bill and to make recommendations to the State Board of Education regarding the eligible programs that should receive a grant of money and the amount of any such grant. Section 1 requires the career and technical program tax credit organization to distribute donations once each fiscal year as directed by the State Board, which has the sole discretion to determine which eligible programs receive a grant and the amount of any grant. Finally, section 1: (1) authorizes the Executive Director of the Department of Taxation to terminate the selection of a career and technical education tax credit organization and select another such organization if the selected organization violates a provision of section 1 or engages in improper practices of financial administration; (2) provides that the termination of the selection of a career and technical education tax credit organization or the selection of another such organization is not a contested case requiring certain notice and administrative procedures but, instead, is a decision to terminate a contract; and (3) prohibits section 1 from being construed to require the Department of Taxation to audit a selected career and technical education tax credit organization.

Section 2 of this bill makes a conforming change to indicate the proper placement of section 1 in the Nevada Revised Statutes. Sections 7 and 11-14 of this bill make conforming changes to indicate the proper placement of sections 9 and 10 in the Nevada Revised Statutes.

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

Section 1. Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Executive Director of the Department of Taxation shall solicit applications for and select a career and technical program tax credit organization to oversee and administer donations made pursuant to sections 3, 5 and 9 of this act. The career and technical program tax credit organization selected by the Executive Director must:*

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

(b) Be incorporated in this State;

(c) Have sufficient experience raising funds to carry out the duties of the career and technical program tax credit organization;

(d) Have experience overseeing and administering education grants; and

(c) Not own or operate any school in this State which receives any grant money pursuant to this section.

2. The career and technical program tax credit organization selected pursuant to subsection 1 shall open and maintain a separate account in a financial institution located in the United States for the deposit of any donations received pursuant to sections 3, 5 and 9 of this act.

3. The career and technical program tax credit organization may expend not more than 3 percent of the total amount of any donations received pursuant to sections 3, 5 and 9 of this act in a fiscal year to pay its administrative expenses.

4. The career and technical program tax credit organization shall establish a 60-day period each fiscal year in which the career and technical program tax credit organization will accept applications from programs of career and technical education in this State that wish to receive a grant of money from the account created pursuant to subsection 2. Each year, the career and technical program tax credit organization shall notify the Department of Education of the start date and end date of the application period for that year not later than 30 days before the start date. The career and technical program tax credit organization shall not charge an application fee.

5. The career and technical program tax credit organization shall review the applications submitted pursuant to subsection 4 and from those applications create a list of eligible programs for that fiscal year. A program of career and technical education in this State is an eligible program if the program:

(a) Is a program of career and technical education organized by the board of trustees of a school district or the governing body of a charter school in accordance with the regulations adopted by the State Board and approved by the Superintendent of Public Instruction;

(b) Complies with all applicable state laws and regulations governing programs of career and technical education;

(c) Consists of not less than two courses which are taught in a sequence and have been approved by the State Board; and

(d) Receives money pursuant to the Every Student Succeeds Act of 2015, 20 U.S.C. §§ 6301 et seq., and is obligated to comply with the provisions of that federal law.

6. The career and technical program tax credit organization shall review applications from eligible programs and make recommendations to the State Board regarding which eligible programs should receive a grant of money

pursuant to this section and the amount of any such grant. The career and technical program tax credit organization shall take into consideration any preference expressed by a taxpayer pursuant to sections 3, 5 and 9 of this act identifying a particular eligible program to receive the donation made by the taxpayer.

7. After reviewing the recommendations of the career and technical program tax credit organization, the State Board shall allocate the available money in the account created pursuant to subsection 2 among the eligible programs for the fiscal year. The determination of which eligible programs are to receive a grant of money from the account and the amount of any such grant is solely within the discretion of the State Board, subject to such standards as the State Board may adopt by regulation. The State Board shall notify the career and technical program tax credit organization and each eligible program which is selected to receive a grant pursuant to this section of the amount of money the eligible program will receive.

8. Each fiscal year the career and technical program tax credit organization shall distribute the money in the account created pursuant to subsection 2, as directed by the State Board pursuant to subsection 7.

9. A program of career and technical education which receives a grant of money pursuant to this section may use such money to:

(a) Support operational expenses related to the program of career and technical education, including, without limitation, supplies, technology, curriculum and professional development;

(b) Finance or lease school facilities that directly support the program of career and technical education; or

(c) Pay other expenses related to the program of career and technical education which have been approved by the Department of Education.

10. The career and technical program tax credit organization shall preserve for inspection and audit by the Department of Taxation and its agents, for a period of 4 years, the books of account and all financial records of the career and technical program tax credit organization relevant to the donations received pursuant to sections 3, 5 and 9 of this act and any distributions made pursuant to this section. The career and technical program tax credit organization shall make the records available for inspection by the Department of Taxation upon demand at reasonable times during regular business hours.

11. If the entity selected pursuant to subsection 1 violates any provision of this section or commits improper practices of financial administration, the Executive Director of the Department of Taxation may terminate the selection of the entity and select another entity as the career and technical program tax credit organization. ~~Any provision of an agreement between an entity and the Department of Taxation which conflicts with this section is void.~~ A decision of the Executive Director of the Department of Taxation to terminate the selection of an entity or to select another entity as the career and technical program tax credit organization pursuant to this subsection is

not a contested case as defined in NRS 233B.032, but is a decision to terminate a contract.

12. Nothing in this section shall be construed to require the Department of Taxation to audit an entity selected pursuant to subsection 1 as a career and technical education tax credit organization.

13. Money in the account created pursuant to subsection 2 and any money distributed from that account may not be used to satisfy funding level or matching requirements related to federal career and technical education grants.

Sec. 2. NRS 388.400 is hereby amended to read as follows:

388.400 1. The money for career and technical education must be provided for and raised in the manner specified in NRS 387.050 and 388.340 to 388.400, inclusive ~~[-]~~, and section 1 of this act.

2. The State Treasurer is the custodian of the money and shall make disbursements therefrom on warrants of the State Controller issued upon the order of the Superintendent of Public Instruction.

Sec. 3. Chapter 363A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Any taxpayer who is required to pay a tax pursuant to NRS 363A.130 may receive a credit against the tax otherwise due for any donation of money made by the taxpayer to the career and technical program tax credit organization in the manner provided by this section.

2. To receive the credit authorized by subsection 1, a taxpayer who intends to make a donation of money to the career and technical program tax credit organization must, before making such a donation, notify the career and technical program tax credit organization of the taxpayer's intent to make the donation and to seek the credit authorized by subsection 1. The taxpayer may indicate a preference identifying a particular eligible program to receive the donation. The career and technical program tax credit organization shall, before accepting any such donation, apply to the Department for approval of the credit authorized by subsection 1. The Department shall, within 20 days after receiving the application, approve or deny the application and provide to the career and technical program tax credit organization notice of the decision and, if the application is approved, the amount of the credit authorized. Upon receipt of notice that the application has been approved, the career and technical program tax credit organization shall provide notice of the approval to the taxpayer who must, not later than 30 days after receiving the notice, make the donation of money to the career and technical program tax credit organization. If the taxpayer does not make the donation of money to the career and technical program tax credit organization within 30 days after receiving the notice, the career and technical program tax credit organization shall provide notice of the failure to the Department and the taxpayer forfeits any claim to the credit authorized by subsection 1.

3. *The Department shall approve or deny applications for the credit authorized by subsection 1 in the order in which the applications are received.*

4. *The Department may, for each fiscal year, approve applications for the credit authorized by subsection 1 until the total amount of the credits authorized by subsection 1 and approved by the Department pursuant to this section and sections 5 and 9 of this act is \$10,000,000. The amount of any credit which is forfeited pursuant to subsection 2 must not be considered in calculating the amount of credits authorized for any fiscal year.*

5. *If a taxpayer applies to and is approved by the Department for the credit authorized by subsection 1, the amount of the credit provided by this section is equal to the amount approved by the Department pursuant to subsection 2, which must not exceed the amount of the donation made by the taxpayer to the career and technical program tax credit organization. The total amount of the credit applied against the taxes described in subsection 1 and otherwise due from a taxpayer must not exceed the amount of the donation.*

6. *If the amount of the tax described in subsection 1 and otherwise due from a taxpayer is less than the credit to which the taxpayer is entitled pursuant to this section, the taxpayer may, after applying the credit to the extent of the tax otherwise due, carry the balance of the credit forward for not more than 5 years after the end of the calendar year in which the donation is made or until the balance of the credit is applied, whichever is earlier.*

7. *As used in this section:*

(a) *"Career and technical program tax credit organization" means the career and technical program tax credit organization selected by the Executive Director pursuant to section 1 of this act.*

(b) *"Eligible program" means an eligible program as determined pursuant to subsection 5 of section 1 of this act.*

Sec. 4. NRS 363A.130 is hereby amended to read as follows:

363A.130 1. Except as otherwise provided in NRS 360.203, there is hereby imposed an excise tax on each employer at the rate of 2 percent of the wages, as defined in NRS 612.190, paid by the employer during a calendar quarter with respect to employment in connection with the business activities of the employer.

2. The tax imposed by this section:

(a) Does not apply to any person or other entity or any wages this State is prohibited from taxing under the Constitution, laws or treaties of the United States or the Nevada Constitution.

(b) Must not be deducted, in whole or in part, from any wages of persons in the employment of the employer.

3. Each employer shall, on or before the last day of the month immediately following each calendar quarter for which the employer is required to pay a contribution pursuant to NRS 612.535:

(a) File with the Department a return on a form prescribed by the Department; and

(b) Remit to the Department any tax due pursuant to this section for that calendar quarter.

4. In determining the amount of the tax due pursuant to this section, an employer is entitled to subtract from the amount calculated pursuant to subsection 1 a credit in an amount equal to 50 percent of the amount of the commerce tax paid by the employer pursuant to chapter 363C of NRS for the preceding taxable year. The credit may only be used for any of the 4 calendar quarters immediately following the end of the taxable year for which the commerce tax was paid. The amount of credit used for a calendar quarter may not exceed the amount calculated pursuant to subsection 1 for that calendar quarter. Any unused credit may not be carried forward beyond the fourth calendar quarter immediately following the end of the taxable year for which the commerce tax was paid, and a taxpayer is not entitled to a refund of any unused credit.

5. An employer who makes a donation of money to a scholarship organization during the calendar quarter for which a return is filed pursuant to this section is entitled, in accordance with NRS 363A.139, to a credit equal to the amount authorized pursuant to NRS 363A.139 against any tax otherwise due pursuant to this section. As used in this subsection, "scholarship organization" has the meaning ascribed to it in NRS 388D.260.

6. *An employer who makes a donation of money to the career and technical program tax credit organization during the calendar quarter for which a return is filed pursuant to this section is entitled, in accordance with section 3 of this act, to a credit equal to the amount authorized pursuant to section 3 of this act against any tax otherwise due pursuant to this section. As used in this subsection, "career and technical program tax credit organization" has the meaning ascribed to it in section 3 of this act.*

Sec. 5. Chapter 363B of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Any taxpayer who is required to pay a tax pursuant to NRS 363B.110 may receive a credit against the tax otherwise due for any donation of money made by the taxpayer to the career and technical program tax credit organization in the manner provided by this section.*

2. *To receive the credit authorized by subsection 1, a taxpayer who intends to make a donation of money to the career and technical program tax credit organization must, before making such a donation, notify the career and technical program tax credit organization of the taxpayer's intent to make the donation and to seek the credit authorized by subsection 1. The taxpayer may indicate a preference identifying a particular eligible program to receive the donation. The career and technical program tax credit organization shall, before accepting any such donation, apply to the Department for approval of the credit authorized by subsection 1. The Department shall, within 20 days after receiving the application, approve or*

deny the application and provide to the career and technical program tax credit organization notice of the decision and, if the application is approved, the amount of the credit authorized. Upon receipt of notice that the application has been approved, the career and technical program tax credit organization shall provide notice of the approval to the taxpayer who must, not later than 30 days after receiving the notice, make the donation of money to the career and technical program tax credit organization. If the taxpayer does not make the donation of money to the career and technical program tax credit organization within 30 days after receiving the notice, the career and technical program tax credit organization shall provide notice of the failure to the Department and the taxpayer forfeits any claim to the credit authorized by subsection 1.

3. The Department shall approve or deny applications for the credit authorized by subsection 1 in the order in which the applications are received.

4. The Department may, for each fiscal year, approve applications for the credit authorized by subsection 1 until the total amount of the credits authorized by subsection 1 and approved by the Department pursuant to this section and sections 3 and 9 of this act is \$10,000,000. The amount of any credit which is forfeited pursuant to subsection 2 must not be considered in calculating the amount of credits authorized for any fiscal year.

5. If a taxpayer applies to and is approved by the Department for the credit authorized by subsection 1, the amount of the credit provided by this section is equal to the amount approved by the Department pursuant to subsection 2, which must not exceed the amount of the donation made by the taxpayer to the career and technical program tax credit organization. The total amount of the credit applied against the taxes described in subsection 1 and otherwise due from a taxpayer must not exceed the amount of the donation.

6. If the amount of the tax described in subsection 1 and otherwise due from a taxpayer is less than the credit to which the taxpayer is entitled pursuant to this section, the taxpayer may, after applying the credit to the extent of the tax otherwise due, carry the balance of the credit forward for not more than 5 years after the end of the calendar year in which the donation is made or until the balance of the credit is applied, whichever is earlier.

7. As used in this section:

(a) "Career and technical program tax credit organization" has the meaning ascribed to it in section 3 of this act.

(b) "Eligible program" has the meaning ascribed to it in section 3 of this act.

Sec. 6. NRS 363B.110 is hereby amended to read as follows:

363B.110 1. Except as otherwise provided in NRS 360.203, there is hereby imposed an excise tax on each employer at the rate of 1.475 percent of the amount by which the sum of all the wages, as defined in NRS 612.190,

paid by the employer during a calendar quarter with respect to employment in connection with the business activities of the employer exceeds \$50,000.

2. The tax imposed by this section:

(a) Does not apply to any person or other entity or any wages this State is prohibited from taxing under the Constitution, laws or treaties of the United States or the Nevada Constitution.

(b) Must not be deducted, in whole or in part, from any wages of persons in the employment of the employer.

3. Each employer shall, on or before the last day of the month immediately following each calendar quarter for which the employer is required to pay a contribution pursuant to NRS 612.535:

(a) File with the Department a return on a form prescribed by the Department; and

(b) Remit to the Department any tax due pursuant to this chapter for that calendar quarter.

4. In determining the amount of the tax due pursuant to this section, an employer is entitled to subtract from the amount calculated pursuant to subsection 1 a credit in an amount equal to 50 percent of the amount of the commerce tax paid by the employer pursuant to chapter 363C of NRS for the preceding taxable year. The credit may only be used for any of the 4 calendar quarters immediately following the end of the taxable year for which the commerce tax was paid. The amount of credit used for a calendar quarter may not exceed the amount calculated pursuant to subsection 1 for that calendar quarter. Any unused credit may not be carried forward beyond the fourth calendar quarter immediately following the end of the taxable year for which the commerce tax was paid, and a taxpayer is not entitled to a refund of any unused credit.

5. An employer who makes a donation of money to a scholarship organization during the calendar quarter for which a return is filed pursuant to this section is entitled, in accordance with NRS 363B.119, to a credit equal to the amount authorized pursuant to NRS 363B.119 against any tax otherwise due pursuant to this section. As used in this subsection, "scholarship organization" has the meaning ascribed to it in NRS 388D.260.

6. *An employer who makes a donation of money to the career and technical program tax credit organization during the calendar quarter for which a return is filed pursuant to this section is entitled, in accordance with section 5 of this act, to a credit equal to the amount authorized pursuant to section 5 of this act against any tax otherwise due pursuant to this section. As used in this subsection, "career and technical program tax credit organization" has the meaning ascribed to it in section 3 of this act.*

Sec. 7. NRS 679A.160 is hereby amended to read as follows:

679A.160 Except as otherwise provided by specific statute, no provision of this Code applies to:

1. Fraternal benefit societies, as identified in chapter 695A of NRS, except as stated in chapter 695A of NRS.

2. Hospital, medical or dental service corporations, as identified in chapter 695B of NRS, except as stated in chapter 695B of NRS.

3. Motor clubs, as identified in chapter 696A of NRS, except as stated in chapter 696A of NRS.

4. Bail agents, as identified in chapter 697 of NRS, except as stated in NRS 680B.025 to 680B.039, inclusive, *and sections 9 and 10 of this act* and chapter 697 of NRS.

5. Risk retention groups, as identified in chapter 695E of NRS, except as stated in chapter 695E of NRS.

6. Captive insurers, as identified in chapter 694C of NRS, with respect to their activities as captive insurers, except as stated in chapter 694C of NRS.

7. Health and welfare plans arising out of collective bargaining under chapter 288 of NRS, except that the Commissioner may review the plan to ensure that the benefits are reasonable in relation to the premiums and that the fund is financially sound.

8. Programs established pursuant to subsection 1 of NRS 315.725 and the entities administering those programs, except as stated in NRS 315.725.

Sec. 8. Chapter 680B of NRS is hereby amended by adding thereto the provisions set forth as sections 9 and 10 of this act.

Sec. 9. 1. *Any taxpayer who is required to pay a tax pursuant to NRS 680B.027 may receive a credit against the tax otherwise due for any donation of money made by the taxpayer to the career and technical program tax credit organization in the manner provided by this section.*

2. *To receive the credit authorized by subsection 1, a taxpayer who intends to make a donation of money to the career and technical program tax credit organization must, before making such a donation, notify the career and technical program tax credit organization of the taxpayer's intent to make the donation and to seek the credit authorized by subsection 1. The insurer may indicate if the taxpayer has a preference identifying a particular eligible program to receive the donation. The career and technical program tax credit organization shall, before accepting any such donation, apply to the Department of Taxation for approval of the credit authorized by subsection 1. The Department of Taxation shall, within 20 days after receiving the application, approve or deny the application and provide to the career and technical program tax credit organization notice of the decision and, if the application is approved, the amount of the credit authorized. Upon receipt of the notice that the application has been approved, the career and technical program tax credit organization shall provide notice of the approval to the taxpayer who must, not later than 30 days after receiving the notice, make the donation of money to the career and technical program tax credit organization. If the taxpayer does not make the donation of money to the career and technical program tax credit organization within 30 days after receiving the notice, the career and technical program tax credit organization shall provide notice of the failure to the Department of Taxation and the taxpayer forfeits any claim to the credit authorized by subsection 1.*

3. The Department of Taxation shall approve or deny applications for the credit authorized by subsection 1 in the order in which the applications are received.

4. The Department of Taxation may, for each fiscal year, approve applications for the credit authorized by subsection 1 until the total amount of the credits authorized by subsection 1 and approved by the Department of Taxation pursuant to this section and sections 3 and 5 of this act is \$10,000,000. The amount of any credit which is forfeited pursuant to subsection 2 must not be considered in calculating the amount of credits authorized for any fiscal year.

5. If a taxpayer applies to and is approved by the Department of Taxation for the credit authorized by subsection 1, the amount of the credit provided by this section is equal to the amount approved by the Department of Taxation pursuant to subsection 2, which must not exceed the amount of the donation made by the taxpayer to the career and technical program tax credit organization. The total amount of the credit applied against the taxes described in subsection 1 and otherwise due from a taxpayer must not exceed the amount of the donation.

6. If the amount of the tax described in subsection 1 and otherwise due from a taxpayer is less than the credit to which the taxpayer is entitled pursuant to this section, the taxpayer may, after applying the credit to the extent of the tax otherwise due, carry the balance of the credit forward for not more than 5 years after the end of the calendar year in which the donation is made or until the balance of the credit is applied, whichever is earlier.

7. As used in this section:

(a) "Career and technical program tax credit organization" has the meaning ascribed to it in section 3 of this act.

(b) "Eligible program" has the meaning ascribed to it in section 3 of this act.

(c) "Taxpayer" means any person liable for a tax imposed by this chapter.

Sec. 10. 1. An insurer who makes a donation of money to the career and technical program tax credit organization during the calendar quarter for which a report is filed pursuant to NRS 680B.032 or during a calendar year in which a report is filed pursuant to NRS 680B.030 is entitled, in accordance with section 9 of this act, to a credit equal to the amount authorized pursuant to section 9 of this act against any tax otherwise due pursuant to NRS 680B.027.

2. As used in this section, "career and technical program tax credit organization" has the meaning ascribed to it in section 3 of this act.

Sec. 11. NRS 680B.025 is hereby amended to read as follows:

680B.025 For the purposes of NRS 680B.025 to 680B.039, inclusive ~~{-}~~, and sections 9 and 10 of this act:

1. "Total income derived from direct premiums written":

(a) Does not include premiums written or considerations received from life insurance policies or annuity contracts issued in connection with the funding of a pension, annuity or profit-sharing plan qualified or exempt pursuant to sections 401, 403, 404, 408, 457 or 501 of the United States Internal Revenue Code as renumbered from time to time.

(b) Does not include payments received by an insurer from the Secretary of Health and Human Services pursuant to a contract entered into pursuant to section 1876 of the Social Security Act, 42 U.S.C. § 1395mm.

(c) As to title insurance, consists of the total amount charged by the company for the sale of policies of title insurance.

2. Money accepted by a life insurer pursuant to an agreement which provides for an accumulation of money to purchase annuities at future dates may be considered as "total income derived from direct premiums written" either upon receipt or upon the actual application of the money to the purchase of annuities, but any interest credited to money accumulated while under the latter alternative must also be included in "total income derived from direct premiums written," and any money taxed upon receipt, including any interest later credited thereto, is not subject to taxation upon the purchase of annuities. Each life insurer shall signify on its return covering premiums for the calendar year 1971 or for the first calendar year it transacts business in this State, whichever is later, its election between those two alternatives. Thereafter an insurer shall not change his or her election without the consent of the Commissioner. Any such money taxed as "total income derived from direct premiums written" is, in the event of withdrawal of the money before its actual application to the purchase of annuities, eligible to be included as "return premiums" pursuant to the provisions of NRS 680B.030.

Sec. 12. NRS 680B.0395 is hereby amended to read as follows:

680B.0395 An insurer who holds a certificate of authority as a reinsurer is exempt from the requirements of NRS 680B.025 to 680B.039, inclusive ~~and~~ *, and sections 9 and 10 of this act.*

Sec. 13. NRS 695B.320 is hereby amended to read as follows:

695B.320 1. Nonprofit hospital and medical or dental service corporations are subject to the provisions of this chapter, and to the provisions of chapters 679A and 679B of NRS, subsections 2, 4, 18, 19 and 31 of NRS 680B.010, NRS 680B.025 to 680B.060, inclusive, *and sections 9 and 10 of this act*, chapter 681B of NRS, NRS 686A.010 to 686A.315, inclusive, 686B.010 to 686B.175, inclusive, 687B.010 to 687B.040, inclusive, 687B.070 to 687B.140, inclusive, 687B.150, 687B.160, 687B.180, 687B.200 to 687B.255, inclusive, 687B.270, 687B.310 to 687B.380, inclusive, 687B.410, 687B.420, 687B.430, 687B.500 and chapters 692B, 692C, 693A and 696B of NRS, to the extent applicable and not in conflict with the express provisions of this chapter.

2. For the purposes of this section and the provisions set forth in subsection 1, a nonprofit hospital and medical or dental service corporation is included in the meaning of the term "insurer."

Sec. 14. NRS 695F.090 is hereby amended to read as follows:

695F.090 1. Prepaid limited health service organizations are subject to the provisions of this chapter and to the following provisions, to the extent reasonably applicable:

(a) NRS 686B.010 to 686B.175, inclusive, concerning rates and essential insurance.

(b) NRS 687B.310 to 687B.420, inclusive, concerning cancellation and nonrenewal of policies.

(c) NRS 687B.122 to 687B.128, inclusive, concerning readability of policies.

(d) The requirements of NRS 679B.152.

(c) The fees imposed pursuant to NRS 449.465.

(f) NRS 686A.010 to 686A.310, inclusive, concerning trade practices and frauds.

(g) The assessment imposed pursuant to NRS 679B.700.

(h) Chapter 683A of NRS.

(i) To the extent applicable, the provisions of NRS 689B.340 to 689B.580, inclusive, and chapter 689C of NRS relating to the portability and availability of health insurance.

(j) NRS 689A.035, 689A.0463, 689A.410, 689A.413 and 689A.415.

(k) NRS 680B.025 to 680B.060, inclusive, *and sections 9 and 10 of this act* concerning premium tax, premium tax rate, annual report and estimated quarterly tax payments. For the purposes of this paragraph, unless the context otherwise requires that a section apply only to insurers, any reference in those sections to "insurer" must be replaced by a reference to "prepaid limited health service organization."

(l) Chapter 692C of NRS, concerning holding companies.

(m) NRS 689A.637, concerning health centers.

(n) Chapter 681B of NRS, concerning assets and liabilities.

(o) NRS 682A.400 to 682A.468, inclusive, concerning investments.

2. For the purposes of this section and the provisions set forth in subsection 1, a prepaid limited health service organization is included in the meaning of the term "insurer."

Sec. 15. This act becomes effective on July 1, 2023.

Senator Neal moved the adoption of the amendment.

Remarks by Senator Neal.

Amendment No. 131 to Senate Bill No. 144 makes the following changes to establish that: the Executive Director of the Department of Taxation is authorized to terminate the selection of an entity or select another entity as the career and technical program tax credit organization under certain conditions, the termination of the selection of another such organization is not a contested case, but a decision to terminate a contract, there is no obligation for the Department of Taxation to audit a selected career and technical education tax credit organization.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 148.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 408.

SUMMARY—Revises provisions relating to local school precincts.
(BDR 34-160)

AN ACT relating to education; prohibiting a local school precinct from employing or otherwise procuring the services of certain personnel for a school; revising provisions relating to the selection of certain personnel by the principal of a local school precinct; providing that the superintendent of a large school district is responsible for making certain personnel decisions; ~~[requiring]~~ authorizing certain uses of a year-end balance by a local school precincts to transfer a certain amount of money to the county school district fund at the end of each fiscal year] precinct under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the superintendent of a large school district to transfer authority to a local school precinct to carry out certain responsibilities, including, without limitation, the supervision of the staff of the local school precinct and the procurement of equipment, services and supplies for the local school precinct. Existing law requires the large school district to carry out all other responsibilities necessary for the operation of the local school precinct and the large school district, including the maintenance of the school and custodial services. (NRS 388G.610) Section 2 of this bill prohibits a local school precinct from employing or otherwise procuring the services of a person to carry out any responsibility that has not been transferred to the local school precinct. Section 2 requires a local school precinct to meet certain ratios of personnel when selecting personnel for the local school precinct who provide custodial, maintenance or security services, to the extent that such personnel are available for selection by a local school district. Section 2 also requires the principal of a local school precinct to select teachers, administrators other than the principal and other staff who work under the direct supervision of the principal in accordance with any applicable collective bargaining agreement.

If a person is assigned from the large school district to a local school precinct, existing law requires the superintendent of the large school district to consult with the principal of the local school precinct and the associate superintendent of the local school precinct before making a decision as to the assignment or any reassignment of such a person. (NRS 388G.610) Section 2 provides that the superintendent is responsible, after such consultation, for making any decision concerning the assignment of a person from the large school district to the local school precinct or the reassignment of a person.

~~[Existing law requires each school district to transfer to the Education Stabilization Account any amount by which the balance of the county school district fund at the close of a fiscal year exceeds 16.6 percent of the total~~

~~budgeted expenditures for the fund. (NRS 387.1213)) Existing law requires each local school precinct to carry forward its year-end balance to the next school year for use by the local precinct. (NRS 388G.650) Section 3 of this bill [similarly requires] authorizes each local school precinct of a large school district to [transfer to the county school district fund any amount by which] use the year-end balance of the local school precinct [at the close of the immediately preceding fiscal year exceeds 16.6 percent of the total budgeted expenditures for the local school precinct for that fiscal year. Section 1 of this bill requires a large school district to make the required transfer from the county school district fund to the Education Stabilization Account after the amounts are transferred from the local school precincts to the county school district fund of the large school district pursuant to section 3.] to employ additional personnel necessary to meet the required ratios of certain personnel established pursuant to section 2 if such personnel are not available for selection from the large school district.~~

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

Section 1. ~~[NRS 387.1213 is hereby amended to read as follows:~~

~~387.1213 1. The Education Stabilization Account is hereby created in the State Education Fund. Except as otherwise provided in subsections 3 and 4, each year after the close of the previous fiscal year and, for a large school district, after each local school precinct in the large school district has transferred any amount from the local school precinct to the county school district fund of the large school district pursuant to subsection 3 of NRS 388G.690 and before the issuance of the State Controller's annual report, each county school district shall transfer from the county school district fund to the Education Stabilization Account any amount by which the budgeted ending fund balance of the county school district fund exceeds 16.6 percent of the total budgeted expenditures for the fund. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.~~

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

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

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

~~(a) Upon submission of a request from the Department, the actual enrollment growth for a fiscal year exceeds the projected enrollment growth by an amount that the Interim Finance Committee determines would make a~~

~~transfer of money to the State Education Fund necessary to fund the excess enrollment; or~~

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

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

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

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

~~(a) "Large school district" has the meaning ascribed to it in NRS 388G.530.~~

~~(b) "Local school precinct" has the meaning ascribed to it in NRS 388G.535.~~ (Deleted by amendment.)

Sec. 2. NRS 388G.610 is hereby amended to read as follows:

388G.610 1. Except as otherwise provided in this section, the superintendent shall transfer authority to each local school precinct to carry out responsibilities in accordance with this section and the plan of operation approved for the local school precinct.

2. The superintendent shall transfer to each local school precinct the authority to carry out the following responsibilities:

(a) Select for the local school precinct the:

- (1) Teachers;
- (2) Administrators other than the principal; and
- (3) Other staff who work under the direct supervision of the principal.

(b) Direct the supervision of the staff of the local school precinct, including, without limitation, taking any necessary disciplinary action which does not involve a violation of law or which does not require an investigation to comply with the law.

(c) ~~Procure~~ Except as otherwise provided in this paragraph, procure such equipment, services and supplies as the local school precinct deems necessary or advisable to carry out the plan of operation for the local school precinct. Equipment, services and supplies may be procured from the large school district in which the local school precinct is located or elsewhere, but such procurement must be carried out in accordance with the applicable policies of the large school district. *Unless such authority has been transferred to a local school precinct pursuant to subsection ~~7~~ 8, a local school precinct may not employ or otherwise procure the services of a person to carry out any responsibility necessary for the operation of the local school*

precinct that is the responsibility of the large school district, (c)ing, without limitation, any services listed in subsection 3.

(d) Develop a balanced budget for the local school precinct for the use of the money allocated to the local school precinct, which must include, without limitation, the manner in which to expend any money not used for the purposes described in paragraphs (a), (b) and (c).

(c) Any other responsibility for which authority is transferred pursuant to subsection ~~{7-}8~~.

3. Except as otherwise provided in subsection ~~{7-} 8~~, a large school district shall remain responsible for paying for and carrying out all other responsibilities necessary for the operation of the local school precincts and the large school district which have not been transferred to the local school precincts pursuant to subsection 2, including, without limitation, responsibility for:

(a) Negotiating the salaries, benefits and other conditions of employment of administrators, teachers and other staff necessary for the operation of the local school precinct;

(b) Transportation services;

(c) Food services;

(d) Risk management services;

(c) Financial services, including payroll services;

(f) Qualifying employees for any position within the large school district;

(g) Services to promote and ensure equity and diversity;

(h) Services to ensure compliance with all laws relating to civil rights;

(i) Identification, evaluation, program placement, pupil assignment and other services provided to pupils pursuant to the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the regulations adopted pursuant thereto, or pursuant to section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and the regulations adopted pursuant thereto;

(j) Legal services;

(k) Maintenance and repair of buildings;

(l) Maintenance of the grounds of the local school precinct;

(m) Custodial services;

(n) Implementation of the master plan developed for English learners;

(o) Internal audits;

(p) Information technology services;

(q) Police services;

(c) Emergency management services;

(s) Carrying out state mandated assessments and accountability reports;

(t) Capital projects; and

(u) Utilities.

4. The principal of a local school precinct shall select for the local school precinct the staff described in paragraph (a) of subsection 2 in accordance with any applicable collective bargaining agreement. To the greatest extent possible, the principal of a local school precinct shall select

teachers who are licensed and in good standing before selecting substitutes to teach at the local school precinct. The principal, in consultation with the organizational team, shall make every effort to ensure that effective licensed teachers are employed at the local school precinct.

5. When selecting staff pursuant to subparagraph (3) of paragraph (a) of subsection 2, the principal of a local school precinct shall, to the extent such personnel are available from the large school district, select a sufficient number of staff to provide:

(a) Custodial services at a ratio of square footage per staff member which is consistent with the Level 2 Cleaning Standard of the Building Cleaning Standard Type of the Common Education Data Standards published by the United States Department of Education; and

(b) Security services at a ratio of not less than three staff members for each 1,000 pupils enrolled in the local school precinct.

6. If a large school district is unable to provide any necessary maintenance or repair of the buildings or grounds of a local school precinct in a timely manner, the large school district must, at the expense of the large school district, procure any equipment, services and supplies necessary from another entity or business to provide such maintenance or repair for the local school precinct or take any other necessary action.

~~{6.}~~ 7. To the extent that any member of the staff of central services is assigned to provide services at a local school precinct on a temporary or permanent basis, the superintendent must make any decision regarding the assignment and any subsequent reassignment of the member of the staff ~~{must be made in consultation}~~, after consulting with the principal of the local school precinct and the school associate superintendent.

~~{7.}~~ 8. On or before January 15 of each year, the superintendent shall determine, in consultation with the principals, school associate superintendents and organizational teams of each local school precinct, any additional authority that is not listed in subsection 2 to recommend transferring to one or more local school precincts. Such authority may include the authority to carry out any of the responsibilities listed in subsection 3 which is not prohibited by law, other than the responsibility for capital projects, if it is determined that transferring the authority will serve the best interests of the pupils. The recommendation to transfer authority to one or more local school precincts must be submitted for approval by the board of trustees of the large school district. The board of trustees of the large school district shall consider such a recommendation and determine whether to approve the transfer of additional authority at its next regularly scheduled meeting if submitted within 5 working days before the next regularly scheduled meeting and otherwise the recommendation shall be considered at the following meeting.

~~{8.}~~ 9. If the authority to carry out any responsibility is transferred to a local school precinct pursuant to subsection ~~{7.}~~ 8, the large school district must allocate additional money to the local school precinct in an amount

equal to the amount that would otherwise be paid by the large school district to carry out the responsibility.

Sec. 3. NRS 388G.650 is hereby amended to read as follows:

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

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

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

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

3. ~~Not later than 45 days after the close of the immediately preceding fiscal year, each local school precinct shall transfer to the county school district fund any amount by which the year-end balance of the local school precinct for the immediately preceding fiscal year exceeds 16.6 percent of the total budgeted expenditures for the local school precinct for the immediately preceding fiscal year.~~ A local school precinct may use a year-end balance carried forward pursuant to subsection 2 to employ any additional personnel necessary to meet the ratios described in subsection 5 of NRS 388G.610 if such personnel are not available for selection from the large school district.

Sec. 4. 1. This section and section 2 of this act become effective on July 1, 2023.

2. Sections 1 and 3 of this act become effective on January 1, 2024.

Senator Lange moved the adoption of the amendment.

Remarks by Senator Lange.

Amendment No. 408 to Senate Bill No. 148 establishes provisions pertaining to staffing ratios that local school precincts must follow when hiring school support staff with specific requirements for custodial employees and campus security monitors. It requires the principal of a local school precinct to select employees for that precinct in accordance with the applicable collective bargaining agreements. It requires a superintendent making any decision regarding the assignment or reassignment of certain staff to first consult with the principal of the local school precinct and school associate superintendent. It removes certain provisions regarding the transfer of certain funds. It makes the new custodian and campus security required ratios contingent upon appropriate personnel being available to the school. It authorizes the use of the carry-over money to be used if the personnel necessary to meet the relevant ratios are not available from the county school district.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 195.

Bill read second time.

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

Amendment No. 105.

SUMMARY—Revises provisions related to cannabis. (BDR 56-452)

AN ACT relating to cannabis; revising provisions relating to disciplinary action taken by the Cannabis Compliance Board against the holder of a license or registration card issued by the Board; requiring the Board to adopt regulations governing the transfer of an ownership interest in a cannabis establishment; revising provisions governing the fees the Board is authorized to charge; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth the procedures by which the Cannabis Compliance Board may take disciplinary action against a licensee or registrant who violates a provision of existing law governing the cannabis industry in this State or any regulation adopted by the Board. (NRS 678A.500-678A.600) Sections 2 and 4 of this bill authorize the Board to resolve any matter concerning a licensee or registrant who has allegedly committed such a violation by entering into a consent or settlement agreement with the licensee or registrant so long as the Board discusses and approves the terms of the agreement, and any modification of those terms, at a meeting of the Board. Section 3 of this bill sets forth certain mitigating circumstances concerning a violation. Section 2 requires the Board to consider whether any of those mitigating circumstances exist in determining whether to approve or modify the terms of a consent or settlement agreement.

If the Board elects to proceed with disciplinary action against a licensee or registrant, existing law requires the Board or the Executive Director of the Board to serve upon the licensee or registrant a complaint setting forth the acts or omissions for which the licensee or registrant is charged and certain other information. (NRS 678A.520) Section 5 of this bill requires the complaint to charge multiple alleged violations as a single alleged violation under certain circumstances. Section 5 also requires the complaint to include the penalties being sought against the licensee or registrant.

If the Board determines that a licensee or registrant has violated a provision of existing law governing the cannabis industry in this State or any regulation adopted by the Board, existing law authorizes the Board to: (1) limit, condition, suspend or revoke the license or registration card of the licensee or registrant; (2) impose a civil penalty in an amount established by the Board by regulation; or (3) take both of those actions. (NRS 678A.600) Section 7 of this bill: (1) requires the Board, in determining the appropriate action to be taken against such a licensee or registrant, to consider whether

any of the mitigating circumstances set forth in section 3 exist; (2) limits the amount of a civil penalty the Board is authorized to impose for a single violation to \$20,000; and (3) authorizes the Board to take certain additional actions. Section 6 of this bill requires that certain information concerning the mitigating factors considered by the Board pursuant to section 7 be included in the written decision of the Board following a disciplinary hearing in certain circumstances.

~~{Sections 8 and 9 of this bill make conforming changes to indicate the proper placement of section 3 in the Nevada Revised Statutes.}~~

Existing law requires an applicant for a license to pay to the Board the actual costs incurred by the Board in processing the application, including, without limitation, conducting background checks. (NRS 678B.390) Section 11 of this bill eliminates the requirement that an applicant for a license pay such costs. Section 11 instead requires an applicant to pay the actual costs paid by the Board to a law enforcement agency or other person who is not an employee of the Board to conduct any background checks in connection with the application.

Existing regulations of the Board require the Board to charge each cannabis establishment, at an hourly rate established by the Board, an assessment for the costs of various ongoing activities of the Board relating to the oversight of the cannabis establishment, including, without limitation routine inspections and audits, the investigation of certain complaints and investigations based on any type of requested transfer of interest. (Nev. Cannabis Compliance Bd. Regs. § 6.025) Section 11 prohibits the Board from charging a licensee, registrant or applicant for a license or registration card any fee, cost, fine or other charge that is not expressly authorized by the provisions of existing law governing the cannabis industry in this State, including, with certain exceptions, any charge for the costs of ongoing activities of the Board relating to the oversight of a cannabis establishment.

Existing regulations of the Board set forth various requirements for the transfer of an ownership interest in a cannabis establishment. (Nev. Cannabis Compliance Bd. Regs. § 5.110) Section 10 of this bill specifically requires the Board to adopt regulations by which the holder of an ownership interest in a cannabis establishment may transfer all or any portion of the ownership interest to another qualified person. Section 11 authorizes the Board to charge a cannabis establishment for the actual costs paid by the Board to a law enforcement agency or other person who is not an employee of the Board to conduct any background checks in connection with a transfer of ownership interest in the cannabis establishment. Section 12 of this bill makes a conforming change to refer to provisions that have been renumbered in section 11.

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

Section 1. Chapter 678A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. The Board may, at any time, resolve a matter involving a licensee or registrant who has allegedly violated a provision of this title or any regulation adopted pursuant thereto by entering into a consent or settlement agreement with the licensee or registrant so long as the terms of the agreement, and any modification of those terms, are discussed and approved at a meeting of the Board.

2. In determining whether to approve or modify the terms of a consent or settlement agreement pursuant to subsection 1, the Board shall consider whether any of the mitigating circumstances set forth in section 3 of this act exist.

3. The Board shall state on the record in any meeting in which the terms of a consent or settlement agreement are approved or modified pursuant to subsection 1:

(a) The determination of the Board as to whether any of the mitigating circumstances set forth in section 3 of this act exist; and

(b) If the Board determines that any of the mitigating circumstances exist, the weight given by the Board to each mitigating circumstance in determining whether to approve or modify the terms of the agreement.

4. If the terms of a consent or settlement agreement impose a civil penalty, the statement required by paragraph (b) of subsection 3 must specify the weight given by the Board to each mitigating circumstance in determining whether to approve or modify the amount of the civil penalty.

Sec. 3. 1. A violation of any provision of this title or any regulation adopted pursuant thereto may be mitigated by any of the following circumstances:

(a) The licensee or registrant self-reported the violation to the Board or an agent of the Board.

(b) For a violation committed by a licensee, the licensee has:

(1) Submitted to the Board a plan to correct the violation which has been approved by the Board ~~for~~ or deemed approved pursuant to subsection 2; and

(2) Taken action to correct the violation.

(c) The licensee or registrant has made a good faith effort to prevent violations from occurring, including, without limitation, by:

(1) Providing regular training to the employees of the licensee or registrant which has been documented and which was provided before the commencement of an investigation by the Board concerning the violation; or

(2) Establishing, before the commencement of an investigation by the Board concerning the violation, standard operating procedures that include procedures which directly address the conduct constituting the violation.

(d) The licensee or registrant has cooperated in the investigation of the violation in such a manner as to demonstrate that the licensee or registrant accepts responsibility for the violation.

(e) Any other mitigating circumstance established by the Board by regulation exists.

2. For the purposes of subparagraph (1) of paragraph (b) of subsection 1, if a licensee has submitted a plan to correct a violation and the Board does not take action to approve or reject the plan within 30 days after the date on which the plan was submitted, the plan shall be deemed to be approved by the appropriate agent of the Board.

Sec. 4. NRS 678A.510 is hereby amended to read as follows:

678A.510 1. If the Executive Director transmits the details of a suspected violation to the Attorney General pursuant to NRS 678A.500, the Attorney General shall conduct an investigation of the suspected violation to determine whether it warrants proceedings for disciplinary action of the licensee or registrant. If the Attorney General determines that further proceedings are warranted, he or she shall report the results of the investigation together with a recommendation to the Executive Director in a manner which does not violate the right of the person charged in the complaint to due process in any later hearing on the complaint. The Executive Director shall transmit the recommendation and other information received from the Attorney General to the Board.

2. The Board shall promptly make a determination with respect to each complaint resulting in an investigation by the Attorney General. The Board shall:

- (a) Dismiss the complaint; ~~or~~
- (b) Enter into a consent or settlement agreement with the licensee or registrant pursuant to section 2 of this act; or
- (c) Proceed with appropriate disciplinary action in accordance with NRS 678A.520 to 678A.600, inclusive, ~~and section 3 of this act~~ and the regulations adopted by the Board. In determining the disciplinary action to impose the Board shall consider mitigating factors pursuant to section 3 of this act.

Sec. 5. NRS 678A.520 is hereby amended to read as follows:

678A.520 1. If the Board proceeds with disciplinary action pursuant to NRS 678A.510, the Board or the Executive Director shall serve a complaint upon the respondent either personally, or by registered or certified mail at the address of the respondent that is on file with the Board. Such complaint must ~~be~~ :

- (a) Be a written statement of charges ~~and must set~~ ;
- (b) Set forth in ordinary and concise language the acts or omissions with which the respondent is charged ~~[- The complaint must specify]~~ ;
- (c) Specify the statutes and regulations which the respondent is alleged to have violated ~~[- but must not]~~ ;
- (d) Not consist merely of charges raised in the language of the statutes or regulations ~~[- The complaint must provide]~~ which the respondent is alleged to have violated;
- (e) If the respondent is alleged to have committed multiple violations consisting of the same or a similar act, omission or course of conduct, charge those violations as a single alleged violation if the violations:

- (1) *Are closely related in time, place and circumstance; and*
- (2) *Were all discovered in the course of a single audit, inspection or investigation;*
- (f) *Specify the penalty being sought against the respondent; and*
- (g) *Provide notice of the right of the respondent to request a hearing. ~~[The Chair of the Board may grant an extension to respond to the complaint for good cause.]~~*

2. *The Chair of the Board may grant an extension to respond to the complaint for good cause.* Unless granted *such* an extension, the respondent must answer within 20 days after the service of the complaint. In the answer the respondent:

- (a) Must state in short and plain terms the defenses to each claim asserted.
- (b) Must admit or deny the facts alleged in the complaint.
- (c) Must state which allegations the respondent is without knowledge or information to form a belief as to their truth. Such allegations shall be deemed denied.
- (d) Must affirmatively set forth any matter which constitutes an avoidance or affirmative defense.
- (e) May demand a hearing. Failure to demand a hearing constitutes a waiver of the right to a hearing and to judicial review of any decision or order of the Board, but the Board may order a hearing even if the respondent so waives his or her right.

3. Failure to answer or to appear at the hearing constitutes an admission by the respondent of all facts alleged in the complaint. The Board may take action based on such an admission and on other evidence without further notice to the respondent. If the Board takes action based on such an admission, the Board shall include in the record which evidence was the basis for the action.

4. The Board shall determine the time and place of the hearing as soon as is reasonably practical after receiving the respondent's answer. The Board shall deliver or send by registered or certified mail a notice of hearing to all parties at least 10 days before the hearing. The hearing must be held within 45 days after receiving the respondent's answer unless an expedited hearing is determined to be appropriate by the Board, in which event the hearing must be held as soon as practicable. The Chair of the Board may grant one or more extensions to the 45-day requirement pursuant to a request of a party or an agreement by both parties.

Sec. 6. NRS 678A.590 is hereby amended to read as follows:

678A.590 1. Within 60 days after the hearing of a contested matter, the Board shall render a written decision on the merits which must contain findings of fact, a determination of the issues presented and the penalty to be imposed, if any. *If the Board determines that the licensee or registrant has violated any provision of this title or any regulation adopted pursuant thereto, the written decision must set forth the determination of the Board as to whether any of the mitigating circumstances required to be considered by*

the Board pursuant to NRS 678A.600 exist and, if so, the weight given to each mitigating circumstance in determining the appropriate action to be taken pursuant to that section. The Board shall thereafter make and enter its written order in conformity to its decision. No member of the Board who did not hear the evidence may vote on the decision. The affirmative votes of a majority of the whole Board are required to impose any penalty. Copies of the decision and order must be served on the parties personally or sent to them by registered or certified mail. The decision is effective upon such service, unless the Board orders otherwise.

2. The Board may, upon motion made within 10 days after service of a decision and order, order a rehearing before the Board upon such terms and conditions as it may deem just and proper if a petition for judicial review of the decision and order has not been filed. The motion must not be granted except upon a showing that there is additional evidence which is material and necessary and reasonably calculated to change the decision of the Board, and that sufficient reason existed for failure to present the evidence at the hearing of the Board. The motion must be supported by an affidavit of the moving party or his or her counsel showing with particularity the materiality and necessity of the additional evidence and the reason why it was not introduced at the hearing. Upon rehearing, rebuttal evidence to the additional evidence must be permitted. After rehearing, the Board may modify its decision and order as the additional evidence may warrant.

Sec. 7. NRS 678A.600 is hereby amended to read as follows:

678A.600 1. If the Board finds that a licensee or registrant has violated a provision of this title or any regulation adopted pursuant thereto, the Board may take any or all of the following actions:

~~1.;~~

(a) Limit, condition, suspend or revoke the license or registration card of the licensee or registrant ~~;~~

~~2.;~~

(b) Impose a civil penalty in an amount established by regulation, not to exceed \$20,000 for ~~each~~ a single violation ~~;~~;

(c) Take any combination of the actions authorized by paragraphs (a) and (b);

(d) Issue a warning to the licensee or registrant; or

(e) Take no action against the licensee or registrant.

2. In determining the appropriate action to be taken against a licensee or registrant pursuant to this section, including, without limitation, the amount of any civil penalty imposed, the Board shall consider whether any of the mitigating circumstances set forth in section 3 of this act exist.

Sec. 8. ~~NRS 678A.610 is hereby amended to read as follows:~~

~~678A.610 1. Any person aggrieved by a final decision or order of the Board made after hearing or rehearing by the Board pursuant to NRS 678A.520 to 678A.600, inclusive, and sections 2 and 3 of this act and whether or not a motion for rehearing was filed, may obtain a judicial review~~

~~thereof in the district court of the county in which the petitioner resides or has his, her or its principal place of business.~~

~~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 motion for rehearing or a rehearing is pending before the Board. 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 Board 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 Board, but the Board itself may grant a stay upon such terms and conditions as it deems proper.] (Deleted by amendment.)~~

Sec. 9. [NRS 678A.640 is hereby amended to read as follows:

~~678A.640 1. Any party aggrieved by the final decision in the district court after a review of the decision and order of the Board may appeal to the appellate court of competent jurisdiction pursuant to the rules fixed by the Supreme Court pursuant to Section 4 of Article 6 of the Nevada Constitution in the manner and within the time provided by law for appeals in civil cases. The appellate court of competent jurisdiction shall follow the same procedure thereafter as in appeals in civil actions, and may affirm, reverse or modify the decision as the record and law warrant.~~

~~2. The judicial review by the district court and the appellate court of competent jurisdiction afforded in this chapter is the exclusive method of review of the Board's actions, decisions and orders in disciplinary hearings against a licensee held pursuant to NRS 678A.520 to 678A.600, inclusive [.] , and sections 2 and 3 of this act. Judicial review is not available for actions, decisions and orders of the Board relating to the denial of a license or registration card. Extraordinary common law writs or equitable proceedings are available except where statutory judicial review is made exclusive or is precluded, or the use of those writs or proceedings is precluded by specific statute.] (Deleted by amendment.)~~

Sec. 10. NRS 678B.380 is hereby amended to read as follows:

678B.380 1. Except as otherwise provided by regulations adopted by the Board pursuant to subsection 2, the following are nontransferable:

- (a) A cannabis establishment agent registration card.
- (b) A cannabis establishment agent registration card for a cannabis executive.
- (c) A cannabis establishment agent registration card for a cannabis receiver.
- (d) A medical cannabis establishment license.
- (e) An adult-use cannabis establishment license.

2. The Board shall adopt regulations which prescribe procedures and requirements by which a holder of ~~an~~ :

(a) A license may transfer the license to another party who is qualified to hold such a license pursuant to the provisions of this chapter. ~~[Such]~~

(b) *An ownership interest in a cannabis establishment may transfer all or any portion of the ownership interest to another party who is qualified to hold an ownership interest in a cannabis establishment pursuant to the provisions of this chapter.*

3. *The regulations adopted pursuant to subsection 2 may give priority in the processing of transfers of licenses to a transfer in which the transferor is:*

(a) Subject to a receivership;

(b) Involved in a recapitalization; or

(c) A party to a court proceeding involving financial distress.

~~[3.]~~ 4. The regulations adopted pursuant to subsection 2 must:

(a) Prohibit the holder of an adult-use cannabis establishment license for an independent cannabis consumption lounge from transferring the license until at least 2 years from the date on which the independent cannabis consumption lounge for which the license was issued became operational;

(b) Require the holder of an adult-use cannabis establishment license for an independent cannabis consumption lounge who wishes to cease operations before the independent cannabis consumption lounge for which the license was issued has been operational for at least 2 years to surrender the license to the Board; and

(c) Require the Board to hold a license surrendered pursuant to paragraph (b) in reserve for issuance to an applicant for such a license in the future.

Sec. 11. NRS 678B.390 is hereby amended to read as follows:

678B.390 1. Except as otherwise provided in subsection 3, the Board shall collect not more than the following maximum fees:

For the initial issuance of a medical cannabis establishment license for a medical cannabis dispensary	\$30,000
For the renewal of a medical cannabis establishment license for a medical cannabis dispensary	5,000
For the initial issuance of a medical cannabis establishment license for a medical cannabis cultivation facility	3,000
For the renewal of a medical cannabis establishment license for a medical cannabis cultivation facility	1,000
For the initial issuance of a medical cannabis establishment license for a medical cannabis production facility	3,000
For the renewal of a medical cannabis establishment license for a medical cannabis production facility	1,000
For the initial issuance of a medical cannabis establishment license for a medical cannabis independent testing laboratory	5,000

For the renewal of a medical cannabis establishment license for a medical cannabis independent testing laboratory	3,000
For the initial issuance of an adult-use cannabis establishment license for an adult-use cannabis retail store	20,000
For the renewal of an adult-use cannabis establishment license for an adult-use cannabis retail store	6,600
For the initial issuance of an adult-use cannabis establishment license for an adult-use cannabis cultivation facility	30,000
For the renewal of an adult-use cannabis establishment license for an adult-use cannabis cultivation facility	10,000
For the initial issuance of an adult-use cannabis establishment license for an adult-use cannabis production facility	10,000
For the renewal of an adult-use cannabis establishment license for an adult-use cannabis production facility	3,300
For the initial issuance of an adult-use cannabis establishment license for an adult-use cannabis independent testing laboratory	15,000
For the renewal of an adult-use cannabis establishment license for an adult-use cannabis independent testing laboratory	5,000
For the initial issuance of an adult-use cannabis establishment license for a retail cannabis consumption lounge	10,000
For the renewal of an adult-use cannabis establishment license for a retail cannabis consumption lounge	10,000
For the initial issuance of an adult-use cannabis establishment license for an independent cannabis consumption lounge	10,000
For the renewal of an adult-use cannabis establishment license for an independent cannabis consumption lounge	10,000
For the initial issuance of an adult-use cannabis establishment license for an adult-use cannabis distributor	15,000
For the renewal of an adult-use cannabis establishment license for an adult-use cannabis distributor	5,000
For each person identified in an application for the initial issuance of a cannabis establishment agent registration card	150
For each person identified in an application for the renewal of a cannabis establishment agent registration card	150

2. The Board may by regulation establish reduced fees for:

(a) The initial issuance and renewal of an adult-use cannabis establishment license for an independent cannabis consumption lounge; and

(b) The application fee set forth in subsection 3,

↪ for a social equity applicant. Such a reduction must not reduce the fee paid by a social equity applicant by more than 75 percent of the fee paid by an applicant who is not a social equity applicant.

3. Except as otherwise provided in subsection 2, in addition to the fees described in subsection 1, each applicant for a medical cannabis establishment license or adult-use cannabis establishment license must pay to the Board:

(a) For an application for a license other than an adult-use cannabis establishment license for a retail cannabis consumption lounge or independent cannabis consumption lounge, a one-time, nonrefundable application fee of \$5,000;

(b) For an application for an adult-use cannabis establishment license for a retail cannabis consumption lounge, a one-time, nonrefundable application fee of \$100,000;

(c) For an application for an adult-use cannabis establishment license for an independent cannabis consumption lounge, a one-time, nonrefundable application fee of \$10,000; and

(d) The actual costs ~~incurred~~ paid by the Board ~~in processing the application, including, without limitation, conducting~~ to a law enforcement agency or other person who is not an employee of the Board to conduct any background checks ~~in connection with the application.~~

4. *The Board may charge a cannabis establishment for the actual costs paid by the Board to a law enforcement agency or other person who is not an employee of the Board to conduct any background checks in connection with a transfer of ownership interest in the cannabis establishment pursuant to the regulations adopted by the Board pursuant to NRS 678B.380.*

5. Any revenue generated from the fees imposed pursuant to this section:

(a) Must be expended first to pay the costs of the Board in carrying out the provisions of this title; and

(b) If any excess revenue remains after paying the costs described in paragraph (a), such excess revenue must be paid over to the State Treasurer to be deposited to the credit of the State Education Fund.

6. *The Board shall not charge a licensee, registrant or applicant for a license or registration card any fee, cost, fine or other charge that is not expressly authorized by the provisions of this title. Such prohibited charges include, without limitation, any charge for the costs of ongoing activities of the Board relating to the oversight of a cannabis establishment, including, without limitation, any charge for costs relating to:*

(a) Travel or lodging for an agent of the Board;

(b) Any routine inspection or audit;

(c) *The preparation for and attendance at a hearing by an agent of the Board;*

(d) *An investigation of a complaint submitted to the Board by a person who is not associated with the Board;*

(e) *Except as otherwise provided in subsection 4, an investigation conducted in connection with a transfer of an ownership interest;*

(f) *An investigation conducted in connection with any type of waiver that is requested pursuant to the provisions of this title or the regulations adopted pursuant thereto;*

(g) *Except as otherwise provided in subsection 3, an investigation conducted in connection with the initial issuance of a license; or*

(h) *Any other type of inspection, audit or investigation.*

Sec. 12. NRS 387.1212 is hereby amended to read as follows:

387.1212 1. The State Education Fund is hereby created as a special revenue fund to be administered by the Superintendent of Public Instruction for the purpose of supporting the operation of the public schools in this State. The interest and income earned on the money in the Fund, excluding the direct legislative appropriation from the State General Fund required by subsection 3, must, after deducting any applicable charges, be credited to the Fund.

2. Money which must be deposited for credit to the State Education Fund includes, without limitation:

(a) All money derived from interest on the State Permanent School Fund, as provided in NRS 387.030;

(b) The proceeds of the tax imposed pursuant to NRS 244.33561 and any applicable penalty or interest, less any amount retained by the county treasurer for the actual cost of collecting and administering the tax;

(c) The proceeds of the tax imposed pursuant to subsection 1 of NRS 387.195;

(d) The money identified in subsection 8 of NRS 120A.610;

(e) The portion of the money in each special account created pursuant to subsection 1 of NRS 179.1187 which is identified in paragraph (d) of subsection 2 of NRS 179.1187;

(f) The money identified in paragraph (d) of subsection 6 of NRS 278C.250;

(g) The money identified in subsection 1 of NRS 328.450;

(h) The money identified in subsection 1 of NRS 328.460;

(i) The money identified in paragraph (a) of subsection 2 of NRS 360.850;

(j) The money identified in paragraph (a) of subsection 2 of NRS 360.855;

(k) The money required to be transferred to the State Education Fund pursuant to NRS 362.100;

(l) The money required to be paid over to the State Treasurer for deposit to the credit of the State Education Fund pursuant to subsection 4 of NRS 362.170;

(m) The portion of the proceeds of the tax imposed pursuant to subsection 1 of NRS 372A.290 identified in paragraph (b) of subsection 4 of NRS 372A.290;

(n) The proceeds of the tax imposed pursuant to subsection 3 of NRS 372A.290;

(o) The proceeds of the fees, taxes, interest and penalties imposed pursuant to chapter 374 of NRS, as transferred pursuant to subsection 3 of NRS 374.785;

(p) The money identified in subsection 5 of NRS 445B.640;

(q) The money identified in paragraph (b) of subsection {4} 5 of NRS 678B.390;

(r) The portion of the proceeds of the excise tax imposed pursuant to subsection 1 of NRS 463.385 identified in paragraph (c) of subsection 5 of NRS 463.385;

(s) The money required to be distributed to the State Education Fund pursuant to subsection 3 of NRS 482.181;

(t) The portion of the proceeds of the fee imposed pursuant to NRS 488.075 identified in subsection 2 of NRS 488.075;

(u) The portion of the net profits of the grantee of a franchise, right or privilege identified in NRS 709.110;

(v) The portion of the net profits of the grantee of a franchise identified in NRS 709.230;

(w) The portion of the net profits of the grantee of a franchise identified in NRS 709.270;

(x) The money required to be distributed to the State Education Fund pursuant to NRS 363D.290; and

(y) The direct legislative appropriation from the State General Fund required by subsection 3.

3. In addition to money from any other source provided by law, support for the State Education Fund must be provided by direct legislative appropriation from the State General Fund in an amount determined by the Legislature to be sufficient to fund the operation of the public schools in this State for kindergarten through grade 12 for the next ensuing biennium for the population reasonably estimated for that biennium. Money in the State Education Fund does not revert to the State General Fund at the end of a fiscal year, and the balance in the State Education Fund must be carried forward to the next fiscal year.

4. Money in the Fund must be paid out on claims as other claims against the State are paid.

Sec. 13. This act becomes effective ~~on July 1, 2023,~~ upon passage and approval.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 105 to Senate Bill No. 195 adds a reference to an appropriate board agent within section 3, deletes sections 8 and 9, which address the placement of section 3 in Nevada Revised Statutes, and amends the effective date of the bill to upon passage and approval.

Conflict of interest declared by Senator Ohrenschall.

Remarks by Senator Ohrenschall.

I would like to refer to my earlier disclosure and abstention regarding my wife, who serves as an appointed member of the Cannabis Compliance Board. Because Senate Bill No. 195 affects the board that she serves on, I have been advised by Legislative Counsel that I need to make this disclosure to you and the body and to abstain on this and any future votes on Senate Bill No. 195.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 205.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 106.

SUMMARY—Revises provisions relating to the registration of off-highway vehicles. (BDR 43-546)

AN ACT relating to off-highway vehicles; revising provisions governing the registration of certain off-highway vehicles; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law : (1) requires the annual registration of certain off-highway vehicles, including large all-terrain vehicles, with the Department of Motor Vehicles ~~;~~ ; and (2) exempts from such requirements an off-highway vehicle which is registered or certified in another state and is located in this State for not more than 15 days. (NRS 490.082, 490.0825) Section ~~1.1~~ 1.5 of this bill ~~[replaces the requirement]~~ authorizes the owners of such vehicles to register such vehicles ~~[annually with a requirement to register such vehicles every 3 years.]~~ for a 1-year or 3-year period. Section 1.5 also provides that the existing exemption from registration for off-highway vehicles which are registered or certified in another state applies only if the off-highway vehicle is registered or certified in a state which provides a similar exemption from registration for off-highway vehicles registered in this State.

Existing law requires the Commission on Off-Highway Vehicles within the State Department of Conservation and Natural Resources to determine the fee for the annual registration of an off-highway vehicle. (NRS 490.084) Section 2 of this bill [makes a conforming change to replace a reference to annual registration with a reference] additionally requires the Commission to determine the fee for the triennial registration ~~;~~ of an off-highway vehicle. Section 1 of this bill makes a conforming change to reflect the new fee structure.

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

Section 1. NRS 490.070 is hereby amended to read as follows:

490.070 1. Upon the request of an off-highway vehicle dealer, the Department may authorize the off-highway vehicle dealer to receive and submit to the Department applications for the:

(a) Issuance of certificates of title and registration for off-highway vehicles; and

(b) Renewal of registration for off-highway vehicles.

2. An authorized dealer shall:

(a) Except as otherwise provided in subsection 4, submit to the State Treasurer for allocation to the Department all fees collected by the authorized dealer from each applicant and properly account for those fees each month;

(b) Comply with the regulations adopted pursuant to subsection 5; and

(c) Bear any cost of equipment which is required to receive and submit to the Department the applications described in subsection 1, including any computer software or hardware.

3. Except as otherwise provided in subsection 4, an authorized dealer is not entitled to receive compensation for the performance of any services pursuant to this section.

4. An authorized dealer may charge and collect a fee of not more than \$2 for each application for a certificate of title or registration received by the authorized dealer pursuant to this section. An authorized dealer may retain any fee collected by the authorized dealer pursuant to this subsection.

5. The Department shall adopt regulations to carry out the provisions of this section. The regulations must include, without limitation, provisions for:

(a) The expedient and secure issuance of:

(1) Forms for applying for the issuance of certificates of title for, or registration of, off-highway vehicles;

(2) Certificates of title and registration by the Department to each applicant whose application is approved by the Department; and

(3) Renewal notices for registrations before the date of expiration of the registrations;

(b) The renewal of registrations by mail or the Internet;

(c) The collection of a fee ~~for not less than \$20 or more than \$30~~ in the amount established pursuant to NRS 490.084 for the renewal of a registration of an off-highway vehicle pursuant to NRS 490.082 or 490.0825;

(d) The submission by mail or electronic transmission to the Department of an application for:

(1) The issuance of a certificate of title for, or registration of, an off-highway vehicle; or

(2) The renewal of registration of an off-highway vehicle;

(c) The replacement of a lost, damaged or destroyed certificate of title or registration certificate, sticker or decal; and

(f) The revocation of the authorization granted to a dealer pursuant to subsection 1 if the authorized dealer fails to comply with the regulations.

~~[Section 1.]~~ Sec. 1.5. NRS 490.082 is hereby amended to read as follows:

490.082 1. An owner of an off-highway vehicle that is acquired:

(a) Before July 1, 2011:

(1) May apply for, to the Department by mail or to an authorized dealer, and obtain from the Department, a certificate of title for the off-highway vehicle.

(2) Except as otherwise provided in subsection 3, shall, within 1 year after July 1, 2011, apply for, to the Department by mail or to an authorized dealer, and obtain from the Department, the registration of the off-highway vehicle.

(b) On or after July 1, 2011, shall, within 30 days after acquiring ownership of the off-highway vehicle:

(1) Apply for, to the Department by mail or to an authorized dealer, and obtain from the Department, a certificate of title for the off-highway vehicle.

(2) Except as otherwise provided in subsection 3, apply for, to the Department by mail or to an authorized dealer, and obtain from the Department, the registration of the off-highway vehicle pursuant to this section or NRS 490.0825.

2. If an owner of an off-highway vehicle applies to the Department or to an authorized dealer for:

(a) A certificate of title for the off-highway vehicle, the owner shall submit to the Department or to the authorized dealer proof prescribed by the Department that he or she is the owner of the off-highway vehicle.

(b) Except as otherwise provided in NRS 490.0825, the registration of the off-highway vehicle, the owner shall submit:

(1) If ownership of the off-highway vehicle was obtained before July 1, 2011, proof prescribed by the Department:

(I) That he or she is the owner of the off-highway vehicle; and

(II) Of the unique vehicle identification number, serial number or distinguishing number obtained pursuant to NRS 490.0835 for the off-highway vehicle; or

(2) If ownership of the off-highway vehicle was obtained on or after July 1, 2011:

(I) Evidence satisfactory to the Department that he or she has paid all taxes applicable in this State relating to the purchase of the off-highway vehicle, or submit an affidavit indicating that he or she purchased the vehicle through a private party sale and no tax is due relating to the purchase of the off-highway vehicle; and

(II) Proof prescribed by the Department that he or she is the owner of the off-highway vehicle and of the unique vehicle identification number, serial number or distinguishing number obtained pursuant to NRS 490.0835 for the off-highway vehicle.

3. Registration of an off-highway vehicle is not required if the off-highway vehicle:

(a) Is owned and operated by:

- (1) A federal agency;
- (2) An agency of this State; or
- (3) A county, incorporated city or unincorporated town in this State;

(b) Is part of the inventory of a dealer of off-highway vehicles and is affixed with a special plate provided to the off-highway vehicle dealer pursuant to NRS 490.0827;

(c) Is ~~registered~~ :

(1) Located in this State for not more than 15 days; and

(2) Registered or certified in another state ~~and is located~~ that allows off-highway vehicles that are registered in this State to operate within the boundaries of that state without being registered or certified for not ~~more~~ less than 15 days;

(d) Is used solely for husbandry on private land or on public land that is leased to or used under a permit issued to the owner or operator of the off-highway vehicle;

(e) Is used for work conducted by or at the direction of a public or private utility;

(f) Was manufactured before January 1, 1976;

(g) Is operated solely in an organized race, festival or other event that is conducted:

(1) Under the auspices of a sanctioning body; or

(2) By permit issued by a governmental entity having jurisdiction;

(h) Except as otherwise provided in paragraph (d), is operated or stored on private land or on public land that is leased to the owner or operator of the off-highway vehicle, including when operated in an organized race, festival or other event;

(i) Is used in a search and rescue operation conducted by a governmental entity having jurisdiction; or

(j) Has a displacement of not more than 70 cubic centimeters.

➡ As used in this subsection, "sanctioning body" means an organization that establishes a schedule of racing events, grants rights to conduct those events and establishes and administers rules and regulations governing the persons who conduct or participate in those events.

4. ~~The~~ At the time of the registration or renewal of registration of an off-highway vehicle pursuant to this section or NRS 490.0825 ~~expires 1 year 2 years after its issuance~~, the owner of the off-highway vehicle may register the off-highway vehicle for a 1-year or 3-year period. If an owner of an off-highway vehicle fails to renew the registration of the off-highway vehicle before it expires, the registration may be reinstated upon the payment to the Department of the annual or triennial renewal fee, a late fee of \$10 and, if applicable, proof of insurance required pursuant to NRS 490.0825. Any late fee collected by the Department must be deposited with the State Treasurer

for credit to the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration created by NRS 490.085.

5. If a certificate of title or registration for an off-highway vehicle is lost or destroyed, the owner of the off-highway vehicle may apply to the Department by mail, or to an authorized dealer, for a duplicate certificate of title or registration. The Department may collect a fee to replace a certificate of title or registration certificate, sticker or decal that is lost, damaged or destroyed. Any such fee collected by the Department must be:

- (a) Set forth by the Department by regulation; and
- (b) Deposited with the State Treasurer for credit to the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration created by NRS 490.085.

6. The provisions of subsections 1 to 5, inclusive, do not apply to an owner of an off-highway vehicle who is not a resident of this State.

Sec. 2. NRS 490.084 is hereby amended to read as follows:

490.084 1. The Department shall determine the fee for issuing a certificate of title for an off-highway vehicle, but such fee must not exceed the fee imposed for issuing a certificate of title pursuant to NRS 482.429. ~~[Money received from the payment of the fees described in this subsection must be deposited with the State Treasurer for credit to the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration created by NRS 490.085.]~~

2. The Commission shall determine the fee for the annual or triennial registration of an off-highway vehicle pursuant to NRS 490.082 or 490.0825, but such fee must not be ~~less~~ :

(a) Less than \$20 or more than \$30 ~~if~~ if the off-highway vehicle is registered for a 1-year period; and

(b) Less than \$60 or more than \$90 if the off-highway vehicle is registered for a 3-year period.

3. Money received from the payment of the fees described in this ~~[subsection]~~ section must be deposited with the State Treasurer for credit to the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration created by NRS 490.085.

Sec. 3. 1. This section becomes effective upon passage and approval.

2. Sections 1, 1.5 and 2 of this act become effective:

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

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

Senator Harris moved the adoption of the amendment.

Remarks by Senator Harris.

Amendment No. 106 to Senate Bill No. 205 allows a person who is registering an off-highway vehicle the option to choose whether to register it for one year or three years at the time of renewal of registration; requires the Commission on Off-Highway Vehicles within the State Department of Conservation and Natural Resources to determine the fee for the triennial registration—not less than \$60 or more than \$90; and exempts off-highway vehicles from

registration if they are located in this State for not more than 15 days and are registered in another state that allows off-highway vehicles that are registered in this State to operate within the boundaries of that state without being registered or certified.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 240.

Bill read second time.

The following amendment was proposed by the Committee on Revenue and Economic Development:

Amendment No. 386.

SUMMARY—Revises provisions relating to the Nevada New Markets Jobs Act. (BDR 18-792)

AN ACT relating to economic development; authorizing investments to be made in impact qualified community development entities in exchange for certain tax credits; authorizing an additional amount of investments to be made in qualified community development entities in exchange for certain tax credits; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law enacts the Nevada New Markets Jobs Act. (Chapter 231A of NRS) Under the Act, insurance companies are entitled to receive credit against certain taxes imposed on insurance companies in exchange for making an investment in a qualified community development entity. (NRS 231A.200) A qualified community development entity in which such an investment is made is ²¹³⁶cluded to use 85 percent of the investment to make capital or equity investments in, or loans to, qualified active low-income community businesses, which are defined as businesses in a low-income community. (NRS 231A.110, 231A.130, 231A.140, 231A.250; 26 U.S.C. § 45D) ~~(This)~~ Section 16 of this bill authorizes an additional amount of investments in qualified community development entities which may be made in exchange for a credit against certain taxes imposed on insurance companies.

Section 14 and 25 of this bill allow certain business entities to receive a credit against the premium tax imposed on insurance companies in exchange for investing in an impact qualified community development entity. Sections 2, 4 and 12 of this bill require an impact qualified community development entity in which such an investment is made to use 85 percent of the investment to make capital or equity investments in, or loans to, impact qualified active low-income community businesses. Sections 2 and 7 of this bill provide that an "impact qualified active low-income community business" means certain types of manufacturing businesses or businesses where the majority of owners are from certain historically disadvantaged groups, but which may be located anywhere in this State. Section 16 establishes the amount of investments in impact qualified community development entities which may be made in exchange for the tax credit.

Sections 8-24 of this bill make conforming changes to the provisions of the Nevada New Markets Jobs Act to integrate investments in impact qualified community development entities into the existing provisions governing the eligibility for and administration of tax credits under the Act. Sections 6 and 7 of this bill establish provisions governing whether a business is an impact qualified active low-income community business. Sections 2-5 of this bill define terms related to the tax credit for investments in impact qualified community development entities.

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

Section 1. Chapter 231A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. "Impact qualified active low-income community business" means a qualified active low-income community business as that term is defined in section 45D of the Internal Revenue Code of 1986, 26 U.S.C. § 45D, and 26 C.F.R. § 1.45D-1, except that term is limited to those businesses specified in section 7 of this act.

Sec. 3. "Impact qualified community development entity" means:

1. A partnership, limited-liability company or corporation that has its principal business operations in this State and is engaged in lending or other investment activity;

2. A qualified community development entity that complies with NRS 221A.180; or

3. A qualified community development financial institution, as that term is defined in the Community Development Banking and Financial Institutions Act of 1994, 12 U.S.C. § 4702(5).

Sec. 4. 1. "Impact qualified equity investment" means any equity investment in, or long-term debt security issued by, an impact qualified community development entity that:

(a) Except as otherwise provided in this section, is acquired after July 1, 2024, solely in exchange for cash at the original issuance of the equity investment;

(b) Has at least 85 percent of the cash purchase price of the equity investment used by the issuer to make qualified low-income community investments in impact qualified active low-income community businesses located in this State by the first anniversary of the initial credit allowance date; and

(c) Is designated by the issuer as an impact qualified equity investment under this section and is certified by the Department as complying with the limitations contained in subsection 6 of NRS 231A.230.

2. The term includes an investment that does not meet the requirements of subsection 1 if the investment was an impact qualified equity investment in the possession or control of a prior holder.

Sec. 5. "Principal business operations" means the physical location of a business where at least 60 percent of the employees of the business work.

Sec. 6. A business that agrees to use the proceeds of a qualified low-income community investment to establish principal business operations in this State shall be deemed to have its principal business operations in this State if, within 180 days after receiving the qualified low-income community investment or such other time as agreed to in writing by the business and the Department, the business has a physical location in this State where at least 60 percent of the employees of the business work.

Sec. 7. 1. For the purposes of section 2 of this act, an impact qualified active low-income community business is limited to those businesses which have their principal business operations in this State and:

(a) Whose primary North American Industry Classification System classification is within sector 31, 32 or 33; or

(b) Are businesses that have 51 percent or more of its ownership interest held by women, disabled veterans, persons who are lesbian, gay, bisexual or transgender or members of a racial or ethnic minority group.

2. A business must be considered an impact qualified active low-income community business for the duration of the impact qualified community development entity's investment in, or loan to, the business if the entity reasonably expects, at the time it makes the investment or loan, that the business will continue to satisfy the requirements for being an impact qualified active low-income community business throughout the entire period of the investment or loan.

3. Except as otherwise provided in this subsection, the businesses limited by this section do not include any business that derives or projects to derive 15 percent or more of its annual revenue from the rental or sale of real estate. This exclusion does not apply to a business that is controlled by, or under common control with, another business if the second business:

(a) Does not derive or project to derive 15 percent or more of its annual revenue from the rental or sale of real estate; and

(b) Is the primary tenant of the real estate leased from the first business.

4. Except as otherwise provided in subsection 5, the following businesses are not impact qualified active low-income community businesses:

(a) A business that has received an abatement from taxation pursuant to NRS 274.310, 274.320, 274.330, 360.750, 360.753 or 360.754.

(b) An entity that has liability for insurance premium tax on a premium tax report filed pursuant to NRS 680B.030.

(c) A business engaged in banking or lending.

(d) A massage parlor.

(e) A bath house.

(f) A tanning salon.

(g) A country club.

(h) A business operating under a nonrestricted license for gaming issued pursuant to NRS 463.170.

(i) A liquor store.

(j) A golf course.

5. A business that has received an abatement from taxation pursuant to NRS 274.310, 274.320, 274.330, 360.750, 360.753 or 360.754 is an impact qualified active low-income community business if the business elects to waive the abatement and provides written notice of the waiver of the abatement to the Office of Economic Development not later than the due date of the first-payment of any tax which would be abated if the abatement became effective. If the business provides the written notice to the Office of Economic Development:

(a) Within the period required by this subsection:

(1) Any agreement entered into by the business and the Office of Economic Development pursuant to NRS 274.310, 274.320, 274.330, 360.750, 360.753 or 360.754 is void; and

(2) The Office of Economic Development must forward a copy of the written notice to the Department and each governmental entity or official to whom a copy of the certificate of eligibility for the abatement was forwarded.

(b) After the period required by this subsection has expired, the Office of Economic Development must provide written notice to the Department and the business that the abatement has not been waived and the business is not an impact qualified active low-income community business.

Sec. 8. NRS 231A.030 is hereby amended to read as follows:

231A.030 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 231A.040 to 231A.145, inclusive, and sections 2 to 5, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 9. NRS 231A.040 is hereby amended to read as follows:

231A.040 "Applicable percentage" means:

1. With respect to a qualified equity investment, 0 percent for the first two credit allowance dates, 12 percent for the next three credit allowance dates and 11 percent for the next two credit allowance dates.

2. With respect to an impact qualified equity investment, 0 percent for the first two credit allowance dates and 15 percent for the next five credit allowance dates.

Sec. 10. NRS 231A.050 is hereby amended to read as follows:

231A.050 "Credit allowance date" means, with respect to any qualified equity investment ~~or~~ or impact qualified equity investment:

1. The date on which the investment is initially made; and

2. Each of the six anniversary dates immediately following the date on which the investment is initially made.

Sec. 11. NRS 231A.100 is hereby amended to read as follows:

231A.100 "Purchase price" means the amount paid to the issuer of a qualified equity investment or impact qualified equity investment for the qualified equity investment ~~or~~ or impact qualified equity investment.

Sec. 12. NRS 231A.140 is hereby amended to read as follows:

231A.140 "Qualified low-income community investment" means any capital or equity investment in, or loan to, any qualified active low-income

community business ~~or~~ or impact qualified active low-income community business.

Sec. 13. NRS 231A.160 is hereby amended to read as follows:

231A.160 To qualify as long-term debt security, a debt instrument must be issued by a qualified community development entity ~~or~~ or impact qualified community development entity, at par value or a premium, with an original maturity date of at least 7 years after the date of its issuance, with no acceleration of repayment, amortization or prepayment features before its original maturity date. The qualified community development entity or impact qualified community development entity that issues the debt instrument must not make interest payments in the form of cash on the debt instrument during the period beginning on the date of issuance and ending on the final credit allowance date in an amount that exceeds the cumulative operating income, as defined by regulations adopted under section 45D of the Internal Revenue Code of 1986, 26 U.S.C. § 45D, of the qualified community development entity or impact qualified community development entity for that period before giving effect to the interest expense of the long-term debt security. This section does not limit the holder's ability to accelerate payments on the debt instrument in situations in which the issuer has defaulted on covenants designed to ensure compliance with this chapter or section 45D of the Internal Revenue Code of 1986, 26 U.S.C. § 45D.

Sec. 14. NRS 231A.200 is hereby amended to read as follows:

231A.200 An entity that makes a qualified equity investment or impact qualified equity investment earns a vested right to credit against the entity's liability for insurance premium tax on a premium tax report filed pursuant to NRS 680B.030 that may be used as follows:

1. Except as otherwise provided in this subsection, on each credit allowance date of the qualified equity investment ~~or~~ or impact qualified equity investment, the entity, or the subsequent holder of the qualified equity investment ~~or~~ or impact qualified equity investment, is entitled to use a portion of the credit during the taxable year that includes the credit allowance date. If an entity makes a ~~qualified~~ :

(a) Qualified equity investment on or after July 1, 2019, but before July 1, 2024, the entity may not use any portion of the credit against the entity's liability for insurance premium tax for any period beginning before July 1, 2021.

(b) Qualified equity investment or impact qualified equity investment on or after July 1, 2024, the entity may not use any portion of the credit against the entity's liability for insurance premium tax for any period beginning before July 1, 2026.

2. The credit amount is equal to the applicable percentage for the credit allowance date multiplied by the purchase price paid to the issuer of the qualified equity investment ~~or~~ or impact qualified equity investment.

3. Except as otherwise provided in subsection 4, the amount of the credit claimed by an entity must not exceed the amount of the entity's liability for insurance premium tax for the tax year for which the credit is claimed.

4. If the insurance premium tax is eliminated or reduced below the level that was in effect on the first credit allowance date, the entity is entitled to a credit against any other taxes paid to the Department of Taxation in an amount equal to the difference between the amount the entity would have been able to claim against its insurance premium tax liability had the tax not been eliminated or reduced and the amount the entity was actually able to claim, if any.

➡ Any amount of tax credit that the entity is prohibited from claiming in a taxable year as a result of subsection 3 or 4 may be carried forward for use in any subsequent taxable year.

Sec. 15. NRS 231A.220 is hereby amended to read as follows:

231A.220 1. An insurer or an affiliate of an insurer may not:

(a) Manage a qualified community development entity ~~that is~~ *or impact qualified community development entity*; or

(b) Control the direction of equity investments for a qualified community development entity ~~that is~~ *or impact qualified community development entity*.

2. The provisions of subsection 1 apply to any entity described in subsection 1 regardless of whether the entity does business in this State.

3. This section does not preclude an entity described in subsection 1 from exercising legal rights or remedies, including the interim management of a qualified community development entity ~~that is~~ *or impact qualified community development entity*, with respect to a qualified community development entity *or impact qualified community development entity* that is in default of any statutory or contractual obligations to the entity described in subsection 1.

4. This chapter does not limit the amount of nonvoting equity interests in a qualified community development entity *or impact qualified community development entity* that an entity described in subsection 1 may own.

5. For the purposes of this section:

(a) "Affiliate of an insurer" has the meaning ascribed to the term "affiliate" in NRS 692C.030.

(b) "Insurer" has the meaning ascribed to it in NRS 679A.100.

~~Section 16.~~ *Sec. 16. NRS 231A.230 is hereby amended to read as follows:*

231A.230 1. A qualified community development entity *or impact qualified community development entity* that seeks to have an equity investment or long-term debt security designated as a qualified equity investment *or impact qualified equity investment* and eligible for tax credits under this chapter must apply to the Department for that designation. An application submitted by a qualified community development entity *or impact qualified community development entity* must include the following:

(a) If the application is for the designation of an equity investment or long-term debt security as a qualified equity investment:

(1) Evidence of the applicant's certification as a qualified community development entity.

~~[(b)]~~ (2) A copy of an allocation agreement executed by the applicant, or its controlling entity, and the Community Development Financial Institutions Fund of the United States Department of the Treasury which includes the State of Nevada in the service area set forth in the allocation agreement.

~~[(c)]~~ (3) A certificate executed by an executive officer of the applicant:

~~[(1)]~~ (I) Attesting that the allocation agreement remains in effect and has not been revoked or cancelled by the Community Development Financial Institutions Fund; and

~~[(2)]~~ (II) Setting forth the cumulative amount of allocations awarded to the applicant by the Community Development Financial Institutions Fund.

~~[(d)]~~ (b) If the application is for the designation of an equity investment or long-term debt security as an impact qualified equity investment:

(1) Proof that the applicant is an impact qualified community development entity; and

(2) The documentation required pursuant to subparagraphs (1), (2) and (3) of paragraph (a) if the impact qualified community development entity has been certified as a qualified community development entity.

(c) A description of the proposed amount, structure and purchaser of the qualified equity investment ~~or~~ impact qualified equity investment.

~~[(e)]~~ (d) If known at the time of application, identifying information for any entity that will use the tax credits earned as a result of the issuance of the qualified equity investment.

~~[(f)]~~ (e) Examples of the types of qualified active low-income businesses or impact qualified active low-income community businesses in which the applicant, its controlling entity or the affiliates of its controlling entity have invested under the federal New Markets Tax Credit Program. An applicant is not required to identify the qualified active low-income community businesses or impact qualified active low-income community businesses in which it will invest when submitting an application.

~~[(g)]~~ (f) A nonrefundable application fee of \$5,000. This fee must be paid to the Department and is required for each application submitted.

~~[(h)]~~ (g) The refundable performance fee required by subsection 1 of NRS 231A.270.

2. Within 30 days after receipt of a completed application containing the information set forth in subsection 1, including the payment of the application fee and the refundable performance fee, the Department shall grant or deny the application in full or in part. If the Department denies any part of the application, it shall inform the qualified community development entity or impact qualified community development entity of the grounds for the denial. If the qualified community development entity or impact qualified community development entity provides any additional information required

by the Department or otherwise completes its application within 15 days after the date of the notice of denial, the application must be considered complete as of the original date of submission. If the qualified community development entity or impact qualified community development entity fails to provide the information or complete its application within the 15-day period, the application remains denied and must be resubmitted in full with a new date of submission.

3. If the application is complete, the Department shall certify the proposed equity investment or long-term debt security as a qualified equity investment or impact qualified equity investment that is eligible for tax credits under this chapter, subject to the limitations contained in subsection 5 ~~or 6~~. The Department shall provide written notice of the certification to the qualified community development entity ~~or impact qualified community development entity~~. The notice must include the names of those entities who will earn the credits and their respective credit amounts. If the names of the entities that are eligible to use the credits change as the result of a transfer of a qualified equity investment or impact qualified equity investment or an allocation pursuant to NRS 231A.210, the qualified community development entity or impact qualified community development entity shall notify the Department of the change.

4. The Department shall certify qualified equity investments and impact qualified equity investments in the order applications are received by the Department. Applications received on the same day shall be deemed to have been received simultaneously. For applications that are complete and received on the same day, the Department shall certify, consistent with remaining qualified equity investment or impact qualified equity investment capacity, the qualified equity investments or impact qualified equity investments in proportionate percentages based upon the ratio that the amount of qualified equity investment or impact qualified equity investment requested in an application bears to the total amount of qualified equity investments or impact qualified equity investments requested in all applications received on the same day.

5. The Department:

(a) Shall certify \$200,000,000 in qualified equity investments before July 1, 2019, ~~and~~ \$200,000,000 in qualified equity investments on or after July 1, 2019 ~~or~~, and ~~the \$200,000,000~~ \$170,000,000 in qualified equity investments on or after July 1, ~~2026~~ 2024;

(b) Shall not certify any single qualified equity investment of less than \$8,000,000 ~~or~~, except as provided in paragraph (d);

(c) Shall not certify more than a total of \$50,000,000 in qualified equity investments to any single applicant, including all affiliates and partners of the applicant which are qualified community development entities, ~~or~~ and

(d) If a pending request cannot be fully certified because of ~~these~~ the limits ~~of the Department~~ set forth in this subsection, shall certify the portion

that may be certified unless the qualified community development entity elects to withdraw its request rather than receive partial certification.

6. The Department:

(a) Shall certify \$30,000,000 in impact qualified equity investments on or after July 1, 2024;

(b) Shall not certify any single impact qualified equity investment of less than \$8,000,000, except as provided in paragraph (c); and

(c) If a pending request cannot be fully certified because of the limits set forth in this subsection, shall certify the portion that may be certified unless the impact qualified community development entity elects to withdraw its request rather than receive partial certification.

7. An approved applicant may transfer all or a portion of its certified qualified equity investment or impact qualified equity investment authority to its controlling entity or any affiliate or partner of the controlling entity which is also a qualified community development entity ~~or~~ or impact qualified community development entity, as applicable, if the applicant provided the information required in the application with respect to the transferee and the applicant notifies the Department of the transfer within 30 days after the transfer.

~~7~~ 8. Within 30 days after the applicant receives notice of certification, the qualified community development entity , impact qualified community development entity or any transferee pursuant to subsection ~~6~~ 7 shall issue the qualified equity investment or impact qualified equity investment and receive cash in the amount certified by the Department. The qualified community development entity , impact qualified community development entity or transferee under subsection ~~6~~ 7 must provide the Department with evidence of the receipt of the cash investment within 10 business days after receipt. If the qualified community development entity , impact qualified community development entity or any transferee under subsection ~~6~~ 7 does not receive the cash investment and issue the qualified equity investment or impact qualified equity investment within 30 days after receipt of the notice of certification, the certification lapses and the entity may not issue the qualified equity investment or impact qualified equity investment without reapplying to the Department for certification. Lapsed certifications revert back to the Department and must be reissued, first, pro rata to other applicants whose qualified equity investment or impact qualified equity investment allocations were reduced pursuant to subsection 4 and, thereafter, in accordance with requirements for submitting the application.

Sec. 17. NRS 231A.240 is hereby amended to read as follows:

231A.240 1. A qualified community development entity which issues qualified equity investments under this chapter shall make qualified low-income community investments in businesses located in severely distressed census tracts, on a combined basis with all of its affiliated qualified community development entities that have issued qualified equity

investments under this chapter, in an amount equal to at least 30 percent of the purchase price of all qualified equity investments issued by such entities.

2. The Director may reduce the requirement in subsection 1 to 20 percent if the qualified community development entity uses its commercially reasonable best efforts to satisfy the requirements of subsection 1 and fails to do so within 9 months after its initial credit allowance date.

3. A qualified community development entity or impact qualified community development entity which makes a qualified low-income community investment must allow the business in which the qualified low-income community investment is made to apply to refinance the qualified low-income investment if at least 4 years has passed since the qualified community development entity or impact qualified community development entity made the qualified low-income investment and the qualified low-income investment has not previously been refinanced.

4. As used in this section, "severely distressed census tract" means a census tract that, in the immediately preceding census, had:

(a) More than 30 percent of households with a household income below the federally designated level signifying poverty;

(b) A median household income of less than 60 percent of the median household income in this State; or

(c) A rate of unemployment that was equal to or greater than 150 percent of the national average.

Sec. 18. NRS 231A.245 is hereby amended to read as follows:

231A.245 1. A qualified community development entity or impact qualified community development entity may make a qualified low-income community investment jointly with one or more other qualified community development entities ~~or~~ or impact qualified community development entities.

2. A qualified community development entity or impact qualified community development entity may make a qualified low-income community investment using money attributable to:

(a) The purchase price of a qualified equity investment ~~or~~ or impact qualified equity investment;

(b) The amount paid to a qualified community development entity or impact qualified community development entity for a qualified equity investment, as defined in 26 U.S.C. § 45D(b), by an entity that receives a tax credit pursuant to 26 U.S.C. § 45D; or

(c) Any combination of the amounts described in paragraphs (a) and (b).

Sec. 19. NRS 231A.250 is hereby amended to read as follows:

231A.250 Except as otherwise provided in NRS 231A.260, the Department shall recapture, from the entity that claimed the credit on a return, the tax credit allowed under this chapter if:

1. Any amount of a federal tax credit available with respect to a qualified equity investment or impact qualified equity investment that is eligible for a credit under this chapter is recaptured under section 45D of the Internal Revenue Code of 1986, 26 U.S.C. § 45D. In such a case, the Department's

recapture must be proportionate to the federal recapture with respect to the qualified equity investment ~~or~~ or impact qualified equity investment.

2. The issuer redeems or makes principal repayment with respect to a qualified equity investment or impact qualified equity investment before the seventh anniversary of the issuance of the qualified equity investment ~~or~~ or impact qualified equity investment. In such a case, the Department's recapture must be proportionate to the amount of the redemption or repayment with respect to the qualified equity investment ~~or~~ or impact qualified equity investment.

3. The issuer fails to invest an amount equal to 85 percent of the purchase price of the qualified equity investment or impact qualified equity investment in qualified low-income community investments in this State within 12 months after the issuance of the qualified equity investment or impact qualified equity investment and maintain at least an 85-percent level of investment in qualified low-income community investments in the State until the last credit allowance date for the qualified equity investment ~~or~~ or impact qualified equity investment. For the purposes of this chapter, an investment shall be deemed held by an issuer even if the investment has been sold or repaid if the issuer reinvests an amount equal to the capital returned to or recovered by the issuer from the original investment, exclusive of any profits realized, in another qualified low-income community investment within 12 months after the receipt of such capital. An issuer is not required to reinvest capital returned from qualified low-income community investments after the earlier of:

(a) The sixth anniversary of the issuance of the qualified equity investment ~~or~~ or impact qualified equity investment, the proceeds of which were used to make the qualified low-income community investment; or

(b) The date by which a qualified community development entity or impact qualified community development entity has made qualified low-income community investments with the proceeds of the qualified equity investment or impact qualified equity investment on a cumulative basis equal to at least 150 percent of those proceeds, in which case the qualified low-income community investment must be considered held by the issuer through the seventh anniversary of the ~~qualified equity investment's~~ issuance ~~of the qualified equity investment or impact qualified equity investment~~.

4. At any time before the final credit allowance date of a qualified equity investment ~~or~~ or impact qualified equity investment, the issuer uses the cash proceeds of the qualified equity investment or impact qualified equity investment to make qualified low-income community investments in any one qualified active low-income community business ~~or~~ impact qualified active low-income community business, including affiliated qualified active low-income community businesses ~~or~~ or impact qualified active low-income community businesses, exclusive of reinvestments of capital returned or repaid with respect to earlier investments in the qualified active low-income

community business or impact qualified active low-income community business and its affiliates, in excess of 25 percent of those cash proceeds.

↪ As used in this section, "cash proceeds" or "proceeds" means the amount paid to the issuer of a qualified equity investment or impact qualified equity investment for the qualified equity investment ~~or~~ or impact qualified equity investment.

Sec. 20. NRS 231A.260 is hereby amended to read as follows:

231A.260 Enforcement of each of the recapture provisions set forth in NRS 231A.250 is subject to a 6-month cure period. No recapture may occur until the qualified community development entity or impact qualified community development entity has been given notice of noncompliance and afforded 6 months after the date of the notice to cure the noncompliance.

Sec. 21. NRS 231A.270 is hereby amended to read as follows:

231A.270 1. A qualified community development entity or impact qualified community development entity that seeks to have an equity investment or long-term debt security designated as a qualified equity investment or impact qualified equity investment and eligible for tax credits under this chapter must pay a fee in the amount of 0.5 percent of the amount of the equity investment or long-term debt security requested to be designated as a qualified equity investment or impact qualified equity investment to the Department. The fee must be deposited in the New Markets Performance Guarantee Account, which is hereby created in the State General Fund. The entity forfeits the fee in its entirety if:

(a) The qualified community development entity or impact qualified community development entity and its affiliates and partners which are also qualified community development entities or impact qualified community development entities fail to issue the total amount of qualified equity investments or impact qualified equity investments certified by the Department and receive cash in the total amount certified pursuant to subsection 3 of NRS 231A.230; or

(b) The qualified community development entity or impact qualified community development entity or any affiliate or partner which is also a qualified community development entity or impact qualified community development entity that issues a qualified equity investment or impact qualified equity investment certified under this chapter fails to meet the investment requirement specified in subsection 3 of NRS 231A.250 by the second credit allowance date of the qualified equity investment ~~or~~ or impact qualified equity investment. Forfeiture of the fee under this paragraph is subject to the 6-month cure period established pursuant to NRS 231A.260.

2. The fee required pursuant to subsection 1 must be paid to the Department and held in the New Markets Performance Guarantee Account until such time as compliance with the provisions of subsection 1 has been established. The qualified community development entity or impact qualified community development entity may request a refund of the fee from the Department no sooner than 30 days after having met all the requirements of

subsection 1. The Department shall refund the fee within 30 days after such a request or being given notice of noncompliance.

Sec. 22. NRS 231A.300 is hereby amended to read as follows:

231A.300 1. Once certified under subsection 3 of NRS 231A.230, a qualified equity investment or impact qualified equity investment may not be decertified unless all the requirements of subsection 2 have been met. Until all qualified equity investments or impact qualified equity investments issued by a qualified community development entity or impact qualified community development entity are decertified under this section, the qualified community development entity or impact qualified community development entity is not entitled to distribute to its equity holders or make cash payments on long-term debt securities that have been designated as qualified equity investments or impact qualified equity investments in an amount that exceeds the sum of:

(a) The cumulative operating income, as defined by regulations adopted under section 45D of the Internal Revenue Code of 1986, 26 U.S.C. § 45D, earned by the qualified community development entity or impact qualified community development entity since issuance of the qualified equity investment ~~or~~ or impact qualified equity investment before giving effect to any interest expense from the long-term debt securities designated as qualified equity investments ~~or~~ or impact qualified equity investments; and

(b) Fifty percent of the purchase price of the qualified equity investments or impact qualified equity investments issued by the qualified community development entity ~~or~~ or impact qualified community development entity.

2. To be decertified, a qualified equity investment or impact qualified equity investment must:

(a) Be beyond its seventh credit allowance date;

(b) Have been in compliance with NRS 231A.250 through its seventh credit allowance date, including coming into compliance during any cure period allowed pursuant to NRS 231A.260; and

(c) Have had its proceeds invested in qualified active low-income community investments such that the total qualified active low-income community investments made, cumulatively including reinvestments, exceeds 150 percent of its qualified equity investment ~~or~~ or impact qualified equity investment.

3. A qualified community development entity or impact qualified community development entity that seeks to have a qualified equity investment or impact qualified equity investment decertified pursuant to this section must send notice to the Department of its request for decertification together with evidence supporting the request. The provisions of paragraph (b) of subsection 2 shall be deemed to be met if no recapture action has been commenced by the Department as of the seventh credit allowance date. The Department shall respond to such a request within 30 days after receiving the request. Such a request must not be unreasonably

denied. If the request is denied for any reason, the burden of proof is on the Department in any subsequent administrative or legal proceeding.

Sec. 23. NRS 231A.310 is hereby amended to read as follows:

231A.310 A qualified community development entity or impact qualified community development entity is not entitled to pay to any affiliate of the qualified community development entity or impact qualified community development entity any fees in connection with any activity under this chapter before decertification pursuant to NRS 231A.300 of all qualified equity investments or qualified equity investments issued by the qualified community development entity ~~or~~ or impact qualified community development entity. This section does not prohibit a qualified community development entity or impact qualified community development entity from allocating or distributing income earned by it to such affiliates or paying reasonable interest on amounts loaned to the qualified community development entity or impact qualified community development entity by those affiliates.

Sec. 24. NRS 231A.320 is hereby amended to read as follows:

231A.320 1. The Director shall conduct an annual review of each qualified community development entity and impact qualified community development entity that has been granted an application for a qualified equity investment or impact qualified equity investment pursuant to NRS 231A.230 to ensure that:

(a) The qualified community development entity or impact qualified community development entity remains in compliance with the provisions of this chapter and any regulations adopted pursuant thereto; and

(b) Any qualified equity investment or impact qualified equity investment certified pursuant to NRS 231A.230 meets the eligibility criteria prescribed in this chapter and any regulations adopted pursuant thereto.

2. On June 30 of each even-numbered year, the Director shall submit a report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature. The report must include, for each qualified equity investment and impact qualified equity investment certified pursuant to NRS 231A.230:

(a) Information on the impact of the qualified equity investment or impact qualified equity investment on the economy of this State, including, without limitation, the number of jobs created by the qualified equity investment ~~or~~ or impact qualified equity investment; and

(b) Proof that the qualified community development entity or impact qualified community development entity responsible for the qualified equity investment or impact qualified equity investment is in compliance with the provisions of this chapter and any regulations adopted pursuant thereto.

Sec. 25. NRS 680B.0365 is hereby amended to read as follows:

680B.0365 Each insurer that makes a qualified equity investment, as defined in NRS 231A.130, or impact qualified equity investment, as defined in section 4 of this act, or is allocated a credit pursuant to NRS 231A.210 is

entitled to a credit against the premium tax in the manner provided in NRS 231A.200.

~~[Sec. 2.]~~ Sec. 26. This act becomes effective on July 1, 2023.

Senator Neal moved the adoption of the amendment.

Remarks by Senator Neal.

Amendment No. 386 to Senate Bill No. 240 creates a program relating to impact qualified equity investments and requires the Department of Business and Industry to certify \$30 million in impact qualified equity investments on or after July 1, 2024. The amount of qualified equity investments in the bill under the original program is changed from \$200 million to \$170 million with an initial certification date of July 1, 2024.

The Nevada New Markets Job Act will not allow any tax credits to be taken against insurance premium tax before July 1, 2026.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 278.

Bill read second time.

The following amendment was proposed by the Committee on Revenue and Economic Development:

Amendment No. 387.

SUMMARY—Revises provisions governing child care. (BDR 32-290)

AN ACT relating to child care; authorizing an employer to receive a credit against the payroll taxes imposed on the employer if the employer provides certain financial assistance to employees for child care; requiring the Division of Public and Behavioral Health of the Department of Health and Human Services to make available to businesses in this State information related to worksite wellness and family-friendly policies; ~~exempting certain persons who provide care for the children of friends and neighbors from regulation as child care facilities;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law imposes a tax, commonly known as the modified business tax, on financial institutions and other businesses based on the amount of wages paid to employees each calendar quarter. (NRS 363A.130, 363B.110) Sections 1-4 of this bill entitle an employer to receive a credit against the modified business tax if the employer pays money to ~~the Division of Welfare and Supportive Services of the Department of Health and Human Services~~, a licensed child care facility or a registered small child care establishment for the purpose of providing child care assistance to an employee. To qualify for the credit, the employee for whom the assistance is provided must: (1) have a household income that does not exceed ~~85~~ 150 percent of the median household income in this State; (2) ~~be determined eligible by the Division for the Program for Child Care and Development;~~ (2) use the assistance for the purpose of providing child care to a dependent child who is less than 13 years of age ~~is (4)~~ or a dependent child with special needs who is less than 19 years of age; (3) select a provider of child care who

participates in or is eligible for the ~~[Quality Rating and Improvement System]~~ Program for Child Care and Development administered by the ~~[Office of Early Learning and Development of the Department of Education];~~ Division of Welfare and Support Services of the Department of Health and Human Services; and ~~[(5)]~~ (4) pay directly to the provider of child care any portion of the cost of the child care that is not covered by the employer. Sections 1 and 3 of this bill require the Division to, either quarterly or as requested, submit to the Department of Taxation a list of providers of child care who participate in or are eligible for the Program for Child Care and Development. Under sections 1 and 3 : ~~[of this bill]~~ (1) the amount of the credit is equal to 50 percent of the amount paid by the employer to the Division for the cost of child care, but the amount of the credit must not exceed \$5,000 per employee per year; and (2) any unused credits may be carried forward for 5 years. To claim the tax credit, sections 1 and 3 require the employer to apply to the ~~[Division and, upon receipt of the application and determining that the employer is qualified for the credit, the Division is required to apply to the Department of Taxation for approval of the credit. If the Department of Taxation approves the application, the Division is required to notify: (1) the taxpayer of the approval of the credit; and (2) the Department of Taxation of payments made to the Division by the taxpayer within 30 days after receipt of the payment.]~~ Department of Taxation. Finally, sections 1 and 3 limit the total amount of credit which may be awarded to taxpayers to: (1) for Fiscal Years 2023-2024 and 2024-2025, \$5,000,000 and \$5,500,000, respectively; and (2) for subsequent fiscal years, an amount equal to 110 percent of the amount authorized for the immediately preceding fiscal year.

Section 5 of this bill requires the Division of Public and Behavioral Health of the Department of Health and Human Services to make available to businesses in this State information concerning worksite wellness and family-friendly policies, including, without limitation, information concerning the tax credits established by sections 1 and 3.

~~[Existing law provides for the licensure of child care facilities, which are defined as: (1) an establishment operated and maintained for the purpose of furnishing care to five or more children for compensation; (2) certain facilities operated by a place of business to provide care for the children of its employees; (3) a child care institution; or (4) an outdoor youth program. (NRS 432A.024, 432A.0275, 432A.131 432A.220) Section 6 of this bill revises that definition to provide that a home in which a person provides care for six or fewer children of a friend or neighbor, or a combination thereof, is not deemed a child care facility and, thus, is not subject to 2151 inclusive requirements under existing law.]~~

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

Section 1. Chapter 363A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, any taxpayer who is required to pay the excise tax imposed pursuant to NRS 363A.130 may receive a credit against the tax otherwise due based on the amount paid by the employer to ~~the Division~~ a child care facility that is licensed pursuant to NRS 432A.131 or a small child care establishment registered pursuant to NRS 432A.1756 for the purpose of assisting an employee who meets the qualifications of subsection 3 in paying for the cost of child care.

2. No amount paid by an employer for the cost of child care pursuant to subsection 1 may qualify for the credit authorized by that subsection if the amount was paid pursuant to a salary reduction plan.

3. To receive the credit authorized by subsection 1, an employee for whom the taxpayer provides assistance in paying for the cost of child care must:

(a) Have a household income that does not exceed ~~85~~ 150 percent of the median household income in this State;

(b) ~~Be determined eligible by the Division for the Program for Child Care and Development, as defined in NRS 422A.055;~~

~~(c)~~ Use the assistance for ~~the~~ :

(1) A dependent child who is less than 13 years of age; or

(2) A dependent child with special needs who is less than 19 years of age;

~~(d)~~ (c) Select a provider of child care who participates in ~~the Quality Rating and Improvement System administered by the Office of Early Learning and Development of the Department of Education;~~ or is eligible for the Program for Child Care and Development administered by the Division; and

~~(e)~~ (d) Pay directly to the provider of child care any portion of the cost of the child care not paid by the taxpayer.

4. To receive the credit authorized by subsection 1, a taxpayer must apply to the ~~Division~~ Department in the manner prescribed by the ~~Division~~ Department. The ~~Division~~ Department shall use the application to verify the taxpayer's intent to qualify for the credit authorized by subsection 1. Upon receipt of the application, the ~~Division~~ Department, after determining that the requirements of subsections 2 and 3 are satisfied, shall ~~apply to the Department of Taxation for approval of the credit authorized by subsection 1. The Department of Taxation shall, within 20 days after receiving an application, approve or deny the application and provide to the Division notice of the decision and, if the application is approved, the amount of the credit authorized. Upon receipt of the notice from the Department of Taxation, the Division shall provide notice of the approval to the taxpayer. If the taxpayer does not make the payment for the cost of child care to the Division pursuant to subsection 1 within 30 days after receiving the notice, the Division shall provide notice of the failure to the Department of Taxation and the taxpayer forfeits any claim to the credit authorized by subsection 1.~~

~~5. Upon receipt of a payment from a taxpayer who received a notice of approval, the Division shall:~~

~~(a) Provide notice of the payment to the Department of Taxation within 30 days after receipt of the payment; and~~

~~(b) Transfer the payment received from the taxpayer directly to the provider of child care.~~

~~6. The Department of Taxation shall~~ approve or deny an application for the credit authorized by subsection 1 in the order in which such applications are received. The Department may, for each fiscal year, approve applications for the credits authorized by subsection 1 and subsection 1 of section 3 of this act in an amount not to exceed:

(a) For Fiscal Year 2023-2024, \$5,000,000;

(b) For Fiscal Year 2024-2025, \$5,500,000; and

(c) For each succeeding fiscal year, an amount equal to 110 percent of the amount authorized for the immediately preceding fiscal year.

~~7.1~~ 5. If a taxpayer applies for and is approved for a credit authorized by subsection 1, the amount of the credit is equal to the amount approved by the Department of Taxation, which must not exceed the lesser of:

(a) Fifty percent of the amount paid to the Division during the calendar quarter for which the tax is due, for the purpose of assisting an employee who meets the qualifications set forth in subsection 3 in paying for the cost of child care; or

(b) Five thousand dollars per employee per year.

~~8.1~~ 6. A credit described in this section must not be applied retroactively.

~~9.1~~ 7. If the amount of a credit described in this section exceeds the tax liability of the taxpayer for the calendar quarter in which the credit is claimed, the excess amount of the credit may be carried forward and applied to the tax liability of the taxpayer for the next following calendar quarter or calendar quarters for which the taxpayer has a tax liability, except that any credit or the excess amount of any credit expires on the date that is 5 years after the end of the calendar quarter in which the credit is claimed and must not be applied to any tax liability of the taxpayer incurred on or after that date. If excess amounts of credits for more than one calendar quarter are carried forward by a taxpayer pursuant to this subsection, the excess amount of the credit from the earliest calendar quarter must be applied first.

8. The Division shall quarterly, or as requested, provide to the Department a list of providers of child care who satisfy the requirements of paragraph (c) of subsection 3.

~~10.1~~ 9. As used in this section, "Division" means the Division of Welfare and Supportive Services of the Department of Health and Human Services.

Sec. 2. NRS 363A.130 is hereby amended to read as follows:

363A.130 1. Except as otherwise provided in NRS 360.203, there is hereby imposed an excise tax on each employer at the rate of 2 percent of the

wages, as defined in NRS 612.190, paid by the employer during a calendar quarter with respect to employment in connection with the business activities of the employer.

2. The tax imposed by this section:

(a) Does not apply to any person or other entity or any wages this State is prohibited from taxing under the Constitution, laws or treaties of the United States or the Nevada Constitution.

(b) Must not be deducted, in whole or in part, from any wages of persons in the employment of the employer.

3. Each employer shall, on or before the last day of the month immediately following each calendar quarter for which the employer is required to pay a contribution pursuant to NRS 612.535:

(a) File with the Department a return on a form prescribed by the Department; and

(b) Remit to the Department any tax due pursuant to this section for that calendar quarter.

4. In determining the amount of the tax due pursuant to this section, an employer is entitled to subtract from the amount calculated pursuant to subsection 1 a credit in an amount equal to 50 percent of the amount of the commerce tax paid by the employer pursuant to chapter 363C of NRS for the preceding taxable year. The credit may only be used for any of the 4 calendar quarters immediately following the end of the taxable year for which the commerce tax was paid. The amount of credit used for a calendar quarter may not exceed the amount calculated pursuant to subsection 1 for that calendar quarter. Any unused credit may not be carried forward beyond the fourth calendar quarter immediately following the end of the taxable year for which the commerce tax was paid, and a taxpayer is not entitled to a refund of any unused credit.

5. An employer who makes a donation of money to a scholarship organization during the calendar quarter for which a return is filed pursuant to this section is entitled, in accordance with NRS 363A.139, to a credit equal to the amount authorized pursuant to NRS 363A.139 against any tax otherwise due pursuant to this section. As used in this subsection, "scholarship organization" has the meaning ascribed to it in NRS 388D.260.

6. *An employer who, during the calendar quarter for which a return is filed pursuant to this section, makes a payment of money which qualifies for a credit pursuant to section 1 of this act is entitled to a credit equal to the amount authorized pursuant to section 1 of this act against any tax otherwise due pursuant to this section.*

Sec. 3. Chapter 363B of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in subsection 2, any taxpayer who is required to pay the excise tax imposed pursuant to NRS 363B.110 may receive a credit against the tax otherwise due based on the amount paid by the employer to ~~the Division~~ a child care facility that is licensed pursuant*

to NRS 432A.131 or a small child care establishment that is registered pursuant to NRS 432A.1756 for the purpose of assisting an employee who meets the qualifications of subsection 3 in paying for the cost of child care.

2. No amount paid by an employer for the cost of child care pursuant to subsection 1 may qualify for the credit authorized by that subsection if the amount was paid pursuant to a salary reduction plan.

3. To receive the credit authorized by subsection 1, an employee for whom the taxpayer provides assistance in paying for the cost of child care must:

(a) Have a household income that does not exceed ~~85~~ 150 percent of the median household income in this State;

(b) ~~Be determined eligible by the Division for the Program for Child Care and Development, as defined in NRS 422A.055;~~

~~(c) Use the assistance for ~~at~~ :~~

~~(1) A dependent child who is less than 13 years of age; or~~

~~(2) A dependent child with special needs who is less than 19 years of age;~~

~~(d) (c) Select a provider of child care who participates in ~~the Quality Rating and Improvement System administered by the Office of Early Learning and Development of the Department of Education;~~ or is eligible for the Program for Child Care and Development administered by the Division; and~~

~~(e) (d) Pay directly to the provider of child care any portion of the cost of child care not paid by the taxpayer.~~

4. To receive the credit authorized by subsection 1, a taxpayer must apply to the ~~Division~~ Department in the manner prescribed by the ~~Division~~ Department. The ~~Division~~ Department shall use the application to verify the taxpayer's intent to qualify for the credit authorized by subsection 1. Upon receipt of the application, the ~~Division~~ Department, after determining that the requirements of subsections 2 and 3 are satisfied, shall ~~apply to the Department of Taxation for approval of the credit authorized by subsection 1. The Department of Taxation shall, within 20 days after receiving an application, approve or deny the application and provide to the Division notice of the decision and, if the application is approved, the amount of the credit authorized. Upon receipt of the notice from the Department of Taxation, the Division shall provide notice of the approval to the taxpayer. If the taxpayer does not make the payment to the Division within 30 days after receiving the notice, the Division shall provide notice of the failure to the Department of Taxation and the taxpayer forfeits any claim to the credit authorized by subsection 1.~~

~~5. Upon receipt of a payment from a taxpayer who received a notice of approval, the Division shall:~~

~~(a) Provide notice of the payment to the Department of Taxation within 30 days after receipt of the payment; and~~

~~(b) Transfer the payment received from the taxpayer directly to the provider of child care.~~

~~6. The Department of Taxation shall~~ approve or deny an application for the credit authorized by subsection 1 in the order in which such applications are received. The Department may, for each fiscal year, approve applications for the credits authorized by subsection 1 and subsection 1 of section 1 of this act in an amount not to exceed:

- (a) For Fiscal Year 2023-2024, \$5,000,000;
- (b) For Fiscal Year 2024-2025, \$5,500,000; and
- (c) For each succeeding fiscal year, an amount equal to 110 percent of the amount authorized for the immediately preceding fiscal year.

~~7.7~~ 5. If a taxpayer applies for and is approved for a credit authorized by subsection 1, the amount of the credit is equal to the amount approved by the Department of Taxation, which must not exceed the lesser of:

- (a) Fifty percent of the amount paid to the Division during the calendar quarter for which the tax is due, for the purpose of assisting an employee who meets the qualifications set forth in subsection 3 in paying for the cost of child care; or

- (b) Five thousand dollars per employee per year.

~~8.7~~ 6. A credit described in this section must not be applied retroactively.

~~9.7~~ 7. If the amount of a credit described in this section exceeds the tax liability of the taxpayer for the calendar quarter in which the credit is claimed, the excess amount of the credit may be carried forward and applied to the tax liability of the taxpayer for the next following calendar quarter or calendar quarters for which the taxpayer has a tax liability, except that any credit or the excess amount of any credit expires on the date that is 5 years after the end of the calendar quarter in which the credit is claimed and must not be applied to any tax liability of the taxpayer incurred on or after that date. If excess amounts of credits for more than one calendar quarter are carried forward by a taxpayer pursuant to this subsection, the excess amount of the credit from the earliest calendar quarter must be applied first.

8. The Division shall quarterly, or as requested, provide to the Department a list of providers of child care who satisfy the requirements of paragraph (c) of subsection 3.

~~10.7~~ 9. As used in this section, "Division" means the Division of Welfare and Supportive Services of the Department of Health and Human Services.

Sec. 4. NRS 363B.110 is hereby amended to read as follows:

363B.110 1. Except as otherwise provided in NRS 360.203, there is hereby imposed an excise tax on each employer at the rate of 1.475 percent of the amount by which the sum of all the wages, as defined in NRS 612.190, paid by the employer during a calendar quarter with respect to employment in connection with the business activities of the employer exceeds \$50,000.

2. The tax imposed by this section:

(a) Does not apply to any person or other entity or any wages this State is prohibited from taxing under the Constitution, laws or treaties of the United States or the Nevada Constitution.

(b) Must not be deducted, in whole or in part, from any wages of persons in the employment of the employer.

3. Each employer shall, on or before the last day of the month immediately following each calendar quarter for which the employer is required to pay a contribution pursuant to NRS 612.535:

(a) File with the Department a return on a form prescribed by the Department; and

(b) Remit to the Department any tax due pursuant to this chapter for that calendar quarter.

4. In determining the amount of the tax due pursuant to this section, an employer is entitled to subtract from the amount calculated pursuant to subsection 1 a credit in an amount equal to 50 percent of the amount of the commerce tax paid by the employer pursuant to chapter 363C of NRS for the preceding taxable year. The credit may only be used for any of the 4 calendar quarters immediately following the end of the taxable year for which the commerce tax was paid. The amount of credit used for a calendar quarter may not exceed the amount calculated pursuant to subsection 1 for that calendar quarter. Any unused credit may not be carried forward beyond the fourth calendar quarter immediately following the end of the taxable year for which the commerce tax was paid, and a taxpayer is not entitled to a refund of any unused credit.

5. An employer who makes a donation of money to a scholarship organization during the calendar quarter for which a return is filed pursuant to this section is entitled, in accordance with NRS 363B.119, to a credit equal to the amount authorized pursuant to NRS 363B.119 against any tax otherwise due pursuant to this section. As used in this subsection, "scholarship organization" has the meaning ascribed to it in NRS 388D.260.

6. *An employer who, during the calendar quarter for which a return is filed pursuant to this section, makes a payment of money which qualifies for a credit pursuant to section 3 of this act is entitled to a credit equal to the amount authorized pursuant to section 3 of this act against any tax otherwise due pursuant to this section.*

Sec. 5. Chapter 432A of NRS is hereby amended by adding thereto a new section to read as follows:

The Division shall make available for businesses in this State information related to worksite wellness and family-friendly policies, including, without limitation, information concerning the tax credit authorized by sections 1 and 3 of this act.

Sec. 6. ~~NRS 432A.024 is hereby amended to read as follows:~~

~~432A.024 1. "Child care facility" means:~~

~~(a) An establishment operated and maintained for the purpose of furnishing care on a temporary or permanent basis, during the day or~~

~~overnight, to five or more children under 18 years of age, if compensation is received for the care of any of those children;~~

~~— (b) An on site child care facility;~~

~~— (c) A child care institution; or~~

~~— (d) An outdoor youth program.~~

~~2. "Child care facility" does not include:~~

~~— (a) The home of a natural parent or guardian, foster home as defined in NRS 424.014 or maternity home;~~

~~— (b) A home in which the only children received, cared for and maintained are related within the third degree of consanguinity or affinity by blood, adoption or marriage to the person operating the facility;~~

~~— (c) A home in which a person provides care for [the] +~~

~~— (1) The children of a friend or neighbor for not more than 4 weeks if the person who provides the care does not regularly engage in that activity; or~~

~~— (2) Six or fewer children of a friend or neighbor, or any combination thereof;~~

~~— (d) A location at which an out of school time program is operated;~~

~~— (e) A seasonal or temporary recreation program;~~

~~— (f) An out of school recreation program; or~~

~~— (g) A receiving center, as defined in NRS 424.0175.1. (Deleted by amendment.)~~

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

2. Sections 1 to 6, inclusive, of this act become effective:

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

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

Senator Neal moved the adoption of the amendment.

Remarks by Senator Neal.

Amendment No. 387 to Senate Bill No. 278 makes the following changes. The median household income eligibility threshold is increased from 85 percent to 150 percent. The payment by the employer must be made to a provider of childcare that is licensed or registered with the Child Care Licensing Program established in Chapter 432A. The assistance is expanded to include payments for dependent children who are less than 19 years old if that child has special needs. The requirement that a provider participate in the Quality Rating and Improvement System is removed and replaced with a requirement that the provider participates in or is eligible for the childcare subsidy program. The application for the credits is made to the Department of Taxation rather than to the Division of Welfare and Supportive Services.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 282.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 291.

SUMMARY—Revises provisions governing education. (BDR 34-532)

AN ACT relating to education; clarifying that the hiring of staff by a principal of a local school precinct must conform to applicable collective bargaining agreements; requiring certain uses of money carried forward at the end of a school year by a local school precinct; requiring certain approval from an organizational team of a local school precinct to approve a plan of operation for the local school precinct; making the principal of a local school precinct a voting member of the organizational team; revising the procedure for the selection of a candidate to fill a vacancy in the position of principal of a local school precinct; and providing other matters properly relating thereto. Legislative Counsel's Digest:

Existing law provides that each public school within a school district in this State which has more than 100,000 pupils enrolled in its public schools (currently the Clark County School District) is deemed to be a local school precinct. (NRS 388G.530, 388G.600) Under existing law, a local school precinct is required to operate using site-based decision-making in which certain responsibilities are transferred from the large school district to the local school precinct. (NRS 388G.600) One function that the superintendent of the large school district is required to transfer from the large school district to the local school precinct is the selection for the local school precinct of teachers, administrators other than the principal and other staff who work under the direction of the principal. (NRS 388G.610) Section 1 of this bill clarifies that the principal of the local school district is required to select such staff in accordance with the applicable collective bargaining agreement.

Existing law requires the principal of a local school precinct to establish an organizational team for the local school precinct on or before October 1 of each school year. (NRS 388G.700) Under existing law, the organizational team for a local school precinct is required to consist of the principal as a nonvoting member, teachers or other educational personnel at the local school precinct, persons employed at the local school precinct, other than teachers or other educational personnel, and parents or legal guardians of pupils who are enrolled at the local school precinct. (NRS 388G.720) Section 4 of this bill makes the principal of a local school precinct a voting member, rather than a nonvoting member, of the organizational team of the local school precinct.

Existing law requires the principal of a local school precinct to develop a plan of operation for the local school precinct with the assistance and advice of the organizational team. The plan of operation is required to include, without limitation, a plan to improve the achievement of pupils enrolled in the local school precinct and a budget for the use of money allocated to the local school precinct. (NRS 388G.700) Under existing law, the principal is responsible for finalizing the plan of operation and, when the principal finalizes the plan of operation, the principal is required to submit the plan for approval by the school associate superintendent for that local school precinct. (NRS 388G.710) Existing law authorizes the school organizational team to submit to the school associate superintendent objections to any part of the

plan of operation and establishes a procedure for the school associate superintendent to consider and respond to those objections. (NRS 388G.750) Section 6 of this bill removes the procedure for the school organizational team to submit to the school associate superintendent objections to the plan of operation and, instead, sections 2, 3 and 6 of this bill establish procedures requiring a plan of operation to be approved by a vote of at least 75 percent of the members of the organizational team who are present at the time of the vote before the plan is submitted to the school associate superintendent for approval. Sections 2 and 3 require the principal of a local school precinct to make every effort to notify the members of an organizational team of the date, time and location of a vote on a plan of operation. Under section 6, if a plan of operation is not approved by a vote of at least 75 percent of the members of the organizational team ~~{+}~~ who are present at the time of the vote: (1) the principal of the local school precinct is required to submit a notice to the school associate superintendent that includes a copy of the proposed plan of operation and a statement of the reasons that the plan of operation was not approved by the required vote of the organizational team; and (2) the superintendent is required to develop and approve a plan of operation for the local school precinct based on that information.

Existing law provides that when a vacancy occurs in the position of principal for a local school precinct, the organizational team for the local school precinct is required to establish a list of qualifications that the organizational team determines are desirable for the next principal and provide that list to the superintendent. The superintendent is required to interview qualified candidates and establish a list of at least three but not more than five candidates to submit to the organizational team and the organizational team is required to recommend one candidate to the superintendent for the position of principal. (NRS 388G.740) Section 5 of this bill establishes qualifications for the position of principal that the organizational team is required to include in the list of qualifications submitted to the superintendent. Section 5 also revises the procedure for filling a vacancy in the position of principal for the local school precinct by requiring that, rather than recommending one candidate to the superintendent, the organizational team is required to submit to the superintendent a ranking of candidates for the position of principal. Finally, section 5: (1) requires the school associate superintendent responsible for a local school precinct to make every effort to notify the members of an organizational team of the date, time and location of a vote on a selected candidate; (2) authorizes the organizational team to reject the selection by the superintendent of a candidate for the position of principal if at least 75 percent of the members of the organizational team who are present at the time of the vote to reject the selection; and ~~{(2)}~~ (3) provides that if the organizational team rejects the selection of the superintendent, the superintendent is required to select a candidate for the position of principal

from the remaining candidates on the list submitted by the organizational team.

Existing law: (1) deems each public school within a large school district (currently Clark County School District) to be a local school precinct which is empowered to carry forward its year-end balance to the next school year for use by the local school precinct; and (2) requires a large school district to account for any amount carried forward by a local school precinct as a restricted fund balance. (NRS 388G.600, 388G.650) Section 1.5 of this bill requires a local school precinct that carries forward a balance of more than 5 percent of its actual expenditures to use the money for certain purposes. If a local school precinct fails to spend the money within 18 months after the end of the school year, section 1.5 requires a large school district to transfer the balance in excess of 5 percent of the expenditures of the local school precinct to the Education Stabilization Account.

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

Section 1. NRS 388G.610 is hereby amended to read as follows:

388G.610 1. Except as otherwise provided in this section, the superintendent shall transfer authority to each local school precinct to carry out responsibilities in accordance with this section and the plan of operation approved for the local school precinct.

2. The superintendent shall transfer to each local school precinct the authority to carry out the following responsibilities:

(a) Select for the local school precinct the:

(1) Teachers;

(2) Administrators other than the principal; and

(3) Other staff who work under the direct supervision of the principal.

(b) Direct the supervision of the staff of the local school precinct, including, without limitation, taking any necessary disciplinary action which does not involve a violation of law or which does not require an investigation to comply with the law.

(c) Procure such equipment, services and supplies as the local school precinct deems necessary or advisable to carry out the plan of operation for the local school precinct. Equipment, services and supplies may be procured from the large school district in which the local school precinct is located or elsewhere, but such procurement must be carried out in accordance with the applicable policies of the large school district.

(d) Develop a balanced budget for the local school precinct for the use of the money allocated to the local school precinct, which must include, without limitation, the manner in which to expend any money not used for the purposes described in paragraphs (a), (b) and (c).

(e) Any other responsibility for which authority is transferred pursuant to subsection 7.

3. Except as otherwise provided in subsection 7, a large school district shall remain responsible for paying for and carrying out all other

responsibilities necessary for the operation of the local school precincts and the large school district which have not been transferred to the local school precincts pursuant to subsection 2, including, without limitation, responsibility for:

(a) Negotiating the salaries, benefits and other conditions of employment of administrators, teachers and other staff necessary for the operation of the local school precinct;

(b) Transportation services;

(c) Food services;

(d) Risk management services;

(e) Financial services, including payroll services;

(f) Qualifying employees for any position within the large school district;

(g) Services to promote and ensure equity and diversity;

(h) Services to ensure compliance with all laws relating to civil rights;

(i) Identification, evaluation, program placement, pupil assignment and other services provided to pupils pursuant to the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the regulations adopted pursuant thereto, or pursuant to section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and the regulations adopted pursuant thereto;

(j) Legal services;

(k) Maintenance and repair of buildings;

(l) Maintenance of the grounds of the local school precinct;

(m) Custodial services;

(n) Implementation of the master plan developed for English learners;

(o) Internal audits;

(p) Information technology services;

(q) Police services;

(r) Emergency management services;

(s) Carrying out state mandated assessments and accountability reports;

(t) Capital projects; and

(u) Utilities.

4. *The principal of a local school precinct shall select for the local school precinct the staff described in paragraph (a) of subsection 2 in accordance with the applicable collective bargaining agreements.* To the greatest extent possible, the principal of a local school precinct shall select teachers who are licensed and in good standing before selecting substitutes to teach at the local school precinct. The principal, in consultation with the organizational team, shall make every effort to ensure that effective licensed teachers are employed at the local school precinct.

5. If a large school district is unable to provide any necessary maintenance or repair of the buildings or grounds of a local school precinct in a timely manner, the large school district must, at the expense of the large school district, procure any equipment, services and supplies necessary from another entity or business to provide such maintenance or repair for the local school precinct or take any other necessary action.

6. To the extent that any member of the staff of central services is assigned to provide services at a local school precinct on a temporary or permanent basis, the decision regarding the assignment and any subsequent reassignment of the member of the staff must be made in consultation with the principal of the local school precinct and the school associate superintendent.

7. On or before January 15 of each year, the superintendent shall determine, in consultation with the principals, school associate superintendents and organizational teams of each local school precinct, any additional authority that is not listed in subsection 2 to recommend transferring to one or more local school precincts. Such authority may include the authority to carry out any of the responsibilities listed in subsection 3 which is not prohibited by law, other than the responsibility for capital projects, if it is determined that transferring the authority will serve the best interests of the pupils. The recommendation to transfer authority to one or more local school precincts must be submitted for approval by the board of trustees of the large school district. The board of trustees of the large school district shall consider such a recommendation and determine whether to approve the transfer of additional authority at its next regularly scheduled meeting if submitted within 5 working days before the next regularly scheduled meeting and otherwise the recommendation shall be considered at the following meeting.

8. If the authority to carry out any responsibility is transferred to a local school precinct pursuant to subsection 7, the large school district must allocate additional money to the local school precinct in an amount equal to the amount that would otherwise be paid by the large school district to carry out the responsibility.

Sec. 1.5. NRS 388G.650 is hereby amended to read as follows:

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

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

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

2. ~~Each~~ Except as otherwise provided by subsections 3 and 4, each local school precinct must carry forward its year-end balance to the next school year for use by the local school precinct. The large school district

must account for any such amount that is carried forward as a restricted fund balance.

3. If the year-end balance carried forward pursuant to subsection 2 in any school year exceeds 5 percent of the actual expenditures of the local school precinct during the immediately preceding school year, the local school precinct shall spend the entire amount of money by which the year-end balance carried forward pursuant to subsection 2 exceeds 5 percent of the actual expenditures of the local school precinct during the immediately preceding school year for one or more of the following purposes, in order of priority:

(a) Tutoring or other supplemental academic achievement programs within the local school precinct;

(b) Programs to support social and emotional learning within the local school precinct;

(c) Extracurricular programming for pupils within the local school precinct;

(d) Tutoring or other supplemental academic achievement programs within the large school district;

(e) Extracurricular programming for pupils within the large school district; and

(f) Any other instructional training, program or activity designed and intended to improve the achievement of pupils enrolled in the local school precinct.

4. If a local school precinct fails to spend the entire amount of money by which the year-end balance carried forward pursuant to subsection 2 exceeds 5 percent of the actual expenditures of the local school precinct during the immediately preceding school year within 18 months after the end of the school year from which the year-end balance is carried forward, the large school district shall transfer the amount of money by which the balance carried forward exceeded 5 percent of the actual expenditures of the local school precinct during the immediately preceding school year, less any amount spent by the local school precinct pursuant to subsection 3, to the Education Stabilization Account created by NRS 387.1213. The local school precinct shall reduce any balance carried forward by any amount transferred to the Education Stabilization Account pursuant to this subsection.

5. A large school district shall not require a local school precinct to use either the money expended pursuant to subsection 3 or 4, or the programs and activities supported by such money, to supplant any duty, responsibility or funding owed by the large school district to any local school precinct.

Sec. 2. NRS 388G.700 is hereby amended to read as follows:

388G.700 1. The principal of a local school precinct shall:

(a) Establish an organizational team for the local school precinct consisting of the members described in NRS 388G.720 on or before October 1 of each school year;

(b) Develop the proposed plan of operation for the local school precinct for the next school year with the assistance and advice of the organizational team; ~~and~~

(c) ~~Submit~~ Before any vote on a proposed plan of operation for the local school precinct, make every effort to notify the members of the organizational team for the local school precinct of the date, time and location of the scheduled vote:

(d) If the proposed plan of operation for the local school precinct is approved by a vote of at least 75 percent of the members of the organizational team for the local school precinct ~~for~~ who are present at the time of the vote, submit the proposed plan of operation ~~for the local school precinct~~ to the school associate superintendent for approval ~~for~~; and

~~((d))~~ (e) If the proposed plan of operation for the local precinct is not approved by a vote of at least 75 percent of the members of the organizational team ~~for~~ who are present at the time of the vote, notify the school associate superintendent in accordance with NRS 388G.750.

2. ~~The~~ In accordance with the applicable collective bargaining agreement, the principal of the local school precinct shall select staff for the local school precinct as necessary to carry out the plan of operation from a list provided by the superintendent.

3. The plan of operation for the local school precinct must include, without limitation:

(a) A plan to improve the achievement of pupils enrolled in the local school precinct, regardless of whether such a plan is required to be prepared pursuant to NRS 385A.650; and

(b) A budget which itemizes the manner in which the local school precinct will use the money allocated to the local school precinct.

4. The budget included in the plan of operation for the local school precinct pursuant to subsection 3 must be based upon the average unit cost for each type of employee of the local school precinct established pursuant to paragraph (a) of subsection 1 of NRS 388G.650, the actual cost for the procurement of equipment, services and supplies for the local school precinct and the actual cost of any other item included in the budget of the local school precinct. The budget must be developed in accordance with the criteria for determining budgetary priorities established by the board of trustees of the large school district pursuant to NRS 387.301.

Sec. 3. NRS 388G.710 is hereby amended to read as follows:

388G.710 1. Before the organizational team conducts a vote on approving a plan of operation for ~~the~~ the local school precinct, the principal of the local school precinct shall present the plan at a public meeting held in accordance with subsection 2 at the local school precinct to which the plan of operation applies.

2. The principal shall post notice of the meeting not less than 3 working days before the date on which the meeting will be held. Members of the public must be allowed to attend any portion of the meeting, except any

portion of the meeting during which confidential information is discussed, and each meeting must include a period for public comment. A meeting held pursuant to this subsection is not subject to the provisions of chapter 241 of NRS.

3. ~~When~~ Before any vote on a proposed plan of operation for the local school precinct, the principal of the local school precinct must make every effort to notify the members of the organizational team for the local school precinct of the date, time and location of the scheduled vote.

4. The principal shall not finalize the plan of operation for the local school precinct unless the plan of operation has been approved by at least 75 percent of the members of the organizational team ~~for~~ who are present at the time of the vote. If the plan of operation for the local school precinct is finalized by the principal, the principal must submit the plan to the school associate superintendent for approval. After receipt of the plan of operation ~~for~~ pursuant to this subsection, the school associate superintendent must approve or deny the plan of operation within 10 days. The plan of operation must be approved unless any provision of the plan violates any federal or state law or policy of the large school district.

~~4.1~~ 5. If the school associate superintendent:

(a) Approves the plan of operation for a local school precinct, the school associate superintendent must notify the principal of the local school precinct and cause the plan of operation to be posted on the Internet website of the large school district and on the Internet website of the local school precinct and make the plan of operation available to any person upon request.

(b) Does not approve the plan of operation for a local school precinct, the school associate superintendent must notify the principal of the local school precinct of the reasons for not approving the plan and post those reasons on the Internet website of the large school district and on the Internet website of the local school precinct and make the plan of operation available to any person upon request. The school associate superintendent must assist the principal as necessary to revise the plan of operation.

~~5.1~~ 6. Any adjustment to the budget that the principal of the local school precinct determines is necessary after the plan of operation has been approved pursuant to this section or NRS 388G.750 may be made upon consultation with the organizational team and approval of the school associate superintendent.

Sec. 4. NRS 388G.720 is hereby amended to read as follows:

388G.720 1. The organizational team for a local school precinct must consist of:

(a) The principal of the local school precinct who shall serve as a ~~nonvoting~~ voting member.

(b) At least two but not more than four members, as determined by the principal, who are teachers or other licensed educational personnel at the local school precinct who are elected by a vote of the teachers and other licensed educational personnel at the local school precinct and at least

one-half of whom are members of the association representing teachers and other licensed educational personnel. The association shall establish the process for nominating and electing the members pursuant to this paragraph, which must allow all teachers and other licensed educational personnel an opportunity to participate and be elected regardless of whether the teachers or other licensed educational personnel are members of the association.

(c) One member who is employed at the local school precinct, other than a teacher or other licensed educational personnel, who is elected by a vote of all such employees, other than teachers or other licensed educational personnel, except that if four members are elected pursuant to paragraph (b), then two members who are elected by a vote of all such employees and who are members of an organization that represents those employees. The organization that represents those employees shall establish the process for nominating and electing the members pursuant to this paragraph, which must allow any eligible employee an opportunity to vote regardless of whether the employee is a member of the organization.

(d) A number of parents or legal guardians of pupils who are enrolled at the local school precinct which represents 50 percent of the total number of voting members if possible, or, if fewer are available to accept membership, then the greatest number of parents or legal guardians available. The parents or legal guardians must be elected by a vote of all parents and legal guardians of pupils enrolled at the local school precinct. A parent or legal guardian who is a teacher or other licensed educational personnel or employee of the local school precinct may not be elected to serve as a member pursuant to this paragraph, but may be elected to serve as a member of the organizational team pursuant to paragraph (b) or (c), as applicable. The association of parents for the school, if there is one, must establish the process for nominating and electing these members pursuant to this paragraph. If no such association exists, the principal of the local school precinct must inform all parents and legal guardians of the opportunity to serve on the organizational team and provide the parents and guardians with information about the responsibilities associated with serving as a member of the organizational team, the manner in which to submit a name to be included on a ballot, the date on which a vote will be taken and any other relevant information. The principal must post such information on the Internet website of the local school precinct and provide the information to the superintendent who shall post the information on the Internet website of the large school district. The information must also be made available to any person upon request.

2. If one or more specialty schools exist within a local school precinct, at least one member selected pursuant to paragraphs (b) and (d) of subsection 1 must represent each specialty school on the organizational team.

3. In addition to the members described in subsection 1, if the local school precinct is a middle school, junior high school or high school, the organizational team must have one nonvoting member who is a pupil enrolled at the local school precinct who is elected by a vote of all of the

pupils enrolled at the local school precinct. Any pupil who attends the local school precinct may request to be placed on the ballot to be elected to serve as a member of the organizational team pursuant to this subsection. A teacher or administrator of the local school precinct may nominate a pupil but the pupil may only be placed on the ballot if the pupil agrees to have his or her name placed on the ballot. The principal of the local school precinct shall cause a vote to be taken of the entire student body at the local school precinct through secret ballot to elect the pupil member. A member elected pursuant to this subsection may only provide assistance and advice regarding the plan of operation for the local school precinct.

4. The organizational team may select one or more nonvoting advisory members from the community at large to assist the organizational team and provide input from the community. Such members must not be the parent or legal guardian of a pupil who attends the local school precinct and must not otherwise be qualified to serve as a voting member of the organizational team.

5. The principal of a local school precinct shall assist as necessary with establishing the process for nominating and electing the members described in subsection 1 and shall ensure that each member who is elected pursuant to paragraph (d) of subsection 1 is informed that the member is not an employee of the local school precinct or the large school district and of any potential liability for serving as a member of the organizational team.

6. A person who receives the highest number of votes must be appointed to the organizational team regardless of the total number of votes cast for the position.

7. Except as otherwise provided in this subsection, an organizational team and its members who are not employees of the large school district are immune from liability for civil damages as a result of an act or omission in performing any of the duties of the organizational team as set forth in NRS 388G.700 to 388G.750, inclusive. This subsection does not restrict the liability of a local school precinct or the large school district for an act or omission of an organizational team or its members in performing the duties described in NRS 388G.700 to 388G.750, inclusive.

Sec. 5. NRS 388G.740 is hereby amended to read as follows:

388G.740 1. An organizational team shall:

(a) Provide assistance and advice to the principal of the local school precinct regarding the development of the plan of operation for the local school precinct ~~{;}~~ *and vote on whether to approve that plan of operation;*

(b) Provide continued assistance and advice to the principal of the local school precinct in carrying out the plan of operation for the local school precinct; and

(c) Whenever a vacancy occurs in the position of principal for the local school precinct, assist with the selection of the next principal in accordance with the provisions of this section.

2. The organizational team may provide input regarding the principal of the local school precinct to the school associate superintendent not more than two times each school year.

3. Whenever a vacancy occurs in the position of principal for the local school precinct, the organizational team shall establish a list of qualifications that the organizational team determines are desirable for the next principal of the local school precinct and provide the list to the superintendent. *The list of qualifications must include, without limitation, qualifications relating to the:*

- (a) *Employment history of the candidate;*
- (b) *Ability of the candidate to connect and communicate with pupils;*
- (c) *Ability of the candidate to provide a safe and respectful learning environment pursuant to NRS 388.1321; and*
- (d) *Strategies the candidate would implement to improve the achievement of pupils.*

4. The superintendent shall post notice of the vacancy ~~[-]~~ pursuant to subsection 3. The superintendent shall interview qualified candidates and establish a list of at least three but not more than five candidates to submit to the organizational team. One member of the organizational team must be allowed to participate in interviewing candidates with the superintendent.

~~{4.}~~ 5. From the list of candidates submitted by the superintendent pursuant to subsection ~~{3.}~~ 4, the organizational team shall ~~recommend one candidate~~ rank the candidates for the position of principal by preference and submit a list with that ranking within 15 school days after receipt of the recommendation. The superintendent, in consultation with the school associate superintendent, must ~~[-, in his or her sole discretion, determine whether to hire the]~~ select a candidate ~~recommended.~~

~~—5.}~~ to hire for the position of principal. Before any vote on the selected candidate, the school associate superintendent responsible for the local school precinct must make every effort to notify the members of the organizational team for the local school precinct of the date, time and location of the scheduled vote. The organizational team may reject the selection of the candidate if at least 75 percent of the members of the organizational team who are present at the time of the vote vote to do so. The superintendent must then select a candidate from the remaining members of the list submitted pursuant to subsection 4.

6. Each person who participates in interviewing candidates pursuant to this section shall comply with all laws that apply to an employer when making a decision about employment.

~~{6.}~~ 7. After the principal of the local school precinct is hired, the superintendent may, in his or her sole discretion, reassign and make other employment decisions concerning the principal.

Sec. 6. NRS 388G.750 is hereby amended to read as follows:

388G.750 1. ~~If [an organizational team objects to any part of] the proposed plan of operation for the local school precinct [that is submitted by the principal of the local school precinct for approval pursuant to~~

~~NRS 388G.700, the organizational team may submit a request to the school associate superintendent to consider revising the plan in accordance with the recommendations} is not approved by a vote of at least 75 percent of the members of the organizational team ~~for~~ who are present at the time of the vote, the principal of the local school precinct must notify the school associate superintendent that the proposed plan of operation has not been approved. The principal shall include in the notice a copy of the proposed plan of operation and a statement of the reasons that the proposed plan of operation has not been approved by a vote of at least 75 percent of the organizational team ~~for~~ who were present at the time of the vote.~~

2. If the school associate superintendent receives a ~~request~~ notice pursuant to subsection 1, the school associate superintendent must ~~consider the recommendations of the organizational team and provide a written response to the organizational team upon making a final determination about the plan of operation for the local school precinct within 5 working days.~~

~~3. If the school associate superintendent:~~

~~(a) Agrees with the recommendations of the organizational team, the school associate superintendent must work with the principal of the local school precinct to revise the plan of operation.~~

~~(b) Does not agree with the recommendations of the organizational team, the school associate superintendent must inform the organizational team pursuant to subsection 2.~~

~~4. If the school associate superintendent does not agree with the recommendations of the organizational team, the organizational team may appeal the decision of the school associate superintendent} submit the notice provided pursuant to subsection 1 to the superintendent ~~for~~. The superintendent must consider such an appeal within 5 days after receipt of the appeal. The decision of} and, based on the information included in the notice, the superintendent must develop and approve a plan of operation for the local school precinct. The school associate superintendent must notify the principal of the local school precinct of the development and approval of a plan of operation by the superintendent and cause the plan of operation to be posted on the Internet website of the large school district and on the Internet website of the local school precinct and make the plan of operation available to any person upon request. The development and approval of a plan of operation by the superintendent pursuant to this subsection is final and not subject to any further appeal or judicial review.~~

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

2. Sections 1 to 6, inclusive, of this act become effective:

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

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

Senator Lange moved the adoption of the amendment.

Remarks by Senator Lange.

Amendment No. 291 to Senate Bill No. 282 provides clarity on the vote to approve the plan of operation including notification requirements; adds that the carry-forward, year-end balance amount of a local school precinct that exceeds 5 percent of actual expenditures must be used on certain programs; adds that the excess carry-forward, year-end balance funds not spent within 18 months must be transferred to the Education Stabilization Account; and requires that these expended funds cannot supplant any duty, responsibility or funding owed by the large school district to any local school precinct.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 293.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 303.

SUMMARY—Revises provisions relating to ~~[renewable energy and energy conservation]~~ distributed generation systems. (BDR ~~{58-459}~~ 52-459)

AN ACT relating to energy; revising ~~[provisions governing the conservation of energy in certain buildings; requiring an electric utility to file a plan to increase access to renewable energy systems by residential electric customers; repealing limitations on the use of electric resistance for heating spaces;]~~ certain contractual requirements for an agreement for the purchase or lease of a distributed generation system and a power purchase agreement; imposing various requirements on solar installation companies; revising the definition of "distributed generation system"; prohibiting a person from engaging in certain activities relating to residential photovoltaic systems unless the person is licensed by the State Contractors' Board or is an employee of such a person; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law ~~[requires the Director of the Office of Energy within the Office of the Governor to adopt regulations for the conservation of energy in buildings, including regulations adopting the most recent version of the International Energy Conservation Code, issued by the International Code Council, and certain amendments to the Code. (NRS 701.220) The governing body of a local government that is authorized by law to adopt and enforce a building code is required to incorporate the standards adopted by the Director in its building code. (NRS 701.220) Section 1 of this bill requires the Director and the governing body of a local government that is authorized by law to adopt and enforce a building code to adopt one or more alternative options to comply with the regulations for the conservation of energy in buildings, in addition to the compliance options provided in the International Energy Conservation Code. Section 1 provides requirements for the~~

~~alternative options for compliance which the Director and the governing body of a local government are required to adopt.~~

~~Existing law requires each electric utility to submit to the Public Utilities Commission of Nevada every 3 years an integrated resource plan to increase the utility's supply of electricity or decrease the demands made on its system by its customers. Existing law provides that the integrated resource plan must include certain components, including, without limitation, a distributed resources plan. (NRS 704.741) Sections 2 and 5 of this bill require the distributed resources plan submitted by an electric utility to include a plan to increase access to renewable energy systems by residential electric customers in this State. Section 2 establishes requirements for the plan and requires the Commission to adopt regulations, including, without limitation, regulations establishing criteria for determining the adequacy of the plan. Section 6 of this bill requires an electric utility to file an amendment to its most recent distributed resources plan on or before September 1, 2024 to add a plan to increase access to renewable energy systems by residential electric customers. Sections 3 and 4 of this bill make conforming changes to indicate the proper placement of section 2 in the Nevada Revised Statutes.~~

~~Existing law places limitations upon the use of electric resistance as a heating source in certain buildings in a county whose population is 100,000 or more (currently Clark and Washoe Counties). (NRS 701.230) Section 7 of this bill repeals these limitations.} imposes certain requirements on solar installation companies that sell and install distributed generation systems in this State. Existing law prescribes certain contractual requirements for an agreement for the purchase or lease of a distributed generation system and a power purchase agreement. (NRS 598.9801-598.9822) Section 3 of this bill authorizes a purchaser or lessee who enters into or signs an agreement for the purchase or lease of a distributed generation system or a power purchase agreement to rescind the agreement by providing certain notice to the solar installation company within 3 business days after the agreement was entered into or signed.~~

Existing law requires an agreement for the purchase or lease of a distributed generation system or a power purchase agreement to include a cover page containing certain information. (NRS 598.9809, 598.9813, 598.9816) Sections 6-8 of this bill require such a cover page to include certain additional information. Section 2 of this bill requires a solar installation company to: (1) verbally communicate the information that is required to be included in the cover page to a purchaser or lessee, as applicable, via a telephone call that is recorded; and (2) maintain each recording of such a telephone call for not less than 10 years after the date on which the telephone call is made. Section 9 of this bill requires a solar installation company, before the execution of an agreement for the purchase or lease of a distributed generation system or a power purchase agreement, to provide a copy of the cover page to the purchaser or lessee, as applicable, in the language that the majority of the solicitation, offer or transaction for the

agreement occurred, if the majority of the language that was used was a language other than English. Section 4 of this bill makes a conforming change to indicate the proper placement of sections 2 and 3 in the Nevada Revised Statutes.

Existing law defines "distributed generation system" as a system or facility for the generation of electricity: (1) that uses solar energy to generate electricity; (2) that is located on the property of a customer of an electric utility; (3) that is connected on the customer's side of the electricity meter; (4) that provides electricity primarily to offset customer load on that property; and (5) the excess generation from which is periodically exported to the grid in accordance with the provisions governing net metering systems. (NRS 598.9804) Section 5 of this bill revises the definition of "distributed generation system" to mean a system or facility for the generation of electricity that uses solar energy to generate electricity.

Section 9 of this bill provides that if a solar installation company executes an agreement for the purchase or lease of a distributed generation system or a power purchase agreement and fails to comply with requirements set forth under existing law governing such agreements and sections 2-9 of this bill, the agreement is voidable by the purchaser or lessee, as applicable.

Existing law prohibits a person from performing any work on residential photovoltaic systems used to produce electricity without the proper license or other authorization under state law. (NRS 624.860) Section 10 of this bill revises that prohibition to: (1) prohibit a person from performing such work unless the person holds a license issued by the State Contractors' Board or is an employee of such a person; and (2) additionally prohibit a person from advertising, soliciting or offering to enter into an agreement for the purchase or lease of a distributed generation system or a power purchase agreement unless the person holds such a license or is an employee of such a person. Section 10 provides that a person who does not hold such a license and is not an employee of a person who holds such a license is authorized to generate leads or referrals for a residential photovoltaic system used to produce electricity if the person does not provide a quote or offer for the sale or installation of such a system.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN

SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Delete existing sections 1 through 8 of this bill and replace with the following new sections 1 through 10:

Section 1. Chapter 598 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. A solar installation company shall, through telephone, verbally communicate to a purchaser or lessee under an agreement for the purchase or lease of a distributed generation system or a host customer under a power purchase agreement the information required to be included in a cover page pursuant to NRS 598.9809, 598.9813 or 598.9816, as applicable.

2. The verbal communication required by subsection 1 must be:

(a) Recorded by the solar installation company; and

(b) Provided:

(1) At the time of the execution of the agreement or within 48 hours after the execution of the agreement; and

(2) Before the installation of any distributed generation system under the agreement.

3. A solar installation company shall maintain the recording of a verbal communication made pursuant to this section for not less than 10 years after the recording is made.

Sec. 3. Any purchaser or lessee who enters into or signs an agreement for the purchase or lease of a distributed generation system or host customer who enters into a power purchase agreement may rescind the agreement by giving notice in writing to the solar installation company either by delivering, mailing or telegraphing such notice or sending such notice by electronic mail not later than midnight of the third business day after the date the agreement was entered into or signed. The notice must be addressed to the solar installation company at the solar installation company's place of business or sent to the electronic mail address set forth on the cover page required by NRS 598.9809, 598.9813 or 598.9816, as applicable, and must contain words indicating the intent of the purchaser, lessee or host customer to rescind the transaction previously entered into.

Sec. 4. NRS 598.9801 is hereby amended to read as follows:

598.9801 As used in NRS 598.9801 to 598.9822, inclusive, and sections 2 and 3 of this act, unless the context otherwise requires, the words and terms defined in NRS 598.9802 to 598.9808, inclusive, have the meanings ascribed to them in those sections.

Sec. 5. NRS 598.9804 is hereby amended to read as follows:

598.9804 "Distributed generation system" means a system or facility for the generation of electricity ~~for~~

~~1. That ~~that~~ uses solar energy to generate electricity ~~for~~~~

~~2. That is located on the property of a customer of an electric utility;~~

~~3. That is connected on the customer's side of the electricity meter;~~

~~4. That provides electricity primarily to offset customer load on that property; and~~

~~5. The excess generation from which is periodically exported to the grid in accordance with the provisions governing net metering systems used by customer generators pursuant to NRS 704.766 to 704.776, inclusive.~~

Sec. 6. NRS 598.9809 is hereby amended to read as follows:

598.9809 An agreement for the lease of a distributed generation system must include a cover page that ~~[provides]~~ :

1. Prominently displays the following information at the top of the cover page in at least 16-point font:

(a) Notice of the right to cancel the agreement with 3 business days after the execution of the agreement, as provided in section 3 of this act.

(b) An electronic mail address to which a notice of cancellation may be sent pursuant to section 3 of this act and notice that the lessee may send such a notice to that electronic mail address.

2. Provides the following information in at least 10-point font:

~~{1.}~~ (a) The amounts due at the signing for and at the completion of the installation or any inspection of the distributed generation system.

~~{2.}~~ (b) An estimated timeline for the installation of the distributed generation system.

~~{3.}~~ (c) The estimated amount of the monthly payments due under the lease in the first year of operation of the distributed generation system.

~~{4.}~~ (d) The length of the term of the lease.

~~{5.}~~ (e) A description of any warranties.

~~{6.}~~ (f) The rate of any payment increases.

~~{7.}~~ (g) The identification of any state or federal tax incentives that are included in calculating the amount of the monthly payments due under the lease.

~~{8.}~~ (h) The estimated production of the distributed generation system in the first year of operation.

~~{9.}~~ (i) A description of the terms for renewal or any other options available at the end of the term of the lease.

~~{10.}~~ (j) A description of any option to purchase the distributed generation system before the end of the term of the lease.

~~{11.}~~ (k) Notice of the existence of the Recovery Fund administered by the State Contractors' Board pursuant to NRS 624.470.

~~{12.}~~ (l) Notice that a person financially damaged by a licensed contractor who performs work on a residence may be eligible to recover certain financial damages from the Recovery Fund.

~~{13.}~~ (m) Notice that a host customer may file a complaint with the Public Utilities Commission of Nevada.

~~{14.}~~ (n) Contact information for the State Contractors' Board and the Public Utilities Commission of Nevada, including, without limitation, a telephone number.

(o) Notice that the lessee, before the execution of the agreement, may request any document used in the solicitation, offer or transaction for the nclusive in any language.

Sec. 7. NRS 598.9813 is hereby amended to read as follows:

598.9813 An agreement for the purchase of a distributed generation system must include a cover page that ~~{provides}~~ :

1. Prominently displays the following information at the top of the cover page in at least 16-point font:

(a) Notice of the right to cancel the agreement with 3 business days after the execution of the agreement, as provided in section 3 of this act.

(b) An electronic mail address to which a notice of cancellation may be sent pursuant to section 3 of this act and notice that the purchaser may send such a notice to that electronic mail address.

2. Provide the following information in at least 10-point font:

- ~~1.1~~ (a) The size of the distributed generation system.
- ~~1.2~~ (b) The length of the term of the warranty for the distributed generation system.
- ~~1.3~~ (c) An estimated timeline for the installation of the distributed generation system.
- ~~1.4~~ (d) A description of any warranties.
- ~~1.5~~ (e) The total cost of the distributed generation system.
- ~~1.6~~ (f) The estimated value of any portfolio energy credits and rebates of any incentives included in the calculation of the total cost of the distributed generation system.
- ~~1.7~~ (g) The amounts due at the signing for and at the completion of the installation of the distributed generation system.
- ~~1.8~~ (h) The estimated production of the distributed generation system in the first year of operation.
- ~~1.9~~ (i) Notice of the existence of the Recovery Fund administered by the State Contractors' Board pursuant to NRS 624.470.
- ~~1.10~~ (j) Notice that a person financially damaged by a licensed contractor who performs work on a residence may be eligible to recover certain financial damages from the Recovery Fund.
- ~~1.11~~ (k) Notice that a host customer may file a complaint with the Public Utilities Commission of Nevada.
- ~~1.12~~ (l) Contact information for the State Contractors' Board and Public Utilities Commission of Nevada, including, without limitation, a telephone number.

(m) Notice that the purchaser, before the execution of the agreement, may request any document used in the solicitation, offer or transaction for the agreement in any language.

Sec. 8. NRS 598.9816 is hereby amended to read as follows:

598.9816 A power purchase agreement for the sale of the output of a distributed generation system must include a cover page that ~~provides~~ :

1. Prominently displays the following information at the top of the cover page in at least 16-point font:

(a) Notice of the right to cancel the agreement with 3 business days after the execution of the agreement, as provided in section 3 of this act.

(b) An electronic mail address to which a notice of cancellation may be sent pursuant to section 3 of this act and notice that the host customer may send such a notice to that electronic mail address.

2. Provides the following information in at least 10-point font:

- ~~1.1~~ (a) The rate of any increase in the payments to be made during the term of the agreement and, if applicable, the date of the first such increase.
- ~~1.2~~ (b) An estimated timeline for the installation of the distributed generation system.
- ~~1.3~~ (c) The rate of electricity per kilowatt-hour of electricity for the first year of the agreement.

~~{4.}~~ (d) The length of the term of the agreement.

~~{5.}~~ (e) The amounts due at the signing for and at the completion of the installation or any inspection of the distributed generation system.

~~{6.}~~ (f) The estimated production of the distributed generation system in the first year of operation.

~~{7.}~~ (g) A description of the options available at the end of the term of the agreement.

~~{8.}~~ (h) A description of any option to purchase the distributed generation system before the end of the term of the agreement.

~~{9.}~~ (i) Notice of the existence of the Recovery Fund administered by the State Contractors' Board pursuant to NRS 624.470.

~~{10.}~~ (j) Notice that a person financially damaged by a licensed contractor who performs work on a residence may be eligible to recover certain financial damages from the Recovery Fund.

~~{11.}~~ (k) Notice that a host customer may file a complaint with the Public Utilities Commission of Nevada.

~~{12.}~~ (l) Contact information for the State Contractors' Board and the Public Utilities Commission of Nevada, including, without limitation, a telephone number.

(m) Notice that the host customer, before execution of the agreement, may request any document used in the solicitation, offer or transaction for the power purchase agreement in any language.

Sec. 9. NRS 598.9822 is hereby amended to read as follows:

598.9822 1. A host customer may file a complaint concerning a solar installation company with the Public Utilities Commission of Nevada. Upon receipt of a complaint, the Commission may direct the host customer to the appropriate agency or person to resolve the complaint.

2. The failure of a person to comply with NRS 598.9801 to 598.9822, inclusive, and sections 2 and 3 of this act constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.

3. If a solar installation company executes with a purchaser or lessee an agreement for the purchase or lease of a distributed generation system or with a host customer a power purchase agreement and fails to comply with any requirement of NRS 598.9801 to 598.9822, inclusive, and sections 2 and 3 of this act, including, without limitation, by failing to include any disclosure or information required by NRS 598.9801 to 598.9822, inclusive, and sections 2 and 3 of this act, or failing to maintain a recording of a verbal communication as required by section 2 of this act, the agreement is voidable by the purchaser, lessee or host customer.

4. A violation of any provision of NRS 598.9801 to 598.9822, inclusive, and sections 2 and 3 of this act constitutes consumer fraud for the purposes of NRS 41.600.

~~{4.}~~ 5. Any document described in NRS 598.9809 to 598.9821, inclusive, and sections 2 and 3 of this act must be provided in:

(a) English; or

(b) ~~[Spanish,]~~ Any other language, if any person so requests.

6. A solar installation company, before the execution of an agreement for the purchase or lease of a distributed generation system or a power purchase agreement, shall provide the purchaser, lessee or host customer, as applicable, a copy of the cover page required by NRS 598.9809, 598.9813 or 598.9816, as applicable, in the language that the majority of the solicitation, offer or transaction for the agreement occurred, if the majority of the language that was used was a language other than English.

Sec. 10. NRS 624.860 is hereby amended to read as follows:

624.860 1. A person shall not, directly or indirectly ~~for~~ on his or her own behalf or on behalf of another, perform or offer to perform any work concerning a residential photovoltaic system used to produce electricity, or advertise, solicit or offer to enter into an agreement described in NRS 598.9801 to 598.9822, inclusive, and sections 2 and 3 of this act unless the person holds:

~~1. A~~ :

(a) Holds a license issued pursuant to this chapter which authorizes the person to perform ~~such~~ work ~~for or~~ concerning a residential photovoltaic system used to produce electricity; or

(b) Is an employee of a person described in paragraph (a).

2. ~~[Any other license, certificate, registration or permit under state law which authorizes the person to perform such work.] The provisions of this section do not prohibit a person who does not hold a license issued pursuant to this chapter and who is not an employee of a person who holds a license issued pursuant to this chapter from generating leads or referrals for a residential photovoltaic system used to produce electricity if the person does not provide a quote or offer for the sale or installation of such a residential photovoltaic system.~~

Senator Harris moved the adoption of the amendment.

Remarks by Senator Harris.

Amendment No. 303 to Senate Bill No. 293 deletes the existing provisions of the bill and replaces it with requirements relating to work solicited, advertised and performed by solar installation companies that sell and install distributed generation systems in this State. It authorizes a purchaser or lessee who enters into an agreement for the purchase or lease of a distributed generation system the right to rescind the agreement by providing certain notice within three business days after the agreement was entered into. Information related to how to cancel the agreement must be prominently displayed on a cover page which is to be in the same language as the majority of the agreement and the associated documents. It requires the solar installation company to maintain certain telephone recordings for a minimum of ten years, which include a verification call prior to the installation of the distributed generation system. It revises the definition of "distributed generation system" to mean a system or facility for the generation of electricity that uses solar energy to generate electricity. It requires contractors who generate leads, advertise, solicit or perform work for residential photovoltaic systems to be licensed by the State Contractors Board or employed by a license holder and provides that if the solar installation company fails to comply with the established requirements, the agreement executed for purchase or lease is voidable by the purchaser or lessee.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 307.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 346.

SUMMARY—Revises provisions relating to human rights. (BDR 16-881)

AN ACT relating to offenders; defining certain terms relating to the housing of offenders; requiring the Director of the Department of Corrections to adopt certain regulations relating to solitary confinement; prohibiting the Department from placing an offender in solitary confinement under certain circumstances; providing that an offender is entitled to certain privileges while placed in solitary confinement; requiring the Department to ensure that an offender placed in solitary confinement receives a daily health and wellness check; providing procedures for the removal of an offender from solitary confinement; requiring certain training for staff who work in units used for solitary confinement; requiring the Department to submit a ~~biennial~~ report concerning the use of solitary confinement to the Joint Interim Standing Committee on the Judiciary ~~or the Legislature~~; limiting the number of days that an offender may be placed in disciplinary segregation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits the Department of Corrections and private facilities and institutions from placing an offender in disciplinary segregation or subjecting or assigning an offender to solitary confinement unless certain procedures are followed. (NRS 209.369) Sections ~~2-11~~ 5-7 and 10 of this bill define certain terms, including "solitary confinement," for purposes relating to the housing of offenders. Section 13 of this bill makes a conforming change to indicate the proper placement of sections ~~2-11~~ 5-7 and 10 in the Nevada Revised Statutes. Section 13.5 of this bill makes a conforming change relating to the application of the definitions in sections 5-7 and 10 to the entire chapter of NRS.

Section 12 of this bill requires the Director of the Department to adopt regulations governing the use of solitary confinement to ~~among other things: (1)~~ provide that solitary confinement may only be used as a last resort, in the least restrictive manner and for the shortest period of time safely possible ~~; (2) limit the use of disciplinary segregation to certain circumstances; (3)~~

Section 12.3 of this bill prohibits, with certain exceptions, the Department from placing an offender in solitary confinement: (1) for a period which exceeds 15 consecutive days; (2) within 90 days of the date on which the offender is projected to be released from the custody of the Department; or (3) if the offender has a serious mental illness or other significant mental impairment, unless a provider of health care orders such confinement.

Section 12.3 authorizes the Department to remove an offender from solitary confinement at any time if the offender has demonstrated good behavior. Section 12.3 requires that an offender placed in solitary confinement: (1) is afforded certain privileges; and (2) receives a health and welfare check at his or her cell by a provider of health care at least once each day. Section 14 of this bill makes a conforming change by removing duplicative language relating to the placement of an offender who has a serious mental illness or other significant mental impairment in solitary confinement under certain circumstances and the requirement that a health and welfare check is made for each offender placed in solitary confinement.

Section 12.5 of this bill requires a multidisciplinary team to submit a report to the Director within 24 hours after making the determination to continue solitary confinement if an offender is kept in solitary confinement for more than 15 days. Section 12.5 additionally requires any meetings or discussions regarding the review of an offender pursuant to section 12.5 to be recorded in writing or otherwise documented and kept by the Department for at least 1 year. Section 12.5 also prescribes certain procedures relating to the removal of an offender from solitary confinement, including, without limitation, a requirement for a multidisciplinary team, before an offender is removed from solitary confinement, to conduct a review of each offender and ~~make certain evaluations relating to the use of solitary confinement; (4) provide access to programming for offenders who are placed in solitary confinement; (5) require~~ develop an individualized treatment plan for the offender. Section 12.5 defines a "multidisciplinary team" as a team that consists of: (1) a correctional officer who works in the housing unit to which the offender is assigned; (2) a psychologist; (3) a case worker; (4) a correctional supervisor; (5) an associate warden; and (6) any other staff member deemed necessary by the Director.

Existing law authorizes the Director to develop and implement, in each institution or facility of the Department, a program of facility training for correctional staff. (NRS 209.1315) Section 13.3 of this bill requires the Director to develop and implement certain training for staff who work in units used for solitary confinement. ~~It and (6) establish minimum requirements, reviews and various procedures relating to certain types of solitary confinement.~~

Section 14 of this bill requires the Department to submit a ~~biennial~~ report on or before December 31 of each year concerning the use of solitary confinement by the Department and private facilities and institutions to the Joint Interim Standing Committee on the Judiciary ~~It~~, if the report is submitted in an odd-numbered year, or to the Legislature, if the report is submitted in an even-numbered year. The ~~biennial~~ report must contain, without limitation: (1) the number of offenders placed in solitary confinement; (2) the periods of time, and the number of offenders for each such period, for which offenders were placed in solitary confinement; and (3) the ~~reasons~~ number of offenders who were placed in solitary confinement ~~It~~

~~(4) the number of offenders placed in solitary confinement who were found to have mental illness; (5) certain demographic information on the offenders placed in solitary confinement; (6) certain information relating to disciplinary hearings for offenders placed in solitary confinement; (7) certain information on reviews of vulnerable offenders placed in solitary confinement; and (8) certain information on programming for offenders while placed in solitary confinement.] for a period of more than 15 days and a summary of the reasons for such placement. Section 14 additionally requires that an offender, while subject to disciplinary segregation, be allowed either visitation or access to a telephone. Section 14 also removes certain provisions relating to the length of stay of offenders placed in disciplinary segregation and, instead, with certain exceptions, limits the maximum number of days that an offender may be placed in disciplinary segregation to not more than 15 consecutive days.~~

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

Section 1. Chapter 209 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to ~~12,~~ 12.5, inclusive, of this act.

Sec. 2. ~~["Administrative segregation" means the separation of an offender from the general population which is imposed by classification when the continued presence of the offender in the general population or protective segregation would pose a serious threat to life, property, self, staff, other offenders or to the security or orderly operation of the facility or institution.] (Deleted by amendment.)~~

Sec. 3. ~~["Behavior modification unit" means a designated housing area within a facility or an institution which provides:~~

~~1. An intermediate, transitional level of supervision from disciplinary segregation; or~~

~~2. A chronic level of mental health services to offenders who require higher levels of care and supervision than what is provided for in the general population but who do not require in-patient care.] (Deleted by amendment.)~~

Sec. 4. ~~["Disciplinary detention" means the separation of an offender in a separate housing unit within a facility or an institution which is designed to ensure:~~

~~1. The safety, security and orderly operation of the facility or institution; and~~

~~2. The protection of the public through the use of sanctions for offenders who commit prohibited acts.] (Deleted by amendment.)~~

Sec. 5. "Disciplinary segregation" means the separation of an offender from the general population for a specified period of time when an offender has committed a serious violation of the rules of a facility or institution.

Sec. 6. "General population" means the status of offenders who are incarcerated and do not have a special status, including, without limitation, a status of solitary confinement.

Sec. 7. ~~["Protective segregation"] "Serious mental illness or other significant mental impairment" means the separation of an offender from the general population when the offender requests or requires protection from other offenders for reasons relating to health or safety.~~ :

1. A substantial disorder of thought or mood that significantly impairs judgment, behavior or the capacity to recognize reality, which may include, without limitation, having current symptoms of, or currently receiving treatment based on a type of diagnosis found in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders, published by the American Psychiatric Association; or

2. A diagnosis of an intellectual disability, as defined in NRS 435.007.

Sec. 8. ~~["Restrictive housing" means the housing of offenders with the intent to:~~

~~1. Manage offenders who have committed violence or a violation of a rule;~~

~~2. Manage challenging populations of offenders; or~~

~~3. House vulnerable offenders.] (Deleted by amendment.)~~

Sec. 9. ~~["Segregated housing" means the housing of offenders in a location that is separate and apart from the housing provided for offenders in the general population.] (Deleted by amendment.)~~

Sec. 10. "Solitary confinement" means the housing of an offender in a location where the offender is restricted to a cell for ~~approximately~~ at least 22 hours per day. ~~The term includes, without limitation, placement in protective segregation, disciplinary segregation, administrative segregation, disciplinary detention, segregated housing, a behavior modification unit or restrictive housing, for the purpose of separating the offender from the general population for the:~~

1. Protection of:

(a) The health or safety of the offender from other offenders; or

(b) The life or property of the staff or other offenders; or

2. Security or orderly operation of the facility or institution.

Sec. 11. ~~["Vulnerable offender" means an offender with serious mental illness or other significant mental impairment, as defined in NRS 209.369, or an offender who:~~

~~1. Is less than 21 years of age;~~

~~2. Is 55 years of age or older;~~

~~3. Has a physical disability;~~

~~4. Is pregnant; or~~

~~5. Gave birth during the 8 weeks immediately preceding a hearing held pursuant to NRS 209.369.] (Deleted by amendment.)~~

Sec. 12. The Director shall adopt, with the approval of the Board, such regulations as are necessary to ~~the~~

~~1. Ensure~~ ensure that solitary confinement may only be used:

~~1. As a last resort, when the offender must be separated from the general population in a secure environment;~~

~~{{(b)}} 2. In the least restrictive manner; and~~

~~{{(c)}} 3. For the shortest period of time safely possible.~~

~~[2. Limit the use of disciplinary segregation to:~~

~~— (a) Class A offenses as described in Nevada Department of Corrections Administrative Regulation 707; and~~

~~— (b) Offenders who are not vulnerable offenders.~~

~~— 3. Prescribe the use of effective alternative responses for violations other than class A offenses and violations committed by vulnerable offenders by creating additional sanctions as alternatives to disciplinary segregation. Such sanctions must not include the loss of visitation or telephone privileges.~~

~~— 4. Create an individualized plan for each offender placed in administrative segregation. Pursuant to such a plan, staff shall develop, as soon as possible after an offender is placed in administrative segregation and in consultation with the offender, a clear behavioral and programming strategy with the goal of returning the offender to a less restrictive housing unit as promptly as possible. The plan must take into account the individualized treatment of the offender, the programming needs of the offender and any history of repeated placements in or refusal to leave administrative segregation and the contributing factors to any such history.~~

~~— 5. Avoid releasing an offender from solitary confinement directly into the community by, without limitation:~~

~~— (a) Requiring offenders to be placed in the general population for a period of not less than 30 days before the release of the offender.~~

~~— (b) Requiring offenders placed in solitary confinement. For a period of 30 days or more to be given priority for step down programming. Such offenders must receive the same types of reentry programming and preparation as any other offenders, with such programming starting not less than 1 year before the scheduled date of release of the offender.~~

~~— 6. Ensure that offenders who have been released from solitary confinement do not spend more time in solitary confinement than is reasonably necessary. This must include the consolidation of offenders who have been approved for release from solitary confinement but who are waiting for appropriate housing in the general population.~~

~~— 7. Evaluate the conditions and use of solitary confinement for vulnerable offenders. The evaluation must include, without limitation:~~

~~— (a) An analysis of efforts to eliminate the use of solitary confinement for offenders with serious mental illness.~~

~~— (b) An analysis of efforts to prioritize the placement of offenders in behavior modification units and other less restrictive housing units for vulnerable offenders.~~

~~— (c) A review of offenders who are vulnerable offenders placed in solitary confinement, which must be conducted at least once every 7 days to assess whether such offenders may return to housing in the general population.~~

~~— 8. Review all offenders placed in solitary confinement by, without limitation:~~

- ~~—(a) Evaluating the mental health of an offender not more than 24 hours after the offender is placed in solitary confinement.~~
- ~~—(b) Completing an evaluation by a multidisciplinary classification committee for each offender at least once every 7 days for the first 60 days in solitary confinement and at least once every 30 days thereafter.~~
- ~~—9. Provide access to programming for offenders placed in solitary confinement, including, without limitation, access to:~~
 - ~~—(a) Behavioral health programming for offenders with identified behavioral health issues.~~
 - ~~—(b) Transitional programming for offenders placed in solitary confinement for more than 15 days.~~
 - ~~—(c) Educational programming, when such programming does not place the safety of the offender, staff or facility or institution at risk.~~
 - ~~—(d) Group programming, when such programming is permitted and does not place the safety of the offenders, staff or facility or institution at risk.~~
- ~~—10. Require all staff who work in units used for solitary confinement to complete additional training on topics including, without limitation:~~
 - ~~—(a) Effective communication.~~
 - ~~—(b) Crisis intervention.~~
 - ~~—(c) De-escalation.~~
- ~~—11. Improve the overall conditions in solitary confinement including, without limitation, by:~~
 - ~~—(a) Providing out of cell recreation for not less than 2 hours a day, including structured activity.~~
 - ~~—(b) Providing congregate recreation, when the risk is mitigated through the identification of offenders who may participate in out of cell time together.~~
 - ~~—(c) Allowing access to a telephone not less than once a day between the hours of 8 a.m. and 11 p.m.~~
 - ~~—(d) Providing access to weekly contact visits, absent an individualized determination that allowing an offender a contact visit would jeopardize the safety of others.~~
- ~~—12. Establish minimum protocols relating to conditions in a behavior modification unit, which must include, without limitation:~~
 - ~~—(a) The collection of data on offenders, including, without limitation, the demographics, lengths of stay and any instances of reentry to solitary confinement from a behavior modification unit.~~
 - ~~—(b) The authorization of not less than 5 hours a day for time to be spent outside of a behavior modification unit.~~
 - ~~—(c) The provision of both structured and unstructured recreation during time spent outside of a behavior modification unit.~~
 - ~~—(d) The provision of programming in a behavior modification unit that promotes socialization and prepares offenders for reintegration into the general population.~~

~~(e) The allowance of unrestricted movement in a behavior modification unit.~~

Sec. 12.3. 1. Except as otherwise provided in NRS 209.369 or section 12.5 of this act, the Department or a private facility or institution shall not place an offender in solitary confinement:

(a) For a period which exceeds 15 consecutive days;

(b) Within 90 days of the date on which the offender is projected to be released from the custody of the Department; or

(c) If the offender has a serious mental illness or other significant mental impairment, unless a provider of health care orders the solitary confinement for the safety of the offender, staff or any other person.

2. Except as otherwise provided in NRS 209.369, the Department may remove an offender from solitary confinement at any time if the offender has demonstrated good behavior.

3. If an offender is placed in solitary confinement, the offender must, while placed in solitary confinement, be afforded the same privileges identified in paragraph (b) of subsection 5 of NRS 209.369 as are afforded to an offender placed in disciplinary segregation.

4. The Department shall ensure that each offender placed in solitary confinement receives a health and welfare check conducted at least once each day by a provider of health care at his or her cell.

Sec. 12.5. 1. The Department may continue to keep an offender placed in solitary confinement for more than 15 days if:

(a) The offender refuses to be removed from solitary confinement at the end of the 15-day period;

(b) A provider of health care recommends that the offender be kept in solitary confinement due to medical necessity; or

(c) A multidisciplinary team recommends a continuation of solitary confinement for the offender after a determination from the review conducted pursuant to subsection 3 that the offender presents a threat to the safety or health of other offenders or correctional staff.

2. The continuation of solitary confinement of an offender pursuant to paragraph (c) of subsection 1 must not exceed an additional period of 15 consecutive days, after which the offender must be removed from solitary confinement and the multidisciplinary team shall determine whether a return to solitary confinement is necessary.

3. A multidisciplinary team shall conduct a review of each offender placed in solitary confinement and shall develop an individualized treatment plan for the offender before the offender is removed from solitary confinement. The treatment plan may contain, without limitation, recommendations relating to staff intervention, housing placement in the facility or institution and any other recommendations that the multidisciplinary team deems appropriate. If required by exigent circumstances, a member of the multidisciplinary team who is unable to be present for the review may, through remote communication:

- (a) Attend the review; and
- (b) Participate in any discussion concerning the review of the offender.
- 4. If an offender is kept in solitary confinement pursuant to paragraph (a) of subsection 1 and, at any time, requests removal from solitary confinement, the offender must be removed from solitary confinement within 24 hours after the request for removal.
- 5. If an offender is kept in solitary confinement for a period of more than 15 consecutive days pursuant to this section, the multidisciplinary team must submit a report to the Director within 24 hours after the determination to continue solitary confinement, and every 15 days thereafter during which the offender remains in solitary confinement, which must include, without limitation:
 - (a) The name of the offender;
 - (b) A description of the reasons for the continuation of solitary confinement; and
 - (c) Any plan developed for the removal of the offender from solitary confinement.
- 6. Any meeting or discussion concerning the review conducted pursuant to subsection 3 or a determination to continue solitary confinement for an offender pursuant to this section must be:
 - (a) Recorded in writing or otherwise documented; and
 - (b) Kept by the Department for at least 1 year.
- 7. As used in this section, "multidisciplinary team" means a team which must consist of the following persons:
 - (a) A correctional officer who works in the housing unit to which the offender is assigned;
 - (b) A psychologist;
 - (c) A case worker;
 - (d) A correctional supervisor;
 - (e) An associate warden; and
 - (f) Any other staff member deemed necessary by the Director.

Sec. 13. NRS 209.011 is hereby amended to read as follows:

209.011 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 209.021 to 209.085, inclusive, and sections 2 to 11, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 13.3. NRS 209.1315 is hereby amended to read as follows:

209.1315 1. The Director may continue to develop and implement, in each institution and facility of the Department, a program of facility training for the correctional staff. Such training must include:

- ~~1.~~ (a) Training in evidence-based practices, including, without limitation, principles of effective intervention, effective case management and core correctional practices; and

~~{2.}~~ (b) Courses on interacting with victims of domestic violence and trauma and people with behavioral health needs and both physical and intellectual disabilities.

2. The Director shall develop and implement, in each institution and facility of the Department in which an offender may be placed in solitary confinement, a program of training for any correctional staff of the facility or institution who interact with offenders placed in solitary confinement. Such training must include, without limitation, training in effective communication, crisis intervention and de-escalation techniques. Any training required to be completed pursuant to a program of training adopted pursuant to this subsection is in addition to any other training required to be completed by correctional staff.

Sec. 13.5. NRS 209.249 is hereby amended to read as follows:

209.249 1. Except as otherwise provided in subsections 2 and 3, the Director shall establish and maintain a package program for offenders.

2. The Director may prohibit an offender from participating in the package program if the offender is in:

- (a) Disciplinary segregation; or
- (b) Administrative segregation and the prohibition is necessary to ensure the safety of other offenders in administrative segregation.

3. The Medical Director may prohibit an offender from participating in the package program if:

- (a) The offender is receiving medical care from the Medical Director; and
- (b) The prohibition is necessary to ensure the health of the offender.

4. The contents of a package received by an offender participating in the package program are not subject to any deduction described in NRS 209.247.

5. As used in this section:

(a) "Administrative segregation" means the separation of an offender from the general population which is imposed by classification when the continued presence of the offender in the general population or protective segregation would pose a serious threat to life, property, self, staff, other offenders or to the security or orderly operation of the facility or institution.

~~(b) ["Disciplinary segregation" means the separation of an offender from the general population for a specified period when an offender has committed a serious violation of the rules of a facility or an institution.]~~

~~—(c) "General population" means the status of offenders who are incarcerated and do not have a special status.~~

~~—(d) "Package program" means a program which authorizes an offender to order at least one clothing package and one food package, respectively, per quarter.~~

~~{(c)}~~ (c) "Protective segregation" means the separation of an offender from the general population when the offender requests or requires protection from other offenders for reasons relating to health or safety.

Sec. 14. NRS 209.369 is hereby amended to read as follows:

209.369 1. The Department or a private facility or institution shall not

~~+~~

~~[(a) Place]~~ *place* an offender in disciplinary segregation unless the offender is found guilty of an infraction after:

~~[(1)]~~ (a) Notice and a hearing pursuant to subsection 3; and

~~[(2)]~~ (b) If applicable, a psychological evaluation pursuant to subsection 4.

~~[(b) Subject Place an offender with a serious mental illness or other significant mental impairment to in solitary confinement solely on the basis of such mental illness or impairment, but may subject place such an offender to in solitary confinement if it is necessary for the safety of the offender, staff or any other person. If such an offender is subjected to placed in solitary confinement, the offender must receive a health and welfare check at his or her cell by a provider of health care at least once each day.]~~

2. An offender who is confined in an institution or facility of the Department or a private facility or institution may request placement in solitary confinement to protect his or her safety. The Department or private facility or institution ~~may]~~ *shall* not ~~assign the]~~ *place such an offender to]* in solitary confinement unless ~~the]~~ :

(a) The Department or private facility or institution performs an independent assessment of the threat to the offender ~~and]~~ *and* determines that the placement in solitary confinement is necessary to protect the safety of the offender ; and ~~the]~~

(b) The offender is placed in solitary confinement only for the duration of the threat.

3. Upon the filing of a disciplinary action against an offender that may result in the sanction of disciplinary segregation of the offender, the Department or private facility or institution shall:

(a) Serve written notice of the charges against the offender which sets forth the reasons for the filing of the disciplinary action against the offender and a notice that the offender may appeal any discipline or punishment imposed on the offender as a result of a hearing unless the offender has agreed to a bargained plea.

(b) Hold a hearing concerning the charges against the offender not later than 15 days after the alleged violation or not later than 15 days after the completion of the investigation of the alleged violation, whichever is later. A hearing held pursuant to this paragraph must be presided over by an officer or employee of the Department or private facility or institution who has no direct involvement in the incident constituting an alleged violation. At the hearing, the offender must be allowed to present documentary evidence germane to the alleged violation and to call one or more witnesses with substantive, relevant knowledge of the issues involved in the alleged violation except for a witness who has been discharged, who is not located at the facility or institution where the hearing is being conducted or who poses a

threat to safety or security at the hearing. The presiding officer or employee may find that the offender committed an infraction of the rules of the institution or facility only if he or she finds, based on the evidence presented at the hearing, that there is evidence that the infraction occurred and that the offender more likely than not committed the infraction. The presiding officer or employee must provide to the offender a written statement of the evidence supporting the determination of the presiding officer or employee unless providing such a written statement would jeopardize the safety or security of the institution or facility or the safety of the staff or offenders in the institution or facility. That presiding officer or employee shall not sanction an offender to disciplinary segregation for a fixed period. Any period for which the offender is sanctioned to disciplinary segregation must be expressed in terms of the maximum number of days the offender may be subjected to disciplinary segregation.

4. The Department or private facility or institution must refer the offender for a psychological evaluation before holding a hearing pursuant to subsection 3 if, at any stage of the disciplinary process set forth in subsection 3:

(a) It is known or suspected that a mental health condition or medical condition of the offender was a substantial cause of the alleged violation;

(b) The offender is assigned to a mental health program of the Department or private facility or institution; or

(c) The offender has been diagnosed as seriously mentally ill.

➡ If, during the psychological evaluation, the staff of the Department or private facility or institution has reason to believe that the alleged violation by the offender may have been the result of a medical condition of the offender, including, without limitation, dementia, Alzheimer's disease, post-traumatic stress disorder or traumatic brain injury, the staff of the Department or private facility or institution must refer the offender to the medical staff of the institution or facility for a medical review and recommendation before holding a hearing pursuant to subsection 3.

5. If the sanction of disciplinary segregation is imposed on an offender, the offender:

(a) May, after serving one-half of the period for which the offender is sanctioned to disciplinary segregation, petition the warden of the institution or facility for ~~release~~ removal from disciplinary segregation if the offender has demonstrated good behavior. The offender must be advised that he or she may petition the warden pursuant to this paragraph.

(b) Must, while subject to disciplinary segregation, be:

(1) Allowed to wear his or her personal clothing issued by the Department;

(2) Served the same meal and ration as is provided to offenders in general population unless the offender is placed on a special diet for health or religious reasons;

(3) Allowed visitation ~~and~~ or access to a telephone;

(4) Allowed all first-class and legal mail addressed to the offender;

(5) ~~Allowed access to a telephone;~~

~~(6)~~ Permitted a minimum of at least 5 hours of exercise per week, unless doing so would present a threat to the safety or security of the institution or facility;

(6) ~~((7))~~ Given access to reading materials; and

(7) ~~((8))~~ Given access to materials from the law library in the institution or facility.

6. The period for which an offender may be held in disciplinary segregation must be the minimum time required to address the disciplinary sanction or threat of harm to the offender, staff or any other person or to the security of the institution or facility, as defined by the regulations adopted by the Board. Such a period must not exceed ~~6~~:

~~—(a) If the offender, while in the custody of the Department or private facility or institution, commits an offense categorized as a category C felony by the laws of this State, 10 days.~~

~~—(b) If the offender, while in the custody of the Department or private facility or institution, commits an offense categorized as a category B felony by the laws of this State, 30 days.~~

~~—(c) If the offender, while in the custody of the Department or private facility or institution, commits an offense categorized as a category A felony by the laws of this State, 60 days.~~

~~—(d) If the offender, while in the custody of the Department or private facility or institution, commits an assault or battery against an employee or contractor of the Department or a private facility or institution, 180 days.~~

~~—(e) If the offender, while in the custody of the Department or private facility or institution, commits murder, 365~~ 15 consecutive days ~~or, unless a determination is made to keep an offender placed in solitary confinement pursuant to subsection 1 of section 12.5 of this act.~~

7. On or before ~~July 1~~ December 31 of each ~~even-numbered~~ year, the Department shall submit a report concerning the use of solitary confinement by the Department and private facilities and institutions ~~during the immediately preceding biennium~~ to the Director of the Legislative Counsel Bureau for transmittal to the next session of the Legislature, if the report is submitted during an even-numbered year, or the Joint Interim Standing Committee on the Judiciary ~~or~~, if the report is submitted in an odd-numbered year. The report must include, without limitation, the following information, provided in the aggregate and without any personally identifiable information:

(a) The number of offenders placed in solitary confinement, in total and disaggregated by race, ethnicity, sexual orientation, age and gender identity or expression.

(b) The periods of time, and the number of offenders for each such period, for which offenders were placed in solitary confinement.

(c) ~~The [reasons] number of offenders who were placed in solitary confinement.~~

~~(d) The number of offenders placed in solitary confinement who were found to have mental illness.~~

~~(e) The amount of time between a disciplinary infraction, which may result in an offender being placed in solitary confinement, and any disciplinary hearing, including the results of the hearing.~~

~~(f) The dates of any reviews conducted for offenders placed in solitary confinement, including, without limitation, reviews of any vulnerable offenders.~~

~~(g) The number of offenders who participated in programming, including the type of programming, while placed in solitary confinement.~~ for a period of more than 15 days and a summary of the reasons for such placement.

8. As used in this section, "offender with serious mental illness or other significant mental impairment" means an offender:

(a) With a substantial disorder of thought or mood that significantly impairs judgment, behavior or capacity to recognize reality, which may include, without limitation, a person who is found to have current symptoms of, or who is currently receiving treatment based on a type of diagnosis found in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders, published by the American Psychiatric Association; or

(b) Who is diagnosed with an intellectual disability, as defined in NRS 435.007.

Sec. 15. Notwithstanding any other provision of this act, the initial report submitted by the Department of Corrections pursuant to NRS 209.369, as amended by section 14 of this act, must be submitted on or before July 1, 2024.

Sec. 16. 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. 17. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 16, inclusive, of this act become effective:

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

(b) On ~~July 1, 2023,~~ January 1, 2024, for all other purposes.

Senator Scheible moved the adoption of the amendment.

Remarks by Senator Scheible.

Amendment No. 346 to Senate Bill No. 307 defines "segregation" or "solitary confinement"; requires regulations be adopted limiting the use of solitary confinement; provides that solitary confinement must not exceed 15 consecutive days and may be lessened for compliance or good behavior; requires review of offenders at the end of solitary confinement and development of an individualized treatment plan for the offender by a multidisciplinary team, the members of which are set forth in the bill. It sets forth procedures for the multidisciplinary team to follow up with a review of the offender and requires that all team reviews shall be recorded and documented; prohibits placing an offender in solitary confinement within 90 days of release unless the

offender has been charged with a new criminal offense; prohibits severely mentally ill offenders from being placed in solitary confinement except at the direction of a mental health clinician and requires that a mental health clinician tour all solitary confinement areas once every 24 hours and visually inspect each offender therein; requires specific training for staff who work in solitary confinement units; prohibits loss of telephone and visitation at the same time and prohibits loss of mail completely; addresses how to proceed when an offender refuses to leave solitary confinement; provides that an offender may be kept in solitary confinement at the direction of a clinician and requires that an individualized treatment plan be developed to address the situation. In cases where an offender refuses to leave solitary confinement or is held there on a clinician's recommendation, the director is to be notified within 24 hours and provided additional information and follow up. Clinical placements for inpatient medical or mental health care are excluded from this portion of statute and the revisions make the bill's effective date January 1, 2024.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 335.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 418.

SUMMARY—Revises provisions regarding real property. (BDR 3-883)

AN ACT relating to property; ~~revising provisions relating to summary evictions;~~ authorizing tenants subject to certain eviction proceedings to assert certain affirmative defenses relating to rental assistance and establishing procedures relating thereto; authorizing a justice court to establish a diversion program for certain tenants subject to an action for summary eviction; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~—[In general, existing law authorizes a landlord who seeks to recover possession of a premises from a tenant to do so by filing an unlawful detainer action or an action for summary eviction. (NRS 40.253, 40.254, 40.2542, 40.290-40.420) Existing law prescribes separate summary eviction procedures for the summary eviction of: (1) certain tenants who are not tenants of a commercial premises and who default in the payment of rent; (2) certain tenants who are guilty of unlawful detainer for reasons other than a default in the payment of rent; and (3) certain tenants of a commercial premises who default in the payment of rent. (NRS 40.253, 40.254, 40.2542)]~~

~~—In general, the summary eviction procedures prescribed by existing law require a landlord to provide certain written notice to a tenant: (1) informing the tenant that he or she must take certain action or surrender the premises on or before a date specified in the notice; and (2) advising the tenant of his or her right to contest the matter by filing an affidavit with the court that has jurisdiction over the matter. In so doing, the summary eviction procedures prescribed by existing law require a tenant who contests a summary eviction to file an affidavit in court concerning an action for summary eviction before a landlord is required to make any filing concerning the matter. If such an affidavit is filed, a hearing is held. If no such affidavit is filed, upon~~

~~noncompliance of a tenant with the written notice, existing law authorizes: (1) the landlord to apply by affidavit of complaint for the summary eviction of the tenant; and (2) the court, without holding a hearing, to order the removal of the tenant within a prescribed period. (NRS 40.253, 40.254, 40.2542)~~

~~—Section 23 of this bill repeals the summary eviction procedures prescribed by existing law. Sections 2-8 of this bill reenact, reorganize and revise these procedures. Section 2 of this bill establishes a new procedure for the summary eviction of certain tenants who are not tenants of a commercial premises and who default in the payment of rent. Section 7 of this bill establishes a new procedure for the summary eviction of certain tenants who are guilty of unlawful detainer for reasons other than a default in the payment of rent. Section 8 of this bill establishes a new procedure for the summary eviction of certain tenants of a commercial premises who default in the payment of rent.~~

~~—The new procedures for summary eviction set forth in sections 2, 7 and 8 are similar to the procedures repealed by section 22 except with regard to: (1) the required contents of a written notice; (2) certain requirements relating to filings made with the court; and (3) the period of time before the removal of a tenant. Instead of requiring a tenant who contests a summary eviction to file an affidavit in court before the landlord files a complaint, sections 2, 7 and 8 require the landlord, upon the expiration of certain notice provided to the tenant, to: (1) apply by affidavit of complaint for the summary eviction of the tenant; and (2) serve the tenant with a file-stamped copy of the affidavit of complaint and certain notice. Sections 2, 7 and 8 require the tenant to file an answer to the affidavit of complaint within 10 days after the date of service. If a tenant files an answer within the prescribed period, a hearing is held. If no such answer is filed, sections 2, 7 and 8 authorize the court, without holding a hearing, to order the removal of the tenant within a prescribed period. Sections 10-21 of this bill make conforming changes relating to the repeal, revision and reorganization of the procedures for summary eviction.~~

Existing law provides for a summary eviction procedure when the tenant of any dwelling, apartment, mobile home, recreational vehicle or commercial premises defaults in the payment of rent. (NRS 40.253) Section 9 of this bill defines the term "designated eviction proceeding" to include certain proceedings relating to the eviction of certain tenants who have defaulted in the payment of rent. Section 9 authorizes a tenant to claim as an affirmative defense to a designated eviction proceeding that: (1) the tenant has a pending application ~~[process]~~ for rental assistance; or (2) the landlord of the tenant refused to participate in the application process for rental assistance or accept rental assistance provided on behalf of the tenant. Section 9 requires the court to stay the proceedings upon the assertion of such an affirmative defense for a period not to exceed 60 days unless the landlord receives an exemption. Section 9 also authorizes the landlord to file a motion to rebut the affirmative defense. If such a motion is filed by a landlord, section 9 authorizes the court

to: (1) ~~refer the designated eviction proceedings to mediation; (2)~~ hold a hearing; or ~~[(2)]~~ (2) maintain the stay of the proceedings. ~~¶~~

~~— If the claim relates to a pending application for rental assistance, section 9 requires the court to stay the proceedings until such time as a determination is made on the application for rental assistance. Moreover, if the court stays such proceedings, section 9~~ for a period not to exceed 60 days. Section 9 also requires the court to : (1) dismiss the proceedings for eviction upon the granting of the application for rental assistance and receipt of the rental assistance by the landlord. ~~¶~~

~~— If a)~~ under certain circumstances; or (2) deny the eviction if the tenant proves the claim that the landlord refused to participate in the application for rental assistance or accept rental assistance on behalf of the tenant . ~~¶~~ The court is authorized to award damages if an eviction is denied for such refusal. In determining the amount of damages, if any, to award to the tenant, section 9 requires the court to consider the degree of harm caused to the tenant by the refusal of the landlord to participate in the application process for rental assistance or accept the rental assistance on behalf of the tenant.

Section 9.5 of this bill authorizes a justice court to establish a diversion program to which it may assign an eligible tenant subject to an action for summary eviction. Section 9.5 sets forth factors the court may consider in determining whether a tenant is eligible for assignment to such a diversion program. If the court assigns a tenant to such a diversion program, section 9.5 requires the court to: (1) stay the pending action for summary eviction for not more than 60 days; and (2) if the tenant pays the landlord the rent that is in default or surrenders the premises before the expiration of the stay, dismiss the action.

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

Section 1. Chapter 40 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to ~~[9.]~~ 9.5, inclusive, of this act.

Sec. 2. ~~¶1. Except as otherwise provided in subsection 11, in addition to the remedies provided in NRS 40.290 to 40.420, inclusive, a landlord may pursue the summary eviction of a tenant for a default in the payment of rent using the procedure for summary eviction provided in this section.~~

~~— 2. Before a landlord or landlord's agent may file an affidavit of complaint for the summary eviction of a tenant for a default in the payment of rent, the landlord or the landlord's agent must serve upon the tenant a written notice which:~~

~~— (a) Requires the tenant to pay the past due rent or surrender the premises before the close of business on:~~

~~— (1) The seventh judicial day following the day of service; or~~

~~— (2) The fourth judicial day following the day of service, if the rent is reserved by a period of 1 week or less and the tenancy has not continued for more than 45 days; and~~

~~— (b) Informs the tenant that if the tenant fails to comply with the requirements of paragraph (a), the tenant may be evicted using the procedure for summary eviction set forth in this section.~~

~~— 3. A landlord or the landlord's agent who serves a notice to a tenant pursuant to subparagraph (2) of paragraph (a) of subsection 2 shall attempt to deliver a copy of the notice personally, in the presence of a witness. If the service is accomplished by the sheriff, constable or a person who is licensed as a process server pursuant to chapter 64B of NRS, the presence of a witness is not required. If the notice cannot be delivered in person, the landlord or the landlord's agent:~~

~~— (a) Shall post a copy of the notice in a conspicuous place on the premises and mail the notice by overnight mail; and~~

~~— (b) After the notice has been posted and mailed, may deliver the notice to the sheriff or constable for service in the manner set forth in subsection 1 of NRS 40.280.~~

~~— 4. Upon noncompliance of a tenant with the notice provided pursuant to subsection 2, the landlord or the landlord's agent may apply by affidavit of complaint for summary eviction to the justice court of the township in which the dwelling, apartment, mobile home or recreational vehicle is located or the district court of the county in which the dwelling, apartment, mobile home or recreational vehicle is located, whichever has jurisdiction over the matter.~~

~~— 5. An affidavit of complaint for summary eviction filed pursuant to subsection 4 must state or contain:~~

~~— (a) The date the tenancy commenced;~~

~~— (b) The amount of periodic rent reserved;~~

~~— (c) The amounts of any cleaning, security or rent deposits paid in advance, in excess of the first month's rent, by the tenant;~~

~~— (d) The date the rental payments became delinquent;~~

~~— (e) The length of time the tenant has remained in possession without paying rent;~~

~~— (f) The amount of rent claimed due and delinquent;~~

~~— (g) A statement that the written notice was served on the tenant pursuant to subsection 2 or 3 or in accordance with NRS 40.280;~~

~~— (h) A copy of the written notice served on the tenant pursuant to subsection 2; and~~

~~— (i) A copy of the signed written rental agreement, if any.~~

~~— 6. A landlord or landlord's agent who applies for summary eviction pursuant to subsection 4 shall serve upon the tenant a file stamped copy of the affidavit of complaint for summary eviction filed pursuant to subsection 4 and notice which must:~~

~~— (a) Identify the court that has jurisdiction over the matter; and~~

~~— (b) Advise the tenant that:~~

~~— (1) The tenant must file a written answer to the affidavit of complaint for summary eviction with the court that has jurisdiction over the matter not~~

~~later than 10 days after service of the affidavit of complaint for summary eviction;~~

~~—(2) If the tenant does not file an answer within 10 days after service of the affidavit of complaint for summary eviction, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant; and~~

~~—(3) Pursuant to NRS 118A.390, the tenant may seek relief if a landlord unlawfully removes the tenant from the premises or excludes the tenant by blocking or attempting to block the tenant's entry upon the premises or willfully interrupts or causes or permits the interruption of an essential item or service required by the rental agreement or chapter 118A of NRS.~~

~~—7. Upon being served pursuant to subsection 6, the tenant shall, within 10 days after the day of service, file a written answer with the court that has jurisdiction over the matter. If no written answer is filed within the time period prescribed by this subsection:~~

~~—(a) The court may, without holding a hearing, issue:~~

~~—(1) A summary order for the removal of the tenant or an order providing for the nonadmittance of the tenant; and~~

~~—(2) An order directing the sheriff or constable of the county to perform the actions required by section 4 of this act.~~

~~—(b) Except as provided by NRS 118A.480, the landlord or the landlord's agent may, in a peaceable manner, provide for the nonadmittance of the tenant to the premises by locking or otherwise.~~

~~—8. If a tenant files a written answer pursuant to subsection 7:~~

~~—(a) The landlord or the landlord's agent shall not provide for the nonadmittance of the tenant to the premises by locking or otherwise; and~~

~~—(b) The court shall hold a hearing to determine the truthfulness and sufficiency of the affidavit of complaint for summary eviction.~~

~~—9. If, after a hearing held pursuant to subsection 8, the court determines that:~~

~~—(a) There is no legal defense as to the alleged unlawful detainer and the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant.~~

~~—(b) There is a legal defense as to the alleged unlawful detainer, require that any further proceedings be conducted pursuant to NRS 40.290 to 40.420, inclusive.~~

~~—10. A landlord shall not refuse to accept rent from a tenant that is submitted after the landlord or the landlord's agent has served a notice pursuant to subsection 2 if the refusal is based on the fact that the tenant has not paid collection fees, attorney's fees or other costs other than rent, a reasonable charge for late payments of rent or dishonored checks, or a security deposit.~~

~~—11. Except as otherwise provided in NRS 118A.315, this section does not apply to:~~

~~—(a) A tenant of a commercial premises;~~
~~—(b) A tenant of a mobile home lot in a mobile home park or a tenant of a recreational vehicle lot in an area of a mobile home park in this State other than an area designated as a recreational vehicle lot pursuant to the provisions of subsection 8 of NRS 40.215; or~~
~~—(c) A tenant who provides proof to the landlord that he or she is a federal worker, tribal worker, state worker or household member of such a worker during a shutdown.~~
~~—12. As used in this section:~~
~~—(a) "Close of business" means the close of business of the court that has jurisdiction over the matter.~~
~~—(b) "Day of service" means:~~
~~—(1) The date on which the landlord or the landlord's agent personally delivers the notice required by subsection 2 to the tenant; or~~
~~—(2) If the landlord or the landlord's agent is unable to deliver the notice in person:~~
~~—(I) The date on which the notice is delivered to the sheriff or constable for service, if the request for service is made before noon.~~
~~—(II) The day after the date on which the notice is delivered to the sheriff or constable for service, if the request for service is made after noon.~~
~~—(c) "Security deposit" has the meaning ascribed to it in NRS 118A.240.]~~
(Deleted by amendment.)

Sec. 3. ~~{1. A sheriff or constable shall not accept a notice for service delivered pursuant to subsection 3 of section 2 of this act or subsection 3 of section 8 of this act unless it is accompanied by written evidence, signed by the tenant when the tenant took possession of the premises, that the landlord or the landlord's agent informed the tenant of the provisions of section 2 of this act or section 8 of this act, as applicable, which set forth the lawful procedures for summary eviction from a short term tenancy.~~
~~—2. Upon acceptance of a notice for service delivered pursuant to subsection 3 of section 2 of this act or subsection 3 of section 8 of this act, the sheriff or constable shall serve the notice within 48 hours after the request for service was made by the landlord or the landlord's agent.]~~
(Deleted by amendment.)

Sec. 4. ~~{Upon receipt of a summary order for the removal of the tenant or an order providing for the nonadmittance of the tenant issued pursuant to subsection 7 of section 2 of this act or subsection 9 of section 8 of this act, the sheriff or constable shall:~~
~~—1. Post the order in a conspicuous place on the premises not later than 24 hours after the order is received by the sheriff or constable.~~
~~—2. Remove the tenant not earlier than 24 hours but not later than 36 hours after the posting of the order.}]~~ (Deleted by amendment.)

Sec. 5. ~~{1. A tenant against whom a court issues a summary order for removal pursuant to section 2 of this act or an order providing for nonadmittance pursuant to section 8 of this act may, upon payment of the~~

~~appropriate fees relating to the filing and service of a motion, file a motion to dispute the amount of the costs, if any, claimed by the landlord pursuant to NRS 118A.460 or 118C.230, as applicable.~~

~~2. A motion filed pursuant to subsection 1 must be made on a form prescribed by the clerk of the court and filed within 20 days after the later of:~~
~~(a) The date on which the summary order for removal or the order providing for nonadmittance was issued.~~

~~(b) The date on which the tenant vacated or was removed from the premises.~~

~~(c) The date on which a copy of the costs claimed by the landlord was requested by or provided to the tenant.~~

~~3. Upon the filing of a motion pursuant to subsection 1, the court shall schedule a hearing on the motion. The hearing must be held within 10 days after the filing of the motion. The court shall affix the date of the hearing to the motion and order a copy served upon the landlord by the sheriff, constable or other process server licensed pursuant to chapter 648 of NRS. At the hearing, the court may:~~

~~(a) Determine the costs, if any, claimed by the landlord pursuant to NRS 118A.460 or 118C.230, as applicable, and any accumulating daily costs; and~~

~~(b) Order the release of the tenant's property upon the payment of the charges determined to be due or if no charges are determined to be due.]~~
(Deleted by amendment.)

Sec. 6. ~~[1. A tenant against whom a court issues a summary order for removal pursuant to section 2 of this act or an order providing for nonadmittance pursuant to section 8 of this act may, upon payment of the appropriate fees relating to the filing and service of a motion, file a motion to dispute the reasonableness of any action taken by the landlord pursuant to subsection 3 of NRS 118A.460.~~

~~2. A motion filed pursuant to subsection 1 must be made on a form prescribed by the clerk of the court and filed within 5 days after the date on which the tenant vacated or was removed from the premises.~~

~~3. Upon the filing of a motion pursuant to subsection 1, the court shall schedule a hearing on the motion. The hearing must be held within 5 days after the filing of the motion. The court shall affix the date of the hearing to the motion and order a copy served upon the landlord by the sheriff, constable or other process server. At the hearing, the court may:~~

~~(a) Order the landlord to allow the tenant to retrieve his or her essential personal effects at the date and time and for a period necessary for the retrieval, as determined by the court; and~~

~~(b) Award damages in an amount not greater than \$2,500.~~

~~4. In determining the amount of damages, if any, to be awarded under paragraph (b) of subsection 3, the court shall consider:~~

~~(a) Whether the landlord acted in good faith;~~

~~(b) The course of conduct between the landlord and the tenant; and~~

~~— (c) The degree of harm to the tenant caused by the landlord's conduct.]~~
(Deleted by amendment.)

Sec. 7. ~~{1. Except as otherwise provided by this section or specific statute, in addition to the remedy provided in NRS 40.290 to 40.420, inclusive, when the tenant of a dwelling unit, part of a low-rent housing program operated by a public housing authority, a mobile home or a recreational vehicle is guilty of an unlawful detainer pursuant to NRS 40.250, 40.251, 40.2514 or 40.2516, the landlord or the landlord's agent may utilize the procedure for summary eviction set forth in section 2 of this act except that:~~

~~— (a) The written notice to surrender the premises must:~~

~~— (1) Be given to the tenant in accordance with the provisions of NRS 40.280;~~

~~— (2) Identify the court that has jurisdiction over the matter; and~~

~~— (3) Advise the tenant that the tenant:~~

~~— (I) Must file an answer to the affidavit of complaint for summary eviction with the court that has jurisdiction over the matter not later than 10 days after the service of the affidavit of the complaint for summary eviction; and~~

~~— (II) May request that the court stay the execution of the order of removal of the tenant or order providing for nonadmittance of the tenant for a period not exceeding 10 days pursuant to subsection 2 of NRS 70.010, stating the reasons why such a stay is warranted; and~~

~~— (b) The affidavit of complaint for summary eviction must state or contain:~~

~~— (1) The date when the tenancy commenced, the term of the tenancy and, if any, a copy of the rental agreement. If the rental agreement has been lost or destroyed, the landlord or the landlord's agent may attach an affidavit or declaration, signed under penalty of perjury, stating such loss or destruction.~~

~~— (2) The date when the tenancy or rental agreement allegedly terminated.~~

~~— (3) The date when written notice to surrender was given to the tenant pursuant to the provisions of NRS 40.251, 40.2514 or 40.2516, together with any facts supporting the notice.~~

~~— (4) The date when the written notice was given, a copy of the notice and a statement that notice was served in accordance with NRS 40.280 and, if applicable, a copy of the notice of change of ownership served on the tenant pursuant to NRS 40.255 if the property has been purchased as a residential foreclosure.~~

~~— (5) A statement that the claim for relief was authorized by law.~~

~~— 2. If the tenant is found guilty of unlawful detainer as a result of the tenant's violation of any provision of NRS 453.011 to 453.552, inclusive, except NRS 453.336, the landlord is entitled to be awarded any reasonable attorney's fees incurred by the landlord or the landlord's agent as a result of the hearing, if any, held pursuant to subsection 8 of section 2 of this act.]~~

(Deleted by amendment.)

~~Sec. 8. {1. In addition to the remedies provided in NRS 40.290 to 40.420, inclusive, a landlord may pursue the summary eviction of a tenant of any commercial premises for a default in the payment of rent using the procedure for summary eviction provided in this section.~~

~~2. Before a landlord or landlord's agent may file an affidavit of complaint for the summary eviction of a tenant for a default in the payment of rent, the landlord or the landlord's agent must serve upon the tenant a written notice which:~~

~~(a) Requires the tenant to pay the past due rent or surrender the premises before the close of business on:~~

~~(1) The fifth judicial day following the day of service; or~~

~~(2) The fourth judicial day following the day of service, if the rent is reserved by a period of 1 week or less and the tenancy has not continued for more than 45 days; and~~

~~(b) Informs the tenant that if the tenant fails to comply with the requirements of paragraph (a), the tenant may be evicted using the procedure for summary eviction set forth in this section.~~

~~3. A landlord or the landlord's agent who serves a notice to a tenant pursuant to subparagraph (2) of paragraph (a) of subsection 2 shall attempt to deliver a copy of the notice personally, in the presence of a witness. If the service is accomplished by the sheriff, constable or a person who is licensed as a process server pursuant to chapter 648 of NRS, the presence of a witness is not required. If the notice cannot be delivered in person, the landlord or the landlord's agent:~~

~~(a) Shall post a copy of the notice in a conspicuous place on the premises and mail the notice by overnight mail; and~~

~~(b) After the notice has been posted and mailed, may deliver the notice to the sheriff or constable for service in the manner set forth in subsection 1 of NRS 40.290.~~

~~4. Upon noncompliance of a tenant with the notice provided pursuant to subsection 2, the landlord or the landlord's agent may apply by affidavit of complaint for summary eviction to the justice court of the township in which the commercial premises is located or the district court of the county in which the commercial premises is located, whichever has jurisdiction over the matter.~~

~~5. An affidavit of complaint for summary eviction filed pursuant to subsection 4 must state or contain:~~

~~(a) The date the tenancy commenced;~~

~~(b) The amount of periodic rent reserved;~~

~~(c) The amounts of any cleaning, security or rent deposits paid in advance, in excess of the first month's rent, by the tenant;~~

~~(d) The date the rental payments became delinquent;~~

~~(e) The length of time the tenant has remained in possession without paying rent;~~

~~(f) The amount of rent claimed due and delinquent;~~

~~—(g) A statement that the written notice was served on the tenant pursuant to subsection 2 or 3 or in accordance with NRS 40.290; and~~

~~—(h) A copy of the:~~

~~—(1) Written notice served on the tenant pursuant to subsection 2; and~~

~~—(2) Signed written rental agreement, if any;~~

~~—6. A landlord or landlord's agent who applies for summary eviction pursuant to subsection 4 shall serve upon the tenant a file stamped copy of the affidavit of complaint for summary eviction filed pursuant to subsection 4 and notice which must:~~

~~—(a) Identify the court that has jurisdiction over the matter; and~~

~~—(b) Advise the tenant that:~~

~~—(1) The tenant must file a written answer to the affidavit of complaint for summary eviction with the court that has jurisdiction over the matter not later than 10 days after service of the affidavit of complaint for summary eviction; and~~

~~—(2) If the tenant does not file an answer within 10 days after service of the affidavit of complaint for summary eviction, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant.~~

~~—7. Upon being served pursuant to subsection 6, the tenant shall, within 10 days after the date of service, file a written answer with the court that has jurisdiction over the matter. If no written answer is filed within the time period prescribed by this subsection:~~

~~—(a) The court may, without a hearing, issue:~~

~~—(1) A summary order for the removal of the tenant or an order providing for the nonadmittance of the tenant; and~~

~~—(2) An order directing the sheriff or constable of the county to perform the actions required by section 4 of this act.~~

~~—(b) The landlord or the landlord's agent may, in a peaceable manner, provide for the nonadmittance of the tenant to the premises by locking or otherwise.~~

~~—8. If a tenant files a written answer pursuant to subsection 7:~~

~~—(a) The landlord or the landlord's agent shall not provide for the nonadmittance of the tenant to the premises by locking or otherwise; and~~

~~—(b) The court shall hold a hearing to determine the truthfulness and sufficiency of the affidavit of complaint for summary eviction.~~

~~—9. If, after a hearing held pursuant to subsection 8, the court determines that:~~

~~—(a) There is no legal defense as to the alleged unlawful detainer and the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant.~~

~~—(b) There is a legal defense as to the alleged unlawful detainer, require that any further proceedings be conducted pursuant to NRS 40.290 to 40.420, inclusive.~~

~~10. A landlord shall not refuse to accept rent from a tenant that is submitted after the landlord or the landlord's agent has served a notice pursuant to subsection 2 if the refusal is based on the fact that the tenant has not paid collection fees, attorney's fees or other costs other than rent, a reasonable charge for late payments of rent or dishonored checks, or a security deposit.~~

~~11. As used in this section:~~

~~(a) "Close of business" means the close of business of the court that has jurisdiction over the matter.~~

~~(b) "Day of service" means:~~

~~(1) The date on which the landlord or the landlord's agent personally delivers the notice required by subsection 2 to the tenant; or~~

~~(2) If the landlord or the landlord's agent is unable to deliver the notice in person:~~

~~(I) The date on which the notice is delivered to the sheriff or constable for service, if the request for service is made before noon.~~

~~(II) The day after the date on which the notice is delivered to the sheriff or constable for service, if the request for service is made after noon.~~

~~7. (Deleted by amendment.)~~

Sec. 9. 1. In any designated eviction proceeding, the tenant may ~~at any point in the proceeding,~~ claim as an affirmative defense that:

(a) The tenant has a pending application for rental assistance; or

(b) The landlord has refused to:

(1) Participate in the application process for rental assistance; or

(2) Accept rental assistance on behalf of the tenant.

2. To assert the affirmative defense described in subsection 1, a tenant must:

(a) Have submitted the application for rental assistance before the date on which the landlord filed the complaint on which the designated eviction proceeding is based; and

(b) Provide proof to the court of the date on which the application was submitted.

3. If an affirmative defense described in subsection 1 is asserted by the tenant:

(a) Except as otherwise provided in subsection ~~6,~~ 8, the court shall stay the designated eviction proceeding until the applicable time described in subsection ~~4,~~ 5 or 6; and

(b) The landlord may file a motion to rebut the affirmative defense by the tenant.

~~2,~~ 4. If a landlord files the motion described in subsection ~~2,~~ 3, the court may:

(a) ~~Refer the designated eviction proceeding to mediation;~~

~~(b)~~ Hold a hearing on the motion; or

~~(c)~~ (b) Maintain the stay until the applicable time described in subsection 4.

~~4. The stay of the designated eviction proceeding must be maintained by the court.~~

~~(a) Until the designated eviction proceeding is referred to mediation, if applicable;~~

~~(b) If 5 or 6.~~

5. Except as otherwise provided in subsection 6, if the affirmative defense asserted was that described in ~~paragraph~~:

(a) Paragraph (a) of subsection 1, the stay of the designated eviction proceeding must be maintained by the court until such time as the application for rental assistance is no longer pending or a determination is made on the pending application for rental assistance, and, except as otherwise provided in subsection 11, if the application for rental assistance is granted, the court must dismiss the designated eviction proceeding at the time that the rental assistance is received by the landlord ~~for~~.

~~(c) If the affirmative defense asserted was that described in paragraph~~

(b) Paragraph (b) of subsection 1, the stay of the designated eviction proceeding must be maintained by the court until such time as the tenant proves the validity of the claim, in which case the court:

(1) Must deny the eviction; and

(2) May award damages to the tenant.

~~5. 6. The stay of a designated eviction proceeding must not exceed 60 days.~~

7. In determining the amount of damages to award a tenant pursuant to subsection ~~4~~ 5, the court shall consider the degree of harm caused to the tenant by the refusal of the landlord to:

(a) Participate in the application process for rental assistance; or

(b) Accept rental assistance on behalf of the tenant.

~~6. 8. The court may grant a landlord an exemption from the requirement to stay a designated eviction proceeding pursuant to this section if:~~

(a) The landlord:

(1) Provides written notice to the tenant of the exemption sought at the same time that notice relating to the designated eviction proceeding is served upon the tenant; and

(2) Files a motion with the court for an exemption from the requirement to stay the designated eviction proceeding; and

(b) The court finds:

(1) That there is a pending designated eviction proceeding; and

(2) Evidence that the landlord faces a realistic threat of the foreclosure of the premises if the landlord is not able to evict the tenant.

~~7. 9. If a tenant in bad faith submits an application for rental assistance or asserts the affirmative defense described in paragraph (a) of subsection 1 in bad faith, the landlord may, in a separate cause of action, recover damages from the tenant.~~

10. If a landlord in bad faith files a motion for an exemption pursuant to subsection 8, the tenant may, in a separate cause of action, recover from the landlord an amount equal to damages, 1 month's rent or \$1,000, whichever is greater, reasonable attorney's fees and costs of court.

11. The provisions of paragraph (a) of subsection 5 which require the court to dismiss the designated eviction proceeding do not apply if the rental assistance received by the landlord does not cure the default of the tenant.

12. This section does not apply to any proceeding for eviction relating to:

- (a) A commercial premises; or
- (b) An unlawful detainer pursuant to subsection 4 of NRS 40.2514 or 40.255.

~~10.7~~ 13. For purposes of subsection 5, an application for rental assistance is no longer pending if the application is not actively being pursued by the tenant, including, without limitation, by providing in a timely manner any information or documentation requested by the person or entity to whom the application was submitted.

14. Any person or entity to whom a tenant submits a rental assistance application shall use its best efforts to notify the tenant, landlord and court of any determination made on a pending application for rental assistance as soon as reasonably practicable after making the determination.

15. As used in this section:

- (a) "Designated eviction proceeding" means
 - (1) A proceeding for summary eviction ~~pursuant to section 2 of this act;~~
 - ~~(2) A proceeding for summary eviction pursuant to section 7 of this act;~~
 - ~~(2)~~ (2) A proceeding for eviction for unlawful detainer pursuant to NRS 40.2512; or
 - ~~(4)~~ (3) A proceeding for eviction relating to paragraph (a) of subsection 1 of NRS 118B.200.

(b) "Pending application for rental assistance" means an application for rental assistance submitted in good faith by a tenant. The term includes, without limitation, an application which is inactive due to any technical difficulty on the part of the tenant in the filing of the application for rental assistance. The term does not include an application for rental assistance that was started by the tenant but is not actively being pursued by the tenant.

(c) "Rental assistance" includes, without limitation, federal, state or local funds:

- (1) Provided by a governmental entity; and
- (2) Administered for the purpose of paying any amount of delinquent rent.

Sec. 9.5. 1. A justice court may establish a diversion program to which it may assign an eligible tenant whose landlord applies by affidavit of complaint for eviction of the tenant pursuant to NRS 40.253.

2. To determine whether a tenant is eligible for a diversion program established pursuant to subsection 1, the court may consider, without limitation, whether the tenant is eligible for any programs that are designed to provide:

- (a) Social services which assist tenants in paying delinquent rent; and
- (b) Wrap-around services.

3. If the court assigns a tenant to a diversion program established pursuant to subsection 1, the court shall:

- (a) Stay the pending action for summary eviction for not more than 60 days after the date on which the tenant files an affidavit permitted in subsection 3 of NRS 40.253; and
- (b) If the tenant pays to the landlord the amount of rent that is in default or surrenders the premises before the expiration of the stay, dismiss the pending action for summary eviction.

4. As used in this section, "wrap-around services" means services provided to a tenant that assist the tenant in avoiding future summary eviction actions.

Sec. 10. ~~[NRS 40.2516 is hereby amended to read as follows:~~

~~40.2516 1. A tenant of real property, a dwelling unit, a recreational vehicle or a mobile home other than a mobile home lot or a recreational vehicle lot for a term less than life is guilty of an unlawful detainer when the tenant continues in possession, in person or by subtenant, after a neglect or failure to perform any condition or covenant of the lease or agreement under which the real property, dwelling unit, recreational vehicle or mobile home is held, other than those mentioned in NRS 40.250 to [40.254,] 40.252, inclusive, and sections 2 to 7, inclusive, of this act and after notice in writing, requiring in the alternative the performance of the condition or covenant or the surrender of the real property, dwelling unit, recreational vehicle or mobile home, served upon the tenant, and, if there is a subtenant in actual occupation of the premises or property, also upon the subtenant, remains 2205inclusive2205 with for 5 days after the service thereof. Within 5 days after the service, the tenant, or any subtenant in actual occupation of the premises or property, or any mortgagee of the term, or other person, interested in its continuance, may perform the condition or covenant and thereby save the lease from forfeiture; but if the covenants and conditions of the lease, violated by the lessee, cannot afterwards be performed, then no notice need be given.~~

~~2. If a tenant is guilty of an unlawful detainer pursuant to this section, the landlord may seek to recover possession of the real property, dwelling unit, recreational vehicle or mobile home pursuant to the provisions of NRS [40.254 or] 40.290 to 40.420, inclusive [.] , or section 7 of this act.]~~
 (Deleted by amendment.)

Sec. 11. ~~[NRS 40.252 is hereby amended to read as follows:~~

~~40.252 For the purposes of NRS 40.250 to 40.252, inclusive, and [NRS 40.254:] sections 2 to 7, inclusive, of this act:~~

~~1. It is unlawful for a landlord to attempt by contract or other agreement to shorten the specified periods of notice and any such contract or agreement is void.~~

~~2. Notice to surrender the premises which was given by one colessor of real property or a mobile home is valid unless it is affirmatively shown that one or more of the other colessors did not authorize the giving of the notice.]~~
(Deleted by amendment.)

Sec. 12. ~~[NRS 40.2545 is hereby amended to read as follows:~~

~~40.2545 1. If a court grants an action for summary eviction pursuant to [NRS 40.253] section 2 of this act during the COVID-19 emergency, the court shall automatically seal the eviction case court file.~~

~~2. In addition to the provisions for the automatic sealing of an eviction case court file pursuant to subsection 1, in any action for summary eviction pursuant to [NRS 40.253, 40.254 or 40.2542,] sections 2, 7 or 8 of this act, the eviction case court file is sealed automatically and not open to inspection:~~

~~(a) Upon the entry of a court order which dismisses the action for summary eviction; or~~

~~(b) Ten judicial days after the entry of a court order which denies the action for summary eviction.~~

~~[(c) Thirty one days after the tenant has filed an affidavit described in subsection 3 of NRS 40.253 or subsection 3 of NRS 40.2542, if the landlord has failed to file an affidavit of complaint pursuant to subsection 5 of NRS 40.253 or subsection 5 of NRS 40.2542 within 30 days after the tenant filed the affidavit.]~~

~~3. In addition to the provisions for the automatic sealing of an eviction case court file pursuant to subsections 1 and 2, the court may order the sealing of an eviction case court file for an action for summary eviction pursuant to [NRS 40.253, 40.254 or 40.2542:] section 2, 7 or 8 of this act:~~

~~(a) Upon the filing of a written stipulation by the landlord and the tenant to set aside the order of eviction and seal the eviction case court file; or~~

~~(b) Upon motion of the tenant and decision by the court if the court finds that:~~

~~(1) The eviction should be set aside pursuant to Rule 60 of the Justice Court Rules of Civil Procedure; or~~

~~(2) Sealing the eviction case court file is in the interests of justice and those interests are not outweighed by the public's interest in knowing about the contents of the eviction case court file, after considering, without limitation, the following factors:~~

~~(I) Circumstances beyond the control of the tenant that led to the eviction;~~

~~(II) Other extenuating circumstances under which the order of eviction was granted; and~~

~~(III) The amount of time that has elapsed between the granting of the order of eviction and the filing of the motion to seal the eviction case court file.~~

~~4. If the court orders the eviction case court file sealed pursuant to this section, all proceedings recounted in the eviction case court file shall be deemed never to have occurred.~~

~~5. Except as otherwise provided in this subsection, a notice to surrender must not be made available for public inspection by any person or governmental entity, including, without limitation, by a sheriff or constable. This subsection does not:~~

~~(a) Apply to a notice to surrender which has been filed with a court and which is part of an eviction case court file that has not been sealed pursuant to this section.~~

~~(b) Prohibit the service of a notice to surrender pursuant to NRS 40.280, and such service of a notice to surrender shall be deemed not to constitute making the notice to surrender available for public inspection as described in this subsection.~~

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

~~(a) "COVID 19 emergency" means the period of time:~~

~~(1) Beginning on March 12, 2020, the date on which the Governor issued the Declaration of Emergency for COVID-19; and~~

~~(2) Ending on the date on which the Governor terminates the emergency described in the Declaration May 20, 2022.~~

~~(b) "Eviction case court file" means all records relating to an action for summary eviction which are maintained by the court, including, without limitation, the affidavit of complaint and any other pleadings, proof of service, findings of the court, any order made on motion as provided in Nevada Rules of Civil Procedure, Justice Court Rules of Civil Procedure and local rules of practice and all other papers, records, proceedings and evidence, including exhibits and transcript of the testimony.] (Deleted by amendment.)~~

Sec. 13. ~~[NRS 40.255 is hereby amended to read as follows:~~

~~40.255 1. Except as otherwise provided in subsections 2, 4 and 9, in any of the following cases, a person who holds over and continues in possession of real property or a mobile home after a 3-day written notice to surrender has been served upon the person may be removed as prescribed in NRS 40.290 to 40.420, inclusive:~~

~~(a) Where the property or mobile home has been sold under an execution against the person, or against another person under whom the person claims, and the title under the sale has been perfected;~~

~~(b) Where the property or mobile home has been sold upon the foreclosure of a mortgage, or under an express power of sale contained therein, executed by the person, or by another person under whom the person claims, and the title under the sale has been perfected;~~

~~(c) Where the property or mobile home has been sold under a power of sale granted by NRS 107.080 to the trustee of a deed of trust executed by the person, or by another person under whom the person claims, and the title under such sale has been perfected; or~~

~~—(d) Where the property or mobile home has been sold by the person, or by another person under whom the person claims, and the title under the sale has been perfected.~~

~~—2. Except as otherwise provided in subsection 4, if the property has been transferred or sold as a residential sale, absent an agreement between the new owner and the tenant to modify or terminate an existing lease:~~

~~—(a) The new owner has the rights, obligations and liabilities of the previous owner or landlord pursuant to chapter 118A of NRS under the lease or rental agreement which the previous owner or landlord entered into with the tenant or subtenant regarding the property;~~

~~—(b) The tenant or subtenant continues to have the rights, obligations and liabilities that the tenant or subtenant had pursuant to chapter 118A of NRS under the lease or rental agreement which the tenant or subtenant entered into with the previous owner or landlord regarding the property; and~~

~~—(c) Upon termination of the previous owner's interest in the property by residential transfer or sale, the previous owner shall transfer the security deposit in the manner set forth in paragraph (a) of subsection 1 of NRS 118A.244. The successor has the rights, obligations and liabilities of the former landlord as to any securities which are owed under this section or NRS 118A.242 at the time of transfer.~~

~~—3. The new owner pursuant to subsection 2 must provide a notice to the tenant or subtenant within 30 days after the date of the transfer or sale:~~

~~—(a) Providing the contact information of the new owner to whom rent should be remitted;~~

~~—(b) Notifying the tenant or subtenant that the lease or rental agreement the tenant or subtenant entered into with the previous owner or landlord of the property continues in effect through the period of the lease term and states the amount held by the new owner for the security deposit; and~~

~~—(c) Notifying the tenant or subtenant that failure to pay rent to the new owner or comply with any other term of the agreement or applicable law constitutes a breach of the lease or rental agreement and may result in eviction proceedings, including, without limitation, proceedings conducted pursuant to [NRS 40.253 and 40.254.] sections 2 and 7 of this act.~~

~~—4. If the property has been sold as a residential foreclosure, a tenant or subtenant in actual occupation of the premises, other than a person whose name appears on the mortgage or deed, who holds over and continues in possession of real property or a mobile home in any of the cases described in paragraph (b) or (c) of subsection 1 may be removed as prescribed in NRS 40.290 to 40.420, inclusive, after receiving a notice of the change of ownership of the real property or mobile home and after the expiration of a notice period beginning on the date the notice was received by the tenant or subtenant and expiring:~~

~~—(a) For all periodic tenancies with a period of less than 1 month, after not less than the number of days in the period; and~~

~~—(b) For all other periodic tenancies or tenancies at will, after not less than 60 days;~~

~~—5. During the notice period described in subsection 4:~~

~~—(a) The new owner has the rights, obligations and liabilities of the previous owner or landlord pursuant to chapter 118A of NRS under the lease or rental agreement which the previous owner or landlord entered into with the tenant or subtenant regarding the property; and~~

~~—(b) The tenant or subtenant continues to have the rights, obligations and liabilities that the tenant or subtenant had pursuant to chapter 118A of NRS under the lease or rental agreement which the tenant or subtenant entered into with the previous owner or landlord regarding the property;~~

~~—6. The notice described in subsection 4 must contain a statement:~~

~~—(a) Providing the contact information of the new owner to whom rent should be remitted;~~

~~—(b) Notifying the tenant or subtenant that the lease or rental agreement the tenant or subtenant entered into with the previous owner or landlord of the property continues in effect through the notice period described in subsection 4; and~~

~~—(c) Notifying the tenant or subtenant that failure to pay rent to the new owner or comply with any other term of the agreement or applicable law constitutes a breach of the lease or rental agreement and may result in eviction proceedings, including, without limitation, proceedings conducted pursuant to [NRS 40.253 and 40.254.] sections 2 and 7 of this act;~~

~~—7. If the property has been sold as a residential foreclosure in any of the cases described in paragraph (b) or (c) of subsection 1, no person may enter a record of eviction for a tenant or subtenant who vacates a property during the notice period described in subsection 4.~~

~~—8. If the property has been sold as a residential foreclosure in any of the cases described in paragraphs (b) or (c) of subsection 1, nothing in this section shall be deemed to prohibit:~~

~~—(a) The tenant from vacating the property at any time before the expiration of the notice period described in subsection 4 without any obligation to the new owner of a property purchased pursuant to a foreclosure sale or trustee's sale; or~~

~~—(b) The new owner of a property purchased pursuant to a foreclosure sale or trustee's sale from:~~

~~—(1) Negotiating a new purchase, lease or rental agreement with the tenant or subtenant; or~~

~~—(2) Offering a payment to the tenant or subtenant in exchange for vacating the premises on a date earlier than the expiration of the notice period described in subsection 4.~~

~~—9. This section does not apply to the tenant of a mobile home lot in a mobile home park.~~

~~—10. As used in this section, "residential foreclosure" means the sale of a single family residence pursuant to NRS 40.430 or under a power of sale~~

~~granted by NRS 107.080. As used in this subsection, "single family residence" means a structure that is comprised of not more than four units.]~~
(Deleted by amendment.)

Sec. 14. ~~[NRS 40.280 is hereby amended to read as follows:~~
~~40.280 1. Except as otherwise provided in [NRS 40.253 and 40.2542,]~~
~~sections 2 and 8 of this act, the notices required by NRS 40.251 to 40.260,~~
~~inclusive, and sections 2 to 9, inclusive, of this act must be served by the~~
~~sheriff, a constable, a person who is licensed as a process server pursuant to~~
~~chapter 648 of NRS or the agent of an attorney licensed to practice in this~~
~~State:~~

- ~~—(a) By delivering a copy to the tenant personally.~~
- ~~—(b) If the tenant is absent from the tenant's place of residence or from the~~
~~tenant's usual place of business, by leaving a copy with a person of suitable~~
~~age and discretion at either place and mailing a copy to the tenant at the~~
~~tenant's place of residence or place of business.~~
- ~~—(c) If the place of residence or business cannot be ascertained, or a person~~
~~of suitable age or discretion cannot be found there, by posting a copy in a~~
~~conspicuous place on the leased property, delivering a copy to a person there~~
~~residing, if the person can be found, and mailing a copy to the tenant at the~~
~~place where the leased property is situated.~~

~~2. The notices required by NRS 40.230, 40.240 and 40.414 must be~~
~~served upon an unlawful or unauthorized occupant:~~

- ~~—(a) Except as otherwise provided in this paragraph and paragraph (b), by~~
~~delivering a copy to the unlawful or unauthorized occupant personally, in the~~
~~presence of a witness. If service is accomplished by the sheriff, constable or a~~
~~person who is licensed as a process server pursuant to chapter 648 of NRS,~~
~~the presence of a witness is not required.~~
- ~~—(b) If the unlawful or unauthorized occupant is absent from the real~~
~~property, by leaving a copy with a person of suitable age and discretion at the~~
~~property and mailing a copy to the unlawful or unauthorized occupant at the~~
~~place where the property is situated. If the occupant is unknown, the notice~~
~~must be addressed to "Current Occupant."~~
- ~~—(c) If a person of suitable age or discretion cannot be found at the real~~
~~property, by posting a copy in a conspicuous place on the property and~~
~~mailing a copy to the unlawful or unauthorized occupant at the place where~~
~~the property is situated. If the occupant is unknown, the notice must be~~
~~addressed to "Current Occupant."~~

~~3. Service upon a subtenant may be made in the same manner as~~
~~provided in subsection 1.~~

~~4. Proof of service of any notice required by NRS 40.230 to 40.260,~~
~~inclusive, and sections 2 to 9, inclusive, of this act must be filed with the~~
~~court before:~~

- ~~—(a) An order for removal of a tenant is issued pursuant to [NRS 40.253 or~~
~~40.254,] section 2 or 7 of this act;~~

~~— (b) An order for removal of an unlawful or unauthorized occupant is issued pursuant to NRS 40.414;~~

~~— (c) A writ of restitution is issued pursuant to NRS 40.290 to 40.420, inclusive; or~~

~~— (d) An order for removal of a commercial tenant pursuant to [NRS 40.2542.] section 8 of this act.~~

~~— 5. Proof of service of notice pursuant to NRS 40.230 to 40.260, inclusive, and sections 2 to 9, inclusive, of this act that must be filed before the court may issue an order or writ filed pursuant to paragraph (a), (b) or (c) of subsection 4 must consist of:~~

~~— (a) Except as otherwise provided in paragraph (b):~~

~~— (1) If the notice was served pursuant to subsection 1, a written statement, endorsed by the person who served the notice, stating the date and manner of service. The statement must also include the number of the badge or license of the person who served the notice. If the notice was served by the agent of an attorney licensed in this State, the statement must be accompanied by a declaration, signed by the attorney and bearing the license number of the attorney, stating that the attorney:~~

~~— (I) Was retained by the landlord in an action pursuant to NRS 40.230 to 40.420, inclusive [;], and sections 2 to 9, inclusive, of this act;~~

~~— (II) Reviewed the date and manner of service by the agent; and~~

~~— (III) Believes to the best of his or her knowledge that such service complies with the requirements of this section.~~

~~— (2) If the notice was served pursuant to paragraph (a) of subsection 2, an affidavit or declaration signed by the tenant or the unlawful or unauthorized occupant, as applicable, and a witness, signed under penalty of perjury by the server, acknowledging that the tenant or occupant received the notice on a specified date.~~

~~— (3) If the notice was served pursuant to paragraph (b) or (c) of subsection 2, an affidavit or declaration signed under penalty of perjury by the person who served the notice, stating the date and manner of service and accompanied by a confirmation of delivery or certificate of mailing issued by the United States Postal Service or confirmation of actual delivery by a private postal service.~~

~~— (b) For a short term tenancy, if service of the notice was not delivered in person:~~

~~— (1) A certificate of mailing issued by the United States Postal Service or by a private postal service to the landlord or the landlord's agent; or~~

~~— (2) The endorsement of a sheriff or constable stating the:~~

~~— (I) Time and date the request for service was made by the landlord or the landlord's agent;~~

~~— (II) Time, date and manner of the service; and~~

~~— (III) Fees paid for the service.~~

~~— 6. Proof of service of notice pursuant to NRS 40.230 to 40.260, inclusive, and sections 2 to 9, inclusive, of this act that must be filed before~~

~~the court may issue an order filed pursuant to paragraph (d) of subsection 4 must consist of:~~

~~— (a) Except as otherwise provided in paragraphs (b) and (c):~~

~~— (1) If the notice was served pursuant to subsection [2] 3 of [NRS 40.2542,] section 8 of this act, an affidavit or declaration signed by the tenant or the unlawful or unauthorized occupant, and a witness, as applicable, signed under penalty of perjury by the server, acknowledging that the tenant or occupant received the notice on a specified date;~~

~~— (2) If the notice was served pursuant to paragraph (b) or (c) of subsection 1, an affidavit or declaration signed under penalty of perjury by the person who served the notice, stating the date and manner of service and accompanied by a confirmation of delivery or certificate of mailing issued by the United States Postal Service or confirmation of actual delivery by a private postal service;~~

~~— (b) If the notice was served by a sheriff, a constable or a person who is licensed as a process server pursuant to chapter 648 of NRS, a written statement, endorsed by the person who served the notice, stating the date and manner of service. The statement must also include the number of the badge or license of the person who served the notice;~~

~~— (c) For a short-term tenancy, if service of the notice was not delivered in person:~~

~~— (1) A certificate of mailing issued by the United States Postal Service or by a private postal service to the landlord or the landlord's agent; or~~

~~— (2) The endorsement of a sheriff or constable stating the:~~

~~— (I) Time and date the request for service was made by the landlord or the landlord's agent;~~

~~— (II) Time, date and manner of the service; and~~

~~— (III) Fees paid for the service;~~

~~— 7. For the purpose of this section, an agent of an attorney licensed in this State shall only serve notice pursuant to subsection 1 if:~~

~~— (a) The landlord has retained the attorney in an action pursuant to NRS 40.230 to 40.420, inclusive [;], and sections 2 to 9, inclusive, of this act; and~~

~~— (b) The agent is acting at the direction and under the direct supervision of the attorney; (Deleted by amendment.)~~

Sec. 15. ~~[NRS 40.385 is hereby amended to read as follows:~~

~~— 40.385 1. Either party may appeal an order entered pursuant to [NRS 40.253, 40.254 or 40.2542] section 2, 7 or 8 of this act by filing a notice of appeal within 10 judicial days after the date of entry of the order.~~

~~— 2. Except as otherwise provided in this section, a stay of execution may be obtained by filing with the trial court a bond in the amount of \$250 to cover the expected costs on appeal. A surety upon the bond submits to the jurisdiction of the appellate court and irrevocably appoints the clerk of that court as the surety's agent upon whom papers affecting the surety's liability upon the bond may be served. Liability of a surety may be enforced, or the~~

~~bond may be released, on motion in the appellate court without independent action. A tenant of commercial property may obtain a stay of execution only upon the issuance of a stay pursuant to Rule 8 of the Nevada Rules of Appellate Procedure and the posting of a supersedeas bond in the amount of 100 percent of any unpaid rent claim of the landlord.~~

~~3. A tenant who retains possession of the premises that are the subject of the appeal during the pendency of the appeal shall pay to the landlord rent in the amount provided in the underlying contract between the tenant and the landlord as it becomes due. If the tenant fails to pay such rent, the landlord may initiate new proceedings for a summary eviction by serving the tenant with a new notice pursuant to [NRS 40.253, 40.254 or 40.2542.] section 2, 7 or 8 of this act. (Deleted by amendment.)~~

Sec. 16. [NRS 118.205 is hereby amended to read as follows:

~~118.205 A notice provided by a landlord to a tenant pursuant to NRS 118.195:~~

~~1. Must advise the tenant of the provisions of that section and specify:~~

~~(a) The address or other location of the property;~~

~~(b) The date upon which the property will be deemed abandoned and the rental agreement terminated; and~~

~~(c) An address for payment of the rent due and delivery of notice to the landlord.~~

~~2. Must be served pursuant to subsection 1 of NRS 40.280.~~

~~3. May be included in the notice required by subsection [1] 2 of [NRS 40.253] section 2 of this act or subsection [1] 2 of [NRS 40.2542.] section 8 of this act, as applicable. (Deleted by amendment.)~~

Sec. 17. [NRS 118A.460 is hereby amended to read as follows:

~~118A.460 1. The landlord may dispose of personal property abandoned on the premises by a former tenant or left on the premises after eviction of the tenant without incurring civil or criminal liability in the following manner:~~

~~(a) The landlord shall reasonably provide for the safe storage of the property for 30 days after the abandonment or eviction or the end of the rental period and may charge and collect the reasonable and actual costs of inventory, moving and storage before releasing the property to the tenant or his or her authorized representative rightfully claiming the property within that period. The landlord is liable to the tenant only for the landlord's negligent or wrongful acts in storing the property.~~

~~(b) After the expiration of the 30 day period, the landlord may dispose of the property and recover his or her reasonable costs out of the property or the value thereof if the landlord has made reasonable efforts to locate the tenant, has notified the tenant in writing of his or her intention to dispose of the property and 14 days have elapsed since the notice was given to the tenant. The notice must be mailed to the tenant at the tenant's present address, and if that address is unknown, then at the tenant's last known address.~~

~~—(c) Vehicles must be disposed of in the manner provided in chapter 487 of NRS for abandoned vehicles.~~

~~—2. Any dispute relating to the amount of the costs claimed by the landlord pursuant to paragraph (a) of subsection 1 may be resolved using the procedure provided in [subsection 7 of NRS 40.253.] section 5 of this act.~~

~~—3. During the 5 day period following the eviction or lockout of a tenant, the landlord shall provide the former tenant a reasonable opportunity to retrieve essential personal effects, including, without limitation, medication, baby formula, basic clothing and personal care items. Any dispute relating to the reasonableness of the landlord's actions pursuant to this section may be resolved using the procedure provided in [subsection 9 of NRS 40.253.] section 6 of this act.~~ (Deleted by amendment.)

Sec. 18. [NRS 118C.230 is hereby amended to read as follows:

~~118C.230 1. Except as otherwise provided in subsection 3, a landlord who leases or subleases any commercial premises under a rental agreement that has been terminated for any reason may, in accordance with the following provisions, dispose of any abandoned personal property, regardless of its character, left on the commercial premises without incurring any civil or criminal liability:~~

~~—(a) The landlord may dispose of the abandoned personal property and recover his or her reasonable costs out of the abandoned personal property or the value thereof if the landlord has notified the tenant in writing of the landlord's intention to dispose of the abandoned personal property and 14 days have elapsed since the notice was mailed to the tenant. The notice must be mailed, by certified mail, return receipt requested, to the tenant at the tenant's present address, and if that address is unknown, then at the tenant's last known address.~~

~~—(b) The landlord may charge and collect the reasonable and actual costs of inventory, moving and safe storage, if necessary, before releasing the abandoned personal property to the tenant or his or her authorized representative rightfully claiming the abandoned personal property within the appropriate period set forth in paragraph (a).~~

~~—(c) Vehicles must be disposed of in the manner provided in chapter 487 of NRS for abandoned vehicles.~~

~~—2. A tenant of commercial premises is presumed to have abandoned the premises if:~~

~~—(a) Goods, equipment or other property, in an amount substantial enough to indicate a probable intent to abandon the commercial premises, is being or has been removed from the commercial premises; and~~

~~—(b) The removal is not within the normal course of business of the tenant.~~

~~—3. If a written agreement between a landlord and a person who has an ownership interest in any abandoned personal property of the tenant contains provisions which relate to the removal and disposal of abandoned personal property, the provisions of the agreement determine the rights and~~

~~obligations of the landlord and the person with respect to the removal and disposal of the abandoned personal property.~~

~~4. Any dispute relating to the amount of the costs claimed by the landlord pursuant to paragraph (b) of subsection 1 may be resolved using the procedure provided in [subsection 7 of NRS 40.2542.] section 5 of this act.] (Deleted by amendment.)~~

~~Sec. 19. [NRS 179.1164 is hereby amended to read as follows:~~

~~179.1164 1. Except as otherwise provided in subsection 2, the following property is subject to seizure and forfeiture in a proceeding for forfeiture:~~

~~(a) Any proceeds attributable to the commission or attempted commission of any felony;~~

~~(b) Any property or proceeds otherwise subject to forfeiture pursuant to NRS 179.121, 200.760, 202.257, 370.419, 453.301 or 501.3857.~~

~~2. Property may not, to the extent of the interest of any claimant, be declared forfeited by reason of an act or omission shown to have been committed or omitted without the knowledge, consent or willful blindness of the claimant.~~

~~3. Unless the owner of real property or a mobile home:~~

~~(a) Has given the tenant notice to surrender the premises pursuant to [NRS 40.254] section 7 of this act within 90 days after the owner receives notice of a conviction pursuant to subsection 2 of NRS 453.305; or~~

~~(b) Shows the court that the owner had good cause not to evict the tenant summarily pursuant to [NRS 40.254,] section 7 of this act;~~

~~the owner of real property or a mobile home used or intended for use by a tenant to facilitate any violation of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, is disputably presumed to have known of and consented to that use if the notices required by NRS 453.305 have been given in connection with another such violation relating to the property or mobile home. The holder of a lien or encumbrance on the property or mobile home is disputably presumed to have acquired an interest in the property for fair value and without knowledge or consent to such use, regardless of when the act giving rise to the forfeiture occurred.] (Deleted by amendment.)~~

~~Sec. 20. [NRS 453.305 is hereby amended to read as follows:~~

~~453.305 1. Whenever a person is arrested for violating any of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, and real property or a mobile home occupied by the person as a tenant has been used to facilitate the violation, the prosecuting attorney responsible for the case shall cause to be delivered to the owner of the property or mobile home a written notice of the arrest.~~

~~2. Whenever a person is convicted of violating any of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, and real property or a mobile home occupied by the person as a tenant has been used to facilitate the violation, the prosecuting attorney responsible for the case shall~~

~~cause to be delivered to the owner of the property or mobile home a written notice of the conviction;~~

~~3. The notices required by this section must:~~

~~(a) Be written in language which is easily understood;~~

~~(b) Be sent by certified or registered mail, return receipt requested, to the owner at the owner's last known address;~~

~~(c) Be sent within 15 days after the arrest occurs or judgment of conviction is entered against the tenant, as the case may be;~~

~~(d) Identify the tenant involved and the offense for which the tenant has been arrested or convicted; and~~

~~(e) Advise the owner that:~~

~~(1) The property or mobile home is subject to forfeiture pursuant to NRS 179.1156 to 179.1205, inclusive, and 453.301 unless the tenant, if convicted, is evicted;~~

~~(2) Any similar violation by the same tenant in the future may also result in the forfeiture of the property unless the tenant has been evicted;~~

~~(3) In any proceeding for forfeiture based upon such a violation the owner will, by reason of the notice, be deemed to have known of and consented to the unlawful use of the property or mobile home; and~~

~~(4) The provisions of NRS 40.2514 and [40.254] section 7 of this act authorize the supplemental remedy of summary eviction to facilitate the owner's recovery of the property or mobile home upon such a violation and provide for the recovery of any reasonable attorney's fees the owner incurs in doing so.~~

~~4. Nothing in this section shall be deemed to preclude the commencement of a proceeding for forfeiture or the forfeiture of the property or mobile home, whether or not the notices required by this section are given as required, if the proceeding and forfeiture are otherwise authorized pursuant to NRS 179.1156 to 179.1205, inclusive, and 453.301.~~

~~5. As used in this section, "tenant" means any person entitled under a written or oral rental agreement to occupy real property or a mobile home to the exclusion of others.} (Deleted by amendment.)~~

Sec. 21. ~~[NRS 645H.520 is hereby amended to read as follows:~~

~~645H.520 1. Subject to the provisions of NRS 645H.770, the services an asset management company may provide include, without limitation:~~

~~(a) Securing real property in foreclosure once it has been determined to be abandoned and all notice provisions required by law have been complied with;~~

~~(b) Providing maintenance for real property in foreclosure, including landscape and pool maintenance;~~

~~(c) Cleaning the interior or exterior of real property in foreclosure;~~

~~(d) Providing repair or improvements for real property in foreclosure; and~~

~~(e) Removing trash and debris from real property in foreclosure and the surrounding property.~~

~~2. An asset management company may dispose of personal property abandoned on the premises of a residence in foreclosure or left on the premises after the eviction of a homeowner or a tenant of a homeowner without incurring civil or criminal liability in the following manner:~~

~~(a) The asset management company shall reasonably provide for the safe storage of the property for 30 days after the abandonment or eviction and may charge and collect the reasonable and actual costs of inventory, moving and storage before releasing the property to the homeowner or the tenant of the homeowner or his or her authorized representative rightfully claiming the property within that period. The asset management company is liable to the homeowner or the tenant of the homeowner only for the asset management company's negligent or wrongful acts in storing the property.~~

~~(b) After the expiration of the 30 day period, the asset management company may dispose of the property and recover his or her reasonable costs from the property or the value thereof if the asset management company has made reasonable efforts to locate the homeowner or the tenant of the homeowner, has notified the homeowner or the tenant of the homeowner in writing of his or her intention to dispose of the property and 14 days have elapsed since the notice was given to the homeowner or the tenant of the homeowner. The notice must be mailed to the homeowner or the tenant of the homeowner at the present address of the homeowner or the tenant of the homeowner and, if that address is unknown, then at the last known address of the homeowner or the tenant of the homeowner.~~

~~(c) Vehicles must be disposed of in the manner provided in chapter 487 of NRS for abandoned vehicles.~~

~~3. Any dispute relating to the amount of the costs claimed by the asset management company pursuant to paragraph (a) of subsection 2 may be resolved using the procedure provided in [subsection 7 of NRS 40.253.] section 5 of this act.] (Deleted by amendment.)~~

Sec. 22. The amendatory provisions ~~[of sections 2 to 21, inclusive,]~~ of this act apply to an action for summary eviction which accrues on or after October 1, 2023.

Sec. 23. ~~[NRS 40.253, 40.254 and 40.2542 are hereby repealed.]~~
(Deleted by amendment.)f

TEXT OF REPEALED SECTIONS

~~40.253 Unlawful detainer: Supplemental remedy of summary eviction and exclusion of tenant for default in payment of rent.~~

~~1. Except as otherwise provided in subsection 12, in addition to the remedy provided in NRS 40.2512 and 40.290 to 40.420, inclusive, when the tenant of any dwelling, apartment, mobile home or recreational vehicle with periodic rent reserved by the month or any shorter period is in default in payment of the rent, the landlord or the landlord's agent may cause to be served a notice in writing, requiring in the alternative the payment of the rent or the surrender of the premises:~~

~~—(a) Before the close of business on the seventh judicial day following the day of service; or~~

~~—(b) If the landlord chooses not to proceed in the manner set forth in paragraph (a) and the rent is reserved by a period of 1 week or less and the tenancy has not continued for more than 45 days, at or before noon of the fourth full day following the day of service.~~

~~As used in this subsection, "day of service" means the day the landlord or the landlord's agent personally delivers the notice to the tenant. If personal service was not so delivered, the "day of service" means the day the notice is delivered, after posting and mailing pursuant to subsection 2, to the sheriff or constable for service if the request for service is made before noon. If the request for service by the sheriff or constable is made after noon, the "day of service" shall be deemed to be the day next following the day that the request is made for service by the sheriff or constable.~~

~~2. A landlord or the landlord's agent who serves a notice to a tenant pursuant to paragraph (b) of subsection 1 shall attempt to deliver the notice in person in the manner set forth in subsection 2 of NRS 40.2542. If the notice cannot be delivered in person, the landlord or the landlord's agent:~~

~~—(a) Shall post a copy of the notice in a conspicuous place on the premises and mail the notice by overnight mail; and~~

~~—(b) After the notice has been posted and mailed, may deliver the notice to the sheriff or constable for service in the manner set forth in subsection 1 of NRS 40.280. The sheriff or constable shall not accept the notice for service unless it is accompanied by written evidence, signed by the tenant when the tenant took possession of the premises, that the landlord or the landlord's agent informed the tenant of the provisions of this section which set forth the lawful procedures for eviction from a short term tenancy. Upon acceptance, the sheriff or constable shall serve the notice within 48 hours after the request for service was made by the landlord or the landlord's agent.~~

~~3. A notice served pursuant to subsection 1 or 2 must:~~

~~—(a) Identify the court that has jurisdiction over the matter; and~~

~~—(b) Advise the tenant:~~

~~—(1) Of the tenant's right to contest the matter by filing, within the time specified in subsection 1 for the payment of the rent or surrender of the premises, an affidavit with the court that has jurisdiction over the matter stating that the tenant has tendered payment or is not in default in the payment of the rent;~~

~~—(2) That if the court determines that the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant, directing the sheriff or constable of the county to post the order in a conspicuous place on the premises not later than 24 hours after the order is received by the sheriff or constable. The sheriff or constable shall remove the tenant not earlier than 24 hours but not later than 36 hours after the posting of the order; and~~

~~— (3) That, pursuant to NRS 118A.390, a tenant may seek relief if a landlord unlawfully removes the tenant from the premises or excludes the tenant by blocking or attempting to block the tenant's entry upon the premises or willfully interrupts or causes or permits the interruption of an essential service required by the rental agreement or chapter 118A of NRS.~~

~~— 4. If the tenant files such an affidavit at or before the time stated in the notice, the landlord or the landlord's agent, after receipt of a file stamped copy of the affidavit which was filed, shall not provide for the nonadmittance of the tenant to the premises by locking or otherwise.~~

~~— 5. Upon noncompliance with the notice:~~

~~— (a) The landlord or the landlord's agent may apply by affidavit of complaint for eviction to the justice court of the township in which the dwelling, apartment, mobile home or recreational vehicle are located or to the district court of the county in which the dwelling, apartment, mobile home or recreational vehicle are located, whichever has jurisdiction over the matter. The court may thereupon issue an order directing the sheriff or constable of the county to post the order in a conspicuous place on the premises not later than 24 hours after the order is received by the sheriff or constable. The sheriff or constable shall remove the tenant not earlier than 24 hours but not later than 36 hours after the posting of the order. The affidavit must state or contain:~~

~~— (1) The date the tenancy commenced.~~

~~— (2) The amount of periodic rent reserved.~~

~~— (3) The amounts of any cleaning, security or rent deposits paid in advance, in excess of the first month's rent, by the tenant.~~

~~— (4) The date the rental payments became delinquent.~~

~~— (5) The length of time the tenant has remained in possession without paying rent.~~

~~— (6) The amount of rent claimed due and delinquent.~~

~~— (7) A statement that the written notice was served on the tenant in accordance with NRS 40.280.~~

~~— (8) A copy of the written notice served on the tenant.~~

~~— (9) A copy of the signed written rental agreement, if any.~~

~~— (b) Except when the tenant has timely filed the affidavit described in subsection 3 and a file stamped copy of it has been received by the landlord or the landlord's agent, and except when the landlord is prohibited pursuant to NRS 118A.480, the landlord or the landlord's agent may, in a peaceable manner, provide for the nonadmittance of the tenant to the premises by locking or otherwise.~~

~~— 6. Upon the filing by the tenant of the affidavit permitted in subsection 3, regardless of the information contained in the affidavit, and the filing by the landlord of the affidavit permitted by subsection 5, the justice court or the district court shall hold a hearing, after service of notice of the hearing upon the parties, to determine the truthfulness and sufficiency of any affidavit or notice provided for in this section. If the court determines that there is no~~

legal defense as to the alleged unlawful detainer and the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant. If the court determines that there is a legal defense as to the alleged unlawful detainer, the court shall refuse to grant either party any relief, and, except as otherwise provided in this subsection, shall require that any further proceedings be conducted pursuant to NRS 40.290 to 40.420, inclusive. The issuance of a summary order for removal of the tenant does not preclude an action by the tenant for any damages or other relief to which the tenant may be entitled. If the alleged unlawful detainer was based upon subsection 5 of NRS 40.2514, the refusal by the court to grant relief does not preclude the landlord thereafter from pursuing an action for unlawful detainer in accordance with NRS 40.251.

~~7. The tenant may, upon payment of the appropriate fees relating to the filing and service of a motion, file a motion with the court, on a form provided by the clerk of the court, to dispute the amount of the costs, if any, claimed by the landlord pursuant to NRS 118A.460 for the inventory, moving and storage of personal property left on the premises. The motion must be filed within 20 days after the summary order for removal of the tenant or the abandonment of the premises by the tenant, or within 20 days after:~~

~~—(a) The tenant has vacated or been removed from the premises; and~~

~~—(b) A copy of those charges has been requested by or provided to the tenant,~~

~~whichever is later.~~

~~8. Upon the filing of a motion pursuant to subsection 7, the court shall schedule a hearing on the motion. The hearing must be held within 10 days after the filing of the motion. The court shall affix the date of the hearing to the motion and order a copy served upon the landlord by the sheriff, constable or other process server. At the hearing, the court may:~~

~~—(a) Determine the costs, if any, claimed by the landlord pursuant to NRS 118A.460 and any accumulating daily costs; and~~

~~—(b) Order the release of the tenant's property upon the payment of the charges determined to be due or if no charges are determined to be due.~~

~~9. The tenant may, upon payment of the appropriate fees relating to the filing and service of a motion, file a motion with the court on a form provided by the clerk of court to dispute the reasonableness of the actions of a landlord pursuant to subsection 3 of NRS 118A.460. The motion must be filed within 5 days after the tenant has vacated or been removed from the premises. Upon the filing of a motion pursuant to this subsection, the court shall schedule a hearing on the motion. The hearing must be held within 5 days after the filing of the motion. The court shall affix the date of the hearing to the motion and order a copy served upon the landlord by the sheriff, constable or other process server. At the hearing, the court may:~~

~~— (a) Order the landlord to allow the retrieval of the tenant's essential personal effects at the date and time and for a period necessary for the retrieval, as determined by the court; and~~

~~— (b) Award damages in an amount not greater than \$2,500.~~

~~— 10. In determining the amount of damages, if any, to be awarded under paragraph (b) of subsection 9, the court shall consider:~~

~~— (a) Whether the landlord acted in good faith;~~

~~— (b) The course of conduct between the landlord and the tenant; and~~

~~— (c) The degree of harm to the tenant caused by the landlord's conduct.~~

~~— 11. A landlord shall not refuse to accept rent from a tenant that is submitted after the landlord or the landlord's agent has served or had served a notice pursuant to subsection 1 if the refusal is based on the fact that the tenant has not paid collection fees, attorney's fees or other costs other than rent, a reasonable charge for late payments of rent or dishonored checks, or a security deposit. As used in this subsection, "security deposit" has the meaning ascribed to it in NRS 118A.240.~~

~~— 12. Except as otherwise provided in NRS 118A.315, this section does not apply to:~~

~~— (a) The tenant of a mobile home lot in a mobile home park or to the tenant of a recreational vehicle lot in an area of a mobile home park in this State other than an area designated as a recreational vehicle lot pursuant to the provisions of subsection 8 of NRS 40.215.~~

~~— (b) A tenant who provides proof to the landlord that he or she is a federal worker, tribal worker, state worker or household member of such a worker during a shutdown.~~

~~— 13. As used in this section, "close of business" means the close of business of the court that has jurisdiction over the matter.~~

~~— 40.254 Unlawful detainer: Supplemental remedy of summary eviction and exclusion of tenant from certain types of property.~~

~~— 1. Except as otherwise provided by specific statute, in addition to the remedy provided in NRS 40.290 to 40.420, inclusive, when the tenant of a dwelling unit, part of a low-rent housing program operated by a public housing authority, a mobile home or a recreational vehicle is guilty of an unlawful detainer pursuant to NRS 40.250, 40.251, 40.2514 or 40.2516, the landlord or the landlord's agent may utilize the summary procedures for eviction as provided in NRS 40.253 except that written notice to surrender the premises must:~~

~~— (a) Be given to the tenant in accordance with the provisions of NRS 40.280;~~

~~— (b) Advise the tenant of the court that has jurisdiction over the matter; and~~

~~— (c) Advise the tenant of the tenant's right to:~~

~~— (1) Contest the notice by filing before the court's close of business on the fifth judicial day after the day of service of the notice an affidavit with the court that has jurisdiction over the matter stating the reasons why the tenant is not guilty of an unlawful detainer; or~~

~~—(2) Request that the court stay the execution of the order for removal of the tenant or order providing for nonadmittance of the tenant for a period not exceeding 10 days pursuant to subsection 2 of NRS 70.010, stating the reasons why such a stay is warranted.~~

~~—2. The affidavit of the landlord or the landlord's agent submitted to the justice court or the district court must state or contain:~~

~~—(a) The date when the tenancy commenced, the term of the tenancy and, if any, a copy of the rental agreement. If the rental agreement has been lost or destroyed, the landlord or the landlord's agent may attach an affidavit or declaration, signed under penalty of perjury, stating such loss or destruction.~~

~~—(b) The date when the tenancy or rental agreement allegedly terminated.~~

~~—(c) The date when written notice to surrender was given to the tenant pursuant to the provisions of NRS 40.251, 40.2514 or 40.2516, together with any facts supporting the notice.~~

~~—(d) The date when the written notice was given, a copy of the notice and a statement that notice was served in accordance with NRS 40.280 and, if applicable, a copy of the notice of change of ownership served on the tenant pursuant to NRS 40.255 if the property has been purchased as a residential foreclosure.~~

~~—(e) A statement that the claim for relief was authorized by law.~~

~~—3. If the tenant is found guilty of unlawful detainer as a result of the tenant's violation of any of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, the landlord is entitled to be awarded any reasonable attorney's fees incurred by the landlord or the landlord's agent as a result of a hearing, if any, held pursuant to subsection 6 of NRS 40.253 wherein the tenant contested the eviction.~~

~~—40.2542 Unlawful detainer: Supplemental remedy of summary eviction and exclusion of tenant of commercial premises.~~

~~—1. In addition to the remedy provided in NRS 40.2512 and 40.290 to 40.420, inclusive, when the tenant of any commercial premises with periodic rent reserved by the month or any shorter period is in default in payment of the rent, the landlord or the landlord's agent, unless otherwise agreed in writing, may serve or have served a notice in writing, requiring in the alternative the payment of the rent or the surrender of the premises:~~

~~—(a) At or before noon of the fifth full day following the day of service; or~~

~~—(b) If the landlord chooses not to proceed in the manner set forth in paragraph (a) and the rent is reserved by a period of 1 week or less and the tenancy has not continued for more than 45 days, at or before noon of the fourth full day following the day of service.~~

~~—As used in this subsection, "day of service" means the day the landlord or the landlord's agent personally delivers the notice to the tenant. If personal service was not so delivered, the "day of service" means the day the notice is delivered, after posting and mailing pursuant to subsection 2, to the sheriff or constable for service if the request for service is made before noon. If the request for service by the sheriff or constable is made after noon, the "day of~~

service" shall be deemed to be the day next following the day that the request is made for service by the sheriff or constable.

~~2. A landlord or the landlord's agent who serves a notice to a tenant pursuant to paragraph (b) of subsection 1 shall attempt to deliver a copy of the notice to the tenant personally, in the presence of a witness. If service is accomplished by the sheriff, constable or a person who is licensed as a process server pursuant to chapter 648 of NRS, the presence of a witness is not required. If the notice cannot be delivered in person, the landlord or the landlord's agent:~~

~~—(a) Shall post a copy of the notice in a conspicuous place on the premises and mail the notice by overnight mail; and~~

~~—(b) After the notice has been posted and mailed, may deliver the notice to the sheriff or constable for service in the manner set forth in subsection 1 of NRS 40.280. The sheriff or constable shall not accept the notice for service unless it is accompanied by written evidence, signed by the tenant when the tenant took possession of the premises, that the landlord or the landlord's agent informed the tenant of the provisions of this section which set forth the lawful procedures for eviction from a short term tenancy. Upon acceptance, the sheriff or constable shall serve the notice within 48 hours after the request for service was made by the landlord or the landlord's agent.~~

~~3. A notice served pursuant to subsection 1 or 2 must:~~

~~—(a) Identify the court that has jurisdiction over the matter; and~~

~~—(b) Advise the tenant:~~

~~—(1) Of the tenant's right to contest the matter by filing, within the time specified in subsection 1 for the payment of the rent or surrender of the premises, an affidavit with the court that has jurisdiction over the matter stating that the tenant has tendered payment or is not in default in the payment of the rent; and~~

~~—(2) That if the court determines that the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant, directing the sheriff or constable of the county to remove the tenant within 24 hours after receipt of the order.~~

~~4. If the tenant files an affidavit pursuant to paragraph (b) of subsection 3 at or before the time stated in the notice, the landlord or the landlord's agent, after receipt of a file-stamped copy of the affidavit, shall not provide for the nonadmittance of the tenant to the premises by locking or otherwise.~~

~~5. Upon noncompliance of the tenant with a notice served pursuant to subsection 1 or 2:~~

~~—(a) The landlord or the landlord's agent may apply by affidavit of complaint for eviction to the justice court of the township in which the commercial premises is located or to the district court of the county in which the commercial premises is located, whichever has jurisdiction over the matter. The court may thereupon issue an order directing the sheriff or~~

~~constable of the county to remove the tenant within 24 hours after receipt of the order. The affidavit must state or contain:~~

- ~~— (1) The date the tenancy commenced.~~
- ~~— (2) The amount of periodic rent reserved.~~
- ~~— (3) The amounts of any cleaning, security or rent deposits paid in advance, in excess of the first month's rent, by the tenant.~~
- ~~— (4) The date the rental payments became delinquent.~~
- ~~— (5) The length of time the tenant has remained in possession without paying rent.~~
- ~~— (6) The amount of rent claimed due and delinquent.~~
- ~~— (7) A statement that the written notice was served on the tenant pursuant to subsection 1 or 2 or in accordance with NRS 40.280.~~
- ~~— (8) A copy of the written notice served on the tenant.~~
- ~~— (9) A copy of the signed written rental agreement, if any.~~

~~— (b) Except when the tenant has timely filed an affidavit described in paragraph (b) of subsection 3 and a file stamped copy of the affidavit has been received by the landlord or the landlord's agent, the landlord or the landlord's agent may, in a peaceable manner, provide for the nonadmittance of the tenant to the premises by locking or otherwise.~~

~~— 6. Upon the filing by the tenant of an affidavit pursuant to paragraph (b) of subsection 3, regardless of the information contained in the affidavit and the filing by the landlord of an affidavit pursuant to paragraph (a) of subsection 5, the justice court or the district court shall hold a hearing, after service of notice of the hearing upon the parties, to determine the truthfulness and sufficiency of any affidavit or notice provided for in this section. If the court determines that there is no legal defense as to the alleged unlawful detainer and the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant. If the court determines that there is a legal defense as to the alleged unlawful detainer, the court shall refuse to grant either party any relief and, except as otherwise provided in this subsection, shall require that any further proceedings be conducted pursuant to NRS 40.290 to 40.420, inclusive. The issuance of a summary order for removal of the tenant does not preclude an action by the tenant for any damages or other relief to which the tenant may be entitled. If the alleged unlawful detainer was based upon subsection 5 of NRS 40.2514, the refusal by the court to grant relief does not preclude the landlord thereafter from pursuing an action for unlawful detainer in accordance with NRS 40.251.~~

~~— 7. A tenant may, upon payment of the appropriate fees relating to the filing and service of a motion, file a motion with the court, on a form provided by the clerk of the court, to dispute the amount of the costs, if any, claimed by the landlord pursuant to NRS 118C.230 for the inventory, moving and storage of personal property left on the premises. The motion must be filed within 20 days after the summary order for removal of the tenant or the abandonment of the premises by the tenant, or within 20 days after:~~

~~—(a) The tenant has vacated or been removed from the premises; and~~
~~—(b) A copy of those charges has been requested by or provided to the tenant,~~
~~→ whichever is later.~~
~~—8. Upon the filing of a motion pursuant to subsection 7, the court shall schedule a hearing on the motion. The hearing must be held within 10 days after the filing of the motion. The court shall affix the date of the hearing to the motion and order a copy served upon the landlord by the sheriff, constable or other process server. At the hearing, the court may:~~
~~—(a) Determine the costs due, if any, claimed by the landlord pursuant to 118C.230 and any accumulating daily costs; and~~
~~—(b) Order the release of the tenant's property upon the payment of the costs determined to be due or if no charges are determined to be due.~~
~~—9. A landlord shall not refuse to accept rent from a tenant that is submitted after the landlord or the landlord's agent has served or had served a notice pursuant to subsection 1 if the refusal is based on the fact that the tenant has not paid collection fees, attorney's fees or other costs other than rent, a reasonable charge for late payments of rent or dishonored checks.]~~

Senator Scheible moved the adoption of the amendment.

Remarks by Senator Scheible.

Amendment No. 418 to Senate Bill No. 335 removes sections 2 through 8 of the bill, inserts language enabling a justice court to create an eviction diversion program and providing guidelines for participation, removes references to eviction mediation in section 9, clarifies what constitutes a "pending application" for rental assistance and sets a time limit for when such must be filed, requires an agency in receipt of a rental assistance application to inform involved parties when the application is approved or denied, gives the court power to adjudicate issues unrelated to rent and award up to \$1,000 if a landlord raises certain issues as a pretext for eviction, clarifies when a rental assistance defense is in bad faith, provides that a tenant may be evicted if they cannot pay the amount of rent owed in excess of any rental assistance received.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 336.

Bill read second time.

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

Amendment No. 404.

SUMMARY—Revises provisions relating to the regulation of certain healing arts. (BDR 54-886)

AN ACT relating to health care; exempting certain conduct of certain practitioners of healing arts practicing within their authorized scope of authority from provisions governing certain practitioners of other healing arts; enacting provisions governing the certification and regulation of certified registered nurse anesthetists; authorizing a certified registered nurse anesthetist to order, prescribe, possess and administer controlled substances,

poisons, dangerous drugs and devices under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a physician, physician assistant, dentist, advanced practice registered nurse, podiatric physician or optometrist to prescribe and dispense controlled substances and dangerous drugs under certain circumstances. (NRS 453.226, 454.215, 639.235) Existing law provides that provisions of existing law governing the practice of physicians, physician assistants, perfusionists and practitioners of respiratory care do not apply to any person permitted to practice any other healing art under title 54 of NRS who does so within the scope of that authority. (NRS 630.047) Sections ~~1-5~~ 1, 2.2 and 3-5 of this bill provide similar exemptions from provisions governing dentists, nurses, osteopathic physicians and physician assistants, podiatrists and optometrists for practitioners of healing arts who are acting within the scope of their authority. Section 6 of this bill provides that the provisions of sections ~~1-5~~ 1, 2.2 and 3-5 apply to any conduct by a practitioner of a healing art before, on or after the effective date of this bill which has not been the subject of a final order from the Board of Dental Examiners of Nevada, the State Board of Nursing, the State Board of Osteopathic Medicine, the State Board of Podiatry or the Nevada State Board of Optometry. Section 6 also requires those boards to terminate any investigation or disciplinary proceedings for conduct that is outside the scope of those boards.

Existing law: (1) provides for the certification of certified registered nurse anesthetists by the State Board of Nursing; and (2) authorizes a certified registered nurse anesthetist to administer anesthetic agents to a person under the care of a licensed physician, dentist or podiatric physician. (NRS 632.014) Section 2.4 of this bill requires the State Board of Nursing to issue a certificate of registration to practice as a certified registered nurse anesthetist to a registered nurse who meets the requirements prescribed by existing law for such certification and any additional requirements prescribed by the Board. Section 2.4 also requires the Board to adopt regulations governing certified registered nurse anesthetists.

Existing law authorizes a registered nurse to possess and administer controlled substances and dangerous drugs under certain circumstances. (NRS 453.375, 454.213) Sections 2.6, 5.1, 5.5 and 5.9 of this bill additionally authorize a certified registered nurse anesthetist to order, prescribe, possess and administer controlled substances, poisons, dangerous drugs and devices to treat a person under the care of a licensed physician in a critical access hospital before, during and after surgery or childbirth. Sections 5.2-5.4 and 5.6-5.85 of this bill make additional changes necessary to authorize a certified registered nurse anesthetist to order, prescribe, possess and administer controlled substances, poisons, dangerous drugs and devices in such circumstances. A certified registered nurse anesthetist who unlawfully possesses, prescribes or administers a controlled substance, dangerous drug

or poison would be subject to discipline and criminal and civil penalties to the same extent as other practitioners who unlawfully possess, prescribe or administer such drugs. (NRS 453.236, 453.305, 453.326, 453.3363, 453.553, 454.170, 454.356)

Section 2.8 of this bill makes a conforming change to remove a provision now duplicated in section 2.4.

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

Section 1. NRS 631.115 is hereby amended to read as follows:

631.115 1. Except as otherwise provided in subsection 2 of NRS 631.317, this chapter does not apply to:

~~{1.}~~ (a) A legally qualified physician or surgeon unless he or she practices dentistry as a specialty.

~~{2.}~~ (b) A dentist, dental hygienist or dental therapist of the United States Army, Navy, Air Force, Public Health Service, Coast Guard or Department of Veterans Affairs in the discharge of his or her official duties, including, without limitation, providing medical care in a hospital in accordance with an agreement entered into pursuant to NRS 449.2455.

(c) Any person permitted to practice any other healing art under this title who does so within the scope of that authority.

2. As used in this section, "healing art" has the meaning ascribed to it in NRS 630.0122.

Sec. 2. Chapter 632 of NRS is hereby amended by adding thereto ~~to a new section to read as follows:~~ the provisions set forth as section 2.2, 2.4 and 2.6 of this act.

Sec. 2.2. 1. Except as otherwise provided in NRS 632.472, this chapter does not apply to any person permitted to practice any other healing art under this title who does so within the scope of that authority.

2. As used in this section, "healing art" has the meaning ascribed to it in NRS 630.0122.

Sec. 2.4. 1. The Board shall issue a certificate of registration to practice as a certified registered nurse anesthetist to an applicant who:

(a) Has successfully completed a nationally accredited program in the science of anesthesia; and

(b) Meets any additional requirements prescribed by the Board pursuant to subsection 2.

2. The Board shall adopt regulations to carry out the provisions of this section and section 2.6 of this act, including, without limitation, regulations:

(a) Specifying any additional training, education and experience necessary for certification as a certified registered nurse anesthetist;

(b) Delineating the authorized scope of practice of a certified registered nurse anesthetist; and

(c) Establishing the procedure to apply for certification as a certified registered nurse anesthetist.

Sec. 2.6. 1. A certified registered nurse anesthetist may:

(a) Order, prescribe, possess and administer controlled substances, poisons, dangerous drugs and devices to treat a patient under the care of a licensed physician in a critical access hospital in preparation for surgery or childbirth, during surgery or childbirth and while a patient recovers from surgery or childbirth.

(b) Possess and administer controlled substances, poisons, dangerous drugs and devices in other circumstances under which a registered nurse is authorized to possess and administer controlled substances, poisons, dangerous drugs and devices.

2. A certified registered nurse anesthetist shall not order or prescribe a controlled substance, poison, dangerous drug or device except as authorized by paragraph (a) of subsection 1.

3. As used in this section, "critical access hospital" means a hospital which has been certified as a critical access hospital by the Secretary of Health and Human Services pursuant to 42 U.S.C. 1395i-4(c).

Sec. 2.8. NRS 632.014 is hereby amended to read as follows:

632.014 "Certified registered nurse anesthetist" means a registered nurse who ~~is~~

~~1. Has completed a nationally accredited program in the science of anesthesia; and~~

~~2. Is~~ is certified by the Board pursuant to section 2.4 of this act to administer anesthetic agents to a person under the care of a licensed physician, a licensed dentist or a licensed podiatric physician.

Sec. 3. NRS 633.171 is hereby amended to read as follows:

633.171 1. This chapter does not apply to:

(a) The practice of medicine or perfusion pursuant to chapter 630 of NRS, dentistry, chiropractic, podiatry, optometry, respiratory care, faith or Christian Science healing, nursing, veterinary medicine or fitting hearing aids.

(b) A medical officer of the Armed Forces or a medical officer of any division or department of the United States in the discharge of his or her official duties, including, without limitation, providing medical care in a hospital in accordance with an agreement entered into pursuant to NRS 449.2455.

(c) Osteopathic physicians who are called into this State, other than on a regular basis, for consultation or assistance to a physician licensed in this State, and who are legally qualified to practice in the state where they reside.

(d) Osteopathic physicians who are temporarily exempt from licensure pursuant to NRS 633.420 and are practicing osteopathic medicine within the scope of the exemption.

(e) The performance of medical services by a student enrolled in an educational program for a physician assistant which is accredited by the Accreditation Review Commission on Education for the Physician Assistant, Inc., or its successor organization, as part of such a program.

(f) A physician assistant of any division or department of the United States in the discharge of his or her official duties unless licensure by a state is required by the division or department of the United States.

(g) *Any person permitted to practice any other healing art under this title who does so within the scope of that authority.*

2. This chapter does not repeal or affect any law of this State regulating or affecting any other healing art.

3. This chapter does not prohibit:

(a) Gratuitous services of a person in cases of emergency.

(b) The domestic administration of family remedies.

Sec. 4. NRS 635.015 is hereby amended to read as follows:

635.015 1. This chapter does not apply:

(a) To commissioned surgeons of the United States Army, Navy or Marine Hospital Service in the actual performance of their official duties, including, without limitation, providing medical care in a hospital in accordance with an agreement entered into pursuant to NRS 449.2455.

(b) To physicians licensed in the State of Nevada.

(c) *To any person permitted to practice any other healing art under this title who does so within the scope of that authority.*

2. This chapter does not prohibit the manufacture, recommendation, advertisement, demonstration or sale of arch-support shoes, foot appliances or remedies by retail dealers.

3. *As used in this section, "healing art" has the meaning ascribed to it in NRS 630.0122.*

Sec. 5. NRS 636.027 is hereby amended to read as follows:

636.027 This chapter:

1. Applies to any person who is licensed to practice optometry pursuant to this chapter and any other person engaged in the practice of optometry in this State.

2. Must not be construed to apply to ~~physicians~~ :

(a) Physicians and surgeons duly licensed to practice in this State.

(b) *Any person permitted to practice any other healing art under this title who does so within the scope of that authority.*

3. *As used in this section, "healing art" has the meaning ascribed to it in NRS 630.0122.*

Sec. 5.1. NRS 639.0125 is hereby amended to read as follows:

639.0125 "Practitioner" means:

1. A physician, dentist, veterinarian or podiatric physician who holds a license to practice his or her profession in this State;

2. A hospital, pharmacy or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer drugs in the course of professional practice or research in this State;

3. An advanced practice registered nurse who has been authorized to prescribe controlled substances, poisons, dangerous drugs and devices;

4. A physician assistant who:

(a) Holds a license issued by the Board of Medical Examiners; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of a physician as required by chapter 630 of NRS;

5. A physician assistant who:

(a) Holds a license issued by the State Board of Osteopathic Medicine; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of an osteopathic physician as required by chapter 633 of NRS; or

6. An optometrist who is certified by the Nevada State Board of Optometry to prescribe and administer pharmaceutical agents pursuant to NRS 636.288, when the optometrist prescribes or administers pharmaceutical agents within the scope of his or her certification.

7. A certified registered nurse anesthetist when he or she orders, prescribes, possesses or administers controlled substances, poisons, dangerous drugs or devices under the conditions prescribed by paragraph (a) of subsection 1 of section 2.6 of this act.

Sec. 5.2. Chapter 453 of NRS is hereby amended by adding thereto a new section to read as follows:

"Certified registered nurse anesthetist" has the meaning ascribed to it in NRS 632.014.

Sec. 5.25. NRS 453.016 is hereby amended to read as follows:

453.016 As used in this chapter, the words and terms defined in NRS 453.021 to 453.141, inclusive, and section 5.2 of this act have the meanings ascribed to them in those sections except in instances where the context clearly indicates a different meaning.

Sec. 5.3. NRS 453.038 is hereby amended to read as follows:

453.038 "Chart order" means an order entered on the chart of a patient:

1. In a hospital, facility for intermediate care or facility for skilled nursing which is licensed as such by the Division of Public and Behavioral Health of the Department; or

2. Under emergency treatment in a hospital by a physician, advanced practice registered nurse, certified registered nurse anesthetist, dentist or podiatric physician, or on the written or oral order of a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, advanced practice registered nurse, certified registered nurse anesthetist, dentist or podiatric physician authorizing the administration of a drug to the patient.

Sec. 5.4. NRS 453.091 is hereby amended to read as follows:

453.091 1. "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a substance, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of

extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container.

2. "Manufacture" does not include the preparation, compounding, packaging or labeling of a substance by a pharmacist, physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician, advanced practice registered nurse, certified registered nurse anesthetist or veterinarian:

(a) As an incident to the administering or dispensing of a substance in the course of his or her professional practice; or

(b) By an authorized agent under his or her supervision, for the purpose of, or as an incident to, research, teaching or chemical analysis and not for sale.

Sec. 5.5. NRS 453.126 is hereby amended to read as follows:

453.126 "Practitioner" means:

1. A physician, dentist, veterinarian or podiatric physician who holds a license to practice his or her profession in this State and is registered pursuant to this chapter.

2. An advanced practice registered nurse who holds a certificate from the State Board of Pharmacy authorizing him or her to dispense or to prescribe and dispense controlled substances.

3. A scientific investigator or a pharmacy, hospital or other institution licensed, registered or otherwise authorized in this State to distribute, dispense, conduct research with respect to, to administer, or use in teaching or chemical analysis, a controlled substance in the course of professional practice or research.

4. A euthanasia technician who is licensed by the Nevada State Board of Veterinary Medical Examiners and registered pursuant to this chapter, while he or she possesses or administers sodium pentobarbital pursuant to his or her license and registration.

5. A physician assistant who:

(a) Holds a license from the Board of Medical Examiners; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances under the supervision of a physician as required by chapter 630 of NRS.

6. A physician assistant who:

(a) Holds a license from the State Board of Osteopathic Medicine; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances under the supervision of an osteopathic physician as required by chapter 633 of NRS.

7. An optometrist who is certified by the Nevada State Board of Optometry to prescribe and administer pharmaceutical agents pursuant to NRS 636.288, when the optometrist prescribes or administers pharmaceutical agents within the scope of his or her certification.

8. A certified registered nurse anesthetist when he or she orders, prescribes, possesses or administers controlled substances under the

conditions prescribed by paragraph (a) of subsection 1 of section 2.6 of this act.

Sec. 5.6. NRS 453.128 is hereby amended to read as follows:

453.128 1. "Prescription" means:

(a) An order given individually for the person for whom prescribed, directly from a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician, optometrist, advanced practice registered nurse, certified registered nurse anesthetist or veterinarian, or his or her agent, to a pharmacist or indirectly by means of an order signed by the practitioner or an electronic transmission from the practitioner to a pharmacist; or

(b) A chart order written for an inpatient specifying drugs which he or she is to take home upon his or her discharge.

2. The term does not include a chart order written for an inpatient for use while he or she is an inpatient.

Sec. 5.7. NRS 453.226 is hereby amended to read as follows:

453.226 1. Every practitioner or other person who dispenses any controlled substance within this State or who proposes to engage in the dispensing of any controlled substance within this State shall obtain biennially a registration issued by the Board in accordance with its regulations. A person must present proof that he or she is authorized to access the database of the program established pursuant to NRS 453.162 before the Board may issue or renew a registration.

2. A person registered by the Board in accordance with the provisions of NRS 453.011 to 453.552, inclusive, and section 5.2 of this act to dispense or conduct research with controlled substances may possess, dispense or conduct research with those substances to the extent authorized by the registration and in conformity with the other provisions of those sections.

3. The following persons are not required to register and may lawfully possess and distribute controlled substances pursuant to the provisions of NRS 453.011 to 453.552, inclusive, ~~and~~ and section 5.2 of this act:

(a) An agent or employee of a registered dispenser of a controlled substance if he or she is acting in the usual course of his or her business or employment;

(b) A common or contract carrier or warehouseman, or an employee thereof, whose possession of any controlled substance is in the usual course of business or employment;

(c) An ultimate user or a person in possession of any controlled substance pursuant to a lawful order of a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, advanced practice registered nurse, certified registered nurse anesthetist, podiatric physician or veterinarian or in lawful possession of a schedule V substance; or

(d) A physician who:

(1) Holds a locum tenens license issued by the Board of Medical Examiners or a temporary license issued by the State Board of Osteopathic Medicine; and

(2) Is registered with the Drug Enforcement Administration at a location outside this State.

4. The Board may waive the requirement for registration of certain dispensers if it finds it consistent with the public health and safety.

5. A separate registration is required at each principal place of business or professional practice where the applicant dispenses controlled substances.

6. The Board may inspect the establishment of a registrant or applicant for registration in accordance with the Board's regulations.

Sec. 5.75. NRS 453.336 is hereby amended to read as follows:

453.336 1. Except as otherwise provided in subsection 6, a person shall not knowingly or intentionally possess a controlled substance, unless the substance was obtained directly from, or pursuant to, a prescription or order of a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician, optometrist, advanced practice registered nurse, certified registered nurse anesthetist or veterinarian while acting in the course of his or her professional practice, or except as otherwise authorized by the provisions of NRS 453.005 to 453.552, inclusive, ~~and~~ section 5.2 of this act.

2. Except as otherwise provided in subsections 3, 4 and 5 and in NRS 453.3363, and unless a greater penalty is provided in NRS 212.160, 453.3385 or 453.339, a person who violates this section:

(a) For a first or second offense, if the controlled substance is listed in schedule I or II and the quantity possessed is less than 14 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is less than 28 grams, is guilty of possession of a controlled substance and shall be punished for a category E felony as provided in NRS 193.130. In accordance with NRS 176.211, the court shall defer judgment upon the consent of the person.

(b) For a third or subsequent offense, if the controlled substance is listed in schedule I or II and the quantity possessed is less than 14 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is less than 28 grams, or if the offender has previously been convicted two or more times in the aggregate of any violation of the law of the United States or of any state, territory or district relating to a controlled substance, is guilty of possession of a controlled substance and shall be punished for a category D felony as provided in NRS 193.130, and may be further punished by a fine of not more than \$20,000.

(c) If the controlled substance is listed in schedule I or II and the quantity possessed is 14 grams or more, but less than 28 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is 28 grams or more, but less than 200 grams, is guilty of low-level possession

of a controlled substance and shall be punished for a category C felony as provided in NRS 193.130.

(d) If the controlled substance is listed in schedule I or II and the quantity possessed is 28 grams or more, but less than 42 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is 200 grams or more, is guilty of mid-level possession of a controlled substance and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years and by a fine of not more than \$50,000.

(e) If the controlled substance is listed in schedule I or II and the quantity possessed is 42 grams or more, but less than 100 grams, is guilty of high-level possession of a controlled substance and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years and by a fine of not more than \$50,000.

3. Unless a greater penalty is provided in NRS 212.160, 453.337 or 453.3385, a person who is convicted of the possession of flunitrazepam or gamma-hydroxybutyrate, or any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.

4. Unless a greater penalty is provided pursuant to NRS 212.160, a person who is convicted of the possession of 1 ounce or less of marijuana is guilty of a misdemeanor and shall be punished by:

(a) Performing not more than 24 hours of community service;

(b) Attending the live meeting described in paragraph (a) of subsection 2 of NRS 484C.530 and complying with any other requirements set forth in that section; or

(c) Being required to undergo an evaluation in accordance with subsection 1 of NRS 484C.350,

➡ or any combination thereof.

5. Unless a greater penalty is provided pursuant to NRS 212.160, a person who is convicted of the possession of more than 1 ounce, but less than 50 pounds, of marijuana or more than one-eighth of an ounce, but less than one pound, of concentrated cannabis is guilty of a category E felony and shall be punished as provided in NRS 193.130.

6. It is not a violation of this section if a person possesses a trace amount of a controlled substance and that trace amount is in or on a hypodermic device obtained from a sterile hypodermic device program pursuant to NRS 439.985 to 439.994, inclusive.

7. The court may grant probation to or suspend the sentence of a person convicted of violating this section.

8. If a person fulfills the terms and conditions imposed for a violation of subsection 4, the court shall, without a hearing, order sealed all documents,

papers and exhibits in that person's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order. The court shall cause a copy of the order to be sent to each agency or officer named in the order. Each such agency or officer shall notify the court in writing of its compliance with the order.

9. As used in this section:

(a) "Controlled substance" includes flunitrazepam, gamma-hydroxybutyrate and each substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor.

(b) "Marijuana" does not include concentrated cannabis.

(c) "Sterile hypodermic device program" has the meaning ascribed to it in NRS 439.986.

Sec. 5.8. NRS 453.381 is hereby amended to read as follows:

453.381 1. In addition to the limitations imposed by NRS 453.256 and 453.3611 to 453.3648, inclusive, a physician, physician assistant, dentist, advanced practice registered nurse, certified registered nurse anesthetist or podiatric physician may prescribe or administer controlled substances only for a legitimate medical purpose and in the usual course of his or her professional practice, and he or she shall not prescribe, administer or dispense a controlled substance listed in schedule II for himself or herself, his or her spouse or his or her children except in cases of emergency.

2. A veterinarian, in the course of his or her professional practice only, and not for use by a human being, may prescribe, possess and administer controlled substances, and the veterinarian may cause them to be administered by a veterinary technician under the direction and supervision of the veterinarian.

3. A euthanasia technician, within the scope of his or her license, and not for use by a human being, may possess and administer sodium pentobarbital.

4. A pharmacist shall not fill an order which purports to be a prescription if the pharmacist has reason to believe that it was not issued in the usual course of the professional practice of a physician, physician assistant, dentist, advanced practice registered nurse, certified registered nurse anesthetist, podiatric physician or veterinarian.

5. Any person who has obtained from a physician, physician assistant, dentist, advanced practice registered nurse, certified registered nurse anesthetist, podiatric physician or veterinarian any controlled substance for administration to a patient during the absence of the physician, physician assistant, dentist, advanced practice registered nurse, certified registered nurse anesthetist, podiatric physician or veterinarian shall return to him or her any unused portion of the substance when it is no longer required by the patient.

6. A manufacturer, wholesale supplier or other person legally able to furnish or sell any controlled substance listed in schedule II shall not provide samples of such a controlled substance to registrants.

7. A salesperson of any manufacturer or wholesaler of pharmaceuticals shall not possess, transport or furnish any controlled substance listed in schedule II.

8. A person shall not dispense a controlled substance in violation of a regulation adopted by the Board.

Sec. 5.85. NRS 453.391 is hereby amended to read as follows:

453.391 A person shall not:

1. Unlawfully take, obtain or attempt to take or obtain a controlled substance or a prescription for a controlled substance from a manufacturer, wholesaler, pharmacist, physician, physician assistant, dentist, advanced practice registered nurse, certified registered nurse anesthetist, veterinarian or any other person authorized to administer, dispense or possess controlled substances.

2. While undergoing treatment and being supplied with any controlled substance or a prescription for any controlled substance from one practitioner, knowingly obtain any controlled substance or a prescription for a controlled substance from another practitioner without disclosing this fact to the second practitioner.

Sec. 5.9. NRS 454.00958 is hereby amended to read as follows:

454.00958 "Practitioner" means:

1. A physician, dentist, veterinarian or podiatric physician who holds a valid license to practice his or her profession in this State.

2. A pharmacy, hospital or other institution licensed or registered to distribute, dispense, conduct research with respect to or to administer a dangerous drug in the course of professional practice in this State.

3. When relating to the prescription of poisons, dangerous drugs and devices:

(a) An advanced practice registered nurse who holds a certificate from the State Board of Pharmacy permitting him or her so to prescribe; or

(b) A physician assistant who holds a license from the Board of Medical Examiners and a certificate from the State Board of Pharmacy permitting him or her so to prescribe.

4. An optometrist who is certified to prescribe and administer pharmaceutical agents pursuant to NRS 636.288 when the optometrist prescribes or administers dangerous drugs which are within the scope of his or her certification.

5. A certified registered nurse anesthetist when he or she orders, prescribes, possesses or administers poisons, dangerous drugs or devices under the conditions prescribed by paragraph (a) of subsection 1 of section 2.6 of this act.

Sec. 6. 1. The provisions of NRS 631.115, 633.171, 635.015 and 636.027, as amended by sections 1, 3, 4 and 5 of this act, respectively, and section ~~12~~ 2.2 of this act apply to any conduct that:

(a) Occurred before, on or after the effective date of this act; and

(b) Has not been the subject of a final order of a regulatory body.

2. A regulatory body shall terminate any investigation or disciplinary proceedings:

(a) Against a person permitted to practice any healing art under title 54 of NRS for conduct outside the scope of the regulatory body; or

(b) Which are otherwise inconsistent with the amendatory provisions of this act.

3. As used in this section:

(a) "Healing art" has the meaning ascribed to it in NRS 630.0122.

(b) "Regulatory body" means the Board of Dental Examiners of Nevada, the State Board of Nursing, the State Board of Osteopathic Medicine, the State Board of Podiatry and the Nevada State Board of Optometry.

Sec. 7. 1. This ~~act becomes~~ section and sections 1, 2, 2.2, 3, 4 and 5 of this act become effective upon passage and approval.

2. Sections 2.4, 2.6, 2.8 and 5.1 to 5.9, inclusive, of this act become effective:

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

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

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 404 to Senate Bill No. 336 requires the State Board of Nursing to issue a certificate of registration to practice as a certified registered anesthetist to a qualified applicant; requires the Board to adopt regulations to set forth the practice authority of a certified registered nurse anesthetist; and adds provisions authorizing a certified registered nurse to prescribe controlled substances and dangerous drugs, including anesthetics, within their scope of practice when working in a critical access hospital.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 359.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 348.

SUMMARY—Revises provisions governing juvenile justice. (BDR 5-56)

AN ACT relating to juvenile justice; revising provisions relating to community service ordered for a child who is subject to the jurisdiction of the juvenile court; ~~authorizing a juvenile court to order a child who is subject to the jurisdiction of the juvenile court to attend or participate in counseling or psychological treatment under certain circumstances;~~ revising provisions relating to the driving privileges of certain children who are adjudicated delinquent or in need of supervision; revising provisions relating to an agreement for informal supervision; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

In general, existing law authorizes a juvenile court to order a child who is subject to the jurisdiction of the juvenile court or the parent or guardian of such a child, or both, to perform community service. (NRS 62E.180) Existing law ~~[(1)]~~ defines "community service" for the purposes of any such order to include certain public service, work on public projects, supervised work for the benefit of the community or any other work required by the juvenile court ~~[(1) and (2) requires]~~ (NRS 62A.060, 62A.180) Section 1 of this bill revises the definition of community service to mean a community-based activity that: (1) facilitates civic engagement, facilitates or enhances connections between a child and his or her community, provides training in life skills or increases the employability of a child; and (2) is designed to achieve certain goals. Under existing law, if a juvenile court orders a child, parent or guardian to perform community service, the community service must be performed for and under the supervising authority of certain public entities or a private nonprofit corporation. (NRS ~~62A.060, 62E.180,~~ 62E.190) ~~Section 1 of this bill expands the definition of "community service" to include other activities which may be required by the juvenile court, such as participating in tutoring or extracurricular activities.]~~ Section 4 of this bill ~~[(makes)]~~ adds a [conforming change by authorizing a child's school of attendance or the school at which a child participates in tutoring or extracurricular activities] program for which the primary purpose is to build job skills and increase employability to [supervise] the [performance of] list of entities under whose supervisory authority a child, parent or guardian is authorized to perform community service.

~~[Under existing law, a child placed under the informal supervision of a probation officer may be required to perform community service or engage in certain other activities. (NRS 62C.210) Section 2 of this bill additionally provides that a child placed under informal supervision may be required to attend or participate in counseling or psychological treatment.]~~

~~[Existing law requires a child who commits certain alcohol or marijuana offenses to perform community service. (NRS 62E.173) Section 3 of this bill instead authorizes a juvenile court to order such a child to perform community service or attend or participate in counseling or psychological treatment for a certain number of hours.]~~

Existing law authorizes or requires the juvenile court to suspend or delay the issuance of the driver's license of a child who is adjudicated delinquent or in need of supervision under certain circumstances. Under existing law, if a child is already the subject of such an order, the juvenile court must order the additional suspension or delay to apply consecutively with the previous order. (NRS 62E.440, 62E.630, 62E.650, 62E.690) Sections 6, 8, 9 and 11 of this bill remove this requirement.

Among other penalties, existing law requires a juvenile court to order a child who is adjudicated to be in need of supervision because the child is a habitual truant to pay a fine or perform community service, or both.

(NRS 62E.430) Section 5 of this bill: (1) removes the requirement that the court order the child to ~~perform community service under certain circumstances;~~ pay a fine the first time the child is adjudicated to be in need of supervision; and (2) authorizes the juvenile court to order the child to perform an additional 10 hours of community service ~~for attend or participate in counseling or psychological treatment~~ for a combined total not to exceed 20 hours in lieu of all or part of the fine ordered by the court.

~~Existing law authorizes a juvenile court to order a child who is adjudicated delinquent for an unlawful act involving the killing or possession of certain animals to order the child to: (1) pay a fine; or (2) perform community service, if the child is unable to pay the fine because of financial hardship. (NRS 62E.685) Section 10 of this bill authorizes a juvenile court to alternatively order the child to attend or participate in counseling or psychological treatment, if the child is unable to pay the fine because of financial hardship.~~

~~Existing law requires a juvenile court to order a delinquent child or the parent or guardian of such a child to provide restitution to: (1) certain victims who incur medical expenses as a result of certain unlawful acts; and (2) persons who own or possess property damaged or destroyed as a result of such acts. If, because of financial hardship, a child, parent or guardian is unable to provide such restitution, existing law requires the juvenile court to order the child, parent or guardian, or both, to perform community service. (NRS 62E.560) Section 7 of this bill authorizes a juvenile court to alternatively order a delinquent child to attend or participate in counseling or psychological treatment if the child, parent or guardian is unable to provide restitution because of financial hardship. Section 7 also prohibits the juvenile court from ordering a child, parent or guardian to: (1) perform community service if an opportunity to perform community service is not reasonably available; or (2) participate in counseling or psychological treatment if the child, parent or guardian is required to pay the costs associated with attending or participating in the counseling or treatment.~~

~~Among other penalties, existing law requires a juvenile court to order a child who is adjudicated delinquent because the child unlawfully handled or possessed a firearm or had a firearm under his or her control to perform a certain number of hours of community service. (NRS 62E.650) Section 9 of this bill: (1) removes the requirement for the juvenile court to order the child to perform community service; and (2) authorizes the juvenile court to order the child to perform community service or to attend or participate in counseling or psychological treatment. Section 9 also prescribes certain limitations on the combined total number of hours a juvenile court may order a child to perform community service or attend or participate in counseling or psychological treatment.~~

~~Section 11 authorizes a juvenile court to order a child who is adjudicated delinquent for the unlawful act of placing graffiti on or otherwise defacing certain property to perform community service or participate in counseling or~~

psychological treatment. Section 11 also prescribes certain limitations on the combined total number of hours a juvenile court may order a child to perform community service or attend or participate in counseling or psychological treatment.

~~If a child is found to have committed a minor traffic offense, existing law authorizes a juvenile court to order the child to pay a fine, among other penalties. If, due to financial hardship, the child is unable to pay the fine, existing law authorizes the court to order the child to perform community service. (NRS 62E.700) Section 12 of this bill additionally authorizes the juvenile court to order such a child to attend or participate in counseling or psychological treatment.~~

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

Section 1. NRS 62A.060 is hereby amended to read as follows:

62A.060 ~~{1.}~~ "Community service" means ~~{community service}~~ a community-based activity that:

1. Facilitates civic engagement, facilitates or enhances connections between the child and his or her community, provides training in life skills or increases the employability of the child through basic job training;

2. Is designed to:

(a) Encourage the development of empathy for victims of crimes;

(b) Repair harm done to victims and the community by giving back to victims and the community;

(c) Facilitate the development of critical thinking and problem solving skills;

(d) Facilitate the development of a deeper understanding of community problems;

(e) Provide the child with a better understanding of how to make constructive changes;

(f) Assist the child with gaining a sense of individual effectiveness;

(g) Facilitate the development in the child of a personal stake in the well-being of the community; or

(h) Provide the child with a better understanding of the need for involvement in the community in a way that affects positive change; and

3. Is performed in accordance with NRS 62E.190.

~~{2. The term and includes, but is not limited to, public without limitation:~~

~~1. Public service, work;~~

~~2. Work on public projects, supervised;~~

~~3. Supervised work for the benefit of the community ; or any~~

~~4. Any other work or activity required by the juvenile court ., including, without limitation, participation in tutoring or extracurricular activities.~~

Sec. 2. ~~{NRS 62C.210 is hereby amended to read as follows:~~

~~62C.210 1. An agreement for informal supervision may require the child to:~~

~~— (a) Perform community service, provide restitution to any victim of the acts for which the child was referred to the probation officer or make a monetary contribution to a restitution contribution fund established pursuant to NRS 62E.175;~~

~~— (b) Participate in a program of restitution through work that is established pursuant to NRS 62E.580 if the child:~~

~~— (1) Is 14 years of age or older;~~

~~— (2) Has never been found to be within the purview of this title for an unlawful act that involved the use or threatened use of force or violence against a victim and has never been found to have committed such an unlawful act in any other jurisdiction, unless the probation officer determines that the child would benefit from the program;~~

~~— (3) Is required to provide restitution to a victim; and~~

~~— (4) Voluntarily agrees to participate in the program of restitution through work;~~

~~— (c) Complete a program of cognitive training and human development pursuant to NRS 62E.220 if:~~

~~— (1) The child has never been found to be within the purview of this title; and~~

~~— (2) The unlawful act for which the child is found to be within the purview of this title did not involve the use or threatened use of force or violence against a victim; [or]~~

~~— (d) Attend or participate in counseling or psychological treatment; or~~

~~— (e) Engage in any combination of the activities set forth in this subsection.~~

~~2. If the agreement for informal supervision requires the child to participate in a program of restitution through work or complete a program of cognitive training and human development, the child or the parent or guardian of the child must not be required to pay the costs associated with the participation of the child in the program. Unless the parent or guardian of the child signs a waiver of liability, the program or the entity for which the child performs the work, as applicable, shall provide policies of insurance against liability for personal injury and damage to property or industrial insurance, or both, during those periods in which the child participates in the program or performs work.] (Deleted by amendment.)~~

Sec. 3. ~~{NRS 62E.173 is hereby amended to read as follows:~~

~~62E.173 1. If a child commits an alcohol or marijuana offense:~~

~~— (a) For a first or second offense:~~

~~— (1) The child is a child in need of supervision and is not a delinquent child, and the child must be placed under informal supervision pursuant to NRS 62C.200; and~~

~~— (2) The juvenile court may order the child [shall] to perform community service or attend or participate in counseling or psychological treatment for a combined total of not more than 24 hours. [of community service.]~~

~~— (b) For a third or subsequent offense, a district attorney may file a petition alleging delinquency.~~

~~2. As used in this section, "alcohol or marijuana offense" means:~~

~~(a) A violation of NRS 202.020;~~

~~(b) A violation of a city or county ordinance relating to the consumption or possession of alcohol;~~

~~(c) A violation of subsection 4 of NRS 453.336 for possession of 1 ounce or less of marijuana; or~~

~~(d) A violation of a city or county ordinance relating to the possession of 1 ounce or less of marijuana.~~ (Deleted by amendment.)

Sec. 4. NRS 62E.190 is hereby amended to read as follows:

62E.190 1. If the juvenile court orders a child or the parent or guardian of the child, or both, to perform community service pursuant to the provisions of this title, the child or parent or guardian of the child, or both, must perform the community service for and under the supervising authority of ~~the~~ :

(a) A county, city, town or other political subdivision or agency of the State of Nevada ;

~~(b) The child's school of attendance or the school at which the child participates in tutoring or extracurricular activities; or a~~

~~(c) A charitable organization that renders service to the community or its residents, including, but not limited to:~~

~~(a) without limitation:~~

(1) A public organization that works on public projects;

~~(b)~~ (2) A public agency that works on projects to eradicate graffiti; or

~~(c)~~ (3) A private nonprofit organization that performs other community service ~~for~~; or

(c) A program for which the primary purpose is to build job skills and increase the employability of the child.

2. The person or entity who supervises the community service shall make such reports to the juvenile court as the juvenile court may require.

Sec. 5. NRS 62E.430 is hereby amended to read as follows:

62E.430 1. ~~If~~ Except as otherwise provided in subsection 2, if a child is adjudicated to be in need of supervision because the child is a habitual truant, the juvenile court shall:

(a) The first time the child is adjudicated to be in need of supervision because the child is a habitual truant:

(1) Order ~~the~~

~~(I) The child to pay a fine of not more than \$100 or, if the parent or guardian of the child knowingly induced the child to be a habitual truant, order the parent or guardian to pay the fine; or~~

~~(II) The child to perform not less than 8 hours but not more than 16 hours of community service; and~~

(2) If the child is 14 years of age or older, order the suspension of the driver's license of the child for at least 30 days but not more than 6 months. If the child does not possess a driver's license, the juvenile court shall prohibit the child from applying for a driver's license for 30 days:

(I) Immediately following the date of the order if the child is eligible to apply for a driver's license; or

(II) After the date the child becomes eligible to apply for a driver's license if the child is not eligible to apply for a driver's license.

(b) The second or any subsequent time the child is adjudicated to be in need of supervision because the child is a habitual truant:

(1) Order :

(I) The ~~the~~ child to pay a fine of not more than \$200 or, if the parent or guardian of the child knowingly induced the child to be a habitual truant, order the parent or guardian to pay the fine;

(II) The child to perform not more than 10 hours of community service; or

(III) Compliance with the requirements set forth in both sub-subparagraphs (I) and (II); and

(2) If the child is 14 years of age or older, order the suspension of the driver's license of the child for at least 60 days but not more than 1 year. If the child does not possess a driver's license, the juvenile court shall prohibit the child from applying for a driver's license for 60 days:

(I) Immediately following the date of the order if the child is eligible to apply for a driver's license; or

(II) After the date the child becomes eligible to apply for a driver's license if the child is not eligible to apply for a driver's license.

2. *The juvenile court may, in lieu of all or part of a fine ordered pursuant to ~~the~~*

~~(a) Paragraph (a) of subsection 1, order the child to perform community service or attend or participate in counseling or psychological treatment for a combined total of not more than 10 hours.~~

~~(b) Paragraph (b) of subsection 1,] this section, order the child to perform not more than 10 additional hours of community service. for attend or participate in counseling or psychological treatment for a] The combined total of ~~not more than 16~~ community service ordered by the juvenile court each time a child is adjudicated to be in need of supervision must not exceed 20 hours.~~

3. The juvenile court may suspend the payment of a fine ordered pursuant to ~~paragraph (a) of subsection 1] this section if ~~the~~~~ :

(a) The child attends school for 60 consecutive school days, or its equivalent in a school district operating under an alternative schedule authorized pursuant to NRS 388.090, after the imposition of the fine, or has a valid excuse acceptable to the child's teacher or the principal for any absence from school within that period ~~to~~

~~3. 4. The juvenile court may suspend the payment of a fine ordered pursuant to this section if ~~the~~ ; or~~

(b) The parent or guardian of a child is ordered to pay a fine by another court of competent jurisdiction in a case relating to or arising out of the same

circumstances that caused the juvenile court to adjudicate the child in need of supervision.

4. The

~~[5. Any]~~ community service ordered pursuant to this section ~~subsection 2]~~ must be performed at the child's school of attendance, if practicable.

Sec. 6. NRS 62E.440 is hereby amended to read as follows:

62E.440 1. If a child is adjudicated to be in need of supervision because the child has committed an offense related to tobacco, the juvenile court may:

(a) The first time the child is adjudicated to be in need of supervision because the child has committed an offense related to tobacco, order the child to:

- (1) Pay a fine of \$25; and
- (2) Attend and complete a tobacco awareness and cessation program.

(b) The second time the child is adjudicated to be in need of supervision because the child has committed an offense related to tobacco, order the child to:

- (1) Pay a fine of \$50; and
- (2) Attend and complete a tobacco awareness and cessation program.

(c) The third or any subsequent time the child is adjudicated to be in need of supervision because the child has committed an offense related to tobacco, order:

- (1) The child to pay a fine of \$75;
- (2) The child to attend and complete a tobacco awareness and cessation program; and

(3) That the driver's license of the child be suspended for at least 30 days but not more than 90 days or, if the child does not possess a driver's license, prohibit the child from receiving a driver's license for at least 30 days but not more than 90 days:

(I) Immediately following the date of the order, if the child is eligible to receive a driver's license.

(II) After the date the child becomes eligible to apply for a driver's license, if the child is not eligible to receive a license on the date of the order.

2. If the juvenile court orders a child to pay a fine pursuant to this section and the child willfully fails to pay the fine, the juvenile court may order that the driver's license of the child be suspended for at least 30 days but not more than 90 days or, if the child does not possess a driver's license, prohibit the child from receiving a driver's license for at least 30 days but not more than 90 days:

(a) Immediately following the date of the order, if the child is eligible to receive a driver's license.

(b) After the date the child becomes eligible to apply for a driver's license, if the child is not eligible to receive a license on the date of the order.

➡ If the child is already the subject of a court order suspending or delaying the issuance of the driver's license of the child, the juvenile court ~~shall~~ may

order the additional suspension or delay, as appropriate, to apply consecutively with the previous order.

3. If the juvenile court suspends the driver's license of a child pursuant to this section, the juvenile court may order the Department of Motor Vehicles to issue a restricted driver's license pursuant to NRS 483.490 permitting the child to drive a motor vehicle:

- (a) To and from work or in the course of his or her work, or both;
- (b) To and from school; or
- (c) To acquire supplies of medicine or food or receive regularly scheduled medical care for himself, herself or a member of his or her immediate family.

Sec. 7. ~~NRS 62E.560 is hereby amended to read as follows:~~
~~62E.560 1. If a delinquent child has committed an unlawful act that causes physical injury to a victim of the act, the juvenile court shall order the child to provide restitution to the victim for medical expenses incurred as a result of the act.~~

~~2. If a delinquent child has committed an unlawful act that damaged or destroyed property owned or possessed by another person, the juvenile court shall order the child to provide restitution to the person who owns or possesses the property.~~

~~3. If the child is not able to provide restitution pursuant to this section, the juvenile court shall order the parent or guardian of the child to provide restitution, unless the juvenile court determines that extenuating circumstances exist.~~

~~4. [If,] Except as otherwise provided in subsection 5, if, because of financial hardship, a delinquent child or the parent or guardian of the child, or both, are unable to provide restitution pursuant to this section, the juvenile court shall order [the]:~~

~~(a) The child or the parent or guardian of the child, or both, to perform community service [.] ; or~~

~~(b) The child to attend or participate in counseling or psychological treatment.~~

~~5. The juvenile court shall not order:~~

~~(a) A child, parent or guardian to perform community service pursuant to subsection 4 if an opportunity to perform community service in accordance with NRS 62E.190 is not reasonably available to the child, parent or guardian, as applicable.~~

~~(b) A child to attend or participate in counseling or psychological treatment pursuant to subsection 4 if the child, parent or guardian is required to pay the costs associated with attending or participating in the counseling or psychological treatment.] (Deleted by amendment.)~~

Sec. 8. NRS 62E.630 is hereby amended to read as follows:

62E.630 1. Except as otherwise provided in this section, if a child is adjudicated delinquent for the unlawful act of using, possessing, selling or distributing a controlled substance, or purchasing, consuming or possessing an alcoholic beverage in violation of NRS 202.020, the juvenile court shall:

(a) If the child possesses a driver's license, issue an order suspending the driver's license of the child for at least 90 days but not more than 2 years; or

(b) If the child does not possess a driver's license and the child is or will be eligible to receive a driver's license within the 2 years immediately following the date of the order, issue an order prohibiting the child from receiving a driver's license for a period specified by the juvenile court which must be at least 90 days but not more than 2 years:

(1) Immediately following the date of the order, if the child is eligible to receive a driver's license; or

(2) After the date the child will be eligible to receive a driver's license, if the child is not eligible to receive a driver's license on the date of the order.

2. If the child is already the subject of a court order suspending or delaying the issuance of the driver's license of the child, the juvenile court ~~shall~~ may order the additional suspension or delay, as appropriate, to apply consecutively with the previous order.

3. If the juvenile court finds that a suspension or delay in the issuance of the driver's license of a child pursuant to this section would cause or is causing a severe or undue hardship to the child or his or her immediate family and that the child is otherwise eligible to receive a driver's license, the juvenile court may order the Department of Motor Vehicles to issue a restricted driver's license to the child pursuant to NRS 483.490.

4. If the juvenile court issues an order requiring the Department of Motor Vehicles to issue a restricted driver's license to a child pursuant to subsection 3, not later than 5 days after issuing the order, the juvenile court shall forward to the Department of Motor Vehicles a copy of the order.

Sec. 9. NRS 62E.650 is hereby amended to read as follows:

62E.650 1. If a child is adjudicated delinquent because the child handled or possessed a firearm or had a firearm under his or her control in violation of NRS 202.300, the juvenile court shall:

(a) For the first offense :

(1) Order the child to perform 200 hours of community service; and

(2) Issue ~~the~~ an order suspending the driver's license of the child for not more than 1 year or, if the child does not possess a driver's license, prohibit the child from receiving a driver's license for not more than 1 year:

(I) ~~the~~ Immediately following the date of the order, if the child is eligible to receive a driver's license.

(II) ~~the~~ After the date the child becomes eligible to receive a driver's license, if the child is not eligible to receive a license on the date of the order.

(b) For the second offense :

(1) Order the child to perform at least 200 hours but not more than 600 hours of community service; and

(2) Issue ~~the~~ an order suspending the driver's license of the child for at least 90 days but not more than 2 years or, if the child does not possess

a driver's license, prohibit the child from receiving a driver's license for at least 90 days but not more than 2 years:

~~(I) ~~(1)~~~~ Immediately following the date of the order, if the child is eligible to receive a driver's license.

~~(II) ~~(2)~~~~ After the date the child becomes eligible to receive a driver's license, if the child is not eligible to receive a license on the date of the order.

2. If the child is already the subject of a court order suspending or delaying the issuance of the driver's license of the child, the juvenile court ~~[shall]~~ may order an additional suspension or delay, as appropriate, to apply consecutively with the previous order.

~~[3. In addition to the penalties prescribed by subsection 1, the juvenile court may order the child to perform community service or attend or participate in counseling or psychological treatment for a combined total of not more than:~~

~~(a) Fifty hours, for the first offense.~~

~~(b) Two hundred hours, for the second offense.]~~

Sec. 10. ~~[NRS 62E.685 is hereby amended to read as follows:~~

~~62E.685 If a child is adjudicated delinquent for an unlawful act involving the killing or possession of certain animals in violation of NRS 501.376, the juvenile court may do any or all of the following:~~

~~1. Order the child to pay a fine. If, because of financial hardship, the child is unable to pay the fine, the juvenile court may order the child to perform community service [...] or attend or participate in counseling or psychological treatment.~~

~~2. Order the child or the parent or guardian of the child, or both, to pay a civil penalty pursuant to NRS 501.385.~~

~~3. Order that any license issued to the child pursuant to chapter 502 of NRS be revoked by the Department of Wildlife. The juvenile court shall order the child to surrender to the court any license issued to the child pursuant to chapter 502 of NRS then held by the child and, not later than 5 days after issuing the order, forward to the Department of Wildlife any license surrendered by the child and a copy of the order.~~

~~4. Order that the child must not receive a license to hunt, fish or trap within the 2 years immediately following the date of the order or until the child is 18 years of age, whichever is later.~~

~~5. Order the child placed on probation and impose such conditions as the juvenile court deems proper.] (Deleted by amendment.)~~

Sec. 11. NRS 62E.690 is hereby amended to read as follows:

62E.690 1. Except as otherwise provided in this section, if a child is adjudicated delinquent for the unlawful act of placing graffiti on or otherwise defacing public or private property owned or possessed by another person in violation of NRS 206.125 or 206.330 or for the unlawful act of carrying a graffiti implement in certain places without valid authorization in violation of NRS 206.335, the juvenile court shall:

(a) If the child possesses a driver's license, issue an order suspending the driver's license of the child for at least 1 year but not more than 2 years; or

(b) If the child does not possess a driver's license and the child is or will be eligible to receive a driver's license within the 2 years immediately following the date of the order, issue an order prohibiting the child from receiving a driver's license for a period specified by the juvenile court which must be at least 1 year but not more than 2 years:

(1) Immediately following the date of the order, if the child is eligible to receive a driver's license; or

(2) After the date the child will be eligible to receive a driver's license, if the child is not eligible to receive a driver's license on the date of the order.

2. If the child is already the subject of a court order suspending or delaying the issuance of the driver's license of the child, the juvenile court ~~[shall]~~ may order the additional suspension or delay, as appropriate, to apply consecutively with the previous order.

~~[3. In addition to the penalties prescribed by subsection 1, the juvenile court may order the child to perform community service or attend or participate in counseling or psychological treatment for a combined total of not more than:~~

~~—(a) Fifty hours, for the first offense.~~

~~—(b) One hundred hours, for the second offense.~~

~~—(c) Two hundred hours, for the third or subsequent offense.]~~

Sec. 12. ~~[NRS 62E.700 is hereby amended to read as follows:~~

~~62E.700 1. If a child is found to have committed a minor traffic offense, the juvenile court may do any or all of the following:~~

~~—(a) Order the child to pay a fine. If, because of financial hardship, the child is unable to pay the fine, the juvenile court may order the child to perform community service [.] or attend or participate in counseling or psychological treatment.~~

~~—(b) Recommend to the Department of Motor Vehicles the suspension of the driver's license of the child.~~

~~—(c) Order the child to attend and complete a traffic survival course.~~

~~—(d) Order the child or the parent or guardian of the child, or both, to pay the reasonable cost for the child to attend the traffic survival course.~~

~~—(e) Order the child placed on probation and impose such conditions as the juvenile court deems proper.~~

~~2. The juvenile court shall forward to the Department of Motor Vehicles, in the form required by NRS 483.450, a record of the minor traffic offense, unless the offense involved a violation of a law or ordinance governing standing or parking.~~

~~3. As used in this section, "juvenile court" means:~~

~~—(a) The juvenile court; or~~

~~—(b) The Justice Court or municipal court if the juvenile court has transferred the case and record to the Justice Court or municipal court pursuant to NRS 62B.380.] (Deleted by amendment.)~~

Senator Scheible moved the adoption of the amendment.

Remarks by Senator Scheible.

Amendment No. 348 to Senate Bill No. 359 expands the definition of "community service" to conform with guidance from the Office of Juvenile Justice and Delinquency Prevention regarding providing meaningful community service while holding a child accountable. It also strikes from the bill the reductions in community services hours, adds job skills and employability components to community service and removes the fine for a first offense of truancy.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 390.

Bill read second time.

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

Amendment No. 236.

SUMMARY—Enacts provisions relating to neurodegenerative diseases. (BDR 40-135)

AN ACT relating to health care; ~~requiring~~ authorizing the [Chief Medical Officer] University of Nevada, Las Vegas, to establish and maintain a system for the reporting and analysis of certain information on neurodegenerative diseases; ~~authorizing administrative penalties for the failure to comply with the reporting requirements; requiring the Division of Public and Behavioral Health of the Department of Health and Human Services to report certain information on neurodegenerative diseases;~~ authorizing a patient to opt [out of] in to the reporting of such information; authorizing the University of Nevada, Las Vegas, to establish and maintain an Internet website for the system; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Chief Medical Officer appointed by the Director of the Department of Health and Human Services to establish and maintain systems for the reporting of information on: (1) sickle cell disease and its variants; (2) lupus and its variants; and (3) cancer and other neoplasms. (NRS 439.4929, 439.4976, 457.230) Existing law requires the chief administrative officer of each health care facility in this State to make available to the Chief Medical Officer or his or her representative the records of the health care facility for each reportable incidence of sickle cell disease or a variant thereof, lupus or a variant thereof, or cancer or another neoplasm. (NRS 439.4933, 439.498, 457.250) Sections 3-8 of this bill define certain terms for the purposes of sections 2-17 of this bill. Section 9 of this bill ~~requires~~ authorizes the [Chief Medical Officer] University of Nevada, Las Vegas, to establish and maintain a similar system for the reporting of information on Parkinson's disease, Parkinsonisms, Alzheimer's disease and other neurodegenerative diseases prescribed by ~~regulation of the State Board of Health,~~ the University of Nevada, Las Vegas. Sections 9 and 10 of this

bill require hospitals, medical laboratories, certain other facilities and providers of health care to report certain information prescribed by the ~~[State Board of Health]~~ University of Nevada, Las Vegas, concerning cases of such neurodegenerative diseases diagnosed or treated at the facility or by the provider, as applicable ~~[,]~~ , if the system is established and the patient opts in to such reporting. Section 11 of this bill prescribes a procedure by which a patient may opt ~~[out of]~~ in to the reporting of information relating to him or her ~~[, except for his or her diagnosis. Section 12 of this bill requires the chief administrative officer of each health care facility in this State to make available to the Chief Medical Officer or his or her representative the records of the health care facility for certain cases of neurodegenerative diseases for abstraction by the Division of Public and Behavioral Health of the Department. Section 12 also provides for the imposition of an administrative penalty against a person who fails to make such records available for abstraction. Sections 13 and 14 of this bill provide for analysis, reporting and research of the reported and abstracted information concerning cases of neurodegenerative diseases.]~~ Section 14.5 of this bill authorizes the University of Nevada, Las Vegas, to: (1) establish and maintain an Internet website for the system; and (2) post an annual report concerning the activities of the system on that Internet website. Section 15 of this bill ~~[requires the Division]~~ authorizes the University of Nevada, Las Vegas, to apply for and accept gifts, grants and donations to carry out the provisions of sections 2-17 of this bill. Sections 10, 16 and 18 of this bill provide for the confidentiality of the reported information concerning patients, providers of health care and facilities. Section 17 of this bill provides immunity from liability for any person or organization who discloses information in good faith to the ~~[Division]~~ University of Nevada, Las Vegas, in accordance with the requirements of sections 9 [,] and 10, [and 12.] Section 18.5 of this bill appropriates money to the Department of Brain Health at the University of Nevada, Las Vegas, to establish and maintain: (1) the system for the reporting of information on neurodegenerative diseases pursuant to section 9; and (2) the Internet website for the system pursuant to section 14.5.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED (c)N
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 439 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 17, inclusive, of this act.

Sec. 2. *As used in sections 2 to 17, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 8, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Health care facility" has the meaning ascribed to it in NRS 162A.740.*

Sec. 4. *"Medical laboratory" has the meaning ascribed to it in NRS 652.060.*

Sec. 5. *"Neurodegenerative disease" means a chronic and progressive neurological disease that affects the central nervous system and causes*

neurons to stop working or die, including, without limitation, Parkinson's disease, Parkinsonisms and Alzheimer's disease.

Sec. 6. "Parkinsonisms" means conditions that cause a combination of the movement abnormalities seen in Parkinson's disease which overlap with and evolve from Parkinson's disease.

Sec. 7. "Parkinson's disease" means a chronic and progressive neurological disorder resulting from a deficiency of the neurotransmitter dopamine as a consequence of specific degenerative changes in the basal ganglia of the brain.

Sec. 8. "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 9. 1. ~~The [Chief Medical Officer shall, pursuant to the regulations adopted by the State Board of Health pursuant to section 10 of this act,] University of Nevada, Las Vegas, may establish and maintain a system for the reporting of information on neurodegenerative diseases.~~

2. ~~[The]~~ If a system for the reporting of information on neurodegenerative diseases is established pursuant to subsection 1, the system must include a record of the cases of neurodegenerative diseases for which reporting is required [by the regulations adopted] pursuant to section 10 of this act, ~~for~~ and for which patients opt in to such reporting pursuant to section 11 of this act which occur in this State along with such information concerning those cases as may be appropriate to form the basis for:

(a) Conducting comprehensive epidemiologic surveys of neurodegenerative diseases in this State; and

(b) Evaluating the appropriateness of measures for the prevention and control of neurodegenerative diseases.

3. ~~[Except as otherwise provided in section 11 of this act,] If a system for the reporting of information on neurodegenerative diseases is established pursuant to subsection 1, hospitals, medical laboratories and other facilities that provide screening, diagnostic or therapeutic services to patients with respect to neurodegenerative diseases shall report to the system the information prescribed by the [State Board of Health] University of Nevada, Las Vegas, pursuant to section 10 of this act [to the system established pursuant to subsection 1,] for patients who opt in to such reporting pursuant to section 11 of this act.~~

4. ~~[Except as otherwise provided in section 11 of this act, any] If a system for the reporting of information on neurodegenerative diseases is established pursuant to subsection 1, the provider of health care who diagnoses or [provides] is primarily responsible for providing treatment for a neurodegenerative [diseases,] disease, except for [cases] a case directly referred to the provider or [cases] a case that [have] has been previously admitted to a hospital, medical laboratory or other facility described in subsection 3, shall report to the system the information prescribed by the [State Board of Health] University of Nevada, Las Vegas, pursuant to~~

section 10 of this act ~~[to the system established pursuant to subsection 1.]~~ for patients who opt in to such reporting pursuant to section 11 of this act.

Sec. 10. ~~[The State Board of Health, in consultation with]~~ If a system for the reporting of information on neurodegenerative diseases is established pursuant to section 9 of this act, the University of Nevada, Las Vegas, [School of Medicine, shall by regulation:] shall:

1. Prescribe the neurodegenerative diseases for which information must, to the extent authorized by section 11 of this act, be reported, which ~~must~~ may include, without limitation, Parkinson's disease, Parkinsonisms and Alzheimer's disease;

2. Prescribe the form and manner in which information on cases of neurodegenerative diseases must be reported;

3. Prescribe the information that must be included in each report, including, without limitation:

(a) The name, address, age and ethnicity of the patient;

(b) The neurodegenerative disease which the person has been diagnosed;

(c) The method of treatment, including, without limitation, any medication prescribed for the patient and whether the patient has adequate access to that medication;

(d) Any other disease from which the patient suffers;

(c) Information concerning the usage of and access to health care services by the patient; and

(f) If a patient is diagnosed with a neurodegenerative disease and dies, his or her age at death; and

4. Establish protocol for allowing access to and preserving the confidentiality of the records of patients needed for research into neurodegenerative diseases.

Sec. 11. 1. ~~[The State Board of Health]~~ If a system for the reporting of information on neurodegenerative diseases is established pursuant to section 9 of this act, the University of Nevada, Las Vegas, shall prescribe a form which provides a patient with:

(a) Written notice concerning the collection of information pursuant to sections 2 to 17, inclusive, of this act and the purposes for which such information is collected; and

(b) The opportunity to opt ~~out of~~ in to the collection of such information by executing the form.

2. ~~[A]~~ If a system for the reporting of information on neurodegenerative diseases is established pursuant to section 9 of this act, a hospital, medical laboratory or other facility that provides screening, diagnostic or therapeutic services to patients with respect to neurodegenerative diseases or a provider of health care who diagnoses or provides treatment for neurodegenerative diseases shall provide to each patient with a neurodegenerative disease for which reporting is required ~~[by the regulations adopted]~~ pursuant to section 10 of this act:

(a) Oral notice concerning the collection of information pursuant to sections 2 to 17, inclusive, of this act and the purpose for which such information is collected; and

(b) A copy of the form prescribed pursuant to subsection 1.

3. The hospital, medical laboratory, other facility or provider of health care, as applicable, shall provide the patient with sufficient time to review any documents provided to him or her and answer any questions of the patient concerning the provisions of sections 2 to 17, inclusive, of this act.

4. If a patient ~~executes~~ does not execute the form provided to the patient pursuant to subsection 2, the hospital, medical laboratory, other facility or provider of health care, as applicable, shall not report any information concerning the patient pursuant to section 9 of this act. ~~for make such information available for abstraction pursuant to section 12 of this act. A facility or provider of health care who diagnoses a patient with a neurodegenerative disease for which such reporting is required shall report the diagnosis without reporting any other information concerning the patient.]~~

Sec. 12. ~~[1. Except as otherwise provided in section 11 of this act, the chief administrative officer of each health facility in this State shall make available to the Chief Medical Officer or his or her representative the records of the health care facility for each case of a neurodegenerative disease for which reporting is required by the regulations adopted pursuant to section 10 of this act.~~

~~2. The Division shall abstract from the records of a health care facility or shall require a health care facility to abstract from the records of the health care facility such information as is required by the State Board of Health pursuant to section 10 of this act. The Division shall compile the information in a timely manner and not later than 6 months after the Division abstracts the information or receives the abstracted information from the health care facility.~~

~~3. Any person who violates this section is subject to an administrative penalty established by regulation by the State Board of Health.] (Deleted by amendment.)~~

Sec. 13. ~~[1. The Division shall publish reports based upon the information obtained pursuant to sections 9, 10 and 12 of this act and make other appropriate uses of the information to report and assess trends in the usage of and access to health care services by patients with neurodegenerative diseases in a particular area or population, advance research and education concerning neurodegenerative diseases and improve the treatment of neurodegenerative diseases and associated disorders. The report must include, without limitation:~~

~~(a) Information concerning the locations in which patients diagnosed with neurodegenerative diseases reside, the demographics of such patients and the utilization of health care services by such patients.~~

~~(b) The information described in paragraph (a), specific to patients diagnosed with a neurodegenerative disease who are over 60 years of age.~~

~~2. The Division shall provide any qualified researcher whom the Division determines is conducting valid scientific research with data from the information reported pursuant to sections 9, 10 and 12 of this act upon the researcher's:~~

~~(a) Compliance with appropriate conditions as established pursuant to regulations of the State Board of Health; and~~

~~(b) Payment to the Division of a fee established by the Division by regulation to cover the cost of providing the data. } (Deleted by amendment.)~~

~~Sec. 14. {1. The Chief Medical Officer or a qualified person designated by the Administrator of the Division shall analyze the information obtained pursuant to sections 9, 10 and 12 of this act and reports published pursuant to section 13 of this act to determine whether any trends exist in the usage of and access to health care services by patients with neurodegenerative diseases in a particular area or population.~~

~~2. If the Chief Medical Officer or the person designated pursuant to subsection 1 determines that a trend exists in the usage of and access to health care services by patients with neurodegenerative diseases in a particular area or population, the Chief Medical Officer or the person designated pursuant to subsection 1 shall work with appropriate governmental, educational and research entities to investigate the trend, advance research in the trend and facilitate the treatment of neurodegenerative diseases and associated disorders. } (Deleted by amendment.)~~

Sec. 14.5. If a system for the reporting of information on neurodegenerative diseases is established pursuant to section 9 of this act, the University of Nevada, Las Vegas, may establish and maintain an Internet website for the system that may include, without limitation:

1. An annual summary of the activities conducted pursuant to sections 2 to 17, inclusive, of this act, which may include, without limitation:

(a) The incidence and prevalence of Parkinson's disease, Parkinsonisms and Alzheimer's disease reported to the system during the immediately preceding year, in total and disaggregated for each county of this State;

(b) The number of reports made to the system pursuant to section 9 of this act for the immediately preceding year; and

(c) Demographic information concerning the patients to which the reports described in paragraph (b) pertain, including, without limitation, information concerning the age, sex and race of such patients.

2. Other information relating to the system.

Sec. 15. {The Division shall} If a system for the reporting of information on neurodegenerative diseases is established pursuant to section 9 of this act, the University of Nevada, Las Vegas, may apply for and accept any gifts, grants and donations available to:

1. Carry out the provisions of sections 2 to 17, inclusive, of this act;

2. Coordinate ~~and administer~~ with any other state programs relating to research concerning neurodegenerative diseases or assistance to patients diagnosed with neurodegenerative diseases;

3. Pay for research concerning neurodegenerative diseases;

4. Provide education concerning neurodegenerative diseases; and

5. Provide support to persons diagnosed with neurodegenerative diseases.

Sec. 16. ~~The Division~~ If the system for the reporting of information on neurodegenerative diseases is established pursuant to section 9 of this act, the University of Nevada, Las Vegas, shall not reveal the identity of any patient, provider of health care or health care facility which is involved in the reporting required by section ~~424~~ 9 of this act, unless the patient, provider of health care or health care facility gives prior written consent to such a disclosure.

Sec. 17. A person or governmental entity that provides information to the ~~Division~~ University of Nevada, Las Vegas, in accordance with sections 9 ~~and 10~~ and 121 of this act must not be held liable in a civil or criminal action for sharing confidential information unless the person or organization has done so in bad faith or with malicious purpose.

Sec. 18. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558,

293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370,

677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, *and section 16 of this act*, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

- (1) Was not created or prepared in an electronic format; and
- (2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

- (1) Give access to proprietary software; or
- (2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 18.5. 1. There is hereby appropriated from the State General Fund to the Department of Brain Health at the University of Nevada, Las Vegas, the sum of \$150,000 for the purposes of:

(a) Establishing and maintaining a system for the reporting of information on neurodegenerative diseases; and

(b) Performing the activities authorized by section 14.5 of this act.

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

~~Sec. 19. [1.] This [section becomes effective upon passage and approval.~~

~~2. Sections 1 to 18, inclusive, of this act become effective +~~

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

~~(b) On January 1, 2024, for all other purposes.] act becomes effective on July 1, 2023.~~

Senator Doñate moved the adoption of the amendment.

Remarks by Senator Doñate.

Amendment No. 236 to Senate Bill No. 390 amends language to reflect the registry is to be built and maintained by the University of Nevada at Las Vegas, Department of Brain Health, modifies language to reflect an opt-in model rather than mandatory reporting and amends language in lines 20 to 21 to remove "any" in line 20 and, in line 21, reflect the following change: "who diagnoses the primary treatment."

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 400.

Bill read second time.

The following amendment was proposed by the Committee on Revenue and Economic Development:

Amendment No. 471.

SUMMARY—Revises provisions ~~[governing taxation related to the funding of metropolitan police departments and programs]~~ relating to ~~[address]~~ homelessness. (BDR 38-1027)

AN ACT relating to public welfare; revising provisions governing the duties of a reinvestment advisory committee; revising provisions governing contracts entered into by the Department of Health and Human Services for the operation of a Medicaid managed care program; requiring ~~[the board of county commissioners, city council or other governing body of certain taxing districts to levy a property tax for the purpose of employing police officers and addressing homelessness; establishing requirements for the approval of any expenditure of money allocated to a metropolitan police department from the proceeds of the tax;]~~ Continuums of Care to establish a fiscal working group; requiring the transmission of a portion of the proceeds of the license fee for certain gaming licensees to the Continuums of Care in this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Health and Human Services, to the extent that money is available, to: (1) establish a Medicaid managed care program to provide health care services to recipients of Medicaid in all geographic areas of this State; and (2) conduct a statewide procurement process to select health maintenance organizations to provide the health care services. (NRS 422.273) Sections 2 and 3 of this bill require each contract entered into by the Department with a health maintenance organization to provide such services to include a requirement for the health maintenance organization to reinvest a percentage of the annual profits of the health maintenance organization in programs and initiatives to address homelessness and to provide sustainable medication and prescription services, alcohol or drug intervention or rehabilitation services and emergency and supportive housing issues] in the local communities in which the health maintenance organization operates.

Existing law establishes a reinvestment advisory committee in each county of this State whose population is 700,000 or more (currently only Clark County) and prescribes the duties of a reinvestment advisory committee, which includes reviewing, making recommendations and reporting to the Legislature and Director of the Department concerning the reinvestment of funds by a health maintenance organization that provides health care services through managed care to recipients of Medicaid in the communities served by those organizations. (NRS 422.185, 422.205) Section 1 of this bill revises the duties of the reinvestment advisory committee such that the recommendations and reports of the advisory committee are required to concern the reinvestment of funds by managed care organizations to address homelessness and to provide sustainable medication and prescription services, alcohol or drug intervention or rehabilitation services, and emergency and supportive housing issues], in conformance with the amendatory provisions of sections 2 and 3.

~~[The Metropolitan Police Departments Act of 1995 was enacted by the Nevada Legislature in 1995 and required the board of county commissioners, city council or other governing body of a taxing district in unincorporated Clark County and the City of Las Vegas to propose to the registered voters of the taxing district at the 1996 General Election the question of whether to levy an additional property tax on all taxable property within the district for the support of the metropolitan police department for the purpose of employing additional police officers. The rate of tax levied pursuant to the Metropolitan Police Departments Act of 1995 is prohibited from exceeding 20 cents per \$100 of assessed value. (Chapter 658, Statutes of Nevada 1995, at page 2535, as amended by chapter 585, Statutes of Nevada 1997, at page 2882) At the general election held on November 5, 1996, voters of unincorporated Clark County and the City of Las Vegas voted to levy the additional ad valorem tax for the hiring of additional police officers for the Las Vegas Metropolitan Police Department. These additional property taxes are set to expire at the end of the 2026-2027 Fiscal Year. (NRS 354.5982)~~

~~—Sections 4-7 and 10 of this bill remove the sunset of the additional property taxes imposed under the Metropolitan Police Departments Act of 1995 and revise the purposes for which these taxes are required to be used after the original sunset date. Beginning on July 1, 2027, sections 4, 5 and 10 of this bill require the levy of a property tax in unincorporated Clark County and the City of Las Vegas in an amount equal to the property tax levied under the Metropolitan Police Departments Act of 1995, and require that the amount of such tax be equal to: (1) a rate of 3 cents per \$100 of assessed valuation on all taxable property in each taxing district in unincorporated Clark County and the City be used to address homelessness in the County and City; and (2) a rate of 17 cents per \$100 of assessed valuation on all taxable property in each taxing district in unincorporated Clark County and the City be used to defray the cost of hiring additional police officers for the Las Vegas Metropolitan Police Department and certain outreach programs of the Department to address homelessness. Under sections 4 and 5, the money allocated for programs to address homelessness and to a metropolitan police department from the proceeds of the tax levied pursuant to sections 4 and 5 must not supplant, replace, offset or otherwise reduce police funding allocations from other sources. Section 4 provides for the approval of any expenditure of the allocations from the proceeds of the tax allocated to a metropolitan police department and requires the metropolitan police committee on fiscal affairs to make certain findings before giving such approval.~~

~~—Sections 6 and 7 of this bill make conforming changes to reflect that the Metropolitan Police Departments Act of 1995, as revised by this bill, contains multiple taxes used for different purposes.]~~

Existing federal law establishes a Continuum of Care Program to provide funding for efforts by nonprofit providers, states, and local governments to quickly rehouse homeless individuals and families. (42 U.S.C. 11381 et seq.;

24 C.F.R. Part 578) Federal law requires representatives from relevant organizations to establish a Continuum of Care for a geographic area to carry out certain responsibilities and to establish a board to act on behalf of the Continuum. (24 C.F.R. 578.5) Existing law of this State establishes a monthly licensee fee for certain gaming licensees which is based upon the gross revenue of the licensee. (NRS 463.370) Sections 3.3 and 3.7 of this bill require a portion of the proceeds of the gaming licensee fee which is imposed on gross revenue which exceeds \$134,000 per calendar month to be transmitted to the Continuums of Care in this State, in proportion to the population served by each Continuum of Care, to direct the use of such money. Section 3.3: (1) establishes requirements for the membership of such a fiscal working group; (2) sets forth the purposes for which the fiscal working group is required to direct the use of the money from the proceeds of the gaming license fee; and (3) requires the fiscal working group to prepare an annual report. Section 3.3 requires a city whose population is 150,000 or more but less than 500,000 which is in the service area of a Continuum of Care, which includes a city whose population is 500,000 or more to transmit \$2,000,000 to the Continuum of Care each fiscal year to be used for programs to address homelessness. Section 3.3 authorizes a Continuum of Care to enter into service agreements with federally-qualified health centers.

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

Section 1. NRS 422.205 is hereby amended to read as follows:

422.205 1. A reinvestment advisory committee shall:

(a) Solicit and review reports from the Division and Medicaid managed care organizations concerning the reinvestment of funds by those Medicaid managed care organizations in the communities served by the Medicaid managed care organizations.

(b) Report to the Division and Medicaid managed care organizations concerning initiatives of local governments in the county to address homelessness ~~[-] and to provide sustainable medication and prescription drug services, alcohol or drug intervention or rehabilitation services, and emergency and supportive housing . [-] issues - and social determinants of health. [-]~~

(c) Make recommendations based on the reports reviewed pursuant to paragraph (a) to the Division and Medicaid managed care organizations concerning the reinvestment of funds by those Medicaid managed care organizations in the communities served by the Medicaid managed care organizations. Those recommendations must include, without limitation, recommendations for the use of such funds for the purposes of:

(1) Developing innovative partnerships with community development organizations and providers of housing services; and

(2) Supporting the initiatives of local governments in the county to address homelessness ~~[-] and to provide sustainable medication and prescription drug services, alcohol or drug intervention or rehabilitation~~

~~services, and emergency and supportive housing; issues, and social determinants of health.~~

2. On or before December 31 of each year, a reinvestment advisory committee shall:

(a) Compile a report concerning:

(1) The uses of funds reinvested by Medicaid managed care organizations in the communities served by those Medicaid managed care organizations, including, without limitation, efforts to address homelessness ~~[, disparities in health care and social determinants of health;]~~ and to provide sustainable medication and prescription drug services, alcohol or drug intervention or rehabilitation services, and emergency and supportive housing; issues; and

(2) The activities of the reinvestment advisory committee during the calendar year, including, without limitation, the recommendations made by the reinvestment advisory committee pursuant to paragraph (c) of subsection 1.

(b) Submit the report to:

(1) The Director of the Legislative Counsel Bureau for transmittal to:

(I) In odd-numbered years, the Joint Interim Standing Committee on Health and Human Services; and

(II) In even-numbered years, the next regular session of the Legislature.

(2) The Director of the Department.

3. As used in this section, "Medicaid managed care organization" means a managed care organization that provides health care services to recipients of Medicaid who reside in the county for which a reinvestment advisory committee is established.

Sec. 2. NRS 422.273 is hereby amended to read as follows:

422.273 1. For any Medicaid managed care program established in the State of Nevada, the Department shall contract only with a health maintenance organization that has:

(a) Negotiated in good faith with a federally-qualified health center to provide health care services for the health maintenance organization;

(b) Negotiated in good faith with the University Medical Center of Southern Nevada to provide inpatient and ambulatory services to recipients of Medicaid; and

(c) Negotiated in good faith with the University of Nevada School of Medicine to provide health care services to recipients of Medicaid.

➡ Nothing in this section shall be construed as exempting a federally-qualified health center, the University Medical Center of Southern Nevada or the University of Nevada School of Medicine from the requirements for contracting with the health maintenance organization.

2. During the development and implementation of any Medicaid managed care program, the Department shall cooperate with the University of Nevada School of Medicine by assisting in the provision of an adequate

and diverse group of patients upon which the school may base its educational programs.

3. The University of Nevada School of Medicine may establish a nonprofit organization to assist in any research necessary for the development of a Medicaid managed care program, receive and accept gifts, grants and donations to support such a program and assist in establishing educational services about the program for recipients of Medicaid.

4. For the purpose of contracting with a Medicaid managed care program pursuant to this section, a health maintenance organization is exempt from the provisions of NRS 695C.123.

5. The provisions of this section apply to any managed care organization, including a health maintenance organization, that provides health care services to recipients of Medicaid under the State Plan for Medicaid or the Children's Health Insurance Program pursuant to a contract with the Division. Such a managed care organization or health maintenance organization is not required to establish a system for conducting external reviews of adverse determinations in accordance with chapter 695B, 695C or 695G of NRS. This subsection does not exempt such a managed care organization or health maintenance organization for services provided pursuant to any other contract.

6. *Each contract entered into by the Department with a health maintenance organization to provide health care services to recipients of Medicaid in all geographic areas of this State shall include a requirement for the health maintenance organization to reinvest a percentage of the annual profits of the health maintenance organization in programs and initiatives to address homelessness and to provide sustainable medication and prescription drug services, alcohol or drug intervention or rehabilitation services, and emergency and supportive housing ~~issues~~ in the local communities in which the health maintenance organization operates.*

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

(a) "Federally-qualified health center" has the meaning ascribed to it in 42 U.S.C. § 1396d(1)(2)(B).

(b) "Health maintenance organization" has the meaning ascribed to it in NRS 695C.030.

(c) "Managed care organization" has the meaning ascribed to it in NRS 695G.050.

Sec. 3. NRS 422.273 is hereby amended to read as follows:

422.273 1. To the extent that money is available, the Department shall:

(a) Establish a Medicaid managed care program to provide health care services to recipients of Medicaid in all geographic areas of this State. The program is not required to provide services to recipients of Medicaid who are aged, blind or disabled pursuant to Title XVI of the Social Security Act, 42 U.S.C. §§ 1381 et seq.

(b) Conduct a statewide procurement process to select health maintenance organizations to provide the services described in paragraph (a).

2. For any Medicaid managed care program established in the State of Nevada, the Department shall contract only with a health maintenance organization that has:

(a) Negotiated in good faith with a federally-qualified health center to provide health care services for the health maintenance organization;

(b) Negotiated in good faith with the University Medical Center of Southern Nevada to provide inpatient and ambulatory services to recipients of Medicaid;

(c) Negotiated in good faith with the University of Nevada School of Medicine to provide health care services to recipients of Medicaid; and

(d) Complied with the provisions of subsection 2 of NRS 695K.220.

↪ Nothing in this section shall be construed as exempting a federally-qualified health center, the University Medical Center of Southern Nevada or the University of Nevada School of Medicine from the requirements for contracting with the health maintenance organization.

3. During the development and implementation of any Medicaid managed care program, the Department shall cooperate with the University of Nevada School of Medicine by assisting in the provision of an adequate and diverse group of patients upon which the school may base its educational programs.

4. The University of Nevada School of Medicine may establish a nonprofit organization to assist in any research necessary for the development of a Medicaid managed care program, receive and accept gifts, grants and donations to support such a program and assist in establishing educational services about the program for recipients of Medicaid.

5. For the purpose of contracting with a Medicaid managed care program pursuant to this section, a health maintenance organization is exempt from the provisions of NRS 695C.123.

6. To the extent that money is available, a Medicaid managed care program must include, without limitation, a state-directed payment arrangement established in accordance with 42 C.F.R. § 438.6(c) to require a Medicaid managed care organization to reimburse a critical access hospital and any federally-qualified health center or rural health clinic affiliated with a critical access hospital for covered services at a rate that is equal to or greater than the rate received by the critical access hospital, federally-qualified health center or rural health clinic, as applicable, for services provided to recipients of Medicaid on a fee-for-service basis.

7. The provisions of this section apply to any managed care organization, including a health maintenance organization, that provides health care services to recipients of Medicaid under the State Plan for Medicaid or the Children's Health Insurance Program pursuant to a contract with the Division. Such a managed care organization or health maintenance organization is not required to establish a system for conducting external reviews of adverse determinations in accordance with chapter 695B, 695C or 695G of NRS. This subsection does not exempt such a managed care

organization or health maintenance organization for services provided pursuant to any other contract.

8. *Each contract entered into by the Department with a health maintenance organization to provide the services described in paragraph (a) of subsection 1 shall include a requirement for the health maintenance organization to reinvest a percentage of the annual profits of the health maintenance organization in programs and initiatives to address homelessness and to provide sustainable medication and prescription drug services, alcohol or drug intervention or rehabilitation services, and emergency and supportive housing issues in the local communities in which the health maintenance organization operates.*

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

(a) "Critical access hospital" means a hospital which has been certified as a critical access hospital by the Secretary of Health and Human Services pursuant to 42 U.S.C. § 1395i-4(c).

(b) "Federally-qualified health center" has the meaning ascribed to it in 42 U.S.C. § 1396d(l)(2)(B).

(c) "Health maintenance organization" has the meaning ascribed to it in NRS 695C.030.

(d) "Managed care organization" has the meaning ascribed to it in NRS 695G.050.

(e) "Rural health clinic" has the meaning ascribed to it in 42 C.F.R. § 405.2401.

Sec. 3.3. Chapter 439 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each Continuum of Care in this State shall establish a fiscal working group to consist of not more than seven members appointed by the governing board of the Continuum of Care and which must include:

(a) A representative from each incorporated city in the service area of the Continuum of Care or, if there are more than three incorporated cities within the service area of the Continuum of Care, a representative from each of the three largest incorporated cities in the service area of the Continuum of Care;

(b) A person who represents a county within the service area of the Continuum of Care;

(c) A person who represents law enforcement in the service area of the Continuum of Care;

(d) A person selected from a list of nominees provided by the Nevada Resort Association who resides in the service area of the Continuum of Care; and

(e) A representative of a nonprofit organization that provides services to persons who are homeless in the service area of the Continuum of Care.

2. The fiscal working group established pursuant to this section shall direct the use of any money allocated to the Continuum of Care pursuant to

NRS 463.320. The money transmitted to the Continuum of Care pursuant to NRS 463.320 must be used exclusively to fund:

(a) Services for persons released from prison or a county, city or town jail or detention facility including, without limitation, sustainable medication and prescription drug services, alcohol or drug intervention or rehabilitation services, and emergency and supportive housing.

(b) Services for persons leaving emergency shelters, including, without limitation, sustainable medication and prescription drug services, alcohol or drug intervention or rehabilitation services, and emergency and supportive housing.

(c) Services for persons leaving acute care settings, mental health care facilities, drug and alcohol rehabilitation facilities, or transitional housing.

(d) Emergency and supportive housing services, including, without limitation, the acquisition and rehabilitation of properties suitable for conversion to supportive housing.

3. A fiscal working group created by a Continuum of Care which has a service area that includes a city whose population is 500,000 or more shall:

(a) From the money allocated to the Continuum of Care pursuant to NRS 463.320:

(1) In Fiscal Year 2023-2024, direct not less than \$9,000,000 to such a city to be used for programs to address homelessness in the city; and

(2) In each fiscal year after Fiscal Year 2023-2024, direct not less than \$2,500,000 to such a city to be used for programs to address homelessness in the city.

4. A city in the service area of a Continuum of Care described in subsection 3 whose population is 150,000 or more but less than 500,000 shall transmit to the Continuum of Care not less than \$2,000,000 each fiscal year from money available for that purpose to be used for programs to address homelessness in the service area of the Continuum of Care.

5. A Continuum of Care may enter into an agreement with a federally-qualified health center to provide services described in paragraphs (a), (b) and (c) of subsection 2.

6. On or before September 30 of each year, each fiscal working group shall submit to the governing board of the Continuum of Care and the Interim Finance Committee a report detailing the use of the money allocated to the Continuum of Care pursuant to NRS 463.320 and the status of any programs or services funded using such money.

7. Any money allocated to a Continuum of Care pursuant to NRS 463.320 and any funding allocated by a fiscal working group to any person must not supplant, replace, offset or otherwise reduce funding for programs to address homelessness.

8. As used in this section, "Continuum of Care" has the meaning ascribed to it in 24 C.F.R. § 578.3.

Sec. 3.7. NRS 463.320 is hereby amended to read as follows:

463.320 1. All gaming license fees imposed by the provisions of NRS 463.370, 463.373 to 463.383, inclusive, and 463.3855 must be collected and disposed of as provided in this section.

2. All state gaming license fees and penalties must be collected by the Commission and paid over immediately to the State Treasurer to be disposed of as follows:

(a) Except as otherwise provided in paragraphs (c), ~~(b)~~ and (d), ~~(b)~~ and (c), all state gaming license fees and penalties other than the license fees imposed by the provisions of NRS 463.380 must be deposited for credit to the State General Fund.

(b) All state gaming license fees imposed by the provisions of NRS 463.380 must, after deduction of costs of administration and collection, be divided equally among the various counties and transmitted to the respective county treasurers. Such fees, except as otherwise provided in this section, must be deposited by the county treasurer in the county general fund and be expended for county purposes. If the board of county commissioners desires to apportion and allocate all or a portion of such fees to one or more cities or towns within the county, the board of county commissioners shall, annually, before the preparation of the city or town budget or budgets as required by chapter 354 of NRS, adopt a resolution so apportioning and allocating a percentage of such fees anticipated to be received during the coming fiscal year to such city or cities or town or towns for the next fiscal year commencing July 1. After the adoption of the resolution, the percentage so apportioned and allocated must be converted to a dollar figure and included in the city or town budget or budgets as an estimated receipt for the next fiscal year. Quarterly, upon receipt of the money from the State, the county treasurer shall deposit an amount of money equal to the percentage so apportioned and allocated to the credit of the city or town fund to be used for city or town purposes, and the balance remaining must be deposited in the county general fund and must be expended for county purposes.

(c) One twenty-fifth of the license fee imposed by the provisions of NRS 463.370 on gross revenue which exceeds \$134,000 per calendar month that is paid pursuant to subsection 2 of NRS 464.045 by persons licensed to conduct off-track pari-mutuel wagering must, after the deduction of costs of administration and collection, be allocated pro rata among the counties in this State whose population is less than 100,000 in which on-track pari-mutuel wagering is conducted. The allocation must be based upon the amounts paid from each such county pursuant to subsection 2 of NRS 466.125 and transmitted to the respective county treasurers. Money received by a county treasurer pursuant to this paragraph must be deposited in the county general fund and expended to augment any stakes, purses or rewards which are offered with respect to horse races conducted in that county by a state fair association, agricultural society or county fair and recreation board.

(d) Ten percent of the amount of the license fee imposed by the provisions of NRS 463.370 that is paid pursuant to subsection 2 of NRS 464.045 by

persons licensed to conduct off-track pari-mutuel wagering which exceeds \$5,036,938 per calendar year must, after the deduction of costs of administration and collection, be allocated pro rata among the counties in this State whose population is less than 100,000 in which on-track pari-mutuel wagering is conducted. The allocation must be based upon the amounts paid from each such county pursuant to subsection 2 of NRS 466.125 and must be transmitted to the respective county treasurers as provided in this paragraph. On March 1 of each year, the Board shall calculate the amount of money to be allocated to the respective county treasurers and notify the State Treasurer of the appropriate amount of each allocation. The State Treasurer shall transfer the money to the respective county treasurers. Money received by a county treasurer pursuant to this paragraph must be deposited in the county general fund and expended to augment any stakes, purses or rewards which are offered with respect to horse races conducted in that county by a state fair association, agricultural society or county fair and recreation board.

(e) Fifteen hundredths of the license fee imposed by the provisions of NRS 463.370 on gross revenue which exceeds \$134,000 per calendar month must, after the deduction of costs of administration and collection, be transmitted to the Continuums of Care in this State in proportion to the population of the service area of each Continuum of Care.

Sec. 4. ~~{The Metropolitan Police Departments Act of 1995, being chapter 658, Statutes of Nevada 1995, as amended by chapter 585, Statutes of Nevada 1997, at page 2882, is hereby amended by adding thereto new sections to be designated as sections 3.3 and 3.7, respectively, immediately following section 3, to read as follows:~~

~~—Sec. 3.3. 1. The proceeds of the tax levied pursuant to section 3 of this act must not supplant, replace, offset or otherwise reduce police funding allocations, measured by either funding levels or staffing allocations.~~

~~—2. The department shall not expend proceeds received from the tax levied pursuant to section 3 of this act unless the expenditure has been approved by the committee. The committee must approve the expenditure of the proceeds by the department if it determines that:~~

~~—(a) The proposed use of the money conforms to all provisions of this act; and~~

~~—(b) The proposed use will not replace or supplant existing funding for the department.~~

~~—3. In determining whether a proposed use meets the requirement set forth in paragraph (b) of subsection 2, the committee shall determine whether:~~

~~—(a) The amount approved for expenditure for the support of the department for the fiscal year, not including any money allocated to or expended by the department pursuant to the provisions of this act, is equal to or greater than the amount approved for expenditure~~

~~for the support of the department in the immediately preceding fiscal year; or~~

~~— (b) The amount approved for expenditure for the support of the department for the fiscal year, not including any money allocated to or expended by the department pursuant to the provisions of this act, is less than the amount approved for expenditure for the support of the department in the immediately preceding fiscal year and the committee projects a decrease in its receipts of revenue in the fiscal year from consolidated taxes and property taxes of more than 2 percent from its base fiscal year.~~

~~— 4. If the committee makes a finding pursuant to subsection 3, the committee shall adopt a resolution setting forth the finding and the reasons therefor. If the finding is made pursuant to paragraph (b) of subsection 2, the finding must include, without limitation, all facts supporting the projection of a decrease in revenue.~~

~~— 5. As used in this section, "base fiscal year" means Fiscal Year 2026-2027, except that:~~

~~— (a) If, in any subsequent fiscal year, the amount approved by the committee for expenditure for the support of the department that subsequent fiscal year, not including any money allocated to or expended by the department pursuant to the provisions of this act, exceeds by more than 2 percent the amount approved for expenditure in Fiscal Year 2026-2027, the base fiscal year becomes the most recent of such subsequent fiscal years.~~

~~— (b) If the base fiscal year is revised pursuant to paragraph (a) and, in any subsequent fiscal year, the amount approved by the committee for expenditure for the support of the department, not including any money allocated to or expended by the department pursuant to the provisions of this act, is equal to or less than the amount approved for expenditure in Fiscal Year 2026-2027, the base fiscal year becomes Fiscal Year 2026-2027, but is subject to subsequent revision pursuant to paragraph (a).~~

~~— 6. For the purposes of this section, the money allocated to or expended by the department pursuant to the provisions of this act includes the revenues of any tax levied pursuant to the provisions of this act as it existed on or before December 31, 2026, which were allocated to or expended by the department.~~

~~— 7. As used in this section, "committee" means the Metropolitan Police Committee on Fiscal Affairs.~~

~~— Sec. 3.7. 1. The board of county commissioners, city council or other governing body of each taxing district in the taxable area shall levy on behalf of its taxing district an additional ad valorem tax at a rate of 3 cents per \$100 of assessed valuation on all taxable property within the district for the support of the taxing district for the purpose of programs to address homelessness. The additional~~

~~tax must be levied at a uniform rate in the unincorporated area of the county and in each participating city.~~

~~2. The additional tax levied pursuant to this section:~~

~~(a) In each taxing district in the unincorporated area of a county must be allocated to the county and used by the county for county programs to address homelessness in the unincorporated areas of the county.~~

~~(b) In each taxing district in each participating city must be allocated to the city and used for programs to address homelessness in the city.~~

~~3. From the additional tax collected pursuant to this section from each taxing district in each participating city each fiscal year and distributed to the participating city, the participating city shall distribute at least \$9,000,000 each fiscal year to a nonprofit organization operating a resource center where persons experiencing homelessness may access a variety of services in one place.~~

~~4. The proceeds of the tax imposed pursuant to this section must not supplant, replace, offset or otherwise reduce funding for programs to address homelessness.} (Deleted by amendment.)~~

Sec. 5. ~~{Section 3 of the Metropolitan Police Departments Act of 1995, being chapter 658, Statutes of Nevada 1995, as amended by chapter 585, Statutes of Nevada 1997, at page 2882, is hereby amended to read as follows:~~

~~Sec. 3. 1. The board of county commissioners, city council or other governing body of each taxing district in the taxable area shall [propose to the registered voters of its taxing district at the next county general election the question of whether] levy on behalf of its taxing district an additional ad valorem tax [shall be levied] at a rate of 17 cents per \$100 of assessed valuation on all taxable property within the district for the support of the department for the purpose of employing additional police officers [...] and operating street outreach programs designed to enhance the accessibility of resources to persons who are homeless. The additional tax must be levied at a uniform rate in the unincorporated area of the county and in each participating city.~~

~~2. [The board of county commissioners, city council or other governing body of each taxing district proposing the question at the next county general election of whether an additional ad valorem tax shall be levied pursuant to this act shall place upon the ballot information regarding:~~

~~(a) The method to be used for the apportionment of the costs of employing the additional police officers; and~~

~~(b) The initial ad valorem tax rate and the method for determining the ad valorem tax rate for each fiscal year.~~

~~— The ballot must also include a declaration that the additional ad valorem tax rate may change in the future based on changes in the formula for the distribution of the tax and changes in the assessed valuation of taxable property in each taxing district.~~

~~— 3. The rate of the tax levied pursuant to this act must not exceed 20 cents per \$100 of assessed valuation.~~

~~— 4. If the voters of any taxing district in the taxable area of a department disapprove the additional tax proposed pursuant to subsection 1, the additional tax must not be imposed in any of the taxing districts in the taxable area of that department.~~

~~— 5. If the proposed additional tax is approved by the voters in all of the taxing districts of the taxable area of a department, the tax must be imposed by the taxing entities in each district of the taxable area of the department at the rate approved by the voters in the district.] From the amount of the additional tax collected pursuant to this section:~~

~~— (a) Not less than \$800,000 must be dedicated to the operation of street outreach programs designed to enhance the accessibility of resources to persons who are homeless; and~~

~~— (b) The remaining amount of the tax collected must be dedicated to the employment of additional police officers.}] (Deleted by amendment.)~~

Sec. 6. ~~{Section 4 of the Metropolitan Police Departments Act of 1995, being chapter 658, Statutes of Nevada 1995 is hereby amended to read as follows:~~

~~— Sec. 4. All county officers charged with the duty of collecting ad valorem taxes shall collect the [tax] taxes imposed pursuant to this act in the same form and manner, and with the same interest and penalties, as other ad valorem taxes are collected, and shall, upon collection, pay all revenue generated by the tax, including all interest and penalties [, to]:~~

~~— 1. For the tax imposed pursuant to section 3 of this act, to the department . [upon collection.]~~

~~— 2. For the tax imposed pursuant to section 3.7 of this act, to the entity to which the revenue is allocated pursuant to that section.}] (Deleted by amendment.)~~

Sec. 7. ~~{Section 5 of the Metropolitan Police Departments Act of 1995, being chapter 658, Statutes of Nevada 1995 is hereby amended to read as follows:~~

~~— Sec. 5. [The tax] Notwithstanding the provisions of NRS 354.5982, the taxes imposed pursuant to this act [is] are not subject to the limitation provided in NRS 354.59811 and [does] do not affect the amounts distributable to the participating political subdivisions from the supplemental city-county relief tax or the privilege tax on vehicles.}] (Deleted by amendment.)~~

Sec. 8. The amendatory provisions of sections 1, 2 and 3 of this act do not apply during the current term of any agreement entered into between the Department of Health and Human Services and a health maintenance organization pursuant to NRS 422.273 before ~~[the effective date of this act]~~ *January 1, 2024*, but do apply to any extension or renewal of such an agreement and to any agreement entered into between the Department of Health and Human Services and a health maintenance organization pursuant to NRS 422.273 on or after ~~[the effective date of this act]~~ *January 1, 2024*.

Sec. 9. ~~[Section 2 of chapter 658, Statutes of Nevada 1995, at page 2535, is hereby repealed.] (Deleted by amendment.)~~

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

2. Sections 3.3 and 3.7 of this bill become effective on July 1, 2023.

3. Sections 1, 2 and 8 of this act become effective on January 1, 2024.

~~[2.]~~ 4. Section 3 of this act becomes effective on January 1, 2026.

~~[4.]~~ 5. Sections 4 to 7, inclusive, and 9 of this act becomes effective on July 1, 2027.

~~[5.]~~ 6. The amendatory provisions of section 2 of this act expire by limitation on December 31, 2025.

~~TEXT OF REPEALED SECTION~~

~~Section 2 of chapter 658, Statutes of Nevada 1995:~~

~~Sec. 2. The committee shall authorize the hiring of additional police officers and the incurrence of related costs from the revenue generated by the tax imposed pursuant to this act. The revenue must not be used for any other purpose.~~

Senator Neal moved the adoption of the amendment.

Remarks by Senator Neal.

Amendment No. 471 to Senate Bill No. 400 repeals the provisions of the bill relating to the funding of metropolitan police departments and programs. The amendment also changes the provisions in the bill governing the duties of a reinvestment advisory committee to include the provision of sustainable medication and prescription services, alcohol or drug intervention or rehabilitation services as well as emergency and supportive housing. Finally, the amendment establishes the following provisions relating to the Continuums of Care: a portion, 0.15 percent, of the proceeds of the 6.75 percent gaming license fee, which is imposed on gross revenue which exceeds \$134,000 per calendar month, is transmitted to the Continuums of Care in this State in proportion to the population served by each Continuum of Care.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 438.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 293.

SUMMARY—Revises provisions relating to the recruitment, preparation and retention of teachers. (BDR 34-1061)

AN ACT relating to education; creating the Teach Nevada Collaborative Account; creating the Teach Nevada Collaborative in the Department of

Education; establishing the purpose and duties of the Collaborative; authorizing certain uses of the money in the Account; repealing provisions relating to the Teach Nevada Scholarship Program; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Teach Nevada Scholarship Program to make grants of money to colleges, universities and other providers of an alternative licensure program to award scholarships to students who attend a program offered by such an institution which, upon completion, makes the student eligible to obtain a license to teach kindergarten, any grade from grades 1 through 12 or in the subject area of special education in this State or specialize in the subject area of early childhood education. (NRS 391A.550-391A.590)

Sections 2-11 of this bill create the Teach Nevada Collaborative to consolidate, coordinate and improve the efficiency of all statewide efforts to recruit and prepare persons to become teachers in public schools in this State and to retain teachers who currently work in public schools in this State. Sections 3-7 of this bill define certain terms relevant to the Collaborative.

Section 8 of this bill creates the Teach Nevada Collaborative Account and authorizes the use of the money in the Account to ~~[(1)]~~ recruit and prepare persons to become teachers and retain teachers who currently work in public schools in this State ~~[(2)]~~ award scholarships to persons to obtain the education necessary to obtain a license or endorsement as a teacher; and ~~[(3)]~~ award by awarding grants to colleges, universities, other providers of an alternative licensure program and certain nonprofit organizations ~~[(to recruit and prepare persons to become teachers and retain teachers who currently work in public schools in this State.)]~~

Section 9 of this bill creates the Teach Nevada Collaborative and establishes the purpose of the Collaborative in the Department of Education. Section 9 establishes the membership of the Collaborative. Section 9 requires the Department to oversee the activities of the members of the Collaborative to: (1) support programs for dual credit for pupils who wish to become teachers; (2) provide scholarships to certain students for programs that lead to a teaching license; (3) provide support to certain students and student teachers; and (4) support programs to recruit people into the teaching profession. Section 9 establishes certain limits on the amount of money in the Account that can be used for each such purpose in each biennium.

Section 10 of this bill requires the ~~[(Collaborative)]~~ Superintendent of Public Instruction to develop and carry out a program of block grants to ~~[(colleges, universities, other providers of an alternative licensure program)]~~ members of the Collaborative and certain nonprofit organizations for programs that carry out the activities required by section 9. Section 10 establishes annual targets for the number of persons who become a teacher, persons enrolled at a course of study at an institution within the Nevada System of Higher Education for preparation as a teacher and pupils enrolled in a program for dual credit.

Section 11 of this bill requires the ~~Collaborative~~ Superintendent of Public Instruction to: (1) establish agreements with certain entities for the collection and analysis of data, program evaluation and identification of specific metrics for accountability of the Collaborative and the programs supported by the Collaborative; ~~and~~ (2) report annually to the Governor and the Director of the Legislative Counsel Bureau for transmission to the Legislature and Joint Interim Standing Committee on Education ~~;~~; and (3) review biennially the performance of the Collaborative and report to the Director of the Legislative Counsel Bureau for transmission to the Joint Interim Standing Committee on Education any recommendations for legislation to improve the operation of the Collaborative.

Section 13 of this bill makes an appropriation to the Teach Nevada Collaborative Account to support the Collaborative.

Section 16 of this bill repeals the provisions of law creating the Teach Nevada Scholarship Program, effective July 1, 2031. Section 12 of this bill makes a conforming change to remove a reference to the Program. Section 14 of this bill prohibits the State Board of Education from accepting applications for a grant or awarding a grant from the Teach Nevada Scholarship Program Account on or after July 1, 2023.

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

Section 1. Chapter 391A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 11, inclusive, of this act.

Sec. 2. *As used in sections 2 to 11, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Account" means the Teach Nevada Collaborative Account created by section 8 of this act.*

Sec. 4. *"Collaborative" means the Teach Nevada Collaborative created by section 9 of this act.*

Sec. 4.5. *"Member" means an entity from which a representative to the Collaborative is appointed pursuant to subsection 2 of section 9 of this act.*

Sec. 5. *"Other provider of an alternative licensure program" means an entity, other than a university or college, which has been approved by the Commission on Professional Standards in Education, in accordance with regulations adopted pursuant to NRS 391.019, to provide education and training to a student which will lead to an alternative route to licensure for the student.*

Sec. 6. ~~["Partner"]~~ *"Community partner" means any nonprofit organization that enters into an agreement with the ~~Collaborative~~ Department or a college, university or other provider of an alternative licensure program to provide ~~a service~~ wrap-around services relating to the recruitment, preparation or retention of teachers.*

Sec. 6.5. *"Pre-service teacher" means a person who is a student, or who has applied to become a student, in a program of a college, university or*

other provider of an alternative licensure program that, upon completion, makes the student eligible to obtain a license or endorsement pursuant to chapter 391 of NRS.

Sec. 7. "Teacher" means a person licensed pursuant to chapter 391 of NRS.

Sec. 8. 1. The Teach Nevada Collaborative Account is hereby created in the State General Fund. The Account must be administered by the ~~Collaborative~~ Superintendent of Public Instruction.

2. The interest and income earned on:

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

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

↪ must be credited to the Account.

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

4. The ~~Collaborative~~ Superintendent of Public Instruction may accept gifts and grants of money from any source for deposit in the Account.

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

~~(a) Recruit~~ recruit and prepare persons to become teachers in public schools in this State and retain teachers who currently work in public schools in this State ~~for~~

~~(b) Award scholarships to persons to obtain the education necessary to obtain a license or endorsement pursuant to chapter 391 of NRS.~~

~~(c) Award~~ by awarding grants to colleges, universities, other providers of an alternative licensure program and community partners ~~to recruit and prepare persons to become teachers in public schools in this State and retain teachers who currently work in public schools in this State.~~ pursuant to section 9 of this act.

Sec. 9. 1. The Teach Nevada Collaborative is hereby created in the Department. The purpose of the Collaborative is to consolidate, coordinate and improve the efficiency of all statewide efforts to recruit and prepare persons to become teachers in public schools in this State and to retain teachers who currently work in public schools in this State. ~~All~~ The Department shall coordinate all programs relating to the recruitment, preparation and retention of teachers within the Department ~~must be carried out by~~ with the Collaborative.

2. The Collaborative consists of the Superintendent of Public Instruction or his or her designee and one representative appointed by each:

(a) College or university in this State which offers a course of study and training for the education of teachers or other educational personnel approved pursuant to NRS 391.038;

- (b) Other provider of an alternative licensure program; and
- (c) Community college in the Nevada System of Higher Education.

3. The ~~{Collaborative}~~ Department shall ~~{collaborate with the Nevada System of Higher Education, other providers of an alternative licensure program}~~ oversee the activities of each member and ~~{partners}~~ community partner to:

(a) Support programs for dual credit for pupils who wish to become teachers, including, without limitation, by subsidizing the costs of such programs and providing ~~{mentorship, coaching and family engagement opportunities}~~ wrap-around services and supports to pupils enrolled in such programs.

(b) ~~{Provide scholarships to students enrolled in}~~ Support programs ~~{at a college, university or other provider of an alternative licensure program}~~ of members that, upon completion, make a student eligible to obtain a license ~~{to teach kindergarten, any grade from grades 1 through 12 or in the subject area of special education in this State or allow a student to specialize in the subject area of early childhood education.}~~ or endorsement pursuant to chapter 391 of NRS, including, without limitation, by providing scholarships to students enrolled in such programs and providing wrap-around services and supports to such a student.

(c) ~~{Provide support to}~~ Support programs of members for students in the final year of an educational program or engaged in a practical experience which satisfies a requirement to obtain a license issued pursuant to chapter 391 of NRS, including, without limitation, by providing financial support to students enrolled in such programs or engaged in practical experience, and providing ~~{professional development, mentoring or financial support}~~ wrap-around services and supports to such a student.

(d) Support programs to recruit people who are not licensed pursuant to chapter 391 of NRS into the teaching profession, including, without limitation, ~~employees of a public school in this State without a bachelor's degree and persons with a bachelor's degree who are not licensed pursuant to chapter 391 of NRS, by providing {mentoring, financial aid counseling and scholarships or other financial support.~~

~~3. Subject to the supervision of the}~~ scholarships and wrap-around services and supports to such a person.

4. The Collaborative shall encourage, to the greatest extent possible, each member and community partner to provide wrap-around services and supports and allow the completion of coursework in a flexible manner.

5. The Superintendent of Public Instruction, after consultation with the Collaborative, may use the money in the Account to carry out the activities described in subsection ~~{2, including, without limitation, providing wrap-around services and supports to pupils, students and other persons participating in programs supported by the Collaborative that increase the likelihood of such persons completing the programs and becoming teachers in public schools in this State.}~~ 3, subject to the following limitations:

(a) For all activities described in paragraph (a) of subsection 3, a total amount of not more than \$500,500 in each biennium, including, without limitation:

(1) For each pupil who enrolls in dual credit courses, not more than \$750;

(2) For each pupil who, upon graduation from high school, enrolls in a program offered by a member that, upon completion, makes the pupil eligible to obtain a license pursuant to chapter 391 of NRS, not more than \$1,000; and

(3) To provide wrap-around services and supports to each pupil, not more than \$350.

(b) For all activities described in paragraph (b) of subsection 3, a total amount of not more than \$500,500 in each biennium, including, without limitation:

(1) For each scholarship awarded to a student enrolled at a member in a 4-year program that, upon completion, makes the student eligible to obtain a license pursuant to chapter 391 of NRS, not more than \$12,000;

(2) For each scholarship awarded to a student enrolled at a member in a 2-year program that, upon completion, makes the student eligible to obtain a license pursuant to chapter 391 of NRS, not more than \$6,000;

(3) To provide wrap-around services and supports to a student enrolled in a 4-year program, not more than \$400; and

(4) To provide wrap-around services and supports to a student enrolled in a 2-year program, not more than \$200.

(c) For all activities described in paragraph (c) of subsection 3, a total amount of not more than \$429,000 in each biennium, including, without limitation:

(1) For each award of financial support to a student in the final year of an educational program or engaged in a practical experience which satisfies a requirement to obtain a license issued pursuant to chapter 391 of NRS, not more than \$9,500; and

(2) To provide wrap-around services and supports to such a student, not more than \$700.

(d) For all activities described in paragraph (d) of subsection 3, a total amount of not more than \$644,000 in each biennium, including, without limitation:

(1) For each scholarship awarded to a student enrolled at a member in a 4-year program or alternative route to licensure program that, upon completion, makes the student eligible to obtain a license pursuant to chapter 391 of NRS, not more than \$15,000; and

(2) To provide wrap-around services and supports to such a student, not more than \$900.

6. The ~~Collaborative~~ Superintendent of Public Instruction may use not more than 5 percent of the money in the Account for the purpose of administering the Account and the Collaborative. Any member or community

partner who receives money from the Account may use not more than 5 percent of the money received for the purpose of administration.

~~{4.}~~ 7. The Superintendent shall retain 25 percent of any block grant for award of a scholarship or financial support pursuant to paragraph (b), (c) or (d) of subsection 5 and disburse such an amount to the person awarded the scholarship or financial support only if the person:

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

(b) Maintains employment as a teacher at a public school in this State for 5 consecutive school years following completion of the program, unless the Superintendent of Public Instruction waives this requirement for good cause shown; and

(c) Meets any other requirements established by the Superintendent of Public Instruction.

8. The ~~{Collaborative}~~ Commission on Professional Standards in Education shall adopt such regulations as may be necessary to carry out the provisions of section 2 to 11, inclusive, of this act.

9. As used in this section, "wrap-around services and supports" means any service or support that increases the likelihood of a person completing a program and becoming a teacher in a public school in this State. The term includes, without limitation, coaching, family engagement, mentorship and professional development.

Sec. 10. 1. The ~~{Collaborative}~~ Superintendent of Public Instruction shall, in consultation with the Collaborative, develop and carry into effect a program of block grants to ~~colleges, universities, other providers of an alternative licensure program,~~ members and community partners for programs that carry out the activities described in subsection ~~{2}~~ 3 of section 9 of this act and provide support to pupils, students and other persons participating in such activities before, during and after participation.

2. The ~~{Collaborative}~~ Superintendent of Public Instruction shall, in consultation with the Collaborative, establish eligibility requirements for a block grant awarded pursuant to subsection 1, which must include, without limitation, a requirement that an applicant:

(a) Establish a minimum and a maximum number of persons who may participate in the program proposed to be supported by the block grant each year ~~{1}~~, consistent with the annual targets established pursuant to subsection 7.

(b) Establish evidence-based metrics to evaluate the success of the program proposed to be supported by the block grant; and

(c) Demonstrate the capability of the program proposed to be supported by the block grant to successfully recruit or prepare persons to become a teacher in a public school in this State or retain a person as a teacher in a public school in this State.

3. When evaluating an application for a block grant, the ~~Collaborative~~ Superintendent of Public Instruction shall give priority to an applicant who:

(a) Submits evidence-based metrics to evaluate the ability of the applicant to successfully carry out a proposed program;

(b) Demonstrates previous success in carrying out a proposed program;

(c) Submits a plan for a new or innovative program determined by the Collaborative to be of high quality; ~~and~~

(d) Demonstrates the ability to efficiently use the money awarded to the applicant to maximize the number of persons who complete a relevant diploma, degree or certification ~~for~~; and

(e) Recruits pupils, pre-service teachers, teachers and community members from one or more of the following groups:

(1) Veterans or the spouses of veterans;

(2) Persons who are economically disadvantaged;

(3) Persons who are members of a racial or ethnic minority group; and

(4) Persons who will be eligible to teach in a subject area for which a shortage of teachers exists.

4. ~~Am~~ The Superintendent of Public Instruction, in consultation with each applicant who receives a block grant pursuant to this section, shall:

(a) Develop ~~for~~ ~~in collaboration with the Collaborative,~~ quality assurance standards for the program supported by the block grant ~~for~~ which include, without limitation, measures developed by members which evaluate the effectiveness of the program on improving the learning of pupils through student teaching and practice;

(b) Establish annual goals for the program supported by the block grant, which may include, without limitation:

(1) The number of persons who complete ~~the~~ a program at a member ready for employment as a teacher at a public school in this State;

(2) The number of ~~persons~~ pupils who complete ~~the~~ a program for dual credit at a member and enroll in a course of study at an institution within the Nevada System of Higher Education for preparation as a teacher; ~~for~~

(3) The number of pupils participating in a program for dual credit ~~for~~ at a member; or

(4) The retention rate for teachers who complete a program at a member; and

(c) Provide wrap-around services to persons participating in the program supported by the block grant which have proven successful in increasing completion rates, including, without limitation:

(1) Mentoring;

(2) Subsidies for fees required for testing;

(3) Programs for different cohorts within the program to support each other; and

~~(4) Professional mentoring;~~

~~(5) Allowing coursework in a flexible manner; and~~

~~—(6)—~~ Providing additional support to teachers in the first 3 years of teachers' careers. ~~†, and~~

~~—(d) Submit†~~

5. Each applicant who receives a block grant pursuant to this section shall submit to the Department a report for each semester during which a program is supported by the block grant that tracks the progress of the program in achieving the goals established pursuant to paragraph (b) †

~~—5.† of subsection 4.~~

6. The ~~†Collaborative†~~ Superintendent of Public Instruction shall, in consultation with the Collaborative, ensure that money is distributed to applicants selected for a block grant in a timely manner †

~~—6.† which ensures that pupils, students, members and community partners receive money in alignment with applicable academic calendars.~~

7. When awarding block grants pursuant to this section or otherwise using money in the Account, unless revised by the ~~†Collaborative†~~ Superintendent of Public Instruction pursuant to section 11 of this act, the annual target for the number of:

(a) Persons who become a teacher as a result of participation in a program, beginning in 2025, is 1,325.

(b) Persons enrolled in a course of study at an institution within the Nevada System of Higher Education for preparation as a teacher, beginning in 2024, is 555.

(c) Pupils enrolled in a program for dual credit, beginning in 2025, is 350.

~~†7.†~~ 8. As used in this section, "applicant" means a college, university, other provider of an alternative licensure program or community partner that applies for a block grant pursuant to this section.

Sec. 11. 1. The ~~†Collaborative†~~ Superintendent of Public Instruction shall establish agreements with colleges, universities, other providers of an alternative licensure program and community partners for the collection and analysis of data relating to the Collaborative and programs supported by the Collaborative, program evaluation and identification of specific metrics for accountability of the Collaborative and the programs supported by the Collaborative which may include, without limitation:

(a) ~~†Enrollment in each program and demographic information relating to persons enrolled in each program;†~~ The number and types of programs offered by members;

(b) ~~†Retention rates;†~~ The number of pupils participating in a program for dual credit at a member;

(c) The admission rate of participants in a program ~~†who are enrolled in a community college to a state college or university;†~~ offered by a member;

(d) The number of graduates of a program offered by a member;

(e) Graduation rates at 4 years and 6 years after enrollment †

~~—(e)†~~ in a program offered by a member;

(f) The number of participants in a program who become a teacher at a public school in this State and remain a teacher for at least 3 years ~~1-1~~ and at least 5 years; and

~~((f))~~ (g) The results of surveys of participants of a program and persons who have completed a program regarding the effectiveness of the program and any gaps identified in the resources made available to a participant during the program.

2. The Department shall maintain an Internet website that provides the data collected and analyzed pursuant to subsection 1 to the public.

3. The ~~{Collaborative}~~ Department shall ~~convene~~ :

(a) Regularly gather input from stakeholders relating to the Collaborative and the programs supported by the Collaborative which may include, without limitation, gathering feedback in writing from members and community partners who receive block grants pursuant to section 10 of this act relating to:

(1) The data collected and analyzed pursuant to subsection 1; and

(2) Strengths, challenges and opportunities for improvement observed by such stakeholders.

(b) Convene meetings with ~~{colleges, universities, other providers of an alternative licensure program}~~ members and community partners as necessary, but not less often than once each semester, to discuss best practices and current trends in the data collected by the Superintendent of Public Instruction relating to the Collaborative. At least once each year at such a meeting, the ~~{Collaborative}~~ Superintendent of Public Instruction shall consider the annual targets established pursuant to subsection ~~{6}~~ 7 of section 10 of this act and revise the annual targets as necessary on the basis of the data collected by the Superintendent of Public Instruction relating to the Collaborative.

~~{2-}~~ 4. On or before June 30 of each year, the ~~{Collaborative}~~ Department shall submit a report on the status of the Collaborative and the effectiveness of the programs supported by the Collaborative to the Governor and the Director of the Legislative Counsel Bureau for transmission to the Legislature and the Joint Interim Standing Committee on Education.

5. On or before June 30, 2025, and every 2 years thereafter, the Superintendent of Public Instruction shall review the programs supported by the Collaborative to determine whether the programs are being carried out consistently with sections 2 to 11, inclusive, of this act and, on the basis of such a review, submit a report to the Director of the Legislative Counsel Bureau for transmission to the Joint Interim Standing Committee on Education containing any recommendations for legislation to improve the operation of the Collaborative.

Sec. 12. NRS 396.5198 is hereby amended to read as follows:

396.5198 ~~{1-}~~ If the System offers a course of study for obtaining an endorsement to teach courses relating to financial literacy, the course must require students in the course of study to create a personal finance portfolio

or transition plan, which must include, without limitation, details relating to housing, health insurance and postsecondary education and financial aid resources.

~~{2. A student in a course of study offered pursuant to subsection 1 may apply for a Teach Nevada Scholarship from a university, college or other provider of an alternative licensure program that receives a grant from the Teach Nevada Scholarship Program Account created pursuant to NRS 391A.575 to offset the costs of completing a course of study offered pursuant to subsection 1.}~~

Sec. 13. There is hereby appropriated from the State General Fund to the Teach Nevada Collaborative Account created by section 8 of this act the sum of \$50,946,000 for the support of the Teach Nevada Collaborative created by section 9 of this act ~~11~~ and carrying out the provisions of sections 2 to 11, inclusive, of this act.

Sec. 14. Notwithstanding the provisions of NRS 391A.580 to the contrary, the State Board of Education shall not accept applications for a grant or award a grant from the Teach Nevada Scholarship Program Account created by NRS 391A.575 on or after July 1, 2023.

Sec. 15. 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. 16. NRS 391A.550, 391A.555, 391A.560, 391A.565, 391A.570, 391A.575, 391A.580, 391A.585 and 391A.590 are hereby repealed.

Sec. 17. 1. This section and sections 14 and 15 of this act become effective upon passage and approval.

2. Sections 1 to 11, inclusive, and 13 of this act become effective:

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

(b) On July 1, 2023, for all other purposes.

3. Sections 12 and 16 of this act become effective on July 1, 2031.

LEADLINES OF REPEALED SECTIONS

391A.550 Definitions.

391A.555 "Account" defined.

391A.560 "Other provider of an alternative licensure program" defined.

391A.565 "Scholarship recipient" defined.

391A.570 "Teach Nevada Scholarship" defined.

391A.575 Teach Nevada Scholarship Program Account: Creation; administration; gifts, grants and donations; use of money in Account.

391A.580 Eligibility to apply for grant from Account to be used to award scholarships to students; State Board to review applications and award grants; retention of certain percentage of grant money by State Board; eligibility of students to apply for scholarship; regulations.

391A.585 Use of grant money to award scholarships; limitation on amount of scholarship; certain amount of scholarship retained by State Board until certain conditions are met.

391A.590 Return of certain amount of grant money if scholarship recipient does not complete program; additional money paid to grant recipient if scholarship recipient completes program.

Senator Lange moved the adoption of the amendment.

Remarks by Senator Lange.

Amendment No. 293 to Senate Bill No. 438 does the following. It further defines and adds various terms used throughout the bill. It requires Nevada's Department of Education, rather than the [Teach Nevada] Collaborative, to administer the [Teach Nevada] Collaborative Account. It amends provisions concerning allowable uses of money in the Collaborative Account. It amends the purposes of the Collaborative and provides for the amount of funds for certain programs supported by the Collaborative. It requires the Commission on Professional Standards in Education, rather than the Collaborative, to adopt certain regulations. It requires the Department of Education, rather than the Collaborative, to develop and carry out a program of block grants and adds to the priority of block grants applicants who recruit pupils, preservice teachers, teachers and community members from certain groups. It amends the annual targets for consideration when awarding block grants. It provides additional clarity on the interaction between stakeholders in terms of executing the programming related to this funding and the accountability metrics. It requires the reporting of data collected on programs supported by the Collaborative, and it includes several additional conforming changes.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 404.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 527.

SUMMARY—Makes various changes relating to elections.
(BDR 24-843)

AN ACT relating to elections; ~~authorizing, under certain circumstances, the Governor or Secretary of State to order changes to an election caused by certain emergencies or disasters; making it unlawful for a person to disseminate certain information about an elections official; authorizing, under certain circumstances,~~ revising provisions relating to the challenge of a person applying to vote ; ~~who is challenged to cast a provisional ballot;~~ authorizing a county or city clerk to order that the count of returns for early voting ~~to~~ begin on or after the first day of early voting; ~~authorizing, under certain circumstances, a registered voter to bring a cause of action to compel a board of county commissioners or governing body of a city to complete the canvass of an election; clarifying that certain duties of the Secretary of State, a county clerk and a city clerk are ministerial; prohibiting the results of any risk limiting audit from being used to contest or overturn the results of any election; authorizing, under certain circumstances, certain persons to bring a cause of action to compel the issuance of a certificate of election or~~

~~commission; requiring a recount of the vote for a candidate or ballot question to be conducted under certain circumstances; revising provisions relating to the contest of an election; providing a penalty;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~—[Under existing law, a state of emergency or a declaration of disaster may be proclaimed by the Governor or by resolution of the Legislature under certain circumstances. (NRS 414.070) Section 2 of this bill provides, with certain exceptions, that if a state of emergency or declaration of disaster is proclaimed by the Governor or by resolution of the Legislature and such emergency or disaster directly and substantially impacts an election, the Governor or Secretary of State may reschedule certain elections, extend the deadline for submission of mail ballots, extend the deadline to cure signatures on mail ballots, require additional polling places or relocate polling places.~~

~~—Existing law makes it a crime, punishable as a category E felony, to use or threaten to use any force, intimidation, coercion, violence, restraint or undue influence in connection with any election, petition or preregistration or registration of voters. (NRS 293.710) Section 3 of this bill makes it a crime, punishable as a category E felony, for any person to disseminate any personal identifying information or sensitive information of an elections official without the consent of the elections official, knowing that the elections official could be identified by such information, if: (1) the person disseminates such personal identifying information or sensitive information with the intent to aid, assist, encourage, facilitate, further or promote any criminal offense which would be reasonably likely to cause death, bodily injury or stalking or with the intent to cause harm to the elections official and with knowledge of or reckless disregard for the reasonable likelihood that the dissemination of the information may cause death, bodily injury or stalking; and (2) the dissemination of the personal identifying information or sensitive information would cause a reasonable person to fear the death, bodily injury or stalking of himself or herself or a close relation or causes the death, bodily injury or stalking of the elections official whose information was disseminated or a close relation of the elections official.~~

~~—Existing law provides that for all elections, the polls must open at 7 a.m. and close at 7 p.m. (NRS 293.273, 293C.267) Sections 4 and 26 of this bill authorize the county or city clerk, with the approval of the Secretary of State, to extend the hours during which polls are open for an extraordinary situation.]~~

Existing law authorizes: (1) a person applying to vote to be challenged orally by any registered voter upon certain grounds; and (2) a person who is challenged to cast a ballot under certain circumstances. If a challenge is based on residency, the challenged person can be issued a ballot if he or she: (1) executes a certain oath or affirmation; and (2) furnishes satisfactory identification which contains proof of the address at which the person

actually resides. (NRS 293.303, 293C.292) ~~{Sections 5 and 27 of this bill require that any such challenge be made in writing and, under certain circumstances, authorize certain challenged persons to vote by provisional ballot. Sections 6 and 7 of this bill make conforming changes to account for these persons voting by provisional ballot.}~~

Sections 5 and 27 ~~{also}~~ of this bill set forth what constitutes "satisfactory identification" for purposes of a challenged voter providing proof of residency.

Sections 5 and 27 further provide that the provisions of existing law relating to challenging a voter do not authorize any person to challenge the ability of a registered voter to vote by mail ballot.

Existing law requires the appropriate board to count in public the returns for early voting after 8 a.m. on election day. (NRS 293.3606, 293C.3606) Sections 8 and 28 of this bill provide instead that on or after the first day of early voting, the county or city clerk, respectively, may order the appropriate board to begin the counting of the returns for early voting ~~{after the first day of early voting}~~.

~~Existing law sets forth the deadline to canvass the results of various elections. (NRS 243.445, 243.480, 244.090, 266.033, 267.050, 267.080, 267.140, 293.387, 293C.387, 318.118, 349.060, 474.110, 474.395, 539.055, 539.155, 539.157, 539.760, 541.360; Boulder City Charter § 16; Caliente City Charter § 5.100; Carlin City Charter § 5.090; Carson City Charter § 5.100; Elko City Charter § 5.090; Henderson City Charter § 5.100; Las Vegas City Charter § 5.100; Mesquite City Charter § 5.100; North Las Vegas City Charter § 5.080; Reno City Charter § 5.100; Sparks City Charter § 5.100; Wells City Charter § 5.090; Yerington City Charter § 5.090; Airport Authority Act for Battle Mountain § 22; Airport Authority Act for Carson City § 16; Reno Tahoe Airport Authority Act § 22; Mineral County Power System Act of 1929 § 1.5) Sections 9, 29, 32-37, 39, 41, 42 and 45-68 of this bill clarify that if the canvass is not completed by the applicable deadline, any person who was eligible to vote in the election may bring a cause of action in district court to compel the completion of the canvass.~~

~~Existing law requires, upon completion of the canvass of the results of certain elections: (1) the certification of the election results by the Secretary of State, county clerk or city clerk; and (2) under certain circumstances the issuance of a certificate of election. (NRS 218A.210, 243.445, 267.050, 267.090, 293.387, 293.393, 293.395, 293.397, 293.417, 293.427, 293.435, 293C.387, 293C.395, 349.060, 386.260, 474.395, 539.055, 539.155, 539.157; Caliente City Charter § 5.100; Carlin City Charter § 5.090; Carson City Charter § 5.100; Elko City Charter § 5.090; Henderson City Charter § 5.100; Las Vegas City Charter § 5.100; Mesquite City Charter § 5.100; North Las Vegas City Charter § 5.080; Reno City Charter § 5.100; Sparks City Charter § 5.100; Wells City Charter § 5.090; Yerington City Charter § 5.090) Sections 9, 10, 12, 18, 21, 24, 29, 31, 32, 36, 38, 40, 42, 44, 46-49 and 53-64 of this bill clarify that these duties are ministerial.~~

~~Sections 10, 12, 13, 18, 21, 24, 29, 30, 36, 40, 44, 49 and 53-64 of this bill authorize a person from whom a certificate of election or commission is withheld to bring a cause of action in district court.~~

~~Existing law requires: (1) the Secretary of State to adopt regulations for conducting a risk-limiting audit of an election; and (2) each county clerk to conduct a risk-limiting audit of the results of an election prior to the certification of the results of the election. (NRS 293.394) Section 11 of this bill prohibits the use of any risk-limiting audit to contest or overturn the results of any election.~~

~~Existing law authorizes: (1) a candidate defeated at any election to demand and receive a recount of the vote for the office for which he or she is a candidate if he or she deposits in advance the estimated costs of the recount; and (2) any voter of an election to demand and receive a recount of the vote for a ballot question if the candidate or voter deposits in advance the estimated costs of the recount. (NRS 293.403) Section 14 of this bill requires instead that a recount must be conducted if, as applicable: (1) the difference between the highest number of votes cast for a candidate for the office and the next highest number of votes cast for a candidate for the office is 0.25 percent or less; or (2) the difference between the results of the ballot question being approved or disapproved is 0.25 percent or less. Sections 15 and 25 of this bill make conforming changes to account for the circumstances when a recount is required rather than demanded. Section 14 eliminates the requirement for any candidate or voter to deposit the estimated cost of the recount. Section 14 further requires a recount to commence within 5 days after the canvass of the vote and the certification of the abstract of the votes and be completed not more than 5 days after it is begun. Section 70 of this bill makes a conforming change to repeal the provisions requiring a person who does not prevail in a recount to pay the deficiency or a person who prevails in a recount to receive a refund.~~

~~Existing law authorizes, with certain exceptions, any candidate or registered voter of the appropriate political subdivision to contest the election of any candidate on certain grounds. Except for the office of Governor, Lieutenant Governor, Assemblyman, Assemblywoman, State Senator, justice of the Supreme Court or judge of the Court of Appeals, a candidate or voter who wishes to contest the election must file with the clerk of the district court a written statement of contest. (NRS 293.407) Section 16 of this bill requires that the candidate or voter also submit evidence that supports the particular grounds of contest. Section 17 of this bill authorizes a statement of contest to be dismissed by any court for want of form and requires that the election be contested on the personal knowledge of the contestant. Section 17 further provides that the contestant has the burden of proving each of the grounds of contest that the contestant alleges.~~

~~Existing law provides that if, in any contest, the court finds from the evidence that a person other than the defendant received the greatest number of legal votes, the court is required to declare that person elected or~~

~~nominated. (NRS 293.417) Section 18 of this bill provides that the court must find by clear and convincing evidence that a person other than the defendant received the greatest number of legal votes in order to declare that person elected or nominated.~~

~~Existing law provides that if a contest proceeding is dismissed for insufficiency of the statement of contest or for want of prosecution, or if the district court confirms the election, judgment shall be rendered for costs in favor of the defendant and against the contestant. (NRS 293.420) Section 19 of this bill provides that if the court also dismisses the contest proceeding for being frivolous, judgment shall be rendered for costs in favor of the defendant and against the contestant.~~

~~Existing provisions of the Nevada Constitution provide that each House of the Legislature shall judge the qualifications, elections and returns of its own members and determine the rules of its proceedings. (Nev. Const. Art. 4, § 6) Existing law requires the Secretary of State to submit to the presiding officer of the appropriate house of the Legislature all depositions, ballots and other documents relating to a contest of the general election of the office of Assemblyman, Assemblywoman or Senator. (NRS 293.425, 293.421) Section 20 of this bill clarifies that the Secretary of State must also submit all evidence relating to such contest. Section 21 clarifies that the decision of the house in a contest of general election of the office of Assemblyman, Assemblywoman or Senator is not appealable.~~

~~Existing law requires: (1) a joint session of both houses of the Legislature to convene to hear a contest of election for the office of Governor, Lieutenant Governor, justice of the Supreme Court or judge of the Court of Appeals; and (2) the Secretary of State to submit all depositions, ballots and other documents relating to such contest. (NRS 293.430) Section 22 of this bill clarifies that the Secretary of State must also submit all evidence relating to such contest. Section 23 of this bill provides that: (1) the contestant bears the burden of proving each of the grounds of contest that the contestant alleges in the statement of contest; and (2) if the membership of both houses finds by clear and convincing evidence that a person other than the defendant received the greatest number of legal votes, the houses shall declare that person elected. Section 23 also provides that the decision of both houses is not appealable.], but, in any case, the counting of the returns for early voting must begin not later than 8 a.m. on election day.~~

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

Section 1. ~~[Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.] (Deleted by amendment.)~~

Sec. 2. ~~[1. Except as otherwise provided in subsection 2, if a state of emergency or declaration of disaster is proclaimed by the Governor or by resolution of the Legislature pursuant to NRS 414.070 and such emergency or disaster directly and substantially impacts an election, the Governor or~~

~~Secretary of State may reschedule a primary election, special election or presidential preference primary election, extend the deadline for submission of mail ballots, extend the deadline to cure signatures on mail ballots, require additional polling places or relocate polling places.~~

~~2. If the emergency or disaster, as proclaimed by the Governor or by resolution of the Legislature does not impact the entire State, the authority of the Governor or Secretary of State pursuant to subsection 1 is limited to the part or parts of the State which are directly and substantially impacted.]~~
(Deleted by amendment.)

Sec. 3. ~~{1. It is unlawful for a person to disseminate any personal identifying information or sensitive information of an elections official without the consent of the elections official, knowing that the elections official could be identified by such information, if:~~

~~(a) The person disseminates such personal identifying information or sensitive information:~~

~~(1) With the intent to aid, assist, encourage, facilitate, further or promote any criminal offense which would be reasonably likely to cause death, bodily injury or stalking; or~~

~~(2) With the intent to cause harm to the elections official and with knowledge of or reckless disregard for the reasonable likelihood that the dissemination of the information may cause death, bodily injury or stalking; and~~

~~(b) The dissemination of the personal identifying information or sensitive information:~~

~~(1) Would cause a reasonable person to fear the death, bodily injury or stalking of himself or herself or a close relation; or~~

~~(2) Causes the death, bodily injury or stalking of the elections official whose information was disseminated or a close relation of the elections official.~~

~~2. A person who violates the provisions of subsection 1 is guilty of a category E felony and shall be punished as provided in NRS 193.130.~~

~~3. As used in this section:~~

~~(a) "Close relation" means a current or former spouse or domestic partner, parent, child, sibling, stepparent, grandparent or any person who regularly resides in the household or who, within the immediately preceding 6 months, regularly resided in the household.~~

~~(b) "Elections official" means:~~

~~(1) The Secretary of State or any deputy or employee in the Elections Division of the Office of the Secretary of State who is charged with duties relating to an election;~~

~~(2) A registrar of voters, county clerk, city clerk or any deputy or employee in the elections division of a county or city who is charged with elections duties; or~~

~~(3) An election board officer or counting board officer.~~

~~(c) "Personal identifying information" has the meaning ascribed to it in NRS 205.4617.~~

~~(d) "Sensitive information" has the meaning ascribed to it in NRS 41.1347.~~

~~(e) "Stalking" means a violation of NRS 200.575.] (Deleted by amendment.)~~

Sec. 4. ~~[NRS 293.273 is hereby amended to read as follows:~~

~~293.273 1. Except as otherwise provided in this section and NRS 293.305, and section 1 of this act at all elections held under the provisions of this title, the polls must open at 7 a.m. and close at 7 p.m.~~

~~2. Upon opening the polls, one of the election board officers shall cause a proclamation to be made that all present may be aware of the fact that applications will be received from:~~

~~(a) Registered voters who apply to vote at the polling place; and~~

~~(b) Electors who apply to register to vote or apply to vote at the polling place pursuant to NRS 293.5772 to 293.5887, inclusive.~~

~~3. No person, other than election board officers engaged in receiving, preparing or depositing ballots or registering electors, may be permitted inside the guardrail during the time the polls are open, except by authority of the election board as necessary to keep order and carry out the provisions of this title.~~

~~4. Notwithstanding the provisions of subsection 1, a county clerk, with the approval of the Secretary of State, may extend the hours during which polls are open for an extraordinary situation.] (Deleted by amendment.)~~

Sec. 5. NRS 293.303 is hereby amended to read as follows:

293.303 1. A person applying to vote may be challenged:

(a) Orally ~~[In writing]~~ by any registered voter of the precinct upon the ground that he or she is not the person entitled to vote as claimed or has voted before at the same election. A registered voter who initiates a challenge pursuant to this paragraph must submit an affirmation that is signed under penalty of perjury and in the form prescribed by the Secretary of State stating that the challenge is based on the personal knowledge of the registered voter.

(b) On any ground set forth in a challenge filed with the county clerk pursuant to the provisions of NRS 293.547.

2. If a person is challenged, an election board officer shall tender the challenged person the following oath or affirmation:

(a) If the challenge is on the ground that the challenged person does not belong to the political party designated upon the roster, "I swear or affirm under penalty of perjury that I belong to the political party designated upon the roster";

(b) If the challenge is on the ground that the roster does not show that the challenged person designated the political party to which he or she claims to belong, "I swear or affirm under penalty of perjury that I designated on the application to register to vote the political party to which I claim to belong";

(c) If the challenge is on the ground that the challenged person does not reside at the residence for which the address is listed in the roster, "I swear or affirm under penalty of perjury that I reside at the residence for which the address is listed in the roster";

(d) If the challenge is on the ground that the challenged person previously voted a ballot for the election, "I swear or affirm under penalty of perjury that I have not voted for any of the candidates or questions included on this ballot for this election"; or

(e) If the challenge is on the ground that the challenged person is not the person he or she claims to be, "I swear or affirm under penalty of perjury that I am the person whose name is in this roster."

➡ The oath or affirmation must be set forth on a form prepared by the Secretary of State and signed by the challenged person under penalty of perjury.

3. Except as otherwise provided in subsection 4, if the challenged person refuses to execute the oath or affirmation so tendered, the person must not be issued a ballot, and the election board officer shall indicate in the roster "Challenged" by the person's name.

4. If the challenged person refuses to execute the oath or affirmation set forth in paragraph (a) or (b) of subsection 2, the election board officers shall issue the person a nonpartisan ballot.

5. If the challenged person refuses to execute the oath or affirmation set forth in paragraph (c) of subsection 2, the election board officers shall inform the person that he or she is entitled to vote only in the manner prescribed in NRS 293.304.

6. If the challenged person executes the oath or affirmation and the challenge is not based on the ground set forth in paragraph (c) of subsection 2, the election board officers shall issue the person a partisan ballot.

7. If the challenge is based on the ground set forth in paragraph (c) of subsection 2, and the challenged person executes the oath or affirmation, ~~except as otherwise provided in this subsection,~~ the election board shall not issue the person a ballot until he or she furnishes satisfactory identification which contains proof of the address at which the person actually resides. ~~If the person cannot furnish satisfactory identification, the election board may issue the person a provisional ballot pursuant to NRS 293.3078 to 293.3086, inclusive.~~ For the purposes of this subsection, ~~[a voter registration card does not provide proof of the address at which a person resides.]~~ "satisfactory identification" includes, without limitation, any of the following that includes the current residential address of the person:

(a) A current and valid driver's license or identification card issued by the Department of Motor Vehicles;

(b) A military identification card;

(c) A tribal identification card;

(d) A utility bill;

- (e) A bank or credit union statement;
- (f) A paycheck;
- (g) An income tax return;
- (h) A statement concerning the mortgage, rental or lease of a residence;
- (i) A motor vehicle registration;
- (j) A property tax statement; or
- (k) Any other document issued by a governmental agency.

8. If the challenge is based on the ground set forth in paragraph (c) of subsection 2 and the challenged person executes the oath or affirmation, ~~[except as otherwise provided in this subsection,]~~ the election board shall not issue the person a ballot unless the person:

(a) Furnishes official identification which contains a photograph of the person, such as a driver's license or other official document; or

(b) Brings before the election board officers a person who is at least 18 years of age who:

(1) Furnishes official identification which contains a photograph of that person, such as a driver's license or other official document; and

(2) Executes an oath or affirmation under penalty of perjury that the challenged person is who he or she swears to be.

~~[If the person does not comply with the provisions of paragraph (a) or (b), the election board may issue the person a provisional ballot pursuant to NRS 293.3078 to 293.3086, inclusive.]~~

9. The election board officers shall:

(a) Record on the challenge list:

(1) The name of the challenged person;

(2) The name of the registered voter who initiated the challenge; and

(3) The result of the challenge; and

(b) If possible, orally notify the registered voter who initiated the challenge of the result of the challenge.

10. *The provisions of this section do not authorize any person to challenge the ability of a registered voter to vote by mail ballot.*

Sec. 6. ~~[NRS 293.3081 is hereby amended to read as follows:~~

~~293.3081 A person at a polling place may cast a provisional ballot in an election pursuant to NRS 293.3078 to 293.3086, inclusive, if the person complies with the applicable provisions of NRS 293.3082 and:~~

~~1. Declares that he or she has registered to vote and is eligible to vote at that election in that jurisdiction, but [his] :~~

~~(a) His or her name does not appear on a voter registration list as a voter eligible to vote in that election in that jurisdiction or an election official asserts that the person is not eligible to vote in that election in that jurisdiction; or~~

~~(b) The person was challenged pursuant to NRS 293.303 when applying to vote and the person cannot furnish satisfactory identification pursuant to subsection 7 of NRS 293.303 or comply with the provisions of paragraph (a) or (b) of subsection 8 of NRS 293.303, as applicable.~~

~~2. Applies by mail or computer, on or after January 1, 2003, to register to vote and has not previously voted in an election for federal office in this State and fails to provide the identification required pursuant to paragraph (a) of subsection 1 of NRS 293.2725 to the election board officer at the polling place; or~~

~~3. Declares that he or she is entitled to vote after the polling place would normally close as a result of a court order, an order of the Governor or Secretary of State pursuant to section 2 of this act, an order of the county or city clerk pursuant to NRS 293.273 or 293C.267, or other order extending the time established for the closing of polls pursuant to a law of this State in effect 10 days before the date of the election.} (Deleted by amendment.)~~

Sec. 7. ~~[NRS 293.3082 is hereby amended to read as follows:~~

~~293.3082 1. Before a person may cast a provisional ballot pursuant to NRS 293.3081, the person must complete a written affirmation on a form provided by an election board officer, as prescribed by the Secretary of State, at the polling place which includes:~~

~~(a) The name of the person casting the provisional ballot;~~

~~(b) The reason for casting the provisional ballot;~~

~~(c) A statement in which the person casting the provisional ballot affirms under penalty of perjury that he or she is a registered voter in the jurisdiction and is eligible to vote in the election;~~

~~(d) The date and type of election;~~

~~(e) The signature of the person casting the provisional ballot;~~

~~(f) The signature of the election board officer;~~

~~(g) A unique affirmation identification number assigned to the person casting the provisional ballot;~~

~~(h) If the person is casting the provisional ballot pursuant to subsection 1 of NRS 293.3081:~~

~~(1) An indication by the person as to whether or not he or she provided the required identification at the time the person applied to register to vote;~~

~~(2) The address of the person as listed on the application to register to vote;~~

~~(3) Information concerning the place, manner and approximate date on which the person applied to register to vote;~~

~~(4) Any other information that the person believes may be useful in verifying that the person has registered to vote; and~~

~~(5) A statement informing the voter that if the voter does not provide identification or, if the provisions of subsection 7 of NRS 293.303 apply, satisfactory identification which contains proof of the address at which the person actually resides, at the time the voter casts the provisional ballot, the required identification must be provided to the county or city clerk not later than 5 p.m. on the Friday following election day and that failure to do so will result in the provisional ballot not being counted;~~

~~(i) If the person is casting the provisional ballot pursuant to subsection 2 of NRS 293.3081:~~

~~— (1) The address of the person as listed on the application to register to vote;~~

~~— (2) The voter registration number, if any, issued to the person; and~~

~~— (3) A statement informing the voter that the required identification must be provided to the county or city clerk not later than 5 p.m. on the Friday following election day and that failure to do so will result in the provisional ballot not being counted; and~~

~~— (j) If the person is casting the provisional ballot pursuant to subsection 3 of NRS 293.3081, the voter registration number, if any, issued to the person.~~

~~— 2. After a person completes a written affirmation pursuant to subsection 1:~~

~~— (a) The election board officer shall provide the person with a receipt that includes the unique affirmation identification number described in subsection 1 and that explains how the person may use the free access system established pursuant to NRS 293.3086 to ascertain whether the person's vote was counted, and, if the vote was not counted, the reason why the vote was not counted;~~

~~— (b) The voter's name and applicable information must be entered into the roster in a manner which indicates that the voter cast a provisional ballot; and~~

~~— (c) The election board officer shall issue a provisional ballot to the person to vote. (Deleted by amendment.)~~

Sec. 8. NRS 293.3606 is hereby amended to read as follows:

293.3606 1. ~~{After 8 a.m. on election}~~ *On or after the first day {,} of early voting, the county clerk may order the appropriate board {shall} to begin the count {in public} of the returns for early voting {,}, but, in any case, the count of the returns for early voting must begin not later than 8 a.m. on election day.*

2. The returns for early voting must not be reported until after the polls have closed on election day.

3. The returns for early voting must be reported separately from the regular votes of the precinct, unless reporting the returns separately would violate the secrecy of the voter's ballot.

4. The county clerk shall develop a procedure to ensure that each ballot is kept secret.

5. Any person who disseminates to the public information relating to the count of returns for early voting before the polls close is guilty of a gross misdemeanor.

Sec. 9. ~~{NRS 293.387 is hereby amended to read as follows:~~

~~293.387 1. As soon as the returns from all the precincts and districts in any county have been received by the board of county commissioners, the board shall meet and canvass the returns. The canvass must be completed on or before the 10th day following the election. If the canvass is not completed by the end of the 10th day following the election, any registered voter of the county may bring a cause of action in district court to compel the board of county commissioners to complete the canvass.~~

- ~~2. In making its canvass, the board shall:~~
- ~~(a) Note separately any clerical errors discovered; and~~
- ~~(b) Take account of the changes resulting from the discovery, so that the result declared represents the true vote cast.~~
- ~~3. The county clerk shall, as soon as the result is declared, enter upon the records of the board an abstract of the result, which must contain the number of votes cast for each candidate. The board, after making the abstract, shall cause the county clerk to certify the abstract and, by an order made and entered in the minutes of its proceedings, to make:~~
- ~~(a) A copy of the certified abstract; and~~
- ~~(b) A mechanized report of the abstract in compliance with regulations adopted by the Secretary of State,~~
- ~~and transmit them to the Secretary of State on or before the 10th day following the election.~~
- ~~4. The Secretary of State shall, immediately after any primary election, compile the returns for all candidates voted for in more than one county. The Secretary of State shall make out and file in his or her office an abstract thereof, and shall certify to the county clerk of each county the name of each person nominated, and the name of the office for which the person is nominated.~~
- ~~5. The duties of the Secretary of State and county clerk pursuant to this section are purely ministerial.] (Deleted by amendment.)~~

Sec. 10. ~~[NRS 293.293 is hereby amended to read as follows:~~

- ~~293.293 1. On or before the 10th day after any general election or any other election at which votes are cast for any United States Senator, Representative in Congress, member of the Legislature or any state officer who is elected statewide, the board of county commissioners shall open the returns of votes cast and make abstracts of the votes.~~
- ~~2. Abstracts of votes must be prepared in the manner prescribed by the Secretary of State by regulation.~~
- ~~3. The county clerk shall make out a certificate of election to each of the persons having the highest number of votes for the district, county and township offices.~~
- ~~4. Each certificate must be delivered to the person elected upon application at the office of the county clerk.~~
- ~~5. The duties of the county clerk pursuant to this section are purely ministerial.~~
- ~~6. A person from whom a certificate of election is withheld may bring a cause of action in district court to compel the issuance of a certificate of election.] (Deleted by amendment.)~~

Sec. 11. ~~[NRS 293.294 is hereby amended to read as follows:~~

- ~~293.294 1. The Secretary of State shall adopt regulations for conducting a risk-limiting audit of an election, which may include, without limitation:~~
- ~~(a) Procedures to conduct a risk limiting audit;~~

~~—(b) Criteria for which elections must be audited; and~~

~~—(c) Criteria to determine the scope of the risk-limiting audit.~~

~~—2. In accordance with the regulations adopted by the Secretary of State pursuant to this section, each county clerk shall conduct a risk-limiting audit of the results of an election prior to the certification of the results of the election pursuant to NRS 293.395.~~

~~—3. If the results of any risk limiting audit indicate a discrepancy in the election results that is large enough to change the results of any race or question on the ballot, the Secretary of State shall order the county clerk to repeat the audit. If the results of the second audit also indicate a discrepancy in the results that is large enough to change the results of any race or question on the ballot, the Secretary of State shall order the county to audit a larger sample of ballots or conduct a complete recount of the ballots in the county. Any additional audit or recount must be performed prior to the certification of the results of the election pursuant to NRS 293.395.~~

~~—4. As used in this section, "risk limiting audit" means an audit protocol that:~~

~~—(a) Makes use of statistical principles and methods; and~~

~~—(b) Is designed to limit the risk of certifying an incorrect election outcome.} (Deleted by amendment.)~~

Sec. 12. ~~[NRS 293.395 is hereby amended to read as follows:~~

~~—293.395 1. The board of county commissioners, after making the abstract of votes as provided in NRS 293.393, shall cause the county clerk to certify the abstract and, by an order made and entered in the minutes of its proceedings, to make:~~

~~—(a) A copy of the certified abstract; and~~

~~—(b) A mechanized report of that abstract in compliance with regulations adopted by the Secretary of State, and forthwith transmit them to the Secretary of State.~~

~~—2. On the fourth Tuesday of November after each general election, the justices of the Supreme Court, or a majority thereof, shall meet with the Secretary of State, and shall open and canvass the vote for the number of presidential electors to which this State may be entitled, United States Senator, Representative in Congress, members of the Legislature, state officers who are elected statewide or by district, district judges, or district officers whose districts include area in more than one county and for and against any question submitted.~~

~~—3. The Governor shall issue certificates of election to and commission the persons having the highest number of votes and shall issue proclamations declaring the election of those persons. A person from whom a certificate of election or commission is withheld in violation of this subsection may bring a cause of action in district court to compel the issuance of a certificate of election or commission.~~

~~—4. The duties of the county clerk and Governor pursuant to this section are purely ministerial.} (Deleted by amendment.)~~

Sec. 13. ~~[NRS 293.397 is hereby amended to read as follows:~~

~~293.397 1. A certificate of election or commission must not be withheld from the person having the highest number of votes for the office because of [any contest of election filed in the election or] any defect or informality in the returns of any election, any results of an audit of the election or the failure of the county clerk to certify the abstract of votes, if it can be ascertained with reasonable certainty from the returns what office is intended and who is entitled to the certificate or commission.~~

~~2. A person from whom a certificate of election or commission is withheld in violation of subsection 1 may bring a cause of action in district court to compel the issuance of a certificate of election or commission.]~~
(Deleted by amendment.)

Sec. 14. ~~[NRS 293.403 is hereby amended to read as follows:~~

~~293.403 1. A [candidate defeated at any election may demand and receive a] recount of the vote for [the] an office [for which he or she is a candidate to determine the number of votes received for the candidate and the number of votes received for the person who won the election] must be conducted if, [within 3 working days] after the canvass of the vote and the certification by the county clerk or city clerk of the abstract of votes, [the candidate who demands the recount;~~

~~(a) Files in writing a demand with the officer with whom the candidate filed his or her declaration of candidacy; and~~

~~(b) Deposits in advance the estimated costs of the recount with that officer.] the difference between the highest number of votes cast for a candidate for the office and the next highest number of votes cast for a candidate for the office is 0.25 percent or less.~~

~~2. [Any voter at an election may demand and receive a] A recount of the vote for a ballot question must be conducted if, [within 3 working days] after the canvass of the vote and the certification by the county clerk or city clerk of the abstract of votes, [the voter;~~

~~(a) Files in writing a demand with:~~

~~(1) The Secretary of State, if the demand is for a recount of a ballot question affecting more than one county; or~~

~~(2) The county or city clerk who will conduct the recount, if the demand is for a recount of a ballot question affecting only one county or city; and~~

~~(b) Deposits in advance the estimated costs of the recount with the person to whom the demand was made.~~

~~3. The estimated costs of the recount must be determined by the person with whom the advance is deposited based on regulations adopted by the Secretary of State defining the term "costs." the difference between the results of the ballot question being approved and disapproved is 0.25 percent or less.~~

~~3. A recount required pursuant to this section must begin not more than 5 days after the canvass of the vote and the certification by the county clerk~~

~~or city clerk of the abstract of votes and must be completed not more than 5 days after it is begun.~~

~~4. As used in this section, "canvass" means:~~

~~(a) In any primary election, the canvass by the board of county commissioners of the returns for a candidate or ballot question voted for in one county or the canvass by the board of county commissioners last completing its canvass of the returns for a candidate or ballot question voted for in more than one county;~~

~~(b) In any primary city election, the canvass by the city council of the returns for a candidate or ballot question voted for in the city;~~

~~(c) In any general election:~~

~~(1) The canvass by the Supreme Court of the returns for a candidate for a statewide office or a statewide ballot question; or~~

~~(2) The canvass of the board of county commissioners of the returns for any other candidate or ballot question, as provided in paragraph (a).~~

~~(d) In any general city election, the canvass by the city council of the returns for a candidate or ballot question voted for in the city. (Deleted by amendment.)~~

Sec. 15. ~~[NRS 293.404 is hereby amended to read as follows:~~

~~293.404 1. Where a recount is [demanded] required pursuant to the provisions of NRS 293.403, the:~~

~~(a) County clerk of each county affected by the recount shall employ a recount board to conduct the recount in the county, and shall act as chair of the recount board unless the recount is for the office of county clerk, in which case the registrar of voters of the county, if a registrar of voters has been appointed for the county, shall act as chair of the recount board. If a registrar of voters has not been appointed for the county, the chair of the board of county commissioners, if the chair is not a candidate on the ballot, shall act as chair of the recount board. If the recount is for the office of county clerk, a registrar of voters has not been appointed for the county and the chair of the board of county commissioners is a candidate on the ballot, the chair of the board of county commissioners shall appoint another member of the board of county commissioners who is not a candidate on the ballot to act as chair of the recount board. A member of the board of county commissioners who is a candidate on the ballot may not serve as a member of the recount board.~~

~~(b) City clerk shall employ a recount board to conduct the recount in the city, and shall act as chair of the recount board unless the recount is for the office of city clerk, in which case the mayor of the city, if the mayor is not a candidate on the ballot, shall act as chair of the recount board. If the recount is for the office of city clerk and the mayor of the city is a candidate on the ballot, the mayor of the city shall appoint another member of the city council who is not a candidate on the ballot to act as chair of the recount board. A member of the city council who is a candidate on the ballot may not serve as a member of the recount board.~~

~~2. Each candidate for the office affected by the recount, [and the voter who demanded the recount,] if [any,] applicable, may be present in person or by an authorized representative, but may not be a member of the recount board.~~

~~3. The recount must include a count and inspection of all ballots, including rejected ballots, and must determine whether all ballots are marked as required by law. All ballots must be recounted in the same manner in which the ballots were originally tabulated.~~

~~4. The county or city clerk shall unseal and give to the recount board all ballots to be counted.~~

~~5. The Secretary of State may adopt regulations to carry out the provisions of this section.] (Deleted by amendment.)~~

Sec. 16. [NRS 293.407 is hereby amended to read as follows:

~~293.407 1. A candidate at any election, or any registered voter of the appropriate political subdivision, may contest the election of any candidate, except for the office of United States Senator or Representative in Congress.~~

~~2. Except where the contest involves the general election for the office of Governor, Lieutenant Governor, Assemblyman, Assemblywoman, State Senator, justice of the Supreme Court or judge of the Court of Appeals, a candidate or voter who wishes to contest an election, including election to the office of presidential elector, must, within the time prescribed in NRS 293.413, file with the clerk of the district court [a] :~~

~~(a) A written statement of contest, setting forth:~~

~~[(a)] (1) The name of the contestant and that the contestant is a registered voter of the political subdivision in which the election to be contested or part of it was held;~~

~~[(b)] (2) The name of the defendant;~~

~~[(c)] (3) The office to which the defendant was declared elected;~~

~~[(d)] (4) The particular grounds of contest [and the section of Nevada Revised Statutes pursuant to which the statement is filed;], as described in subsection 2 of NRS 293.410; and~~

~~[(e)] (5) The date of the declaration of the result of the election and the body or board which canvassed the returns thereof [.] ; and~~

~~(b) Evidence that supports the particular grounds of contest made in the written statement of contest.~~

~~3. The contestant shall verify the statement of contest in the manner provided for the verification of pleadings in civil actions.~~

~~4. All material regarding a contest filed by a contestant with the clerk of the district court must be filed in triplicate.~~

~~5. The contestant must notify the defendant that a statement of contest has been filed pursuant to this section.] (Deleted by amendment.)~~

Sec. 17. [NRS 293.410 is hereby amended to read as follows:

~~293.410 1. A statement of contest [shall not] may be dismissed by any court for want of form . [if the grounds of contest are alleged with sufficient~~

~~certainty to inform the defendant of the charges the defendant is required to meet.]~~

~~2. An election may be contested upon any of the following grounds [:], which must be based on the personal knowledge of the contestant:~~

~~(a) That the election board or any member thereof was guilty of malfeasance.~~

~~(b) That a person who has been declared elected to an office was not at the time of election eligible to that office.~~

~~(c) That:~~

~~(1) Illegal or improper votes were cast and counted;~~

~~(2) Legal and proper votes were not counted; or~~

~~(3) A combination of the circumstances described in subparagraphs (1) and (2) occurred,~~

~~in an amount that is equal to or greater than the margin between the contestant and the defendant, or otherwise in an amount sufficient to raise reasonable doubt as to the outcome of the election.~~

~~(d) That the election board, in conducting the election or in canvassing the returns, made errors sufficient to change the result of the election as to any person who has been declared elected.~~

~~(e) That the defendant or any person acting, either directly or indirectly, on behalf of the defendant has given, or offered to give, to any person anything of value for the purpose of manipulating or altering the outcome of the election.~~

~~(f) That there was a malfunction of any voting device or electronic tabulator, counting device or computer in a manner sufficient to raise reasonable doubt as to the outcome of the election.~~

~~3. The contestant bears the burden of proving each of the grounds of contest that the contestant alleged in the statement of contest.] (Deleted by amendment.)~~

Sec. 18. ~~[NRS 293.417 is hereby amended to read as follows:~~

~~293.417 1. If, in any contest, the court finds [from the] by clear and convincing evidence that a person other than the defendant received the greatest number of legal votes, the court, as a part of the judgment, shall declare that person elected or nominated.~~

~~2. The person declared nominated or elected by the court is entitled to a certificate of nomination or election. If a certificate has not been issued to that person, the county clerk, city clerk or Secretary of State shall execute and deliver to the person a certificate of election or a certificate of nomination. A person from whom a certificate of election is withheld in violation of this subsection may bring a cause of action in district court to compel the issuance of a certificate of election. The duties of the county clerk, city clerk or Secretary of State, as applicable, pursuant to this subsection are purely ministerial.~~

~~3. If a certificate of election or nomination to the same office has been issued to any person other than the one declared elected by the court, that certificate must be annulled by the judgment of the court.~~

~~4. Whenever an election is annulled or set aside by the court, and the court does not declare some candidate elected, the certificate of election or the commission, if any has been issued, is void and the office is vacant.] (Deleted by amendment.)~~

~~Sec. 19. [NRS 293.420 is hereby amended to read as follows:~~

~~293.420 1. If a contest proceeding is dismissed for being frivolous, for insufficiency of the statement of contest, [or] for want of prosecution, or if the district court confirms the election, judgment shall be rendered for costs in favor of the defendant and against the contestant.~~

~~2. If an election is annulled or set aside for errors or malfeasance of any election official in the conduct of the election or in canvassing the returns, the costs shall be a charge against the state or political subdivision in which the election was held.~~

~~3. When an election is annulled or set aside on any other ground, judgment for costs shall be given in favor of the contestant and against the defendant.] (Deleted by amendment.)~~

~~Sec. 20. [NRS 293.425 is hereby amended to read as follows:~~

~~293.425 1. If the contest is of the general election for the office of Assemblyman, Assemblywoman or Senator, a statement of contest, prepared as provided in NRS 293.407, and all evidence, depositions, ballots and other documents relating to the contest must be filed with the Secretary of State within the time provided for the filing of statements of contests with the clerk of the district court. The parties to such a contest shall be designated contestant and defendant. The contestant and the Secretary of State shall notify the defendant that a statement of contest and documents have been filed by the contestant pursuant to this section.~~

~~2. On or before December 15 of the year immediately preceding a regular legislative session:~~

~~(a) The contestant in a contest of a general election for the office of Assemblyman, Assemblywoman or Senator may amend the statement of contest filed pursuant to this section by filing an amended statement of contest and any relevant evidence, depositions, ballots and other documents relating to the contest with the Secretary of State; and~~

~~(b) Each party in a contest of a general election for the office of Assemblyman, Assemblywoman or Senator shall provide the Secretary of State with a list of the witnesses the party intends to present at the hearing of the contest.~~

~~3. Each party in a contest of a general election for the office of Assemblyman, Assemblywoman or Senator may:~~

~~(a) Before the hearing of the contest:~~

~~(1) Take the deposition of any witness in the manner prescribed by rule of court for taking depositions in civil actions in the district courts; and~~

~~(2) Investigate issues relating to the contest; and~~
~~(b) At the hearing of the contest, present any relevant evidence, depositions and other evidence obtained as a result of such investigation at the hearing of the contest, including, without limitation, evidence obtained after the date for filing an amended statement of contest. If a party obtains evidence after such date, the evidence may not be included in the statement of contest or amended statement of contest. (Deleted by amendment.)~~

Sec. 21. ~~{NRS 293.427 is hereby amended to read as follows:~~
~~293.427 1. The Secretary of State shall deliver the statement of contest filed pursuant to NRS 293.425 and all other documents, including any amendments to the statement, to the presiding officer of the appropriate house of the Legislature on the day of the organization of the Legislature.~~
~~2. Until the contest has been decided, the candidate who received the highest number of votes for the office in the contested election must be seated as a member of the appropriate house.~~
~~3. If, before the contest has been decided, a contestant gives written notice to the Secretary of State that the contestant wishes to withdraw his or her statement of contest, the Secretary of State shall dismiss the contest.~~
~~4. The contest, if not dismissed, must be heard and decided [as] on or before the deadline prescribed by and using the procedures set forth in the standing or special rules of the house in which the contest is to be tried. If after hearing the contest, the house decides to declare the contestant elected, the Governor shall execute a certificate of election and deliver it to the contestant. The duty to execute a certificate of election and deliver it to the contestant pursuant to this subsection is purely ministerial. The certificate of election issued to the other candidate is thereafter void. A person from whom a certificate of election is withheld in violation of this subsection may bring a cause of action in district court to compel the issuance of a certificate of election.~~
~~5. In a contest of a general election for the office of Assemblyman, Assemblywoman or Senator, the house in which a contest was tried or was to be tried shall determine the remedy, if any, to be awarded to a party to such a contest. The remedy may include, without limitation, any costs incurred by a party in connection with the contest.~~
~~6. The decision of the house in a contest of a general election for the office of Assemblyman, Assemblywoman or Senator is not appealable. (Deleted by amendment.)~~

Sec. 22. ~~{NRS 293.430 is hereby amended to read as follows:~~
~~293.430 1. If the contest is of the general election for the office of Governor, Lieutenant Governor, justice of the Supreme Court or judge of the Court of Appeals, the statement of contest and all evidence, depositions, ballots and other documents relating to the contest must be filed with the Secretary of State within the time provided for filing statements of contests with the clerk of the district court. The contestant and Secretary of State shall~~

~~notify the defendant that the statement of contest and documents have been filed by the contestant pursuant to this section.~~

~~2. Until the contest is decided, the candidate who received the highest number of votes for the office in the contested election must be seated and commence the duties of the office.~~

~~3. The Secretary of State shall deliver the statement of contest and all other evidence, papers and documents to the speaker of the assembly on the day of the organization of the Legislature.~~

~~4. A joint session of both houses must be convened as soon thereafter as the business of both houses permits, but not later than 10 days after receipt of statement of contest.~~

~~5. If, before the contest has been decided, a contestant gives written notice to the Secretary of State that the contestant wishes to withdraw his or her statement of contest, the Secretary of State shall dismiss the contest.]~~
(Deleted by amendment.)

Sec. 23. ~~[NRS 293.433 is hereby amended to read as follows:~~

~~293.433 1. The Senate and Assembly meeting in joint session shall proceed to decide the contest [.] pursuant to NRS 293.430.~~

~~2. The Speaker of the Assembly shall preside at such joint session, and the session shall be conducted under the joint standing rules or joint special rules adopted for the occasion.~~

~~3. The contest shall be decided by a majority vote of the elected membership of both houses not later than 30 days after the contest hearing is begun.~~

~~4. The contestant bears the burden of proving each of the grounds of contest that the contestant alleged in the statement of contest.~~

~~5. If, in any contest, the elected membership of both houses finds by clear and convincing evidence that a person other than the defendant received the greatest number of legal votes, the houses, as a part of the judgment, shall declare that person elected.~~

~~6. The decision of the elected membership of both houses is not appealable.]~~ (Deleted by amendment.)

Sec. 24. ~~[NRS 293.435 is hereby amended to read as follows:~~

~~293.435 1. After both houses sitting in joint session have decided an election contest, the Secretary of State shall execute and deliver a certificate of election to the person declared elected, unless such a certificate was already issued to that person. The duty to execute a certificate of election and deliver it to the contestant pursuant to this subsection is purely ministerial. A person from whom a certificate of election or commission is withheld in violation of this subsection may bring a cause of action in district court to compel the issuance of a certificate of election.~~

~~2. If a certificate of election to the same office has been issued to any person other than the one declared to have been elected, that certificate is void.]~~ (Deleted by amendment.)

Sec. 25. ~~[NRS 293B.400 is hereby amended to read as follows:~~

~~293B.400 1. Except as otherwise provided in this section, if a recount is [demanded] required pursuant to the provisions of NRS 293.403 or if an election is contested pursuant to NRS 293.407, the county or city clerk shall ensure that each mechanical recording device which directly recorded votes electronically for the applicable election provides a record printed on paper of each ballot voted on that device.~~

~~2. In carrying out the requirements of this section, the county or city clerk shall:~~

~~(a) Print only the records required for the recount or contest; and~~

~~(b) Collect those records and deposit them in the vaults of the county or city clerk pursuant to NRS 293.291 or 293C.390.] (Deleted by amendment.)~~

Sec. 26. ~~[NRS 293C.267 is hereby amended to read as follows:~~

~~293C.267 1. Except as otherwise provided in this section, NRS 293C.297, and section 1 of this act at all elections held pursuant to the provisions of this chapter, the polls must open at 7 a.m. and close at 7 p.m.~~

~~2. Upon opening the polls, one of the election board officers shall cause a proclamation to be made so that all present may be aware of the fact that applications will be received from:~~

~~(a) Registered voters who apply to vote at the polling place; and~~

~~(b) Electors who apply to register to vote or apply to vote at the polling place pursuant to NRS 293.5772 to 293.5887, inclusive.~~

~~3. No person, other than election board officers engaged in receiving, preparing or depositing ballots or registering electors, may be permitted inside the guardrail during the time the polls are open, except by authority of the election board as necessary to keep order and carry out the provisions of this chapter.~~

~~4. Notwithstanding the provisions of subsection 1, a city clerk, with the approval of the Secretary of State, may extend the hours during which polls are open for an extraordinary situation.] (Deleted by amendment.)~~

Sec. 27. NRS 293C.292 is hereby amended to read as follows:

293C.292 1. A person applying to vote may be challenged:

(a) Orally ~~[In writing]~~ by any registered voter of the precinct or district upon the ground that he or she is not the person entitled to vote as claimed or has voted before at the same election; or

(b) On any ground set forth in a challenge filed with the county clerk pursuant to the provisions of NRS 293.547.

2. If a person is challenged, an election board officer shall tender the challenged person the following oath or affirmation:

(a) If the challenge is on the ground that the challenged person does not reside at the residence for which the address is listed in the roster, "I swear or affirm under penalty of perjury that I reside at the residence for which the address is listed in the roster";

(b) If the challenge is on the ground that the challenged person previously voted a ballot for the election, "I swear or affirm under penalty of perjury that

I have not voted for any of the candidates or questions included on this ballot for this election"; or

(c) If the challenge is on the ground that the challenged person is not the person he or she claims to be, "I swear or affirm under penalty of perjury that I am the person whose name is in this roster."

➡ The oath or affirmation must be set forth on a form prepared by the Secretary of State and signed by the challenged person under penalty of perjury.

3. If the challenged person refuses to execute the oath or affirmation so tendered, the person must not be issued a ballot, and the election board officer shall indicate in the roster "Challenged" by the person's name.

4. If the challenged person refuses to execute the oath or affirmation set forth in paragraph (a) of subsection 2, the election board officers shall inform the person that he or she is entitled to vote only in the manner prescribed in NRS 293C.295.

5. If the challenged person executes the oath or affirmation and the challenge is not based on the ground set forth in paragraph (c) of subsection 2, the election board officers shall issue him or her a ballot.

6. If the challenge is based on the ground set forth in paragraph (a) of subsection 2, and the challenged person executes the oath or affirmation, ~~[except as otherwise provided in this subsection,]~~ the election board shall not issue the person a ballot until he or she furnishes satisfactory identification that contains proof of the address at which the person actually resides. ~~[If the person cannot furnish satisfactory identification, the election board may issue the person a provisional ballot pursuant to NRS 293.3078 to 293.3086, inclusive.]~~ For the purposes of this subsection, ~~[a voter registration card does not provide proof of the address at which a person resides.]~~ "satisfactory identification" includes, without limitation, any of the following that includes the current residential address of the person:

(a) A current and valid driver's license or identification card issued by the Department of Motor Vehicles;

(b) A military identification card;

(c) A tribal identification card;

(d) A utility bill;

(e) A bank or credit union statement;

(f) A paycheck;

(g) An income tax return;

(h) A statement concerning the mortgage, rental or lease of a residence;

(i) A motor vehicle registration;

(j) A property tax statement; or

(k) Any other document issued by a governmental agency.

7. If the challenge is based on the ground set forth in paragraph (c) of subsection 2 and the challenged person executes the oath or affirmation, ~~[except as otherwise provided in this subsection,]~~ the election board shall not issue the person a ballot unless the person:

(a) Furnishes official identification which contains a photograph of the person, such as a driver's license or other official document; or

(b) Brings before the election board officers a person who is at least 18 years of age who:

(1) Furnishes official identification which contains a photograph of the person, such as a driver's license or other official document; and

(2) Executes an oath or affirmation under penalty of perjury that the challenged person is who he or she swears to be.

~~1. If the person does not comply with the provisions of paragraph (a) or (b), the election board may issue the person a provisional ballot pursuant to NRS 293.3078 to 293.3086, inclusive.~~

8. The election board officers shall:

(a) Record on the challenge list:

(1) The name of the challenged person;

(2) The name of the registered voter who initiated the challenge; and

(3) The result of the challenge; and

(b) If possible, orally notify the registered voter who initiated the challenge of the result of the challenge.

9. *The provisions of this section do not authorize any person to challenge the ability of a registered voter to vote by mail ballot.*

Sec. 28. NRS 293C.3606 is hereby amended to read as follows:

293C.3606 1. ~~After 8 a.m. on election day~~ On or after the first day of early voting, the city clerk may order the appropriate board ~~shall~~ to begin the count ~~in public~~ of the returns for early voting ~~in public~~, but, in any case, the count of the returns for early voting must begin not later than 8 a.m. on election day.

2. The returns for early voting must not be reported until after the polls have closed on election day.

3. The returns for early voting may be reported separately from the regular votes of the precinct, unless reporting the returns separately would violate the secrecy of the voter's ballot.

4. The city clerk shall develop a procedure to ensure that each ballot is kept secret.

5. Any person who disseminates to the public information relating to the count of returns for early voting before the polls close is guilty of a gross misdemeanor.

Sec. 29. ~~NRS 293C.387 is hereby amended to read as follows:~~

~~293C.387 1. The election returns from a special election, primary city election or general city election must be filed with the city clerk, who shall immediately place the returns in a safe or vault designated by the city clerk. No person may handle, inspect or in any manner interfere with the returns until they are canvassed by the mayor and the governing body of the city.~~

~~2. After the governing body of a city receives the returns from all the precincts and districts in the city, it shall meet with the mayor to canvass the returns. The canvass must be completed on or before the 10th day following~~

~~the election. If the canvass is not completed by the end of the 10th day following the election, any registered voter of the city may bring a cause of action in district court to compel the governing body to complete the canvass.~~

~~3. In completing the canvass of the returns, the governing body of the city and the mayor shall:~~

~~(a) Note separately any clerical errors discovered; and~~

~~(b) Take account of the changes resulting from the discovery, so that the result declared represents the true vote cast.~~

~~4. After the canvass is completed, the governing body of the city and mayor shall declare the result of the canvass.~~

~~5. The city clerk shall enter upon the records of the governing body of the city an abstract of the result. The abstract must be prepared in the manner prescribed by regulations adopted by the Secretary of State and must contain the number of votes cast for each candidate.~~

~~6. After the abstract is entered, the:~~

~~(a) City clerk shall seal the election returns, maintain them in a vault for at least 22 months and give no person access to them during that period, unless access is ordered by a court of competent jurisdiction or by the governing body of the city;~~

~~(b) Governing body of the city shall, by an order made and entered in the minutes of its proceedings, cause the city clerk to:~~

~~(1) Certify the abstract;~~

~~(2) Make a copy of the certified abstract;~~

~~(3) Make a mechanized report of the abstract in compliance with regulations adopted by the Secretary of State;~~

~~(4) Transmit a copy of the certified abstract and the mechanized report of the abstract to the Secretary of State on or before the 10th day following the election; and~~

~~(5) Transmit on paper or by electronic means to each public library in the city, or post on a website maintained by the city or the city clerk on the Internet or its successor, if any, a copy of the certified abstract within 30 days after the election.~~

~~7. After the abstract of the results from a:~~

~~(a) Primary city election has been certified, the city clerk shall certify the name of each person nominated and the name of the office for which the person is nominated.~~

~~(b) General city election has been certified, the city clerk shall:~~

~~(1) Issue under his or her hand and official seal to each person elected a certificate of election; and~~

~~(2) Deliver the certificate to the persons elected upon their application at the office of the city clerk.~~

~~➤ The duties of the city clerk pursuant to this subsection are purely ministerial. A person from whom a certificate of election is withheld may~~

~~bring a cause of action in district court to compel the issuance of a certificate of election.~~

~~8. The officers elected to the governing body of the city qualify and enter upon the discharge of their respective duties on the first regular meeting of that body next succeeding that in which the canvass of returns was made pursuant to subsection 2.~~

~~9. The duties of the city clerk pursuant to this section are purely ministerial.] (Deleted by amendment.)~~

Sec. 30. ~~[NRS 293C.395 is hereby amended to read as follows:~~

~~293C.395 1. A certificate of election or commission must not be withheld from the person having the highest number of votes for the city office because of any contest of election, [filed in the city election or] any defect or informality in the returns of any city election, any results of an audit of the election or the failure of the city clerk to certify the abstract of votes, if it can be ascertained with reasonable certainty from the returns what city office is intended and who is entitled to the certificate or commission.~~

~~2. A person from whom a certificate of election or commission is withheld in violation of subsection 1 may bring a cause of action in district court to compel the issuance of a certificate of election or commission.] (Deleted by amendment.)~~

Sec. 31. ~~[NRS 218A.210 is hereby amended to read as follows:~~

~~218A.210 1. A person who is elected to office as a Legislator is entitled to receive a certificate of election from the Governor.~~

~~2. The duty to issue a certificate of election is purely ministerial. A person from whom a certificate of election is withheld in violation of subsection 1 may bring a cause of action in district court to compel the issuance of a certificate of election.] (Deleted by amendment.)~~

Sec. 32. ~~[NRS 243.445 is hereby amended to read as follows:~~

~~243.445 1. The election officers shall make returns to the board of county commissioners, who shall, within 7 days thereafter, meet and canvass the vote. If the canvass is not completed within 7 days, any registered voter of the county may bring a cause of action in district court to compel the board of county commissioners to complete the canvass.~~

~~2. The county clerk must make a certified abstract thereof, seal such abstract, endorse it "election returns" and without delay transmit it by registered mail to the Secretary of State. The duties of the county clerk pursuant to this section are purely ministerial.] (Deleted by amendment.)~~

Sec. 33. ~~[NRS 243.480 is hereby amended to read as follows:~~

~~243.480 1. The ballots to be voted at the election must have printed thereon the words "For removal of the county seat to" (inserting the name of the place to which removal is proposed) and "Against removal of the county seat to" (inserting the name of the place to which removal is proposed). The ballot must be canvassed as in elections for county officers and the returns of the election must be certified by the county clerk to the Secretary of State, together with a certified copy of the order of the~~

~~board of county commissioners and a sworn certificate of the publication thereof, to be filed in the Office of the Secretary of State.~~

~~2. If the canvass is not completed by the end of the 10th day following the election, any registered voter of the county may bring a cause of action in district court to compel the board of county commissioners to complete the canvass.~~ (Deleted by amendment.)

Sec. 34. ~~[NRS 244.090 is hereby amended to read as follows:~~

~~244.090 1. Except as provided in subsections 4 and 5, special meetings may be called by the chair or, in the chair's absence, by the vice chair whenever there is sufficient business to come before the board, or upon the written request of a majority of the board.~~

~~2. The clerk of the board shall give written notice of each special meeting to each member of the board by personal delivery of the notice of the special meeting to each member at least 1 day before the meeting or by mailing the notice to each member's place of residence in the county or by deposit in the United States mails, postage prepaid, at least 4 days before the meeting.~~

~~3. The notice must specify the time, place and purpose of the meeting. If all of the members of the board are present at a special meeting, lack of notice does not invalidate the proceedings.~~

~~4. When there is in any county, township or precinct office no officer authorized to execute the duties of that office, and it is necessary that a temporary appointment be made to fill the office, as otherwise provided by law, the board of county commissioners shall forthwith hold a special meeting for that purpose. The meeting may be held by unanimous consent of the board, or, if for any cause unanimous consent cannot be obtained, then the chair or any other member of the board having knowledge of the necessity shall forthwith call the special meeting and notify the other members of the meeting. The meeting must be held as soon as practicable, but not less than 3 days, except by unanimous consent, after actual notice to all members of the board, whereupon a majority of the board shall proceed to act upon the appointment as provided by law.~~

~~5. The board shall also meet after each general election to canvass election returns in the manner provided [by law.] pursuant to NRS 293.387. If the canvass is not completed by the end of the 10th day following the election, any registered voter of the county may bring a cause of action in district court to compel the board of county commissioners to complete the canvass.~~ (Deleted by amendment.)

Sec. 35. ~~[NRS 266.033 is hereby amended to read as follows:~~

~~266.033 1. The board of county commissioners shall canvass the votes in the same manner as votes are canvassed pursuant to NRS 293.387 in a general election. Upon the completion of the canvass, the board shall immediately notify the county clerk of the result. If the canvass is not completed by the end of the 10th day following the election, any registered~~

~~voter of the county may bring a cause of action in district court to compel the board of county commissioners to complete the canvass.~~

~~2. The county clerk shall immediately, upon receiving notice of the canvass from the board of county commissioners, cause to be published a notice of the results of the election in a newspaper of general circulation in the county. If the incorporation is approved by the voters, the notice must include the population category of the incorporated city, as described in NRS 266.055. The county clerk shall file a copy of the notice with the Secretary of State.~~ (Deleted by amendment.)

Sec. 36. ~~[NRS 267.050 is hereby amended to read as follows:~~
~~267.050 1. Within 6 working days after the date of the election, the legislative authority of the incorporated city shall:~~
~~[1.] (a) Meet and canvass the returns of the election.~~
~~[2.] (b) Declare the result thereof.~~
~~[3.] (c) Issue certificates of election to the 15 qualified electors having the highest vote therefor. The issuance of certificates of election is a purely ministerial duty.~~

~~2. If the canvass is not completed within 6 working days after the election, any registered voter of the incorporated city may bring a cause of action in district court to compel the legislative authority to complete the canvass.~~

~~3. A person from whom a certificate of election is withheld in violation of subsection 1 may bring a cause of action in district court to compel the issuance of a certificate of election.~~ (Deleted by amendment.)

Sec. 37. ~~[NRS 267.080 is hereby amended to read as follows:~~
~~267.080 1. The officers conducting the election shall make returns thereof within the time and in the manner provided by the state election laws. The vote thereof shall be canvassed and the result declared as provided by such laws. If the canvass is not completed by the end of the 10th day following the election, any registered voter of the incorporated city may bring a cause of action in district court to compel the completion of the canvass.~~

~~2. If upon the canvass it shall be found that a majority of the votes so cast at the election were cast in favor of the ratification of the charter, the charter shall become the organic law of the city and shall supersede any existing charter, and all amendments thereto and all special laws inconsistent therewith, when authenticated, recorded and attested as provided in NRS 267.010 to 267.140, inclusive.~~ (Deleted by amendment.)

Sec. 38. ~~[NRS 267.090 is hereby amended to read as follows:~~
~~267.090 1. If upon the canvass it is found that a majority of the votes cast at the election were cast in favor of the ratification of the charter, as provided in NRS 267.080, the mayor of the city shall thereupon attach to the charter a certificate in substance as follows:~~

~~I, ..., mayor of, do hereby certify that in accordance with the terms and provisions of Section 8 of Article 8~~

~~of the Constitution, and the laws of the State of Nevada, an election was held on the day of the month of Of the year, at which 15 qualified electors were elected to prepare a charter for the city of; that notice of the election was given in the manner provided by law; that on the day of the month of Of the year, the election was held, and the votes cast at that election were canvassed by the governing body of the city, and the following persons were declared elected to prepare and propose a charter for the city of~~

~~That thereafter, on the day of the month of Of the year, the board of electors returned a proposed charter for the city of, signed by the following members thereof:~~

~~That thereafter the proposed charter was published once in a newspaper and posted in three of the most public places in the city, to wit: For one publication, the publication in a newspaper on the day of the month of Of the year, and was posted on the day of the month of Of the year~~

~~That thereafter, on the day of the month of Of the year, an election was held at which the proposed charter was submitted to the qualified electors of the city, and the returns of the election were canvassed by the governing body at a meeting held on the day of the month of Of the year, and the result of the election was found to be as follows: For the proposed charter, ... votes; against the proposed charter, ... votes. Majority for the proposed charter, ... votes.~~

~~Whereupon the charter was ratified by a majority of the qualified electors voting at the election.~~

~~And I further certify that the foregoing is a full, true and complete copy of the proposed charter voted upon and ratified as aforesaid.~~

~~In testimony whereof, I hereunto set my hand and affix the corporate seal of the city this day of the month of of the year~~

~~.....
.....
..... Mayor of the city of~~

~~Attest:~~

~~Clerk of the city of~~

~~2. The requirement to certify the charter pursuant to this section is purely ministerial.} (Deleted by amendment.)~~

~~Sec. 39. [NRS 267.140 is hereby amended to read as follows:
267.140 1. The governing body of an incorporated city having a commission form of government may, on its own motion, and shall, upon receiving a written petition signed by a number of registered voters of the city not less than 25 percent of the number who actually voted at the~~

~~preceding municipal general election seeking the discontinuance and termination in the city of the commission form of government:~~

~~— (a) If the incorporated city has a commission form of government described in paragraph (a) of subsection 1 of NRS 267.010, fix by resolution the primary or general municipal election or primary or general state election at which the question is to be submitted. The governing body shall cause to be posted at two public bulletin boards within the city, not less than 10 days before the date of the election, a notice that there will appear on the ballot the proposition for the discontinuance and termination of the commission form of government and the repeal of the charter of the city.~~

~~— (b) If the incorporated city has a commission form of government described in paragraph (b) of subsection 1 of NRS 267.010, fix by resolution the primary or general municipal election or primary or general state election at which the question is to be submitted. The governing body shall cause to be published once in a newspaper of general circulation in the city, not less than 30 nor more than 60 days before the date of the election, a notice that there will appear on the ballot the proposition for the discontinuance and termination of the commission form of government and the repeal of the charter of the city.~~

~~— 2. The proposition appearing on the ballot must be in substantially the following terms: "For termination of the commission form of government and repeal of the charter" and "Against termination of the commission form of government and repeal of the charter."~~

~~— 3. Following the election and canvass of returns, if it is found that a majority of the votes cast on the issue has been cast for the discontinuance and termination in the city of the commission form of government and for repeal of the charter, the governing body shall proclaim the charter repealed effective:~~

~~— (a) Immediately if the Legislature has not enacted a special charter for the city and the provisions of chapter 266 of NRS supersede the provisions of NRS 267.010 to 267.140, inclusive, as to the city; or~~

~~— (b) On the date any special charter of the city enacted by the Legislature may become effective.~~

~~— 4. If, following the election and canvass of returns, it is found that a majority of the votes cast on the issue has been cast against the discontinuance and termination in the city of the commission form of government and against the repeal of the charter, the commission form of government and charter continue in effect.~~

~~— 5. If the canvass of returns is not completed by the end of the 10th day following the election, any registered voter of the incorporated city may bring a cause of action in district court to compel the completion of the canvass.~~ (Deleted by amendment.)

Sec. 40. ~~[NRS 283.130 is hereby amended to read as follows:~~

~~283.130 1. Any officer elected or appointed to fill any vacancy shall be commissioned, or shall receive a certificate of election or appointment to such office.~~

~~2. The duty to issue a certificate of election is purely ministerial. A person from whom a certificate of election is withheld in violation of subsection 1 may bring a cause of action in district court to compel the issuance of a certificate of election.]~~ (Deleted by amendment.)

Sec. 41. ~~[NRS 318.118 is hereby amended to read as follows:~~

~~318.118 1. In the case of a district created wholly or in part for exterminating and abating mosquitoes, flies, other insects, rats, and liver fluke or Fasciola hepatica, the board may:~~

~~—(a) Take all necessary or proper steps for the extermination of mosquitoes, flies, other insects, rats, or liver fluke or Fasciola hepatica in the district or in territory not in the district but so situated with respect to the district that mosquitoes, flies, other insects, rats, or liver fluke or Fasciola hepatica from that territory migrate or are caused to be carried into the district;~~

~~—(b) Subject to the paramount control of any county or city in which the district has jurisdiction, abate as nuisances all stagnant pools of water and other breeding places for mosquitoes, flies, other insects, rats, or liver fluke or Fasciola hepatica in the district or in territory not in the district but so situated with respect to the district that mosquitoes, flies, other insects, rats, or liver fluke or Fasciola hepatica from that territory migrate or are caused to be carried into the district;~~

~~—(c) If necessary or proper, in the furtherance of the objects of this chapter, build, construct, repair and maintain necessary dikes, levees, cuts, canals or ditches upon any land, and acquire by purchase, condemnation or by other lawful means, in the name of the district, any lands, rights of way, easements, property or material necessary for any of those purposes;~~

~~—(d) Make contracts to indemnify or compensate any owner of land or other property for any injury or damage necessarily caused by the use or taking of property for dikes, levees, cuts, canals or ditches;~~

~~—(e) Enter upon without hindrance any lands, within or without the district, for the purpose of inspection to ascertain whether breeding places of mosquitoes, flies, other insects, rats, or liver fluke or Fasciola hepatica exist upon those lands;~~

~~—(f) Abate public nuisances in accordance with this chapter;~~

~~—(g) Ascertain if there has been a compliance with notices to abate the breeding of mosquitoes, flies, other insects, rats, or liver fluke or Fasciola hepatica upon those lands;~~

~~—(h) Treat with oil, other larvicidal material, or other chemicals or other material any breeding places of mosquitoes, flies, other insects, rats, or liver fluke or Fasciola hepatica upon those lands;~~

~~—(i) Sell or lease any land, rights of way, easements, property or material acquired by the district; and~~

~~—(j) Sell real property pursuant to this subsection to the highest bidder at public auction after 5 days' notice given by publication.~~

~~—2. In connection with the basic power stated in this section, the district may:~~

~~—(a) Levy annually a general ad valorem property tax of not exceeding:~~

~~—(1) Fifteen cents on each \$100 of assessed valuation of taxable property;~~

~~or~~

~~—(2) Twenty cents on each \$100 of assessed valuation of taxable property if the board of county commissioners of each county in which the district is located approves such a tax in excess of 15 cents on each \$100 of assessed valuation of taxable property.~~

~~—(b) Levy a tax in addition to a tax authorized in paragraph (a), if the additional tax is authorized by the qualified electors of the district, as provided in subsections 4 to 7, inclusive.~~

~~—3. The proceeds of any tax levied pursuant to the provisions of this section must be used for purposes pertaining to the basic purpose stated in this section, including, without limitation, the establishment and maintenance of:~~

~~—(a) A cash basis fund of not exceeding in any fiscal year 60 percent of the estimated expenditures for the fiscal year to defray expenses between the beginning of the fiscal year and the respective times tax proceeds are received in the fiscal year; and~~

~~—(b) An emergency fund of not exceeding in any fiscal year 25 percent of the estimated expenditures for the fiscal year to defray unusual and unanticipated expenses incurred during epidemics or threatened epidemics from diseases from sources which the district may exterminate or abate.~~

~~—4. Whenever it appears to the board of a district authorized to exercise the basic power stated in subsection 1 that the amount of money required during an ensuing fiscal year will exceed the amount that can be raised by a levy permitted by paragraph (a) of subsection 2, the board may:~~

~~—(a) At a special election or the next primary or general election submit to the qualified electors of the district a question of whether a tax shall be voted for raising the additional money;~~

~~—(b) Provide the form of the ballot for the election, which must contain the words "Shall the district vote a tax to raise the additional sum of?" or words equivalent thereto;~~

~~—(c) Provide the form of the notice of the election and provide for the notice to be given by publication; and~~

~~—(d) Arrange other details in connection with the election.~~

~~—5. A special election may be held only if the board determines, by a unanimous vote, that an emergency exists. The determination made by the board is conclusive unless it is shown that the board acted with fraud or a gross abuse of discretion. An action to challenge the determination made by the board must be commenced within 15 days after the board's determination is final. As used in this subsection, "emergency" means any unexpected~~

~~occurrence or combination of occurrences which requires immediate action by the board to prevent or mitigate a substantial financial loss to the district or to enable the board to provide an essential service to the residents of the district.~~

~~—6. Except as otherwise provided in this chapter:~~

~~—(a) The secretary of the district shall give notice of the election by publication and shall arrange such other details in connection with the election as the board may direct. [;]~~

~~—(b) The election board officers shall conduct the election in the manner prescribed by law for the holding of general elections and shall make their returns to the secretary of the district. [; and]~~

~~—(c) The board shall canvass the returns of the election at any regular or special meeting held within 6 working days following the date of the election, or at such later time as the returns are available for canvass, and shall declare the results of the election. *If the canvass is not completed by the end of the 6th working day following the election, any registered voter of the district may bring a cause of action in district court to compel the completion of the canvass.*~~

~~—7. If a majority of the qualified electors of the district who voted on any proposition authorizing the additional tax voted in favor of the proposition, and the board so declares the result of the election:~~

~~—(a) The district board shall report the result to the board of county commissioners of the county in which the district is situated, stating the additional amount of money required to be raised. If the district is in more than one county the additional amount must be prorated for each county by the district board in the same way that the district's original total estimate of money is prorated, and the district board shall furnish the board of county commissioners and auditor of each county a written statement of the apportionment for that county; and~~

~~—(b) The board of county commissioners of each county receiving the written statement shall, at the time of levying county taxes, levy an additional tax upon all the taxable property of the district in the county sufficient to raise the amount apportioned to that county for the district.~~

~~—8. The district shall not:~~

~~—(a) Borrow money except for medium-term obligations pursuant to chapter 350 of NRS;~~

~~—(b) Levy special assessments; or~~

~~—(c) Fix any rates, fees or other charges except as otherwise provided in this section.~~

~~—9. The district may determine to cause an owner of any real property to abate any nuisance pertaining to the basic power stated in this section, after a hearing on a proposal for such an abatement and notice thereof by mail addressed to the last known owner or owners of record at the last known address or addresses of the owner or owners, as ascertained from any source the board deems reliable, or in the absence of the abatement within a~~

~~reasonable period fixed by the board, to cause the district to abate the nuisance, as follows:~~

~~— (a) At the hearing, the district board shall redetermine whether the owner must abate the nuisance and prevent its recurrence, and shall specify a time within which the work must be completed;~~

~~— (b) If the nuisance is not abated within the time specified in the notice or at the hearing, the district board shall abate the nuisance by destroying the larvae or pupae, or otherwise, by taking appropriate measures to prevent the recurrence of further breeding;~~

~~— (c) The cost of abatement must be repaid to the district by the owner;~~

~~— (d) The money expended by the district in abating a nuisance or preventing its recurrence is a lien upon the property on which the nuisance is abated or its recurrence prevented;~~

~~— (e) Notice of the lien must be filed and recorded by the district board in the office of the county recorder of the county in which the property is situated within 6 months after the first item of expenditure by the board;~~

~~— (f) An action to foreclose the lien must be commenced within 6 months after the filing and recording of the notice of lien;~~

~~— (g) The action must be brought by the district board in the name of the district;~~

~~— (h) When the property is sold, enough of the proceeds to satisfy the lien and the costs of foreclosure must be paid to the district and the surplus, if any, must be paid to the owner of the property if known, and if not known, must be paid into the court in which the lien was foreclosed for the use of the owner if ascertained; and~~

~~— (i) The lien provisions of this section do not apply to the property of any county, city, district or other public corporation, except that the governing body of the county, city, district or other public corporation shall repay to any district exercising the basic power stated in subsection 1 the amount expended by the district upon any of its property pursuant to this chapter upon presentation by the district board of a verified claim or bill. (Deleted by amendment.)~~

Sec. 42. ~~[NRS 349.060 is hereby amended to read as follows:~~

~~— 349.060 1. Immediately after the closing of the polls, the election officers shall proceed to canvass the ballots. If the election officers do not complete the canvass, any registered voter who was eligible to vote in the special election may bring a cause of action in district court to compel the completion of the canvass.~~

~~— 2. The results disclosed by the canvass shall be certified by the election officers of each county to the county clerk. The duty to certify the results is purely ministerial.~~

~~— 3. The board of county commissioners of each county shall open the returns of votes cast, make abstracts of the votes, and cause the county clerk to make a copy of such abstract and to transmit the same to the Secretary of State as provided by the election laws of the State. The duties to make an~~

~~abstract of the votes or copy of such abstract are purely ministerial.]~~
 (Deleted by amendment.)

Sec. 43. ~~[NRS 353.264 is hereby amended to read as follows:~~

~~353.264 1. The Reserve for Statutory Contingency Account is hereby created in the State General Fund.~~

~~2. The State Board of Examiners shall administer the Reserve for Statutory Contingency Account. The money in the Account must be expended only for:~~

~~(a) The payment of claims which are obligations of the State pursuant to NRS 41.03435, 41.0347, 621.025, 176.485, 179.310, 212.040, 212.050, 212.070, 281.174, 282.290, 282.315, 293.253, [293.405,] 298.710, 304.230, 353.120, 353.262, 412.154 and 475.235;~~

~~(b) The payment of claims which are obligations of the State pursuant to:~~

~~(1) Chapter 472 of NRS arising from operations of the Division of Forestry of the State Department of Conservation and Natural Resources directly involving the protection of life and property; and~~

~~(2) NRS 7.155, 34.750, 176A.640, 179.225 and 213.153;~~

~~except that claims may be approved for the respective purposes listed in this paragraph only when the money otherwise appropriated for those purposes has been exhausted;~~

~~(c) The payment of claims which are obligations of the State pursuant to NRS 41.0349 and 41.037, but only to the extent that the money in the Fund for Insurance Premiums is insufficient to pay the claims;~~

~~(d) The payment of claims which are obligations of the State pursuant to NRS 41.950; and~~

~~(e) The payment of claims which are obligations of the State pursuant to NRS 535.030 arising from remedial actions taken by the State Engineer when the condition of a dam becomes dangerous to the safety of life or property.~~

~~3. The State Board of Examiners may authorize its Clerk or a person designated by the Clerk, under such circumstances as it deems appropriate, to approve, on behalf of the Board, the payment of claims from the Reserve for Statutory Contingency Account. For the purpose of exercising any authority granted to the Clerk of the State Board of Examiners or to the person designated by the Clerk pursuant to this subsection, any statutory reference to the State Board of Examiners relating to such a claim shall be deemed to refer to the Clerk of the Board or the person designated by the Clerk.]~~

(Deleted by amendment.)

Sec. 44. ~~[NRS 386.260 is hereby amended to read as follows:~~

~~386.260 1. Trustees shall be elected as provided in the election laws of this state.~~

~~2. After the close of any election, and in accordance with law, the board of county commissioners shall make abstracts of the votes cast for trustees and shall order the county clerk to issue election certificates to the candidates elected. The duties to make abstracts of votes and issue election certificates pursuant to this subsection are purely ministerial. A person from whom a~~

~~certificate of election is withheld in violation of this subsection may bring a cause of action in district court to compel the issuance of a certificate of election.~~

~~3. Immediately, the county clerk shall transmit a copy of each election certificate to the Superintendent of Public Instruction.] (Deleted by amendment.)~~

Sec. 45. ~~[NRS 474.110 is hereby amended to read as follows:~~

~~474.110 1. The election having been held, the board of county commissioners shall, on the first Monday succeeding the election, if then in session, or at its next succeeding general or special session, proceed to canvass the votes cast at the election. If the canvass is not completed on the first Monday succeeding the election or at the next succeeding general or special session, any registered voter who was eligible to vote in the election may bring a cause of action in district court to compel the completion of the canvass.~~

~~2. If upon such canvass it appears that a majority of all votes cast in the district, and in each portion of the counties included in the district if lands in more than one county are included therein, are in favor of the formation of the district, the board shall, by an order entered in its minutes, declare:~~

~~(a) Such territory organized as a county fire protection district under the name theretofore designated; and~~

~~(b) The persons receiving, respectively, the highest number of votes for the directors to be elected to those offices.] (Deleted by amendment.)~~

Sec. 46. ~~[NRS 474.395 is hereby amended to read as follows:~~

~~474.395 1. The returns of the votes cast in the outside territory proposed to be annexed and in the district shall be canvassed separately, and the board of directors shall cause a record of the canvass to be made and entered in its minutes. If the canvass is not completed by the end of the 10th day following the election, any registered voter who was eligible to vote in the election may bring a cause of action in district court to compel the completion of the canvass.~~

~~2. If it appears from such canvass that a majority of the votes cast in the district and in the territory proposed to be annexed are in favor of the change in boundary, the board shall so find. Upon the filing of a certified copy of such findings, under seal of the district, in the office of the county recorder, the territory shall be a part of the district. The duty to file a certified copy is purely ministerial.] (Deleted by amendment.)~~

Sec. 47. ~~[NRS 539.055 is hereby amended to read as follows:~~

~~539.055 1. The board of county commissioners shall meet on or before the sixth working day succeeding such election and proceed to canvass the votes cast thereat. If the canvass is not completed by the end of the sixth working day following the election, any person who was eligible to vote in the election may bring a cause of action in district court to compel the completion of the canvass.~~

~~2. If upon such canvass it appears that a majority of the electors voted "Irrigation District — Yes," the board, by an order entered upon its minutes, shall:~~

~~(a) Declare such territory duly organized as an irrigation district under the name and style theretofore designated.~~

~~(b) Declare the persons receiving respectively the highest number of votes for directors to be duly elected.~~

~~(c) Cause a copy of such order and a plat of the district, each duly certified by the clerk of the board of county commissioners, to be immediately filed for record in the office of the county recorder of each county in which any portion of such lands is situated. Certified copies thereof shall also be filed with the county clerks of such counties. The duty to file a certified copy is purely ministerial.~~

~~3. Thereafter, the organization of the district shall be complete.] (Deleted by amendment.)~~

Sec. 48. ~~[NRS 539.155 is hereby amended to read as follows:~~

~~539.155 1. The returns shall be delivered to the secretary of the district. No list, tally paper or returns from any election shall be set aside or rejected for want of form if they can be satisfactorily understood.~~

~~2. The board of directors shall meet at its usual place of meeting on or before the sixth working day after an election to canvass the returns, and it shall proceed in the same manner and with like effect, as near as may be, as the board of county commissioners in canvassing the returns of general elections. If the canvass is not completed by the end of the sixth working day following the election, any person who was eligible to vote in the election may bring a cause of action in district court to compel the completion of the canvass.~~

~~3. When the board of directors shall have declared the result, the secretary shall make full entries in the secretary's record in like manner as is required of the county clerk in general elections. The duties of the secretary pursuant to this section are purely ministerial.] (Deleted by amendment.)~~

Sec. 49. ~~[NRS 539.157 is hereby amended to read as follows:~~

~~539.157 1. The board of directors must declare elected the person or persons having the highest number of votes given for each office.~~

~~2. The secretary shall immediately make out and deliver to such person or persons a certificate of election, signed by the secretary and authenticated with the seal of the board. The duties of the secretary pursuant to this subsection are purely ministerial. A person from whom a certificate of election is withheld in violation of this subsection may bring a cause of action in district court to compel the issuance of a certificate of election.] (Deleted by amendment.)~~

Sec. 50. ~~[NRS 539.760 is hereby amended to read as follows:~~

~~539.760 1. The provisions of this chapter relating to general elections for directors shall govern in respect to such dissolution election ordered by the court.~~

~~2. The canvass of the vote at such election shall be conducted in the manner provided by this chapter for general elections. If the canvass is not completed by the end of the 10th working day following the election, any person who was eligible to vote in the election may bring a cause of action in district court to compel the completion of the canvass.~~ (Deleted by amendment.)

Sec. 51. ~~[NRS 541.360 is hereby amended to read as follows:~~

~~541.360 1. The respective election boards shall conduct the election in their respective precincts in the manner prescribed by law for the holding of general elections, and shall make their returns to the secretary of the district. At any regular or special meeting of the board held not earlier than 6 working days following the date of the election, the returns thereof must be canvassed and the results thereof declared. If any election held pursuant to NRS 541.340 is consolidated with any primary or general election, the returns thereof must be made and canvassed at the time and in the manner provided by law for the canvass of the returns of such a primary or general election. The canvassing body shall promptly certify and transmit to the board a statement of the result of the vote upon the proposition submitted pursuant to NRS 541.340. Upon receipt of the statement, the board shall tabulate and declare the results of the proposition voted on at the election.~~

~~2. If the canvass is not completed by the end of the 6th working day following the election, any person who was eligible to vote in the election may bring a cause of action in district court to compel the completion of the canvass.~~ (Deleted by amendment.)

Sec. 52. ~~[Section 16 of the Charter of Boulder City is hereby amended to read as follows:~~

~~Section 16. Induction of Council into office; meetings of Council.~~

~~1. The City Council shall meet within the time set forth in NRS 293C.387 after each city primary election and each city general election specified in Article IX and canvass the returns and declare the results. If the canvass is not completed within the time set forth in NRS 293C.387, any registered voter of the city may bring a cause of action in district court to compel the Council to complete the canvass. All newly elected or reelected Mayor or Council Members shall be inducted into office at the next regular Council meeting following certification of the applicable city general election results. Immediately following such induction, the Mayor pro tem shall be designated as provided in section 7. Thereafter, the Council shall meet regularly at such times as it shall set by resolution from time to time, but not less frequently than once each month. (Add. 13; Amd. 1; 6-2-1987; Amd. 2; 6-4-1991; Add. 17; Amd. 1; 11-5-1996; Add. 24; Amd. 1; 6-3-2003)~~

~~A. (Add. 3; Amd. 2; 5-2-1967; Repealed by Add. 15; Amd. 1; 6-4-1991)~~

~~2. It is the intent of this Charter that deliberations and actions of the Council be conducted openly. All meetings of the City Council shall be in accordance with chapter 241 of the Nevada Revised Statutes. (Add. 10; Amd. 1; 6-2-1981)~~

~~3. Any emergency meeting of the City Council, as defined by chapter 241, shall be as provided therein, and in addition:~~

~~(a) An emergency meeting may be called by the Mayor or upon written notice issued by a majority of the Council.~~

~~(b) Prior notice of such an emergency meeting shall be given to all members of the City Council. (Add. 10; Amd. 1; 6-2-1981)}~~
~~(Deleted by amendment.)~~

Sec. 53. ~~[Section 5.100 of the Charter of the City of Caliente, being chapter 31, Statutes of Nevada 1971, as last amended by chapter 619, Statutes of Nevada 2019, at page 4132, is hereby amended to read as follows:~~

~~Sec. 5.100 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.~~

~~1. The election returns from any municipal election shall be filed with the City Clerk, who shall immediately place such returns in a safe or vault, and no person shall be permitted to handle, inspect or in any manner interfere with such returns until canvassed by the City Council.~~

~~2. The City Council shall meet within the time set forth in NRS 293C.387 after any election and canvass the returns and declare the result. If the canvass is not completed within the time set forth in NRS 293C.387, any registered voter of the city may bring a cause of action in district court to compel the City Council to complete the canvass. The election returns shall then be sealed and kept by the City Clerk for 6 months, and no person shall have access thereto except on order of a court of competent jurisdiction or by order of the City Council.~~

~~3. The City Clerk, under his or her hand and official seal, shall issue to each person declared to be elected a certificate of election. The officers so elected shall qualify and enter upon the discharge of their respective duties on the first Monday in:~~

~~(a) July next following their election for those officers elected in June 2019,~~

~~(b) January next following their election for those officers elected in November 2022 and November of every even-numbered year thereafter.~~

~~4. If any election should result in a tie, the City Council shall summon the candidates who received the tie vote and determine the tie by lot. The Clerk shall then issue to the winner a certificate of election.~~

~~5. The duties of the City Clerk pursuant to this section are purely ministerial. A person from whom a certificate of election is~~

~~withheld in violation of this section may bring a cause of action in district court to compel the issuance of a certificate of election.]~~
~~(Deleted by amendment.)~~

Sec. 54. ~~[Section 5.090 of the Charter of the City of Carlin, being chapter 344, Statutes of Nevada 1971, as last amended by chapter 619, Statutes of Nevada 2019, at page 4133, is hereby amended to read as follows:~~

~~— Sec. 5.090 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.~~

~~— 1. The election returns from any municipal election shall be filed with the City Clerk, who shall immediately place such returns in a safe or vault, and no person is permitted to handle, inspect or in any manner interfere with such returns until canvassed by the Board of Council Members.~~

~~— 2. The Board of Council Members shall meet within the time set forth in NRS 293C.387 after any election and canvass the returns and declare the result. If the canvass is not completed within the time set forth in NRS 293C.387, any registered voter of the city may bring a cause of action in district court to compel the Board of Council Members to complete the canvass. The election returns must then be sealed and kept by the City Clerk for 6 months, and no person shall have access thereto except on order of a court of competent jurisdiction or by order of the Board of Council Members.~~

~~— 3. The City Clerk, under his or her hand and official seal, shall issue to each person declared to be elected a certificate of election. The officers so elected shall qualify and enter upon the discharge of their respective duties on the first Monday in:~~

~~— (a) July next following their election for those officers elected in June 2007;~~

~~— (b) January next following their election for those officers elected in November 2008 and November of every even-numbered year thereafter.~~

~~— 4. If any election should result in a tie, the Board of Council Members shall summon the candidates who received the tie vote and determine the tie by lot. The Clerk shall then issue to the winner a certificate of election.~~

~~— 5. The duties of the City Clerk pursuant to this section are purely ministerial. A person from whom a certificate of election is withheld in violation of this section may bring a cause of action in district court to compel the issuance of a certificate of election.]~~
~~(Deleted by amendment.)~~

Sec. 55. ~~[Section 5.100 of the Charter of Carson City, being chapter 213, Statutes of Nevada 1969, as last amended by chapter 619, Statutes of Nevada 2019, at page 4134, is hereby amended to read as follows:~~

~~Sec. 5.100 Election returns; canvass; certificates of election; entry of officers upon duties.~~

~~1. The election returns from any special, primary or general municipal election shall be filed with the Clerk, who shall immediately place such returns in a safe or vault, and no person shall be permitted to handle, inspect or in any manner interfere with such returns until canvassed by the Board.~~

~~2. The Board shall meet within the time set forth in NRS 293C.387 after any election and canvass the returns and declare the result. If the canvass is not completed within the time set forth in NRS 293C.387, any registered voter of the city may bring a cause of action in district court to compel the Board to complete the canvass. The election returns shall then be sealed and kept by the Clerk for 6 months and no person shall have access thereto except on order of a court of competent jurisdiction or by order of the Board.~~

~~3. The Clerk, under his or her hand and official seal, shall issue to each person declared to be elected a certificate of election. The officers so elected shall qualify and enter upon the discharge of their respective duties on the 1st Monday in January next following their election.~~

~~4. The duties of the Clerk pursuant to this section are purely ministerial. A person from whom a certificate of election is withheld in violation of this section may bring a cause of action in district court to compel the issuance of a certificate of election.] (Deleted by amendment.)~~

Sec. 56. ~~[Section 5.090 of the Charter of the City of Elko, being chapter 276, Statutes of Nevada 1971, as last amended by chapter 619, Statutes of Nevada 2019, at page 4135, is hereby amended to read as follows:~~

~~Sec. 5.090 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.~~

~~1. The election returns from a municipal election must be filed with the City Clerk, who shall immediately place the returns in a safe or vault. No person may handle, inspect or in any manner interfere with the returns until the returns are canvassed by the City Council.~~

~~2. The City Council shall meet within the time set forth in NRS 293C.387 after an election and canvass the returns and declare the result. If the canvass is not completed within the time set forth in NRS 293C.387, any registered voter of the city may bring a cause of action in district court to compel the City Council to complete the canvass. The election returns must be sealed and kept by the City Clerk for 2 years, and no person may have access thereto except on order of a court of competent jurisdiction or by order of the City Council.~~

~~3. The City Clerk, under his or her hand and official seal, shall issue to each person declared to be elected a certificate of election. The officers so elected shall qualify and enter upon the discharge of their respective duties on the first Monday in:~~

~~— (a) If the officer is elected pursuant to subsection 1 or 2 of section 5.010, July next following his or her election.~~

~~— (b) If the officer is elected pursuant to subsection 3 or 4 of section 5.010, January next following his or her election.~~

~~4. If any election should result in a tie, the City Council shall summon the candidates who received the tie vote and determine the tie by lot. The Clerk shall then issue to the winner a certificate of election.~~

~~5. The duties of the City Clerk pursuant to this section are purely ministerial. A person from whom a certificate of election is withheld in violation of this section may bring a cause of action in district court to compel the issuance of a certificate of election.] (Deleted by amendment.)~~

Sec. 57. ~~[Section 5.100 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 619, Statutes of Nevada 2019, at page 4136, is hereby amended to read as follows:~~

~~Sec. 5.100 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.~~

~~1. The election returns from any special, primary or general municipal election must be filed with the City Clerk, who shall immediately place the returns in a safe or vault, and no person may handle, inspect or in any manner interfere with the returns until canvassed by the City Council.~~

~~2. The City Council shall meet within the time set forth in NRS 293C.387 after any election and canvass the returns and declare the result. If the canvass is not completed within the time set forth in NRS 293C.387, any registered voter of the city may bring a cause of action in district court to compel the City Council to complete the canvass. The election returns must then be sealed and kept by the City Clerk for 6 months. No person may have access to the returns except on order of a court of competent jurisdiction or by order of the City Council.~~

~~3. The City Clerk, under his or her hand and official seal, shall issue to each person elected a certificate of election. Except as otherwise provided in section 1.070, an officer so elected shall qualify and enter upon the discharge of his or her respective duties at:~~

~~— (a) If the officer is elected pursuant to subsection 1 of section 5.020, the second regular meeting of the City Council held in June of the year of the general municipal election.~~

~~— (b) If the officer is elected pursuant to subsection 2, 3, 4, 5 or 6 of section 5.020, the first regular meeting of the City Council held in January of the year following the general municipal election.~~

~~— 4. If any election results in a tie, the City Council shall summon the candidates who received the tie vote and determine the tie by lot. The City Clerk shall then issue to the winner a certificate of election.~~

~~— 5. The duties of the City Clerk pursuant to this section are purely ministerial. A person from whom a certificate of election is withheld in violation of this section may bring a cause of action in district court to compel the issuance of a certificate of election.~~

~~(Deleted by amendment.)~~

Sec. 58. ~~{Section 5.100 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as last amended by chapter 619, Statutes of Nevada 2019, at page 4137, is hereby amended to read as follows:~~

~~— Sec. 5.100 Election returns; canvass; declaration of results; certificates of election; entry of officers upon duties; procedure for tied vote.~~

~~— 1. The returns of any special, primary or general municipal election must be filed with the City Clerk, who shall immediately place those returns in a safe or vault, and no person may be permitted to handle, inspect or in any manner interfere with those returns until they have been canvassed by the City Council.~~

~~— 2. The City Council shall meet within the time set forth in NRS 293C.387 after any election and canvass the returns and declare the result. If the canvass is not completed within the time set forth in NRS 293C.387, any registered voter of the city may bring a cause of action in district court to compel the City Council to complete the canvass. The election returns must then be sealed and kept by the City Clerk for 6 months, and no person may have access to the returns except on order of a court of competent jurisdiction or by order of the City Council.~~

~~— 3. The City Clerk, under his or her hand and official seal, shall issue to each person who is declared to be elected a certificate of election. The officers who have been elected shall qualify and enter upon the discharge of their respective duties on the day of the first regular meeting of the City Council next succeeding the meeting at which the canvass of the returns is made.~~

~~— 4. If the election for any office results in a tie, the City Council shall summon the candidates who received the equal number of votes and determine the tie by lot. The Clerk shall then issue to the winner a certificate of election.~~

~~— 5. The duties of the City Clerk pursuant to this section are purely ministerial. A person from whom a certificate of election is withheld in violation of this section may bring a cause of action in~~

~~district court to compel the issuance of a certificate of election.]~~
~~(Deleted by amendment.)~~

Sec. 59. ~~[Section 5.100 of the Charter of the City of Mesquite, being chapter 325, Statutes of Nevada 2017, as amended by chapter 619, Statutes of Nevada 2019, at page 4138, is hereby amended to read as follows:~~

~~— Sec. 5.100 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.~~

~~— 1. The election returns from any special, primary or general municipal election must be filed with the City Clerk, who shall immediately place the returns in a safe or vault, and no person may handle, inspect or in any manner interfere with the returns until canvassed by the City Council.~~

~~— 2. The City Council shall meet within the time set forth in NRS 293C.387 after any election and canvass the returns and declare the result. If the canvass is not completed within the time set forth in NRS 293C.387, any registered voter of the city may bring a cause of action in district court to compel the City Council to complete the canvass. The election returns must then be sealed and kept by the City Clerk for 6 months. No person may have access to the returns except on order of a court of competent jurisdiction or by order of the City Council.~~

~~— 3. The City Clerk, under his or her hand and official seal, shall issue to each person elected a certificate of election. Except as otherwise provided in section 1.060, the officers so elected shall qualify and enter upon the discharge of their respective duties at the first meeting of the City Council held in December of the year of the general municipal election.~~

~~— 4. If any election results in a tie, the City Council shall summon the candidates who received the tie vote and determine the tie by lot. The City Clerk shall then issue to the winner a certificate of election.~~

~~— 5. The duties of the City Clerk pursuant to this section are purely ministerial. A person from whom a certificate of election is withheld in violation of this section may bring a cause of action in district court to compel the issuance of a certificate of election.]~~
~~(Deleted by amendment.)~~

Sec. 60. ~~[Section 5.080 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 619, Statutes of Nevada 2019, at page 4138, is hereby amended to read as follows:~~

~~— Sec. 5.080 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.~~

~~— 1. The election returns from any special, primary or general municipal election shall be filed with the City Clerk, who shall immediately place the returns in a safe or vault, and no person may~~

~~be permitted to handle, inspect or in any manner interfere with the returns until canvassed by the City Council.~~

~~2. The City Council shall meet within the time set forth in NRS 293C.387 after any election and canvass the returns and declare the result. If the canvass is not completed within the time set forth in NRS 293C.387, any registered voter of the city may bring a cause of action in district court to compel the City Council to complete the canvass. The election returns must then be sealed and kept by the City Clerk for 6 months, and no person may have access thereto except on order of a court of competent jurisdiction or by order of the City Council.~~

~~3. The City Clerk, under his or her hand and official seal, shall issue to each person declared to be elected a certificate of election. The officers so elected shall qualify and enter upon the discharge of their respective duties on the 1st day of the month next following their election.~~

~~4. If any election should result in a tie, the City Council shall summon the candidates who received the tie vote and determine the tie by lot. The Clerk shall then issue to the winner a certificate of election.~~

~~5. The duties of the City Clerk pursuant to this section are purely ministerial. A person from whom a certificate of election is withheld in violation of this section may bring a cause of action in district court to compel the issuance of a certificate of election.]~~
(Deleted by amendment.)

Sec. 61. ~~[Section 5.100 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 619, Statutes of Nevada 2019, at page 4139, is hereby amended to read as follows:~~

~~Sec. 5.100 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.~~

~~1. The election returns from any special, primary or general election must be filed with the City Clerk, who shall immediately place those returns in a safe or vault, and no person may handle, inspect or in any manner interfere with those returns until canvassed by the City Council.~~

~~2. The City Council and City Manager shall meet within the time set forth in NRS 293C.387 after any election and canvass the returns and declare the result. If the canvass is not completed within the time set forth in NRS 293C.387, any registered voter of the city may bring a cause of action in district court to compel the City Council to complete the canvass. The election returns must then be sealed and kept by the City Clerk for 6 months, and no person may have access thereto except on order of a court of competent jurisdiction or by order of the City Council.~~

~~3. The City Clerk, under his or her hand and official seal, shall issue to each person declared to be elected a certificate of election. The officers elected shall qualify and enter upon the discharge of their respective duties at the first regular City Council meeting following their election.~~

~~4. If any election results in a tie, the City Council shall summon the candidates who received the tie vote and determine the tie as provided in this subsection. The City Clerk shall provide and open in the presence of the candidates who received the tie vote an unused 52-card deck of playing cards, removing any jokers and blank cards. The City Clerk shall shuffle the cards thoroughly and present the shuffled deck to the City Manager, or to the person designated by the City Manager for this purpose. One of the candidates who received the tie vote shall then draw one card from the deck, and the City Clerk shall record the suit and number of the card. The card then must be returned to the deck, and the City Clerk shall shuffle the cards thoroughly and present the shuffled deck to the City Manager, or to the person designated by the City Manager for this purpose, and another of the candidates who received the tie vote shall draw one card from the deck. This process must be repeated until each of the candidates who received the tie vote has drawn one card from the deck and the result of each draw has been recorded. The candidate who draws the high card shall be deemed the winner of the election. For the purposes of this subsection, aces are high and twos are low. If the candidates draw cards of otherwise equal value, the card of the higher suit is the high card. Spades are highest, followed in descending order by hearts, clubs and diamonds. The City Clerk shall issue to the winner a certificate of election.~~

~~5. The duties of the City Clerk pursuant to this section are purely ministerial. A person from whom a certificate of election is withheld in violation of this section may bring a cause of action in district court to compel the issuance of a certificate of election.]~~
(Deleted by amendment.)

Sec. 62. ~~[Section 5.100 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as last amended by chapter 158, Statutes of Nevada 2021, at page 717, is hereby amended to read as follows:~~

~~Sec. 5.100 Election returns; Canvass; certificates of election; entry of officers upon duties; tie vote procedure.~~

~~1. The election returns from any election must be filed with the City Clerk, who shall immediately place the returns in a safe or vault. No person may handle, inspect or in any manner interfere with the returns until canvassed by the City Council.~~

~~2. The City Council shall meet within the time set forth in NRS 293C.387 after any election and canvass the returns and~~

~~declare the result. If the canvass is not completed within the time set forth in NRS 293C.387, any registered voter of the city may bring a cause of action in district court to compel the City Council to complete the canvass. The election returns must then be sealed and kept by the City Clerk for 22 months, and no person may have access to them except on order of a court of competent jurisdiction or by order of the City Council.~~

~~3. The City Clerk, under his or her hand and official seal, shall issue a certificate of election to each person elected. The officers elected shall qualify and enter upon the discharge of their respective duties at the first regular City Council meeting next succeeding the meeting at which the canvass of the returns of the election is made.~~

~~4. If any election results in a tie, the City Council shall summon the candidates who received the tie vote and determine the tie by lot. The City Clerk shall then issue to the winner a certificate of election.~~

~~5. The duties of the City Clerk pursuant to this section are purely ministerial. A person from whom a certificate of election is withheld in violation of this section may bring a cause of action in district court to compel the issuance of a certificate of election.] (Deleted by amendment.)~~

Sec. 63. ~~[Section 5.090 of the Charter of the City of Wells, being chapter 275, Statutes of Nevada 1971, as last amended by chapter 619, Statutes of Nevada 2019, at page 4141, is hereby amended to read as follows:~~

~~Sec. 5.090 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.~~

~~1. The election returns from any municipal election must be filed with the City Clerk, who shall immediately place such returns in a safe or vault, and no person is permitted to handle, inspect or in any manner interfere with such returns until canvassed by the Board of Council Members.~~

~~2. The Board of Council Members shall meet within the time set forth in NRS 293C.387 after any election and canvass the returns and declare the result. If the canvass is not completed within the time set forth in NRS 293C.387, any registered voter of the city may bring a cause of action in district court to compel the Board of Council Members to complete the canvass. The election returns must then be sealed and kept by the City Clerk for 6 months, and no person shall have access thereto except on order of a court of competent jurisdiction or by order of the Board of Council Members.~~

~~3. The City Clerk, under his or her hand and official seal, shall issue to each person declared to be elected a certificate of~~

~~election. The officers so elected shall qualify and enter upon the discharge of their respective duties on the first Monday in:~~

~~— (a) July next following their election for those officers elected in June 2007 or 2009;~~

~~— (b) January next following their election for those officers elected in November 2010 and every even numbered year thereafter.~~

~~— 4. If any election should result in a tie, the Board of Council Members shall summon the candidates who received the tie vote and determine the tie by lot. The Clerk shall then issue to the winner a certificate of election.~~

~~— 5. The duties of the City Clerk pursuant to this section are purely ministerial. A person from whom a certificate of election is withheld in violation of this section may bring a cause of action in district court to compel the issuance of a certificate of election.]~~

~~(Deleted by amendment.)~~

Sec. 64. ~~[Section 5.090 of the Charter of the City of Yerington, being chapter 465, Statutes of Nevada 1971, as last amended by chapter 619, Statutes of Nevada 2019, at page 4142, is hereby amended to read as follows:~~

~~— Sec. 5.090 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.~~

~~— 1. The election returns from any municipal election shall be filed with the City Clerk, who shall immediately place such returns in a safe or vault, and no person shall be permitted to handle, inspect or in any manner interfere with such returns until canvassed by the City Council.~~

~~— 2. The City Council shall meet within the time set forth in NRS 293C.387 after any election and canvass the returns and declare the results. If the canvass is not completed within the time set forth in NRS 293C.387, any registered voter of the city may bring a cause of action in district court to compel the City Council to complete the canvass. The election returns shall then be sealed and kept by the City Clerk for 6 months, and no person shall have access thereto except on order of a court of competent jurisdiction or by order of the City Council.~~

~~— 3. The City Clerk, under his or her hand and official seal, shall issue to each person declared to be elected a certificate of election. The officers so elected shall qualify and enter upon the discharge of their respective duties on the 1st Monday of the month following their election.~~

~~— 4. If any election should result in a tie, the City Council shall summon the candidates who received the tie vote and determine the tie by lot. The Clerk shall then issue to the winner a certificate of election.~~

~~5. The duties of the City Clerk pursuant to this section are purely ministerial.] (Deleted by amendment.)~~

Sec. 65. ~~[Section 22 of the Airport Authority Act for Battle Mountain, being chapter 458, Statutes of Nevada 1983, as amended by chapter 185, Statutes of Nevada 2007, at page 629, is hereby amended to read as follows:~~

~~Sec. 22. 1. The Election Board shall conduct the election in the manner prescribed by law for the holding of general elections, and shall make their returns to the Secretary of the Authority.~~

~~2. At any regular or special meeting of the Board of County Commissioners of Lander County held within 6 working days following the date of the election, the returns thereof must be canvassed and the results thereof declared. If the canvass is not completed within 6 working days, any registered voter of the Authority may bring a cause of action in district court to compel the Board of County Commissioners of Lander County to complete the canvass.] (Deleted by amendment.)~~

Sec. 66. ~~[Section 16 of the Airport Authority Act for Carson City, being chapter 844, Statutes of Nevada 1989, as amended by chapter 185, Statutes of Nevada 2007, at page 629, is hereby amended to read as follows:~~

~~Sec. 16. 1. The Election Board shall conduct the election in the manner prescribed by law for the holding of general elections, and shall make its returns to the Secretary of the Board.~~

~~2. The Board of Supervisors shall, within 6 working days after the election, canvass the returns and declare the results of the election. If the canvass is not completed within 6 working days, any registered voter of the Authority may bring a cause of action in district court to compel the Board of Supervisors to complete the canvass.] (Deleted by amendment.)~~

Sec. 67. ~~[Section 22 of the Reno Tahoe Airport Authority Act, being chapter 474, Statutes of Nevada 1977, as amended by chapter 185, Statutes of Nevada 2007, at page 630, is hereby amended to read as follows:~~

~~Sec. 22. 1. The Election Board or boards shall conduct the election in the manner prescribed by law for the holding of general elections, and shall make their returns to the Secretary of the Authority.~~

~~2. At any regular or special meeting of the Board held within 6 working days following the date of the election, the returns thereof shall be canvassed and the results thereof declared. If the canvass is not completed within 6 working days, any registered voter of the Authority may bring a cause of action in district court to compel the Board to complete the canvass.] (Deleted by amendment.)~~

Sec. 68. ~~[Section 1.5 of the Mineral County Power System Act of 1929, being chapter 353, Statutes of Nevada 1963, as last amended by chapter 345, Statutes of Nevada 1993, at page 1105, is hereby amended to read as follows:~~

~~Sec. 1.5. 1. Whenever the Board of County Commissioners~~

~~of Mineral County, Nevada, proposes to sell or lease the Mineral County Power System by a resolution passed and entered in the minutes, the proposal for the approval of the sale or lease must be submitted to the registered voters of Mineral County at a special election or the next primary or general election.~~

~~2. The election officers of Mineral County who are charged with the duty of providing for and conducting elections as set forth in NRS 293.217 shall follow the procedure set forth in that section and shall provide printed ballots for the use of the voters entitled to vote at the election. There must be printed on all ballots:~~

~~(a) Instructions respecting the manner of marking the ballots.~~

~~(b) A statement of the proposal to be voted upon.~~

~~3. If a special election is called for the purpose of approving the sale or lease of the Mineral County Power System, and immediately upon receipt by the County Clerk of a certified copy of the resolution of the Board of County Commissioners of Mineral County authorizing such sale or lease, and fixing a date for the election, the County Clerk shall publish a notice of special election in a newspaper of general circulation in Mineral County once a week for 2 successive weeks with the date of the last publication being at least 15 days before the election. If no such newspaper is published in Mineral County, publication may be made in a newspaper of general circulation published in the nearest Nevada county. The notice must contain:~~

~~(a) The date of the election.~~

~~(b) The location of the polling places.~~

~~(c) The hours during which the polling places will be open for voting.~~

~~(d) A statement of the proposal to be voted upon.~~

~~4. The County Clerk shall forward to each Justice of the Peace within the county one written or printed notice for each precinct or voting district. Each Justice of the Peace to whom the notice is delivered shall post the notice in a public place in each precinct or voting district in his or her township or district at least 15 days before the date of the special election.~~

~~5. The election officers of Mineral County who are charged with the duty of providing for and conducting the election shall provide one ballot box at each polling place for the purpose of the election. If the approval election is held in conjunction with a primary or general election, the same single ballot box must be used at each polling place.~~

~~6. Every citizen of the United States 21 years of age or over who has resided in the state 6 months, in the county 30 days, and in the precinct 10 days next preceding the election is entitled to vote at~~

~~the election, if he or she has complied with the registration laws of this state.~~

~~7. Immediately after the closing of the polls the election officers shall proceed to canvass the ballots. If the canvass is not completed, any registered voter described in subsection 6 may bring a cause of action in district court to compel the election officers to complete the canvass. The results disclosed by the canvass must be certified by the election officers to the Board of County Commissioners.~~

~~8. If a majority of the ballots cast are in favor of the sale or lease as proposed by the Board of County Commissioners of Mineral County of the Mineral County Power System, the proposal to sell or lease the Mineral County Power System is approved and the proper officers of Mineral County may complete the sale or lease of the Mineral County Power System.~~

~~9. If a majority of the ballots are against the sale or lease of the Mineral County Power System, the proposal to sell or lease the Mineral County Power System fails, the proper officers of the Mineral County Power System shall proceed no further with the sale or lease of the Mineral County Power System, and all acts or agreements theretofore made by the Board of County Commissioners in relation to the sale or lease are void.~~

~~10. Where not specifically provided for in this act, the general election laws of the State of Nevada govern where applicable.]~~
(Deleted by amendment.)

~~Sec. 69. [The provisions of NRS 254.590 do not apply to any additional expenses of a local government that are related to the provisions of this act.]~~
(Deleted by amendment.)

~~Sec. 70. [NRS 293.405 is hereby repealed.] (Deleted by amendment.)~~

Sec. 71. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 70, inclusive, of this act become effective:

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

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

~~TEXT OF REPEALED SECTION~~

~~293.405 Costs of recount; commencement and completion of recount; limitation on additional recount.~~

~~1. If the person who demanded the recount does not prevail, and it is found that the sum deposited was less than the cost of the recount, the person shall, upon demand, pay the deficiency to the county clerk, city clerk or Secretary of State, as the case may be. If the sum deposited is in excess of the cost, the excess must be refunded to the person.~~

~~2. If the person who demanded the recount prevails, the sum deposited with the Secretary of State, county clerk or city clerk must be refunded to the person and the cost of the recount must be paid as follows:~~

~~(a) If the recount concerns an office or ballot question for which voting is not statewide, the cost must be borne by the county or city which conducted the recount.~~

~~(b) If the recount concerns an office or ballot question for which voting is statewide, the clerk of each county shall submit a statement of its costs in the recount to the Secretary of State for review and approval. The Secretary of State shall submit the statements to the State Board of Examiners, which shall repay the allowable costs from the Reserve for Statutory Contingency Account to the respective counties.~~

~~3. Each recount must be commenced within 5 days after demand, and must be completed within 5 days after it is begun.~~

~~4. After the recount of a precinct is completed, that precinct must not be subject to another recount for the same office or ballot question at the same election.]~~

Senator Ohrenschall moved the adoption of the amendment.

Remarks by Senator Ohrenschall.

Amendment No. 527 to Senate Bill No. 404 removes the provisions relating to a declared state of emergency, authorizes the count of returns from early voting to begin on or after the first day of early voting, removes the change that voter challenges must be made in writing instead of orally, removes the changes to voter challenge procedures, removes the changes regarding emergency powers related to elections, removes the changes protecting election officials' personally identifying information, removes the changes granting authority to extend polling place hours in extraordinary situations, removes the changes regarding duties of clerks and Secretary of State within the canvass and certification process, removes the changes to audit procedures, removes the automatic recount provision and removes the changes regarding processes and burdens of proof for election challenges.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

WAIVERS AND EXEMPTIONS

NOTICE OF EXEMPTION

April 24, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 195, 205, 282, 307, 390, 400, 438.

WAYNE THORLEY

Fiscal Analysis Division

MOTIONS, RESOLUTIONS AND NOTICES

Senator Dondero Loop moved that Senate Bills Nos. 68, 144, 195, 205, 240, 278, 282, 307, 390, 400 and 438 be taken from their positions on the General File and re-referred to the Committee on Finance upon return from reprint.

Motion carried.

REPORTS OF COMMITTEE

Mr. President:

Your Committee on Legislative Operations and Elections, to which were referred Senate Bills Nos. 60, 327, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAMES OHRENSCHALL, *Chair*

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

Motion carried.

Senate in recess at 8:40 p.m.

SENATE IN SESSION

At 9:54 p.m.

President Anthony presiding.

Quorum present.

REPORTS OF COMMITTEE

Mr. President:

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 163, 290, 310, 370, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

PAT SPEARMAN, *Chair*

Mr. President:

Your Committee on Growth and Infrastructure, to which was referred Senate Bill No. 66, 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 were referred Senate Bills Nos. 419, 439, 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*

SECOND READING AND AMENDMENT

Senate Bill No. 10.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 299.

SUMMARY—Revises provisions related to the Nevada State Infrastructure Bank. (BDR 35-358)

AN ACT relating to the Nevada State Infrastructure Bank; requiring the Bank to keep confidential certain information; removing the Bank from the Department of Transportation ~~+~~ and placing the Bank in the Office of the State Treasurer; expanding the types of projects for which the Bank may provide loans and other financial assistance; revising provisions relating to the Board of Directors of the Bank; ~~requiring the Office of the State~~

~~Treasurer to provide staff assistance to the Bank upon request;~~ making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Nevada State Infrastructure Bank within the Department of Transportation, the purpose of which is to provide loans and other financial assistance to qualified borrowers for the development, construction, repair, improvement, operation, maintenance, decommissioning and ownership of certain transportation facilities, utility infrastructure, water and wastewater infrastructure, renewable energy infrastructure, recycling and sustainability infrastructure, digital infrastructure, social infrastructure and other infrastructure related to economic development. (NRS 408.111, 408.55048-408.55088) Under existing law, the Bank is administered by and operates under the direction of a Board of Directors. (NRS 408.55069)

Sections 1.3, 9.3 and 10 of this bill authorize the Bank to provide loans and other financial assistance for K-12 school facilities in counties with a population of less than 100,000. Section 11.5 of this bill provides that, for the purpose of providing a loan or other financial assistance: (1) the anticipated useful life of a K-12 school facility must not be deemed to be longer than 50 years; and (2) the Bank may offer a school district a rate of interest on a loan of 0 percent under certain circumstances. Section 9.7 of this bill adds workforce housing to the types of social infrastructure projects for which the Bank is authorized to provide loans and other financial assistance. Section 16.5 of this bill makes an appropriation to the Nevada State Infrastructure Bank Fund to provide loans and other financial assistance for eligible projects for K-12 school facilities or workforce housing. Sections 9.3, 9.5, 11.3 and 11.7 of this bill make conforming changes to ensure the administration of loans or other financial assistance for K-12 school facilities are consistent with provisions of existing law governing other loans or financial assistance provided by the Bank.

Sections ~~14~~ 1.7 and 15 of this bill require the Bank to keep confidential certain information which is submitted or disclosed to ~~it, or otherwise obtained by,~~ the Bank, except under certain circumstances. Section 10 ~~of this bill~~ authorizes the Board of Directors to hold a closed meeting or to close a portion of a meeting to receive, examine or consider information which the Bank is required to keep confidential. Section 16 of this bill makes a conforming change to reflect that the Board of Directors is authorized to hold such closed meetings. Sections 9, 12 and 13 of this bill make conforming changes to indicate the proper placement of ~~section 14~~ sections 1.3 and 1.7 in the Nevada Revised Statutes.

Section 10 : (1) provides that the State Treasurer or his or her designee serves as the Chair of the Board of Directors and removes the requirement that the Board of Directors annually elect a Chair ~~14~~ ; (2) revises the membership of the Board of Directors; and (3) prohibits a member of the Legislature from being appointed to the Board of Directors.

Sections 2 and 10 of this bill remove the Bank from the Department of Transportation ~~and~~ and establish the Bank within the Office of the State Treasurer. Sections 3-8 of this bill make conforming changes to reflect that the Bank is no longer within the Department. ~~[Section 14 of this bill requires the Office of the State Treasurer to provide staff assistance to the Bank at the request of the Board of Directors. Section]~~ Sections 11 and 14 of this bill ~~[makes a]~~ make conforming ~~[change]~~ changes relating to the staffing of the Bank.

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

Section 1. Chapter 408 of NRS is hereby amended by adding thereto ~~to a new section to read~~ the provisions set forth as ~~[follows:]~~ sections 1.3 and 1.7 of this act.

Sec. 1.3. *"K-12 school facility" means buildings and related assets, in a county whose population is less than 100,000, that are used primarily for educational instruction of pupils in kindergarten or in any grades 1 to 12, inclusive, and activities that directly support instruction. The term does not include facilities that are not used for educational instruction, including, without limitation, stand-alone athletic facilities, auditoriums and administrative buildings.*

Sec. 1.7. 1. Except as otherwise provided in subsections 2 and 3, the Bank shall keep confidential any information that is ~~to~~

~~(a) Submitted~~ required to be submitted or disclosed to the Bank ;

(a) ~~in~~ In an application for a loan or other financial assistance ~~to~~ and which has not already been made public or is not otherwise publicly available, other than:

(1) The amount of the loan or other financial assistance being sought;

(2) The name of each person in any submission or disclosure;

(3) The basis for the loan or other financial assistance being sought;

(4) The terms or proposed terms of the loan or other financial assistance being sought;

(5) Any information asserted in the submission or disclosure that is, or which the Bank asserts to be, necessary or relevant to the decision of the Bank to grant or deny the loan or other financial assistance; and

(6) The amount of the loan or other financial assistance granted; or

(b) ~~Submitted or disclosed to the Bank by another governmental entity in connection with a loan or other financial assistance or an application for a loan or other financial assistance;~~

~~(c) Required to be submitted or disclosed to~~ Which the Bank ~~and kept~~ is required to keep confidential pursuant to federal law . ~~to~~ or

~~(d) Otherwise obtained by the Bank pursuant to this chapter or the regulations adopted pursuant thereto in connection with a loan or other financial assistance or an application for a loan or other financial assistance.~~

2. The Bank shall disclose the information set forth in subsection 1:

- (a) Upon the lawful order of a court of competent jurisdiction;
- (b) To any person upon the request of the person who is the subject of the information; ~~for~~
- (c) Upon the completion of the loan or other financial assistance, excluding any proprietary information; or
- (d) In the course of the necessary administration of this chapter.

3. The Bank may disclose the information set forth in subsection 1 to an authorized agent of an agency of the United States Government, a state, a political subdivision of a state, a foreign government or a political subdivision of a foreign government which finances infrastructure projects.

4. A person seeking an order of a court of competent jurisdiction for the disclosure of information described in subsection 1 must submit a motion in writing to the court requesting the information. At least 10 days before submitting the motion, the person must provide notice to the Bank, the Attorney General and all persons who may be affected by the disclosure of the information. The notice must:

- (a) Include, without limitation, a copy of the motion and all documents in support of the motion that are to be filed with the court; and
- (b) Be delivered in person or by certified mail to the last known address of each person to whom notice must be provided.

5. As used in this section:

(a) "Confidential business information" means any information relating to the amount or source of any income, profits, losses or expenditures of a person, including, without limitation, data relating to cost or price submitted to the Bank in support of a proposal. The term does not include the amount of a bid or proposal.

(b) "Proprietary information" means any trade secret or confidential business information that is contained in a proposal submitted to the Bank.

Sec. 2. NRS 408.111 is hereby amended to read as follows:

408.111 1. The Department consists of a Director, three Deputy Directors, a Chief Engineer and the following:

- (a) Administrative Division.
- (b) Operations Division.
- (c) Engineering Division.
- (d) Planning Division.

~~{(e) Nevada State Infrastructure Bank.}~~

2. The head of a Division is an assistant director. Assistant directors are in the unclassified service of the State.

Sec. 3. NRS 408.116 is hereby amended to read as follows:

408.116 ~~{Except as otherwise provided in NRS 408.55048 to 408.55088, inclusive.}~~

1. All legal notices, writs, service and process issued or ordered by a court of competent jurisdiction wherein the Department is named as a defendant must be personally served upon both the Director and the Chair of the Board or, in the absence of the Director and the Chair of the Board, the

process must be served personally upon both the Secretary of State and one of the Deputy Directors.

2. All legal actions brought and defended by the Department must be in the name of the State of Nevada on relation of its Department.

3. This section is not a consent on the part of the Department to be sued.

Sec. 4. NRS 408.131 is hereby amended to read as follows:

408.131 ~~{Except as otherwise provided in NRS 408.55048 to 408.55088, inclusive, the}~~ The Board shall:

1. Consider, at its meetings, all questions relating to the general policy of the Department and transact such business as properly comes before it.

2. Receive and consider, at such time as the Board selects, an annual report by the Director.

3. Except as otherwise provided in NRS 408.203, act for the Department in all matters relating to recommendations, reports and such other matters as the Board finds advisable to submit to the Legislature.

4. Maintain a record of all proceedings of the Board.

5. Execute or approve all instruments and documents in the name of the State or the Department necessary to carry out the provisions of this chapter.

6. Except as otherwise provided in NRS 408.389, delegate to the Director such authority as it deems necessary under the provisions of this chapter.

7. Act by resolution, vote or order entered in its records.

Sec. 5. NRS 408.172 is hereby amended to read as follows:

408.172 1. Subject to the approval of the Board, the Attorney General shall, immediately upon request by the Board, appoint an attorney at law as the Chief Counsel of the Department, and such assistant attorneys as are necessary. Attorneys so appointed are deputy attorneys general.

2. ~~{Except as otherwise provided in NRS 408.55048 to 408.55088, inclusive, the}~~ The Chief Counsel shall act as the attorney and legal adviser of the Department in all actions, proceedings, hearings and all matters relating to the Department and to the powers and duties of its officers.

3. Under the direction of or in the absence of the Chief Counsel, the assistant attorneys may perform any duty required or permitted by law to be performed by the Chief Counsel.

4. The Chief Counsel and assistant attorneys are in the unclassified service of the State.

5. ~~{Except as otherwise provided in NRS 408.55048 to 408.55088, inclusive, all}~~ All contracts, instruments and documents executed by the Department must be first approved and endorsed as to legality and form by the Chief Counsel.

Sec. 6. NRS 408.175 is hereby amended to read as follows:

408.175 1. The Director shall:

(a) Appoint one Deputy Director who in the absence, inability or failure of the Director has full authority to perform any duty required or permitted by law to be performed by the Director.

(b) Appoint one Deputy Director for southern Nevada whose principal office must be located in an urban area in southern Nevada.

(c) Appoint one Deputy Director with full authority to perform any duty required or allowed by law to be performed by the Director to implement, manage, oversee and enforce any environmental program of the Department.

(d) ~~{Except as otherwise provided in NRS 408.55071, employ}~~ Employ such engineers, engineering and technical assistants, clerks and other personnel as in the Director's judgment may be necessary to the proper conduct of the Department and to carry out the provisions of this chapter.

2. Except as otherwise provided in NRS 284.143, the Deputy Directors shall devote their entire time and attention to the business of the office and shall not pursue any other business or occupation or hold any other office of profit.

3. The Director may delegate such authority as may be necessary for the Deputy Director appointed pursuant to paragraph (b) of subsection 1 to carry out his or her duties.

Sec. 7. NRS 408.215 is hereby amended to read as follows:

408.215 1. The Director has charge of all the records of the Department, keeping records of all proceedings pertaining to the Department and keeping on file information, plans, specifications, estimates, statistics and records prepared by the Department, ~~{except as otherwise provided in NRS 408.55048 to 408.55088, inclusive, and}~~ except those financial statements described in NRS 408.333 and the financial or proprietary information described in paragraph (r) of subsection 6 of NRS 408.3886, which must not become matters of public record.

2. The Director may photograph, film, place an image of on microfilm, save as an image in an electronic recordkeeping system or dispose of the records of the Department referred to in subsection 1 as provided in NRS 239.051, 239.080 and 239.085.

3. The Director shall maintain an index or record of deeds or other references of title or interests in and to all lands or interests in land owned or acquired by the Department.

4. The Director shall adopt such regulations as may be necessary to carry out and enforce the provisions of this chapter.

Sec. 8. NRS 408.389 is hereby amended to read as follows:

408.389 1. Except as otherwise provided in subsection 2, ~~{and NRS 408.55048 to 408.55088, inclusive,}~~ the Department shall not purchase any equipment which exceeds \$50,000, unless the purchase is first approved by the Board.

2. Before the Board may approve the purchase of any mobile equipment which exceeds \$50,000, the Department shall:

(a) Prepare and present to the Board an analysis of the costs and benefits, including, without limitation, all related personnel costs, that are associated with:

(1) Purchasing, operating and maintaining the same item of equipment;

(2) Leasing, operating and maintaining the same item of mobile equipment; or

(3) Contracting for the performance of the work which would have been performed using the mobile equipment; and

(b) Justify the need for the purchase based on that analysis.

3. The Board shall not:

(a) Delegate to the Director its authority to approve purchases of equipment pursuant to subsection 1; or

(b) Approve any purchase of mobile equipment which exceeds \$50,000 and for which the Department is unable to provide justification pursuant to subsection 2.

Sec. 9. NRS 408.55048 is hereby amended to read as follows:

408.55048 As used in NRS 408.55048 to 408.55088, inclusive, ~~and section 1.1~~ sections 1.3 and 1.7 of this act, unless the context otherwise requires, the words and terms defined in NRS 408.55049 to 408.550685, inclusive, and section 1.3 of this act, have the meanings ascribed to them in those sections.

Sec. 9.3. NRS 408.55053 is hereby amended to read as follows:

408.55053 "Eligible project" means the development, construction, repair, improvement, operation, maintenance, decommissioning or ownership of a transportation facility, utility infrastructure, water and wastewater infrastructure, renewable energy infrastructure, recycling and sustainability infrastructure, digital infrastructure, K-12 school facility, social infrastructure and other infrastructure related to economic development.

Sec. 9.5. NRS 408.550615 is hereby amended to read as follows:

408.550615 "Other infrastructure related to economic development" means infrastructure that:

1. Supports a public purpose while promoting economic development for a local, regional or state purpose; and

2. Is not a transportation facility, utility infrastructure, water and wastewater infrastructure, renewable energy infrastructure, recycling and sustainability infrastructure, digital infrastructure, K-12 school facility or social infrastructure.

Sec. 9.7. NRS 408.550647 is hereby amended to read as follows:

408.550647 "Social infrastructure" means any infrastructure which:

1. Is used or useful for the construction, development and maintenance of facilities and systems that support social services, including, without limitation, those services related to health care, education, affordable housing, workforce housing, homelessness and food security; and

2. Augments existing services, including, without limitation, the services provided pursuant to chapters 319 and 387 of NRS.

Sec. 10. NRS 408.55069 is hereby amended to read as follows:

408.55069 1. The Nevada State Infrastructure Bank is hereby created ~~within the Department~~ Office of the State Treasurer.

2. The purpose of the Bank is to provide loans and other financial assistance to qualified borrowers for the development, construction, repair, improvement, operation, maintenance, decommissioning and ownership of transportation facilities, utility infrastructure, water and wastewater infrastructure, renewable energy infrastructure, recycling and sustainability infrastructure, digital infrastructure, K-12 school facilities, social infrastructure and other infrastructure related to economic development as necessary for public purposes.

3. The Bank is administered by and operates under the direction of a Board of Directors consisting of:

(a) ~~{The Director of the Department of Transportation or his or her designee;~~

~~—(b)—~~ The State Treasurer or his or her designee ~~{;}~~ , who shall serve as Chair of the Board of Directors;

(b) ~~{The Director of}~~ The following members appointed by the ~~{Department of Transportation or his or her designee;}~~ State Treasurer:

(1) One member who has knowledge, skill and experience in banking;
and

(2) One member who represents the interests of rural Nevada;

(c) ~~{The Director of}~~ The following members appointed by the ~~{Department of Business and Industry or his or her designee;}~~ Majority Leader of the Senate:

(1) One member who has knowledge, skill and experience relating to transportation infrastructure;

(2) One member who has knowledge, skill and experience relating to water infrastructure; and

(3) One member who represents the interests of K-12 public education, selected after consulting with one or more organizations that represent teachers;

(d) ~~{The Executive Director of}~~ The following members appointed by the ~~{Office of Economic Development or his or her designee;}~~ Speaker of the Assembly:

(1) One member who has knowledge, skill and experience relating to public utility infrastructure; and

(2) One member who represents the interests of Native Americans, selected after consulting with Indian tribes and tribal organizations; and

(e) ~~{The Director of the Office of Energy or his or her designee; and~~

~~—(f)—~~ ~~Two representatives of the general public, at least one of whom must reside in a county whose population is 700,000 or more, appointed by the Governor;}~~ One member who represents the interests of organized labor within the building trades, appointed by the Legislative Commission.

4. Each member of the Board of Directors who is appointed pursuant to subsection 3 serves at the pleasure of the appointing authority. A person must not be appointed to the Board of Directors if he or she is currently serving as a Legislator.

5. A vacancy on the Board of Directors in an appointed position must be filled by the appointing authority in the same manner as the original appointment.

6. The Board of Directors shall elect annually from among its members ~~[a Chair and]~~ a Vice Chair.

7. ~~[Four]~~ Five members of the Board of Directors constitute a quorum for the transaction of business, and the affirmative vote of at least ~~[four]~~ five members of the Board of Directors is required to take action.

8. The members of the Board of Directors are public officers and are subject to all applicable provisions of law, including, without limitation, the provisions of chapter 281A of NRS.

9. A meeting of the Board of Directors must be conducted in accordance with the provisions of chapter 241 of NRS ~~[]~~, *except that the Board of Directors may hold a closed meeting or close a portion of a meeting to receive, examine or consider information which the Bank is required to keep confidential pursuant to section ~~[]~~ 1.7 of this act.*

10. Each member of the Board of Directors who is not otherwise an officer or employee of this State is entitled:

(a) To receive \$100 for each full day of attending a meeting of the Board of Directors; and

(b) While engaged in the business of the Board of Directors, to receive the per diem allowance and travel expenses provided for state officers and employees generally. The per diem allowance and travel expenses provided to a member of the Board of Directors who is an officer or employee of this State or a political subdivision of this State must be paid by the state agency or political subdivision that employs him or her.

11. A member of the Board of Directors who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation so that he or she may prepare for and attend meetings of the Board of Directors and perform any work necessary to carry out the duties of the Board of Directors in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Board of Directors to:

(a) Make up the time the member is absent from work to carry out his or her duties as a member of the Board of Directors; or

(b) Take annual leave or compensatory time for the absence.

Sec. 11. NRS 408.55071 is hereby amended to read as follows:

408.55071 1. The Board of Directors may:

(a) Make, and from time to time amend and repeal, bylaws not inconsistent with NRS 408.55048 to 408.55088, inclusive, ~~and section 1.7~~ sections 1.3 and 1.7 of this act, to carry into effect the powers and purposes of NRS 408.55048 to 408.55088, inclusive ~~[]~~, ~~and section 1.7~~ sections 1.3 and 1.7 of this act.

(b) Sue and be sued in the name of the Bank.

(c) Have a seal and alter the same at the pleasure of the Board of Directors, but the failure to affix the seal does not affect the validity of an instrument executed on behalf of the Bank.

(d) Make loans to qualified borrowers to finance all or part of the eligible costs of a qualified project.

(e) Provide qualified borrowers with other financial assistance necessary to defray all or part of the eligible costs of a qualified project.

(f) Acquire, hold and sell loan obligations at such prices and in such a manner as the Board of Directors deems advisable.

(g) Enter into contracts, arrangements and agreements with qualified borrowers and other persons and execute and deliver all financing agreements and other instruments necessary or convenient to carry out the powers and duties of the Board of Directors.

(h) Enter into agreements with a department, agency or instrumentality of the United States or governmental unit of this State or another state for the purpose of providing for the financing of qualified projects.

(i) Establish:

(1) Policies and procedures to govern the selection of qualified projects and the issuance and administration of loans and other financial assistance provided by the Bank; and

(2) Fiscal controls and accounting procedures to ensure proper accounting and reporting by the Bank and qualified borrowers.

(j) Acquire, by purchase, lease, donation or other lawful means, real or personal property and any interest therein.

(k) Sell, convey, pledge, lease, exchange, transfer and dispose of all or any part of the property and assets of the Bank.

(l) Procure insurance, guarantees, letters of credit and other forms of collateral or security or credit support for the payment of bonds or other securities issued by the Bank and the payment of premiums or fees on such insurance, guarantees, letters of credit and other forms of collateral or security or credit support.

(m) Collect or authorize the trustee under any trust indenture that secures any bonds or other securities issued by the Bank to collect amounts due from a qualified borrower under any loan obligation owned by the Bank, including, without limitation, taking any lawful action required to obtain payment of any sums in default.

(n) Unless restricted by the terms of an agreement with the holders of bonds or other securities issued by the Bank, consent to any modification of the terms of any loan obligations owned by the Bank, including, without limitation, the rate of interest, period of repayment and payment of any installment of principal or interest.

(o) Borrow money through the issuance of bonds and other securities as provided in NRS 408.55048 to 408.55088, inclusive ~~[-]~~, and ~~Section 1.7~~ sections 1.3 and 1.7 of this act.

(p) Incur expenses to obtain accounting, management, legal or financial consulting and other professional services necessary to the operations of the Bank.

(q) To the extent that money is available from public or private sources of administrative costs, pay any costs incurred for the administration of the operations of the Bank.

(r) Establish advisory committees, which may include persons from the private sector with civil engineering, banking and financial expertise.

(s) Procure insurance against losses in connection with the Bank's property, assets or activities, including, without limitation, insurance against liability for any act of the Bank or its employees or agents, or establish cash reserves to enable the Bank to act as a self-insurer against such losses.

(t) Impose and collect fees and charges in connection with the activities of the Bank.

(u) Apply for, receive and accept from any source aid grants or contributions of money, property, labor or other things of value to be used to carry out the statutory purposes and powers of the Bank.

(v) Enter into contracts, arrangements or agreements for the servicing and processing of financial agreements.

(w) Accept and hold, with payment of interest, money deposited with the Bank.

(x) Request technical advice, support and assistance ~~[from the divisions of the Department.]~~ pursuant to NRS 408.55088.

(y) Do all other things necessary or convenient to exercise any power granted or reasonably implied by NRS 408.55048 to 408.55088, inclusive ~~[, and section 1 sections 1.3 and 1.7 of this act.~~

2. Except as otherwise provided in NRS 408.55048 to 408.55088, inclusive, ~~and section 1 sections 1.3 and 1.7 of this act,~~ the Bank may exercise any fiscal power granted to the Bank in NRS 408.55048 to 408.55088, inclusive, ~~and section 1 sections 1.3 and 1.7 of this act~~ without the review or approval of any other department, division or agency of the State or any political subdivision thereof, except for the Board of Directors.

3. In exercising the powers and performing the functions set forth in NRS 408.55048 to 408.55088, inclusive, ~~and section 1 sections 1.3 and 1.7 of this act,~~ the members of the Board of Directors:

(a) Must act in a commercially reasonable manner and in the interests of this State. For the purposes of this paragraph, the interests of this State include, without limitation, the public welfare and economy of this State and the long-term and short-term interests of this State.

(b) May, unless a member of the Board of Directors has knowledge concerning a matter in question that would cause reliance thereon to be unwarranted, rely on information, opinions, reports, books of account or statements, including, without limitation, financial statements and other financial data, that are prepared or presented by:

(1) One or more members of the Board of Directors or officers or employees of the Bank reasonably believed to be reliable and competent in the matters prepared or presented;

(2) Counsel, public accountants, financial advisers, valuation advisers, investment bankers, engineers, architects or other persons as to matters reasonably believed to be within the professional or expert competence of the preparer or presenter; or

(3) A committee on which the director or officer relying thereon does not serve, as to matters within the designated authority of the committee and matters on which the committee is reasonably believed to merit confidence.

4. This section does not authorize the Bank to be or conduct business as a:

(a) Bank or trust company within the jurisdiction of chapters 657 to 671, inclusive, of NRS or under the control of an agency of the United States or this State; or

(b) Bank, banker or dealer in securities within the meaning of, or subject to the provisions of, any securities, securities exchange or securities dealers' laws of the United States or of this State.

5. The Bank must, before accepting a deposit from any person or governmental unit, provide a notice to the depositor stating that the deposit is not insured by the Federal Deposit Insurance Corporation.

6. The provisions of titles 55 and 57 of NRS do not apply to the Bank.

Sec. 11.3. NRS 408.55073 is hereby amended to read as follows:

408.55073 1. The Nevada State Infrastructure Bank Fund is hereby created as an enterprise fund. The Fund is a continuing fund without reversion.

2. The Fund is administered by the Board of Directors.

3. The Board of Directors may establish accounts and subaccounts within the Fund and shall ensure that accounting for the Fund is performed in accordance with all applicable laws and regulations governing the use of funds.

4. Except as otherwise provided in subsection 7, all money received by the Bank pursuant to NRS 408.55048 to 408.55088, inclusive, and sections 1.3 and 1.7 of this act must be deposited in the Fund.

5. The Bank may accept for deposit into the Fund:

(a) Any money appropriated by the Legislature or authorized for allocation by the Interim Finance Committee;

(b) Federal funds made available to the State;

(c) Gifts, grants, donations and contributions from a governmental unit, private entity or any other source;

(d) Any money paid or credited to the Bank, by contract or otherwise, including, without limitation:

(1) Payment of principal and interest on a loan or other financial assistance provided to a qualified borrower by the Bank; and

(2) Interest earned from the investment or reinvestment of the Bank's money pursuant to NRS 408.55076;

(e) Proceeds from the issuance of bonds or other securities pursuant to NRS 408.55071; and

(f) Any other lawful source of money that is made available to the Bank and is not already dedicated for another purpose.

6. The Bank shall comply with all applicable federal laws governing the use of federal funds, including, without limitation, statutes and regulations governing:

(a) Any conditions or limitations on expenditures;

(b) Reporting; and

(c) The commingling of federal funds.

7. Earnings on balances in any federal accounts must be credited and invested in accordance with federal law. Earnings on any state and local accounts must be deposited in the Fund to the credit of the account that generates the earnings.

8. Money in the Fund may be used only:

(a) For the capitalization of the Bank; and

(b) To carry out the statutory purposes and powers of the Bank.

9. A local government may use money from any source that is made available to the local government for the purposes of developing, constructing, repairing, improving, operating, maintaining, decommissioning or owning a transportation facility, utility infrastructure, water and wastewater infrastructure, renewable energy infrastructure, recycling and sustainability infrastructure, digital infrastructure, K-12 school facility, social infrastructure or other infrastructure related to economic development or for any other purpose set forth in NRS 408.55048 to 408.55088, inclusive, and sections 1.3 and 1.7 of this act to make a gift, grant, donation or contribution to the Bank or to satisfy any obligation owed by the local government to the Bank, including, without limitation, payments of principal and interest.

Sec. 11.5. NRS 408.55074 is hereby amended to read as follows:

408.55074 1. A qualified borrower that wishes to obtain a loan or other financial assistance from the Bank to develop, construct, repair, improve, operate, maintain, decommission or own an eligible project must apply to the Bank in the manner prescribed by the Bank.

2. The Executive Director shall:

(a) Review each application and determine whether the application is for an eligible project; and

(b) At the request of the Board of Directors, submit information to the Board of Directors concerning any eligible project.

3. The Board of Directors shall, from time to time, designate qualified projects from among the eligible projects. The Board of Directors may give preference to an eligible project that has demonstrated local financial support.

4. The Bank may provide a loan and other financial assistance to a qualified borrower to pay for all or part of the eligible costs of a qualified project. The term of the loan or other financial assistance may not exceed the anticipated useful life of the qualified project. A loan or other financial assistance may be provided in anticipation of reimbursement for or direct payment of all or part of the eligible costs of a qualified project. For purposes of this subsection, the anticipated useful life of a K-12 school facility must not be deemed to be longer than 50 years.

5. The Bank shall determine the form and content of a loan application, financing agreement or loan obligation, including, without limitation:

- (a) The period for repayment and the rate or rates of interest on a loan; and
- (b) Any nonfinancial provisions included in a financing statement or loan obligation, including, without limitation, terms and conditions relating to the regulation and supervision of a qualified project.

➤ Such form and content must substantially conform with the documents typically used for such transactions.

6. The terms and conditions set forth in a financing agreement or loan obligation for a loan or other financial assistance provided by the Bank using money from a federal account must comply with all applicable federal requirements.

7. If a loan is made to a school district, the Bank may fix the rate of interest of the loan at 0 percent if the school district demonstrates to the Board of Directors that the school district has financial constraints that would not allow the school district to repay a loan with a rate of interest fixed according to the standards otherwise used by the Bank.

Sec. 11.7. NRS 408.55079 is hereby amended to read as follows:

408.55079 1. Except as otherwise provided in this section, if a qualified borrower that has obtained a loan or other financial assistance from the Bank fails to remit in full any amount due to the Bank on the date on which the amount is due under the terms of any note or other loan obligation given to the Bank by the qualified borrower, the Bank shall notify the appropriate state agencies or officers, including, without limitation, the State Controller, who shall withhold all or a portion of any state money or other money administered by the State and its agencies, boards and instrumentalities that is allotted or appropriated to the qualified borrower and apply an amount necessary to the payment of the amount due.

2. This section does not authorize the State or an agency, board or instrumentality thereof, or the State Controller, to withhold any money allocated or appropriated to a qualified borrower if to do so would violate the terms of:

- (a) An appropriation by the Legislature;
- (b) Any federal law;
- (c) A contract to which the State is a party;
- (d) A contract to which a governmental unit or qualified borrower is a party; ~~for~~

(e) A judgment of a court that is binding upon the State ~~[-]; or~~

~~(f) The provisions of NRS 387.121 to 387.12468, inclusive, governing apportionments and allowances from the State Education Fund.~~

Sec. 12. NRS 408.55081 is hereby amended to read as follows:

408.55081 The Board of Directors and any member thereof, and any officer, employee, agent or committee member of the Bank is not liable in a civil action for any act performed on behalf of the Bank in good faith and within the scope of their duties or the exercise of their authority pursuant to NRS 408.55048 to 408.55088, inclusive ~~[-]~~, and ~~section 1.1~~ sections 1.3 and 1.7 of this act.

Sec. 13. NRS 408.55086 is hereby amended to read as follows:

408.55086 1. To the extent possible, the provisions of NRS 408.55048 to 408.55088, inclusive, and ~~section 1.1~~ sections 1.3 and 1.7 of this act are intended to supplement other statutory provisions governing the development, construction, repair, improvement, maintenance, decommissioning, operation and ownership of transportation facilities, utility infrastructure, water and wastewater infrastructure, renewable energy infrastructure, recycling and sustainability infrastructure, digital infrastructure, K-12 school facilities, social infrastructure or other infrastructure related to economic development and the issuance of bonds and other securities by this State or a political subdivision thereof, and such other provisions must be given effect to the extent that those provisions do not conflict with the provisions of NRS 408.55048 to 408.55088, inclusive ~~[-]~~, and ~~section 1.1~~ sections 1.3 and 1.7 of this act. If there is a conflict between such other provisions and the provisions of NRS 408.55048 to 408.55088, inclusive, and ~~section 1.1~~ sections 1.3 and 1.7 of this act, the provisions of NRS 408.55048 to 408.55088, inclusive, and ~~section 1.1~~ section 1.3 and 1.7 of this act control.

2. The provisions of NRS 338.013 to 338.090, inclusive, apply to any contract for construction work on a qualified project if all or part of the costs of the qualified project are paid for using a loan or other financial assistance from the Bank. The Bank, the qualified borrower, any contractor who is awarded a contract or enters into an agreement to perform construction work on the qualified project, and any subcontractor who performs any portion of the construction work shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if a public body had undertaken the qualified project or had awarded the contract.

Sec. 14. NRS 408.55088 is hereby amended to read as follows:

408.55088 ~~[-]~~ Any division of the Department of Transportation, the Department of Business and Industry, the Office of Economic Development, the State Department of Conservation and Natural Resources, ~~the Office of the State Treasurer,~~ the Office of Energy or any other governmental unit may, to the extent that money is available for that purpose, provide technical advice, support and assistance to the Bank ~~[-]~~, *including, without limitation, the Board of Directors.*

~~[2. The Office of the State Treasurer shall provide staff assistance to the Bank, including, without limitation, the Board of Directors, upon a request of the Board of Directors.]~~

Sec. 15. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941,

439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, *and section ~~44~~ 1.7 of this act*, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity

or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 16. NRS 241.016 is hereby amended to read as follows:

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

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

(a) The Legislature of the State of Nevada.

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

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

3. Any provision of law, including, without limitation, NRS 91.270, 219A.210, 228.495, 239C.140, 239C.420, 241.028, 281A.350, 281A.690, 281A.735, 281A.760, 284.3629, 286.150, 287.0415, 287.04345, 287.338, 288.220, 288.590, 289.387, 295.121, 315.98425, 360.247, 388.261, 388.385, 388A.495, 388C.150, 388D.355, 388G.710, 388G.730, 392.147, 392.466, 392.467, 392.4671, 394.1699, 396.1415, 396.3295, 408.55069, 414.270, 422.405, 433.534, 435.610, 442.774, 463.110, 480.545, 622.320, 622.340, 630.311, 630.336, 631.3635, 639.050, 642.518, 642.557, 686B.170, 696B.550, 703.196 and 706.1725, which:

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

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

↪ prevails over the general provisions of this chapter.

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

Sec. 16.5. 1. There is hereby appropriated from the State General Fund to the Nevada State Infrastructure Bank Fund created by NRS 408.55073, as amended by section 11.3 of this act, the sum of \$50,000,000 for providing loans and other financial assistance to qualified borrowers for eligible projects for K-12 school facilities and workforce housing.

2. In selecting eligible projects for workforce housing to receive a loan or other financial assistance from the appropriation made by subsection 1, the Nevada State Infrastructure Bank shall give preference to eligible projects for workforce housing in connection with which the qualified borrower has partnered with a person who has committed to making a new capital investment in this State of at least \$1,000,000,000.

3. As used in this section "K-12 school facility" has the meaning ascribed to it in section 1.3 of this act.

Sec. 17. This act becomes effective on July 1, 2023.

Senator Harris moved the adoption of the amendment.

Remarks by Senator Harris.

Amendment No. 299 to Senate Bill No. 10 adds a definition of "K-12 school facilities" in rural counties with populations under 100,000 as an eligible project category to be funded by the [Nevada State Infrastructure] Bank and establishes requirements for loans made for K-12 facilities, adds "workforce housing" to the definition of social infrastructure which can be funded by the Bank, moves the Bank into the Office of the State Treasurer, makes a \$50 million General Fund appropriation to the Nevada State Infrastructure Bank Fund to support projects related to K-12 school facilities and workforce housing for workforce housing projects, requires the prioritization of projects where outside partners have committed to making investments

within this State in excess of \$1 billion, revises the information which is required to be kept confidential by the Bank and revises the membership of the Board of Directors of the Bank.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 60.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 229.

SUMMARY—Revises provisions relating to elections. (BDR 24-412)

AN ACT relating to elections; revising provisions relating to mail ballots; revising provisions relating to a recount and contest of a presidential election; setting forth a specific form of a declaration of candidacy for an independent candidate for partisan office; revising the methods for paying certain filing fees; revising provisions governing members of election boards; revising provisions relating to when certain candidates may be declared elected at a primary election; revising provisions relating to the form of certain ballots; ~~revising the date by which a mail ballot central counting board must complete the counting of mail ballots;~~ revising the deadline for a hearing of an election contest; revising provisions relating to risk-limiting audits; revising provisions relating to an application to preregister or register to vote; revising prohibitions relating to tampering or interfering with certain election equipment or computer programs; requiring the Secretary of State to adopt by regulation a cyber-incident response plan for elections; revising the deadline by which a withdrawal of candidacy must be presented by certain candidates; revising the definition of "uniformed-service voter"; revising provisions relating to the limit on contributions to a candidate for office; delaying the effective date of certain provisions relating to automatic voter registration; repealing certain provisions relating to elections; making various other changes relating to elections; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires, with certain exceptions, the county clerk and city clerk to prepare and distribute a mail ballot for every election to each active registered voter in the county or city and each person who registers to vote or updates his or her voter registration information not later than 14 days before the election. (NRS 293.269911, 293C.263) Sections 1.5 and 7.6 of this bill authorize a registered voter to request a replacement mail ballot if the registered voter: (1) does not have access to his or her original mail ballot; and (2) is unable to go to the polls because of an illness or disability resulting in confinement, hospitalization, serious illness or is suddenly called away from home. Sections 1.5 and 7.6 authorize a registered voter to designate in such a request a person to mark and sign a replacement mail ballot on his or her behalf. Sections 6.15, 6.2, 9.6 and 9.8 of this bill make conforming

changes to provide that this provision is an exception to the prohibitions on a person marking or signing a mail ballot on behalf of another person. Sections 6.55 and 10.5 of this bill require the county and city clerks to notify the public of the provisions of sections 1.5 and 7.6.

Existing federal law requires a certificate of ascertainment of appointment of presidential electors to be issued and transmitted to the Archivist of the United States not later than 6 days before the time fixed for the meeting of the electors, which is the first Tuesday after the second Wednesday in December. (3 U.S.C. §§ 5, 7) Existing state law authorizes a candidate defeated at any election to demand and receive a recount within 3 working days after the canvass of the vote. For purposes of demanding a recount in a general election, "canvass" means: (1) the canvass by the Supreme Court of the returns for a candidate for a statewide office; or (2) the canvass of the board of county commissioners of the returns for any other candidate. (NRS 293.403) The canvass by: (1) a board of county commissioners must be completed on or before the 10th day following the election; and (2) the Supreme Court is the fourth Tuesday of November after each general election. (NRS 293.387, 293.395) Each recount must be commenced within 5 days after demand, and completed within 5 days after it begins. (NRS 293.405) Existing state law further authorizes, with certain exceptions, a candidate or registered voter to contest an election by filing a statement of contest no later than 5 days after a recount is completed, and no later than 14 days after the election if no recount is demanded. (NRS 293.407, 293.413) If an election contest is filed, the court is required to set the matter for hearing not less than 5 days nor more than 10 days after the filing of the statement of contest. (NRS 293.413)

Section 1.7 of this bill establishes a different timeline for filing a recount or an election contest that applies only to the election of presidential electors. Specifically, section 1.7 provides that a candidate for the office of presidential elector may demand and receive a recount if, on or before the 13th day following the election, the candidate files the written demand to and deposits the estimated costs of the recount with the Secretary of State. Any such recount must be: (1) commenced within 1 day after the demand is filed; and (2) completed within 5 days after the recount begins. Section 1.7 further authorizes a candidate or any registered voter to contest the election of a candidate to the office of presidential elector not more than 2 working days after the canvass of the returns by the Supreme Court. Such an election contest must be: (1) scheduled for a judicial hearing not more than 5 days after the filing of the statement of contest; and (2) decided before the deadline to issue and submit the certificate of ascertainment pursuant to federal law.

Pursuant to section 1.7, for purposes of the 2024 General Election, which will be held on November 5, 2024, the deadline: (1) to demand a recount for the office of presidential elector is November 18, 2024; (2) to begin a recount for the office of presidential elector is November 19, 2024; (3) to complete a

recount for the office of presidential elector is November 24, 2024, (4) to contest the election for the office of presidential elector is December 2, 2024; and (5) for the court to set any such contest for hearing is December 7, 2024. Further, the deadline under federal law to issue and transmit the certificate of ascertainment is December 11, 2024, so pursuant to section 1.7, the court must determine the result of any election contest of the office of presidential elector before December 11, 2024.

Sections 6.35-6.5 and 7.3 of this bill make conforming changes to reflect the changes in section 1.7 to the schedule for filing a demand for a recount or an election contest for the office of presidential elector.

Section 11.7 of this bill requires the Secretary of State to transmit the certificate of ascertainment to the Archivist.

Section 6.5 requires a court to set a contest of an election for hearing not more than 5 days after the filing of the statement of contest for any election.

Existing law requires an independent candidate for partisan office to file a declaration of candidacy. (NRS 293.200) Existing law further sets forth the form for a declaration of candidacy for all candidates for partisan office. (NRS 293.177) Section ~~1.1~~ 1.8 of this bill sets forth the form for the declaration of candidacy for an independent candidate for partisan office. Section 3 of this bill makes conforming changes to clarify that the declaration of candidacy for an independent candidate must be in the form set forth in section ~~1.1~~ 1.8.

Existing law sets forth certain fees for filing a declaration of candidacy and provides that the fee for filing a declaration of candidacy may be paid by cash, cashier's check or certified check. (NRS 293.193) Section 2 of this bill : (1) provides that such a fee may also be paid by credit card ~~fee~~ ; (2) revises the description of certain offices; and (3) reorganizes existing fees set forth in other provisions of existing law in to this schedule of fees.

Existing law provides that members of election boards continue to serve as such from the day before the day of the election until the time for filing contests of the election has expired. (NRS 293.225) Section 3.5 of this bill provides instead that members continue to serve as such from the day of appointment.

Existing law provides that, in certain circumstances, if one candidate receives a majority of the votes cast in a primary election for certain nonpartisan offices, the candidate must be declared elected and the candidate's name must not be placed on the ballot. (NRS 293.260, 293C.175; Carson City Charter § 5.010; Henderson City Charter § 5.010; Las Vegas City Charter § 5.010; North Las Vegas City Charter § 5.020; Sparks City Charter § 5.020) Sections 4, 8 and 12-17 of this bill provide that for the purposes of determining the majority of the votes cast in a primary election for an office for which voters may select more than one candidate, each ballot upon which a voter marked a valid choice for one or more candidates for that office shall be deemed to be one vote cast in the primary election for that office.

Existing law provides that every ballot upon which appears the names of candidates for any statewide office or for President or Vice President of the United States must contain an additional line with a square in which the voter may select "None of these candidates." (NRS 293.269) Section 5 of this bill provides instead that the additional line on such a ballot must contain a space in which the voter may select "None of these candidates."

~~[Existing law provides that the mail ballot central counting board must complete the count of all mail ballots on or before the seventh day following the election. (NRS 293.269931, 293C.26331) Sections 6 and 10 of this bill provide instead that the mail ballot central counting board must complete the count on or before the ninth day following the election.]~~

Existing law provides that certain election materials, including the voted, rejected and spoiled ballots, must be sealed and deposited in the vaults of the county clerk. (NRS 293.391) Section 6.25 of this bill provides that such election materials are subject to inspection for the purposes of a risk-limiting audit.

Existing law requires each county clerk to conduct a risk-limiting audit of the results of an election prior to the certification of the results of an election. (NRS 293.394) Section 6.3 of this bill removes the requirement to conduct such an audit prior to the certification of the results.

Existing law provides that the deadline to register to vote at a voter registration agency, the Department of Motor Vehicles or an automatic voter registration agency is the last day to register to vote by mail. Existing law requires a county clerk to accept any application which is completed by the last day to register to vote by mail if the county clerk receives the application not later than 5 days after that date. (NRS 293.504, 293.5727, 293.5737) Sections 6.6, 6.75 and 17.7 of this bill require a voter registration agency, the Department of Motor Vehicles and an automatic voter registration agency to notify a voter who registers to vote after this deadline that in order to vote in the upcoming election, the voter must register to vote by computer or at a polling place or polling place for early voting.

Existing law requires the Secretary of State to prescribe the form for applications to preregister or register to vote. (NRS 293.5235) Section 6.65 of this bill requires an application to preregister or register to vote to include an option for a voter to elect not to receive a mail ballot. Sections 6.1 and 9.2 of this bill make conforming changes to provide that a county clerk and city clerk shall not distribute a mail ballot to a person who has elected not to receive a mail ballot.

Existing federal law sets forth certain requirements for the removal of a voter from the official list of eligible voters which prohibit a state from removing the name of a registered voter unless the voter: (1) confirms a change of residence outside of the registrar's jurisdiction in writing; or (2) fails to respond to a notice sent to his or her residence and has not voted or appeared to vote for a period of time after a notice has been mailed to his or her residence. (52 U.S.C. § 20507) Sections 6.7 and 6.9 of this bill require a

county clerk to mail a notice and conduct any correction or removal of a registered voter in accordance with existing federal law.

Existing law provides a penalty for a person who tampers or interferes or attempts to tamper or interfere with any computer program used to count ballots. (NRS 293.755) Section 6.8 of this bill instead prohibits a person from tampering or interfering or attempting to tamper or interfere with any computer program used to conduct an election.

Existing law prohibits a person from being preregistered or registered to vote in more than one county at a time. (NRS 293.810) Section 6.9 instead prohibits a person from being preregistered or registered to vote in more than one state at a time.

Existing law requires a county or city clerk or other election official to immediately notify the Secretary of State if the clerk or official identifies or is informed of a confirmed attack or attempted attack on the security of an information system used by the clerk or official. (NRS 293.875) Section 7 of this bill requires the Secretary of State to adopt by regulation a cyber-incident response plan for elections. Section 7 also requires a county or city clerk or other election official to notify the Secretary of State of any cyber-incident or attempted cyber-incident on the security of an information system used by the county or city clerk or other election official in accordance with the cyber-incident response plan.

Existing law provides that a withdrawal of candidacy must be presented: (1) for a candidate for city office, to the city clerk within 2 days after the last day for filing for candidacy; and (2) for all other candidates, to the county clerk within 7 days after the last day for filing. (NRS 293.202, 293C.195) Section 9 of this bill requires a withdrawal of candidacy by a candidate for a city office to be presented within 7 days, consistent with the requirement for all other candidates.

Existing law authorizes uniformed-service voters and certain other voters to vote in an election using a system of approved electronic transmission, a federal postcard application or the federal write-in absentee ballot. (Chapter 293D of NRS) Section 11 of this bill revises the definition of "uniformed-service voter" to include a member of the active or reserve components of the Space Force of the United States who is on active duty.

Existing law sets forth certain limits on making or committing to make any contributions to a candidate for office, except for a federal office, and provides that no contribution made, committed or accepted for a primary election or general election affects the limitation on contributions for a special election to recall a public officer. (NRS 294A.100) Section 11.3 of this bill also provides that no contribution made, committed or accepted for a special election other than a special election to recall a public officer affects the limitation on contributions for a special election to recall a public officer.

Beginning on January 1, 2024, existing law expands the agencies which provide automatic voter registration services and establishes certain requirements for an automatic voter registration agency to transmit certain

voter registration information to the Secretary of State and county clerks. (Chapter 555, Statutes of Nevada 2021, at page 3849) Section 17.5 of this bill delays the effective date of these provisions until January 1, 2025.

Section 19 of this bill repeals certain provisions that: (1) prohibit a counting board from commencing to count the votes until all ballots are accounted for; (2) provide for a recount at a hearing of any contest; and (3) require the county clerk to transmit the number of registered voters in the county and their political affiliation to the Secretary of State before certain elections.

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

Section 1. Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.5 and 1.7 of this act.

Sec. 1.5. 1. Any registered voter may submit a written request to the county clerk for a replacement mail ballot if the registered voter does not have access to his or her mail ballot and is unable to go to the polls because:

(a) Of an illness or disability resulting in confinement in a hospital, sanatorium, dwelling or nursing home; or

(b) The registered voter is suddenly hospitalized, becomes seriously ill or is called away from home.

2. A written request submitted pursuant to subsection 1 must include, without limitation:

(a) The name, address and signature of the registered voter requesting the replacement mail ballot;

(b) The name, address and signature of the person designated by the registered voter to obtain, deliver and return the replacement mail ballot for the registered voter;

(c) A brief statement of the illness or disability of the registered voter or of facts sufficient to establish that the registered voter was called away from home and cannot obtain his or her original mail ballot;

(d) If the registered voter is confined in a hospital, sanatorium, dwelling or nursing home, a statement that he or she will be confined therein on the day of the election; and

(e) Unless the person designated pursuant to paragraph (b) will mark and sign the replacement mail ballot on behalf of the registered voter pursuant to subsection 5, a statement signed under penalty of perjury that only the registered voter will mark and sign the replacement mail ballot.

3. If the county clerk determines that a request submitted pursuant to subsection 1 includes the information required pursuant to subsection 2, the county clerk shall, at the office of the county clerk, deliver the replacement mail ballot to the person designated in the request to obtain the replacement mail ballot for the registered voter.

4. Except as otherwise provided in subsection 5, the registered voter must vote the mail ballot in accordance with the requirements of NRS 293.269917.

5. A person designated in the request submitted pursuant to subsection 1 may, on behalf of and at the direction of the registered voter, mark and sign the replacement mail ballot. If the person marks and signs the replacement mail ballot pursuant to this section, the person must:

(a) Indicate next to his or her signature that the replacement mail ballot has been marked and signed on behalf of the registered voter; and

(b) Submit a written statement with the replacement mail ballot that includes the name, address and signature of the person.

6. A replacement mail ballot prepared by or on behalf of a registered voter pursuant to this section must be mailed or delivered to the county clerk in accordance with NRS 293.269921.

7. The county clerk shall cancel the original mail ballot.

8. The procedure authorized by this section is subject to all other provisions of this chapter relating to voting by mail ballot to the extent that those provisions are not inconsistent with the provisions of this section.

Sec. 1.7. For the purposes of an election to the office of presidential elector:

1. The following requirements apply to a demand for a recount:

(a) A candidate for the office of presidential elector may demand and receive a recount of the vote to determine the number of votes received for the candidate and the number of votes received for the person who won the election if, on or before the 13th day following the election, the candidate who demands the recount:

(1) Files in writing a demand with the Secretary of State; and

(2) Deposits in advance the estimated costs of the recount with the Secretary of State, as determined by the Secretary of State, in accordance with the regulations adopted by the Secretary of State defining the term "costs."

(b) A recount conducted pursuant to this subsection must be commenced within 1 day after the demand is filed and must be completed within 5 days after the recount is begun.

2. The following requirements apply to a contest of an election:

(a) A candidate for the office of presidential elector or any registered voter of this State may contest the election of a candidate to the office of presidential elector. To contest the election, the candidate or registered voter, as applicable, must file with the clerk of the district court a written statement of contest not more than 2 working days after the canvass of the returns by the Supreme Court.

(b) The statement of contest must be prepared in accordance with NRS 293.407.

(c) The court shall set the matter for a hearing not more than 5 days after the filing of the statement of contest and must determine the results of the contest before the deadline to issue and submit the certificate of ascertainment pursuant to 3 U.S.C. § 5. Election contests shall take

precedence over all regular business of the court in order that results of elections shall be determined as soon as practicable.

(d) The court may refer the contest to a special master in the manner provided by the Nevada Rules of Civil Procedure, and such special master shall have all powers necessary for a proper determination of the contest.

~~[Section 1.]~~ Sec. 1.8. NRS 293.177 is hereby amended to read as follows:

293.177 1. Except as otherwise provided in NRS 293.165 and 293.166, a name may not be printed on a ballot to be used at a primary election unless the person named has filed a declaration of candidacy with the appropriate filing officer and paid the filing fee required by NRS 293.193 not earlier than:

(a) For a candidate for judicial office, the first Monday in January of the year in which the election is to be held and not later than 5 p.m. on the second Friday after the first Monday in January; and

(b) For all other candidates, the first Monday in March of the year in which the election is to be held and not later than 5 p.m. on the second Friday after the first Monday in March.

2. A declaration of candidacy required to be filed pursuant to this chapter must be in substantially the following form:

(a) For partisan office:

DECLARATION OF CANDIDACY OF FOR THE
OFFICE OF

State of Nevada

County of

For the purpose of having my name placed on the official ballot as a candidate for the Party nomination for the office of, I, the undersigned, do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at, in the City or Town of, County of, State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is, and the address at which I receive mail, if different than my residence, is; that I am registered as a member of the Party; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored; that I have not, in violation of the provisions of NRS 293.176, changed the designation of my political party or political party affiliation on an official application to register to vote in any state since December 31 before the closing filing date for this election; that I generally believe in and intend to support the concepts found in the principles and policies of that

political party in the coming election; that if nominated as a candidate of the Party at the ensuing election, I will accept that nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; that I understand that knowingly and willfully filing a declaration of candidacy which contains a false statement is a crime punishable as a gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the office; and that I understand that my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before me

this day of the month of of the year

.....
Notary Public or other person
authorized to administer an oath

(b) *For an independent candidate for partisan office:*

*DECLARATION OF CANDIDACY OF FOR THE
OFFICE OF*

State of Nevada

County of

For the purpose of having my name placed on the official ballot at the general election as an independent candidate for the office of, I, the undersigned, do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at, in the City or Town of, County of, State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is, and the address at which I receive mail, if different than my residence, is; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying

with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; that I understand that knowingly and willfully filing a declaration of candidacy which contains a false statement is a crime punishable as a gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the office; and that I understand that my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

*Subscribed and sworn to before me
this day of the month of of the year*

.....
*Notary Public or other person
authorized to administer an oath*

(c) For nonpartisan office:

DECLARATION OF CANDIDACY OF FOR THE
OFFICE OF

State of Nevada

County of

For the purpose of having my name placed on the official ballot as a candidate for the office of, I, the undersigned, do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at, in the City or Town of, County of, State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is, and the address at which I receive mail, if different than my residence, is; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored; that if nominated as a nonpartisan candidate at the ensuing election, I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; that I understand that knowingly and willfully filing a declaration of candidacy which contains a false statement is a crime punishable as a gross misdemeanor

and also subjects me to a civil action disqualifying me from entering upon the duties of the office; and that I understand that my name will appear on all ballots as designated in this declaration.

.....

(Designation of name)

.....

(Signature of candidate for office)

Subscribed and sworn to before me

this day of the month of of the year

.....

Notary Public or other person

authorized to administer an oath

3. The address of a candidate which must be included in the declaration of candidacy pursuant to subsection 2 must be the street address of the residence where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050, if one has been assigned. The declaration of candidacy must not be accepted for filing if the candidate fails to comply with the following provisions of this subsection or, if applicable, the provisions of subsection 4:

(a) The candidate shall not list the candidate's address as a post office box unless a street address has not been assigned to his or her residence; and

(b) Except as otherwise provided in subsection 4, the candidate shall present to the filing officer:

(1) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate and the candidate's residential address; or

(2) A current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the candidate's name and residential address, but not including a voter registration card.

4. If the candidate executes an oath or affirmation under penalty of perjury stating that the candidate is unable to present to the filing officer the proof of residency required by subsection 3 because a street address has not been assigned to the candidate's residence or because the rural or remote location of the candidate's residence makes it impracticable to present the proof of residency required by subsection 3, the candidate shall present to the filing officer:

(a) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate; and

(b) Alternative proof of the candidate's residential address that the filing officer determines is sufficient to verify where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050. The Secretary of State may adopt regulations establishing the forms of alternative proof of the candidate's residential address that the filing officer may accept to verify where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050.

5. The filing officer shall retain a copy of the proof of identity and residency provided by the candidate pursuant to subsection 3 or 4. Such a copy:

- (a) May not be withheld from the public; and
- (b) Must not contain the social security number, driver's license or identification card number or account number of the candidate.

6. By filing the declaration of candidacy, the candidate shall be deemed to have appointed the filing officer for the office as his or her agent for service of process for the purposes of a proceeding pursuant to NRS 293.182. Service of such process must first be attempted at the appropriate address as specified by the candidate in the declaration of candidacy. If the candidate cannot be served at that address, service must be made by personally delivering to and leaving with the filing officer duplicate copies of the process. The filing officer shall immediately send, by registered or certified mail, one of the copies to the candidate at the specified address, unless the candidate has designated in writing to the filing officer a different address for that purpose, in which case the filing officer shall mail the copy to the last address so designated.

7. If the filing officer receives credible evidence indicating that a candidate has been convicted of a felony and has not had his or her civil rights restored, the filing officer:

- (a) May conduct an investigation to determine whether the candidate has been convicted of a felony and, if so, whether the candidate has had his or her civil rights restored; and
- (b) Shall transmit the credible evidence and the findings from such investigation to the Attorney General, if the filing officer is the Secretary of State, or to the district attorney, if the filing officer is a person other than the Secretary of State.

8. The receipt of information by the Attorney General or district attorney pursuant to subsection 7 must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293.182 to which the provisions of NRS 293.2045 apply.

9. Any person who knowingly and willfully files a declaration of candidacy which contains a false statement in violation of this section is guilty of a gross misdemeanor.

Sec. 2. NRS 293.193 is hereby amended to read as follows:

293.193 1. Fees as listed in this section for filing declarations of candidacy must be paid to the filing officer by cash, *credit card*, cashier's check or certified check.

United States Senator	\$500
Representative in Congress	300
Governor	300
Justice of the Supreme Court	300
~~Any state office, other than Governor or justice of the Supreme Court~~	~~\$200~~

<u>Independent candidate for the office of President of the</u>	
<u>United States</u>	<u>250</u>
<u>Lieutenant Governor</u>	<u>200</u>
<u>Secretary of State, State Treasurer, State Controller or</u>	
<u>Attorney General</u>	<u>200</u>
<u>Court of Appeals judge</u>	<u>200</u>
<u>Member of the State Board of Education</u>	<u>200</u>
District judge	150
Justice of the peace	100
Any county office	100
State Senator	100
Assemblyman or Assemblywoman	100
<u>Trustee of a county school district, hospital or hospital district</u>	<u>30</u>
Any <u>other</u> district office other than district judge	30
Constable or other town or township office	30
<u>Member of the Board of Regents of the University of Nevada</u>	<u>0</u>
<u>Any other office which receives no compensation</u>	<u>0</u>

For the purposes of this subsection, trustee of a county school district, hospital or hospital district is not a county office.

2. No filing fee may be required from a candidate for an office the holder of which receives no compensation.

3. The county clerk shall pay to the county treasurer all filing fees received from candidates. The county treasurer shall deposit the money to the credit of the general fund of the county.

4. Except as otherwise provided in NRS 293.194, a filing fee paid pursuant to this section is not refundable.

Sec. 3. NRS 293.200 is hereby amended to read as follows:

293.200 1. An independent candidate for partisan office must file with the appropriate filing officer as set forth in NRS 293.185:

(a) A copy of the petition of candidacy that he or she intends to subsequently circulate for signatures. The copy must be filed not earlier than the January 2 preceding the date of the election and not later than 10 working days before the last day to file the petition pursuant to subsection 4. The copy of the petition must be filed with the appropriate filing officer before the petition may be circulated for signatures.

(b) Either of the following:

(1) A petition of candidacy signed by a number of registered voters equal to at least 1 percent of the total number of ballots cast in:

(I) This State for that office at the last preceding general election in which a person was elected to that office, if the office is a statewide office;

(II) The county for that office at the last preceding general election in which a person was elected to that office, if the office is a county office; or

(III) The district for that office at the last preceding general election in which a person was elected to that office, if the office is a district office.

(2) A petition of candidacy signed by 250 registered voters if the candidate is a candidate for statewide office, or signed by 100 registered voters if the candidate is a candidate for any office other than a statewide office.

2. The petition may consist of more than one document. Each document must bear the name of the county in which it was circulated, and only registered voters of that county may sign the document. If the office is not a statewide office, only the registered voters of the county, district or municipality in question may sign the document. The documents that are circulated for signature in a county must be submitted to that county clerk for verification in the manner prescribed in NRS 293.1276 to 293.1279, inclusive, not later than 10 working days before the last day to file the petition pursuant to subsection 4. Each person who signs the petition shall add to his or her signature the address of the place at which the person actually resides, the date that he or she signs the petition and the name of the county where he or she is registered to vote. The person who circulates each document of the petition shall sign an affidavit attesting that the signatures on the document are genuine to the best of his or her knowledge and belief and were signed in his or her presence by persons registered to vote in that county.

3. The petition of candidacy may state the principle, if any, which the person qualified represents.

4. Petitions of candidacy must be filed not earlier than the first Monday in March preceding the general election and not later than 5 p.m. on the third Friday in June.

5. No petition of candidacy may contain the name of more than one candidate for each office to be filled.

6. A person may not file as an independent candidate if he or she is proposing to run as the candidate of a political party.

7. The names of independent candidates must be placed on the general election ballot and must not appear on the primary election ballot.

8. If the sufficiency of the petition of the candidacy of any person seeking to qualify pursuant to this section is challenged, all affidavits and documents in support of the challenge must be filed not later than 5 p.m. on the fourth Friday in June. Any judicial proceeding resulting from the challenge must be set for hearing not more than 5 days after the fourth Friday in June.

9. Any challenge pursuant to subsection 8 must be filed with:

(a) The First Judicial District Court if the petition of candidacy was filed with the Secretary of State.

(b) The district court for the county where the petition of candidacy was filed if the petition was filed with a county clerk.

10. The district court in which the challenge is filed shall give priority to such proceedings over all other matters pending with the court, except for criminal proceedings.

11. An independent candidate for partisan office must file a declaration of candidacy *in the form required by NRS 293.177* with the appropriate filing officer and pay the filing fee required by NRS 293.193 not earlier than the first Monday in March of the year in which the election is held and not later than 5 p.m. on the second Friday after the first Monday in March.

Sec. 3.5. NRS 293.225 is hereby amended to read as follows:

293.225 1. Members of election boards continue to serve as such from the day ~~[before the day of the election]~~ of appointment until the time for filing contests of the election has expired.

2. Each member of an election board is subject to call by the board of county commissioners or city council to correct any errors discovered during the canvass of votes by the board of county commissioners or city council.

3. Reserve election board officers must be appointed by the county or city clerk, if practicable, to fill any vacancy which occurs on the day of the election, and the reserve officers must be compensated if they serve at the polls.

4. If a vacancy occurs in any election board on the day of the election and no reserves are available, the election board may appoint, at the polling place, any registered voter who is willing to serve and satisfies the election board that he or she possesses the qualifications required to perform the services required.

Sec. 4. NRS 293.260 is hereby amended to read as follows:

293.260 1. If there is no contest of election for nomination to a particular office, neither the title of the office nor the name of the candidate may appear on the ballot at the primary election.

2. If a major political party has two or more candidates for a particular office, the person who receives the highest number of votes at the primary election must be declared the nominee of that major political party for the office.

3. If not more than the number of candidates to be elected have filed for nomination for:

(a) Any partisan office or the office of judge of a district court, judge of the Court of Appeals or justice of the Supreme Court, the names of those candidates must be omitted from all ballots for a primary election and placed on all ballots for the general election.

(b) Any nonpartisan office, other than the office of judge of a district court, judge of the Court of Appeals, justice of the Supreme Court or member of a town advisory board, the names of those candidates must appear on the ballot for a primary election unless the candidates were nominated pursuant to subsection 2 of NRS 293.165. If a candidate receives one or more votes at the primary election, the candidate must be declared elected to the office and his or her name must not be placed on the ballot for the general election. If a candidate does not receive one or more votes at the primary election, his or her name must be placed on the ballot for the general election.

(c) The office of member of a town advisory board, the candidate must be declared elected to the office and no election must be held for that office.

4. If there are not more than twice the number of candidates to be elected to a nonpartisan office, the candidates must, without a primary election, be declared the nominees for the office, and the names of the candidates must be omitted from all ballots for a primary election and placed on all ballots for the general election.

5. If there are more than twice the number of candidates to be elected to a nonpartisan office, the names of the candidates must appear on the ballot for a primary election. Except as otherwise provided in NRS 293.400, those candidates who receive the highest number of votes at the primary election, not to exceed twice the number to be elected, must be declared nominees for the office and the names of those candidates must be placed on the ballot for the general election, except that if one of those candidates receives a majority of the votes cast in the primary election for:

(a) The office of judge of a district court, judge of the Court of Appeals or justice of the Supreme Court, the candidate must be declared the only nominee for the office and only his or her name must be placed on the ballot for the general election.

(b) Any other nonpartisan office, the candidate must be declared elected to the office and his or her name must not be placed on the ballot for the general election.

➡ *For the purposes of determining whether a candidate received a majority of the votes cast in the primary election for a nonpartisan office for which voters were authorized to select more than one candidate, each ballot upon which a voter marked a valid choice for one or more candidates for that office shall be deemed to be one vote cast in the primary election for that office.*

Sec. 5. NRS 293.269 is hereby amended to read as follows:

293.269 1. Every ballot upon which appears the names of candidates for any statewide office or for President and Vice President of the United States shall contain for each office an additional line equivalent to the lines on which the candidates' names appear and placed at the end of the group of lines containing the names of the candidates for that office. Each additional line shall contain a ~~{square}~~ space in which the voter may express a choice of that line in the same manner as the voter would express a choice of a candidate, and the line shall read "None of these candidates."

2. Only votes cast for the named candidates shall be counted in determining nomination or election to any statewide office or presidential nominations or the selection of presidential electors, but for each office the number of ballots on which the additional line was chosen shall be listed following the names of the candidates and the number of their votes in every posting, abstract and proclamation of the results of the election.

3. Every sample ballot or other instruction to voters prescribed or approved by the Secretary of State shall clearly explain that the voter may

mark the choice of the line "None of these candidates" only if the voter has not voted for any candidate for the office.

Sec. 6. ~~[NRS 293.269931 is hereby amended to read as follows:~~

~~293.269931 1. The mail ballot central counting board may begin counting the received mail ballots 15 days before the day of the election. The board must complete the count of all mail ballots on or before the [seventh] ninth day following the election. The counting procedure must be public.~~

~~2. If two or more mail ballots are found folded together to present the appearance of a single ballot, the mail ballots must be rejected and placed in an envelope, upon which must be written the reason for their rejection. The envelope must be signed by an election board officer and placed in the container or ballot box after the count is completed.] (Deleted by amendment.)~~

Sec. 6.1. NRS 293.269911 is hereby amended to read as follows:

293.269911 1. Except as otherwise provided in this section, the county clerk shall prepare and distribute to each active registered voter in the county and each person who registers to vote or updates his or her voter registration information not later than the 14 days before the election a mail ballot for every election. The county clerk shall make reasonable accommodations for the use of the mail ballot by a person who is elderly or disabled, including, without limitation, by providing, upon request, the mail ballot in 12-point type to a person who is elderly or disabled.

2. The county clerk shall allow a voter to elect not to receive a mail ballot pursuant to this section by submitting to the county clerk a written notice in the form prescribed by the county clerk which must be received by the county clerk not later than 60 days before the day of the election.

3. The county clerk shall not distribute a mail ballot to any person who:

(a) Registers to vote for the election pursuant to the provisions of NRS 293.5772 to 293.5887, inclusive; ~~for~~

(b) Elects not to receive a mail ballot pursuant to subsection 2 ~~for~~; or

(c) Elects not to receive a mail ballot at the time the person preregistered or registered to vote.

4. The mail ballot must include all offices, candidates and measures upon which the voter is entitled to vote at the election.

5. Except as otherwise provided in subsections 2 and 3, the mail ballot must be distributed to:

(a) Each active registered voter who:

(1) Resides within the State, not later than 20 days before the election; and

(2) Except as otherwise provided in paragraph (c), resides outside the State, not later than 40 days before the election.

(b) Each active registered voter who registers to vote after the dates set for distributing mail ballots pursuant to paragraph (a) but who is eligible to receive a mail ballot pursuant to subsection 1, not later than 13 days before the election.

(c) Each covered voter who is entitled to have a military-overseas ballot transmitted pursuant to the provisions of chapter 293D of NRS or the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq., not later than the time required by those provisions.

6. In the case of a special election where no candidate for federal office will appear on the ballot, the mail ballot must be distributed to each active registered voter not later than 15 days before the special election.

7. Any untimely legal action which would prevent the mail ballot from being distributed to any voter pursuant to this section is moot and of no effect.

Sec. 6.15. NRS 293.269917 is hereby amended to read as follows:

293.269917 1. Except as otherwise provided in NRS 293.269919 and section 1.5 of this act and chapter 293D of NRS, in order to vote a mail ballot, the voter must, in accordance with the instructions:

- (a) Mark and fold the mail ballot;
- (b) Deposit the mail ballot in the return envelope and seal the return envelope;
- (c) Affix his or her signature on the return envelope in the space provided for the signature; and
- (d) Mail or deliver the return envelope in a manner authorized by law.

2. Except as otherwise provided in chapter 293D of NRS, voting must be only upon candidates whose names appear upon the mail ballot as prepared pursuant to NRS 293.269911, and no person may write in the name of an additional candidate for any office.

3. If a mail ballot has been sent to a voter who applies to vote in person at a polling place, including, without limitation, a polling place for early voting, the voter must, in addition to complying with all other requirements for voting in person that are set forth in this chapter, surrender his or her mail ballot or sign an affirmation under penalty of perjury that the voter has not voted during the election. A person who receives a surrendered mail ballot shall mark it "Cancelled."

Sec. 6.2. NRS 293.269919 is hereby amended to read as follows:

293.269919 1. Except as otherwise provided in this section ~~or~~ or section 1.5 of this act, a person shall not mark and sign a mail ballot on behalf of a voter or assist a voter to mark and sign a mail ballot pursuant to the provisions of NRS 293.269911 to 293.269937, inclusive.

2. At the direction of a voter who has a physical disability, is at least 65 years of age or is unable to read or write, a person may mark and sign a mail ballot on behalf of the voter or assist the voter to mark and sign a mail ballot pursuant to this section.

3. If a person marks and signs a mail ballot on behalf of a voter pursuant to this section, the person must indicate next to his or her signature that the mail ballot has been marked and signed on behalf of the voter.

4. If a person assists a voter to mark and sign a mail ballot pursuant to this section, the person or the voter must include on the return envelope his or her name, address and signature.

Sec. 6.25. NRS 293.391 is hereby amended to read as follows:

293.391 1. The voted ballots, rejected ballots, spoiled ballots, challenge lists, records printed on paper of voted ballots collected pursuant to NRS 293B.400, reports prepared pursuant to NRS 293.269937 and stubs of the ballots used, enclosed and sealed, must, after canvass of the votes by the board of county commissioners, be deposited in the vaults of the county clerk. The records of voted ballots that are maintained in electronic form must, after canvass of the votes by the board of county commissioners, be sealed and deposited in the vaults of the county clerk. The tally lists collected pursuant to this title must, after canvass of the votes by the board of county commissioners, be deposited in the vaults of the county clerk without being sealed. All materials described by this subsection must be preserved for at least 22 months, and all such sealed materials must be destroyed immediately after the preservation period. A notice of the destruction must be published by the clerk in at least one newspaper of general circulation in the county not less than 2 weeks before the destruction.

2. Unused ballots, enclosed and sealed, must, after canvass of the votes by the board of county commissioners, be deposited in the vaults of the county clerk and preserved for at least the period during which the election may be contested and adjudicated, after which the unused ballots may be destroyed.

3. The rosters containing the signatures of those persons who voted in the election and the tally lists deposited with the board of county commissioners are subject to the inspection of any elector who may wish to examine them at any time after their deposit with the county clerk.

4. A contestant of an election may inspect all of the material regarding that election which is preserved pursuant to subsection 1 or 2, except the voted ballots and records printed on paper of voted ballots collected pursuant to NRS 293B.400 which are deposited with the county clerk.

5. The voted ballots and records printed on paper of voted ballots collected pursuant to NRS 293B.400 which are deposited with the county clerk are not subject to the inspection of anyone, except in cases of a contested election, and then only by the judge, body or board before whom the election is being contested, or by the parties to the contest, jointly, pursuant to an order of such judge, body or board.

6. All of the materials preserved pursuant to subsection 1 which are deposited with the county clerk are subject to inspection in a risk-limiting audit that is conducted in accordance with the regulations adopted pursuant to NRS 293.394.

Sec. 6.3. NRS 293.394 is hereby amended to read as follows:

293.394 1. The Secretary of State shall adopt regulations for conducting a risk-limiting audit of an election, which may include, without limitation:

- (a) Procedures to conduct a risk-limiting audit;
- (b) Criteria for which elections must be audited; and
- (c) Criteria to determine the scope of the risk-limiting audit.

2. In accordance with the regulations adopted by the Secretary of State pursuant to this section, each county clerk shall conduct a risk-limiting audit of the results of an election. ~~[prior to the certification of the results of the election pursuant to NRS 293.395.]~~

3. As used in this section, "risk-limiting audit" means an audit protocol that:

- (a) Makes use of statistical principles and methods; and
- (b) Is designed to limit the risk of certifying an incorrect election outcome.

Sec. 6.35. NRS 293.403 is hereby amended to read as follows:

293.403 1. ~~[A]~~ Except as otherwise provided in section 1.7 of this act, a candidate defeated at any election may demand and receive a recount of the vote for the office for which he or she is a candidate to determine the number of votes received for the candidate and the number of votes received for the person who won the election if, within 3 working days after the canvass of the vote and the certification by the county clerk or city clerk of the abstract of votes, the candidate who demands the recount:

- (a) Files in writing a demand with the officer with whom the candidate filed his or her declaration of candidacy; and
- (b) Deposits in advance the estimated costs of the recount with that officer.

2. Any voter at an election may demand and receive a recount of the vote for a ballot question if, within 3 working days after the canvass of the vote and the certification by the county clerk or city clerk of the abstract of votes, the voter:

- (a) Files in writing a demand with:

(1) The Secretary of State, if the demand is for a recount of a ballot question affecting more than one county; or

(2) The county or city clerk who will conduct the recount, if the demand is for a recount of a ballot question affecting only one county or city; and

(b) Deposits in advance the estimated costs of the recount with the person to whom the demand was made.

3. The estimated costs of the recount must be determined by the person with whom the advance is deposited based on regulations adopted by the Secretary of State defining the term "costs."

4. As used in this section, "canvass" means:

(a) In any primary election, the canvass by the board of county commissioners of the returns for a candidate or ballot question voted for in one county or the canvass by the board of county commissioners last

completing its canvass of the returns for a candidate or ballot question voted for in more than one county.

(b) In any primary city election, the canvass by the city council of the returns for a candidate or ballot question voted for in the city.

(c) In any general election:

(1) The canvass by the Supreme Court of the returns for a candidate for a statewide office or a statewide ballot question; or

(2) The canvass of the board of county commissioners of the returns for any other candidate or ballot question, as provided in paragraph (a).

(d) In any general city election, the canvass by the city council of the returns for a candidate or ballot question voted for in the city.

Sec. 6.4. NRS 293.404 is hereby amended to read as follows:

293.404 1. Where a recount is demanded pursuant to the provisions of NRS 293.403, or section 1.7 of this act, the:

(a) County clerk of each county affected by the recount shall employ a recount board to conduct the recount in the county, and shall act as chair of the recount board unless the recount is for the office of county clerk, in which case the registrar of voters of the county, if a registrar of voters has been appointed for the county, shall act as chair of the recount board. If a registrar of voters has not been appointed for the county, the chair of the board of county commissioners, if the chair is not a candidate on the ballot, shall act as chair of the recount board. If the recount is for the office of county clerk, a registrar of voters has not been appointed for the county and the chair of the board of county commissioners is a candidate on the ballot, the chair of the board of county commissioners shall appoint another member of the board of county commissioners who is not a candidate on the ballot to act as chair of the recount board. A member of the board of county commissioners who is a candidate on the ballot may not serve as a member of the recount board.

(b) City clerk shall employ a recount board to conduct the recount in the city, and shall act as chair of the recount board unless the recount is for the office of city clerk, in which case the mayor of the city, if the mayor is not a candidate on the ballot, shall act as chair of the recount board. If the recount is for the office of city clerk and the mayor of the city is a candidate on the ballot, the mayor of the city shall appoint another member of the city council who is not a candidate on the ballot to act as chair of the recount board. A member of the city council who is a candidate on the ballot may not serve as a member of the recount board.

2. Each candidate for the office affected by the recount and the voter who demanded the recount, if any, may be present in person or by an authorized representative, but may not be a member of the recount board.

3. The recount must include a count and inspection of all ballots, including rejected ballots, and must determine whether all ballots are marked as required by law. All ballots must be recounted in the same manner in which the ballots were originally tabulated.

4. The county or city clerk shall unseal and give to the recount board all ballots to be counted.

5. The Secretary of State may adopt regulations to carry out the provisions of this section.

Sec. 6.43. NRS 293.405 is hereby amended to read as follows:

293.405 1. If the person who demanded the recount does not prevail, and it is found that the sum deposited was less than the cost of the recount, the person shall, upon demand, pay the deficiency to the county clerk, city clerk or Secretary of State, as the case may be. If the sum deposited is in excess of the cost, the excess must be refunded to the person.

2. If the person who demanded the recount prevails, the sum deposited with the Secretary of State, county clerk or city clerk must be refunded to the person and the cost of the recount must be paid as follows:

(a) If the recount concerns an office or ballot question for which voting is not statewide, the cost must be borne by the county or city which conducted the recount.

(b) If the recount concerns an office or ballot question for which voting is statewide, the clerk of each county shall submit a statement of its costs in the recount to the Secretary of State for review and approval. The Secretary of State shall submit the statements to the State Board of Examiners, which shall repay the allowable costs from the Reserve for Statutory Contingency Account to the respective counties.

3. ~~Each~~ Except as otherwise provided in section 1.7 of this act, each recount must be commenced within 5 days after demand, and must be completed within 5 days after it is begun.

4. After the recount of a precinct is completed, that precinct must not be subject to another recount for the same office or ballot question at the same election.

Sec. 6.47. NRS 293.407 is hereby amended to read as follows:

293.407 1. A candidate at any election, or any registered voter of the appropriate political subdivision, may contest the election of any candidate, except for the office of United States Senator or Representative in Congress.

2. Except where the contest involves the general election for the office of Governor, Lieutenant Governor, Assemblyman, Assemblywoman, State Senator, justice of the Supreme Court or judge of the Court of Appeals, a candidate or voter who wishes to contest an election, including election to the office of presidential elector, must, within the time prescribed in NRS 293.413, or section 1.7 of this act, as applicable, file with the clerk of the district court a written statement of contest, setting forth:

(a) The name of the contestant and that the contestant is a registered voter of the political subdivision in which the election to be contested or part of it was held;

(b) The name of the defendant;

(c) The office to which the defendant was declared elected;

(d) The particular grounds of contest and the section of Nevada Revised Statutes pursuant to which the statement is filed; and

(e) The date of the declaration of the result of the election and the body or board which canvassed the returns thereof.

3. The contestant shall verify the statement of contest in the manner provided for the verification of pleadings in civil actions.

4. All material regarding a contest filed by a contestant with the clerk of the district court must be filed in triplicate.

5. The contestant must notify the defendant that a statement of contest has been filed pursuant to this section.

Sec. 6.5. NRS 293.413 is hereby amended to read as follows:

293.413 1. ~~The~~ Except as otherwise provided in section 1.7 of this act, the statement of contest provided for in NRS 293.407 shall be filed with the clerk of the district court no later than 5 days after a recount is completed, and no later than 14 days after the election if no recount is demanded. The parties to a contest shall be denominated contestant and defendant.

2. The court shall set the matter for hearing not ~~less~~ more than 5 days ~~[not more than 10 days]~~ after the filing of the statement of contest. Election contests shall take precedence over all regular business of the court in order that results of elections shall be determined as soon as practicable.

3. The court may refer the contest to a special master in the manner provided by the Nevada Rules of Civil Procedure, and such special master shall have all powers necessary for a proper determination of the contest.

Sec. 6.55. NRS 293.469 is hereby amended to read as follows:

293.469 Each county clerk is encouraged to:

1. Not later than the earlier date of the notice provided pursuant to NRS 293.203 or the first notice provided pursuant to subsection 3 of NRS 293.560, notify the public, through means designed to reach members of the public who are elderly or disabled, of the provisions of NRS 293.269911, 293.269951, 293.2955 and 293.296 ~~and~~ and section 1.5 of this act.

2. Provide in alternative audio and visual formats information concerning elections, information concerning how to preregister or register to vote and information concerning the manner of voting for use by a person who is elderly or disabled, including, without limitation, providing such information through a telecommunications device that is accessible to a person who is deaf.

3. Not later than 5 working days after receiving the request of a person who is elderly or disabled, provide to the person, in a format that can be used by the person, any requested material that is:

(a) Related to elections; and

(b) Made available by the county clerk to the public in printed form.

Sec. 6.6. NRS 293.504 is hereby amended to read as follows:

293.504 1. The following offices shall serve as voter registration agencies:

(a) Such offices that provide public assistance as are designated by the Secretary of State;

(b) Each office that receives money from the State of Nevada to provide services to persons with disabilities in this State;

(c) The offices of the Department of Motor Vehicles;

(d) The offices of the city and county clerks;

(e) Such other county and municipal facilities as a county clerk or city clerk may designate pursuant to NRS 293.5035 or 293C.520, as applicable;

(f) Recruitment offices of the United States Armed Forces; and

(g) Such other offices as the Secretary of State deems appropriate.

2. Each voter registration agency shall:

(a) Post in a conspicuous place, in at least 12-point type, instructions for preregistering and registering to vote;

(b) Except as otherwise provided in subsection 3 and NRS 293.5732 to 293.5757, inclusive, distribute applications to preregister or register to vote which may be returned by mail with any application for services or assistance from the agency or submitted for any other purpose and with each application for recertification, renewal or change of address submitted to the agency that relates to such services, assistance or other purpose;

(c) Provide the same amount of assistance to an applicant in completing an application to preregister or register to vote as the agency provides to a person completing any other forms for the agency; and

(d) Accept completed applications to preregister or register to vote.

3. A voter registration agency is not required to provide an application to preregister or register to vote pursuant to paragraph (b) of subsection 2 to a person who applies for or receives services or assistance from the agency or submits an application for any other purpose if the person affirmatively declines to preregister or register to vote and submits to the agency a written form that meets the requirements of 52 U.S.C. § 20506(a)(6). Information related to the declination to preregister or register to vote may not be used for any purpose other than voter registration.

4. Except as otherwise provided in this subsection and NRS 293.5727 and 293.5747, any application to preregister or register to vote accepted by a voter registration agency must be transmitted to the county clerk not later than 10 days after the application is accepted. The applications must be forwarded daily during the 2 weeks immediately preceding the last day to register to vote by mail pursuant to NRS 293.560 or 293C.527, as applicable. The county clerk shall accept any application which is obtained from a voter registration agency pursuant to this section and completed by the last day to register to vote by mail pursuant to NRS 293.560 or 293C.527, as applicable, if the county clerk receives the application not later than 5 days after that date.

5. A voter registration agency shall provide notice to a voter who submits an application to register to vote after the last day to register to vote by mail for an election pursuant to NRS 293.560 or 293C.527 that to vote in

the upcoming election, the voter must complete an application to register to vote by computer using the system established by the Secretary of State pursuant to NRS 293.671 or in person pursuant to NRS 293.5772 to 293.5887, inclusive.

6. The Secretary of State shall cooperate with the Secretary of Defense to develop and carry out procedures to enable persons in this State to apply to preregister or register to vote at recruitment offices of the United States Armed Forces.

Sec. 6.65. NRS 293.5235 is hereby amended to read as follows:

293.5235 1. Except as otherwise provided in NRS 293.502 and chapter 293D of NRS, a person may preregister or register to vote by:

(a) Mailing an application to preregister or register to vote to the county clerk of the county in which the person resides.

(b) A computer using:

(1) The system established by the Secretary of State pursuant to NRS 293.671; or

(2) A system established by the county clerk, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to preregister or register to vote.

(c) Any other method authorized by the provisions of this title.

2. The county clerk shall, upon request, mail an application to preregister or register to vote to an applicant. The county clerk shall make the applications available at various public places in the county.

3. Except as otherwise provided in NRS 293.5772 to 293.5887, inclusive:

(a) An application to preregister to vote may be used to correct information in a previous application.

(b) An application to register to vote may be used to correct information in the registrar of voters' register.

4. An application to preregister or register to vote which is mailed to an applicant by the county clerk or made available to the public at various locations or voter registration agencies in the county may be returned to the county clerk by mail or in person. For the purposes of this section, an application which is personally delivered to the county clerk shall be deemed to have been returned by mail.

5. The applicant must complete the application, including, without limitation, checking the boxes described in paragraphs (b) and (c) of subsection 12 and signing the application.

6. The county clerk shall, upon receipt of an application, determine whether the application is complete.

7. If the county clerk determines that the application is complete, he or she shall, within 10 days after receiving the application, mail to the applicant:

(a) A notice that the applicant is preregistered or registered to vote, as applicable. If the applicant is registered to vote, the county clerk must also mail to the applicant a voter registration card; or

(b) A notice that the person's application to preregister to vote or the registrar of voters' register has been corrected to reflect any changes indicated on the application.

8. Except as otherwise provided in subsections 5 and 6 of NRS 293.518 and NRS 293.5767, if the county clerk determines that the application is not complete, the county clerk shall, as soon as possible, mail a notice to the applicant that additional information is required to complete the application. If the applicant provides the information requested by the county clerk within 15 days after the county clerk mails the notice, the county clerk shall, within 10 days after receiving the information, mail to the applicant:

(a) A notice that the applicant is:

(1) Preregistered to vote; or

(2) Registered to vote and a voter registration card; or

(b) A notice that the person's application to preregister to vote or the registrar of voters' register has been corrected to reflect any changes indicated on the application.

➡ If the applicant does not provide the additional information within the prescribed period, the application is void.

9. The applicant shall be deemed to be preregistered or registered or to have corrected the information in the application to preregister to vote or the registrar of voters' register on the date the application is postmarked or received by the county clerk, whichever is earlier.

10. If the applicant fails to check the box described in paragraph (b) of subsection 12, the application shall not be considered invalid, and the county clerk shall provide a means for the applicant to correct the omission at the time the applicant appears to vote in person at the assigned polling place.

11. The Secretary of State shall prescribe the form for applications to preregister or register to vote by:

(a) Mail, which must be used to preregister or register to vote by mail in this State.

(b) Computer, which must be used to preregister or register to vote by computer using:

(1) The system established by the Secretary of State pursuant to NRS 293.671; or

(2) A system established by the county clerk, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to preregister or register to vote.

12. The application to preregister or register to vote by mail must include:

(a) A notice in at least 10-point type which states:

NOTICE: You are urged to return your application to the County Clerk in person or by mail. If you choose to give your completed application to another person to return to the County Clerk on your behalf, and the person fails to deliver the application to the County Clerk, you will not be

preregistered or registered to vote, as applicable. Please retain the duplicate copy or receipt from your application to preregister or register to vote.

(b) The question, "Are you a citizen of the United States?" and boxes for the applicant to check to indicate whether or not the applicant is a citizen of the United States.

(c) If the application is to:

(1) Preregister to vote, the question, "Are you at least 17 years of age and not more than 18 years of age?" and boxes to indicate whether or not the applicant is at least 17 years of age and not more than 18 years of age.

(2) Register to vote, the question, "Will you be at least 18 years of age on or before election day?" and boxes for the applicant to check to indicate whether or not the applicant will be at least 18 years of age or older on election day.

(d) A statement instructing the applicant not to complete the application if the applicant checked "no" in response to the question set forth in:

(1) If the application is to preregister to vote, paragraph (b) or subparagraph (1) of paragraph (c).

(2) If the application is to register to vote, paragraph (b) or subparagraph (2) of paragraph (c).

(e) A statement informing the applicant that if the application is submitted by mail and the applicant is preregistering or registering to vote for the first time, the applicant must submit the information set forth in paragraph (a) of subsection 2 of NRS 293.2725 to avoid the requirements of subsection 1 of NRS 293.2725 upon voting for the first time.

(f) An option for an applicant to elect not to receive a mail ballot.

13. Except as otherwise provided in subsections 5 and 6 of NRS 293.518, the county clerk shall not preregister or register a person to vote pursuant to this section unless that person has provided all of the information required by the application.

14. The county clerk shall mail, by postcard, the notices required pursuant to subsections 7 and 8. If the postcard is returned to the county clerk by the United States Postal Service because the address is fictitious or the person does not live at that address, the county clerk shall attempt to determine whether the person's current residence is other than that indicated on the application to preregister or register to vote in the manner set forth in NRS 293.530.

15. A person who, by mail, preregisters or registers to vote pursuant to this section may be assisted in completing the application to preregister or register to vote by any other person. The application must include the mailing address and signature of the person who assisted the applicant. The failure to provide the information required by this subsection will not result in the application being deemed incomplete.

16. An application to preregister or register to vote must be made available to all persons, regardless of political party affiliation.

17. An application must not be altered or otherwise defaced after the applicant has completed and signed it. An application must be mailed or delivered in person to the office of the county clerk within 10 days after it is completed.

18. A person who willfully violates any of the provisions of subsection 15, 16 or 17 is guilty of a category E felony and shall be punished as provided in NRS 193.130.

19. The Secretary of State shall adopt regulations to carry out the provisions of this section.

Sec. 6.7. NRS 293.5307 is hereby amended to read as follows:

293.5307 If a county clerk enters into an agreement pursuant to NRS 293.5303, the county clerk shall review each notice of a change of address filed with the United States Postal Service by a resident of the county and identify each resident who is a registered voter and has moved to a new address. ~~[Before removing or correcting information in the statewide voter registration list, the]~~ The county clerk shall , in accordance with 52 U.S.C. § 20507, mail a notice to each such registered voter and follow the procedures set forth in NRS 293.530.

Sec. 6.75. NRS 293.5727 is hereby amended to read as follows:

293.5727 1. Except as otherwise provided in this section, the Department of Motor Vehicles shall provide an application to preregister or register to vote to each person who applies for the issuance or renewal of any type of driver's license or identification card issued by the Department.

2. The county clerk shall use the applications to preregister or register to vote which are signed and completed pursuant to subsection 1 to preregister or register an applicant to vote or to correct the preregistration or registration of the applicant, as applicable. An application that is not signed must not be used to preregister or register or correct the preregistration or registration of the applicant.

3. For the purposes of this section, each employee specifically authorized to do so by the Director of the Department may oversee the completion of an application. The authorized employee shall check the application for completeness and verify the information required by the application. Each application must include a duplicate copy or receipt to be retained by the applicant upon completion of the form. The Department shall, except as otherwise provided in this subsection, forward each application on a weekly basis to the county clerk or, if applicable, to the registrar of voters of the county in which the applicant resides. The applications must be forwarded daily during the 2 weeks immediately preceding the last day to register to vote by mail pursuant to NRS 293.560 or 293C.527, as applicable.

4. The Department ~~is~~ is not required to provide an application to register to vote pursuant to subsection 1 to a person who declines to apply to register to vote pursuant to this section and submits to the Department a written form that meets the requirements of 52 U.S.C. § 20506(a)(6). Information related to the

declination to apply to register to vote must not be used for any purpose other than voter registration.

(b) Shall provide notice to a voter who submits an application to register to vote after the last day to register to vote by mail in an election pursuant to NRS 293.560 or 293C.527 that to vote in the upcoming election, the voter must complete an application to register to vote by computer using the system established by the Secretary of State pursuant to NRS 293.671 or in person pursuant to NRS 293.5772 to 293.5887, inclusive.

5. The county clerk shall accept any application to:

(a) Preregister to vote at any time.

(b) Register to vote which is obtained from the Department of Motor Vehicles pursuant to this section and completed by the last day to register to vote by mail pursuant to NRS 293.560 or 293C.527, as applicable, if the county clerk receives the application not later than 5 days after that date.

6. Upon receipt of an application, the county clerk or field registrar of voters shall determine whether the application is complete. If the county clerk or field registrar of voters determines that the application is complete, he or she shall notify the applicant and the applicant shall be deemed to be preregistered or registered as of the date of the submission of the application. If the county clerk or field registrar of voters determines that the application is not complete, he or she shall notify the applicant of the additional information required. The applicant shall be deemed to be preregistered or registered as of the date of the initial submission of the application if the additional information is provided within 15 days after the notice for the additional information is mailed. If the applicant has not provided the additional information within 15 days after the notice for the additional information is mailed, the incomplete application is void. Any notification required by this subsection must be given by mail at the mailing address on the application not more than 7 working days after the determination is made concerning whether the application is complete.

7. The county clerk shall use any form submitted to the Department to correct information on a driver's license or identification card to correct information on a previous application to preregister or register unless the person indicates on the form that the correction is not to be used for the purposes of preregistration or voter registration. The Department shall forward each such form to the county clerk or, if applicable, to the registrar of voters of the county in which the person resides in the same manner provided by subsection 3 for applications to preregister or register to vote.

8. Upon receipt of a form to correct information, the county clerk shall compare the information to that contained in the database created by the Secretary of State pursuant to NRS 293.675. The county clerk shall correct the information to reflect any changes indicated on the form. After making any changes, the county clerk shall notify the person by mail that the records have been corrected.

9. The Secretary of State shall, with the approval of the Director, adopt regulations to:

- (a) Establish any procedure necessary to provide a person who applies to preregister to vote or an elector who applies to register to vote pursuant to this section the opportunity to do so;
- (b) Prescribe the contents of any forms or applications which the Department is required to distribute pursuant to this section; and
- (c) Provide for the transfer of the completed applications of preregistration or registration from the Department to the appropriate county clerk.

Sec. 6.8. NRS 293.755 is hereby amended to read as follows:

293.755 1. A person who tampers or interferes with, or attempts to tamper or interfere with, a mechanical voting system, mechanical voting device or any computer program used ~~to count ballots~~ to conduct an election with the intent to prevent the proper operation of that device, system or program is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. A person who tampers or interferes with, or attempts to tamper or interfere with, a mechanical voting system, mechanical voting device or any computer program used to ~~count ballots~~ conduct an election with the intent to influence the outcome of an election is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years.

3. The county or city clerk shall report any alleged violation of this section to the district attorney who shall cause appropriate proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay.

Sec. 6.9. NRS 293.810 is hereby amended to read as follows:

293.810 1. It is unlawful for any person to be preregistered to vote or registered as a voter in more than one ~~county~~ state at one time.

2. If a county clerk receives information from another state that a person is registered to vote in that state, the county clerk shall, in accordance with 52 U.S.C. § 20507, mail a notice to each such registered voter and follow the procedures set forth in NRS 293.530 or 293.541, as applicable.

Sec. 7. NRS 293.875 is hereby amended to read as follows:

293.875 1. At least once each year, each county or city clerk and all members of their staff whose duties include administering an election must complete a training class on cybersecurity that is approved by the Secretary of State.

2. *The Secretary of State shall adopt by regulation a cyber-incident response plan for elections. Each county and city clerk and other local election official is required to comply with the requirements of the cyber-incident response plan.* If any county or city clerk or other local election official identifies or is informed of a confirmed ~~attack~~ cyber-incident or attempted ~~attack~~ cyber-incident on the security of an information system used by the county or city clerk or other local election official, the county or city clerk or other local election official shall

~~[immediately]~~ notify the Secretary of State regarding such ~~[attack]~~ cyber-incident or attempted ~~[attack]~~ cyber-incident in accordance with the cyber-incident response plan adopted by the Secretary of State pursuant to this subsection.

Sec. 7.3. NRS 293B.400 is hereby amended to read as follows:

293B.400 1. Except as otherwise provided in this section, if a recount is demanded pursuant to the provisions of NRS 293.403 or section 1.7 of this act or if an election is contested pursuant to NRS 293.407, or section 1.7 of this act, the county or city clerk shall ensure that each mechanical recording device which directly recorded votes electronically for the applicable election provides a record printed on paper of each ballot voted on that device.

2. In carrying out the requirements of this section, the county or city clerk shall:

(a) Print only the records required for the recount or contest; and

(b) Collect those records and deposit them in the vaults of the county or city clerk pursuant to NRS 293.391 or 293C.390.

Sec. 7.6. Chapter 293C of NRS is hereby amended by adding thereto a new section to read as follows:

1. Any registered voter may submit a written request to the city clerk for a replacement mail ballot if the registered voter does not have access to his or her mail ballot and is unable to go to the polls because:

(a) Of an illness or disability resulting in confinement in a hospital, sanatorium, dwelling or nursing home; or

(b) The registered voter is suddenly hospitalized, becomes seriously ill or is called away from home.

2. A written request submitted pursuant to subsection 1 must include, without limitation:

(a) The name, address and signature of the registered voter requesting the replacement mail ballot;

(b) The name, address and signature of the person designated by the registered voter to obtain, deliver and return the replacement mail ballot for the registered voter;

(c) A brief statement of the illness or disability of the registered voter or of facts sufficient to establish that the registered voter was called away from home and cannot obtain his or her original mail ballot;

(d) If the registered voter is confined in a hospital, sanatorium, dwelling or nursing home, a statement that he or she will be confined therein on the day of the election; and

(e) Unless the person designated pursuant to paragraph (b) will mark and sign the replacement mail ballot on behalf of the registered voter pursuant to subsection 5, a statement signed under penalty of perjury that only the registered voter will mark and sign the replacement mail ballot.

3. If the city clerk determines that a request submitted pursuant to subsection 1 includes the information required pursuant to subsection 2, the city clerk shall, at the office of the city clerk, deliver the replacement mail

ballot to the person designated in the request to obtain the replacement mail ballot for the registered voter.

4. Except as otherwise provided in subsection 5, the registered voter must vote the mail ballot in accordance with the requirements of NRS 293C.26316.

5. A person designated in the request submitted pursuant to subsection 1 may, on behalf of and at the direction of the registered voter, mark and sign the replacement mail ballot. If the person marks and signs the replacement mail ballot pursuant to this section, the person must:

(a) Indicate next to his or her signature that the replacement mail ballot has been marked and signed on behalf of the registered voter; and

(b) Submit a written statement with the replacement mail ballot that includes the name, address and signature of the person.

6. A replacement mail ballot prepared by or on behalf of a registered voter pursuant to this section must be mailed or delivered to the city clerk in accordance with NRS 293C.26321.

7. The city clerk shall cancel the original mail ballot.

8. The procedure authorized by this section is subject to all other provisions of this chapter relating to voting by mail ballot to the extent that those provisions are not inconsistent with the provisions of this section.

Sec. 8. NRS 293C.175 is hereby amended to read as follows:

293C.175 1. A primary city election must be held in each city of population category one, and in each city of population category two that has so provided by ordinance, on the second Tuesday in June of each even-numbered year, at which time there must be nominated candidates for offices to be voted for at the next general city election.

2. A candidate for an office to be voted for at the primary or general city election must file a declaration of candidacy with the city clerk not earlier than:

(a) For the office of judge of a municipal court, the first Monday in January of the year in which the applicable election is to be held and not later than 5 p.m. on the second Friday after the first Monday in January.

(b) For any other office, the first Monday in March of the year in which the applicable election is to be held and not later than 5 p.m. on the second Friday after the first Monday in March.

3. At the time that a candidate files a declaration of candidacy, the city clerk shall charge and collect from the candidate, and the candidate must pay to the city clerk, a filing fee in an amount fixed by the governing body of the city by ordinance or resolution. The filing fees collected by the city clerk must be deposited to the credit of the general fund of the city.

4. All candidates, except as otherwise provided in NRS 266.220, must be voted upon by the electors of the city at large.

5. If, in a primary city election held in a city of population category one or two, one candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the candidate must be declared

elected to the office and the candidate's name must not be placed on the ballot for the general city election. If, in the primary city election, no candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the names of the two candidates receiving the highest number of votes must be placed on the ballot for the general city election. *For the purposes of determining whether a candidate received a majority of the votes cast in the primary election for an office upon which voters were authorized to select more than one candidate, each ballot upon which a voter marked a valid choice for one or more candidates for that office shall be deemed to be one vote cast in the primary city election for that office.*

Sec. 9. NRS 293C.195 is hereby amended to read as follows:

293C.195 A withdrawal of candidacy for a city office must be in writing and presented to the city clerk by the candidate in person within ~~{2}~~ 7 days, excluding Saturdays, Sundays and holidays, after the last day for filing a declaration of candidacy. *If the withdrawal of candidacy is submitted in a timely manner pursuant to the provisions of this subsection, the withdrawal shall be deemed effective after the seventh day, excluding Saturdays, Sundays and holidays, after the last day for filing.*

Sec. 9.2. NRS 293C.263 is hereby amended to read as follows:

293C.263 1. Except as otherwise provided in this section, the city clerk shall prepare and distribute to each active registered voter in the city and each person who registers to vote or updates his or her voter registration information not later than the 14 days before the election a mail ballot for every election. The city clerk shall make reasonable accommodations for the use of the mail ballot by a person who is elderly or disabled, including, without limitation, by providing, upon request, the mail ballot in 12-point type to a person who is elderly or disabled.

2. The city clerk shall allow a voter to elect not to receive a mail ballot pursuant to this section by submitting to the city clerk a written notice in the form prescribed by the city clerk which must be received by the city clerk not later than 60 days before the day of the election.

3. The city clerk shall not distribute a mail ballot to any person who:

(a) Registers to vote for the election pursuant to the provisions of NRS 293.5772 to 293.5887, inclusive; ~~for~~

(b) Elects not to receive a mail ballot pursuant to subsection 2 ~~1~~ ; or

(c) Elects not to receive a mail ballot at the time the person preregistered or registered to vote.

4. The mail ballot must include all offices, candidates and measures upon which the voter is entitled to vote at the election.

5. Except as otherwise provided in subsections 2 and 3, the mail ballot must be distributed to:

(a) Each active registered voter who:

(1) Resides within the State, not later than 20 days before the election; and

(2) Except as otherwise provided in paragraph (b), resides outside the State, not later than 40 days before the election.

(b) Each active registered voter who registers to vote after the dates set for distributing mail ballots pursuant to paragraph (a) but who is eligible to receive a mail ballot pursuant to subsection 1, not later than 13 days before the election.

(c) Each covered voter who is entitled to have a military-overseas ballot transmitted pursuant to the provisions of chapter 293D of NRS or the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq., not later than the time required by those provisions.

6. In the case of a special election where no candidate for federal office will appear on the ballot, the mail ballot must be distributed to each active registered voter not later than 15 days before the special election.

7. Any untimely legal action which would prevent the mail ballot from being distributed to any voter pursuant to this section is moot and of no effect.

Sec. 9.6. NRS 293C.26316 is hereby amended to read as follows:

293C.26316 1. Except as otherwise provided in NRS 293C.26318 and section 7.6 of this act and chapter 293D of NRS, in order to vote a mail ballot, the voter must, in accordance with the instructions:

(a) Mark and fold the mail ballot;

(b) Deposit the mail ballot in the return envelope and seal the return envelope;

(c) Affix his or her signature on the return envelope in the space provided for the signature; and

(d) Mail or deliver the return envelope in a manner authorized by law.

2. Except as otherwise provided in chapter 293D of NRS, voting must be only upon candidates whose names appear upon the mail ballot as prepared pursuant to NRS 293C.263, and no person may write in the name of an additional candidate for any office.

3. If a mail ballot has been sent to a voter who applies to vote in person at a polling place, including, without limitation, a polling place for early voting, the voter must, in addition to complying with all other requirements for voting in person that are set forth in this chapter, surrender his or her mail ballot or sign an affirmation under penalty of perjury that the voter has not voted during the election. A person who receives a surrendered mail ballot shall mark it "Cancelled."

Sec. 9.8. NRS 293C.26318 is hereby amended to read as follows:

293C.26318 1. Except as otherwise provided in this section, and section 7.6 of this act, a person shall not mark and sign a mail ballot on behalf of a voter or assist a voter to mark and sign a mail ballot pursuant to the provisions of NRS 293C.263 to 293C.26337, inclusive.

2. At the direction of a voter who has a physical disability, is at least 65 years of age or is unable to read or write, a person may mark and sign a

mail ballot on behalf of the voter or assist the voter to mark and sign a mail ballot pursuant to this section.

3. If a person marks and signs a mail ballot on behalf of a voter pursuant to this section, the person must indicate next to his or her signature that the mail ballot has been marked and signed on behalf of the voter.

4. If a person assists a voter to mark and sign a mail ballot pursuant to this section, the person must include on the return envelope his or her name, address and signature.

Sec. 10. ~~[NRS 293C.26331 is hereby amended to read as follows:~~

~~293C.26331 1. The mail ballot central counting board may begin counting the received mail ballots 15 days before the day of the election. The board must complete the count of all mail ballots on or before the [seventh] ninth day following the election. The counting procedure must be public.~~

~~2. If two or more mail ballots are found folded together to present the appearance of a single ballot, the mail ballots must be rejected and placed in an envelope, upon which must be written the reason for their rejection. The envelope must be signed by an election board officer and placed in the container or ballot box after the count is completed.] (Deleted by amendment.)~~

Sec. 10.5. NRS 293C.720 is hereby amended to read as follows:

293C.720 Each city clerk is encouraged to:

1. Not later than the earlier date of the first notice provided pursuant to subsection 3 of NRS 293.560 or NRS 293C.187, notify the public, through means designed to reach members of the public who are elderly or disabled, of the provisions of NRS 293C.263, 293C.281 and 293C.282 ~~[and~~ section 7.6 of this act.

2. Provide in alternative audio and visual formats information concerning elections, information concerning how to preregister or register to vote and information concerning the manner of voting for use by a person who is elderly or disabled, including, without limitation, providing such information through a telecommunications device that is accessible to a person who is deaf.

3. Not later than 5 working days after receiving the request of a person who is elderly or disabled, provide to the person, in a format that can be used by the person, any requested material that is:

(a) Related to elections; and

(b) Made available by the city clerk to the public in printed form.

Sec. 11. NRS 293D.090 is hereby amended to read as follows:

293D.090 "Uniformed-service voter" means an elector who is:

1. A member of the active or reserve components of the Army, Navy, Air Force, Marine Corps, ~~or~~ Coast Guard or Space Force of the United States who is on active duty;

2. A member of the Merchant Marine, the Commissioned Corps of the Public Health Service or the Commissioned Corps of the National Oceanic and Atmospheric Administration of the United States;

3. A member of the National Guard or state militia unit who is on activated status; or

4. A spouse or dependent of a person described in subsection 1, 2 or 3.

Sec. 11.3. NRS 294A.100 is hereby amended to read as follows:

294A.100 1. A person shall not make or commit to make a contribution or contributions to a candidate for any office, except a federal office, in an amount which exceeds \$5,000 for the primary election, regardless of the number of candidates for the office, and \$5,000 for the general election, regardless of the number of candidates for the office, during the period:

(a) Beginning January 1 of the year immediately following the last general election for the office and ending December 31 immediately following the next general election for the office, if that office is a state, district, county or township office; or

(b) Beginning from 30 days after the last election for the office and ending 30 days after the next general city election for the office, if that office is a city office.

2. A candidate shall not accept a contribution or commitment to make a contribution made in violation of subsection 1.

3. No contribution made, committed to be made or accepted pursuant to this section to a candidate for a primary election, ~~for~~ general election or special election other than a special election to recall a public officer affects the limitations on the amount of contributions that may be committed, contributed or accepted pursuant to NRS 294A.115 for a special election to recall a public officer.

4. A person who willfully violates any provision of this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 11.7. NRS 298.055 is hereby amended to read as follows:

298.055 The Secretary of State shall submit the certificate of ascertainment ~~submitted~~ to the Archivist of the United States pursuant to 3 U.S.C. § ~~6~~ 5. The certificate of ascertainment must include a statement that:

1. Each nominee for presidential elector shall serve as a presidential elector unless a vacancy occurs in the position of presidential elector held by that nominee for presidential elector before the conclusion of the meeting of presidential electors held pursuant to 3 U.S.C. § 7; and

2. If a person is appointed pursuant to NRS 298.065 to fill a vacancy in a position of presidential elector, the Secretary of State will submit an amended certificate of ascertainment to the Archivist.

Sec. 12. Section 5.010 of the Charter of Carson City, being chapter 213, Statutes of Nevada 1969, as last amended by chapter 295, Statutes of Nevada 2015, at page 1481, is hereby amended to read as follows:

Sec. 5.010 Primary election.

1. A primary election must be held on the date fixed by the election laws of this state for statewide elections, at which time

there must be nominated candidates for offices to be voted for at the next general election.

2. A candidate for any office to be voted for at any primary election must file a declaration of candidacy as provided by the election laws of this state.

3. All candidates for the office of Mayor and Supervisor, and candidates for the office of Municipal Judge if a third department of the Municipal Court has been established, must be voted upon by the registered voters of Carson City at large.

4. If only two persons file for a particular office, their names must not appear on the primary ballot but their names must be placed on the ballot for the general election.

5. If in the primary election one candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the candidate must be declared elected to the office and his or her name must not be placed on the ballot for the general election. If in the primary election no candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the names of the two candidates receiving the highest numbers of votes must be placed on the ballot for the general election. *For the purposes of determining whether a candidate received a majority of the votes cast in the primary election for an office for which voters were authorized to select more than one candidate, each ballot upon which a voter marked a valid choice for one or more candidates for that office shall be deemed to be one vote cast in the primary election for that office.*

Sec. 13. Section 5.010 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 558, Statutes of Nevada 2019, at page 3553, is hereby amended to read as follows:

Sec. 5.010 Primary municipal election.

1. A primary municipal election must be held:

(a) On the first Tuesday after the first Monday in April 2019; and

(b) Beginning in 2022, on the second Tuesday in June of each even-numbered year,

↪ at which time there must be nominated candidates for offices to be voted for at the next general municipal election.

2. A candidate for any office to be voted for at any primary municipal election must file a declaration of candidacy as provided by the election laws of this State.

3. All candidates for elective office must be voted upon by the registered voters of the City at large.

4. If in the primary municipal election no candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the names of the two candidates receiving the

highest number of votes must be placed on the ballot for the general municipal election. If in the primary municipal election, regardless of the number of candidates for an office, one candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, he or she must be declared elected and no general municipal election need be held for that office. Such candidate shall enter upon his or her respective duties at:

(a) If the primary municipal election was held in 2019, the second regular meeting of the City Council held in June 2019.

(b) If the primary municipal election was held on the second Tuesday of June of an even-numbered year, the first regular meeting of the City Council held in January of the year following the primary municipal election.

5. For the purposes of determining whether a candidate received a majority of the votes cast in the primary municipal election for an office for which voters were authorized to select more than one candidate, each ballot upon which a voter marked a valid choice for one or more candidates for that office shall be deemed to be one vote cast in the primary municipal election for that office.

Sec. 14. Section 5.010 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapters 350 and 558, Statutes of Nevada 2019, at pages 2179 and 3553, respectively, is hereby amended to read as follows:

Sec. 5.010 Primary municipal election.

1. A primary municipal election must be held:

(a) On the first Tuesday after the first Monday in April 2019; and

(b) Beginning in 2022, on the second Tuesday in June of each even-numbered year,

➡ at which time there must be nominated candidates for offices to be voted for at the next general municipal election.

2. A candidate for any office to be voted for at any primary municipal election must file a declaration of candidacy as provided by the election laws of this State.

3. All candidates for elective office, other than candidates for the office of Council Member, must be voted upon by the registered voters of the City at large.

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

5. If in the primary municipal election no candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the names of the two candidates receiving the highest number of votes must be placed on the ballot for the general

municipal election. If in the primary municipal election, regardless of the number of candidates for an office, one candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, he or she must be declared elected and no general municipal election need be held for that office. Such candidate shall enter upon his or her respective duties at:

(a) If the primary municipal election was held in 2019, the second regular meeting of the City Council held in June 2019.

(b) If the primary municipal election was held on the second Tuesday of June of an even-numbered year, the first regular meeting of the City Council held in January of the year following the primary municipal election.

6. For the purposes of determining whether a candidate received a majority of the votes cast in the primary municipal election for an office for which voters were authorized to select more than one candidate, each ballot upon which a voter marked a valid choice for one or more candidates for that office shall be deemed to be one vote cast in the primary municipal election for that office.

Sec. 15. Section 5.010 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as last amended by chapter 558, Statutes of Nevada 2019, at page 3558, is hereby amended to read as follows:

Sec. 5.010 Primary municipal elections.

1. A primary municipal election must be held in the City:

(a) On the first Tuesday after the first Monday in April 2019; and

(b) Beginning in 2022, on the second Tuesday in June of each even-numbered year.

2. In the primary municipal elections:

(a) The candidates for Council Member who are to be nominated must be nominated and voted for separately according to the respective wards.

(b) If the City Council has established an additional department or departments of the Municipal Court pursuant to section 4.010 and, as a result, more than one office of Municipal Judge is to be filled at any election, the candidates for those offices must be nominated and voted upon separately according to the respective departments.

3. Each candidate for municipal office must file a declaration of candidacy with the City Clerk. All filing fees collected by the City Clerk must be paid into the City Treasury.

4. If, in the primary municipal election, regardless of the number of candidates for an office, one candidate receives a majority of votes which are cast in that election for the office for which he or she is a candidate, he or she must be declared elected

for the term which commences on the day of the first regular meeting of the City Council next succeeding the meeting at which the canvass of the returns is made, and no general municipal election need be held for that office. If, in the primary municipal election, no candidate receives a majority of votes which are cast in that election for the office for which he or she is a candidate, the names of the two candidates who receive the highest number of votes must be placed on the ballot for the general municipal election.

5. For the purposes of determining whether a candidate received a majority of the votes cast in the primary municipal election for an office for which voters were authorized to select more than one candidate, each ballot upon which a voter marked a valid choice for one or more candidates for that office shall be deemed to be one vote cast in the primary municipal election for that office.

Sec. 16. Section 5.020 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 558, Statutes of Nevada 2019, at page 3562, is hereby amended to read as follows:

Sec. 5.020 Primary municipal elections; declaration of candidacy.

1. The City Council shall provide by ordinance for candidates for elective office to declare their candidacy and file the necessary documents. The seats for City Council Members must be designated by the numbers one through four, which numbers must correspond with the wards the candidates for City Council Members will seek to represent. A candidate for the office of City Council Member shall include in his or her declaration of candidacy the number of the ward which he or she seeks to represent. Each candidate for City Council must be designated as a candidate for the City Council seat that corresponds with the ward that he or she seeks to represent.

2. A primary municipal election must be held:

(a) On the Tuesday following the first Monday in April 2019; and

(b) Beginning in 2022, on the second Tuesday in June of each even-numbered year.

3. In the primary municipal election:

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

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

4. Except as otherwise provided in subsection 5, after the primary municipal election, the names of the two candidates who

receive the highest number of votes must be placed on the ballot for the general municipal election.

5. If, regardless of the number of candidates for an office, one candidate receives a majority of the total votes cast for that office in the primary municipal election, he or she must be declared elected to that office and no general municipal election need be held for that office. *For the purposes of determining whether a candidate received a majority of the votes cast in the primary municipal election for an office for which voters were authorized to select more than one candidate, each ballot upon which a voter marked a valid choice for one or more candidates for that office shall be deemed to be one vote cast in the primary municipal election for that office.*

Sec. 17. Section 5.020 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as last amended by chapter 158, Statutes of Nevada 2021, at page 716, is hereby amended to read as follows:

Sec. 5.020 Primary elections.

1. At the primary election:

(a) Candidates for the offices of Mayor, City Attorney and Municipal Judge must be voted upon by the registered voters of the City at large.

(b) Candidates to represent a ward as a member of the City Council must be voted upon by the registered voters of the ward to be represented by them.

2. If at 5 p.m. on the last day for filing a declaration of candidacy:

(a) There is only one candidate who has filed for nomination for an office, that candidate must be declared elected to the office and no election may be held for that office.

(b) Except as otherwise provided in paragraph (a), not more than twice the number of candidates to be elected have filed for nomination for an office, the names of those candidates must be omitted from all ballots for a primary election and placed on all ballots for a general election.

(c) More than twice the number of candidates to be elected have filed for nomination for an office, the names of the candidates must be placed on the ballot for the primary election.

3. If at the primary election:

(a) One candidate receives the majority of votes cast in the election for the office for which he or she is a candidate, he or she must be declared elected to the office and no general election need be held for that office.

(b) No candidate receives the majority of votes cast in the election for the office for which he or she is a candidate, the names

of the two candidates who receive the highest number of votes must be placed on the ballot for the general election.

↪ *For the purposes of determining whether a candidate received a majority of the votes cast in the primary election for an office for which voters were authorized to select more than one candidate, each ballot upon which a voter marked a valid choice for one or more candidates for that office shall be deemed to be one vote cast in the primary election for that office.*

Sec. 17.3 Section 22 of chapter 555, Statutes of Nevada 2021, at page 3866, is hereby amended to read as follows:

Sec. 22. NRS 293.5747 is hereby amended to read as follows:

293.5747 1. An automatic voter registration agency is required to electronically transmit the following information of a person to the Secretary of State and county clerk using the system established pursuant to NRS 293.5732:

(a) An electronic facsimile of the signature of the person, if the automatic voter registration agency is capable of recording, storing and transmitting to the county clerk an electronic facsimile of the signature of the person;

(b) The first or given name and the surname of the person;

(c) The address at which the person actually resides as set forth in NRS 293.486 and, if different, the address at which the person may receive mail, including, without limitation, a post office box or general delivery;

(d) The date of birth of the person;

(e) At least one of the following:

(1) The number indicated on the person's current and valid driver's license or identification card issued by the Department of Motor Vehicles; or

(2) The last four digits of the person's social security number; and

(f) A description of the documentation presented to the automatic voter registration agency that indicates the person is a citizen of the United States.

2. Except as otherwise provided in section 3 of this act, the automatic voter registration agency shall electronically transmit to the Secretary of State and the appropriate county clerk the information described in subsection 1:

(a) Except as otherwise provided in paragraph (b), not later than 5 working days after collecting the information; and

(b) During the 2 weeks immediately preceding the fifth Sunday preceding an election, not later than 1 working day after collecting the information.

3. An automatic voter registration agency shall provide notice to a voter who submits an application to register to vote after the

last day to register to vote by mail for an election pursuant to NRS 293.560 or 293C.527 that to vote in the upcoming election, the voter must complete an application to register to vote by computer using the system established by the Secretary of State pursuant to NRS 293.671 or in person pursuant to NRS 293.5772 to 293.5887, inclusive.

Sec. 17.7. Section 36 of chapter 555, Statutes of Nevada 2021, at page 3876, is hereby amended to read as follows:

Sec. 36. 1. This section becomes effective upon passage and approval.

2. Sections 32.3 and 32.7 of this act become effective on July 1, 2021.

3. Sections 1 to 32, inclusive, and 33, 34 and 35 of this act become effective:

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

(b) On January 1, ~~2024~~, 2025, for all other purposes.

Sec. 18. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 19. NRS 293.365, 293.423, 293.567 and 293C.365 are hereby repealed.

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

2. Sections 1 to 12, inclusive, and 15 to 19, inclusive, of this act become effective on July 1, 2023.

3. Section 13 of this act becomes effective on July 1, 2023, if the question set forth in subsection 2 of section 5 of Assembly Bill No. 282 of the 2019 Legislative Session, chapter 350, Statutes of Nevada 2019, at page 2181, is not approved and ratified by the registered voters of the City of Henderson at the 2022 General Election.

4. Section 14 of this act becomes effective on July 1, 2023, if the question set forth in subsection 2 of section 5 of Assembly Bill No. 282 of the 2019 Legislative Session, chapter 350, Statutes of Nevada 2019, at page 2181, is approved and ratified by the registered voters of the City of Henderson at the 2022 General Election.

LEADLINES OF REPEALED SECTIONS

293.365 Accounting for all paper ballots before counting of votes begins.

293.423 Recount of ballots at hearing of contest.

293.567 Number of registered voters in county to be transmitted by county clerk to Secretary of State before certain elections.

293C.365 Accounting for all paper ballots before counting of votes begins.

Senator Ohrenschall moved the adoption of the amendment.

Remarks by Senator Ohrenschall.

Amendment No. 229 to Senate Bill No. 60 removes sections 6 and 10 relating to mail ballot counting; authorizes a registered voter to designate a person to mark a replacement ballot under certain circumstances; makes allowances for Risk Limiting Audits; makes amendments due to the recent passage of the Federal Electoral Count Reform Act for presidential elections; revises provisions governing the limit on contributions to a candidate for office; requires certain notice to eliminate confusion caused by voter registration at the Department of Motor Vehicles; reenacts NRS 293.316 relating to the request of absentee ballots due to illness, disability or other circumstances; requires a court to set an election contest not more than five days after the filing of the statement of contest; makes revisions to statewide voter registration to assist with implementation of the top-down system; amends Title 24 of the Nevada Revised Statutes to allow canvass, recount and contest sections to comply with the federal Electoral Count Reform Act for presidential elections; and delays implementation of Assembly Bill No. 432 of the 81st Session from January 1, 2024, until January 1, 2025.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 281.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 302.

SUMMARY—Revises provisions governing ~~natural gas~~ public utilities. (BDR 58-693)

AN ACT relating to ~~natural gas~~ public utilities; requiring certain ~~natural gas~~ public utilities to file with the Public Utilities Commission of Nevada a triennial plan designed to meet the current and future demand for natural gas at the lowest reasonable cost to the ~~natural gas~~ public utility and its customers; prohibiting ~~a natural gas utility~~ certain public utilities from filing a general rate application under certain circumstances; revising provisions governing certain regulations the Commission is required to adopt with respect to ~~natural gas~~ certain public utilities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a utility which supplies natural gas in this State to file annually with the Public Utilities Commission of Nevada an informational report describing certain information regarding the demand for natural gas, certain costs related to the provision of gas service and sources of planned acquisitions of natural gas. (NRS 704.991) ~~{Sections 8, and 10, of this bill replace}~~ replaces the requirement to file an annual informational report with a requirement for a ~~natural gas~~ public utility which ~~serves~~ purchases natural gas for resale to 10 or more customers in a calendar year ~~this State~~ to file with the Commission, on or before October 1, 2025, and on or before October 1 of every third year thereafter, a plan designed to meet the current and future ~~demand~~ needs for natural gas at the lowest reasonable cost to the ~~natural gas~~ public utility and its customers. Section 14 requires the plan to include certain information related to the

provision of gas service by the utility, ~~[during the 3 years covered by the plan]~~ including certain expenses of the utility and certain activities and programs that the utility plans to engage in. Section 14 requires the Commission to require each ~~[natural gas]~~ public utility to meet with personnel from the Commission and the Bureau of Consumer Protection in the Office of the Attorney General and any other interested persons at least 4 months before filing the plan or within a reasonable period before filing an amendment to an existing plan to provide an overview of the plan or amendment.

Sections 2-10 of this bill define terms related to the plan required to be filed by a ~~[natural gas]~~ public utility.

Section 11 of this bill requires the Commission to convene a public hearing on the adequacy of the plan and establishes certain determinations regarding the plan that the Commission is required to make following such a hearing.

Section 12 of this bill requires the Commission to issue an order accepting or modifying the plan, and any amendment to the plan, within a certain period of time and authorizes the ~~[natural gas]~~ public utility to respond to any modifications to the plan made by the Commission. Section 12 provides that a plan or an amendment to a plan that is accepted by the Commission shall be deemed prudent and a ~~[natural gas]~~ public utility is authorized to recover all prudently ~~[and reasonably]~~ incurred costs for the reasonable implementation of such a plan or amendment.

Section 13 of this bill prohibits a ~~[natural gas]~~ public utility which purchases natural gas for resale to 10 or more customers in this State from filing a general rate application within 180 days before or after the filing of a plan.

Existing law requires the Commission to adopt regulations authorizing a public utility which purchases natural gas for resale to expand the infrastructure of the public utility in a manner consistent with a program of economic development. (NRS 704.9925) Section 16 of this bill instead requires the Commission to adopt regulations authorizing a ~~[natural gas]~~ public utility which purchases natural gas for resale to 10 or more customers in this State to include in the plan required to be filed by ~~[a natural gas]~~ the public utility a proposal to expand its infrastructure in a manner consistent with a program of economic development. ~~[Section 17 of this bill makes a conforming change to reflect that the regulations adopted by the Commission apply to a natural gas utility that is required to file a plan.]~~

Section 15 of this bill removes the existing requirement for the Commission to adopt certain regulations establishing methods and programs that remove financial disincentives which discourage a public utility which purchases natural gas for resale from supporting energy conservation.

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

Section 1. Chapter 704 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 13, inclusive, of this act.

Sec. 2. As used in NRS 704.991, 704.992 and 704.9925, and sections 3 to 13, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 10, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 3. "Carbon capture, use and storage" means the capture of greenhouse gas emissions, including, without limitation, through direct air capture, that would otherwise be released into the atmosphere.

Sec. 4. "Carbon-neutral natural gas" means natural gas accompanied by offsetting measures to balance greenhouse gas emissions generated when natural gas is combusted.

Sec. 5. "Carbon offset" means a reduction in greenhouse gas emissions or an increase in carbon capture, use and storage used to compensate for greenhouse gas emissions that occur elsewhere.

Sec. 6. "Energy efficiency and conservation" means a reduction in energy intensity or energy consumption.

Sec. 6.5. "Greenhouse gas" has the meaning ascribed to it in NRS 445B.137.

Sec. 7. "Load management" means the practice of adjusting or reshaping energy usage from one period to another.

Sec. 8. ~~["Natural gas utility" means a public utility which:~~

~~1. Purchases natural gas for resale; and~~

~~2. Serves 10 or more customers in this State during a calendar year.]~~

(Deleted by amendment.)

Sec. 9. "Responsibly sourced or transported natural gas" means geologic natural gas that is produced or transported with methane emission intensity levels that are below a certain threshold and using processes that demonstrate best practices for production and transportation.

Sec. 10. "Significant operational or capital requirements" means the construction of a new transmission, distribution, compression or storage facility or the rehabilitation, replacement, modification, upgrade, uprate or update of existing facilities, or any planned series of such activities addressing the same need, in which:

1. ~~[Costs]~~ The anticipated to cost is more than \$10 million; or

2. ~~[Involves]~~ The activity involves the construction of 10 miles or more of new pipeline.

Sec. 11. 1. After a public utility has filed its plan pursuant to NRS 704.991, the Commission shall convene a public hearing on the adequacy of the plan.

2. The Commission shall determine the parties to the public hearing on the adequacy of the plan. A person or governmental entity may petition the Commission for leave to intervene as a party. The Commission must grant a petition to intervene as a party in the hearing if the person or entity has relevant material evidence to provide concerning the adequacy of the plan. The Commission may limit participation of an intervener in the hearing to avoid duplication and may prohibit continued participation in the hearing by

an intervenor if the Commission determines that continued participation will unduly broaden the issues, will not provide additional relevant material evidence or is not necessary to further the public interest.

3. In addition to any party to the hearing, any interested person may make comments to the Commission regarding the contents and adequacy of the plan.

4. After the hearing, the Commission shall determine whether:

(a) The forecast requirements of the ~~the natural gas~~ public utility are based on substantially accurate data and an adequate method of forecasting.

(b) The plan identifies and takes into account any present and projected changes in the demand for natural gas.

(c) The plan adequately demonstrates the need for and cost-effectiveness of the proposed activities and investments ~~it~~, as applicable.

(d) The plan identifies ~~the~~

~~— (1) The the mix of geologic and commercially-available nongeologic gas supply, which will be utilized by the natural gas utility;~~

~~— (2) Activities and programs that will be implemented by the natural gas utility to promote energy efficiency and conservation it and~~

~~— (3) Investments, programs and activities and investments designed to meet the current and future demand needs for natural gas at the lowest reasonable cost to the ~~the natural gas~~ public utility and its customers.~~

(e) ~~If the~~ To the extent the plan includes commercially-available nongeologic gas supply options, the plan identifies and considers any present and projected changes in greenhouse gas emissions as a result of the proposed activities.

(f) The plan adequately mitigates adverse impacts on low-income and historically underserved communities.

Sec. 12. 1. After a ~~the natural gas~~ public utility has filed the plan required pursuant to NRS 704.991, the Commission shall issue an order accepting or modifying the plan or specifying any portions of the plan it deems to be inadequate within 210 days. If the Commission issues an order modifying the plan, the ~~the natural gas~~ public utility may consent to or reject some or all of the modifications by filing with the Commission a notice to that effect. Any such notice must be filed not later than 30 days after the date of issuance of the order.

2. If a ~~the natural gas~~ public utility files an amendment to a plan, the Commission shall issue an order accepting or modifying the amendment or specifying any portions of the amendment it deems to be inadequate within 180 days after the filing of the amendment. If the Commission issues an order modifying the amendment, the ~~the natural gas~~ public utility may consent to or reject some or all of the modifications by filing with the Commission a notice to that effect. Any such notice must be filed not later than 30 days after the date of issuance of the order.

3. Except as otherwise provided by this chapter, a plan filed pursuant to NRS 704.991 or an amendment to such a plan that is accepted by the

Commission shall be deemed to be prudent and the ~~{natural gas}~~ public utility ~~{may}~~ shall recover all prudently ~~{and reasonably}~~ incurred costs for the reasonable implementation of such a plan or amendment. For the purposes of this subsection, a plan or amendment shall be deemed accepted by the Commission only ~~{with respect to}~~

~~— (a) The portion of the plan or amendment that was accepted by the Commission as filed; and~~

~~— (b) Any modification to the plan or amendment to which the natural gas utility consented.~~ as to that portion of the plan or amendment accepted as filed or modified with the consent of the public utility pursuant to subsection 1 or 2.

Sec. 13. A ~~{natural gas}~~ public utility which purchases natural gas for resale to 10 or more customers in this State shall not file a general rate application:

1. During the 180 ~~{calendar}~~ days immediately preceding the date on which the ~~{natural gas}~~ public utility is required to file a plan pursuant to NRS 704.991; or

2. Within 180 days after any date on which the ~~{natural gas}~~ public utility files a plan pursuant to NRS 704.991.

Sec. 14. NRS 704.991 is hereby amended to read as follows:

704.991 1. ~~{A natural gas}~~ To ensure all energy users continue to have access to safe, reliable, sustainable and affordable energy resources for their homes and businesses, a public utility which ~~{supplies}~~ purchases natural gas for resale to 10 or more customers in this state shall, on or before October 1, 2025, and every third year thereafter, file ~~{annually}~~ with the Commission ~~{in a format prescribed by the Commission, an informational report which describes:~~

~~— 1. , on or before October 1 of every third year, a plan designed to meet the current and future ~~{demand}~~ needs for natural gas at the lowest reasonable cost to the ~~{natural gas}~~ public utility and its customers. The ~~{plan shall include, without limitation, for the 3-year period immediately following the submission of the plan.}~~ Commission shall prescribe by regulation the contents of such a plan, including, without limitation:~~

~~(a) The anticipated demand for natural gas made on ~~{its}~~ the system of the ~~{natural gas}~~ public utility by its customers;~~

~~{2.}~~ (b) The estimated cost of supplying natural gas sufficient to meet the demand and the means by which the ~~{natural gas}~~ public utility proposes to minimize that cost;

~~{3.}~~ (c) The sources of planned acquisitions of natural gas, including an estimate of the cost and quantity of the acquisitions to be made from each source and an assessment of the reliability of the source; ~~{and}~~

~~— 4.}~~ (d) Significant operational or capital requirements of the ~~{natural gas}~~ public utility related to its provision of gas service in this state that the public utility plans to implement within the 3 years immediately following the date on which the plan is filed with the Commission ~~{}~~ ;

(e) Activities and programs that will be implemented by the ~~the natural gas~~ public utility to promote energy efficiency and conservation;

(f) Renewable natural gas activities described in subsection 3 of NRS 704.9997 that will be engaged in by the ~~the natural gas~~ public utility and any other proposed activities or expenses of the ~~the natural gas~~ public utility related to commercially-available nongeologic gas supplies, carbon offsets, load management or carbon capture, use and storage;

(g) An analysis in support of the plan based on information available at the time the plan is filed, including, without limitation:

(1) An assessment of supplies of geologic and commercially available nongeologic gas, including, without limitation, renewable natural gas, carbon-neutral natural gas and responsibly sourced or transported natural gas;

(2) An assessment of opportunities for ~~natural~~ gas storage, including, without limitation, contracted storage and storage owned by the ~~the natural gas~~ public utility;

(3) An assessment of the capability and reliability of pipelines used for transmission;

(4) An analysis of the greenhouse gas emissions reasonably expected to be avoided or reduced through the plan, including, without limitation:

(I) An explanation of the methodology used by the ~~the natural gas~~ public utility to calculate the greenhouse gas emissions that are expected from the use of natural gas by customers of the ~~the natural gas~~ public utility; and

(II) An estimate of the reductions in greenhouse gas emissions attributable to specific activities or investments of the ~~the natural gas~~ public utility;

(5) A comparative evaluation of the cost of supply purchasing strategies, storage options, delivery resources and improvements in energy efficiency, conservation and load management using generally accepted methods for calculating cost effectiveness; and

(6) An analysis of the estimated impact of the investments and activities planned by the ~~the natural gas~~ public utility on the rates charged to customers.

2. The Commission shall require each ~~the natural gas~~ public utility, not less than 4 months before filing a plan required pursuant to this section, or within a reasonable period before filing an amendment to such a plan pursuant to section 12 of this act, to meet with personnel from the Commission and the Bureau of Consumer Protection in the Office of the Attorney General and any other interested persons to provide an overview of the anticipated filing or amendment.

Sec. 15. NRS 704.992 is hereby amended to read as follows:

704.992 ~~{1.}~~ The Commission shall adopt regulations to establish ~~methods and programs for a public utility which purchases natural gas for resale that remove financial disincentives which discourage the public utility from supporting energy conservation, including, without limitation:~~

~~—(a) Procedures]~~ *procedures* for a public utility which purchases natural gas for resale to 10 or more customers in this State to have a mechanism established during a general rate application filed pursuant to NRS 704.110 to ensure that the costs of the public utility for providing service are recovered without regard to the difference in the quantity of natural gas actually sold by the public utility by taking into account the adjusted and annualized quantity of natural gas sold during a test year and the growth in the number of customers of the public utility . ~~;~~

~~—(b) Procedures for a public utility which purchases natural gas for resale to apply to the Commission for approval of an activity relating to increasing energy efficiency or energy conservation; and~~

~~—(c) Procedures for a public utility which purchases natural gas for resale to apply to the Commission for the recovery of costs associated with an activity approved by the Commission pursuant to paragraph (b).~~

~~2. The regulations adopted pursuant to subsection 1 must ensure that the methods and programs consider the recovery of costs, stabilization of revenue and any reduction of risk for the public utility which purchases natural gas for resale.]~~

Sec. 16. NRS 704.9925 is hereby amended to read as follows:

704.9925 1. The Commission shall adopt regulations ~~[authorizing]~~ :

(a) *Authorizing a public utility which purchases natural gas for resale* ~~[utility]~~ to 10 or more customers in this State to include in a plan filed pursuant to NRS 704.991 a proposal to expand the infrastructure of the public ~~[natural gas]~~ utility in a manner consistent with a program of economic development ; ~~;~~ ~~including, without limitation:~~

~~—(a) Procedures for a public utility which purchases natural gas for resale to apply to the Commission for approval of an activity relating to the expansion of the infrastructure of the public utility in a manner consistent with a program of economic development;]~~ and

(b) ~~[Procedures]~~ *Establishing procedures* for a public ~~[natural gas]~~ utility which purchases natural gas for resale to 10 or more customers in this State to apply to the Commission for the recovery of costs associated with an activity approved by the Commission ~~[pursuant to paragraph (a).]~~ *as part of a plan filed pursuant to NRS 704.991.*

2. The regulations adopted pursuant to subsection 1 must ensure the timely recovery by the public ~~[natural gas]~~ utility ~~[which purchases natural gas for resale]~~ of all prudent and reasonable costs associated with the expansion of the infrastructure of the public ~~[natural gas]~~ utility in a manner consistent with a program of economic development through the development of alternative cost-recovery methodologies that balance the interests of persons receiving direct benefits and persons receiving indirect benefits from the expansion of the infrastructure of the public ~~[natural gas]~~ utility.

3. As used in this section, "program of economic development" means a program to expand the infrastructure of a public ~~natural gas~~ utility which purchases natural gas for resale to 10 or more customers in this State that is proposed by the public ~~natural gas~~ utility and approved by the Commission for one or more of the following purposes:

(a) Providing natural gas service to unserved and underserved areas within this State;

(b) Accommodating the expansion of existing business customers of the public ~~natural gas~~ utility;

(c) Attracting and retaining residential and business customers of the public ~~natural gas~~ utility;

(d) Attracting to this State new and diverse businesses and industries which use natural gas and which would otherwise locate or expand their business or industry within this State but for the absence of adequate natural gas infrastructure;

(e) Facilitating the implementation of the State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053; and

(f) Facilitating any policy of the Legislature with respect to economic development in this State.

Sec. 17. ~~[NRS 271B.130 is hereby amended to read as follows:~~

~~271B.130 1. For the purposes of subsection 3 of NRS 704.9925, the activity of a [public] natural gas utility [which purchases natural gas for resale] relating to the expansion of its infrastructure necessary to provide natural gas to the legal boundary of a district constitutes a program of economic development. The [public] natural gas utility shall expand its infrastructure in accordance with the provisions of that section.~~

~~2. A [public] natural gas utility which expands its infrastructure as described in subsection 1 shall file an application with the Public Utilities Commission of Nevada in accordance with the regulations adopted pursuant to NRS 704.9925 to establish rates to recover all prudent and reasonable costs associated with the expansion in accordance with the provisions of that section.~~

~~3. As used in this section, ["public] "natural gas utility" has the meaning ascribed to it in [NRS 704.020.] section 8 of this act.] (Deleted by amendment.)~~

Sec. 18. ~~[1. Notwithstanding any other provision of law, a natural gas utility shall file a plan pursuant to NRS 704.991, as amended by section 14 of this act, on or before October 1, 2025. A natural gas utility is not required to file a plan pursuant to NRS 704.991, as amended by section 14 of this act, during the 2024 calendar year.~~

~~2. As used in this section, "natural gas utility" has the meaning ascribed to it in section 8 of this act.] (Deleted by Amendment.)~~

Sec. 19. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 18, inclusive, of this act become effective:

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

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

Senator Harris moved the adoption of the amendment.

Remarks by Senator Harris.

Amendment No. 302 to Senate Bill No. 281 replaces the term "natural gas" with "public utility, which purchases natural gas for resale to ten or more customers in this State," includes the definition for "greenhouse gas," revises certain determinations which must be made by the Public Utilities Commission of Nevada following a hearing on the plan and revises certain terminology used in the bill.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 314.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 305.

SUMMARY—Revises provisions relating to energy storage systems. (BDR 58-60)

AN ACT relating to energy; revising a definition relating to certain renewable energy facilities; revising provisions governing the establishment by the Public Utilities Commission of Nevada of biennial targets for the procurement of energy storage systems by certain electric utilities; requiring the Commission to reevaluate the existing biennial targets; eliminating an obsolete provision relating to the establishment of such targets; establishing requirements for the installation of electrochemical energy storage systems; authorizing a person who provides a program of training on the installation of electrochemical energy storage systems to request that the Joint Interim Standing Committee on Growth and Infrastructure review the program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Public Utilities Commission of Nevada to: (1) determine, on or before October 1, 2018, whether it is in the public interest to establish by regulation biennial targets for the procurement of energy storage systems by certain electric utilities; and (2) if the Commission determines that it is in the public interest to establish such targets, adopt regulations establishing biennial targets for the procurement of energy storage systems by certain electric utilities. (NRS 704.795, 704.796) Existing regulations, with certain exceptions, establish progressively larger targets for the procurement of energy storage systems by certain electric utilities, culminating in a requirement that certain electric utilities procure energy storage systems capable of storing not less than 1,000 megawatts of electric power by December 31, 2030. Existing regulations also require the Commission to review the existing biennial energy storage targets when it

reviews the resource plan submitted by an electric utility and determine whether the targets should be altered. (Section 10 of LCB File No. R106-19) Section ~~11~~ 1.5 of this bill requires that the Commission establish biennial targets that deliver the greatest benefits to the customers of the electric utility in relation to the costs of the procurement of energy storage systems. Section 6 of this bill repeals the obsolete provision that requires the Commission to determine whether to adopt regulations to establish the biennial targets by October 1, 2018, given that those regulations have been adopted. Section 2 of this bill makes a conforming change relating to the repeal of this obsolete provision.

Section 3 of this bill prohibits a person from installing an electrochemical energy storage system unless the person holds a valid license in the classification required to perform such work and, except under certain limited circumstances, for installations occurring on property other than a residential property after July 1, ~~2024,~~ 2025, ensures that the installation: (1) is performed by or under the direct supervision of a person who holds a certificate demonstrating the successful completion of the Energy Storage and Microgrid Training and Certification program; and (2) conforms to certain standards regarding the installation of signage in connection with such systems. Section 3 authorizes a person who provides a program of training on the installation of electrochemical energy storage systems to request that the Joint Interim Standing Committee on Growth and Infrastructure review the program. Section 3 requires the Committee to include in its interim report a recommendation to authorize persons certified under such a program to perform or supervise the installation of an electrochemical energy storage system under certain circumstances if the Committee makes certain findings regarding the program. Section 4 of this bill provides that a violation of the provisions of section 3 is grounds for disciplinary action by the State Contractors' Board.

Section 1 of this bill revises the definition of "facility for the storage of energy from renewable generation."

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

Section 1. NRS 701A.327 is hereby amended to read as follows:

701A.327 1. "Facility for the storage of energy from renewable generation" means a facility that is constructed or installed for the ~~(sole)~~ purpose of storing electric energy received from a facility for the generation of electricity from renewable energy for release at a later time, including, without limitation, a facility that is designed to use energy storage technology.

2. The term does not include a facility that is located on a residential property.

~~Section 1.~~ *Sec. 1.5.* NRS 704.796 is hereby amended to read as follows:

704.796 ~~If, pursuant to NRS 704.795, the Commission determines that it~~

is in the public interest to establish by regulation targets for the procurement of energy storage systems by an electric utility, the

1. The Commission shall adopt regulations:

~~{1.}~~ (a) Establishing biennial targets for the procurement of energy storage systems by ~~the~~ an electric utility;

~~{2.}~~ (b) Setting forth the points of interconnection on the electric grid for the implementation of energy storage systems;

~~{3.}~~ (c) Establishing that an energy storage system may be owned by the electric utility or any other person;

~~{4.}~~ (d) Establishing requirements for the filing by the electric utility of annual or biennial plans to meet biennial targets for the procurement and implementation of energy storage systems;

~~{5.}~~ (e) Prescribing a procedure by which the Commission must, at least once every 3 years, reevaluate the biennial targets for the procurement of energy storage systems by the electric utility;

~~{6.}~~ (f) Establishing a procedure by which an electric utility may obtain a waiver or deferral of the biennial targets for the procurement of energy storage systems if the electric utility is not able to identify energy storage systems that provide benefits to customers of the utility that exceed the costs of energy storage systems; and

~~{7.}~~ (g) Requiring the electric utility to include such information as the Commission may require in each plan submitted by the electric utility pursuant to NRS 704.741.

2. *The Commission shall establish biennial targets pursuant to subsection 1 that deliver the greatest benefits to the customers of the electric utility in relation to the costs of the procurement of energy storage systems. In calculating the benefits and costs of the procurement of energy storage systems, the Commission shall consider all known and measurable benefits and costs, including, without limitation:*

(a) A reduction in the need for the additional generation of electricity by the electric utility during periods of peak demand;

(b) A reduction in line losses of the electric utility;

(c) The benefits and costs related to ancillary services of the electric utility;

(d) Avoided costs to the electric utility for additional generation, transmission and generation capacity;

(e) The benefits arising from a reduction of greenhouse gas emissions and the emission of other air pollutants;

(f) The benefits and costs to the electric utility related to voltage support;

(g) The benefits of diversifying the types of resources used for the generation of electricity;

(h) The administrative costs incurred by the electric utility;

(i) The cost to the electric utility of the integration of energy storage systems into the transmission and distribution grid; and

(j) The cost of the energy storage systems.

Sec. 2. NRS 704.797 is hereby amended to read as follows:

704.797 1. ~~If the Commission adopts regulations pursuant to NRS 704.796 to establish biennial targets for the procurement of energy storage systems by an electric utility, to~~ To meet the targets set forth in ~~those~~ the regulations ~~the~~ adopted pursuant to NRS 704.796, an electric utility may procure energy storage systems that are either centralized or distributed and either owned by the utility or by any other person, as prescribed by regulation of the Commission.

2. Electric energy storage systems procured by an electric utility to meet ~~any~~ the biennial targets for the procurement of energy storage systems established by regulation pursuant to NRS 704.796 must:

- (a) Reduce peak demand for electricity;
- (b) Avoid or defer investment by the electric utility in assets for the generation, transmission and distribution of electricity;
- (c) Improve the reliability of the operation of the transmission or distribution grid;
- (d) Reduce the emission of greenhouse gases or other air pollutants; or
- (e) Integrate renewable energy into the electric grid.

Sec. 3. Chapter 624 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person shall not install an electrochemical energy storage system in this State unless he or she:

- (a) Holds a valid license in the classification required to perform such work issued pursuant to this chapter and the regulations of the Board;
- (b) If the installation is for a property other than a residential property and is performed on or after July 1, ~~2024,~~ 2025, ensures that the installation:

(1) Is performed by or under the direct supervision of a person who holds a certificate demonstrating the successful completion of the Energy Storage and Microgrid Training and Certification program (ESAMTAC); and

(2) Conforms to any standards regarding the installation of signage in connection with such systems as contained in the Standard for the Installation of Stationary Energy Storage Systems, NFPA 855, in the form most recently published by the National Fire Protection Association.

2. The provisions of paragraph (b) of subsection 1 do not apply to work on an electrochemical energy storage system which is performed under a warranty by an employee of the manufacturer of the electrochemical energy storage system.

3. A person who provides a program of training on the installation of electrochemical energy storage systems other than the Energy Storage and Microgrid Training and Certification program may request that the Joint Interim Standing Committee on Growth and Infrastructure review the program of training on the installation of electrochemical energy storage systems provided by the person. The Joint Interim Standing Committee on

Growth and Infrastructure shall include in its report on the activities of the Committee prepared pursuant to NRS 218E.330 a recommendation to amend this section to authorize the installation of an electrochemical energy storage system pursuant to paragraph (b) of subsection 1 by or under the direct supervision of a person who holds a certificate demonstrating the successful completion of such a program if the Committee finds that the program:

(a) Is available to all qualified applicants who wish to participate at a reasonable price;

(b) Provides satisfactory training on the safe installation of the types of electrochemical energy storage systems that are available on the market; and

(c) Complies with federal law.

4. As used in this section:

(a) "Electrochemical energy storage system" means a commercially available technology that is capable of receiving electric energy and storing that energy by electrochemical means in order to produce and deliver electricity at a later time.

(b) "Residential property" means:

(1) Improved real estate that consists of not more than four residential units; or

(2) A single-family residential unit, including, without limitation, a condominium, townhouse or home within a subdivision, if the unit is sold, leased or otherwise conveyed unit by unit, regardless of whether the unit is part of a larger building or parcel that consists of more than four units.

Sec. 4. NRS 624.3016 is hereby amended to read as follows:

624.3016 The following acts or omissions, among others, constitute cause for disciplinary action under NRS 624.300:

1. Any fraudulent or deceitful act committed in the capacity of a contractor, including, without limitation, misrepresentation or the omission of a material fact.

2. A conviction of a violation of NRS 624.730, or a conviction in this State or any other jurisdiction of a felony relating to the practice of a contractor or a crime involving moral turpitude.

3. Knowingly making a false statement in or relating to the recording of a notice of lien pursuant to the provisions of NRS 108.226.

4. Failure to give a notice required by NRS 108.227, 108.245, 108.246 or 624.520.

5. Failure to comply with NRS 624.920, 624.930, 624.935 or 624.940 or any regulations of the Board governing contracts for work concerning residential pools and spas.

6. Failure to comply with NRS 624.860 to 624.875, inclusive, or any regulations of the Board governing contracts for work concerning residential photovoltaic systems used to produce electricity.

7. Failure to comply with NRS 624.600.

8. Misrepresentation or the omission of a material fact, or the commission of any other fraudulent or deceitful act, to obtain a license.

9. Failure to pay an assessment required pursuant to NRS 624.470.
10. Failure to file a certified payroll report that is required for a contract for a public work.
11. Knowingly submitting false information in an application for qualification or a certified payroll report that is required for a contract for a public work.
12. Failure to notify the Board of a conviction or entry of a plea of guilty, guilty but mentally ill or nolo contendere pursuant to NRS 624.266.
13. Failure to provide a builder's warranty as required by NRS 624.602 or to respond reasonably to a claim made under a builder's warranty.
14. *Failure to comply with section 3 of this act.*

Sec. 5. NRS 624.800 is hereby amended to read as follows:

624.800 For any violation of the provisions of NRS 624.005 to 624.750, inclusive, *and section 3 of this act* that is punishable as a misdemeanor, an indictment must be found, or an information or complaint filed, within 2 years after the commission of the offense.

Sec. 6. NRS 704.795 is hereby repealed.

Sec. 7. 1. This section and ~~section~~ section 1 and 6 of this act become effective upon passage and approval.

2. Sections 3, 4 and 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 October 1, 2023, for all other purposes.

3. Sections ~~1, 1.5~~ 1.5 and 2 of this act become effective on July 1, 2024.

4. Section 1 of this act expires by limitation on June 30, 2049.

TEXT OF REPEALED SECTION

704.795 Commission required to determine whether targets for the procurement of energy storage systems by electric utility is in public interest; required factors to consider; calculation of benefits and costs.

1. On or before October 1, 2018, the Commission shall determine whether it is in the public interest to establish by regulation biennial targets for the procurement of energy storage systems by an electric utility.

2. In making the determination required by subsection 1, the Commission shall consider:

(a) Whether the procurement of energy storage systems by an electric utility will achieve the following purposes:

(1) The integration of renewable energy resources which generate electricity on an intermittent basis into the transmission and distribution grid of the electric utility.

(2) The improvement of the reliability of the systems for the transmission and distribution of electricity.

(3) The increased use of renewable energy resources to generate electricity.

(4) The reduction of the need for the additional generation of electricity during periods of peak demand.

(5) The avoidance or deferral of investment by the electric utility in generation, transmission and distribution of electricity.

(6) The replacement of ancillary services provided by facilities using fossil fuels with ancillary services provided by the use of energy storage systems.

(7) The reduction of greenhouse gas emissions.

(b) The interconnection of energy storage systems at each point of the electric grid, including, without limitation, in the transmission and distribution of electricity and at the site of the customer.

3. For the purposes of subsection 1, the Commission shall determine that the establishment of targets for the procurement of energy storage systems by an electric utility is in the public interest if the benefits to customers of the electric utility exceed the costs of the procurement of energy storage systems. In calculating the benefits and costs of the procurement of energy storage systems, the Commission shall consider all known and measurable benefits and costs, including, without limitation:

(a) A reduction in the need for the additional generation of electricity during periods of peak demand;

(b) A reduction in line losses;

(c) The benefits and costs related to ancillary services;

(d) Avoided costs for additional generation, transmission and generation capacity;

(e) The benefits arising from a reduction of greenhouse gas emissions and the emission of other air pollutants;

(f) The benefits and costs related to voltage support;

(g) The benefits of diversifying the types of resources used for the generation of electricity;

(h) The administrative costs incurred by the electric utility;

(i) The cost to the electric utility of the integration of energy storage systems into the transmission and distribution grid; and

(j) The cost of energy storage systems.

Senator Harris moved the adoption of the amendment.

Remarks by Senator Harris.

Amendment No. 305 to Senate Bill No. 314 revises the definition of "facility for the storage of energy from renewable generation" for the purposes of certain partial tax abatements and adds provisions relating to training and certification programs for electrochemical battery storage and authorizes a person who provides a program of training on the installation of electrochemical energy storage systems to request the Joint Standing Interim Committee on Growth and Infrastructure to review the program and for the Committee to include certain recommendations in its report of activities.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 327.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 360.

SUMMARY—Revises provisions relating to elections. (BDR 24-892)

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

Legislative Counsel's Digest:

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

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

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

293.2733 1. If an Indian reservation or Indian colony is located in whole or in part within a county, ~~{the Indian tribe may submit a request to}~~ the county clerk ~~{for the establishment}~~ shall, except as otherwise provided in ~~{subsection}~~ subsections 2 ~~for~~ and 5, establish within the boundaries of the Indian reservation or Indian colony *at a location or locations, as applicable, approved by the Indian tribe* for the day of a primary election, presidential preference primary election or general election ~~for~~:

- ~~—(a) A polling place;~~
- ~~—(b) A ballot drop box; or~~
- ~~—(c) Both~~ a polling place and a ballot drop box.

2. ~~{A request for the establishment of}~~ *An Indian tribe may elect not to have a polling place ~~{, a}~~ or ballot drop box ~~{or both a polling place and a ballot drop box}~~ established within the boundaries of an Indian reservation or Indian colony for the day of a primary election, presidential preference primary election or general election ~~{:~~
~~—(a) Must be submitted}~~ *by submitting notice to the county clerk ~~{by the Indian tribe}~~ on or before:**

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

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

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

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

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

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

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

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

(a) The location or locations for the polling place and ballot drop box;

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

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

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

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

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

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

2. If an Indian reservation or Indian colony is located in whole or in part within a county, the ~~{Indian tribe may submit a request to the}~~ county clerk ~~{for the establishment of}~~ shall, except as otherwise provided in ~~{subsection}~~ subsections 3, 4, and 6, establish a temporary branch polling place for early voting at a location or locations, as applicable, approved by the Indian tribe within the boundaries of the Indian reservation or Indian colony.

3. ~~{A request for the establishment of}~~ An Indian tribe may elect not to have a temporary branch polling place for early voting established within the boundaries of the Indian reservation or Indian colony ~~{~~

~~—(a) Must be submitted}~~ by submitting notice to the county clerk ~~{by the Indian tribe}~~ on or before:

~~{{(1)}}~~ (a) If the ~~{request}~~ notice is for a primary election, March 1 of the year in which the general election is to be held.

~~{{(2)}}~~ (b) If the ~~{request}~~ notice is for a presidential preference primary election, the first Friday in November of the year immediately preceding the year of the presidential preference primary election.

~~{{(3)}}~~ (c) If the ~~{request}~~ notice is for a general election, August 1 of the year in which the general election is to be held.

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

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

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

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

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

(a) The location or locations for the temporary branch polling place;

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

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

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

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

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

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

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

293C.2675 1. If an Indian reservation or Indian colony is located in whole or in part within a city, the ~~{Indian tribe may submit a request to the}~~ city clerk ~~{for the establishment}~~ shall, except as otherwise provided in ~~{subsection}~~ subsections 2, 4, and 5, establish within the boundaries of the Indian reservation or Indian colony at a location or locations, as applicable, approved by the Indian tribe for the day of a primary city election or general city election ~~{of:~~

- ~~— (a) A polling place;~~
- ~~— (b) A ballot drop box; or~~
- ~~— (c) Both~~ a polling place and a ballot drop box.

2. ~~{A request for the establishment of}~~ *An Indian tribe may elect not to have a polling place ~~{, a}~~ or ballot drop box ~~{or both a polling place and a ballot drop box}~~ established within the boundaries of an Indian reservation or Indian colony for the day of a primary city election or general city election ~~{:~~
~~— (a) Must be submitted}~~ by submitting notice to the city clerk ~~{by the Indian tribe}~~ on or before:*

~~{{(1)}}~~ (a) If the ~~{request}~~ notice is for a primary city election, March 1 of the year in which the primary city election is to be held.

~~{{(2)}}~~ (b) If the ~~{request}~~ notice is for a general city election, August 1 of the year in which the general city election is to be held.

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

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

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

4. ~~{If the city clerk establishes one or more polling places or ballot drop boxes within the boundaries of an Indian reservation or Indian colony~~

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

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

(a) The location or locations for the polling place and ballot drop box;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) The location or locations for the temporary branch polling place;

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

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

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

7. The provisions of subsection 3 of NRS 293C.3568 do not apply to a temporary branch polling place. Voting at a temporary branch polling place may be conducted on any one or more days and during any hours within the period for early voting by personal appearance, as determined by the city clerk.

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

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

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

Senator Ohrenschall moved the adoption of the amendment.

Remarks by Senator Ohrenschall.

Amendment No. 360 to Senate Bill No. 327 provides that if certain required information is not received by a county or city clerk by dates specified already in statute, then it is deemed that a Native American tribe has elected to not have a polling place, drop box or temporary polling place within the boundaries of the Native American reservation or colony.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 349.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 308.

SUMMARY—Revises provisions relating to document preparation services. (BDR 43-855)

AN ACT relating to document preparation services; authorizing a document preparation service to use the name of the Department of Motor Vehicles in an advertisement under certain circumstances; requiring, under certain circumstances, a document preparation service to request an amended registration from the Secretary of State; making it unlawful for a person to represent himself or herself as a document preparation service if the person is not registered as a document preparation service; setting forth the form for statements that must be included in any advertisement for services of a document preparation service; authorizing, under certain circumstances, the Secretary of State to suspend or revoke the registration of a document preparation service or to assess a civil penalty; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a person from using the name, service marks, trademarks or logo of the Department of Motor Vehicles in an advertisement unless the person is an appointed agent of the Department and has obtained the written permission of the Department for such use. (NRS 482.160) ~~{This}~~ Section 1 of this bill provides a limited exception from that general prohibition by authorizing a document preparation service to use the term "Department of Motor Vehicles" or "DMV" in an advertisement if: (1) the term is followed by the term "services," "registration services" or other

similar language; and (2) the advertisement includes a clear and conspicuous statement that the document preparation service is a third-party business not affiliated with the Department.

Existing law requires a person who wishes to engage in the business of a document preparation service to register with the Secretary of State. (NRS 240A.100) Section 4 of this bill provides that it is unlawful for a person to: (1) represent himself or herself as a document preparation service if the person has not registered as a document preparation service, or if his or her registration is expired, revoked or suspended or is otherwise not in good standing; or (2) submit an application for registration as a document preparation service that contains a substantial and material misstatement or omission of fact.

Section 3 of this bill requires a registrant to submit to the Secretary of State a request for an amended registration, along with a fee of \$10, if the registrant changes his or her: (1) mailing address, county or residence or place of business or employment; or (2) name and the registrant intends to use the new name in the performance of document preparation services.

Existing law sets forth certain requirements for any advertisement for the service of a registrant, including that the advertisement include a statement that the registrant is not an attorney authorized to practice in this State and is prohibited from providing legal advice or legal representation to any person. (NRS 240A.150) Section 5 of this bill sets forth: (1) the specific words that must be included in such statement; and (2) certain penalties if the Secretary of State finds a person guilty of a violation of such provisions.

Existing law prohibits a registrant from: (1) retaining any fees or costs for services not performed or costs not incurred after the date of last service performed for a client; (2) making certain promises, or statements; (3) using certain terms in an advertisement or written description of the registrant or services provided by the registrant; (4) representing himself or herself as a paralegal or legal assistant; (5) with certain exceptions, negotiating concerning the rights or responsibilities of a client; (6) with certain exceptions, appearing on behalf of a client in a court proceeding or other formal adjudicative proceeding; (7) with certain exceptions, providing certain advice, explanations, opinions or recommendations to a client; or (8) seeking or obtaining from a client a waiver of any provision of law relating to document preparation services. (NRS 240A.240) Section 6 of this bill sets forth certain penalties if the Secretary of State finds a person guilty of a violation of such provisions.

Existing law authorizes the Secretary of State to conduct or cause to be conducted an investigation if the Secretary of State obtains information that a provision of law, regulation or order relating to document preparation services has been violated. (NRS 240A.260) Section 7 provides that if, within a reasonable period of time, a registrant fails to provide the Secretary of State with any information requested by the Secretary of State during an

investigation of an alleged violation by the registrant, the Secretary of State may suspend, revoke or refuse to renew the registration of the registration.

Existing law authorizes the Secretary of State to deny, suspend, revoke or refuse to renew the registration of any person who violates a provision of law relating to document preparation services. (NRS 240A.270) Section 8 of this bill authorizes the Secretary of State to suspend or revoke the registration of a registrant pending a hearing if the Secretary of State believes it is in the public interest or is necessary to protect the public.

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

Section 1. NRS 482.160 is hereby amended to read as follows:

482.160 1. The Director may adopt and enforce such administrative regulations as are necessary to carry out the provisions of this chapter.

2. The Director may establish branch offices as provided in NRS 481.055, and may by contract appoint any person or public agency as an agent to assist in carrying out the duties of the Department pursuant to this chapter.

3. Except as otherwise provided in this subsection, the contract with each agent appointed by the Department in connection with the registration of motor vehicles and issuance of license plates may provide for compensation based upon the reasonable value of the services of the agent but must not exceed \$2 for each registration. An authorized inspection station or authorized station that issues certificates of registration pursuant to NRS 482.281 is not entitled to receive compensation from the Department pursuant to this subsection.

4. Except as otherwise provided in this section, no person may use in an advertisement:

(a) The name, service marks, trademarks or logo of the Department; or

(b) A service mark, trademark or logo designed to closely resemble a service mark, trademark or logo of the Department and intended to mislead a viewer to believe that the service mark, trademark or logo is the service mark, trademark or logo of the Department.

5. An agent appointed pursuant to subsection 2 or NRS 487.815 may use the name, service marks, trademarks or logo of the Department in an advertisement if the agent has obtained the written permission of the Department for such use.

6. A document preparation service registered pursuant to chapter 240A of NRS may use the term "Department of Motor Vehicles" or "DMV" in an advertisement if:

(a) The term is immediately followed by the term "services" or "registration services" or other similar language which clearly indicates that the document preparation service is a third-party business and that the advertisement is not an advertisement of the Department; and

(b) *The advertisement includes a clear and conspicuous statement that the document preparation service is a third-party business not affiliated with the Department.*

Sec. 2. Chapter 240A of NRS is hereby amended by adding thereto the provisions set forth as sections 3 and 4 of this act.

Sec. 3. 1. If, at any time during his or her appointment, a registrant changes his or her mailing address, county of residence or place of business or employment, the registrant shall submit to the Secretary of State a request for an amended registration on a form provided by the Secretary of State. The request must:

(a) Include the new information; and

(b) Be submitted within 30 days after making the change.

2. The Secretary of State may suspend the registration of a registrant who fails to provide to the Secretary of State notice of a change in any of the information specified in subsection 1.

3. If a registrant changes his or her name and the registrant intends to use his or her new name in performing document preparation services, the registrant shall submit to the Secretary of State a request for an amended registration on a form provided by the Secretary of State. The request must:

(a) Include the new name and signature and the address of the registrant;

(b) Be submitted within 30 days after making the change; and

(c) Be accompanied by a fee of \$10.

4. Upon receipt of a request for an amended registration and the appropriate fee, the Secretary of State shall issue an amended registration.

Sec. 4. 1. It is unlawful for a person to:

(a) Represent himself or herself as a document preparation service if the person has not registered as a document preparation service pursuant to this chapter, or if his or her registration is expired, revoked or suspended or is otherwise not in good standing.

(b) Submit an application for registration as a document preparation service that contains a substantial and material misstatement or omission of fact.

2. Any person who violates a provision of paragraph (a) of subsection 1 is liable for a civil penalty of not more than \$1,000 for each violation, plus reasonable attorney's fees and costs.

3. The Secretary of State may request that the Attorney General bring an action to enjoin any violation of paragraph (a) of subsection 1 and recover any penalties, attorney's fees and costs.

4. Any person who is aware of a violation of this chapter by a registrant or a person applying for registration as a document preparation service may file a complaint with the Secretary of State setting forth the details of the violation that are known by the person who is filing the complaint.

Sec. 5. NRS 240A.150 is hereby amended to read as follows:

240A.150 1. Any advertisement for the services of a registrant which the registrant disseminates or causes to be disseminated must include a clear

~~and conspicuous] statement [that the registrant is not an attorney authorized to practice in this State and is prohibited from providing legal advice or legal representation to any person.~~

~~2. The statement required by subsection 1 to be included in an advertisement must:~~

~~(a) Be in the same language as the rest of the advertisement; and~~

~~(b) Be in the form prescribed by regulation of the Secretary of State.~~

~~3. The notice must be of a conspicuous size, if in writing, and must appear in substantially the following form:~~

I AM NOT AN ATTORNEY IN THE STATE OF NEVADA. I AM
NOT LICENSED TO GIVE LEGAL ADVICE OR LEGAL
REPRESENTATION. I MAY NOT ACCEPT FEES FOR GIVING
LEGAL ADVICE OR LEGAL REPRESENTATION.

2. A person shall not disseminate or cause to be disseminated any advertisement or other statement that he or she is engaged in the business of a document preparation service in this State unless he or she has complied with all the applicable requirements of this chapter.

3. If the Secretary of State finds a registrant guilty of a violation of the provisions of subsection 1, the Secretary of State shall:

(a) Suspend the registration of the registrant for not less than 1 year.

(b) Revoke the registration of the registrant for a third or subsequent offense.

(c) Assess a civil penalty of not more than \$1,000 for each violation.

4. Unless a greater penalty is provided pursuant to NRS 240A.290, a registrant who is found guilty in a criminal prosecution of violating the provisions of subsection 1 shall be punished by a fine of not more than \$1,000.

Sec. 6. NRS 240A.240 is hereby amended to read as follows:

240A.240 1. A registrant shall not:

(a) After the date of the last service performed for a client, retain any fees or costs for services not performed or costs not incurred.

(b) Make, orally or in writing:

(1) A promise of the result to be obtained by the filing or submission of any document, unless the registrant has some basis in fact for making the promise;

(2) A statement that the registrant has some special influence with or is able to obtain special treatment from the court or agency with which a document is to be filed or submitted; or

(3) A false or misleading statement to a client if the registrant knows that the statement is false or misleading or knows that the registrant lacks a sufficient basis for making the statement.

(c) Except as otherwise provided in subsection 3, in any advertisement or written description of the registrant or the services provided by the registrant, or on any letterhead or business card of the registrant, use the term "legal aid," "legal services," "law office," "notario," "notario publico," "notary

public," "notary," "paralegal," "legal assistant," "licensed," "licenciado," "attorney," "lawyer" or any similar term, in English, Spanish or any other language, which implies that the registrant:

- (1) Offers services without charge if the registrant does not do so;
- (2) Is an attorney authorized to practice law in this State; or
- (3) Is acting under the direction and supervision of an attorney.

(d) Represent himself or herself, orally or in writing, as a paralegal or legal assistant which implies that the registrant is acting under the direction and supervision of an attorney licensed to practice law in this State.

(e) Except as otherwise provided in subsection 2, negotiate with another person concerning the rights or responsibilities of a client, communicate the position of a client to another person or convey the position of another person to a client.

(f) Except as otherwise provided in subsection 2, appear on behalf of a client in a court proceeding or other formal adjudicative proceeding, unless the registrant is ordered to appear by the court or presiding officer.

(g) Except as otherwise provided in subsection 2, provide any advice, explanation, opinion or recommendation to a client about possible legal rights, remedies, defenses, options or the selection of documents or strategies, except that a registrant may provide to a client published factual information, written or approved by an attorney, relating to legal procedures, rights or obligations.

(h) Seek or obtain from a client a waiver of any provision of this chapter. Any such waiver is contrary to public policy and void.

2. The provisions of paragraphs (e), (f) and (g) of subsection 1 do not apply to a registrant to the extent that compliance with such provisions would violate federal law.

3. A registrant who is also a notary public appointed by the Secretary of State pursuant to chapter 240 of NRS and in good standing with the Secretary of State may, in any advertisement or written description of the registrant or the services provided by the registrant, use the term "notary public."

4. If the Secretary of State finds a registrant guilty of a violation the provisions of subsection 1, the Secretary of State shall:

(a) Suspend the registration of the registrant for not less than 1 year.

(b) Revoke the registration of the registrant for a third or subsequent offense.

(c) Assess a civil penalty of not more than \$1,000 for each violation.

Sec. 7. NRS 240A.260 is hereby amended to read as follows:

240A.260 1. If the Secretary of State obtains information that a provision of this chapter or a regulation or order adopted or issued pursuant thereto has been violated by a registrant or another person, the Secretary of State may conduct or cause to be conducted an investigation of the alleged violation.

2. If, within a reasonable period of time, a registrant fails to provide the Secretary of State with any information requested by the Secretary of State

during an investigation of an alleged violation by the registrant, the Secretary of State may suspend, revoke or refuse to renew the registration of the registrant.

3. If, after investigation, the Secretary of State determines that a violation has occurred, the Secretary of State may:

(a) Serve, by certified mail addressed to the person who has committed the violation, a written order directing the person to cease and desist from the conduct constituting the violation. The order must notify the person that any willful violation of the order may subject the person to prosecution and criminal penalties pursuant to NRS 240A.290 and civil penalties pursuant to this section and NRS 240A.280.

(b) If a registrant has committed the violation:

(1) ~~[Begin proceedings pursuant to NRS 240A.270 to revoke]~~ Revoke or suspend the registration of the registrant; or

(2) After a hearing on the matter, impose a civil penalty of not more than \$1,000 for each violation. The authority of the Secretary of State to impose a civil penalty applies regardless of whether the person is still a registrant at the time of the hearing so long as the person was a registrant at the time that he or she committed the violation.

(c) If a person engaged in the business of a document preparation service and was not a registrant at the time of the violation, after a hearing on the matter, impose a civil penalty for each violation of not more than \$5,000 or the amount of economic benefit derived from the violation, whichever is greater.

(d) Refer the alleged violation to the Attorney General or a district attorney for commencement of a civil action against the person pursuant to NRS 240A.280.

(e) Refer the alleged violation to the Attorney General or a district attorney for prosecution of the person pursuant to NRS 240A.290.

(f) Take any combination of the actions described in this subsection.

~~3.4~~ 4. Any person who is aware of a violation of this chapter by a document preparation service, a person applying for registration as a document preparation service or a person who is engaging in the business of a document preparation service and is not registered by the Secretary of State pursuant to this chapter may file a complaint with the Secretary of State setting forth the details of the violation that are known by the person who is filing the complaint.

~~4.4~~ 5. Any determination by the Secretary of State that a provision of this chapter or a regulation or order adopted or issued pursuant thereto has been violated by a registrant or another person and the imposition of any civil penalty by the Secretary of State pursuant to this section is a public record.

Sec. 8. NRS 240A.270 is hereby amended to read as follows:

240A.270 1. The Secretary of State may deny, suspend, revoke or refuse to renew the registration of any person who violates a provision of this chapter or a regulation or order adopted or issued pursuant thereto. Except as

otherwise provided in ~~[subsections 2 and 3,]~~ this section, a suspension or revocation may be imposed only after a hearing. The registration of a registrant may be suspended or revoked by the Secretary of State pending a hearing if the Secretary of State believes it is in the public interest or is necessary to protect the public.

2. The Secretary of State may suspend the registration of any person who is also appointed as a notary public pursuant to NRS 240.010 and whose appointment as a notary public is suspended for violating the provisions of NRS 240.001 to 240.169, inclusive, or a regulation or order adopted or issued pursuant thereto. If the Secretary of State suspends the registration of a registrant pursuant to this subsection:

(a) The Secretary of State shall notify the registrant in writing of the suspension.

(b) The registrant may have his or her registration as a document preparation service reinstated by the Secretary of State if his or her registration as a document preparation service has not expired during the suspension upon a showing that his or her suspension as a notary public has been lifted.

3. Except as otherwise provided in subsection 2, the Secretary of State shall immediately revoke the registration of a registrant upon the receipt of an official document or record showing:

(a) The entry of a judgment or conviction; or

(b) The occurrence of any other event,

➡ that would disqualify the registrant from registration pursuant to subsection 2 of NRS 240A.100.

4. Upon the suspension or revocation of or refusal to renew the registration of a document preparation service pursuant to this section, the Secretary of State shall notify the Department of Motor Vehicles of the name of the document preparation service for the purposes of NRS 481.062.

~~[Sec. 2.]~~ Sec. 9. This act becomes effective on July 1, 2023.

Senator Harris moved the adoption of the amendment.

Remarks by Senator Harris.

Amendment No. 308 to Senate Bill No. 349 prohibits a person from falsely representing himself or herself as a document preparation service or submitting an application for registration as a document preparation service that contains a substantial and material misstatement or omission of fact. It also imposes penalties for certain conduct prohibited by existing law which may result in the suspension or revocation of a registration, revises provisions governing advertisements by document preparation services, amends the disciplinary process for document preparation services and requires a document preparation service to obtain an amended certificate of registration from the Secretary of State under certain circumstances.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

WAIVERS AND EXEMPTIONS
NOTICE OF EXEMPTION

April 24, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 281, 327.

WAYNE THORLEY
Fiscal Analysis Division

MOTIONS, RESOLUTIONS AND NOTICES

Senator Dondero Loop moved that Senate Bills Nos. 10, 281 and 327 be taken from the General File and re-referred to the Committee on Finance upon return from reprint.

Motion carried.

Senator Cannizzaro moved that Senate Bills Nos. 25, 194, 251, 269, 318 and 323 be taken from their positions on the General File and placed on the General File for the next legislative day.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 66.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 531.

SUMMARY—Revises provisions relating to public safety. (BDR 43-256)

AN ACT relating to public safety; establishing certain circumstances under which a person is disqualified from operating a commercial motor vehicle; requiring a court to notify the Department of Motor Vehicles if a person is convicted of certain offenses; prohibiting an employer from allowing a person to operate a commercial motor vehicle under certain circumstances; requiring the Department to adopt certain regulations to comply with certain federal regulations; requiring the Department to furnish full information regarding a driving record to certain persons upon request; revising provisions relating to railroad grade crossings; revising provisions concerning the ~~crimes~~ crime of involuntary servitude ~~; and coercion~~; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a person from driving a commercial motor vehicle at any time when the driving privilege of the person is subject to disqualification. (NRS 483.924) Existing federal regulations require a person convicted of certain offenses to be disqualified from operating a commercial motor vehicle for a certain period. The length of the period in which the person is required to be disqualified varies based on the offense for which the person was convicted. For certain offenses, existing federal regulations require the person to be disqualified for life. Such offenses include, among others, using a commercial motor vehicle in the commission of a felony involving an act or practice of "severe forms of trafficking in persons," as

defined by federal law. (22 U.S.C. § 7102(11); 49 C.F.R. § 383.51) To conform with these federal requirements, section 2 of this bill expressly provides that a person is disqualified from operating a commercial motor vehicle for a certain period if the person is convicted of certain offenses. Under section 2, if a person is convicted of certain specified offenses relating to human trafficking while using a commercial motor vehicle, or certain other offenses, the person is disqualified for life without the possibility of reinstatement. Section 2 prohibits a person who is disqualified from operating a motor vehicle for life from being issued or holding a commercial driver's license or commercial learner's permit. Section 3 of this bill requires a court to provide notice to the Department of Motor Vehicles within 5 days after a person is convicted of certain offenses relating to human trafficking while using a commercial motor vehicle.

Existing federal law defines "severe forms of trafficking in persons" to include, without limitation, the recruitment, harboring, transportation, provision or obtaining of a person for labor or services, through the use of force, fraud or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage or slavery. (22 U.S.C. § 7102(11)) Section 10 of this bill revises the list of acts that constitute the crime of holding a person in involuntary servitude to conform more closely with the federal definition of "severe forms of trafficking in persons." (NRS 200.463) Under section 10, a person who knowingly subjects, or attempts to subject, another person to forced labor or services by debt bondage, ~~for~~ peonage, ~~or~~ using a scheme, plan or pattern intended to cause the person to believe that the failure to perform an act would result in serious harm or physical restraint against any person is guilty of holding a person in involuntary servitude.

Similarly, section 10.5 of this bill revises the list of acts that constitute the crime of holding a minor in involuntary servitude to conform more closely with the federal definition of "severe forms of trafficking in persons." (NRS 200.4631) Under section 10.5, a person who has physical custody of a minor, allows a minor to reside in his or her residence, is in a position of authority over a minor or provides care to the minor and who knowingly uses a scheme, plan or pattern intended to cause the minor to believe that the failure to perform an act would result in serious harm or physical restraint against any person is guilty of holding a minor in involuntary servitude.

~~[Existing federal law defines "coercion" to include, among other things, any scheme, plan or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person. (22 U.S.C. § 7102(3)) Section 11 of this bill revises the list of acts that constitute the crime of coercion to conform more closely to this federal definition. Section 11 makes it unlawful for a person, with the intent to compel another to do or abstain from doing an act which the other person has a right to do or abstain from doing, to use any scheme, plan or pattern to cause the person to believe that failure to perform an act would result in serious harm to or physical restraint against any person.]~~

Existing federal regulations prohibit an employer from allowing, requiring, permitting or authorizing a driver to operate a commercial motor vehicle if the employer knows or should reasonably know of the existence of certain circumstances. (49 C.F.R. § 383.37) Existing law requires the Department to impose a civil penalty against an employer who has been convicted of violating those federal regulations. (NRS 483.939) Section 4 of this bill enacts prohibitions on employers which are similar to the prohibitions set forth in those federal regulations. Section 8 of this bill requires the Department to impose a civil penalty in a certain specified amount against an employer who has been convicted of certain violations of such prohibitions.

Existing law requires the Department to adopt certain regulations relating to commercial drivers' licenses. (NRS 483.908) Section 6.5 of this bill additionally requires the Department to adopt regulations necessary to comply with certain federal regulations related to commercial driver's licenses and learner's permits and the operation of commercial motor vehicles. (49 C.F.R. § 383.73(q))

Existing law requires the Department, with certain exceptions, to furnish full information regarding the driving record of any person to certain persons or entities under certain circumstances. (NRS 483.916) Section 7 of this bill requires the Department also to furnish that information to the person who is the subject of that driving record or the Secretary of Transportation of the United States, upon his or her request.

Existing law requires certain vehicles to stop at all railroad grade crossings. (NRS 484B.560) Section 9 of this bill requires the driver of a commercial motor vehicle who is not otherwise required to stop, before crossing at grade any track or tracks of a railroad, to decrease the speed of the vehicle and confirm that the tracks are clear. Section 9 also requires the driver of any vehicle to: (1) stop the vehicle within a certain distance of a railroad grade crossing if the track or tracks of the railroad are not clear; and (2) obey any official traffic control device or the directions of a police officer at a railroad grade crossing.

Sections 5 and 6 of this bill make conforming changes to indicate the proper placement of sections 2-4 in the Nevada Revised Statutes.

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

Section 1. Chapter 483 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. 1. *If a person is convicted of an offense listed in 49 C.F.R. § 383.51 involving the operation of a motor vehicle, other than an offense described in 49 C.F.R. §§ 383.51(b)(9) or 383.51(b)(10), or the person refuses to submit to a test required by NRS 484C.150 or 484C.160, the person is disqualified from operating a commercial motor vehicle for the period set forth in 49 C.F.R. § 383.51.*

2. If a person is convicted of any of the following offenses involving the operation of a motor vehicle, the person is disqualified from operating a commercial motor vehicle for life without the possibility of reinstatement:

(a) Using a motor vehicle in the commission of a felony involving manufacturing, distributing or dispensing a controlled substance; or

(b) Using a commercial motor vehicle in the commission of:

(1) A violation of NRS 200.463, 200.4631, 200.464, 200.465, 200.467, 200.468, 200.4685, 201.300 or 207.400 involving an offense described in subsection 36 or 37 of NRS 207.360;

(2) An attempt or conspiracy to commit an offense described by subparagraph (1), if punishable by a felony; or

(3) Any other offense punishable as a felony by state or federal law which involves an act or practice of severe forms of human trafficking, as defined in 22 U.S.C. § 7102(11).

3. A person who is disqualified from operating a commercial motor vehicle for life without the possibility of reinstatement pursuant to this section or 49 C.F.R. § 383.51 must not be issued, and shall not hold, a commercial driver's license or commercial learner's permit.

Sec. 3. If a person is convicted of an offense described in subparagraph (1) or (2) of paragraph (b) of subsection 2 of section 2 of this act while operating a commercial motor vehicle, the court in which the person was convicted shall, not later than 5 business days after the date on which the person was convicted, provide to the Department notice of the conviction in a form prescribed by Department.

Sec. 4. 1. An employer shall not allow, require, permit or authorize a person to operate a commercial motor vehicle if the employer knows or should reasonably know that the operation of the motor vehicle is:

(a) During a period in which the person does not have a current commercial driver's license or commercial learner's permit or does not have a commercial driver's license or commercial learner's permit with the proper class or endorsements;

(b) In violation of any restriction on the commercial driver's license or commercial learner's permit of the person;

(c) During a period in which the person has a commercial driver's license or commercial learner's permit disqualified by a state, has lost the right to operate a commercial motor vehicle in a state or has been disqualified from operating a commercial motor vehicle;

(d) During a period in which the person has more than one commercial driver's license or commercial learner's permit;

(e) During a period in which the person, the motor vehicle he or she is operating or the motor carrier operation is subject to an out-of-service order, as defined by 49 C.F.R. § 383.5; or

(f) In violation of a federal, state or local law or regulation pertaining to railroad-highway grade crossings.

2. As used in this section, "employer" means any person who owns or leases a commercial motor vehicle or assigns an employee to operate a commercial motor vehicle.

Sec. 5. NRS 483.902 is hereby amended to read as follows:

483.902 The provisions of NRS 483.900 to 483.940, inclusive, and sections 2, 3 and 4 of this act apply only with respect to commercial drivers' licenses.

Sec. 6. NRS 483.904 is hereby amended to read as follows:

483.904 As used in NRS 483.900 to 483.940, inclusive, and sections 2, 3 and 4 of this act, unless the context otherwise requires:

1. "Commercial driver's license" means a license issued to a person which authorizes the person to drive a class or type of commercial motor vehicle.

2. "Commercial Driver's License Information System" means the information system maintained by the Secretary of Transportation pursuant to 49 U.S.C. § 31309 to serve as a clearinghouse for locating information relating to the licensing, identification and disqualification of operators of commercial motor vehicles.

Sec. 6.5. NRS 483.908 is hereby amended to read as follows:

483.908 The Department shall adopt regulations:

1. Providing for the issuance, expiration, renewal, suspension, revocation and reinstatement of commercial drivers' licenses;

2. Providing the same exemptions allowed pursuant to federal regulations for farmers, firefighters, military personnel or any other class of operators or vehicles for which exemptions are authorized by federal law or regulations;

3. Specifying the violations which constitute grounds for disqualification from driving a commercial motor vehicle and the penalties associated with each violation;

4. Setting forth a schedule of various alcohol concentrations and the penalties which must be imposed if those concentrations are detected in the breath, blood, urine or other bodily substances of a person who is driving, operating or is in actual physical control of a commercial motor vehicle; ~~and~~

5. Necessary to enable it to carry out the provisions of NRS 483.900 to 483.940, inclusive ~~and~~; and

6. Necessary to enable it to comply with the provisions of 49 C.F.R. § 383.73(q).

↪ The Department shall not adopt regulations which are more restrictive than the federal regulations adopted pursuant to the Commercial Motor Vehicle Safety Act of 1986, as amended, 49 U.S.C. chapter 313 (§§ 31301 et seq.).

Sec. 7. NRS 483.916 is hereby amended to read as follows:

483.916 Except as otherwise provided in NRS 481.063, the Department shall furnish full information regarding the driving record of any person to:

1. *The person who is the subject of the driving record upon his or her request;*

2. The driver's license administrator of any other state or of any province or territory of Canada ~~who requests that information;~~ upon his or her request;

~~{2.}~~ 3. Any employer or prospective employer of that person upon his or her request and payment of a fee established in regulations adopted by the Department; ~~or~~

~~—3.}~~ 4. Any insurer upon its request and payment of a fee established in regulations adopted by the Department if the insurer has complied with the provisions of NRS 485.314 ~~{-}~~ ; or

5. *The Secretary of Transportation of the United States upon his or her request.*

Sec. 8. NRS 483.939 is hereby amended to read as follows:

483.939 1. If the Department receives notice that a person who holds a commercial driver's license has been convicted of driving a commercial motor vehicle in violation of the prohibitions described in 49 C.F.R. § 395.13, the Department shall:

(a) Suspend the privilege of the person to operate a commercial motor vehicle for the period set forth in 49 C.F.R. § 383.51; and

(b) In addition to any other applicable fees and penalties that must be paid to reinstate the commercial driver's license after suspension, impose against the person a civil penalty in the amount set forth in 49 C.F.R. § 383.53(b)(1).

2. If the Department receives notice that the employer of a person who holds a commercial driver's license has been convicted of ~~{a}~~ :

(a) A violation of 49 C.F.R. § ~~{383.37}~~ 383.37(a)-(d), for knowingly allowing, requiring, permitting or authorizing the person to operate a commercial motor vehicle during any period in which the person or the commercial motor vehicle is subject to the circumstances described in 49 C.F.R. § ~~{383.37}~~ 383.37(a)-(d), the Department shall impose against the employer a civil penalty in the amount set forth in 49 C.F.R. § 383.53.

(b) *A violation of paragraph (f) of subsection 1 of section 4 of this act, the Department shall impose against the employer a civil penalty in the amount set forth in 49 C.F.R. Part 386, Appendix B.*

3. All money collected by the Department pursuant to paragraph (b) of subsection 1 or subsection 2 must be deposited in the State Treasury for credit to the Motor Vehicle Fund.

4. The Department shall adopt regulations to carry out the provisions of this section.

5. *As used in this section, "employer" means any person who owns or leases a commercial motor vehicle or assigns an employee to operate a commercial motor vehicle.*

Sec. 9. NRS 484B.560 is hereby amended to read as follows:

484B.560 1. Except as otherwise provided in subsection 4, the driver of a bus carrying passengers, or of any school bus carrying any school child, or

of any vehicle carrying hazardous materials as that term is defined in 49 C.F.R. § 383.5, before crossing at grade any track or tracks of a railroad, shall stop that vehicle within 50 feet but not less than 15 feet from the nearest rail of the railroad and while so stopped shall listen and look in both directions along the track for any approaching train or other on-track equipment, and for signals indicating the approach of a train or other on-track equipment, and shall not proceed until the driver can do so safely.

2. After stopping as required in this section and upon proceeding when it is safe to do so, the driver of any such vehicle shall cross only in a gear of the vehicle that there will be no necessity for changing gears while traversing the crossing and the driver shall not shift gears while crossing the track or tracks.

3. When stopping is required at a railroad crossing the driver shall keep as far to the right of the highway as possible and shall not form two lanes of traffic unless the highway is marked for four or more lanes of traffic.

4. No such stop need be made at a railroad crossing:

(a) Where a police officer or official traffic-control device controls the movement of traffic.

(b) Which is marked with a device indicating that the crossing is abandoned.

(c) Which is a streetcar crossing or is used exclusively for industrial switching purposes within an area designated as a business district.

(d) Which is marked with a sign identifying it as an exempt crossing. Signs identifying a crossing as exempt may be erected only:

(1) If the tracks are an industrial or spur line;

(2) By or with the consent of the appropriate state or local authority which has jurisdiction over the road; and

(3) After the State or the local authority has held a public hearing to determine whether the crossing should be designated an exempt crossing.

5. *The driver of a commercial motor vehicle, as that term is defined in 49 C.F.R. § 383.5, who is not otherwise required to stop pursuant to subsection 1 shall, before crossing at grade any track or tracks of a railroad, decrease the speed of the commercial motor vehicle and confirm that the tracks are clear of any approaching train or other on-track equipment.*

6. *If the driver of any vehicle approaches a railroad crossing and the track or tracks of the railroad are not clear, the driver shall stop that vehicle within 50 feet but not less than 15 feet from the nearest rail of the railroad and shall not proceed until the driver can do so safely.*

7. It is unlawful for the driver of any vehicle ~~[-when]~~ :

(a) When crossing at grade any track or tracks of a railroad, to fail to completely cross the track or tracks without stopping due to insufficient:

~~[(a)]~~ (1) Space for the vehicle on the opposite side of the railroad crossing; or

~~[(b)]~~ (2) Undercarriage clearance of the vehicle ~~[-~~

~~-6.]; or~~

(b) *To fail to obey an official traffic-control device or the directions of a police officer at a railroad crossing.*

8. As used in this section, "completely cross" means to travel across a railroad track or tracks in such a manner that the trailing end of the vehicle is 15 feet or more past the nearest rail of the railroad track or tracks.

Sec. 10. NRS 200.463 is hereby amended to read as follows:

200.463 1. A person who knowingly subjects, or attempts to subject, another person to forced labor or services by:

(a) Causing or threatening to cause physical harm to any person;
 (b) Physically restraining or threatening to physically restrain any person;
 (c) Abusing or threatening to abuse the law or legal process;
 (d) Knowingly destroying, concealing, removing, confiscating or possessing any actual or purported passport or other immigration document, or any other actual or purported government identification document, of the person;

(e) Extortion; ~~for~~

(f) Causing or threatening to cause financial harm to any person ~~for~~ ;

(g) *Debt bondage*; ~~for~~

(h) *Peonage* ~~for~~ ; or

(i) Using a scheme, plan or pattern intended to cause the person to believe that the failure to perform an act would result in serious harm or physical restraint against any person.

↪ is guilty of holding a person in involuntary servitude.

2. Unless a greater penalty is provided in NRS 200.4631, a person who is found guilty of holding a person in involuntary servitude is guilty of a category B felony and shall be punished:

(a) Where the victim suffers substantial bodily harm while held in involuntary servitude or in attempted escape or escape therefrom, by imprisonment in the state prison for a minimum term of not less than 7 years and a maximum term of not more than 20 years, and may be further punished by a fine of not more than \$50,000.

(b) Where the victim suffers no substantial bodily harm as a result of being held in involuntary servitude, by imprisonment in the state prison for a minimum term of not less than 5 years and a maximum term of not more than 20 years, and may be further punished by a fine of not more than \$50,000.

3. As used in this section:

(a) "*Debt bondage*" has the meaning ascribed to it in 22 U.S.C. § 7102.

(b) "*Peonage*" means a status or condition of compulsory service based upon real or alleged indebtedness.

Sec. 10.5. NRS 200.4631 is hereby amended to read as follows:

200.4631 1. A person who has physical custody of a minor, allows a minor to reside in his or her residence, is in a position of authority over a minor or provides care for any length of time to a minor and who knowingly:

(a) Obtains labor or services from the minor by causing or threatening to cause serious harm to the minor or by engaging in a pattern of conduct that

results in physical injury to the minor, sexual abuse of the minor or sexual assault of the minor pursuant to NRS 200.366; ~~for~~

(b) Benefits, financially or by receiving anything of value other than sexual gratification from the labor or services obtained by the conduct specified in paragraph (a) ~~for~~; or

(c) Uses a scheme, plan or pattern intended to cause the minor to believe that the failure to perform an act would result in serious harm or physical restraint against any person.

↪ is guilty of holding a minor in involuntary servitude.

2. A person who is found guilty of holding a minor in involuntary servitude is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 15 years has been served, and may be further punished by a fine of at least \$50,000.

3. Consent of the victim to the performance of any labor or services is not a valid defense to a prosecution conducted pursuant to this section.

4. Nothing in this section shall be construed to prohibit a parent or guardian of a child from requiring his or her child to perform common household chores under the threat of the reasonable exercise of discipline by the parent or guardian of the child.

5. For the purposes of this section:

(a) "Physical injury" includes, without limitation:

(1) A sprain or dislocation;

(2) Damage to cartilage;

(3) A fracture of a bone or the skull;

(4) An injury causing an intracranial hemorrhage or injury to another internal organ;

(5) Permanent or temporary disfigurement, including, without limitation, a burn, scalding, cut, laceration, puncture or bite; or

(6) Permanent or temporary loss or impairment of a part or organ of the body.

(b) "Serious harm" means any harm, whether physical or nonphysical, including, without limitation, psychological, financial or reputational harm, that is sufficiently serious, under the circumstances, to compel a reasonable person of the same background and in the same circumstances as the victim to perform or to continue to provide labor or services to avoid incurring that harm.

(c) "Sexual abuse" includes acts upon a child constituting:

(1) Lewdness with a child pursuant to NRS 201.230;

(2) Sado-masochistic abuse pursuant to NRS 201.262;

(3) Sexual assault pursuant to NRS 200.366;

(4) Open or gross lewdness pursuant to NRS 201.210; and

(5) Mutilation of the genitalia of a female child, aiding, abetting, encouraging or participating in the mutilation of the genitalia of a female

child, or removal of a female child from this State for the purpose of mutilating the genitalia of the child pursuant to NRS 200.5083.

Sec. 11. ~~[NRS 207.190 is hereby amended to read as follows:~~
~~207.190 1. It is unlawful for a person, with the intent to compel another~~
~~to do or abstain from doing an act which the other person has a right to do or~~
~~abstain from doing, to:~~
~~(a) Use violence or inflict injury upon the other person or any of the other~~
~~person's family, or upon the other person's property, or threaten such violence~~
~~or injury;~~
~~(b) Deprive the person of any tool, implement or clothing, or hinder the~~
~~person in the use thereof; [or]~~
~~(c) Attempt to intimidate the person by threats or force [.] ; or~~
~~(d) Use any scheme, plan or pattern intended to cause the person to~~
~~believe that failure to perform an act would result in serious harm to or~~
~~physical restraint against any person.~~
~~2. A person who violates the provisions of subsection 1 shall be~~
~~punished:~~
~~(a) Where physical force or the immediate threat of physical force is used,~~
~~for a category B felony by imprisonment in the state prison for a minimum~~
~~term of not less than 1 year and a maximum term of not more than 6 years,~~
~~and may be further punished by a fine of not more than \$5,000.~~
~~(b) Where no physical force or immediate threat of physical force is used,~~
~~for a misdemeanor.] (Deleted by amendment.)~~

Sec. 12. This act becomes effective on July 1, 2023.

Senator Harris moved the adoption of the amendment.

Remarks by Senator Harris.

Amendment No. 531 to Senate Bill No. 66 authorizes the Department of Motor Vehicles (DMV) to adopt regulations necessary to comply with federal law related to the Commercial Driver's License Drug and Alcohol Clearinghouse, provides that certain additional actions constitute the crime of holding a person in involuntary servitude or holding a minor in involuntary servitude, revises the circumstances in which the DMV will furnish the full information regarding a person's driving record to the license administrator of certain other jurisdictions and deletes section 11 of the bill.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 163.

Bill read second time.

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

Amendment No. 312.

SUMMARY—Requires certain health insurance to cover treatment of certain conditions relating to gender dysphoria ~~[,] and gender incongruence,~~
~~[and other disorders of sexual development.]~~ (BDR 57-129)

AN ACT relating to insurance; requiring certain health insurance to include coverage for the treatment of conditions relating to gender dysphoria

~~[] and gender incongruence [and other disorders of sexual development];~~ prohibiting such insurers from engaging in certain discrimination on the basis of gender identity or expression; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires public and private policies of health insurance regulated under Nevada law to include certain coverage. (NRS 287.010, 287.04335, 422.2712-422.27241, 689A.04033-689A.0465, 689B.0303-689B.0379, 689C.1655-689C.169, 689C.194, 689C.1945, 689C.195, 695A.184-695A.1875, 695B.1901-695B.1948, 695C.1691-695C.176, 695G.162-695G.177) Existing law also requires employers to provide certain benefits for health care to employees, including the coverage required of health insurers, if the employer provides health benefits for its employees. (NRS 608.1555) Sections ~~[]~~ 1.3, 3, 4, 6, 8, 11 ~~[and 13-15]~~, 13, 14 and 15 of this bill: (1) require certain public and private policies of health insurance and health care plans, including Medicaid, to cover the treatment of conditions relating to gender dysphoria ~~[] and gender incongruence; [and other disorders of sexual development; and]~~ (2) authorize those policies and plans to prescribe requirements that must be satisfied before the insurer will cover surgical treatment for conditions relating to gender dysphoria ~~[] or gender incongruence [and other disorders of sexual development]~~ for persons who are less than ~~[17]~~ 18 years of age ~~[]~~; and (3) require an insurer to consult with a provider of health care with experience in prescribing or delivering gender-affirming treatment when considering certain appeals of a denial of coverage. Sections 1.6, 3.6, 4.6, 6.6, 7.6, 8.6, 11.6 and 15.6 of this bill prohibit an insurer from engaging in certain discrimination on the basis of gender identity or expression. Sections 2, 5, 9 and 12 of this bill make conforming changes to indicate the proper placement of sections ~~[]~~ 1.3, 1.6, 4, 4.6, 8 ~~[and]~~ , 8.6, 15 and 15.6 in the Nevada Revised Statutes.

Section 10 of this bill authorizes the Commissioner of Insurance to suspend or revoke the certificate of a health maintenance organization that fails to comply with the requirements of ~~[section]~~ sections 8 ~~[to provide coverage for the treatment of conditions relating to gender dysphoria, gender incongruence and other disorders of sexual development.]~~ and 8.6. The Commissioner would also be authorized to take such action against other health insurers who fail to comply with the requirements of sections ~~[]~~ 1.3, 1.6, 3, 3.6, 4, 4.6, 6, 6.6, 7 ~~[and]~~ , 7.6, 11 and 11.6 of this bill. (NRS 680A.200)

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

Section 1. Chapter 689A of NRS is hereby amended by adding thereto ~~[a new section to read]~~ the provisions set forth as [follows], sections 1.3 and 1.6 of this act.

Sec. 1.3. 1. ~~[(An)]~~ Except as otherwise provided in this section, an insurer that issues a policy of health insurance shall include in the policy coverage for the medically necessary treatment of conditions relating to gender dysphoria ~~[(,)]~~ and gender incongruence ~~, [and other disorders of sexual development].~~ Such coverage must include ~~[(, without limitation,)]~~ coverage of medically necessary psychosocial and surgical intervention and any other medically necessary treatment for such disorders provided by:

- (a) Endocrinologists;
- (b) Pediatric endocrinologists;
- (c) Social workers;
- (d) Psychiatrists;
- (e) Psychologists;
- (f) Gynecologists;
- (g) ~~[(Plastic surgeons,)]~~ Speech-language pathologists;
- (h) Primary care physicians;
- (i) Advanced practice registered nurses;
- (j) Physician assistants; and

~~[(h)]~~ (k) Any other providers of medically necessary services for the treatment of gender dysphoria ~~[(,)]~~ or gender incongruence ~~, [and other disorders of sexual development].~~

2. This section does not require a policy of health insurance to include coverage for cosmetic surgery performed by a plastic surgeon or reconstructive surgeon that is not medically necessary.

3. An insurer that issues a policy of health insurance shall not categorically refuse to cover medically necessary gender-affirming treatments or procedures or revisions to prior treatments if the policy provides coverage for any such services, procedures or revisions for purposes other than gender transition or affirmation.

4. An insurer that issues a policy of health insurance may prescribe requirements that must be satisfied before the insurer covers surgical treatment of conditions relating to gender dysphoria ~~[(,)]~~ or gender incongruence ~~[and other disorders of sexual development]~~ for an insured who is less than ~~[(17)]~~ 18 years of age. Such requirements may include, without limitation, requirements that:

- (a) The treatment must be recommended by a psychologist, psychiatrist or other mental health professional;
- (b) The treatment must be recommended by a physician;
- (c) The insured must provide a written expression of the desire of the insured to undergo the treatment; ~~[(and)]~~
- (d) A written plan for treatment that covers at least 1 year must be developed and approved by at least two providers of health care ~~[(,)]~~

~~—3.7 ; and~~

(e) Parental consent is provided for the insured unless the insured is expressly authorized by law to consent on his or her own behalf.

5. When determining whether treatment is medically necessary for the purposes of this section, an insurer must consider the most recent Standards of Care published by the World Professional Association for Transgender Health, or its successor organization.

6. An insurer shall make a reasonable effort to 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. If, after a reasonable effort, the insurer is unable to make such benefits available through such a provider of health care, the insurer ~~must cover the benefits when provided to an insured through~~ may treat the treatment that the insurer is unable to make available through such a provider of health care in the same manner as other services provided by a provider of health care who does not participate in the network plan of the insurer.

7. If an insured appeals the denial of a claim or coverage under this section on the grounds that the treatment requested by the insured is not medically necessary, the insurer must consult with a provider of health care who has experience in prescribing or delivering gender-affirming treatment concerning the medical necessity of the treatment requested by the insured when considering the appeal.

~~4.4~~ 8. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after July 1, 2023, 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.

~~5.4~~ 9. As used in this section:

(a) "Cosmetic surgery":

(1) Means a surgical procedure that:

(I) Does not meaningfully promote the proper function of the body;

(II) Does not prevent or treat illness or disease; and

(III) Is primarily directed at improving the appearance of a person.

(2) Includes, without limitation, cosmetic surgery directed at preserving beauty.

(b) "Gender dysphoria" means distress or impairment in social, occupational or other areas of functioning caused by a marked difference between the gender identity or expression of a person and the sex assigned to the person at birth which lasts at least 6 months and is shown by at least two of the following:

(1) A marked difference between gender identity or expression and primary or secondary sex characteristics or anticipated secondary sex characteristics in young adolescents.

(2) A strong desire to be rid of primary or secondary sex characteristics because of a marked difference between such sex characteristics and gender identity or expression or a desire to prevent the development of anticipated secondary sex characteristics in young adolescents.

(3) A strong desire for the primary or secondary sex characteristics of the gender opposite from the sex assigned at birth.

(4) A strong desire to be of the opposite gender or a gender different from the sex assigned at birth.

(5) A strong desire to be treated as the opposite gender or a gender different from the sex assigned at birth.

(6) A strong conviction of experiencing typical feelings and reactions of the opposite gender or a gender different from the sex assigned at birth.

~~[(b)]~~ (c) "Medically necessary" means health care services or products that a prudent provider of health care would provide to a patient to prevent, diagnose or treat an illness, injury or disease, or any symptoms thereof, that are necessary and:

(1) Provided in accordance with generally accepted standards of medical practice;

(2) Clinically appropriate with regard to type, frequency, extent, location and duration;

(3) Not provided primarily for the convenience of the patient or provider of health care;

(4) Required to improve a specific health condition of a patient or to preserve the existing state of health of the patient; and

(5) The most clinically appropriate level of health care that may be safely provided to the patient.

➤ A provider of health care prescribing, ordering, recommending or approving a health care service or product does not, by itself, make that health care service or product medically necessary.

~~[(c)]~~ (d) "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.

~~[(d)]~~ (e) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 1.6. An insurer that issues a policy of health insurance shall not discriminate against any person with respect to participation or coverage under the policy on the basis of actual or perceived gender identity or expression. Prohibited discrimination includes, without limitation:

1. Denying, cancelling, limiting or refusing to issue or renew a policy of health insurance on the basis of the actual or perceived gender identity or expression of a person or a family member of the person;

2. Imposing a payment or premium that is based on the actual or perceived gender identity or expression of an insured or a family member of the insured;

3. Designating the actual or perceived gender identity or expression of a person or a family member of the person as grounds to deny, cancel or limit participation or coverage; and

4. Denying, cancelling or limiting participation or coverage on the basis of actual or perceived gender identity or expression, including, without limitation, by limiting or denying coverage for health care services that are:

(a) Related to gender transition, provided that there is coverage under the policy for the services when the services are not related to gender transition;
or

(b) Ordinarily or exclusively available to persons of any sex.

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

689A.330 If any policy is issued by a domestic insurer for delivery to a person residing in another state, and if the insurance commissioner or corresponding public officer of that other state has informed the Commissioner that the policy is not subject to approval or disapproval by that officer, the Commissioner may by ruling require that the policy meet the standards set forth in NRS 689A.030 to 689A.320, inclusive ~~[]~~, and ~~[section 1]~~ sections 1.3 and 1.6 of this act.

Sec. 2.8. Chapter 689B of NRS is hereby amended by adding thereto the provisions set forth as sections 3 and 3.6 of this act.

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

1. ~~[An]~~ Except as otherwise provided in this section, an insurer that issues a policy of group health insurance shall include in the policy coverage for the medically necessary treatment of conditions relating to gender dysphoria ~~[]~~ and gender incongruence ~~[and other disorders of sexual development]~~. Such coverage must include ~~[, without limitation,]~~ coverage of medically necessary psychosocial and surgical intervention and any other medically necessary treatment for such disorders provided by:

(a) Endocrinologists;

(b) Pediatric endocrinologists;

(c) Social workers;

(d) Psychiatrists;

(e) Psychologists;

(f) Gynecologists;

(g) ~~[Plastic surgeons;]~~ Speech-language pathologists;

(h) Primary care physicians;

(i) Advanced practice registered nurses;

(j) Physician assistants; and

~~[(h)]~~ (k) Any other providers of medically necessary services for the treatment of gender dysphoria ~~[]~~ or gender incongruence ~~[and other disorders of sexual development]~~.

2. This section does not require a policy of group health insurance to include coverage for cosmetic surgery performed by a plastic surgeon or reconstructive surgeon that is not medically necessary.

3. An insurer that issues a policy of group health insurance shall not categorically refuse to cover medically necessary gender-affirming treatments or procedures or revisions to prior treatments if the policy

provides coverage for any such services, procedures or revisions for purposes other than gender transition or affirmation.

4. An insurer that issues a policy of group health insurance may prescribe requirements that must be satisfied before the insurer covers surgical treatment of conditions relating to gender dysphoria ~~or~~ or gender incongruence ~~and other disorders of sexual development~~ for an insured who is less than ~~17~~ 18 years of age. Such requirements may include, without limitation, requirements that:

(a) The treatment must be recommended by a psychologist, psychiatrist or other mental health professional;

(b) The treatment must be recommended by a physician;

(c) The insured must provide a written expression of the desire of the insured to undergo the treatment; ~~and~~

(d) A written plan for treatment that covers at least 1 year must be developed and approved by at least two providers of health care ~~;~~

~~3.1~~ ;and

(e) Parental consent is provided for the insured unless the insured is expressly authorized by law to consent on his or her own behalf.

5. When determining whether treatment is medically necessary for the purposes of this section, an insurer must consider the most recent Standards of Care published by the World Professional Association for Transgender Health, or its successor organization.

6. An insurer shall make a reasonable effort to 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. If, after a reasonable effort, the insurer is unable to make such benefits available through such a provider of health care, the insurer ~~must cover the benefits when provided to an insured through~~ may treat the treatment that the insurer is unable to make available through such a provider of health care in the same manner as other services provided by a provider of health care who does not participate in the network plan of the insurer.

7. If an insured appeals the denial of a claim or coverage under this section on the grounds that the treatment requested by the insured is not medically necessary, the insurer must consult with a provider of health care who has experience in prescribing or delivering gender-affirming treatment concerning the medical necessity of the treatment requested by the insured when considering the appeal.

~~4.4~~ 8. A policy of group health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after July 1, 2023, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or renewal which is in conflict with the provisions of this section is void.

~~5.1~~ 9. As used in this section:

(a) "Cosmetic surgery":

(1) Means a surgical procedure that:

(I) Does not meaningfully promote the proper function of the body;

(II) Does not prevent or treat illness or disease; and

(III) Is primarily directed at improving the appearance of a person.

(2) Includes, without limitation, cosmetic surgery directed at preserving beauty.

(b) "Gender dysphoria" means distress or impairment in social, occupational or other areas of functioning caused by a marked difference between the gender identity or expression of a person and the sex assigned to the person at birth which lasts at least 6 months and is shown by at least two of the following:

(1) A marked difference between gender identity or expression and primary or secondary sex characteristics or anticipated secondary sex characteristics in young adolescents.

(2) A strong desire to be rid of primary or secondary sex characteristics because of a marked difference between such sex characteristics and gender identity or expression or a desire to prevent the development of anticipated secondary sex characteristics in young adolescents.

(3) A strong desire for the primary or secondary sex characteristics of the gender opposite from the sex assigned at birth.

(4) A strong desire to be of the opposite gender or a gender different from the sex assigned at birth.

(5) A strong desire to be treated as the opposite gender or a gender different from the sex assigned at birth.

(6) A strong conviction of experiencing typical feelings and reactions of the opposite gender or a gender different from the sex assigned at birth.

~~[(b)]~~ (c) "Medically necessary" means health care services or products that a prudent provider of health care would provide to a patient to prevent, diagnose or treat an illness, injury or disease, or any symptoms thereof, that are necessary and:

(1) Provided in accordance with generally accepted standards of medical practice;

(2) Clinically appropriate with regard to type, frequency, extent, location and duration;

(3) Not provided primarily for the convenience of the patient or provider of health care;

(4) Required to improve a specific health condition of a patient or to preserve the existing state of health of the patient; and

(5) The most clinically appropriate level of health care that may be safely provided to the patient.

↪ A provider of health care prescribing, ordering, recommending or approving a health care service or product does not, by itself, make that health care service or product medically necessary.

~~[(c)]~~ (d) "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.

~~[(d)]~~ (e) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 3.6. An insurer that issues a policy of group health insurance shall not discriminate against any person with respect to participation or coverage under the policy on the basis of actual or perceived gender identity or expression. Prohibited discrimination includes, without limitation:

1. Denying, cancelling, limiting or refusing to issue or renew a policy of group health insurance on the basis of the actual or perceived gender identity or expression of a person or a family member of the person;

2. Imposing a payment or premium that is based on the actual or perceived gender identity or expression of an insured or a family member of the insured;

3. Designating the actual or perceived gender identity or expression of a person or a family member of the person as grounds to deny, cancel or limit participation or coverage; and

4. Denying, cancelling or limiting participation or coverage on the basis of actual or perceived gender identity or expression, including, without limitation, by limiting or denying coverage for health care services that are:

(a) Related to gender transition, provided that there is coverage under the policy for the services when the services are not related to gender transition;
or

(b) Ordinarily or exclusively available to persons of any sex.

Sec. 3.8. Chapter 689C of NRS is hereby amended by adding thereto the provisions set forth as sections 4 and 4.6 of this act.

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

1. ~~[(A)]~~ Except as otherwise provided in this section, a carrier that issues a health benefit plan shall include in the health benefit plan coverage for the medically necessary treatment of conditions relating to gender dysphoria ~~and~~ and gender incongruence ~~, [and other disorders of sexual development.]~~ Such coverage must include ~~[, without limitation,]~~ coverage of medically necessary psychosocial and surgical intervention and any other medically necessary treatment for such disorders provided by:

(a) Endocrinologists;

(b) Pediatric endocrinologists;

(c) Social workers;

(d) Psychiatrists;

(e) Psychologists;

(f) Gynecologists;

(g) ~~[Plastic surgeons;]~~ Speech-language pathologists;

(h) Primary care physicians;

(i) Advanced practice registered nurses;

(j) Physician assistants; and

~~[(4)]~~ (k) Any other providers of medically necessary services for the treatment of gender dysphoria ~~or~~ or gender incongruence ~~and other disorders of sexual development.~~

2. This section does not require a health benefit plan to include coverage for cosmetic surgery performed by a plastic surgeon or reconstructive surgeon that is not medically necessary.

3. A carrier that issues a health benefit plan shall not categorically refuse to cover medically necessary gender-affirming treatments or procedures or revisions to prior treatments if the plan provides coverage for any such services, procedures or revisions for purposes other than gender transition or affirmation.

4. A carrier that issues a health benefit plan may prescribe requirements that must be satisfied before the carrier covers surgical treatment of conditions relating to gender dysphoria ~~or~~ or gender incongruence ~~and other disorders of sexual development.~~ for an insured who is less than ~~17~~ 18 years of age. Such requirements may include, without limitation, requirements that:

(a) The treatment must be recommended by a psychologist, psychiatrist or other mental health professional;

(b) The treatment must be recommended by a physician;

(c) The insured must provide a written expression of the desire of the insured to undergo the treatment; ~~and~~

(d) A written plan for treatment that covers at least 1 year must be developed and approved by at least two providers of health care ~~;~~

~~3.7~~ ; and

(e) Parental consent is provided for the insured unless the insured is expressly authorized by law to consent on his or her own behalf.

5. When determining whether treatment is medically necessary for the purposes of this section, a carrier must consider the most recent Standards of Care published by the World Professional Association for Transgender Health, or its successor organization.

6. A carrier shall make a reasonable effort to 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. If, after a reasonable effort, the carrier is unable to make such benefits available through such a provider of health care, the carrier ~~must cover the benefits when provided to an insured through~~ may treat the treatment that the carrier is unable to make available through such a provider of health care in the same manner as other services provided by a provider of health care who does not participate in the network plan of the carrier.

7. If an insured appeals the denial of a claim or coverage under this section on the grounds that the treatment requested by the insured is not medically necessary, the carrier must consult with a provider of health care who has experience in prescribing or delivering gender-affirming treatment

concerning the medical necessity of the treatment requested by the insured when considering the appeal

~~4.7~~ 8. A health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after July 1, 2023, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or renewal which is in conflict with the provisions of this section is void.

~~5.7~~ 9. As used in this section:

(a) "Cosmetic surgery" :

(1) Means a surgical procedure that:

(I) Does not meaningfully promote the proper function of the body;

(II) Does not prevent or treat illness or disease; and

(III) Is primarily directed at improving the appearance of a person.

(2) Includes, without limitation, cosmetic surgery directed at preserving beauty.

(b) "Gender dysphoria" means distress or impairment in social, occupational or other areas of functioning caused by a marked difference between the gender identity or expression of a person and the sex assigned to the person at birth which lasts at least 6 months and is shown by at least two of the following:

(1) A marked difference between gender identity or expression and primary or secondary sex characteristics or anticipated secondary sex characteristics in young adolescents.

(2) A strong desire to be rid of primary or secondary sex characteristics because of a marked difference between such sex characteristics and gender identity or expression or a desire to prevent the development of anticipated secondary sex characteristics in young adolescents.

(3) A strong desire for the primary or secondary sex characteristics of the gender opposite from the sex assigned at birth.

(4) A strong desire to be of the opposite gender or a gender different from the sex assigned at birth.

(5) A strong desire to be treated as the opposite gender or a gender different from the sex assigned at birth.

(6) A strong conviction of experiencing typical feelings and reactions of the opposite gender or a gender different from the sex assigned at birth.

~~(b)~~ (c) "Medically necessary" means health care services or products that a prudent provider of health care would provide to a patient to prevent, diagnose or treat an illness, injury or disease, or any symptoms thereof, that are necessary and:

(1) Provided in accordance with generally accepted standards of medical practice;

(2) Clinically appropriate with regard to type, frequency, extent, location and duration;

(3) Not provided primarily for the convenience of the patient or provider of health care;

(4) Required to improve a specific health condition of a patient or to preserve the existing state of health of the patient; and

(5) The most clinically appropriate level of health care that may be safely provided to the patient.

↪ A provider of health care prescribing, ordering, recommending or approving a health care service or product does not, by itself, make that health care service or product medically necessary.

~~[(e)]~~ (d) "Network plan" means a health benefit plan offered by a carrier under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the carrier. The term does not include an arrangement for the financing of premiums.

~~[(d)]~~ (e) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 4.6. A carrier that issues a health benefit plan shall not discriminate against any person with respect to participation or coverage under the plan on the basis of actual or perceived gender identity or expression. Prohibited discrimination includes, without limitation:

1. Denying, cancelling, limiting or refusing to issue or renew a health benefit plan on the basis of the actual or perceived gender identity or expression of a person or a family member of the person;

2. Imposing a payment or premium that is based on the actual or perceived gender identity or expression of an insured or a family member of the insured;

3. Designating the actual or perceived gender identity or expression of a person or a family member of the person as grounds to deny, cancel or limit participation or coverage; and

4. Denying, cancelling or limiting participation or coverage on the basis of actual or perceived gender identity or expression, including, without limitation, by limiting or denying coverage for health care services that are:

(a) Related to gender transition, provided that there is coverage under the plan for the services when the services are not related to gender transition;
or

(b) Ordinarily or exclusively available to persons of any sex.

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

689C.425 A voluntary purchasing group and any contract issued to such a group pursuant to NRS 689C.360 to 689C.600, inclusive, are subject to the provisions of NRS 689C.015 to 689C.355, inclusive, and ~~(section)~~ sections 4 and 4.6 of this act, to the extent applicable and not in conflict with the express provisions of NRS 687B.408 and 689C.360 to 689C.600, inclusive.

Sec. 5.8. Chapter 695A of NRS is hereby amended by adding thereto the provisions set forth as sections 6 and 6.6 of this act.

Sec. 6. ~~[Chapter 695A of NRS is hereby amended by adding thereto a new section to read as follows:]~~

1. ~~[(A)]~~ Except as otherwise provided in this section, a society that issues a benefit contract shall include in the benefit contract coverage for the medically necessary treatment of conditions relating to gender dysphoria ~~[(f)]~~ and gender incongruence ~~[(and other disorders of sexual development)]~~. Such coverage must include ~~[(without limitation)]~~ coverage of medically necessary psychosocial and surgical intervention and any other medically necessary treatment for such disorders provided by:

- (a) Endocrinologists;
- (b) Pediatric endocrinologists;
- (c) Social workers;
- (d) Psychiatrists;
- (e) Psychologists;
- (f) Gynecologists;
- (g) ~~[(Plastic surgeons)]~~ Speech-language pathologists;
- (h) Primary care physicians;
- (i) Advanced practice registered nurses;
- (j) Physician assistants; and

~~[(h)]~~ (k) Any other providers of medically necessary services for the treatment of gender dysphoria ~~[(f)]~~ or gender incongruence ~~[(and other disorders of sexual development)]~~.

2. This section does not require a benefit contract to include coverage for cosmetic surgery performed by a plastic surgeon or reconstructive surgeon that is not medically necessary.

3. A society that issues a benefit contract shall not categorically refuse to cover medically necessary gender-affirming treatments or procedures or revisions to prior treatments if the contract provides coverage for any such services, procedures or revisions for purposes other than gender transition or affirmation.

4. A society that issues a benefit contract may prescribe requirements that must be satisfied before the society covers surgical treatment of conditions relating to gender dysphoria ~~[(f)]~~ or gender incongruence ~~[(and other disorders of sexual development)]~~ for an insured who is less than ~~[(17)]~~ 18 years of age. Such requirements may include, without limitation, requirements that:

- (a) The treatment must be recommended by a psychologist, psychiatrist or other mental health professional;
- (b) The treatment must be recommended by a physician;
- (c) The insured must provide a written expression of the desire of the insured to undergo the treatment; ~~[(and)]~~
- (d) A written plan for treatment that covers at least 1 year must be developed and approved by at least two providers of health care ~~[(f)]~~ ~~—3—~~ ; and

(e) Parental consent is provided for the insured unless the insured is expressly authorized by law to consent on his or her own behalf.

5. When determining whether treatment is medically necessary for the purposes of this section, a society must consider the most recent Standards of Care published by the World Professional Association for Transgender Health, or its successor organization.

6. A society shall make a reasonable effort to 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. If, after a reasonable effort, the society is unable to make such benefits available through such a provider of health care, the society ~~must cover the benefits when provided to an insured through~~ may treat the treatment that the society is unable to make available through such a provider of health care in the same manner as other services provided by a provider of health care who does not participate in the network plan of the society.

7. If an insured appeals the denial of a claim or coverage under this section on the grounds that the treatment requested by the insured is not medically necessary, the society must consult with a provider of health care who has experience in prescribing or delivering gender-affirming treatment concerning the medical necessity of the treatment requested by the insured when considering the appeal.

~~4.1~~ 8. A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after July 1, 2023, has the legal effect of including the coverage required by subsection 1, and any provision of the benefit contract or renewal which is in conflict with the provisions of this section is void.

~~5.1~~ 9. As used in this section:

(a) "Cosmetic surgery":

(1) Means a surgical procedure that:

(I) Does not meaningfully promote the proper function of the body;

(II) Does not prevent or treat illness or disease; and

(III) Is primarily directed at improving the appearance of a person.

(2) Includes, without limitation, cosmetic surgery directed at preserving beauty.

(b) "Gender dysphoria" means distress or impairment in social, occupational or other areas of functioning caused by a marked difference between the gender identity or expression of a person and the sex assigned to the person at birth which lasts at least 6 months and is shown by at least two of the following:

(1) A marked difference between gender identity or expression and primary or secondary sex characteristics or anticipated secondary sex characteristics in young adolescents.

(2) A strong desire to be rid of primary or secondary sex characteristics because of a marked difference between such sex characteristics and gender identity or expression or a desire to prevent the development of anticipated secondary sex characteristics in young adolescents.

(3) A strong desire for the primary or secondary sex characteristics of the gender opposite from the sex assigned at birth.

(4) A strong desire to be of the opposite gender or a gender different from the sex assigned at birth.

(5) A strong desire to be treated as the opposite gender or a gender different from the sex assigned at birth.

(6) A strong conviction of experiencing typical feelings and reactions of the opposite gender or a gender different from the sex assigned at birth.

~~[(b)]~~ (c) "Medically necessary" means health care services or products that a prudent provider of health care would provide to a patient to prevent, diagnose or treat an illness, injury or disease, or any symptoms thereof, that are necessary and:

(1) Provided in accordance with generally accepted standards of medical practice;

(2) Clinically appropriate with regard to type, frequency, extent, location and duration;

(3) Not provided primarily for the convenience of the patient or provider of health care;

(4) Required to improve a specific health condition of a patient or to preserve the existing state of health of the patient; and

(5) The most clinically appropriate level of health care that may be safely provided to the patient.

➤ A provider of health care prescribing, ordering, recommending or approving a health care service or product does not, by itself, make that health care service or product medically necessary.

~~[(c)]~~ (d) "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.

~~[(d)]~~ (e) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 6.6. A society that issues a benefit contract shall not discriminate against any person with respect to participation or coverage under the contract on the basis of actual or perceived gender identity or expression. Prohibited discrimination includes, without limitation:

1. Denying, cancelling, limiting or refusing to issue or renew a benefit contract on the basis of the actual or perceived gender identity or expression of a person or a family member of the person;

2. Imposing a payment or premium that is based on the actual or perceived gender identity or expression of an insured or a family member of the insured;

3. Designating the actual or perceived gender identity or expression of a person or a family member of the person as grounds to deny, cancel or limit participation or coverage; and

4. Denying, cancelling or limiting participation or coverage on the basis of actual or perceived gender identity or expression, including, without limitation, by limiting or denying coverage for health care services that are:

(a) Related to gender transition, provided that there is coverage under the contract for the services when the services are not related to gender transition; or

(b) Ordinarily or exclusively available to persons of any sex.

Sec. 6.8. Chapter 695B of NRS is hereby amended by adding thereto the provisions set forth as sections 7 and 7.6 of this act.

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

1. ~~{A}~~ Except as otherwise provided in this section, a hospital or medical services corporation that issues a policy of health insurance shall include in the policy coverage for the medically necessary treatment of conditions relating to gender dysphoria ~~{,}~~ and gender incongruence ~~, {and other disorders of sexual development.}~~ Such coverage must include ~~{, without limitation,}~~ coverage of medically necessary psychosocial and surgical intervention and any other medically necessary treatment for such disorders provided by:

(a) Endocrinologists;

(b) Pediatric endocrinologists;

(c) Social workers;

(d) Psychiatrists;

(e) Psychologists;

(f) Gynecologists;

(g) ~~{Plastic surgeons,}~~ Speech-language pathologists;

(h) Primary care physicians;

(i) Advanced practice registered nurses;

(j) Physician assistants; and

~~{(k)}~~ (k) Any other providers of medically necessary services for the treatment of gender dysphoria ~~{,}~~ or gender incongruence ~~, {and other disorders of sexual development.}~~

2. This section does not require a policy of health insurance to include coverage for cosmetic surgery performed by a plastic surgeon or reconstructive surgeon that is not medically necessary.

3. A hospital or medical services corporation that issues a policy of health insurance shall not categorically refuse to cover medically necessary gender-affirming treatments or procedures or revisions to prior treatments if the policy provides coverage for any such services, procedures or revisions for purposes other than gender transition or affirmation.

4. A hospital or medical services corporation that issues a policy of health insurance may prescribe requirements that must be satisfied before the hospital or medical services corporation covers surgical treatment of conditions relating to gender dysphoria ~~{,}~~ or gender incongruence ~~{and other disorders of sexual development.}~~ for an insured who is less than ~~{17}~~

18 years of age. Such requirements may include, without limitation, requirements that:

(a) The treatment must be recommended by a psychologist, psychiatrist or other mental health professional;

(b) The treatment must be recommended by a physician;

(c) The insured must provide a written expression of the desire of the insured to undergo the treatment; ~~and~~

(d) A written plan for treatment that covers at least 1 year must be developed and approved by at least two providers of health care ~~;~~

~~3.7~~ ; and

(e) Parental consent is provided for the insured unless the insured is expressly authorized by law to consent on his or her own behalf.

5. When determining whether treatment is medically necessary for the purposes of this section, a hospital or medical services corporation must consider the most recent Standards of Care published by the World Professional Association for Transgender Health, or its successor organization.

6. A hospital or medical services corporation shall make a reasonable effort to ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the hospital or medical services corporation. If, after a reasonable effort, the hospital or medical services corporation is unable to make such benefits available through such a provider of health care, the hospital or medical services corporation ~~(must cover the benefits when provided to an insured through)~~ may treat the treatment that the hospital or medical services corporation is unable to make available through such a provider of health care in the same manner as other services provided by a provider of health care who does not participate in the network plan of the hospital or medical services corporation.

7. If an insured appeals the denial of a claim or coverage under this section on the grounds that the treatment requested by the insured is not medically necessary, the hospital or medical services corporation must consult with a provider of health care who has experience in prescribing or delivering gender-affirming treatment concerning the medical necessity of the treatment requested by the insured when considering the appeal.

~~4.7~~ 8. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after July 1, 2023, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or renewal which is in conflict with the provisions of this section is void.

~~5.7~~ 9. As used in this section:

(a) "Cosmetic surgery":

(1) Means a surgical procedure that:

(I) Does not meaningfully promote the proper function of the body;

(II) Does not prevent or treat illness or disease; and

(III) Is primarily directed at improving the appearance of a person.

(2) Includes, without limitation, cosmetic surgery directed at preserving beauty.

(b) "Gender dysphoria" means distress or impairment in social, occupational or other areas of functioning caused by a marked difference between the gender identity or expression of a person and the sex assigned to the person at birth which lasts at least 6 months and is shown by at least two of the following:

(1) A marked difference between gender identity or expression and primary or secondary sex characteristics or anticipated secondary sex characteristics in young adolescents.

(2) A strong desire to be rid of primary or secondary sex characteristics because of a marked difference between such sex characteristics and gender identity or expression or a desire to prevent the development of anticipated secondary sex characteristics in young adolescents.

(3) A strong desire for the primary or secondary sex characteristics of the gender opposite from the sex assigned at birth.

(4) A strong desire to be of the opposite gender or a gender different from the sex assigned at birth.

(5) A strong desire to be treated as the opposite gender or a gender different from the sex assigned at birth.

(6) A strong conviction of experiencing typical feelings and reactions of the opposite gender or a gender different from the sex assigned at birth.

~~[(b)]~~ (c) "Medically necessary" means health care services or products that a prudent provider of health care would provide to a patient to prevent, diagnose or treat an illness, injury or disease, or any symptoms thereof, that are necessary and:

(1) Provided in accordance with generally accepted standards of medical practice;

(2) Clinically appropriate with regard to type, frequency, extent, location and duration;

(3) Not provided primarily for the convenience of the patient or provider of health care;

(4) Required to improve a specific health condition of a patient or to preserve the existing state of health of the patient; and

(5) The most clinically appropriate level of health care that may be safely provided to the patient.

➤ A provider of health care prescribing, ordering, recommending or approving a health care service or product does not, by itself, make that health care service or product medically necessary.

~~[(c)]~~ (d) "Network plan" means a policy of health insurance offered by a hospital or medical services corporation under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers

under contract with the hospital or medical services corporation. The term does not include an arrangement for the financing of premiums.

~~[(d)]~~ (e) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 7.6. A hospital or medical services corporation that issues a policy of health insurance shall not discriminate against any person with respect to participation or coverage under the policy on the basis of actual or perceived gender identity or expression. Prohibited discrimination includes, without limitation:

1. Denying, cancelling, limiting or refusing to issue or renew a policy of health insurance on the basis of the actual or perceived gender identity or expression of a person or a family member of the person;

2. Imposing a payment or premium that is based on the actual or perceived gender identity or expression of an insured or a family member of the insured;

3. Designating the actual or perceived gender identity or expression of a person or a family member of the person as grounds to deny, cancel or limit participation or coverage; and

4. Denying, cancelling or limiting participation or coverage on the basis of actual or perceived gender identity or expression, including, without limitation, by limiting or denying coverage for health care services that are:

(a) Related to gender transition, provided that there is coverage under the policy for the services when the services are not related to gender transition; or

(b) Ordinarily or exclusively available to persons of any sex.

Sec. 7.8. Chapter 695C of NRS is hereby amended by adding thereto the provisions set forth as sections 8 and 8.6 of this act.

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

1. ~~[(A)]~~ Except as otherwise provided in this section, a health maintenance organization that issues a health care plan shall include in the health care plan coverage for the medically necessary treatment of conditions relating to gender dysphoria, and gender incongruence, and other disorders of sexual development. Such coverage must include ~~[, without limitation,]~~ coverage of medically necessary psychosocial and surgical intervention and any other medically necessary treatment for such disorders provided by:

(a) Endocrinologists;

(b) Pediatric endocrinologists;

(c) Social workers;

(d) Psychiatrists;

(e) Psychologists;

(f) Gynecologists;

(g) ~~[Plastic surgeons;]~~ Speech-language pathologists;

(h) Primary care physicians;

(i) Advanced practice registered nurses;

(j) Physician assistants; and

~~[(4)]~~ (k) Any other providers of medically necessary services for the treatment of gender dysphoria ~~[(7)]~~ or gender incongruence ~~and other disorders of sexual development.~~

2. This section does not require a health care plan to include coverage for cosmetic surgery performed by a plastic surgeon or reconstructive surgeon that is not medically necessary.

3. A health maintenance organization that issues a health care plan shall not categorically refuse to cover medically necessary gender-affirming treatments or procedures or revisions to prior treatments if the plan provides coverage for any such services, procedures or revisions for purposes other than gender transition or affirmation.

4. A health maintenance organization that issues a health care plan may prescribe requirements that must be satisfied before the health maintenance organization covers surgical treatment of conditions relating to gender dysphoria ~~[(7)]~~ or gender incongruence ~~and other disorders of sexual development.~~ for an enrollee who is less than ~~[(17)]~~ 18 years of age. Such requirements may include, without limitation, requirements that:

(a) The treatment must be recommended by a psychologist, psychiatrist or other mental health professional;

(b) The treatment must be recommended by a physician;

(c) The enrollee must provide a written expression of the desire of the enrollee to undergo the treatment; ~~and~~

(d) A written plan for treatment that covers at least 1 year must be developed and approved by at least two providers of health care ~~[(7)]~~

~~—3—~~ ; and

(e) Parental consent is provided for the enrollee unless the enrollee is expressly authorized by law to consent on his or her own behalf.

5. When determining whether treatment is medically necessary for the purposes of this section, a health maintenance organization must consider the most recent Standards of Care prescribed by the World Professional Association for Transgender Health, or its successor organization.

6. A health maintenance organization shall make a reasonable effort to 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. If, after a reasonable effort, the health maintenance organization is unable to make such benefits available through such a provider of health care, the health maintenance organization ~~[(must cover the benefits when provided to an enrollee through)]~~ may treat the treatment that the health maintenance organization is unable to make available through such a provider of health care in the same manner as other services provided by a provider of health care who does not participate in the network plan of the health maintenance organization.

7. If an enrollee appeals the denial of a claim or coverage under this section on the grounds that the treatment requested by the enrollee is not

medically necessary, the health maintenance organization must consult with a provider of health care who has experience in prescribing or delivering gender-affirming treatment concerning the medical necessity of the treatment requested by the enrollee when considering the appeal.

~~4.1~~ 8. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after July 1, 2023, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or renewal which is in conflict with the provisions of this section is void.

~~5.1~~ 9. As used in this section:

(a) "Cosmetic surgery" :

(1) Means a surgical procedure that:

(I) Does not meaningfully promote the proper function of the body;

(II) Does not prevent or treat illness or disease; and

(III) Is primarily directed at improving the appearance of a person.

(2) Includes, without limitation, cosmetic surgery directed at preserving beauty.

(b) "Gender dysphoria" means distress or impairment in social, occupational or other areas of functioning caused by a marked difference between the gender identity or expression of a person and the sex assigned to the person at birth which lasts at least 6 months and is shown by at least two of the following:

(1) A marked difference between gender identity or expression and primary or secondary sex characteristics or anticipated secondary sex characteristics in young adolescents.

(2) A strong desire to be rid of primary or secondary sex characteristics because of a marked difference between such sex characteristics and gender identity or expression or a desire to prevent the development of anticipated secondary sex characteristics in young adolescents.

(3) A strong desire for the primary or secondary sex characteristics of the gender opposite from the sex assigned at birth.

(4) A strong desire to be of the opposite gender or a gender different from the sex assigned at birth.

(5) A strong desire to be treated as the opposite gender or a gender different from the sex assigned at birth.

(6) A strong conviction of experiencing typical feelings and reactions of the opposite gender or a gender different from the sex assigned at birth.

~~(b)~~ (c) "Medically necessary" means health care services or products that a prudent provider of health care would provide to a patient to prevent, diagnose or treat an illness, injury or disease, or any symptoms thereof, that are necessary and:

(1) Provided in accordance with generally accepted standards of medical practice;

(2) Clinically appropriate with regard to type, frequency, extent, location and duration;

(3) Not provided primarily for the convenience of the patient or provider of health care;

(4) Required to improve a specific health condition of a patient or to preserve the existing state of health of the patient; and

(5) The most clinically appropriate level of health care that may be safely provided to the patient.

➔ A provider of health care prescribing, ordering, recommending or approving a health care service or product does not, by itself, make that health care service or product medically necessary.

~~[(e)]~~ (d) "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.

~~[(d)]~~ (e) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 8.6. A health maintenance organization that issues a health care plan shall not discriminate against any person with respect to participation or coverage under the plan on the basis of actual or perceived gender identity or expression. Prohibited discrimination includes, without limitation:

1. Denying, cancelling, limiting or refusing to issue or renew a health care plan on the basis of the actual or perceived gender identity or expression of a person or a family member of the person;

2. Imposing a payment or premium that is based on the actual or perceived gender identity or expression of an enrollee or a family member of the enrollee;

3. Designating the actual or perceived gender identity or expression of a person or a family member of the person as grounds to deny, cancel or limit participation or coverage; and

4. Denying, cancelling or limiting participation or coverage on the basis of actual or perceived gender identity or expression, including, without limitation, by limiting or denying coverage for health care services that are:

(a) Related to gender transition, provided that there is coverage under the plan for the services when the services are not related to gender transition;
or

(b) Ordinarily or exclusively available to persons of any sex.

Sec. 9. NRS 695C.050 is hereby amended to read as follows:

695C.050 1. Except as otherwise provided in this chapter or in specific provisions of this title, the provisions of this title are not applicable to any health maintenance organization granted a certificate of authority under this chapter. This provision does not apply to an insurer licensed and regulated pursuant to this title except with respect to its activities as a health maintenance organization authorized and regulated pursuant to this chapter.

2. Solicitation of enrollees by a health maintenance organization granted a certificate of authority, or its representatives, must not be construed to violate any provision of law relating to solicitation or advertising by practitioners of a healing art.

3. Any health maintenance organization authorized under this chapter shall not be deemed to be practicing medicine and is exempt from the provisions of chapter 630 of NRS.

4. The provisions of NRS 695C.110, 695C.125, 695C.1691, 695C.1693, 695C.170, 695C.1703, 695C.1705, 695C.1709 to 695C.173, inclusive, 695C.1733, 695C.17335, 695C.1734, 695C.1751, 695C.1755, 695C.1759, 695C.176 to 695C.200, inclusive, and 695C.265 do not apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

5. The provisions of NRS 695C.1694 to 695C.1698, inclusive, 695C.1701, 695C.1708, 695C.1728, 695C.1731, 695C.17333, 695C.17345, 695C.17347, 695C.1735, 695C.1737, 695C.1743, 695C.1745 and 695C.1757 ~~and section~~ sections 8 and 8.6 of this act apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid.

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

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

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

(b) The health maintenance organization issues evidence of coverage or uses a schedule of charges for health care services which do not comply with the requirements of NRS 695C.1691 to 695C.200, inclusive, or 695C.207 ~~or section~~ sections 8 and 8.6 of this act;

(c) The health care plan does not furnish comprehensive health care services as provided for in NRS 695C.060;

(d) The Commissioner certifies that the health maintenance organization:

(1) Does not meet the requirements of subsection 1 of NRS 695C.080;

or

(2) Is unable to fulfill its obligations to furnish health care services as required under its health care plan;

(e) The health maintenance organization is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees;

(f) The health maintenance organization has failed to put into effect a mechanism affording the enrollees an opportunity to participate in matters relating to the content of programs pursuant to NRS 695C.110;

(g) The health maintenance organization has failed to put into effect the system required by NRS 695C.260 for:

(1) Resolving complaints in a manner reasonably to dispose of valid complaints; and

(2) Conducting external reviews of adverse determinations that comply with the provisions of NRS 695G.241 to 695G.310, inclusive;

(h) The health maintenance organization or any person on its behalf has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive or unfair manner;

(i) The continued operation of the health maintenance organization would be hazardous to its enrollees or creditors or to the general public;

(j) The health maintenance organization fails to provide the coverage required by NRS 695C.1691; or

(k) The health maintenance organization has otherwise failed to comply substantially with the provisions of this chapter.

2. A certificate of authority must be suspended or revoked only after compliance with the requirements of NRS 695C.340.

3. If the certificate of authority of a health maintenance organization is suspended, the health maintenance organization shall not, during the period of that suspension, enroll any additional groups or new individual contracts, unless those groups or persons were contracted for before the date of suspension.

4. If the certificate of authority of a health maintenance organization is revoked, the organization shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs and shall conduct no further business except as may be essential to the orderly conclusion of the affairs of the organization. It shall engage in no further advertising or solicitation of any kind. The Commissioner may, by written order, permit such further operation of the organization as the Commissioner may find to be in the best interest of enrollees to the end that enrollees are afforded the greatest practical opportunity to obtain continuing coverage for health care.

Sec. 10.8. Chapter 695G of NRS is hereby amended by adding thereto the provisions set forth as sections 11 and 11.6 of this act.

~~Sec. 11. [Chapter 695G of NRS is hereby amended by adding thereto a new section to read as follows:]~~

~~1. *Except as otherwise provided in this section, a managed care organization that issues a health care plan shall include in the health care*~~

plan coverage for the medically necessary treatment of conditions relating to gender dysphoria ~~and~~ and gender incongruence ~~and other disorders of sexual development.~~ Such coverage must include ~~without limitation,~~ coverage of medically necessary psychosocial and surgical intervention and any other medically necessary treatment for such disorders provided by:

- (a) Endocrinologists;
- (b) Pediatric endocrinologists;
- (c) Social workers;
- (d) Psychiatrists;
- (e) Psychologists;
- (f) Gynecologists;
- (g) ~~Plastic surgeons;~~ Speech-language pathologists;
- (h) Primary care physicians;
- (i) Advanced practice registered nurses;
- (j) Physician assistants; and

~~(h)~~ (k) Any other providers of medically necessary services for the treatment of gender dysphoria ~~and~~ or gender incongruence ~~and other disorders of sexual development.~~

2. This section does not require a health care plan to include coverage for cosmetic surgery performed by a plastic surgeon or reconstructive surgeon that is not medically necessary.

3. A managed care organization that issues a health care plan shall not categorically refuse to cover medically necessary gender-affirming treatments or procedures or revisions to prior treatments if the plan provides coverage for any such services, procedures or revisions for purposes other than gender transition or affirmation.

4. A managed care organization that issues a health care plan may prescribe requirements that must be satisfied before the managed care organization covers surgical treatment of conditions relating to gender dysphoria ~~and~~ or gender incongruence ~~and other disorders of sexual development~~ for an insured who is less than ~~17~~ 18 years of age. Such requirements may include, without limitation, requirements that:

(a) The treatment must be recommended by a psychologist, psychiatrist or other mental health professional;

(b) The treatment must be recommended by a physician;

(c) The insured must provide a written expression of the desire of the insured to undergo the treatment; ~~and~~

(d) A written plan for treatment that covers at least 1 year must be developed and approved by at least two providers of health care ~~and~~

~~3.~~ ; and

(e) Parental consent is provided for the insured unless the insured is expressly authorized by law to consent on his or her own behalf.

5. When determining whether treatment is medically necessary for the purposes of this section, a managed care organization must consider the

most recent Standards of Care prescribed by the World Professional Association for Transgender Health, or its successor organization.

6. A managed care organization shall make a reasonable effort to 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. If, after a reasonable effort, the managed care organization is unable to make such benefits available through such a provider of health care, the managed care organization ~~must cover the benefits when provided to an insured through~~ may treat the treatment that the managed care organization is unable to make available through such a provider of health care in the same manner as other services provided by a provider of health care who does not participate in the network plan of the managed care organization.

7. If an insured appeals the denial of a claim or coverage under this section on the grounds that the treatment requested by the insured is not medically necessary, the managed care organization must consult with a provider of health care who has experience in prescribing or delivering gender-affirming treatment concerning the medical necessity of the treatment requested by the insured when considering the appeal.

~~4.7~~ 8. Evidence of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after July 1, 2023, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or renewal which is in conflict with the provisions of this section is void.

~~5.7~~ 9. As used in this section:

(a) "Cosmetic surgery":

(1) Means a surgical procedure that:

(I) Does not meaningfully promote the proper function of the body;

(II) Does not prevent or treat illness or disease; and

(III) Is primarily directed at improving the appearance of a person.

(2) Includes, without limitation, cosmetic surgery directed at preserving beauty.

(b) "Gender dysphoria" means distress or impairment in social, occupational or other areas of functioning caused by a marked difference between the gender identity or expression of a person and the sex assigned to the person at birth which lasts at least 6 months and is shown by at least two of the following:

(1) A marked difference between gender identity or expression and primary or secondary sex characteristics or anticipated secondary sex characteristics in young adolescents.

(2) A strong desire to be rid of primary or secondary sex characteristics because of a marked difference between such sex characteristics and gender identity or expression or a desire to prevent the development of anticipated secondary sex characteristics in young adolescents.

(3) A strong desire for the primary or secondary sex characteristics of the gender opposite from the sex assigned at birth.

(4) A strong desire to be of the opposite gender or a gender different from the sex assigned at birth.

(5) A strong desire to be treated as the opposite gender or a gender different from the sex assigned at birth.

(6) A strong conviction of experiencing typical feelings and reactions of the opposite gender or a gender different from the sex assigned at birth.

~~[(b)]~~ (c) "Medically necessary" means health care services or products that a prudent provider of health care would provide to a patient to prevent, diagnose or treat an illness, injury or disease, or any symptoms thereof, that are necessary and:

(1) Provided in accordance with generally accepted standards of medical practice;

(2) Clinically appropriate with regard to type, frequency, extent, location and duration;

(3) Not provided primarily for the convenience of the patient or provider of health care;

(4) Required to improve a specific health condition of a patient or to preserve the existing state of health of the patient; and

(5) The most clinically appropriate level of health care that may be safely provided to the patient.

➡ A provider of health care prescribing, ordering, recommending or approving a health care service or product does not, by itself, make that health care service or product medically necessary.

~~[(c)]~~ (d) "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.

~~[(d)]~~ (e) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 11.6. A managed care organization that issues a health care plan shall not discriminate against any person with respect to participation or coverage under the plan on the basis of actual or perceived gender identity or expression. Prohibited discrimination includes, without limitation:

1. Denying, cancelling, limiting or refusing to issue or renew a health care plan on the basis of the actual or perceived gender identity or expression of a person or a family member of the person;

2. Imposing a payment or premium that is based on the actual or perceived gender identity or expression of an insured or a family member of the insured;

3. Designating the actual or perceived gender identity or expression of a person or a family member of the person as grounds to deny, cancel or limit participation or coverage; and

4. Denying, cancelling or limiting participation or coverage on the basis of actual or perceived gender identity or expression, including, without limitation, by limiting or denying coverage for health care services that are:

(a) Related to gender transition, provided that there is coverage under the plan for the services when the services are not related to gender transition;
or

(b) Ordinarily or exclusively available to persons of any sex.

Sec. 12. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

(1) The Administrator of the Aging and Disability Services Division;

(2) The Administrator of the Division of Welfare and Supportive Services;

(3) The Administrator of the Division of Child and Family Services;

(4) The Administrator of the Division of Health Care Financing and Policy; and

(5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, ~~and (section)~~ sections 15 and 15.6 of this act, 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department.

Sec. 13. NRS 287.010 is hereby amended to read as follows:

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

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

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

(c) Provide group life, accident or health coverage through a self-insurance reserve fund and, where necessary, deduct contributions to the maintenance of the fund from the compensation of officers and employees and pay the deductions into the fund. The money accumulated for this purpose through deductions from the compensation of officers and employees and contributions of the governing body must be maintained as an internal service fund as defined by NRS 354.543. The money must be

deposited in a state or national bank or credit union authorized to transact business in the State of Nevada. Any independent administrator of a fund created under this section is subject to the licensing requirements of chapter 683A of NRS, and must be a resident of this State. Any contract with an independent administrator must be approved by the Commissioner of Insurance as to the reasonableness of administrative charges in relation to contributions collected and benefits provided. The provisions of NRS 686A.135, 687B.352, 687B.408, 687B.723, 687B.725, 689B.030 to 689B.050, inclusive, and ~~section~~ sections 3 and 3.6 of this act, 689B.265, 689B.287 and 689B.500 apply to coverage provided pursuant to this paragraph, except that the provisions of NRS 689B.0378, 689B.03785 and 689B.500 only apply to coverage for active officers and employees of the governing body, or the dependents of such officers and employees.

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

2. If a school district offers group insurance to its officers and employees pursuant to this section, members of the board of trustees of the school district must not be excluded from participating in the group insurance. If the amount of the deductions from compensation required to pay for the group insurance exceeds the compensation to which a trustee is entitled, the difference must be paid by the trustee.

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

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

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

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

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

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

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

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

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

Sec. 14. NRS 287.04335 is hereby amended to read as follows:

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 686A.135, 687B.352, 687B.409, 687B.723, 687B.725, 689B.0353, 689B.255, 695C.1723, 695G.150, 695G.155, 695G.160, 695G.162, 695G.1635, 695G.164, 695G.1645, 695G.1665, 695G.167, 695G.1675, 695G.170 to 695G.174, inclusive, and ~~section~~ sections 11 and 11.6 of this act, 695G.176, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, and 695G.405, in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 14.8. Chapter 422 of NRS is hereby amended by adding thereto the provisions set forth as sections 15 and 15.6 of this act.

Sec. 15. ~~[Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:]~~

1. ~~[The]~~ Except as otherwise provided in this section, the Director shall include in the State Plan for Medicaid a requirement that the State, to the extent authorized by federal law, must pay the nonfederal share of expenditures incurred for the medically necessary treatment of conditions relating to gender dysphoria ~~and~~ and gender incongruence . ~~and other disorders of sexual development.~~ Such treatment includes ~~without limitation,~~ medically necessary psychosocial and surgical intervention and any other medically necessary treatment for such disorders provided by:

(a) Endocrinologists;

(b) Pediatric endocrinologists;

(c) Social workers;

(d) Psychiatrists;

(e) Psychologists;

(f) Gynecologists;

(g) ~~[Plastic surgeons;]~~ Speech-language pathologists;

(h) Primary care physicians;

(i) Advanced practice registered nurses;

(j) Physician assistants; and

~~[(h)]~~ (k) Any other providers of medically necessary services for the treatment of gender dysphoria ~~and~~ or gender incongruence . ~~and other disorders of sexual development.~~

2. This section does not require the Director to include in the State Plan for Medicaid coverage for cosmetic surgery performed by a plastic surgeon or reconstructive surgeon that is not medically necessary.

3. The Department shall not categorically refuse to cover any medically necessary gender-affirming treatments or procedures or revisions to prior treatments if the State Plan for Medicaid provides coverage for any such services, procedures or revisions for purposes other than gender transition or affirmation.

4. When determining whether treatment is medically necessary for the purposes of this section, the Department must consider the most recent Standards of Care published by the World Professional Association for Transgender Health, or its successor organization.

5. If a person appeals the denial of a payment or coverage under this section on the grounds that the treatment requested by the person is not medically necessary, the Division must consult with a provider of health care who has experience in prescribing or delivering gender-affirming treatment concerning the medical necessity of the treatment requested by the person when considering the appeal.

6. As used in this section:

(a) "Cosmetic surgery" :

(1) Means a surgical procedure that:

(I) Does not meaningfully promote the proper function of the body;

(II) Does not prevent or treat illness or disease; and

(III) Is primarily directed at improving the appearance of a person.

(2) Includes, without limitation, cosmetic surgery directed at preserving beauty.

(b) "Gender dysphoria" means distress or impairment in social, occupational or other areas of functioning caused by a marked difference between the gender identity or expression of a person and the sex assigned to the person at birth which lasts at least 6 months and is shown by at least two of the following:

(1) A marked difference between gender identity or expression and primary or secondary sex characteristics or anticipated secondary sex characteristics in young adolescents.

(2) A strong desire to be rid of primary or secondary sex characteristics because of a marked difference between such sex characteristics and gender identity or expression or a desire to prevent the development of anticipated secondary sex characteristics in young adolescents.

(3) A strong desire for the primary or secondary sex characteristics of the gender opposite from the sex assigned at birth.

(4) A strong desire to be of the opposite gender or a gender different from the sex assigned at birth.

(5) A strong desire to be treated as the opposite gender or a gender different from the sex assigned at birth.

(6) A strong conviction of experiencing typical feelings and reactions of the opposite gender or a gender different from the sex assigned at birth.

~~((b))~~ (c) "Medically necessary" means health care services or products that a prudent provider of health care would provide to a patient to prevent, diagnose or treat an illness, injury or disease, or any symptoms thereof, that are necessary and:

(1) Provided in accordance with generally accepted standards of medical practice;

(2) Clinically appropriate with regard to type, frequency, extent, location and duration;

(3) Not provided primarily for the convenience of the patient or provider of health care;

(4) Required to improve a specific health condition of a patient or to preserve the existing state of health of the patient; and

(5) The most clinically appropriate level of health care that may be safely provided to the patient.

↪ A provider of health care prescribing, ordering, recommending or approving a health care service or product does not, by itself, make that health care service or product medically necessary.

~~((c))~~ (d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 15.6. The Department shall not discriminate against any person with respect to participation or coverage under Medicaid on the basis of actual or perceived gender identity or expression. Prohibited discrimination includes, without limitation:

1. Denying, cancelling, limiting or refusing to issue a payment or coverage on the basis of the actual or perceived gender identity or expression of a person or a family member of the person;

2. Imposing a payment that is based on the actual or perceived gender identity or expression of a recipient of Medicaid or a family member of the recipient;

3. Designating the actual or perceived gender identity or expression of a person or a family member of the person as grounds to deny, cancel or limit participation or coverage; and

4. Denying, cancelling or limiting participation or coverage on the basis of actual or perceived gender identity or expression, including, without limitation, by limiting or denying payment or coverage for health care services that are:

(a) Related to gender transition, provided that there is coverage under Medicaid for the services when the services are not related to gender transition; or

(b) Ordinarily or exclusively available to persons of any sex.

Sec. 16. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 17. This act becomes effective on July 1, 2023.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 312 to Senate Bill No. 163 requires insurance to cover medically necessary treatments for gender dysphoria and gender incongruence. It prohibits discrimination based on actual or perceived gender identity. It excludes cosmetic surgeries from coverage and prohibits blanket exclusions from gender-affirming treatments. It raises the age limit for which insurers may include additional requirements for surgical gender-affirming treatments from 17 to 18. It requires insurers to provide out-of-network benefits if unavailable to offer in-network options and provides that appeals for denied claims must be consistent with applicable statutes and in-voice consultations with experienced providers.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 290.

Bill read second time.

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

Amendment No. 243.

SUMMARY—Provides for the regulation of employer-integrated earned wage access providers ~~and~~ and direct-to-consumer earned wage access providers. (BDR 52-9)

AN ACT relating to financial services; requiring a person who provides ~~employer integrated~~ earned wage access services to obtain a license from the Commissioner of Financial Institutions; imposing certain requirements on such licensees; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 2-~~23~~ 33.5 of this bill establish provisions relating to ~~businesses~~ businesses that ~~is employer integrated and delivers~~ deliver to a person money that represents income that the person has earned ~~for services rendered to an employer~~ but that has not yet been paid to the person. Section 9 of this bill defines "employer-integrated earned wage access provider" as a person who provides such a service after verifying the earned income of the user through ~~information~~ certain data provided by the user's employer, or a person who provides payroll services to that employer. ~~Concerning the attendance and earnings of the user for the relevant pay period.~~ Section 3.1 of this bill defines a "direct-to-consumer earned wage access provider" as a person who provides such a service after verifying the earned income of the user through certain data that is not provided by the user's employer or a person who provides payroll services to that employer. Section 10.6 of this bill defines "provider" to include an employer-integrated earned wage access provider and a direct-to-consumer earned wage access provider.

Section 12 of this bill prohibits a person from engaging in the business of ~~an employer integrated earned wage access~~ a provider without a license issued by the Commissioner of Financial Institutions. Sections 12-15 of this bill set forth certain requirements for licensure as ~~an employer integrated~~

~~earned wage access~~] a provider. Section 16 of this bill requires each holder of a license as ~~an employer integrated earned wage access~~] a provider to maintain a surety bond. Sections 18-20 of this bill authorize the Commissioner to conduct certain examinations of licensees. Section 21 of this bill requires the Commissioner to charge a fee for such examinations. Sections ~~[22-24]~~ 22 and 23 of this bill set forth certain procedures for disciplinary actions against a licensee or person who violates the provisions of this bill. Section 25 of this bill sets forth a process for filing complaints against a licensee. ~~[Section 34 of this bill makes a conforming change relating to the confidentiality of the information collected by a governmental agency related to a complaint filed against a licensee.]~~ Sections 26 and 27 of this bill require a licensee to submit a notice to and obtain the approval of the Commissioner before taking certain actions. Section 28 of this bill requires a licensee to submit certain information to the Commissioner annually. Section 34 of this bill makes conforming changes relating to the confidentiality of the information collected by a governmental agency related to sections 25 and 28.

Section 29 of this bill sets forth certain requirements for the operation of ~~an employer integrated earned wage access~~] a provider. ~~[Section 30 of this bill provides that if an employer integrated earned wage access provider is unable to be repaid the amount of money delivered to a recipient of earned wage access services, the provider is prohibited from: (1) collecting that money from the recipient; (2) reporting certain information to a consumer reporting agency; or (3) debiting the bank account of the user without his or her affirmative consent.]~~ Section 31 of this bill, among other things, prohibits ~~an employer integrated earned wage access~~] a provider from : (1) sharing certain fees, voluntary tips, gratuities or other donations with ~~for paying certain compensation to~~] an employer ~~[.]~~; and (2) compelling or attempting to compel payment by a user through certain actions.

Section 33 of this bill provides that earned wage access services provided by ~~an employer integrated earned wage access~~] a provider licensed pursuant to sections 2-33.5 are not a loan or money transmission and are not subject to any provisions of existing law governing loans ~~[.]~~ ~~Section~~ and money transmitters. Sections 34.5, 35 and 35.5 of this bill ~~[provides]~~ provide that the provisions of existing law governing persons engaged in the business of transmitting money or certain loans do not apply to ~~an employer integrated earned wage access~~] a provider.

Section 32 of this bill authorizes the Commissioner to adopt regulations for the administration and enforcement of sections 2- ~~[33. Section]~~ 33.5. Sections 36 and 36.1 of this bill requires the Commissioner to ~~[.]~~ : (1) on or before December 31, 2025, submit a report to the Legislature containing certain information relating to the regulation of earned wage access services ~~[.]~~; and (2) prescribe the form and content of an application for a license to provide earned wage access services.

Section 36.2 of this bill authorizes a person who, as of January 1, 2023, was engaged in the business of providing earned wage access services to continue to engage in that business without obtaining a license pursuant to sections 2-33.5 until December 31, 2024, if the person submits an application for such a license before January 1, 2024.

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

Section 1. Title 52 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to ~~33~~ 33.5, inclusive, of this act.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 11, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. "Commissioner" means the Commissioner of Financial Institutions.

Sec. 3.1. *"Direct-to-consumer earned wage access provider" means a person who is engaged in the business of providing direct-to-consumer earned wage access services.*

Sec. 3.2. *"Direct-to-consumer earned wage access services" means the delivery to a user of an advance of earned but unpaid income based on data that is not employment, income or attendance data obtained directly from an employer or an employer's payroll service provider.*

Sec. 4. 1. *"Earned but unpaid income" means salary, wages, compensation or other income that:*

(a) A user or employer has represented, and a provider has reasonably determined to have been, earned or accrued to the benefit of the user in exchange for the user's provision of services to the employer or on behalf of the employer; and

(b) Has not been paid to the user by the employer at the time a provider delivers the payment of the proceeds to a user.

2. *The term includes, without limitation, salary, wages, compensation or other income ~~that has not yet been paid to the user by an employer.~~ earned:*

(a) On an hourly, project-based, piecework or other basis.

(b) Through services rendered as an independent contractor.

Sec. 5. ~~["Earned income" means money that has accrued to the benefit of a user for services rendered to an employer.] (Deleted by amendment.)~~

Sec. 6. ~~["Earned wage access provider" means a person who is engaged in the business of providing earned wage access services to a user in this State.] (Deleted by amendment.)~~

Sec. 7. 1. *"Earned wage access services" means the delivery to a user of money that represents earned but unpaid income.*

2. *The term includes both employer-integrated earned wage access services and direct-to-consumer earned wage access services.*

Sec. 8. 1. "Employer" means:

(a) A person who employs a user; or

(b) Any other person who is contractually obligated to pay a user any ~~sum of money on an hourly, project based, piecework or other basis for services provided by the user.~~ earned but unpaid income.

2. The term does not include:

(a) A customer of an employer; or

(b) Any other person whose obligation to make a payment of salary, wages, compensation or other income to a user is not based solely on an agency relationship between the provision of services by that user and the employer. for or on behalf of such person.

Sec. 9. 1. "Employer-integrated earned wage access provider" means an earned wage access provider a person who provides is engaged in the business of offering to provide or providing employer-integrated earned wage access services to a user after.

2. The term does not include payroll service providers, including, without limitation, payroll service providers whose role may include verifying the ~~user's earned income through timely data concerning the attendance or earnings, or both, of the~~ available earnings but who are not contractually obligated to fund earned wage access service proceeds to a user ~~for the relevant pay period which is provided by the employer or a person who provides payroll services to the employer.~~

Sec. 9.1. "Employer-integrated earned wage access services" means the delivery to a user of access to earned but unpaid income determined based on employment, income or attendance data obtained directly or indirectly from an employer, including, without limitation, an employer's payroll service provider.

Sec. 9.2. 1. "Fee" includes:

(a) A fee imposed by a provider for delivery or expedited delivery of proceeds to a user; and

(b) A subscription or membership fee imposed by a provider for a bona fide group of services that include earned wage access services.

2. The term does not include a voluntary tip, gratuity or donation.

Sec. 10. "Licensee" means a person who has been issued one or more licenses to engage in the business of ~~an~~ :

1. An employer-integrated earned wage access provider ~~+~~ ; or

2. A direct-to-consumer earned wage access service provider.

Sec. 10.2. "Outstanding proceeds" means proceeds remitted to a user by a provider that have not yet been repaid to that provider.

Sec. 10.4. "Preauthorized electronic fund transfer" has the meaning ascribed to it in 12 C.F.R. § 1005.2(k).

Sec. 10.5. "Proceeds" means a payment delivered to a user by a provider that is based on earned but unpaid income.

Sec. 10.6. 1. "Provider" means a person who is engaged in the business of providing earned wage access services, including a direct-to-consumer earned wage access provider and an employer-integrated earned wage access provider.

2. The term does not include payroll service providers, including, without limitation, payroll service providers whose role may include verifying available earners but who are not contractually obligated to fund proceeds to a user.

Sec. 11. "User" means a natural person residing in this State who receives earned wage access services.

Sec. 12. 1. A person shall not engage in the business of ~~an employer-integrated earned wage access~~ a provider unless the person has been issued a license by the Commissioner pursuant to this section.

2. A person who wishes to be licensed as ~~an employer-integrated earned wage access~~ a provider must submit to the Commissioner the application fee established pursuant to subsection ~~5~~ 7, and an application, on a form prescribed by the Commissioner, which must contain:

(a) The name and address of the applicant;

(b) ~~Financial statements of~~ A copy of the proposed terms and conditions of use which will govern the provision of earned wage access services by the applicant ~~for the immediately preceding year which have been audited by an independent certified public accountant;~~ , which must include, without limitation, a statement by the applicant that he or she will provide services in accordance with the applicable provisions of the federal Electronic Fund Transfer Act 15 U.S.C. §§ 1693 et. seq., and the regulations thereunder;

(c) ~~A copy of the proposed terms and conditions or terms of use which will govern the provision of earned wage access services by the applicant;~~

~~(d)~~ A copy of the policy of the applicant relating to the privacy of information concerning users;

~~(e) The~~ (d) A schedule of fees proposed to be charged to a user or employer for the provision of earned wage access services , which must include, without limitation, a statement identifying at least one option for a user to obtain earned wage access services from the applicant at no cost to the user;

(e) A statement that the applicant is applying to be licensed as an employer-integrated earned wage access provider or a direct-to-consumer earned wage access provider, or both ; and

(f) Any other information required by any regulations adopted by the Commissioner pursuant to section 32 of this act.

3. Upon receipt of the application for licensure and when satisfied that the applicant is entitled thereto, the Commissioner shall notify the applicant of the Commissioner's approval of the application and issue to the applicant a license as ~~an employer-integrated earned wage access~~ a provider ~~that~~ contains a unique license number. A licensee shall prominently display the license on the Internet website of the licensee.

4. Except as otherwise provided by regulation of the Commissioner, a license issued pursuant to this section expires ~~annually on the anniversary date of the issuance of the license and may be renewed upon submission of an application for renewal containing such information as the Commissioner~~

~~may require by regulation.] on December 31 of each year unless it is earlier surrendered, suspended or revoked.~~

5. The license may be renewed annually upon approval of the Commissioner if the licensee, on or after November 1 and on or before December 31 of each year, files an application conforming to the requirements for an initial application.

6. An application for the annual renewal of the license must be accompanied by a fee of not more than \$1,000. No investigation fee may be charged for the renewal of the license. If the application or fee for renewal is not filed within the required time, the Commissioner may reinstate the expired license if the licensee files the application, submits the fee for renewal and submits a fee of not more than \$1,000 for late renewal, if applicable, on or before February 28 of the year following the expiration date of the license.

7. The Commissioner shall ~~[establish by regulation]~~ adopt regulations establishing the amount of fees ~~[for the issuance and renewal of a license issued]~~ required pursuant to this section. The fees for the application, initial license, and license renewal shall not exceed \$1,000. All fees collected pursuant to this section must be deposited in the State Treasury pursuant to the provisions of NRS 658.091.

~~[(6)]~~ 8. A license issued pursuant to this section is not transferrable or assignable.

9. This section does not apply to a depository institution in which the deposits are federally insured up to applicable limits.

Sec. 13. 1. In addition to any other requirements set forth in this chapter, each applicant for licensure as ~~[an employer-integrated earned wage access]~~ a provider must submit:

(a) Proof satisfactory to the Commissioner that the applicant:

(1) Is competent to transact the business of ~~[an employer-integrated earned wage access]~~ a provider.

(2) Has not made a false statement on the application for the license.

(3) Has not committed any of the acts specified in subsection 2.

(4) Has not had a license as ~~[an employer-integrated earned wage access]~~ a provider suspended or revoked within the 10 years immediately preceding the date of the application.

(5) Has not been convicted of, or entered a plea of nolo contendere to, a felony or any crime involving fraud, misrepresentation or moral turpitude.

~~[(6)]~~ (b) If the applicant is a corporation or association:

(1) The name and address of each of the directors, trustees and principals of the corporation and of any stockholder who owns 25 percent or more of the applicant's stock;

(2) If required by the Commissioner, a complete set of fingerprints for submission to the Federal Bureau of Investigation and any other governmental agency or entity authorized to receive such information for a state, national or international background check on the criminal history of

the principal officers of the corporation or association, which must include a written statement authorizing the Division of Financial Institutions of the Department of Business and Industry to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

(3) If required by the Commissioner, information concerning the personal history and experience of the principal officers of the corporation or association; and

(4) If required by the Commissioner, information related to any administrative, civil or criminal findings made by any governmental jurisdiction concerning the principal officers of the corporation or association.

(c) If the applicant is a natural person:

~~[(1) Is]~~ (1) Proof satisfactory to the Commissioner that the applicant is at least 21 years of age; ~~and~~

~~[(2) Is]~~ (2) Proof satisfactory to the Commissioner that the applicant is a citizen of the United States or lawfully entitled to work in the United States ~~and~~; and

~~[(3) Is]~~ (3) A complete set of his or her fingerprints and written permission authorizing the Division of Financial Institutions of the Department of Business and Industry to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

2. In addition to any other lawful reasons, the Commissioner may refuse to issue a license to an applicant for licensure as ~~an employer integrated earned wage access~~ a provider if the applicant:

(a) Has committed or participated in any act for which, if committed or done by a licensee, would be grounds for the suspension or revocation of the license.

(b) Has previously been refused a license pursuant to this chapter or has had such a license suspended or revoked.

(c) Has participated in any act which was a basis for the refusal or revocation of a license pursuant to this chapter.

(d) Has falsified any of the information submitted to the Commissioner in support of the application for the license.

Sec. 14. 1. In addition to the requirements set forth in sections 12 and 13 of this act, a natural person who applies for the issuance or renewal of a license as ~~an employer integrated earned wage access~~ a provider shall:

(a) Include the social security number of the applicant in the application submitted to the Commissioner; and

(b) Submit to the Commissioner the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Commissioner shall include the statement required pursuant to paragraph (b) of subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Commissioner.

3. A license as ~~an employer-integrated earned wage access~~ a provider may not be issued or renewed by the Commissioner if the applicant:

(a) Fails to submit the statement required pursuant to paragraph (b) of subsection 1; or

(b) Indicates on the statement submitted pursuant to paragraph (b) of subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to paragraph (b) of subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Commissioner shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 15. 1. If the Commissioner receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license as ~~an employer-integrated earned wage access~~ a provider, the Commissioner shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Commissioner receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Commissioner shall reinstate a license as ~~an employer-integrated earned wage access~~ a provider that has been suspended by a district court pursuant to NRS 425.540 if the Commissioner receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 16. 1. Each licensee shall have in force a surety bond payable to the State of Nevada in the amount of \$35,000.

2. The bond must be in a form satisfactory to the Commissioner, issued by a bonding company authorized to do business in this State and must

secure the faithful performance of the obligations of the licensee respecting the provision of earned wage access services.

3. A licensee shall, within 10 days after the commencement of any action or notice of entry of any judgment against the licensee by any creditor or claimant arising out of the business of ~~an employer integrated earned wage access,~~ a provider of earned wage access services in this State, give notice thereof to the Commissioner by registered or certified mail with details sufficient to identify the action or judgment. The surety shall, within 10 days after it pays any claim or judgment to a creditor or claimant, give notice thereof to the Commissioner by certified mail with details sufficient to identify the creditor or claimant and the claim or judgment so paid.

4. Whenever the principal sum of the bond is reduced by recoveries or payments thereon, the licensee shall furnish:

(a) A new or additional bond so that the total or aggregate principal sum of the bonds equals the sum required pursuant to subsection 1; or

(b) An endorsement, duly executed by the surety, reinstating the bond to the required principal sum.

5. The liability of the surety on a bond to a creditor or claimant is not affected by any misrepresentation, breach of warranty, failure to pay a premium or other act or omission of the licensee, or by any insolvency or bankruptcy of the licensee.

6. The liability of the surety continues as to all transactions entered into in good faith by the creditors and claimants with the agents of the licensee within 30 days after:

(a) The death of the licensee or the dissolution or liquidation of the business of the licensee; or

(b) The termination of the bond,

↳ whichever occurs first.

Sec. 17. Each license as ~~an employer integrated earned wage access,~~ a provider shall remain in full force and effect until it expires or is surrendered, revoked or suspended as provided in this chapter and the regulations adopted pursuant thereto.

Sec. 18. 1. For the purpose of discovering violations of this chapter or securing information lawfully required under this chapter, the Commissioner or his or her duly authorized representative may, ~~upon reasonable prior notice,~~ at any time, examine the books, accounts, papers and records that are used [in the business of:] or created in connection with the activities covered by the license of:

(a) Any licensee;

(b) Any other person engaged in the business of ~~an employer integrated earned wage access,~~ a provider or participating in such business as a principal, agent, broker or otherwise; and

(c) Any person who the Commissioner has reasonable cause to believe is violating or is about to violate any provision of this chapter, whether or not

the person claims to be within the authority or beyond the scope of this chapter.

2. For the purposes of examination, the Commissioner or his or her authorized representative shall have and be given ~~free~~ reasonable access to the offices and places of business, and the files, safes and vaults of such persons.

3. For the purposes of this section, any person who advertises for, solicits or holds himself or herself out as willing to provide earned wage access services ~~[through a contractual arrangement with an employer]~~ is presumed to be engaged in the business of ~~[an employer integrated earned wage access]~~ a provider ~~[-]~~ and must obtain a license from the Commissioner.

4. This section does not entitle the Commissioner or his or her authorized representative to investigate the business or examine the books, accounts, papers or records of any attorney who is not a person described in subsection 1, other than examination of those books, accounts, papers and records maintained by such attorney in his or her capacity as a registered agent, and then only to the extent such books, accounts, papers and records are not subject to any privilege in NRS 49.035 to 49.115, inclusive.

Sec. 19. 1. The Commissioner may require the attendance of any person and examine him or her under oath regarding:

(a) Any licensee; or

(b) The subject matter of any audit, examination, investigation or hearing.

2. The Commissioner may require the production of books, accounts, papers and records for any audit, examination, investigation or hearing.

Sec. 20. The Commissioner or his or her authorized representative may at least annually make an examination of the place of business of each licensee and of the transactions, books, accounts, papers and records of the person as they pertain to the business of ~~[an employer integrated earned wage access]~~ a provider ~~[-]~~ and its activities conducted pursuant to a license issued pursuant to this chapter.

Sec. 21. 1. The Commissioner shall charge and collect from each licensee a fee at the rate established and, if applicable, adjusted pursuant to NRS 658.101 for the cost of any supervision, audit, examination, investigation or hearing conducted pursuant to this chapter or any regulations adopted pursuant thereto.

2. All money collected by the Commissioner pursuant to subsection 1 must be deposited in the State Treasury pursuant to the provisions of NRS 658.091.

Sec. 22. 1. If the Commissioner finds that probable cause for revocation of a license of a licensee exists and that enforcement of this chapter requires immediate suspension of such a license pending investigation, he or she may, upon 5 days' written notice and a hearing, enter an order suspending the license for a period of not more than 20 days, pending a hearing about the revocation.

2. If the Commissioner has reason to believe that grounds for revocation or suspension of a license exists, he or she shall notify the licensee not later than 20 days before the date of the hearing. Such notice must state the contemplated action and, in general, the grounds thereof and set a date for a hearing.

Sec. 23. 1. Whenever the Commissioner has reasonable cause to believe that any person is violating or is threatening to or intends to violate any provision of this chapter, the Commissioner may, in addition to all actions provided for in this chapter and without prejudice thereto, enter an order requiring the person to desist or to refrain from such violation.

2. The Attorney General or the Commissioner may bring an action to enjoin a person from engaging in or continuing a violation or from doing any act or acts in furtherance thereof. In any such action, an order or judgment may be entered awarding a preliminary or final injunction as may be deemed proper.

3. In addition to any other remedy or penalty, the Commissioner may impose an administrative fine of not more than \$50,000 upon a person who conducts any business or activity without a license and for which a license is required pursuant to the provisions of this chapter.

Sec. 24. ~~[If the Commissioner has reason to believe that grounds for revocation or suspension of a license of a licensee exist, he or she shall notify the licensee not later than 20 days before the date of the hearing. Such notice must state the contemplated action and, in general, the grounds therefor and set a date for a hearing.] (Deleted by amendment.)~~

Sec. 25. 1. A user, an attorney for a user or any other person who believes that any provision of this chapter has been violated may file a complaint with the Commissioner. Such a complaint must include:

- (a) The full name and address of the person filing the complaint;
- (b) A clear and concise statement of facts sufficient to establish that the alleged violation occurred, including, without limitation, the date, time and place of the alleged violation and the name of each person involved in the alleged violation; and
- (c) A certification by the person filing the complaint that the facts alleged in the complaint are true to the best knowledge and belief of the person.

2. Upon receipt of a complaint filed pursuant to subsection 1, the Commissioner shall send a copy of the complaint to the accused licensee. The licensee, or an authorized representative of the licensee, shall file a verified answer to the complaint within 10 business days after receipt of the complaint, unless for good cause shown, the Commissioner extends the time for a period of not more than 30 days. If the licensee, or an authorized representative of the licensee, fails to file a verified answer within the time required by this subsection, the licensee shall be deemed to have admitted to the allegations contained in the complaint.

3. The Commissioner may make investigations and conduct hearings concerning complaints filed with the Commissioner pursuant to this section.

4. Except as otherwise provided in this section, a complaint filed with the Commissioner pursuant to subsection 1, all documents and other information filed with the complaint and all documents, reports and other information resulting from the investigation of the complaint are confidential and may be disclosed only as the Commissioner deems necessary to administer the provisions of this chapter.

Sec. 26. 1. A licensee shall not make any of the following changes unless the licensee has obtained the prior approval of the Commissioner in accordance with the provisions of this section:

(a) A change in the ownership of ~~201~~ 25 percent or more of the capital stock or other equivalent ownership interest of the licensee;

(b) A change in control of the licensee;

(c) A change in the name of the licensee, including the name under which the licensee is doing business; or

(d) A change in the principal business address of the licensee or in the address of any office of the licensee in this State.

2. A licensee who wishes to make any change described in subsection 1 must, not less than 10 business days before the date on which the change is to occur, submit a notice to the Commissioner. Such notice must include any information that the Commissioner may require.

3. Upon receipt of a notice submitted pursuant to subsection 2, the Commissioner shall approve or disapprove the proposed change. The Commissioner may disapprove a proposed change if, in the reasonable judgment of the Commissioner, the proposed change is inconsistent with the requirements of this chapter. If the Commissioner does not respond to a licensee who submits a notice pursuant to subsection 2, including, without limitation, any request by the Commissioner for additional information from the licensee, within 10 business days of the date on which the notice was submitted, the proposed change shall be deemed approved.

4. As used in this section, "control" means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policy of the licensee.

Sec. 27. In addition to the notice requirements set forth in section 26 of this act, a licensee must, before making a change in the principal officers or directors of a licensee, submit a notice to the Commissioner within a time period prescribed by the Commissioner. If the submission of such a notice is not possible before the change due to the unilateral resignation of a principal officer or director or other similar circumstance, the licensee must submit to the Commissioner a notice as promptly as possible after such a change. If, in the reasonable judgment of the Commissioner, the change in the principal officers or directors of the licensee is inconsistent with the requirements of this chapter, the Commissioner may require the licensee to take such action as the Commissioner deems necessary to ensure compliance with the provisions of this chapter.

Sec. 28. 1. On or before April 15 of each year, a licensee shall submit to the Commissioner ~~the~~ a report containing, as applicable to the licensee:

(a) Except as otherwise provided in subsection 2, financial statements for the immediately preceding year that have been audited by an independent certified public accountant; ~~and~~

(b) A copy of each complaint that has been filed by a user who received earned wage access services in this State in the immediately preceding year against the licensee with the Better Business Bureau or the Consumer Financial Protection Bureau and a description of the resolution, if any, of each such complaint ~~the~~;

(c) The total amount of charges paid by users for earned wage access services in the preceding year in this State;

(d) The total number users in this State who did not receive earned wage access services in the immediately preceding year but who paid a subscription fee or membership fee imposed by a provider for a bona fide group of services that include earned wage access services, including the total amount of subscription fees and membership fees paid by those users in the immediately preceding year;

(e) The total number of users in this State who participated in 12 or more earned wage access transfers provided by the licensee in the immediately preceding year; and

(f) Any other information required by the Commissioner pursuant to regulations adopted pursuant to this chapter.

2. If audited financial statements are not available to a licensee on or before April 15 in any year, the licensee may satisfy the requirements of paragraph (a) of subsection 1 by submitting to the Commissioner:

(a) Unaudited financial statements on or before April 15; and

(b) Audited financial statements when such statements become available to the licensee.

3. Except as otherwise provided in this section, all documents and other information filed with the Commissioner are confidential and may be disclosed only as the Commissioner and the licensee mutually deem necessary to administer the provisions of this section.

4. The Commissioner shall annually publish and make available to the public an aggregated and anonymized analysis of the information submitted as required pursuant to this section.

Sec. 29. ~~[An employer integrated earned wage access]~~ A provider shall:

1. Develop and implement policies and procedures to respond to questions raised by users and address complaints from users in an expedient manner;

2. Before entering into an agreement with a user for the provision of earned wage access services:

(a) Inform the user of his or her rights under the agreement; and

(b) Fully and clearly disclose all fees associated with the earned wage access services;

3. Allow the user to cancel, at any time and without incurring a fee, his or her participation in an agreement for the provision of earned wage access services; ~~and~~

4. Comply with all local, state and federal privacy and information security laws ~~and~~;

5. If the provider solicits, charges or receives a tip, gratuity or donation from a user:

(a) Conspicuously disclose or cause to be disclosed to the user that any tip, gratuity or donation paid by the user does not inure to the direct benefit of any specific employee of the provider or any other person; and

(b) Conspicuously provide an option for the user to select zero as an amount for such tip, gratuity or donation;

6. If a provider seeks payment of outstanding proceeds, fees or other payments including, without limitation, voluntary tips, gratuities or other donations from a user's account at a depository institution, including through a preauthorized electronic fund transfer:

(a) Comply with the applicable provisions of the Federal Electronic Fund Transfer Act and regulations thereunder; and

(b) Reimburse the user for the full amount of any overdraft or non-sufficient funds fee imposed on a user by the user's depository institution that were caused by the provider attempting to seek payment of any outstanding proceeds, fees or other payments, including, without limitation, voluntary tips, gratuities or other donations on a date before, or in an incorrect amount from, the date or amount disclosed to the user; and

7. The requirements set forth in subparagraphs (1) and (2) of paragraph (f) do not apply to any payments of outstanding amounts or fees incurred by a user through fraudulent or other unlawful means.

~~Sec. 30. 1. If an employer integrated earned wage access provider provides earned wage access services to a user and is unable to be repaid the amount of money delivered to the user, the provider shall not, absent intentional and willful fraud by the user:~~

~~— (a) Collect that money from the user without his or her affirmative consent;~~

~~— (b) Report any of the user's information or information regarding the inability of the provider to be repaid to a consumer reporting agency; or~~

~~— (c) Debit the bank account of the user without his or her affirmative consent.~~

~~2. As used in this section, "consumer reporting agency" has the meaning ascribed to it in NRS 686A.640. (Deleted by amendment.)~~

~~Sec. 31. [An employer integrated earned wage access]~~ 1. A provider shall not:

~~1.1~~ (a) Share with an employer any fees, voluntary tips, gratuities or other donations that were received from or charged to a user ~~or~~

~~2. Pay any other compensation to an employer that is directly related to any fees received from or charged to a user, for earned wage access services;~~

~~(b) Use a user's consumer credit report, as defined in NRS 686A.630, or a user's credit score to determine the user's eligibility for earned wage access services;~~

~~(c) Charge a late fee, deferral fee, interest or any other penalty or charge for failure to pay outstanding proceeds, fees, voluntary tips, gratuities or other donations;~~

~~(d) Report any information about the user regarding the inability of the provider to be repaid outstanding proceeds, fees, voluntary tips, gratuities or any other donations to a consumer agency or debt collector;~~

~~(e) Compel or attempt to compel payment by a user of outstanding proceeds, fees, voluntary tips, gratuities or other donations to the provider through any of the following means:~~

~~(1) A civil action against the user in any court of competent jurisdiction;~~

~~(2) Use of a third party to pursue collection from the user on the provider's behalf; or~~

~~(3) Sale or assignment of outstanding amounts to a third-party collector or debt buyer for collection from the user.~~

~~2. The limitations set forth in paragraph (e) of subsection 1 shall not preclude the use by a provider of any of the foregoing methods specified in paragraph (e) to compel or attempt to compel payment of outstanding amounts or fees incurred by a user through fraudulent or other unlawful means, nor shall they preclude a provider from pursuing an employer for breach of its contractual obligations to the provider.~~

Sec. 32. The Commissioner may adopt regulations for the administration and enforcement of this chapter, in addition to and not inconsistent with this chapter. Such regulations may include, without limitation, requirements relating to the retention of records by ~~an employer integrated earned wage access~~ a provider.

Sec. 33. ~~1. Nothing in this chapter shall be construed to cause (any) :~~

~~(a) Any earned wage access services provided by (an employer integrated earned wage access provider) a licensee in compliance with this chapter to be deemed (a) :~~

~~(1) A loan or other form of credit;~~

~~(2) As violating or noncompliant with the laws of this State governing the sale or assignment of, or an order of, earned but unpaid income; or~~

~~(3) A money transmission, or to be subject to any of the provisions of law governing loans or money transmitters. f. Earned wage access services provided by an employer integrated earned wage access provider in compliance with this chapter are not subject to any other statutory or regulatory provisions governing loans or money transmission. :~~

(b) Any licensee in compliance with this chapter to be deemed a creditor, lender or money transmitter; and

(c) Any fee provided to a consumer by a provider in compliance of this chapter to be deemed an interest or finance charge.

2. If there is a conflict between the provisions of this chapter and any other statute, the provisions of this chapter control.

Sec. 33.5. The proceeds provided to a consumer by a provider in accordance with this chapter shall not be subject to the provisions of chapter 604A or 675 of NRS. A provider of the proceeds shall not be required to be licensed pursuant to chapters 604A and 675 of NRS unless the provider is conducting business pursuant to chapter 604A or 675 of NRS.

Sec. 34. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120,

391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, and ~~section~~ sections 25 and 28 of this act, sections 35, 38 and 41 of

chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

- (1) Was not created or prepared in an electronic format; and
- (2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

- (1) Give access to proprietary software; or
- (2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 34.5. NRS 604A.250 is hereby amended to read as follows:

604A.250 The provisions of this chapter do not apply to:

1. Except as otherwise provided in NRS 604A.200, a person doing business pursuant to the authority of any law of this State or of the United States relating to banks, national banking associations, savings banks, trust companies, savings and loan associations, credit unions, mortgage companies, thrift companies or insurance companies, including, without limitation, any affiliate or subsidiary of such a person regardless of whether the affiliate or subsidiary is a bank.

2. A person who is primarily engaged in the retail sale of goods or services who:

(a) As an incident to or independently of a retail sale or service, from time to time cashes checks for a fee or other consideration of not more than \$2; and

(b) Does not hold himself or herself out as a check-cashing service.

3. A person while performing any act authorized by a license issued pursuant to chapter 671 of NRS.

4. A person who holds a nonrestricted gaming license issued pursuant to chapter 463 of NRS while performing any act in the course of that licensed operation.

5. A person who is exclusively engaged in a check-cashing service relating to out-of-state checks.

6. A corporation organized pursuant to the laws of this State that has been continuously and exclusively engaged in a check-cashing service in this State since July 1, 1973.

7. A pawnbroker, unless the pawnbroker operates a check-cashing service, deferred deposit loan service, high-interest loan service or title loan service.

8. A real estate investment trust, as defined in 26 U.S.C. § 856.

9. An employee benefit plan, as defined in 29 U.S.C. § 1002(3), if the loan is made directly from money in the plan by the plan's trustee.

10. An attorney at law rendering services in the performance of his or her duties as an attorney at law if the loan is secured by real property.

11. A real estate broker rendering services in the performance of his or her duties as a real estate broker if the loan is secured by real property.

12. Any firm or corporation:

(a) Whose principal purpose or activity is lending money on real property which is secured by a mortgage;

(b) Approved by the Federal National Mortgage Association as a seller or servicer; and

(c) Approved by the Department of Housing and Urban Development and the Department of Veterans Affairs.

13. A person who provides money for investment in loans secured by a lien on real property, on his or her own account.

14. A seller of real property who offers credit secured by a mortgage of the property sold.

15. A person who makes a refund anticipation loan, unless the person operates a check-cashing service, deferred deposit loan service, high-interest loan service or title loan service.

16. A person who exclusively extends credit to any person who is not a resident of this State for any business, commercial or agricultural purpose that is located outside of this State.

17. A provider licensed to provide earned wage access services pursuant to the chapter consisting of sections 2 to 33.5, inclusive, of this act.

Sec. 35. NRS 671.020 is hereby amended to read as follows:

671.020 1. This chapter does not apply to any:

(a) Bank, its parent or holding company or any subsidiary thereof, trust company, savings bank, savings and loan association, credit union, industrial bank or industrial loan and investment company, organized and regulated under the laws of this state or of the United States;

(b) Foreign banking corporation licensed to do banking business in this state; ~~or~~

(c) Telegraph company providing a public message service ~~[-]~~; or

(d) ~~Employer integrated earned wage access~~ A provider who is licensed pursuant to the chapter consisting of sections 2 to ~~33.1~~ 33.5, inclusive, of this act.

2. Subsection 1 does not reduce or alter any liability otherwise attaching to the sale, issuance, receipt for transmission or transmission of checks or money in any form.

Sec. 35.5. NRS 675.040 is hereby amended to read as follows:

675.040 This chapter does not apply to:

1. Except as otherwise provided in NRS 675.035, a person doing business under the authority of any law of this State or of the United States relating to banks, national banking associations, savings banks, trust companies, savings and loan associations, credit unions, mortgage companies, thrift companies, pawnbrokers or insurance companies.

2. A real estate investment trust, as defined in 26 U.S.C. § 856.

3. An employee benefit plan, as defined in 29 U.S.C. § 1002(3), if the loan is made directly from money in the plan by the plan's trustee.

4. An attorney at law rendering services in the performance of his or her duties as an attorney at law if the loan is secured by real property.

5. A real estate broker rendering services in the performance of his or her duties as a real estate broker if the loan is secured by real property.

6. Except as otherwise provided in this subsection, any firm or corporation:

(a) Whose principal purpose or activity is lending money on real property which is secured by a mortgage;

(b) Approved by the Federal National Mortgage Association as a seller or servicer; and

(c) Approved by the Department of Housing and Urban Development and the Department of Veterans Affairs.

7. A person who provides money for investment in loans secured by a lien on real property, on his or her own account.

8. A seller of real property who offers credit secured by a mortgage of the property sold.

9. A person holding a nonrestricted state gaming license issued pursuant to the provisions of chapter 463 of NRS.

10. A person licensed to do business pursuant to chapter 604A of NRS with regard to those services regulated pursuant to chapter 604A of NRS.

11. A person who exclusively extends credit to any person who is not a resident of this State for any business, commercial or agricultural purpose that is located outside of this State.

12. Except as otherwise required by the Director of the Department of Business and Industry pursuant to NRS 657A.430 or 657A.620, a participant in the Regulatory Experimentation Program for Product Innovation established and administered pursuant to chapter 657A of NRS.

13. A provider of earned wage access services who is licensed to provide earned wage access services pursuant to the chapter consisting of sections 2 to 33.5, inclusive, of this act.

Sec. 36. 1. On or before December 31, 2025, the Commissioner of Financial Institutions shall prepare and submit a report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature which includes an analysis of and any recommendations concerning earned wage access services and potential changes to regulations governing earned wage access services that may be warranted.

2. As used in this section, "earned wage access services" has the meaning ascribed to it in section 7 of this act.

Sec. 36.1. 1. On or before September 30, 2023, the Commissioner shall prescribe the form and content of an application for a license to provide earned wage access services pursuant to sections 2 to 33.5, inclusive, of this act.

2. As used in this section, "earned wage access services" has the meaning ascribed to it in section 7 of this act.

Sec. 36.2. 1. Notwithstanding the amendatory provisions of this act, a person who, as of January 1, 2023, was engaged in the business of providing earned wage access services in this State may, until December 31, 2024, continue to engage in the business of providing earned wage access services in this State without obtaining a license pursuant to sections 2 to 33.5, inclusive, of this act if the person submits an application for such a license before January 1, 2024, and otherwise complies with this act.

2. As used in this section, "earned wage access services" has the meaning ascribed to it in section 7 of this act.

Sec. 37. 1. This section becomes effective upon passage and approval.

2. Sections 1 to ~~16~~, 16, inclusive, and 18 to 36.2, inclusive, of this act become effective:

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

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

3. Section 17 of this act becomes effective on January 1, 2024.

4. Sections 1 to 13, inclusive, and 16 to 36, inclusive, of this act expire by limitation on December 31, 2029.

5. Sections 14 and 15 of this act expire by limitation on the earlier of December 31, 2029, or the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has the authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

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

(b) Are in arrears in the payment of the support of one or more children,
 ➔ are repealed by the Congress of the United States.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 243 to Senate Bill No. 290 makes various changes to the licensing and regulation of providers engaged in providing earned-wage access services, including, but not limited to, establishing a maximum licensing and renewal fee of \$1,000 and authorizing the Commissioner of Financial Institutions to impose a \$50,000 penalty upon a person providing earned-wage access services without a license.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 310.

Bill read second time.

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

Amendment No. 406.

SUMMARY—Establishes provisions relating to dentistry. (BDR 54-601)

AN ACT relating to dentistry; providing for the licensure and regulation of expanded function dental assistants; creating a special endorsement for dental hygienists to practice restorative dental hygiene; providing for the regulation of the administration of local anesthesia and laser radiation by a dental hygienist or dental therapist; authorizing a dental hygienist who possesses certain qualifications to prescribe and dispense certain drugs; authorizing a public health dental hygienist to authorize an expanded function dental assistant or dental assistant to perform certain tasks under certain circumstances; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensure and regulation of dentists, dental hygienists and dental therapists by the Board of Dental Examiners of Nevada.

(Chapter 631 of NRS) Existing law authorizes a licensed dentist to assign certain tasks to a dental assistant, who is not required to have a license. (NRS 631.313, 631.317)

Sections 4-8 of this bill provide for the licensure and regulation of expanded function dental assistants. Sections 2, ~~and~~ 3 and 3.5 of this bill define the terms "expanded function dental ~~assistance~~" and assistance," "expanded function dental ~~assistant,~~" assistant" and "restorative dental hygiene," respectively. Section 10 of this bill makes a conforming change to indicate the proper placement of sections 2, ~~and~~ 3 and 3.5 in the Nevada Revised Statutes.

Section 4 requires a person to be ~~(of good moral character)~~ a citizen of the United States or lawfully entitled to remain and work in the United States and over 18 years of age to be eligible to apply for a license to practice expanded function dental assistance. Section 5 of this bill requires an applicant for such a license to: (1) possess certain education and experience; (2) hold a current certification in the techniques of administering cardiopulmonary resuscitation; and (3) pass a written clinical examination and a written jurisprudence examination administered by the Board. Section 6 of this bill authorizes a person who is licensed in another state and possesses certain other qualifications to apply for a license by endorsement as an expanded function dental assistant. Section 6 authorizes the Board to require such an applicant to complete such additional training as is necessary for the applicant to be able to practice expanded function dental assistance with the same degree of competence as a person licensed pursuant to section 5. Section 6.5 of this bill requires the Board to issue a special endorsement to practice restorative dental hygiene to a dental hygienist who has an active license in good standing to practice dental hygiene in this State and has successfully completed a course on restorative dental hygiene. Section 7 of this bill requires an expanded function dental assistant or a dental hygienist with a special endorsement to practice restorative dental hygiene to work under the ~~(supervision)~~ authorization of a dentist and prescribes certain requirements governing ~~(such)~~ the supervision of an expanded function dental assistant. Section 8 of this bill prescribes the services and procedures an expanded function dental assistant or dental hygienist with a special endorsement to practice restorative dental hygiene is authorized to perform. Section 22 of this bill requires the Board to adopt regulations governing the practice of ;(1) expanded function dental assistants ~~(1)~~ ; and (2) dental hygienists who hold a special endorsement to practice restorative dental hygiene. Section 25 of this bill requires the Board to adopt regulations governing continuing education in expanded function dental assistance. Section 26 of this bill prescribes certain fees relating to licensure as an expanded function dental assistant, which are equal to similar fees that apply to dental hygienists.

Section 36 of this bill prescribes certain activities that constitute the illegal practice of expanded function dental assistance, and section 39 of this bill

makes it a crime to practice expanded function dental assistance without a license. It is also a crime to practice restorative dental hygiene without the proper special endorsement. (NRS 631.400)

Sections ~~11-21,~~ 11-20, 21, 23, 24, 27-35, 37-40, 42-45, 47 and 48 of this bill make revisions to certain existing provisions so that expanded function dental assistants are treated in the same manner as similar providers of oral health care in various respects.

Existing law: (1) provides for the issuance of a special endorsement as a public health dental hygienist to a dental hygienist who possesses certain qualifications; and (2) authorizes the holder of such an endorsement to provide services without the authorization or supervision of a dentist under certain circumstances. (NRS 631.287) Sections 20.5 and 42 of this bill authorize a public health dental hygienist to authorize an expanded function dental assistant or a dental assistant to perform certain tasks as part of an approved program of public health dental hygiene.

Existing law authorizes a dental hygienist to perform only those services which are authorized by a dentist, unless otherwise provided by a regulation adopted by the Board. (NRS 631.310) Sections 9, 41 and 46 of this bill authorize a dental hygienist who possesses certain qualifications to prescribe and dispense certain drugs that are not controlled substances and are used for preventative treatment ~~and~~ and items used for such treatment. Section 9 requires the Board to adopt regulations prescribing continuing education for a dental hygienist who prescribes such drugs. Section 9.5 of this bill requires the Board to adopt regulations authorizing a dental hygienist or dental therapist to administer local anesthesia and laser radiation if authorized by the supervising dentist of the dental hygienist or dental therapist.

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

Section 1. Chapter 631 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to ~~9,~~ 9.5, inclusive, of this act:

Sec. 2. *"Expanded function dental assistance" means the performance of educational, preventative, therapeutic, palliative and restorative treatment of intraoral or extraoral procedures under the supervision of a dentist or as otherwise authorized pursuant to this chapter ~~by~~ by a person licensed pursuant to section 5 or 6 of this act.*

Sec. 3. *"Expanded function dental assistant" means any person who practices the profession of expanded function dental assistance and is licensed pursuant to this chapter.*

Sec. 3.5. *"Restorative dental hygiene" means the performance of educational, preventative, therapeutic, palliative and restorative treatment of intraoral or extraoral procedures under the supervision of a dentist or as otherwise authorized pursuant to this chapter by a dental hygienist who holds a special endorsement issued pursuant to section 6.5 of this act.*

Sec. 4. ~~Any~~ Any person is eligible to apply for a license to practice expanded function dental assistance in this State who:

~~[(a)]~~ 1. ~~Is of good moral character;~~ a citizen of the United States or lawfully entitled to remain and work in the United States; and

~~[(b)]~~ 2. Is over 18 years of age.

~~[2. To determine whether a person has good moral character, the Board may consider whether his or her license to practice expanded function dental assistance in another state has been suspended or revoked or whether he or she is currently involved in any disciplinary action concerning his or her license in that state.]~~

Sec. 5. Except as otherwise provided in section 6 of this act, an applicant for a license as an expanded function dental assistant must include in his or her application proof that he or she:

1. Possesses the following qualifications:

(a) Graduation from an accredited program for dental assisting with expanded functions; or

(b) Successful completion of a course of training for expanded function dental assistants and:

(1) Graduation from an accredited program for dental assisting without expanded functions; or

(2) Employment as a dental assistant working full-time for at least 2 ~~for the immediately preceding 5~~ years or part-time for at least 4 ~~for the immediately preceding 5~~ years and a passing score on the examination for Certified Dental Assistants administered by the Dental Assisting National Board, or its successor organization; ~~for~~

~~— (3) Graduation from a program of dental hygiene that meets the requirements of paragraph (c) of subsection 1 of NRS 631.290, employment as a dental assistant full time for at least 1 of the immediately preceding 5 years or part time for at least 2 of the immediately preceding 5 years and a passing score on the examination for Certified Dental Assistants administered by the Dental Assisting National Board, or its successor organization;]~~

2. Holds a current certification in the techniques of administering cardiopulmonary resuscitation;

3. Has passed a written clinical examination given by the Board upon such subjects as the Board deems necessary for the practice of expanded function dental assistance; and

4. Has passed a written examination given by the Board concerning laws and regulations governing the practice of expanded function dental assistance in this State.

Sec. 6. 1. An applicant for a license by endorsement as an expanded function dental assistant must include in his or her application proof that he or she:

(a) Is currently licensed as an expanded function dental assistant in another state or territory of the United States, or the District of Columbia;

(b) Possesses the following qualifications:

(1) Graduation from an accredited program for dental assisting with expanded functions;

~~[(2) Current certification as a Certified Dental Assistant issued by the Dental Assisting National Board, or its successor organization, or a Registered Dental Assistant issued by American Medical Technologists, or its successor organization,] or~~

~~[(3)]~~ (2) Employment as a dental assistant or an expanded function dental assistant working full-time for at least 2 ~~[of the immediately preceding 5]~~ years or part-time for at least 4 ~~[of the immediately preceding 5]~~ years; and

(c) Has passed a written examination given by the Board concerning laws and regulations governing the practice of expanded function dental assistance in this State.

2. The Board may require an applicant for licensure by endorsement as an expanded function dental assistant to complete any training that the Board deems necessary for the applicant to be able to practice expanded function dental assistance with the same degree of competence as a person who possesses the qualifications described in section 5 of this act.

Sec. 6.5. 1. The Board shall, upon application by a dental hygienist who has the qualifications prescribed by subsection 2, issue a special endorsement of the license allowing the dental hygienist to practice restorative dental hygiene. The special endorsement may be renewed biennially upon renewal of the license of the dental hygienist.

2. An applicant for a special endorsement allowing a dental hygienist to practice restorative dental hygiene must include in his or her application proof that he or she:

(a) Holds an active license in good standing as a dental hygienist in this State; and

(b) Has successfully completed a course on restorative dental hygiene.

Sec. 7. 1. An expanded function dental assistant or dental hygienist with a special endorsement of his or her license issued pursuant to section 6.5 of this act may only practice expanded function dental assistance or restorative dental hygiene, as applicable, under the [supervision] authorization of a dentist who is licensed in this State, [and only with the authorization of that dentist,] unless otherwise authorized by NRS 631.287 or a regulation adopted by the Board.

2. Except as specifically authorized by NRS 631.287 or a regulation adopted by the Board, an expanded function dental assistant shall not practice expanded function dental assistance to a person unless that person is a patient of the ~~[supervising]~~ authorizing dentist of the expanded function dental assistant.

3. Except as specifically required by a regulation adopted by the Board, the ~~[supervising]~~ authorizing dentist of an expanded function dental assistant is not required to be present during the provision of services by the expanded function dental assistant.

4. If the expanded function dental assistance required or requested by a patient exceeds the scope of practice or the skill and training of an expanded function dental assistant, the expanded function dental assistant shall refer the patient to the ~~supervising~~ authorizing dentist of the expanded function dental assistant.

Sec. 8. An expanded function dental assistant or dental hygienist with a special endorsement to practice restorative dental hygiene may perform the following acts under the conditions prescribed by section 7 of this act:

1. Any service that a dental assistant or dental hygienist, as applicable, is authorized to perform pursuant to this chapter or any regulation adopted pursuant thereto. ~~and~~

2. Placing, condensing, contouring, adjusting, curing and finishing restorations that are made of a direct restorative material, including, without limitation, amalgam, resin-based composite and glass ionomer. ~~and~~

3. Placing and removing matrices and interproximal wedge devices. ~~and~~

4. Placing desensitizers, liners and bases. ~~and~~

5. Taking final impressions for:

(a) Indirect restorations, including, without limitation, crowns, bridges and veneers; and

(b) Removable prostheses, including, without limitation, dentures. ~~and~~

6. Adjusting a removable prostheses extraorally. ~~and~~

7. ~~Cementing~~ Cementation of permanent restorations, including, without limitation, crowns, bridges and veneers ~~and~~ , if the authorizing dentist:

(a) Evaluates and approves each permanent restoration before the cementation is final; and

(b) Inspects each permanent restoration before the patient leaves the premises where the cementation occurred.

8. Placing topical fluoride. ~~and~~

9. Administering a hemostatic agent. ~~and~~

10. Applying agents for bleaching teeth. ~~and~~

11. Using an ultrasonic scaling unit ~~and~~

~~12. Any other act authorized by a regulation of the Board.~~ only for the removal of bonding agents. This subsection does not authorize an expanded function dental assistant or dental hygienist with a special endorsement to practice restorative dental hygiene to use an ultrasonic scaling unit on any natural tooth.

Sec. 9. 1. A dental hygienist who meets the requirements prescribed by regulation of the Board pursuant to subsection 4 may prescribe and dispense a:

(a) Topical or systemic prescription drug, other than a controlled substance, for preventative care;

(b) Fluoride preparation for which a prescription is not required; ~~and~~

(c) Topical antimicrobial oral rinse ~~and~~ ; or

(d) Medicament tray or mouthguard.

2. A dental hygienist shall not prescribe or dispense a controlled substance or any drug or item not listed in subsection 1.

3. A dental hygienist may prescribe and dispense a drug or item pursuant to subsection 1:

(a) ~~Under the supervision of a dentist who holds an active license to practice in this State;~~

~~(b)~~ In compliance with any applicable regulations adopted by the Board; and

~~(c)~~ (b) In compliance with any applicable law governing the handling, prescribing and dispensing of a drug.

4. The Board shall adopt regulations prescribing the:

(a) Education and training that a dental hygienist must complete before prescribing and dispensing a drug or item pursuant to subsection 1; and

(b) Continuing education that a dental hygienist must complete to be authorized to continue prescribing and dispensing drugs or items pursuant to subsection 1.

Sec. 9.5. 1. The Board shall adopt regulations authorizing a dental hygienist or dental therapist to administer local anesthesia or use X-ray or laser radiation for dental treatment or dental diagnostic purposes.

2. The regulations adopted pursuant to this section must require:

(a) The supervising dentist of a dental hygienist or dental therapist to authorize any activity described in subsection 1; and

(b) Any location at which a dental hygienist or dental therapist administers local anesthesia to have licensed medical personnel and necessary emergency supplies and equipment available when the local anesthesia is administered.

Sec. 10. NRS 631.005 is hereby amended to read as follows:

631.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 631.015 to 631.105, inclusive, ~~and~~ sections 2, ~~and~~ 3 and 3.5 of this act have the meanings ascribed to them in those sections.

Sec. 11. NRS 631.070 is hereby amended to read as follows:

631.070 "License" means a certificate issued by the Board to any applicant upon completion of requirements for admission to practice *expanded function dental assistance*, dental hygiene, dental therapy or dentistry, or any of the special branches of dentistry, as provided by the license.

Sec. 12. NRS 631.115 is hereby amended to read as follows:

631.115 Except as otherwise provided in subsection ~~{2}~~ 3 of NRS 631.317, this chapter does not apply to:

1. A legally qualified physician or surgeon unless he or she practices dentistry as a specialty.

2. A dentist, dental hygienist, ~~or~~ dental therapist *or expanded function dental assistant* of the United States Army, Navy, Air Force, Public Health Service, Coast Guard or Department of Veterans Affairs in the discharge of

his or her official duties, including, without limitation, providing medical care in a hospital in accordance with an agreement entered into pursuant to NRS 449.2455.

Sec. 13. NRS 631.130 is hereby amended to read as follows:

631.130 The Governor shall appoint:

1. Six members who are graduates of accredited dental schools or colleges, are residents of Nevada and have ethically engaged in the practice of dentistry in Nevada for a period of at least 5 years.

2. One member who has resided in Nevada for at least 5 years and who represents the interests of persons or agencies that regularly provide health care to patients who are indigent, uninsured or unable to afford health care. This member may be licensed under the provisions of this chapter.

3. Three members who:

(a) Are graduates of accredited schools or colleges of dental hygiene or dental therapy;

(b) Are residents of Nevada; and

(c) Have been actively engaged in the practice of dental hygiene or dental therapy in Nevada for a period of at least 5 years before their appointment to the Board.

4. One member who is a representative of the general public. This member must not be:

(a) A dentist, dental hygienist , ~~for~~ dental therapist ~~or~~ *or expanded function dental assistant*; or

(b) The spouse or the parent or child, by blood, marriage or adoption, of a dentist, dental hygienist , ~~for~~ dental therapist ~~or~~ *or expanded function dental assistant*.

Sec. 14. NRS 631.190 is hereby amended to read as follows:

631.190 In addition to the powers and duties provided in this chapter, the Board shall:

1. Adopt rules and regulations necessary to carry out the provisions of this chapter.

2. Appoint such committees, review panels, examiners, officers, employees, agents, attorneys, investigators and other professional consultants and define their duties and incur such expense as it may deem proper or necessary to carry out the provisions of this chapter, the expense to be paid as provided in this chapter.

3. Fix the time and place for and conduct examinations for the granting of licenses to practice dentistry, dental hygiene , ~~and~~ dental therapy ~~or~~ *and expanded function dental assistance*.

4. Examine applicants for licenses to practice dentistry, dental hygiene , ~~and~~ dental therapy ~~or~~ *and expanded function dental assistance*.

5. Collect and apply fees as provided in this chapter.

6. Keep a register of all dentists, dental hygienists , ~~and~~ dental therapists *and expanded function dental assistants* licensed in this State,

together with their addresses, license numbers and renewal certificate numbers.

7. Have and use a common seal.

8. Keep such records as may be necessary to report the acts and proceedings of the Board. Except as otherwise provided in NRS 631.368, the records must be open to public inspection.

9. Maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter.

10. Have discretion to examine work authorizations in dental offices or dental laboratories.

Sec. 15. NRS 631.215 is hereby amended to read as follows:

631.215 1. Any person shall be deemed to be practicing dentistry who:

(a) Uses words or any letters or title in connection with his or her name which in any way represents the person as engaged in the practice of dentistry, or any branch thereof;

(b) Advertises or permits to be advertised by any medium that the person can or will attempt to perform dental operations of any kind;

(c) Evaluates or diagnoses, professes to evaluate or diagnose or treats or professes to treat, surgically or nonsurgically, any of the diseases, disorders, conditions or lesions of the oral cavity, maxillofacial area or the adjacent and associated structures and their impact on the human body;

(d) Extracts teeth;

(e) Corrects malpositions of the teeth or jaws;

(f) Takes impressions of the teeth, mouth or gums, unless the person is authorized by the regulations of the Board to engage in such activities without being a licensed dentist;

(g) Examines a person for, or supplies artificial teeth as substitutes for natural teeth;

(h) Places in the mouth and adjusts or alters artificial teeth;

(i) Does any practice included in the clinical dental curricula of accredited dental colleges or a residency program for those colleges;

(j) Administers or prescribes such remedies, medicinal or otherwise, as are needed in the treatment of dental or oral diseases;

(k) Uses X-ray radiation or laser radiation for dental treatment or dental diagnostic purposes, unless the person is authorized by the regulations of the Board to engage in such activities without being a licensed dentist;

(l) Determines:

(1) Whether a particular treatment is necessary or advisable; or

(2) Which particular treatment is necessary or advisable; or

(m) Dispenses tooth whitening agents or undertakes to whiten or bleach teeth by any means or method, unless the person is:

(1) Dispensing or using a product that may be purchased over the counter for a person's own use; or

(2) Authorized by the regulations of the Board to engage in such activities without being a licensed dentist.

2. Nothing in this section:

(a) Prevents a dental assistant, dental hygienist, dental therapist, *expanded function dental assistant* or qualified technician from making radiograms or X-ray exposures for dental treatment or dental diagnostic purposes upon the direction of a licensed dentist.

(b) Prevents a dental hygienist or dental therapist from administering local anesthesia for pain management during treatment or using X-ray radiation or laser radiation for dental treatment or dental diagnostic purposes, upon authorization of a licensed dentist ~~and~~ and, where applicable, in accordance with the regulations adopted pursuant to section 9.5 of this act.

(c) Prohibits the performance of mechanical work, on inanimate objects only, by any person employed in or operating a dental laboratory upon the written work authorization of a licensed dentist.

(d) Prevents students from performing dental procedures that are part of the curricula of an accredited dental school or college or an accredited school of dental hygiene or an accredited school of dental therapy or an accredited school of dental assisting.

(e) Prevents a licensed dentist, ~~for~~ dental hygienist or *expanded function dental assistant* from another state or country from appearing as a clinician for demonstrating certain methods of technical procedures before a dental society or organization, convention or dental college or an accredited school of dental hygiene or an accredited school of dental assisting.

(f) Prohibits the manufacturing of artificial teeth upon receipt of a written authorization from a licensed dentist if the manufacturing does not require direct contact with the patient.

(g) Prohibits the following entities from owning or operating a dental office or clinic if the entity complies with the provisions of NRS 631.3452:

(1) A nonprofit corporation organized pursuant to the provisions of chapter 82 of NRS to provide dental services to rural areas and medically underserved populations of migrant or homeless persons or persons in rural communities pursuant to the provisions of 42 U.S.C. § 254b or 254c.

(2) A federally-qualified health center as defined in 42 U.S.C. § 1396d(1)(2)(B) operating in compliance with other applicable state and federal law.

(3) A nonprofit charitable corporation as described in section 501(c)(3) of the Internal Revenue Code and determined by the Board to be providing dental services by volunteer licensed dentists at no charge or at a substantially reduced charge to populations with limited access to dental care.

(h) Prevents a person who is actively licensed as a dentist in another jurisdiction from treating a patient if:

(1) The patient has previously been treated by the dentist in the jurisdiction in which the dentist is licensed;

(2) The dentist treats the patient only during a course of continuing education involving live patients which:

(I) Is conducted at an institute or organization with a permanent facility registered with the Board for the sole purpose of providing postgraduate continuing education in dentistry; and

(II) Meets all applicable requirements for approval as a course of continuing education; and

(3) The dentist treats the patient only under the supervision of a person licensed pursuant to NRS 631.2715.

(i) Prohibits a person from providing goods or services for the support of the business of a dental practice, office or clinic owned or operated by a licensed dentist or any entity not prohibited from owning or operating a dental practice, office or clinic if the person does not:

(1) Provide such goods or services in exchange for payments based on a percentage or share of revenues or profits of the dental practice, office or clinic; or

(2) Exercise any authority or control over the clinical practice of dentistry.

(j) *Prohibits a dental hygienist, dental therapist or expanded function dental assistant from engaging in any activity authorized by this chapter or the regulations adopted pursuant thereto.*

3. The Board shall adopt regulations identifying activities that constitute the exercise of authority or control over the clinical practice of dentistry, including, without limitation, activities which:

(a) Exert authority or control over the clinical judgment of a licensed dentist; or

(b) Relieve a licensed dentist of responsibility for the clinical aspects of the dental practice.

↪ Such regulations must not prohibit or regulate aspects of the business relationship, other than the clinical practice of dentistry, between a licensed dentist or professional entity organized pursuant to the provisions of chapter 89 of NRS and the person or entity providing goods or services for the support of the business of a dental practice, office or clinic owned or operated by the licensed dentist or professional entity.

Sec. 16. NRS 631.220 is hereby amended to read as follows:

631.220 1. Every applicant for a license to practice dental hygiene, dental therapy , *expanded function dental assistance* or dentistry, or any of its special branches, must:

(a) File an application with the Board.

(b) Accompany the application with a recent photograph of the applicant together with the required fee and such other documentation as the Board may require by regulation.

(c) Submit with the application a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

(d) If the applicant is required to take an examination pursuant to NRS 631.240, 631.300 or 631.3121 ~~or~~ *or section 5 or 6 of this act*, submit with the application proof satisfactory that the applicant passed the examination.

2. An application must include all information required to complete the application.

3. The Secretary-Treasurer may, in accordance with regulations adopted by the Board and if the Secretary-Treasurer determines that an application is:

(a) Sufficient, advise the Executive Director of the sufficiency of the application. Upon the advice of the Secretary-Treasurer, the Executive Director may issue a license to the applicant without further review by the Board.

(b) Insufficient, reject the application by sending written notice of the rejection to the applicant.

Sec. 17. NRS 631.225 is hereby amended to read as follows:

631.225 1. In addition to any other requirements set forth in this chapter:

(a) An applicant for the issuance of a license to practice dentistry, dental hygiene, ~~or~~ dental therapy *or expanded function dental assistance* shall include the social security number of the applicant in the application submitted to the Board.

(b) An applicant for the issuance or renewal of a license to practice dentistry, dental hygiene, ~~or~~ dental therapy *or expanded function dental assistance* shall submit to the Board the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Board shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Board.

3. A license to practice dentistry, dental hygiene, ~~or~~ dental therapy *or expanded function dental assistance* may not be issued or renewed by the Board if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment

of the amount owed pursuant to the order, the Board shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 18. NRS 631.260 is hereby amended to read as follows:

631.260 Except as otherwise provided in subsection 3 of NRS 631.220, as soon as possible after the examination has been given, the Board, under rules and regulations adopted by it, shall determine the qualifications of the applicant and shall issue to each person found by the Board to have the qualifications therefor a license which will entitle the person to practice dental hygiene, dental therapy, *expanded function dental assistance* or dentistry, or any special branch of dentistry, as in such license defined, subject to the provisions of this chapter.

Sec. 19. NRS 631.271 is hereby amended to read as follows:

631.271 1. The Board shall, without a clinical examination required by NRS 631.240, 631.300 or 631.3121, issue a limited license to practice dentistry, dental hygiene, ~~for~~ dental therapy *or expanded function dental assistance* to a person who:

(a) Is qualified for a license to practice dentistry, dental hygiene, ~~for~~ dental therapy *or expanded function dental assistance* in this State;

(b) Pays the required application fee;

(c) Has entered into a contract with:

(1) The Nevada System of Higher Education to provide services as a dental intern, dental resident or instructor of dentistry, dental hygiene, ~~for~~ dental therapy *or expanded function dental assistance* at an educational or outpatient clinic, hospital or other facility of the Nevada System of Higher Education; or

(2) An accredited program of dentistry, dental hygiene, ~~for~~ dental therapy *or expanded function dental assistance* of an institution which is accredited by a regional educational accrediting organization that is recognized by the United States Department of Education to provide services as a dental intern, dental resident or instructor of dentistry, dental hygiene, ~~for~~ dental therapy *or expanded function dental assistance* at an educational or outpatient clinic, hospital or other facility of the institution and accredited by the Commission on Dental Accreditation of the American Dental Association or its successor specialty accrediting organization;

(d) Satisfies the requirements of NRS 631.230, 631.290 or 631.312, as appropriate; and

(e) Satisfies at least one of the following requirements:

(1) Has a license to practice dentistry, dental hygiene, ~~for~~ dental therapy *or expanded function dental assistance* issued pursuant to the laws of another state or territory of the United States, or the District of Columbia;

(2) Presents to the Board a certificate granted by the Western Regional Examining Board which contains a notation that the person has passed, within the 5 years immediately preceding the date of the application, a

clinical examination administered by the Western Regional Examining Board;

(3) Successfully passes a clinical examination approved by the Board and the American Board of Dental Examiners; or

(4) Has the educational or outpatient clinic, hospital or other facility where the person will provide services as a dental intern or dental resident in an internship or residency program submit to the Board written confirmation that the person has been appointed to a position in the program. If a person qualifies for a limited license pursuant to this subparagraph, the limited license remains valid only while the person is actively providing services as a dental intern or dental resident in the internship or residency program and is in compliance with all other requirements for the limited license.

2. The Board shall not issue a limited license to a person:

(a) Who has been issued a license to practice dentistry, dental hygiene , ~~for~~ dental therapy *or expanded function dental assistance* if:

(1) The person is involved in a disciplinary action concerning the license; or

(2) The license has been revoked or suspended; or

(b) Who has been refused a license to practice dentistry, dental hygiene , ~~for~~ dental therapy ~~or~~ *or expanded function dental assistance*,

↪ in this State, another state or territory of the United States, or the District of Columbia.

3. Except as otherwise provided in subsection 4, a person to whom a limited license is issued pursuant to subsection 1:

(a) May practice dentistry, dental hygiene , ~~for~~ dental therapy *or expanded function dental assistance* in this State only:

(1) At the educational or outpatient clinic, hospital or other facility where the person is employed; and

(2) In accordance with the contract required by paragraph (c) of subsection 1.

(b) Shall not, for the duration of the limited license, engage in the private practice of dentistry, dental hygiene , ~~for~~ dental therapy *or expanded function dental assistance* in this State or accept compensation for the practice of dentistry, dental hygiene , ~~for~~ dental therapy *or expanded function dental assistance* except such compensation as may be paid to the person by the Nevada System of Higher Education or an accredited program of dentistry, dental hygiene , ~~for~~ dental therapy *or expanded function dental assistance* for services provided as a dental intern, dental resident or instructor of dentistry, dental hygiene , ~~for~~ dental therapy *or expanded function dental assistance* pursuant to paragraph (c) of subsection 1.

4. The Board may issue a permit authorizing a person who holds a limited license to engage in the practice of dentistry, dental hygiene , ~~for~~ dental therapy *or expanded function dental assistance* in this State and to accept compensation for such practice as may be paid to the person by entities other than the Nevada System of Higher Education or an accredited

program of dentistry, dental hygiene , ~~for~~ dental therapy *or expanded function dental assistance* with whom the person is under contract pursuant to paragraph (c) of subsection 1. The Board shall, by regulation, prescribe the standards, conditions and other requirements for the issuance of a permit.

5. A limited license expires 1 year after its date of issuance and may be renewed on or before the date of its expiration, unless the holder no longer satisfies the requirements for the limited license. The holder of a limited license may, upon compliance with the applicable requirements set forth in NRS 631.330 and the completion of a review conducted at the discretion of the Board, be granted a renewal certificate that authorizes the continuation of practice pursuant to the limited license for 1 year.

6. A permit issued pursuant to subsection 4 expires on the date that the holder's limited license expires and may be renewed when the limited license is renewed, unless the holder no longer satisfies the requirements for the permit.

7. Within 7 days after the termination of a contract required by paragraph (c) of subsection 1, the holder of a limited license shall notify the Board of the termination, in writing, and surrender the limited license and a permit issued pursuant to this section, if any, to the Board.

8. The Board may revoke a limited license and a permit issued pursuant to this section, if any, at any time if the Board finds, by a preponderance of the evidence, that the holder of the license violated any provision of this chapter or the regulations of the Board.

Sec. 20. NRS 631.274 is hereby amended to read as follows:

631.274 1. The Board shall, without a clinical examination required by NRS 631.240, 631.300 or 631.3121 ~~for~~ *or section 5 of this act*, issue a restricted geographical license to practice dentistry, dental hygiene , ~~for~~ dental therapy *or expanded function dental assistance* to a person if the person meets the requirements of subsection 2 and:

(a) A board of county commissioners submits a request that the Board of Dental Examiners of Nevada waive the requirements of NRS 631.240, 631.300 or 631.3121 *or section 5 of this act* for any applicant intending to practice dentistry, dental hygiene , ~~for~~ dental therapy *or expanded function dental assistance* in a rural area of a county in which dental, dental hygiene , ~~for~~ dental therapy *or expanded function dental assistance* needs are underserved , as that term is defined by the officer of rural health of the University of Nevada School of Medicine;

(b) Two or more boards of county commissioners submit a joint request that the Board of Dental Examiners of Nevada waive the requirements of NRS 631.240, 631.300 or 631.3121 *or section 5 of this act* for any applicant intending to practice dentistry, dental hygiene , ~~for~~ dental therapy *or expanded function dental assistance* in one or more rural areas within those counties in which dental, dental hygiene , ~~for~~ dental therapy *or expanded function dental assistance* needs are underserved , as that term is defined by the officer of rural health of the University of Nevada School of Medicine; or

(c) The director of a federally qualified health center or a nonprofit clinic submits a request that the Board waive the requirements of NRS 631.240, 631.300 or 631.3121 *or section 5 of this act* for any applicant who has entered into a contract with a federally qualified health center or nonprofit clinic which treats underserved populations in Washoe County or Clark County.

2. A person may apply for a restricted geographical license if the person:

(a) Has a license to practice dentistry, dental hygiene, ~~for~~ dental therapy *or expanded function dental assistance* issued pursuant to the laws of another state or territory of the United States, or the District of Columbia;

(b) Is otherwise qualified for a license to practice dentistry, dental hygiene, ~~for~~ dental therapy *or expanded function dental assistance* in this State;

(c) Pays the application, examination and renewal fees in the same manner as a person licensed pursuant to NRS 631.240, 631.300 or 631.3121 ~~for~~ *or section 5 of this act*;

(d) Submits all information required to complete an application for a license; and

(e) Satisfies the requirements of NRS 631.230, 631.290 or 631.312 ~~for~~ *or section 4 of this act*, as appropriate.

3. The Board shall not issue a restricted geographical license to a person:

(a) Whose license to practice dentistry, dental hygiene, ~~for~~ dental therapy *or expanded function dental assistance* has been revoked or suspended;

(b) Who has been refused a license to practice dentistry, dental hygiene, ~~for~~ dental therapy ~~for~~ *or expanded function dental assistance*; or

(c) Who is involved in or has pending a disciplinary action concerning a license to practice dentistry, dental hygiene, ~~for~~ dental therapy ~~for~~ *or expanded function dental assistance*,

↪ in this State, another state or territory of the United States, or the District of Columbia.

4. The Board shall examine each applicant in writing on the contents and interpretation of this chapter and the regulations of the Board.

5. A person to whom a restricted geographical license is issued pursuant to this section:

(a) May practice dentistry, dental hygiene, ~~for~~ dental therapy *or expanded function dental assistance* only in the county or counties which requested the restricted geographical licensure pursuant to paragraph (a) or (b) of subsection 1.

(b) Shall not, for the duration of the restricted geographical license, engage in the private practice of dentistry, dental hygiene, ~~for~~ dental therapy *or expanded function dental assistance* in this State or accept compensation for the practice of dentistry, dental hygiene, ~~for~~ dental therapy *or expanded function dental assistance* except such compensation as may be paid to the person by a federally qualified health center or nonprofit clinic pursuant to paragraph (c) of subsection 1.

6. Within 7 days after the termination of a contract pursuant to paragraph (c) of subsection 1, the holder of a restricted geographical license shall notify the Board of the termination, in writing, and surrender the restricted geographical license.

7. A person to whom a restricted geographical license was issued pursuant to this section may petition the Board for an unrestricted license without a clinical examination required by NRS 631.240, 631.300 or 631.3121 *or section 5 of this act* if the person:

(a) Has not had a license to practice dentistry, dental hygiene, ~~{or}~~ dental therapy *or expanded function dental assistance* revoked or suspended in this State, another state or territory of the United States, or the District of Columbia;

(b) Has not been refused a license to practice dentistry, dental hygiene, ~~{or}~~ dental therapy *or expanded function dental assistance* in this State, another state or territory of the United States, or the District of Columbia;

(c) Is not involved in or does not have pending a disciplinary action concerning a license to practice dentistry, dental hygiene, ~~{or}~~ dental therapy *or expanded function dental assistance* in this State, another state or territory of the United States, or the District of Columbia; and

(d) Has:

(1) Actively practiced dentistry, dental hygiene, ~~{or}~~ dental therapy *or expanded function dental assistance* for 3 years at a minimum of 30 hours per week in the county or counties which requested the restricted geographical licensure pursuant to paragraph (a) or (b) of subsection 1; or

(2) Been under contract with a federally qualified health center or nonprofit clinic for a minimum of 3 years.

8. The Board may revoke a restricted geographical license at any time if the Board finds, by a preponderance of the evidence, that the holder of the license violated any provision of this chapter or the regulations of the Board.

Sec. 20.5. NRS 631.287 is hereby amended to read as follows:

631.287 1. The Board shall, upon application by a dental hygienist who is licensed pursuant to this chapter and has such qualifications as the Board specifies by regulation, issue a special endorsement of the license allowing the dental hygienist to practice public health dental hygiene. The special endorsement may be renewed biennially upon the renewal of the license of the dental hygienist.

2. A dental hygienist who holds a special endorsement issued pursuant to subsection 1 may provide services without the authorization or supervision of a dentist only as specified by regulations adopted by the Board.

3. As part of a program for the provision of public health dental hygiene approved by the Board, a dental hygienist with a special endorsement to practice public health dental hygiene may authorize a dental assistant or expanded function dental assistant under his or her direct supervision to:

(a) Apply dental sealants;

(b) Apply topical fluoride;

(c) Perform coronal polishing;

(d) Take radiographs; and

(e) Provide oral health education.

Sec. 21. NRS 631.313 is hereby amended to read as follows:

631.313 1. Except as otherwise provided in NRS 454.217 and 629.086, a licensed dentist may assign to a person in his or her employ who is a dental hygienist, a dental therapist, a dental assistant, *an expanded function dental assistant* or other person directly or indirectly involved in the provision of dental care only such intraoral tasks as may be permitted by a regulation of the Board or by the provisions of this chapter.

2. The performance of these tasks must be:

(a) If performed by a dental assistant or a person, other than a dental hygienist or dental therapist, who is directly or indirectly involved in the provision of dental care, under the supervision of the licensed dentist who made the assignment.

(b) If performed by a dental hygienist, ~~or~~ dental therapist ~~or~~ *expanded function dental assistant*, authorized by the licensed dentist of the patient for whom the tasks will be performed, except as otherwise provided in NRS 631.287.

3. No such assignment is permitted that requires:

(a) ~~The~~ *Except as otherwise provided in sections 8 and 9 of this act, the* diagnosis, treatment planning, prescribing of drugs or medicaments, or authorizing the use of restorative, prosthodontic or orthodontic appliances.

(b) Surgery on hard or soft tissues within the oral cavity or any other intraoral procedure that may contribute to or result in an irremediable alteration of the oral anatomy.

(c) The administration of general anesthesia, minimal sedation, moderate sedation or deep sedation except as otherwise authorized by regulations adopted by the Board.

(d) The performance of a task outside the authorized scope of practice of the employee who is being assigned the task.

4. A dental hygienist may, pursuant to regulations adopted by the Board, administer ~~local anesthesia or~~ nitrous oxide in a health care facility, as defined in NRS 162A.740, if:

(a) The dental hygienist is so authorized by the licensed dentist of the patient to whom the ~~local anesthesia or~~ nitrous oxide is administered; and

(b) The health care facility has licensed medical personnel and necessary emergency supplies and equipment available when the ~~local anesthesia or~~ nitrous oxide is administered.

Sec. 22. NRS 631.317 is hereby amended to read as follows:

631.317 The Board shall adopt rules or regulations:

1. Specifying the intraoral tasks that may be assigned by a licensed dentist to a dental hygienist, dental therapist or dental assistant in his or her employ or that may be performed by a dental hygienist or dental therapist engaged in school health activities or employed by a public health agency.

2. *Specifying the intraoral tasks, in addition to those prescribed by section 8 of this act, that may be assigned by a licensed dentist to an expanded function dental assistant or dental hygienist with a special endorsement to practice restorative dental hygiene in his or her employ or that may be performed by an expanded function dental assistant or dental hygienist with a special endorsement to practice restorative dental hygiene engaged in school health activities or employed by a public health agency.*

3. Governing the practice of dentists, dental hygienists , ~~and~~ dental therapists *and expanded function dental assistants* in full-time employment with the State of Nevada.

Sec. 23. NRS 631.330 is hereby amended to read as follows:

631.330 1. Licenses issued pursuant to NRS 631.271, 631.2715 and 631.275 must be renewed annually. All other licenses must be renewed biennially.

2. Except as otherwise provided in NRS 631.271, 631.2715 and 631.275:

(a) Each holder of a license to practice dentistry, dental hygiene , ~~for~~ dental therapy *or expanded function dental assistance* must, upon:

(1) Payment of the required fee;

(2) Submission of proof of completion of the required continuing education; and

(3) Submission of all information required to complete the renewal,

➡ be granted a renewal certificate which will authorize continuation of the practice for 2 years.

(b) A licensee must comply with the provisions of this subsection and subsection 1 on or before June 30. Failure to comply with those provisions by June 30 every 2 years automatically suspends the license, and it may be reinstated only upon payment of the fee for reinstatement and compliance with the requirements of this subsection.

3. If a license suspended pursuant to this section is not reinstated within 12 months after suspension, it is automatically revoked.

Sec. 24. NRS 631.340 is hereby amended to read as follows:

631.340 1. Any person who has obtained from the Board a license certificate to practice dental hygiene, dental therapy , *expanded function dental assistance* or dentistry or any special branch of dentistry in this State, and who fails to obtain a renewal certificate, must, before resuming the practice in which he or she was licensed, make application to the Secretary-Treasurer, under such rules as the Board may prescribe, for the restoration of the license to practice.

2. Upon application being made, the Secretary-Treasurer shall determine whether the applicant possesses the qualifications prescribed for the granting of a license to practice in his or her particular profession, and whether the applicant continues to possess a good moral character and is not otherwise disqualified to practice in this State. If the Secretary-Treasurer so determines, the Secretary-Treasurer shall thereupon issue the license, and thereafter the

person may make application annually for a renewal certificate, as provided in this chapter.

Sec. 25. NRS 631.342 is hereby amended to read as follows:

631.342 1. The Board shall adopt regulations concerning continuing education in dentistry, dental hygiene, ~~and~~ dental therapy ~~and~~ *expanded function dental assistance*. The regulations must include:

(a) Except as provided in NRS 631.3425, the number of hours of credit required annually;

(b) The criteria used to accredit each course; and

(c) The requirements for submission of proof of attendance at courses.

2. Except as otherwise provided in subsection 3, as part of continuing education, each licensee must complete a course of instruction, within 2 years after initial licensure, relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction. The course must provide at least 4 hours of instruction that includes instruction in the following subjects:

(a) An overview of acts of terrorism and weapons of mass destruction;

(b) Personal protective equipment required for acts of terrorism;

(c) Common symptoms and methods of treatment associated with exposure to, or injuries caused by, chemical, biological, radioactive and nuclear agents;

(d) Syndromic surveillance and reporting procedures for acts of terrorism that involve biological agents; and

(e) An overview of the information available on, and the use of, the Health Alert Network.

3. Instead of the course described in subsection 2, a licensee may complete:

(a) A course in Basic Disaster Life Support or a course in Core Disaster Life Support if the course is offered by a provider of continuing education accredited by the National Disaster Life Support Foundation; or

(b) Any other course that the Board determines to be the equivalent of a course specified in paragraph (a).

4. Notwithstanding the provisions of subsections 2 and 3, the Board may determine whether to include in a program of continuing education additional courses of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction.

5. Each licensee must complete, as part of continuing education, at least 2 hours of training in the screening, brief intervention and referral to treatment approach to substance use disorder within 2 years after initial licensure.

6. As used in this section:

(a) "Act of terrorism" has the meaning ascribed to it in NRS 202.4415.

(b) "Biological agent" has the meaning ascribed to it in NRS 202.442.

(c) "Chemical agent" has the meaning ascribed to it in NRS 202.4425.

(d) "Radioactive agent" has the meaning ascribed to it in NRS 202.4437.

(e) "Weapon of mass destruction" has the meaning ascribed to it in NRS 202.4445.

Sec. 26. NRS 631.345 is hereby amended to read as follows:

631.345 1. Except as otherwise provided in NRS 631.2715, the Board shall by regulation establish fees for the performance of the duties imposed upon it by this chapter which must not exceed the following amounts:

Application fee for an initial license to practice dentistry	\$1,500
Application fee for an initial license to practice dental hygiene or expanded function dental assistance	750
Application fee for an initial license to practice dental therapy	1,000
Application fee for a specialist's license to practice dentistry	300
Application fee for a limited license or restricted license to practice dentistry, dental hygiene , [or] dental therapy or expanded function dental assistance	300
Fee for administering a clinical examination in dentistry	2,500
Fee for administering a clinical examination in dental hygiene , [or] dental therapy or expanded function dental assistance	1,500
Application and examination fee for a permit to administer general anesthesia, minimal sedation, moderate sedation or deep sedation	750
Fee for any reinspection required by the Board to maintain a permit to administer general anesthesia, minimal sedation, moderate sedation or deep sedation	500
Biennial renewal fee for a permit to administer general anesthesia, minimal sedation, moderate sedation or deep sedation	600
Fee for the inspection of a facility required by the Board to renew a permit to administer general anesthesia, minimal sedation, moderate sedation or deep sedation	350
Fee for the inspection of a facility required by the Board to ensure compliance with infection control guidelines	500
Biennial license renewal fee for a general license, specialist's license, temporary license or restricted geographical license to practice dentistry	1,000
Annual license renewal fee for a limited license or restricted license to practice dentistry	300
Biennial license renewal fee for a general license, temporary license or restricted geographical license to practice dental hygiene , [or] dental therapy or expanded function dental assistance	600
Annual license renewal fee for a limited license to practice dental hygiene , [or] dental therapy or expanded function dental assistance	300
Biennial license renewal fee for an inactive dentist	400

Biennial license renewal fee for a dentist who is retired or has a disability	100
Biennial license renewal fee for an inactive dental hygienist , [or] dental therapist <i>or expanded function dental assistant</i>	200
Biennial license renewal fee for a dental hygienist , [or] dental therapist <i>or expanded function dental assistant</i> who is retired or has a disability	100
Reinstatement fee for a suspended license to practice dentistry, dental hygiene , [or] dental therapy <i>or expanded function dental assistance</i>	500
Reinstatement fee for a revoked license to practice dentistry, dental hygiene , [or] dental therapy <i>or expanded function dental assistance</i>	500
Reinstatement fee to return a dentist, dental hygienist , [or] dental therapist <i>or expanded function dental assistant</i> who is inactive, retired or has a disability to active status.....	500
Fee for the certification of a license.....	50

2. Except as otherwise provided in this subsection, the Board shall charge a fee to review a course of continuing education for accreditation. The fee must not exceed \$150 per credit hour of the proposed course. The Board shall not charge a nonprofit organization or an agency of the State or of a political subdivision of the State a fee to review a course of continuing education.

3. All fees prescribed in this section are payable in advance and must not be refunded.

Sec. 27. NRS 631.3452 is hereby amended to read as follows:

631.3452 Except as otherwise provided in NRS 631.3453, an entity that owns or operates a dental office or clinic as described in paragraph (g) of subsection 2 of NRS 631.215 must:

1. Designate an actively licensed dentist as the dental director of the dental office or clinic. The dental director shall have responsibility for the clinical practice of dentistry at the dental office or clinic, including, without limitation:

(a) Diagnosing or treating any of the diseases or lesions of the oral cavity, teeth, gingiva or the supporting structures thereof.

(b) Administering or prescribing such remedies, medicinal or otherwise, as are needed in the treatment of dental or oral diseases.

(c) Determining:

(1) Whether a particular treatment is necessary or advisable; or

(2) Which particular treatment is necessary or advisable.

(d) The overall quality of patient care that is rendered or performed in the clinical practice of dentistry.

(e) Supervising dental hygienists, dental therapists, dental assistants , *expanded function dental assistants* and other personnel involved in direct patient care and authorizing procedures performed by the dental hygienists,

dental therapists, dental assistants , *expanded function dental assistants* and other personnel in accordance with the standards of supervision established by law or regulations adopted pursuant thereto.

(f) Providing any other specific services that are within the scope of clinical dental practice.

(g) Retaining patient dental records as required by law and regulations adopted by the Board.

(h) Ensuring that each patient receiving services from the dental office or clinic has a dentist of record.

2. Maintain current records of the names of licensed dentists who supervise the clinical activities of dental hygienists, dental therapists, dental assistants , *expanded function dental assistants* or other personnel involved in direct patient care. The records must be available to the Board upon written request.

Sec. 28. NRS 631.3455 is hereby amended to read as follows:

631.3455 Nothing in this chapter precludes a person or entity not licensed by the Board from providing goods or services for the support of the business of a dental practice, office or clinic if the person or entity does not manage or control the clinical practice of dentistry. Such goods and services may include, without limitation, transactions involving:

1. Real and personal property, other than the ownership of the clinical records of patients; and

2. Personnel, other than licensed dentists, dental hygienists , ~~and~~ dental therapists ~~and~~ *expanded function dental assistants*.

Sec. 29. NRS 631.346 is hereby amended to read as follows:

631.346 The following acts, among others, constitute unprofessional conduct:

1. Employing, directly or indirectly, any student or any suspended or unlicensed dentist, dental hygienist , ~~or~~ dental therapist *or expanded function dental assistant* to perform operations of any kind to treat or correct the teeth or jaws, except as provided in this chapter;

2. Except as otherwise provided in NRS 631.287 or 631.3453, giving a public demonstration of methods of practice any place other than the office where the licensee is known to be regularly engaged in this practice;

3. Employing, procuring, inducing, aiding or abetting a person not licensed or registered as a dentist to engage in the practice of dentistry, but a patient shall not be deemed to be an accomplice, employer, procurer, inducer, aider or abettor;

4. For a dental hygienist or dental therapist, practicing in any place not authorized pursuant to this chapter; or

5. Practicing while a license is suspended or without a renewal certificate.

Sec. 30. NRS 631.3465 is hereby amended to read as follows:

631.3465 The following acts, among others, constitute unprofessional conduct:

1. Dividing fees or agreeing to divide fees received for services with any person for bringing or referring a patient, without the knowledge of the patient or his or her legal representative, but licensed dentists are not prohibited from:

- (a) Practicing in a partnership and sharing professional fees;
- (b) Employing another licensed dentist, dental hygienist , ~~for~~ dental therapist ~~for~~ *or expanded function dental assistant*; or
- (c) Rendering services as a member of a nonprofit professional service corporation.

2. Associating with or lending his or her name to any person engaged in the illegal practice of dentistry or associating with any person, firm or corporation holding himself, herself or itself out in any manner contrary to the provisions of this chapter.

3. Associating with or being employed by a person not licensed pursuant to this chapter if that person exercises control over the services offered by the dentist, owns all or part of the dentist's practice or receives or shares the fees received by the dentist. The provisions of this subsection do not apply to a dentist who associates with or is employed by a person who owns or controls a dental practice pursuant to NRS 631.385.

4. Using the name "clinic," "institute," "referral services" or other title or designation that may suggest a public or semipublic activity.

5. Practicing under the name of a dentist who has not been in active practice for more than 1 year.

Sec. 31. NRS 631.3475 is hereby amended to read as follows:

631.3475 The following acts, among others, constitute unprofessional conduct:

- 1. Malpractice;
- 2. Professional incompetence;
- 3. Suspension or revocation of a license to practice dentistry, the imposition of a fine or other disciplinary action by any agency of another state authorized to regulate the practice of dentistry in that state;
- 4. More than one act by the dentist, dental hygienist , ~~for~~ dental therapist *or expanded function dental assistant* constituting substandard care in the practice of dentistry, dental hygiene , ~~for~~ dental therapy ~~for~~ *or expanded function dental assistance, as applicable*;
- 5. Administering, dispensing or prescribing any controlled substance or any dangerous drug as defined in chapter 454 of NRS, if it is not required to treat the dentist's patient;
- 6. Knowingly procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:
 - (a) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(b) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or

(c) Is cannabis being used for medical purposes in accordance with chapter 678C of NRS;

7. Having an alcohol or other substance use disorder to such an extent as to render the person unsafe or unreliable as a practitioner, or such gross immorality as tends to bring reproach upon the dental profession;

8. Conviction of a felony or misdemeanor involving moral turpitude or which relates to the practice of dentistry in this State, or conviction of any criminal violation of this chapter;

9. Conviction of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

10. Failure to comply with the provisions of NRS 453.163, 453.164, 453.226, 639.23507, 639.23535 and 639.2391 to 639.23916, inclusive, and any regulations adopted by the State Board of Pharmacy pursuant thereto.

11. Fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, administering or dispensing of a controlled substance listed in schedule II, III or IV;

12. Failure to comply with the provisions of NRS 454.217 or 629.086;

13. Failure to obtain any training required by the Board pursuant to NRS 631.344;

14. The performance or supervision of the performance of a pelvic examination in violation of NRS 629.085; or

15. Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(a) The license of the facility is suspended or revoked; or

(b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➡ This subsection applies to an owner or other principal responsible for the operation of the facility.

Sec. 32. NRS 631.3485 is hereby amended to read as follows:

631.3485 1. The following acts, among others, constitute unprofessional conduct:

(a) Willful or repeated violations of the provisions of this chapter;

(b) Willful or repeated violations of the regulations of the State Board of Health, the State Board of Pharmacy or the Board of Dental Examiners of Nevada;

(c) Failure to pay the fees for a license; or

(d) Failure to make the health care records of a patient available for inspection and copying as provided in NRS 629.061, if the dentist, dental hygienist, ~~for~~ dental therapist or *expanded function dental assistant* is the custodian of health care records with respect to those records.

2. As used in this section, "custodian of health care records" has the meaning ascribed to it in NRS 629.016.

Sec. 33. NRS 631.3487 is hereby amended to read as follows:

631.3487 1. If the Board receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license to practice dentistry, dental hygiene , ~~for~~ dental therapy ~~or~~ *expanded function dental assistance* the Board shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Board receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Board shall reinstate a license to practice dentistry, dental hygiene , ~~for~~ dental therapy *or expanded function dental assistance* that has been suspended by a district court pursuant to NRS 425.540 if:

(a) The Board receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560; and

(b) The person whose license was suspended pays the fee imposed pursuant to NRS 631.345 for the reinstatement of a suspended license.

Sec. 34. NRS 631.350 is hereby amended to read as follows:

631.350 1. Except as otherwise provided in NRS 631.271, 631.2715 and 631.347, the Board may:

- (a) Refuse to issue a license to any person;
- (b) Revoke or suspend the license or renewal certificate issued by it to any person;
- (c) Fine a person it has licensed;
- (d) Place a person on probation for a specified period on any conditions the Board may order;
- (e) Issue a public reprimand to a person;
- (f) Limit a person's practice to certain branches of dentistry;
- (g) Require a person to participate in a program relating to an alcohol or other substance use disorder or any other impairment;
- (h) Require that a person's practice be supervised;
- (i) Require a person to perform community service without compensation;
- (j) Require a person to take a physical or mental examination or an examination of his or her competence;
- (k) Require a person to fulfill certain training or educational requirements;
- (l) Require a person to reimburse a patient; or
- (m) Any combination thereof,

➔ if the Board finds, by a preponderance of the evidence, that the person has engaged in any of the activities listed in subsection 2.

2. The following activities may be punished as provided in subsection 1:

- (a) Engaging in the illegal practice of dentistry, dental hygiene , ~~for~~ dental therapy ~~for~~ or *expanded function dental assistance*;
- (b) Engaging in unprofessional conduct; or
- (c) Violating any regulations adopted by the Board or the provisions of this chapter.

3. The Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect fines therefor and deposit the money therefrom in banks, credit unions, savings and loan associations or savings banks in this State.

4. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 3 and the Board deposits the money collected from the imposition of fines with the State Treasurer for credit to the State General Fund, it may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.

5. The Board shall not administer a private reprimand.

6. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 35. NRS 631.360 is hereby amended to read as follows:

631.360 1. Except as otherwise provided in NRS 631.364, the Board may, upon its own motion, and shall, upon the verified complaint in writing of any person setting forth facts which, if proven, would constitute grounds for initiating disciplinary action, investigate the actions of any person who practices dentistry, dental hygiene , ~~for~~ dental therapy or *expanded function dental assistance* in this State. A complaint may be filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.

2. The Board shall, before initiating disciplinary action, at least 10 days before the date set for the hearing, notify the accused person in writing of any charges made. The notice may be served by delivery of it personally to the accused person or by mailing it by registered or certified mail to the place of business last specified by the accused person, as registered with the Board.

3. At the time and place fixed in the notice, the Board shall proceed to hear the charges. If the Board receives a report pursuant to subsection 5 of NRS 228.420, a hearing must be held within 30 days after receiving the report.

4. The Board may compel the attendance of witnesses or the production of documents or objects by subpoena. The Board may adopt regulations that set forth a procedure pursuant to which the Executive Director may issue subpoenas on behalf of the Board. Any person who is subpoenaed pursuant to this subsection may request the Board to modify the terms of the subpoena or grant additional time for compliance.

5. The Board may obtain a search warrant from a magistrate upon a showing that the warrant is needed for an investigation or hearing being conducted by the Board and that reasonable cause exists to issue the warrant.

6. If the Board is not sitting at the time and place fixed in the notice, or at the time and place to which the hearing has been continued, the Board shall continue the hearing for a period not to exceed 30 days.

7. The Board shall retain all complaints received by the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 36. NRS 631.395 is hereby amended to read as follows:

631.395 A person is guilty of the illegal practice of dentistry, dental hygiene, ~~for~~ dental therapy or *expanded function dental assistance* who:

1. Sells or barter, or offers to sell or barter, any diploma or document conferring or purporting to confer any dental degree, or any certificate or transcript made or purporting to be made pursuant to the laws regulating the licensing and registration of dentists, dental hygienists, ~~for~~ dental therapists ~~for~~ or *expanded function dental assistants*;

2. Purchases or procures by barter any such diploma, certificate or transcript, with the intent that it be used as evidence of the holder's qualifications to practice dentistry, or in fraud of the laws regulating that practice;

3. With fraudulent intent, alters in a material regard any such diploma, certificate or transcript;

4. Uses or attempts to use any diploma, certificate or transcript, which has been purchased, fraudulently issued, counterfeited or materially altered, either as a license or color of license to practice dentistry, or in order to procure registration as a dentist, dental hygienist, ~~for~~ dental therapist ~~for~~ or *expanded function dental assistant*;

5. Practices dentistry under a false or assumed name;

6. Assumes the degree of "Doctor of Dental Surgery" or "Doctor of Dental Medicine" or appends the letters "D.D.S." or "D.M.D." or "R.D.H." to his or her name, not having conferred upon him or her, by diploma from an accredited dental or dental hygiene college or school legally empowered to confer the title, the right to assume the title, or assumes any title or appends any letters to his or her name with the intent to represent falsely that he or she has received a dental degree or license;

7. Willfully makes, as an applicant for examination, license or registration under this chapter, a false statement in a material regard in an affidavit required by this chapter;

8. Within 10 days after a demand is made by the Secretary-Treasurer, fails to furnish to the Board the names and addresses of all persons practicing or assisting in the practice of dentistry in the office of the person at any time within 60 days before the notice, together with a sworn statement showing under and by what license or authority the person and his or her employee are

and have been practicing dentistry, but the affidavit must not be used as evidence against the person in any proceeding under this chapter;

9. Except as otherwise provided in NRS 629.091, practices dentistry, dental hygiene , ~~{or}~~ dental therapy *or expanded function dental assistance* in this State without a license;

10. Except as otherwise provided in NRS 631.385, owns or controls a dental practice, shares in the fees received by a dentist or controls or attempts to control the services offered by a dentist if the person is not himself or herself licensed pursuant to this chapter; or

11. Aids or abets another in violating any of the provisions of this chapter.

Sec. 37. NRS 631.396 is hereby amended to read as follows:

631.396 Any member or agent of the Board may enter any premises in this State where a person who holds a license or certificate issued pursuant to the provisions of this chapter practices dentistry, dental hygiene , ~~{or}~~ dental therapy *or expanded function dental assistance* and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing dentistry, dental hygiene , ~~{or}~~ dental therapy *or expanded function dental assistance* without the appropriate license or certificate issued pursuant to the provisions of this chapter.

Sec. 38. NRS 631.397 is hereby amended to read as follows:

631.397 Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice dentistry, dental hygiene , ~~{or}~~ dental therapy *or expanded function dental assistance* without the appropriate license or certificate issued pursuant to the provisions of this chapter.

Sec. 39. NRS 631.400 is hereby amended to read as follows:

631.400 1. A person who engages in the illegal practice of dentistry in this State is guilty of a category D felony and shall be punished as provided in NRS 193.130, unless a greater penalty is provided pursuant to NRS 200.830 or 200.840.

2. Unless a greater penalty is provided pursuant to NRS 200.830 or 200.840, a person who practices or offers to practice dental hygiene , ~~{or}~~ dental therapy *or expanded function dental assistance* in this State without a license, or who, having a license, practices dental hygiene , ~~{or}~~ dental therapy *or expanded function dental assistance* in a manner or place not permitted by the provisions of this chapter:

(a) If it is his or her first or second offense, is guilty of a gross misdemeanor.

(b) If it is his or her third or subsequent offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. Unless a greater penalty is provided by specific statute, a person who is licensed to practice dentistry who practices dentistry in a manner or place not permitted by the provisions of this chapter:

(a) If it is his or her first or second offense, is guilty of a gross misdemeanor.

(b) If it is his or her third or subsequent offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

4. The Board may assign a person described in subsection 1, 2 or 3 specific duties as a condition of renewing a license.

5. If a person has engaged or is about to engage in any acts or practices which constitute or will constitute an offense against this chapter, the district court of any county, on application of the Board, may issue an injunction or other appropriate order restraining the conduct. Proceedings under this subsection are governed by Rule 65 of the Nevada Rules of Civil Procedure, except that no bond or undertaking is required in any action commenced by the Board.

6. In addition to any other penalty prescribed by law, if the Board determines that a person has committed any act described in subsection 1, 2 or 3, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or certificate or otherwise demonstrates that he or she is no longer in violation of subsection 1, 2 or 3. An order to cease and desist must include a telephone number with which the person may contact the Board.

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine of not more than \$5,000.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 40. NRS 632.472 is hereby amended to read as follows:

632.472 1. The following persons shall report in writing to the Executive Director of the Board any conduct of a licensee or holder of a certificate which constitutes a violation of the provisions of this chapter:

(a) Any physician, dentist, dental hygienist, *expanded function dental assistant*, chiropractic physician, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, nursing assistant, medication aide - certified, perfusionist, physician assistant licensed pursuant to chapter 630 or 633 of NRS, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, alcohol or drug counselor, peer

recovery support specialist, peer recovery support specialist supervisor, music therapist, holder of a license or limited license issued pursuant to chapter 653 of NRS, driver of an ambulance, paramedic or other person providing medical services licensed or certified to practice in this State.

(b) Any personnel of a medical facility or facility for the dependent engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a medical facility or facility for the dependent upon notification by a member of the staff of the facility.

(c) A coroner.

(d) Any person who maintains or is employed by an agency to provide personal care services in the home.

(e) Any person who operates, who is employed by or who contracts to provide services for an intermediary service organization as defined in NRS 449.4304.

(f) Any person who maintains or is employed by an agency to provide nursing in the home.

(g) Any employee of the Department of Health and Human Services.

(h) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(i) Any person who maintains or is employed by a facility or establishment that provides care for older persons.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect or exploitation of an older person and refers them to persons and agencies where their requests and needs can be met.

(k) Any social worker.

(l) Any person who operates or is employed by a community health worker pool or with whom a community health worker pool contracts to provide the services of a community health worker, as defined in NRS 449.0027.

2. Every physician who, as a member of the staff of a medical facility or facility for the dependent, has reason to believe that a nursing assistant or medication aide - certified has engaged in conduct which constitutes grounds for the denial, suspension or revocation of a certificate shall notify the superintendent, manager or other person in charge of the facility. The superintendent, manager or other person in charge shall make a report as required in subsection 1.

3. A report may be filed by any other person.

4. Any person who in good faith reports any violation of the provisions of this chapter to the Executive Director of the Board pursuant to this section is immune from civil liability for reporting the violation.

5. As used in this section:

(a) "Agency to provide personal care services in the home" has the meaning ascribed to it in NRS 449.0021.

(b) "Community health worker pool" has the meaning ascribed to it in NRS 449.0028.

(c) "Peer recovery support specialist" has the meaning ascribed to it in NRS 433.627.

(d) "Peer recovery support specialist supervisor" has the meaning ascribed to it in NRS 433.629.

Sec. 41. NRS 639.0125 is hereby amended to read as follows:

639.0125 "Practitioner" means:

1. A physician, dentist, veterinarian or podiatric physician who holds a license to practice his or her profession in this State;

2. A hospital, pharmacy or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer drugs in the course of professional practice or research in this State;

3. An advanced practice registered nurse who has been authorized to prescribe controlled substances, poisons, dangerous drugs and devices;

4. A physician assistant who:

(a) Holds a license issued by the Board of Medical Examiners; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of a physician as required by chapter 630 of NRS;

5. A physician assistant who:

(a) Holds a license issued by the State Board of Osteopathic Medicine; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of an osteopathic physician as required by chapter 633 of NRS; or

6. An optometrist who is certified by the Nevada State Board of Optometry to prescribe and administer pharmaceutical agents pursuant to NRS 636.288, when the optometrist prescribes or administers pharmaceutical agents within the scope of his or her certification.

7. A dental hygienist who:

(a) Holds a valid license to practice dental hygiene in this State; and

(b) Is authorized to prescribe and dispense certain dangerous drugs pursuant to section 9 of this act.

Sec. 42. NRS 653.430 is hereby amended to read as follows:

653.430 The provisions of this chapter do not apply to:

1. A physician or physician assistant licensed pursuant to chapter 630 or 633 of NRS.

2. A dentist, dental hygienist, ~~for~~ dental therapist or expanded function dental assistant licensed pursuant to chapter 631 of NRS or a dental assistant working within the scope of his or her employment under the direct supervision of ~~the~~ :

(a) A dentist, ~~for~~ ; or

(b) Where authorized by NRS 631.287, a dental hygienist who holds a special endorsement to practice public health dental hygiene.

3. A chiropractic physician or chiropractic assistant licensed pursuant to chapter 634 of NRS.

4. A person training to become a chiropractic assistant or a student practicing in the preceptor program established by the Chiropractic Physicians' Board of Nevada pursuant to NRS 634.1375.

5. A podiatric physician or podiatry hygienist licensed pursuant to chapter 635 of NRS, or a person training to be a podiatry hygienist.

6. A veterinarian or veterinary technician licensed pursuant to chapter 638 of NRS or any other person performing tasks under the supervision of a veterinarian or veterinary technician as authorized by regulation of the Nevada State Board of Veterinary Medical Examiners.

7. The performance of mammography in accordance with NRS 457.182 to 457.187, inclusive.

Sec. 43. NRS 200.471 is hereby amended to read as follows:

200.471 1. As used in this section:

(a) "Assault" means:

(1) Unlawfully attempting to use physical force against another person;

or

(2) Intentionally placing another person in reasonable apprehension of immediate bodily harm.

(b) "Fire-fighting agency" has the meaning ascribed to it in NRS 239B.020.

(c) "Officer" means:

(1) A person who possesses some or all of the powers of a peace officer;

(2) A person employed in a full-time salaried occupation of fire fighting for the benefit or safety of the public;

(3) A member of a volunteer fire department;

(4) A jailer, guard or other correctional officer of a city or county jail;

(5) A prosecuting attorney of an agency or political subdivision of the United States or of this State;

(6) A justice of the Supreme Court, judge of the Court of Appeals, district judge, justice of the peace, municipal judge, magistrate, court commissioner, master or referee, including a person acting pro tempore in a capacity listed in this subparagraph;

(7) An employee of this State or a political subdivision of this State whose official duties require the employee to make home visits;

(8) A civilian employee or a volunteer of a law enforcement agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to law enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the law enforcement agency;

(9) A civilian employee or a volunteer of a fire-fighting agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to fire fighting or fire prevention; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the fire-fighting agency; or

(10) A civilian employee or volunteer of this State or a political subdivision of this State whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to code enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for this State or a political subdivision of this State.

(d) "Provider of health care" means a physician, a medical student, a perfusionist or a physician assistant licensed pursuant to chapter 630 of NRS, a practitioner of respiratory care, a homeopathic physician, an advanced practitioner of homeopathy, a homeopathic assistant, an osteopathic physician, a physician assistant licensed pursuant to chapter 633 of NRS, a podiatric physician, a podiatry hygienist, a physical therapist, a medical laboratory technician, an optometrist, a chiropractic physician, a chiropractic assistant, a doctor of Oriental medicine, a nurse, a student nurse, a certified nursing assistant, a nursing assistant trainee, a medication aide - certified, a dentist, a dental student, a dental hygienist, a dental hygienist student, *an expanded function dental assistant, an expanded function dental assistant student*, a pharmacist, a pharmacy student, an intern pharmacist, an attendant on an ambulance or air ambulance, a psychologist, a social worker, a marriage and family therapist, a marriage and family therapist intern, a clinical professional counselor, a clinical professional counselor intern, a licensed dietitian, the holder of a license or a limited license issued under the provisions of chapter 653 of NRS, an emergency medical technician, an advanced emergency medical technician and a paramedic.

(e) "School employee" means a licensed or unlicensed person employed by a board of trustees of a school district pursuant to NRS 391.100 or 391.281.

(f) "Sporting event" has the meaning ascribed to it in NRS 41.630.

(g) "Sports official" has the meaning ascribed to it in NRS 41.630.

(h) "Taxicab" has the meaning ascribed to it in NRS 706.8816.

(i) "Taxicab driver" means a person who operates a taxicab.

(j) "Transit operator" means a person who operates a bus or other vehicle as part of a public mass transportation system.

2. A person convicted of an assault shall be punished:

(a) If paragraph (c) or (d) does not apply to the circumstances of the crime and the assault is not made with the use of a deadly weapon or the present ability to use a deadly weapon, for a misdemeanor.

(b) If the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

(c) If paragraph (d) does not apply to the circumstances of the crime and if the assault is committed upon an officer, a provider of health care, a school employee, a taxicab driver or a transit operator who is performing his or her duty or upon a sports official based on the performance of his or her duties at a sporting event and the person charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator or a sports official, for a gross misdemeanor, unless the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

(d) If the assault is committed upon an officer, a provider of health care, a school employee, a taxicab driver or a transit operator who is performing his or her duty or upon a sports official based on the performance of his or her duties at a sporting event by a probationer, a prisoner who is in lawful custody or confinement or a parolee, and the probationer, prisoner or parolee charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator or a sports official, for a category D felony as provided in NRS 193.130, unless the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

Sec. 44. NRS 200.5093 is hereby amended to read as follows:

200.5093 1. Any person who is described in subsection 4 and who, in a professional or occupational capacity, knows or has reasonable cause to believe that an older person or vulnerable person has been abused, neglected, exploited, isolated or abandoned shall:

(a) Except as otherwise provided in subsection 2, report the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to:

(1) The local office of the Aging and Disability Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office; or

(3) A toll-free telephone service designated by the Aging and Disability Services Division of the Department of Health and Human Services; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the older person or vulnerable person has been abused, neglected, exploited, isolated or abandoned.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person involves an act or omission of the Aging and Disability Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission.

3. Each agency, after reducing a report to writing, shall forward a copy of the report to the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, *expanded function dental assistant*, chiropractic physician, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant licensed pursuant to chapter 630 or 633 of NRS, perfusionist, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, clinical alcohol and drug counselor, alcohol and drug counselor, music therapist, athletic trainer, driver of an ambulance, paramedic, licensed dietitian, holder of a license or a limited license issued under the provisions of chapter 653 of NRS, behavior analyst, assistant behavior analyst, registered behavior technician, peer recovery support specialist, as defined in NRS 433.627, peer recovery support specialist supervisor, as defined in NRS 433.629, or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats an older person or vulnerable person who appears to have been abused, neglected, exploited, isolated or abandoned.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person by a member of the staff of the hospital.

(c) A coroner.

(d) Every person who maintains or is employed by an agency to provide personal care services in the home.

(e) Every person who maintains or is employed by an agency to provide nursing in the home.

(f) Every person who operates, who is employed by or who contracts to provide services for an intermediary service organization as defined in NRS 449.4304.

(g) Any employee of the Department of Health and Human Services, except the State Long-Term Care Ombudsman appointed pursuant to NRS 427A.125 and any of his or her advocates or volunteers where prohibited from making such a report pursuant to 45 C.F.R. § 1321.11.

(h) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(i) Any person who maintains or is employed by a facility or establishment that provides care for older persons or vulnerable persons.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person and refers them to persons and agencies where their requests and needs can be met.

(k) Every social worker.

(l) Any person who owns or is employed by a funeral home or mortuary.

(m) Every person who operates or is employed by a community health worker pool, as defined in NRS 449.0028, or with whom a community health worker pool contracts to provide the services of a community health worker, as defined in NRS 449.0027.

(n) Every person who is enrolled with the Division of Health Care Financing and Policy of the Department of Health and Human Services to provide doula services to recipients of Medicaid pursuant to NRS 422.27177.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that an older person or vulnerable person has died as a result of abuse, neglect, isolation or abandonment, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the older person or vulnerable person and submit to the appropriate local law enforcement agencies, the appropriate prosecuting attorney, the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes his or her written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

7. A division, office or department which receives a report pursuant to this section shall cause the investigation of the report to commence within 3 working days. A copy of the final report of the investigation conducted by a division, office or department, other than the Aging and Disability Services Division of the Department of Health and Human Services, must be forwarded within 30 days after the completion of the report to the:

(a) Aging and Disability Services Division;

(b) Repository for Information Concerning Crimes Against Older Persons or Vulnerable Persons created by NRS 179A.450; and

(c) Unit for the Investigation and Prosecution of Crimes.

8. If the investigation of a report results in the belief that an older person or vulnerable person is abused, neglected, exploited, isolated or abandoned, the Aging and Disability Services Division of the Department of Health and Human Services or the county's office for protective services may provide protective services to the older person or vulnerable person if the older person or vulnerable person is able and willing to accept them.

9. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.

10. As used in this section, "Unit for the Investigation and Prosecution of Crimes" means the Unit for the Investigation and Prosecution of Crimes Against Older Persons or Vulnerable Persons in the Office of the Attorney General created pursuant to NRS 228.265.

Sec. 45. NRS 439.2713 is hereby amended to read as follows:

439.2713 "Provider of oral health care" means a dentist, ~~for~~ dental hygienist or *expanded function dental assistant* licensed pursuant to the provisions of chapter 631 of NRS.

Sec. 46. NRS 454.00958 is hereby amended to read as follows:

454.00958 "Practitioner" means:

1. A physician, dentist, veterinarian or podiatric physician who holds a valid license to practice his or her profession in this State.

2. A pharmacy, hospital or other institution licensed or registered to distribute, dispense, conduct research with respect to or to administer a dangerous drug in the course of professional practice in this State.

3. When relating to the prescription of poisons, dangerous drugs and devices:

(a) An advanced practice registered nurse who holds a certificate from the State Board of Pharmacy permitting him or her so to prescribe; or

(b) A physician assistant who holds a license from the Board of Medical Examiners and a certificate from the State Board of Pharmacy permitting him or her so to prescribe.

4. An optometrist who is certified to prescribe and administer pharmaceutical agents pursuant to NRS 636.288 when the optometrist prescribes or administers dangerous drugs which are within the scope of his or her certification.

5. *A dental hygienist who holds a valid license to practice dental hygiene in this State and is authorized to prescribe and dispense certain dangerous drugs pursuant to section 9 of this act.*

Sec. 47. NRS 454.213 is hereby amended to read as follows:

454.213 1. Except as otherwise provided in NRS 454.217, a drug or medicine referred to in NRS 454.181 to 454.371, inclusive, may be possessed and administered by:

(a) A practitioner.

(b) A physician assistant licensed pursuant to chapter 630 or 633 of NRS, at the direction of his or her supervising physician or a licensed dental hygienist *or expanded function dental assistant* acting in the office of and under the supervision of a dentist.

(c) Except as otherwise provided in paragraph (d), a registered nurse licensed to practice professional nursing or licensed practical nurse, at the direction of a prescribing physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician or advanced practice registered nurse, or pursuant to a chart order, for administration to a patient at another location.

(d) In accordance with applicable regulations of the Board, a registered nurse licensed to practice professional nursing or licensed practical nurse who is:

(1) Employed by a health care agency or health care facility that is authorized to provide emergency care, or to respond to the immediate needs of a patient, in the residence of the patient; and

(2) Acting under the direction of the medical director of that agency or facility who works in this State.

(e) A medication aide - certified at a designated facility under the supervision of an advanced practice registered nurse or registered nurse and in accordance with standard protocols developed by the State Board of Nursing. As used in this paragraph, "designated facility" has the meaning ascribed to it in NRS 632.0145.

(f) Except as otherwise provided in paragraph (g), an advanced emergency medical technician or a paramedic, as authorized by regulation of the State Board of Pharmacy and in accordance with any applicable regulations of:

(1) The State Board of Health in a county whose population is less than 100,000;

(2) A county board of health in a county whose population is 100,000 or more; or

(3) A district board of health created pursuant to NRS 439.362 or 439.370 in any county.

(g) An advanced emergency medical technician or a paramedic who holds an endorsement issued pursuant to NRS 450B.1975, under the direct supervision of a local health officer or a designee of the local health officer pursuant to that section.

(h) A respiratory therapist employed in a health care facility. The therapist may possess and administer respiratory products only at the direction of a physician.

(i) A dialysis technician, under the direction or supervision of a physician or registered nurse only if the drug or medicine is used for the process of renal dialysis.

(j) A medical student or student nurse in the course of his or her studies at an accredited college of medicine or approved school of professional or practical nursing, at the direction of a physician and:

(1) In the presence of a physician or a registered nurse; or

(2) Under the supervision of a physician or a registered nurse if the student is authorized by the college or school to administer the drug or medicine outside the presence of a physician or nurse.

➡ A medical student or student nurse may administer a dangerous drug in the presence or under the supervision of a registered nurse alone only if the circumstances are such that the registered nurse would be authorized to administer it personally.

(k) Any person designated by the head of a correctional institution.

(l) An ultimate user or any person designated by the ultimate user pursuant to a written agreement.

(m) A holder of a license to engage in radiation therapy and radiologic imaging issued pursuant to chapter 653 of NRS, at the direction of a physician and in accordance with any conditions established by regulation of the Board.

(n) A chiropractic physician, but only if the drug or medicine is a topical drug used for cooling and stretching external tissue during therapeutic treatments.

(o) A physical therapist, but only if the drug or medicine is a topical drug which is:

(1) Used for cooling and stretching external tissue during therapeutic treatments; and

(2) Prescribed by a licensed physician for:

(I) Iontophoresis; or

(II) The transmission of drugs through the skin using ultrasound.

(p) In accordance with applicable regulations of the State Board of Health, an employee of a residential facility for groups, as defined in NRS 449.017, pursuant to a written agreement entered into by the ultimate user.

(q) A veterinary technician or a veterinary assistant at the direction of his or her supervising veterinarian.

(r) In accordance with applicable regulations of the Board, a registered pharmacist who:

(1) Is trained in and certified to carry out standards and practices for immunization programs;

(2) Is authorized to administer immunizations pursuant to written protocols from a physician; and

(3) Administers immunizations in compliance with the "Standards for Immunization Practices" recommended and approved by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention.

(s) A registered pharmacist pursuant to written guidelines and protocols developed pursuant to NRS 639.2629 or a collaborative practice agreement, as defined in NRS 639.0052.

(t) A person who is enrolled in a training program to become a physician assistant licensed pursuant to chapter 630 or 633 of NRS, dental hygienist,

advanced emergency medical technician, paramedic, respiratory therapist, dialysis technician, physical therapist or veterinary technician or to obtain a license to engage in radiation therapy and radiologic imaging pursuant to chapter 653 of NRS if the person possesses and administers the drug or medicine in the same manner and under the same conditions that apply, respectively, to a physician assistant licensed pursuant to chapter 630 or 633 of NRS, dental hygienist, advanced emergency medical technician, paramedic, respiratory therapist, dialysis technician, physical therapist, veterinary technician or person licensed to engage in radiation therapy and radiologic imaging who may possess and administer the drug or medicine, and under the direct supervision of a person licensed or registered to perform the respective medical art or a supervisor of such a person.

(u) A medical assistant, in accordance with applicable regulations of the:

(1) Board of Medical Examiners, at the direction of the prescribing physician and under the supervision of a physician or physician assistant.

(2) State Board of Osteopathic Medicine, at the direction of the prescribing physician and under the supervision of a physician or physician assistant.

2. As used in this section, "accredited college of medicine" has the meaning ascribed to it in NRS 453.375.

Sec. 48. NRS 695D.040 is hereby amended to read as follows:

695D.040 "Dentist" includes a dental hygienist ~~{-}~~ *and an expanded function dental assistant.*

Sec. 49. 1. Not later than January 1, 2025, the Board of Dental Examiners of Nevada shall submit a report to the Director of the Legislative Counsel Bureau for transmittal to the 83rd Session of the Legislature that includes, without limitation:

(a) The number of persons that applied for licensure as an expanded function dental assistant pursuant to sections 5 and 6 of this act during the 2024 calendar year and the number of such licenses issued during the 2024 calendar year;

(b) The number of persons that applied for a special endorsement to practice restorative dental hygiene pursuant to section 6.5 of this act during the 2024 calendar year and the number of such special endorsements issued during the 2024 calendar year;

(c) The number of dental hygienists currently authorized to prescribe and dispense drugs pursuant to section 9 of this act; and

~~[(c)]~~ (d) A description of the impact of authorizing the practice of expanded function dental assistance and restorative dental hygiene and the prescription and dispensing of drugs by dental hygienists on the quality and availability of dental services in this State.

2. As used in this section:

(a) "Dental hygienist" has the meaning ascribed to it in NRS 631.040.

(b) "Expanded function dental assistance" has the meaning ascribed to it in section 2 of this act.

~~[(b)]~~ (c) "Expanded function dental assistant" has the meaning ascribed to it in section 3 of this act.

~~[(c) "Dental hygienist" has the meaning ascribed to it in NRS 631.040.]~~

(d) "Restorative dental hygiene" has the meaning ascribed to it in section 3.5 of this act.

Sec. 50. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 49, inclusive, of this act become effective:

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

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

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 406 to Senate Bill No. 310 establishes a new "restorative dental hygiene" endorsement for Nevada hygienists, amends the qualification for applicant as an expanded function dental assistant, establishes authorization and scope of practice of an expanded function dental assistant and restorative endorsed dental hygienist in public health settings, allows qualified dental hygienists to prescribe and dispense medicament trays or mouthguards, removes the requirement for dental hygienists to be supervised by a licensed dentist for certain prescriptions and requires the Board of Dental Examiners of Nevada to implement provisions for dental therapists and hygienists to administer local anesthesia and laser radiation with a dentist's discretion.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 370.

Bill read second time.

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

Amendment No. 403.

SUMMARY—Revises provisions relating to the protection of consumer ~~health data.]~~ information. (BDR 52-42)

AN ACT relating to data privacy; requiring certain entities to develop, maintain and make available on the Internet a policy concerning the privacy of consumer health data; prohibiting such an entity from collecting or sharing consumer health data without the affirmative, voluntary consent of a consumer in certain circumstances; requiring such an entity to perform certain actions upon the request of a consumer; requiring such an entity to establish a process to appeal the denial of such a request; requiring such an entity to take certain actions to protect the security of consumer health data; limiting the circumstances under which a processor is authorized to process consumer health data; requiring a processor to assist certain entities in complying with certain requirements; prohibiting a person from selling or offering to sell consumer health data under certain circumstances; prohibiting the implementation of a geofence under certain circumstances; prohibiting discrimination against a consumer for certain reasons; authorizing certain

~~actions;~~ enforcement; requiring certain persons to develop, maintain and make publicly available a policy concerning the storage and retention of biometric identifiers; establishing requirements governing storing, transmitting, protecting, collecting and sharing biometric identifiers; prohibiting the sale of a biometric identifier; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law and regulations contain various protections for health information maintained or used: (1) by a person or entity that provides health care, an insurer or a business associate of a person or entity that provides health care or an insurer; or (2) for scientific research. (42 U.S.C. §§ 11101 et seq.; Pub. L. No. 104-191, 100 Stat. 2548; 21 C.F.R. Parts 46, 50 and 56, 42 C.F.R. Parts 2 and 3, 45 C.F.R. Parts 160 and 164) ~~(This)~~ Sections 2-34 of ~~this bill~~ ~~[prescribes]~~ prescribe various protections for consumer health data that is maintained and used by other persons and nongovernmental entities and for other purposes. Section 7 of this bill defines the term "consumer" to mean a natural person who has requested a product or service from a regulated entity and who resides in this State or whose consumer health data is collected in this State, except for a natural person acting in an employment context ~~or as an agent of a governmental entity~~. Section 8 of this bill defines the term "consumer health data" to mean personally identifiable information that is linked or reasonably capable of being linked to a consumer and is ~~related~~ used by a regulated entity to identify the health status of the consumer. Section 15 of this bill defines the term "regulated entity" to refer to a person who: (1) conducts business in this State or produces or provides products or services that are targeted to consumers in this State; and (2) determines the purpose and means of processing, sharing or selling consumer health data. Sections 3-6, ~~9-14~~ 9-11, 13, 14 and 16-19 of this bill define certain other terms. Section 20 of this bill provides that the provisions of ~~this bill~~ sections 2-34 do not apply to certain persons and entities whose collection and disclosure of data is specifically regulated by federal law and certain data that is collected or disclosed under certain provisions of federal law or regulations or state law.

Section 21 of this bill requires a regulated entity to develop, maintain and make available ~~on the Internet~~ a policy concerning the privacy of consumer health data. Section 21 also prohibits a regulated entity from: (1) taking certain actions with regard to consumer health data that are inconsistent with the policy without the affirmative, voluntary consent of the consumer; or (2) entering into a contract for the processing of consumer health data that is inconsistent with the policy. Section 22 of this bill generally prohibits a regulated entity from collecting or sharing consumer health data without the affirmative, voluntary consent of the consumer to whom the data relates, except to the extent necessary to provide a product or service that the consumer has requested from the regulated entity. ~~(Sections)~~ Section 22 ~~and~~

~~23]~~ of this bill ~~[prescribe]~~ prescribes certain requirements governing such consent.

Section 24 of this bill requires a regulated entity, upon the request of a consumer, to: (1) confirm whether the regulated entity is collecting, sharing or selling consumer health data concerning the consumer; (2) provide the consumer with a list of all third parties ~~[and affiliates]~~ with whom the regulated entity has shared or to whom the regulated entity has sold consumer health data relating to the consumer; (3) cease collecting or sharing consumer health data relating to the consumer; or (4) delete consumer health data concerning the consumer. Section 24 also requires a regulated entity to establish a secure and reliable means of making such a request. Section 25 of this bill prescribes requirements governing the response to such a request, including a requirement that a regulated entity provide information in response to such a request free of charge in most circumstances. However, if a consumer submits more than two requests in a year and those requests are manifestly unfounded, excessive or repetitive, section 25 authorizes the regulated entity to charge a reasonable fee to provide such information. Section 26 of this bill prescribes requirements governing the time within which a regulated entity or an affiliate, processor or other third party with which a regulated entity has shared data must delete consumer health data in response to a request for such deletion. Section 27 of this bill requires a regulated entity to establish a process to appeal the refusal of the regulated entity to act on a request made pursuant to section 24. ~~[Section 32 of this bill: (1) requires a regulated entity, contractor of a regulated entity, processor or other third party to disclose consumer health data where required by law, court order, subpoena or search warrant; (2) authorizes certain other disclosures of consumer health data; and (3) provides that a regulated entity, contractor, processor or third party who discloses consumer health data under such circumstances is not required to comply with sections 22-27.]~~

Section 28 of this bill requires a regulated entity to limit access to and establish, implement and maintain policies and procedures to protect the security of consumer health data. Section 29 of this bill requires a processor who processes consumer health data on behalf of a regulated entity to only process such data in accordance with a written contract between the processor and the regulated entity. Section 29 also requires such a processor to assist ~~[a]~~ the regulated entity in complying with the provisions of ~~[this bill.]~~ sections 2-34.

Section 30 of this bill prohibits a person from selling or offering to sell consumer health data without the written authorization of the consumer to whom the data pertains or beyond the scope of such authorization, with certain exceptions. Section 30 also prohibits a person from conditioning the provision of goods or services on a consumer providing such authorization. Section 30 requires a person who sells consumer health data to: (1) establish a means by which a consumer may revoke such written authorization; and (2) provide a copy of such written authorization to the consumer ~~[.]~~ and

purchaser. Section 30 also requires both a seller and a purchaser of consumer health data to maintain such written authorization for at least 6 years after the expiration of the written authorization. Section 17 of this bill exempts certain activity from the definition of the term "sell," thereby exempting such activity from the requirements of section 30.

Section 31 of this bill prohibits a person from implementing a geofence ~~around~~ within 1,750 feet of any person or entity that provides in-person health care services or products for certain purposes. Section 33 of this bill prohibits a regulated entity from discriminating against a consumer for taking any action authorized by ~~this bill~~ sections 2-34 or to enforce ~~the~~ those provisions. ~~of this bill.~~

Sections 34.1-34.9 of this bill establish provisions for the protection of biometric identifiers. Section 34.1 of this bill sets forth certain legislative findings concerning biometric identifiers. Section 34.3 of this bill defines "biometric identifier" to mean biometric data relating to the face, fingerprint or iris of a person. Sections 34.35-34.45 of this bill define certain other terms. Section 34.5 of this bill provides that the provisions of sections 34.1-34.9 do not apply to: (1) certain entities whose collection and sharing of data is specifically regulated by federal law; (2) photographs collected, possessed or shared for purposes other than verifying the identity of a person; (3) information collected, possessed or shared for certain medical or scientific purposes; (4) governmental or tribal entities; or (5) a person who is in the business of manufacturing or selling automobiles. Section 34.6 of this bill authorizes the provision of information or consent under sections 34.1-34.9 electronically. Section 34.7 of this bill requires a person who possesses a biometric identifier of another to develop, maintain and comply with a publicly available written policy setting forth a schedule for the retention and destruction of biometric identifiers. Section 34.7 also establishes requirements governing the storage, transmittal and protection of biometric identifiers. Section 34.8 of this bill prescribes requirements governing collecting and sharing biometric identifiers. Section 34.8 also prohibits the sale of biometric identifiers.

Existing law provides that a variety of actions constitute deceptive trade practices. (NRS 118A.275, 205.377, 228.620, 370.695, 597.997, 603.170, 604B.910, 676A.770; chapter 598 of NRS) Existing law authorizes a court to impose a civil penalty of not more than \$12,500 for each violation upon a person whom the court finds has engaged in a deceptive trade practice directed toward an elderly person or a person with a disability. (NRS 598.0973) Additionally, existing law authorizes a court to make such additional orders or judgments as may be necessary to restore to any person in interest any money or property which may have been acquired by means of any deceptive trade practice. (NRS 598.0993) In addition to these enforcement mechanisms, existing law provides that when the Commissioner of Consumer Affairs or the Director of the Department of Business and Industry has cause to believe that a person has engaged or is engaging in any

deceptive trade practice, the Commissioner or Director may request that the Attorney General represent him or her in instituting an appropriate legal proceeding, including an application for an injunction or temporary restraining order. (NRS 598.0979) Existing law provides that if a person violates a court order or injunction resulting from a complaint brought by the Commissioner, the Director, the district attorney of any county of this State or the Attorney General, the person is required to pay a civil penalty of not more than \$10,000 for each violation. Furthermore, if a court finds that a person has willfully engaged in a deceptive trade practice, the person who committed the violation: (1) may be required to pay an additional civil penalty not more than \$5,000 for each violation; and (2) is guilty of a felony or misdemeanor, depending on the value of the property or services lost as a result of the deceptive trade practice. (NRS 598.0999) ~~Existing law: (1) provides that certain deceptive trade practices constitute consumer fraud; and (2) authorizes a person injured by consumer fraud to bring a civil action. (NRS 41.600).~~ With certain exceptions, ~~section~~ sections 34 and 34.9 of this bill ~~[(1) provides]~~ provide that a person who violates any provision of sections 2-34.9 of this bill is guilty of a deceptive trade practice. ~~[(1) and (2) authorizes]~~ Sections 1, 34 and 34.9 of this bill provide that a person injured by such a violation ~~[to bring a civil]~~ does not have a private right of action. Sections 34 and 34.9 additionally provide that the provisions of sections 2-34.9 must not be construed to affect any other provision of law. Section 35 of this bill exempts consumer health data and biometric identifiers from provisions of existing law governing information collected on the Internet from consumers because those provisions are less stringent than the provisions of sections ~~[2-34 of this bill]~~ 2-34.9.

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

Section 1. NRS 598.0977 is hereby amended to read as follows:

598.0977 ~~[(1)]~~ *Except as otherwise provided in sections 34 and 34.9 of this act*, an elderly person or a person with a disability suffers damage or injury as a result of a deceptive trade practice, he or she or his or her legal representative, if any, may commence a civil action against any person who engaged in the practice to recover the actual damages suffered by the elderly person or person with a disability, punitive damages, if appropriate, and reasonable attorney's fees. The collection of any restitution awarded pursuant to this section has a priority over the collection of any civil penalty imposed pursuant to NRS 598.0973.

~~[Section 1.]~~ Sec. 1.5. Chapter 603A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to ~~[34.]~~ 34.9, inclusive, of this act.

Sec. 2. *As used in sections 2 to 34, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 19, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. "Affiliate" means an entity that shares common branding with another entity and controls, is controlled by or is under common control with the other entity. For the purposes of this section, an entity shall be deemed to control another entity if the entity:

1. Owns or has the power to vote at least half of the outstanding shares of any class of voting security in the other entity;
2. Controls in any manner the election of a majority of the directors or persons exercising similar functions to directors of the other entity; or
3. Has the power to exercise controlling influence over the management of the other entity.

Sec. 4. "Authenticate" means to ascertain the identity of the originator of an electronic or physical document and establish a link between the document and the originator.

Sec. 5. "Biometric data" means data which is generated from the measurement or technical processing of the physiological, biological or behavioral characteristics of a person and, alone or in combination with other data, is capable of being used to identify the person. The term includes, without limitation:

1. Imagery of the fingerprint, palm print, hand print, scar, bodily mark, tattoo, voiceprint, face, retina, iris or vein pattern of a person; and
2. Keystroke patterns or rhythms and gait patterns or rhythms that contain identifying information.

Sec. 6. "Collect" means to buy, rent, access, retain, receive, acquire, infer, derive or otherwise process consumer health data in any manner.

Sec. 7. "Consumer" means a natural person who has requested a product or service from a regulated entity and who resides in this State or whose consumer health data is collected in this State. The term does not include a natural person acting in an employment context ~~or as an agent of a governmental entity.~~

Sec. 8. "Consumer health data" means personally identifiable information that is linked or reasonably capable of being linked to a consumer and ~~is related~~ that a regulated entity uses to identify the past, present or future health status of the consumer. The term ~~includes~~ :

1. Includes, without limitation:
 - ~~1.1~~ (a) Information relating to:
 - ~~1.1(a)~~ (1) Any health condition or status, disease or diagnosis;
 - ~~1.1(b)~~ (2) Social, psychological, behavioral or medical interventions;
 - ~~1.1(c)~~ (3) Surgeries or other health-related procedures;
 - ~~1.1(d)~~ (4) The use or acquisition of medication;
 - ~~1.1(e)~~ (5) Bodily functions, vital signs or symptoms;
 - ~~1.1(f)~~ (6) Reproductive or sexual health care; and
 - ~~1.1(g)~~ (7) Gender-affirming care;
 - ~~2.1~~ (b) Biometric data or genetic data related to information described in ~~subsection 1.1~~ paragraph (a);

~~[(3.) (c) Information related to the precise location of a consumer [that is derived from technology, including, without limitation, a global positioning system, and is reasonably capable of being used] within a radius of 1,750 feet that a regulated entity uses to indicate an attempt by a consumer to receive health care services or products; and~~

~~[(4.) (d) Any information described in [subsection 1, 2 or 3] paragraph (a), (b) or (c) that is derived or extrapolated from information that is not consumer health data, including, without limitation, proxy, derivative, inferred or emergent data derived through an algorithm, machine learning or any other means.~~

2. Does not include information that is used to provide access to or enable gameplay by a person on a video game platform.

Sec. 9. "Gender-affirming care" means health services or products that support and affirm the gender identity of a person, including, without limitation:

1. Treatments for gender dysphoria;
2. Gender-affirming hormone therapy; and
3. Gender-affirming surgery.

Sec. 10. "Genetic data" means any data that concerns the genetic characteristics of a person. The term includes, without limitation:

1. Data directly resulting from the sequencing of all or a portion of the deoxyribonucleic acid of a person;
2. Genotypic and phenotypic information that results from analyzing the information described in subsection 1; and
3. Data concerning the health of a person that is analyzed in connection with the information described in subsection 1.

Sec. 11. "Health care services or products" means any service or product provided to a person to assess, measure, improve or learn about the health of a person. The term includes, without limitation:

1. Services relating to any health condition or status, disease or diagnosis;
2. Social, psychological, behavioral or medical interventions;
3. Surgeries or other health-related procedures;
4. Medication or services related to the use or acquisition of medication;

or

5. Monitoring or measurement related to bodily functions, vital signs or symptoms.

Sec. 12. ~~["Personally identifiable information" means information that, alone or in combination with other information, may be used to identify a person or an electronic device used by the person. The term:~~

~~1. Includes, without limitation:~~

~~(a) Data associated with an Internet protocol address, device identifier or other form of persistent unique identifier; and~~

~~(b) Any data about a person that is collected without the consent of the person.~~

~~2. Does not include:~~

~~(a) Information that is made lawfully available through the records of a federal, state or local governmental entity or widely distributed media and which a regulated entity has a reasonable basis to believe that a person has made available to the general public; or~~

~~(b) Deidentified information. (Deleted by amendment.)~~

Sec. 13. "Process" means any operation or set of operations performed on consumer health data.

Sec. 14. "Processor" means a person who processes consumer health data on behalf of a regulated entity.

Sec. 15. "Regulated entity" means any person who:

1. Conducts business in this State or produces or provides products or services that are targeted to consumers in this State; and
2. Alone or with other persons, determines the purpose and means of processing, sharing or selling consumer health data.

Sec. 16. "Reproductive or sexual health care" means health care services or products that support or relate to the reproductive system or sexual well-being of a person. The term includes, without limitation, abortion, the provision of medication to induce an abortion and any medical or nonmedical services associated with an abortion.

Sec. 17. "Sell" means to exchange consumer health ~~(information)~~ data for money or other valuable consideration. The term does not include the exchange of consumer health data for money or other valuable consideration:

1. With a processor in a manner consistent with the purpose for which the consumer health data was collected, as disclosed to the consumer to whom the consumer health data pertains pursuant to section 22 of this act.

2. With a third party as an asset that is part of a merger, acquisition, bankruptcy or other transaction through which the third party assumes control of all or part of the assets of the regulated entity.

3. With a third party for the purpose of providing a product or service requested by the consumer to whom the consumer health data pertains.

4. With an affiliate of the person who is providing or disclosing the consumer health data.

5. As directed by the consumer to whom the consumer health data pertains or where the consumer to whom the consumer health data pertains intentionally uses the person who is providing or disclosing the consumer health data to interact with the third party to whom the consumer health data is provided or disclosed.

6. Where the consumer has intentionally made the consumer health data available to the general public through mass media that was not restricted to a specific audience.

Sec. 18. "Share" means to release, disclose, disseminate, divulge, make available, provide access to, license or otherwise communicate consumer health data orally, in writing or by electronic or other means.

Sec. 19. "Third party" means a person who is not a consumer, regulated entity, processor or affiliate of a regulated entity.

Sec. 20. 1. The provisions of sections 2 to 34, inclusive, of this act do not apply to:

~~{1. Information that is collected, used or shared in accordance with}~~

~~(a) Any person or entity that is subject to the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and the regulations adopted pursuant thereto.~~

~~{2. Information originating from, and intermingled with to be indistinguishable from, information described in subsection 1 that is maintained by}~~

~~(a) A covered entity or business associate, as those terms are defined in 45 C.F.R. § 160.103; or~~

~~(b) A program or qualified service organization, as those terms are defined in 45 C.F.R. § 2.11.~~

~~(b) A financial institution or an affiliate of a financial institution that is subject to the provisions of the Gramm-Leach-Bliley Act, 15 U.S.C. §§ 6801 et seq., or any personally identifiable information regulated by that Act which is collected, maintained or sold as provided in that Act.~~

~~{3.} (c) Patient identifying information, as defined in 42 C.F.R. § 2.11, that is collected, used or disclosed in accordance with 42 C.F.R. Part 2.~~

~~{4.} (d) Patient safety work product, as defined in 42 C.F.R. § 3.20, that is collected, used or disclosed in accordance with 42 C.F.R. Part 3.~~

~~{5.} (e) Identifiable private information, as defined in 45 C.F.R. § 46.102, that is collected, used or disclosed in accordance with 45 C.F.R. Part 46.~~

~~{6.} (f) Information used or shared as part of research conducted pursuant to 45 C.F.R. Part 46 or 21 C.F.R. Parts 50 and 56.~~

~~{7.} (g) Information used only for public health activities and purposes, as described in 45 C.F.R. § 164.512(b), regardless of whether such information is subject to the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and the regulations adopted pursuant thereto.~~

~~{8.} (h) Personally identifiable information that is governed by and collected, used or disclosed pursuant to:~~

~~{(a) The Gramm-Leach-Bliley Act, 15 U.S.C. §§ 6801 et seq., and the regulations adopted pursuant thereto;~~

~~(b) (1) Part C of Title XI of the Social Security Act, 42 U.S.C. §§ 1320d et seq.;~~

~~{(c)} (2) The Fair Credit Reporting Act, 15 U.S.C. §§ 1681 et seq.; or~~

~~{(d)} (3) The Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and the regulations adopted pursuant thereto.~~

~~{9.} (i) Information and documents created for the purposes of compliance with the federal Health Care Quality Improvement Act of 1986, 42 U.S.C. §§ 11101 et seq., and any regulations adopted pursuant thereto.~~

~~10.~~ (j) The collection or sharing of consumer health data where expressly authorized by any provision of federal or state law.

~~11.~~ (k) Any governmental or tribal entity or any person processing consumer health data on behalf of a governmental or tribal entity.

(l) Any person who holds a non-restricted license, as defined in NRS 463.0177, or an affiliate, as defined in NRS 463.0133, of such a person.

2. A third party that obtains consumer health data from a regulated entity through a merger, acquisition, bankruptcy or other transaction through which the third party assumes control of all or part of the assets of the regulated entity is deemed to assume all obligations of the regulated entity to comply with the provisions of sections 2 to 34, inclusive, of this act.

Sec. 21. 1. A regulated entity shall develop and maintain a policy concerning the privacy of consumer health data that clearly and conspicuously establishes:

(a) The categories of consumer health data being collected by the regulated entity and the manner in which the consumer health data will be used;

(b) The categories of sources from which consumer health data is collected;

(c) The categories of consumer health data that are shared by the regulated entity;

(d) ~~A list~~ The categories of third parties and affiliates with whom the regulated entity shares consumer health data;

(e) The purposes of collecting, using and sharing consumer health data;

(f) The manner in which consumer health data will be processed;

(g) The procedure for submitting a request pursuant to section 24 of this act;

(h) The process, if any such process exists, for a consumer to review and request changes to any of his or her consumer health data that is collected by the regulated entity;

(i) The process by which the regulated entity notifies consumers whose consumer health data is collected by the regulated entity of material changes to the privacy policy;

(j) Whether a third party may collect consumer health data over time and across different Internet websites or online services when the consumer uses any Internet website or online service of the regulated entity; and

(k) The effective date of the privacy policy.

2. A regulated entity shall post conspicuously on the main Internet website maintained by the regulated entity a hyperlink to the policy developed pursuant to subsection 1 ~~1.~~ or otherwise provide that policy to consumers in a manner that is clear and conspicuous.

3. A regulated entity shall not:

(a) Collect, use or share categories of consumer health data, other than those included in the privacy policy pursuant to paragraph (c) of subsection 1, without disclosing those additional categories to each

consumer whose data will be collected, used or shared and obtaining the affirmative voluntary consent of the consumer;

(b) Share consumer health data with a third party or affiliate, other than those included in the privacy policy pursuant to paragraph (d) of subsection 1, without disclosing those additional third parties or affiliates to each consumer whose data will be shared and obtaining the affirmative voluntary consent of the consumer;

(c) Collect, use or share consumer health data for purposes other than those included in the privacy policy pursuant to paragraph (e) of subsection 1 without disclosing those additional purposes to each consumer whose data will be collected, used or shared and obtaining the affirmative voluntary consent of the consumer; or

(d) Enter into a contract pursuant to section 29 of this act with a processor to process consumer health data that is inconsistent with the privacy policy.

Sec. 22. 1. A regulated entity shall not collect consumer health data except:

(a) With the affirmative voluntary consent of the consumer; or

(b) To the extent necessary to provide a product or service that the consumer to whom the consumer health data relates has requested from the regulated entity.

2. A regulated entity shall not share consumer health data except:

(a) With the affirmative voluntary consent of the consumer to whom the consumer health data relates, which must be separate and distinct from the consent provided pursuant to subsection 1 for the collection of the data;

(b) To the extent necessary to provide a product or service that the consumer to whom the consumer health data relates has requested from the regulated entity; or

(c) Where required or authorized by ~~section 32 of this act.~~ another provision of law.

3. Any consent required by this section must be obtained before the collection or sharing, as applicable, of consumer health data. The request for such consent must clearly and conspicuously disclose:

(a) The categories of consumer health data to be collected or shared, as applicable;

(b) The purpose for collecting or sharing, as applicable, the consumer health data including, without limitation, the manner in which the consumer health data will be used;

(c) If the consumer health data will be shared, the categories of persons and entities with whom the consumer health data will be shared; and

(d) The manner in which the consumer may withdraw consent for the collection or sharing, as applicable, of consumer health data relating to the consumer and request that the regulated entity cease such collection or sharing pursuant to section 24 of this act.

Sec. 23. ~~[Any consent provided pursuant to section 21 or 22 of this act must be an affirmative, voluntary act. Such consent may be provided electronically, but may not be provided through:~~

~~1. The acceptance of a general agreement concerning terms of use or a similar agreement that contains descriptions of the manner in which personal data will be used or processed and other unrelated information;~~

~~2. A consumer hovering over, muting, pausing or closing a piece of online content; or~~

~~3. The use of a user interface designed or manipulated with the effect of subverting or impairing the autonomy, decision making or choice of the user.] (Deleted by amendment.)~~

Sec. 24. 1. Except as otherwise provided in section 25 of this act, upon the request of a consumer, a regulated entity shall:

(a) Confirm whether the regulated entity is collecting, sharing or selling consumer health data relating to the consumer.

(b) Provide the consumer with a list of all third parties ~~[and affiliates]~~ with whom the regulated entity has shared consumer health data relating to the consumer or to whom the regulated entity has sold such consumer health data. ~~[The list must include, without limitation, a valid electronic mail address for each such third party or affiliate or another valid mechanism by which the consumer may contact each such third party or affiliate using the Internet.]~~

(c) Cease collecting, sharing or selling consumer health data relating to the consumer.

(d) Delete consumer health data concerning the consumer.

2. A regulated entity shall establish a secure and reliable means of making a request pursuant to this section. ~~[The means of making such a request must not require a consumer to create a new account with the regulated entity, but may require the consumer to use an existing account.]~~ When establishing the means for making such a request, the regulated entity must consider:

(a) The need for the safe and reliable communication of such requests; and

(b) The ability of the regulated entity to authenticate the identity of the consumer making the request.

Sec. 25. 1. Except as otherwise provided in this section, a regulated entity shall respond to a request made pursuant to section 24 of this act without undue delay and not later than 45 days after authenticating the request. If reasonably necessary based on the complexity and number of requests from the same consumer, the regulated entity may extend the period prescribed by this section not more than an additional 45 days. A regulated entity that grants itself such an extension must, not later than 45 days after authenticating the request, provide the consumer with notice of the extension and the reasons therefor.

2. If a regulated entity is not able to authenticate a request made pursuant to section 24 of this act after making commercially reasonable efforts, the regulated entity:

- (a) Is not required to comply with the request; and
- (b) May request that the consumer provide such additional information as is reasonably necessary to authenticate the request.

3. A regulated entity:

- (a) Shall provide information free of charge to a consumer in response to:
 - (1) Requests made pursuant to section 24 of this act at least twice each year; and
 - (2) Additional requests that are not manifestly unfounded, excessive or repetitive.

(b) Except as otherwise provided in paragraph (a), may charge a reasonable fee to provide information to a consumer in response to requests made pursuant to section 24 of this act that are manifestly unfounded, excessive or repetitive.

4. In any civil proceeding challenging the validity of a fee charged pursuant to paragraph (b) of subsection 3, the regulated entity has the burden of demonstrating by a preponderance of the evidence that the request to which the fee pertained was manifestly unfounded, excessive or repetitive.

~~[5. In any criminal proceeding to enforce the provisions of this section, it is an affirmative defense that the regulated entity charged a fee pursuant to paragraph (b) of subsection 3 in response to a request that was manifestly unfounded, excessive or repetitive.]~~

Sec. 26. 1. Not later than 30 days after authenticating a request made pursuant to paragraph (d) of subsection 1 of section 24 of this act for the deletion of consumer health data, a regulated entity shall, except as otherwise provided in subsection 3:

(a) Delete all consumer health data described in the request from the records and network of the regulated entity; and

(b) Notify each affiliate, processor, contractor or other third party with which the regulated entity has shared consumer health data of the deletion request.

2. Not later than 30 days after receiving notification of a deletion request pursuant to paragraph (b) of subsection 1, an affiliate, processor, contractor or other third party shall, except as otherwise provided in subsection 3, delete the consumer health data described in the request from the records and network of the affiliate, processor, contractor or other third party.

3. If data described in a deletion request made pursuant to paragraph (d) of subsection 1 of section 24 of this act is stored or archived on backup systems, a regulated entity or an affiliate, processor, contractor or other third party may delay the deletion of the data for not more than 6 months after the request is authenticated, as necessary to restore the archived or backup system.

Sec. 27. 1. A regulated entity shall establish a process by which a consumer may appeal the refusal of the regulated entity to act on a request made pursuant section 24 of this act. The process must be:

(a) Conspicuously available on the Internet website of the regulated entity; and

(b) Similar to the process for making a request pursuant to section 24 of this act.

2. Not later than 45 days after receiving an appeal pursuant to subsection 1, a regulated entity shall inform the consumer in writing of:

(a) Any action taken in response to the appeal or any decision not to take such action;

(b) The reasons for any such action or decision; and

(c) If the regulated entity decided not to take the action requested in the appeal, the contact information for the Office of the Attorney General.

Sec. 28. 1. A regulated entity shall only authorize the employees ~~and~~ and processors ~~and contractors~~ of the regulated entity to access consumer health data where reasonably necessary to:

(a) Further the purpose for which the consumer consented to the collection or sharing of the consumer data pursuant to section 22 of this act; or

(b) Provide a product or service that the consumer to whom the consumer health data relates has requested from the regulated entity.

2. A regulated entity shall establish, implement and maintain policies and practices for the administrative, technical and physical security of consumer health data. The policies must:

(a) Satisfy the standard of care in the industry in which the regulated entity operates to protect the confidentiality, integrity and accessibility of consumer health data;

(b) Comply with the provisions of NRS 603A.010 to 603A.290, inclusive, where applicable; and

(c) Be reasonable, taking into account the volume and nature of the consumer health data at issue.

Sec. 29. 1. A processor shall only process consumer health data pursuant to a contract between the processor and a regulated entity. Such a contract must set forth the applicable processing instructions and the specific actions that the processor is authorized to take with regard to the consumer health data it possesses on behalf of the regulated entity.

2. To the extent practicable, a processor shall assist ~~for~~ the regulated entity with which the processor has entered into a contract pursuant to subsection 1 in complying with the provisions of sections 2 to 34, inclusive, of this act.

3. If a processor processes consumer health data outside the scope of a contract described in subsection 1 or in a manner inconsistent with any provision of such a contract, the processor:

(a) Is not guilty of ~~an unfair~~ a deceptive trade practice ~~for subject to a civil action~~ pursuant to section 34 of this act solely because the processor violated the requirements of this section; and

(b) Shall be deemed a regulated entity for the purposes of sections 2 to 34, inclusive, of this act ~~for~~ for actions and omissions with regard to such consumer health data.

Sec. 30. 1. A person shall not sell or offer to sell consumer health data:

(a) Without the written authorization of the consumer to whom the data pertains; or

(b) If the consumer provides such written authorization, in a manner that is outside the scope of or inconsistent with the written authorization.

2. A person shall not condition the provision of goods or services on a consumer authorizing the sale of consumer health data pursuant to subsection 1.

3. Written authorization pursuant to subsection 1 must be provided in a form written in plain language which includes, without limitation:

(a) The name and contact information of the person selling the consumer health data;

(b) A description of the specific consumer health data that the person intends to sell;

(c) The name and contact information of the person purchasing the consumer health data;

(d) A description of the purpose of the sale, including, without limitation, the manner in which the consumer health data will be gathered and the manner in which the person described in paragraph (c) intends to use the consumer health data;

(e) A statement of the provisions of subsection 2;

(f) A statement that the consumer may revoke the written authorization at any time and a description of the means established pursuant to subsection 4 for revoking the authorization;

(g) A statement that any consumer health data sold pursuant to the written authorization may be disclosed to additional persons and entities by the person described in paragraph (c) and, after such disclosure, is no longer subject to the protections of this section;

(h) The date on which the written authorization expires pursuant to subsection 5; and

(i) The signature of the consumer to which the consumer health data pertains.

4. A person who sells consumer health data shall establish a means by which a consumer may revoke a written authorization made pursuant to subsection 1.

5. Written authorization provided pursuant to subsection 1 expires 1 year after the date on which the authorization is given.

6. A written authorization provided pursuant to subsection 1 is not valid if the written authorization:

- (a) Was a condition for the provision of goods or services to the consumer in violation of subsection 2;
- (b) Does not comply with the requirements of subsection 3;
- (c) Has been revoked pursuant to subsection 4; or
- (d) Has expired pursuant to subsection 5.

7. A person who sells consumer health data shall provide a copy of the written authorization provided pursuant to subsection 1 to the consumer who signed the written authorization ~~for~~ and the purchaser of the consumer health data.

8. A seller and purchaser of consumer health data shall each retain a copy of the written authorization provided pursuant to subsection 1 for at least 6 years after the date on which the written authorization expired pursuant to subsection 5.

9. The provisions of this section do not ~~apply to the sale of consumer health data to:~~

- ~~(a) A processor in a manner consistent with the purpose for which the consumer health data was collected, as disclosed to the consumer to whom the consumer health data pertains pursuant to section 22 of this act; or~~
- ~~(b) A third party as an asset that is part of a merger, acquisition, bankruptcy or other transaction through which the third party assumes control of all or part of the assets of the regulated entity. A third party that obtains consumer health data from a regulated entity pursuant to this paragraph assumes all obligations of the regulated entity to comply with the provisions of sections 2 to 34, inclusive, of this act.~~ authorize the sale of a biometric identifier, as prohibited by subsection 3 of section 34.8 of this act.

Sec. 31. 1. A person shall not implement a geofence within ~~[2,000]~~ 1,750 feet of any medical facility, facility for the dependent or any other person or entity that provides in-person health care services or products for the purpose of:

- (a) Identifying or tracking consumers seeking in-person health care services or products;
- (b) Collecting consumer health data; or
- (c) Sending notifications, messages or advertisements to consumers related to their consumer health data or health care services or products.

2. As used in this section:

(a) "Facility for the dependent" has the meaning ascribed to it in NRS 449.0045.

(b) "Geofence" means technology that uses coordinates for global positioning, connectivity to cellular towers, cellular data, radio frequency identification, wireless Internet data or any other form of detecting the physical location of a person to establish a virtual boundary with a radius of 1,750 feet or less around a specific physical location.

(c) "Medical facility" has the meaning ascribed to it in NRS 449.0151.

Sec. 32. ~~[1. A regulated entity, contractor of a regulated entity, processor or other third party that is in possession of consumer health data:~~

~~— (a) Shall disclose the consumer health data where required by law, a court order, a subpoena, a search warrant or other lawful process; and~~

~~— (b) Is not required to comply with the provisions of sections 22 to 27, inclusive, of this act, when making such a disclosure.~~

~~— 2. A regulated entity may share consumer health data without complying with the provisions of sections 22 to 27, inclusive, of this act:~~

~~— (a) Directly with a processor for the purpose of providing goods or services in a manner consistent with the purpose for which the consumer health data was collected, as disclosed to the consumer to whom the consumer health data pertains pursuant to section 22 of this act.~~

~~— (b) With a third party with whom the consumer to whom the consumer health data relates has a direct relationship if:~~

~~— (1) The disclosure is for the purpose of providing a product or service requested by the consumer;~~

~~— (2) The regulated entity maintains control and ownership of the consumer health data; and~~

~~— (3) The third party uses the consumer health data as directed by the regulated entity and in a manner consistent with the purpose for which the consumer health data was collected, as disclosed to the consumer to whom the consumer health data relates pursuant to section 22 of this act.~~

~~— (c) With a third party as an asset that is part of a merger, acquisition, bankruptcy or other transaction through which the third party assumes control of all or part of the assets of the regulated entity. A third party that obtains consumer health data from a regulated entity pursuant to this paragraph assumes all obligations of the regulated entity to comply with the provisions of sections 2 to 34, inclusive, of this act.~~

~~— 3. A regulated entity or processor may collect, use or disclose consumer health data without complying with the provisions of sections 22 to 27, inclusive, of this act to:~~

~~— (a) Prevent, detect, protect against, respond to, investigate, report or aid in the prosecution of malicious, deceptive or illegal activities, security incidents, identity theft, fraud or harassment; or~~

~~— (b) Preserve the integrity or security of electronic systems.~~

~~— 4. In any civil proceeding where a regulated entity or processor is alleged to have failed to comply with the provisions of sections 22 to 27, inclusive, of this act, a regulated entity or processor that collected, used or disclosed the consumer health data for a purpose described in subsection 3 has the burden of demonstrating by a preponderance of the evidence that the collection, use or disclosure was for such a purpose.~~

~~— 5. In any criminal proceeding where a regulated entity or processor is alleged to have failed to comply with the provisions of sections 22 to 27, inclusive, of this act, it is an affirmative defense that a regulated entity or~~

~~processor collected, used or disclosed consumer health data for a purpose described in subsection 3.] (Deleted by amendment.)~~

Sec. 33. A regulated entity shall not discriminate against a consumer for taking:

1. Any action authorized by sections 2 to 34, inclusive, of this act; or
2. Any action to enforce the provisions of sections 2 to 34, inclusive, of this act.

Sec. 34. 1. Except as otherwise provided in this section and section 29 of this act,~~+~~

~~—(a) A~~ a violation of sections 2 to 34, inclusive, of this act constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.

~~[(b) An action may be brought by any person who is a victim of a violation of sections 2 to 34, inclusive, of this act. If the claimant is the prevailing party, the court shall award the claimant:~~

- ~~—(1) Any damages that the claimant has sustained;~~
- ~~—(2) Any equitable relief that the court deems appropriate; and~~
- ~~—(3) The claimant's costs in the action and reasonable attorney's fees.~~

~~2. Any action brought pursuant to this section is not an action upon any contract underlying the original transaction.]~~

2. The provisions of sections 2 to 34, inclusive, of this act:

- (a) Do not create a private right of action; and
- (b) Must not be construed to affect any other provision of law.

Sec. 34.1. The Legislature hereby finds and declares that:

1. The use of biometric identifiers to verify the identity of persons in personal and business settings is growing and is likely to streamline online transactions and the management of digital accounts, strengthen the security of identities and reduce the risk of cybersecurity issues and fraud for governmental entities, businesses and consumers.

2. Biometric identifiers are unlike other identifiers that are used to verify the identity of a person or access a digital account because biometric identifiers are unique to a person and are not capable of being changed if stolen.

3. Without ongoing measures to protect the security of biometric identifiers, persons are at a heightened risk of identity theft.

4. The public welfare, security and safety will be served by regulating the collection, use, security, handling, storage, retention and destruction of biometric identifiers.

Sec. 34.2. As used in sections 34.1 to 34.9, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 34.3 to 34.45, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 34.3. "Biometric identifier" means biometric data relating to the face, fingerprint or iris of a person. The term includes, without limitation, data from a photo identification document that contains the image of the face

of a person with sufficient resolution that artificial intelligence or a machine learning algorithm is able to match the data with other biometric data to positively identify the person.

Sec. 34.35. "Collect" means to access, retain, receive, acquire, infer, derive or otherwise obtain a biometric identifier in any manner.

Sec. 34.4. "Share" means to release, disclose, disseminate, divulge, make available or provide access to a biometric identifier.

Sec. 34.45. "Subject" means the natural person to whom a biometric identifier relates.

Sec. 34.5. The provisions of sections 34.1 to 34.9, inclusive, of this act do not apply to:

1. Any person or entity that is subject to the provisions of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and the regulations adopted pursuant thereto.

2. A financial institution or an affiliate of a financial institution that is subject to the provisions of the Gramm-Leach-Bliley Act, 15 U.S.C. §§ 6801 et seq., or any personally identifiable information regulated by that Act which is collected, maintained or sold as provided in that Act.

3. Physical or digital photographs collected, possessed or shared for purposes not related to verifying the identity of the subject.

4. Information collected, possessed or shared for a medical purpose or to validate scientific testing or screening.

5. Any governmental or tribal entity or any person who collects, possesses or shares a biometric identifier on behalf of a governmental or tribal entity.

6. Any person in the business of manufacturing or selling automobiles, when acting in that capacity.

Sec. 34.6. For the purposes of sections 34.1 to 34.9, inclusive, of this act:

1. Any information required to be provided in writing may be provided electronically; and

2. Any consent or release may be obtained electronically.

Sec. 34.7. A person who possesses a biometric identifier that relates to another person shall:

1. Develop, maintain and comply with a written policy setting forth a schedule for and procedures governing the retention and destruction of biometric identifiers. Except where preservation of a biometric identifier for a longer period of time is required by law, subpoena or an order by a court of competent jurisdiction or other lawful authority, such a policy must require the destruction of a biometric identifier on or before the earlier of:

(a) The date on which the initial purpose of obtaining the biometric identifier has been satisfied; or

(b) One year after the most recent interaction between the person in possession of the biometric identifier and the subject.

2. Make the policy established pursuant to subsection 1 available to the public.

3. Store and transmit biometric identifiers and protect biometric identifiers from disclosure a manner that:

(a) Meets the standard of care in the industry in which the person operates; and

(b) Is at least as protective as the manner in which the person stores, transmits or protects from disclosure, as applicable, other personally identifiable information.

Sec. 34.8. 1. Before collecting a biometric identifier, a person shall:

(a) Inform the subject or his or her representative in writing:

(1) That the biometric identifier is being collected;

(2) The purpose for which the biometric identifier is being collected, stored and used; and

(3) The length of time for which the biometric identifier will be retained in accordance with the policy developed pursuant to section 34.7 of this act;

(b) Obtain the informed written consent of the subject or his or her representative which may include, without limitation, a written release executed as a condition of employment; and

(c) Verify of the identity of the subject and any representative providing written consent pursuant to paragraph (b) in a manner that meets the requirements of Special Publication 800-63-3 published by the National Institute of Standards and Technology of the United States Department of Commerce.

2. At the time a person collects a biometric identifier, the person shall ensure that the subject is present.

3. A person shall not sell, lease, trade or otherwise receive compensation for sharing a biometric identifier.

4. A person shall not share a biometric identifier unless:

(a) The subject or his or her representative consents to the sharing;

(b) The sharing completes a financial transaction requested or authorized by the subject or his or her representative;

(c) The sharing is required by law, a court order, a subpoena, a search warrant or other lawful process; or

(d) The sharing is performed by a person who holds a nonrestricted license, as defined in NRS 463.0177, and the biometric identifier is shared with a subsidiary or affiliate of the person for the purpose of security or surveillance.

Sec. 34.9. 1. Except as otherwise provided in this section, a violation of sections 34.1 to 34.9, inclusive, of this act constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.

2. The provisions of sections 34.1 to 34.9, inclusive, of this act:

(a) Do not create a private right of action; and

(b) Must not be construed to affect any other provision of law.

Sec. 35. NRS 603A.338 is hereby amended to read as follows:

603A.338 The provisions of NRS 603A.300 to 603A.360, inclusive, do not apply to:

1. A consumer reporting agency, as defined in 15 U.S.C. § 1681a(f);
2. Any personally identifiable information regulated by the Fair Credit Reporting Act, 15 U.S.C. §§ 1681 et seq., and the regulations adopted pursuant thereto, which is collected, maintained or sold as provided in that Act;
3. A person who collects, maintains or makes sales of personally identifiable information for the purposes of fraud prevention;
4. Any personally identifiable information that is publicly available;
5. Any personally identifiable information protected from disclosure under the federal Driver's Privacy Protection Act of 1994, 18 U.S.C. §§ 2721 et seq., which is collected, maintained or sold as provided in that Act; ~~for~~
6. *Any consumer health data subject to the provisions of sections 2 to 34, inclusive, of this act; ~~for~~*
7. *Any biometric identifiers subject to the provisions of sections 34.1 to 34.9, inclusive, of this act; or*
8. A financial institution or an affiliate of a financial institution that is subject to the provisions of the Gramm-Leach-Bliley Act, 15 U.S.C. §§ 6801 et seq., or any personally identifiable information regulated by that Act which is collected, maintained or sold as provided in that Act.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 403 to Senate Bill No. 370 revises various sections concerning protections of consumer health data maintained and used by certain persons and entities; adds new sections to provide for the protection of biometric identifiers such as facial, fingerprint or iris data; and establishes requirements for the collection, possession, sharing and sale of such data. It provides that a violation of the provisions of this bill constitutes a deceptive trade practice.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 419.

Bill read second time.

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

Amendment No. 357.

SUMMARY—Makes revisions relating to public health. (BDR 40-748)

AN ACT relating to public health; requiring the adoption of a framework for the electronic transmittal, maintenance and exchange of certain health information; requiring governmental entities, health care providers, insurers and insurance administrators to maintain, transmit and exchange health information electronically; ~~requiring the suspension of the license, certificate, registration or similar credential of~~ authorizing the imposition of certain discipline against a health care provider, insurer or insurance administrator that fails to comply with that requirement; removing

authorization to establish a statewide health information exchange; clarifying that certain persons are immune from certain criminal and civil liability for transmitting, accessing, utilizing or disclosing electronic health records in accordance with existing law; establishing and prescribing the duties of the Chief Data Officer of the Nevada Innovation Hub, the Nevada Innovation Hub and the Medicaid Outreach Advisory Committee; authorizing a business to receive a partial abatement of certain taxes under certain conditions; ~~authorizing certain persons to enroll in Medicaid;~~ requiring the establishment of certain programs to make health coverage more accessible to certain persons; requiring the Joint Interim Standing Committee on Health and Human Services to ~~study the feasibility of providing certain coverage under Medicaid;~~ conduct certain studies; requiring the Department of Health and Human Services to evaluate certain issues and take certain actions relating to its workforce; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Director of the Department of Health and Human Services to adopt regulations governing health information exchanges and the transmittal, ownership, management, use and confidentiality of electronic health records. (NRS 439.587, 439.589) Section 6 of this bill requires the Director to prescribe by regulation a framework for the electronic maintenance, transmittal and exchange of electronic health records, prescriptions and health-related information. Section 6 requires that framework to establish standards for networks and technologies to be used to maintain, transmit and exchange health information, including standards that require: (1) the ability for patients to access and forward their records; and (2) the interoperability of such networks and technologies. Section 60 of this bill requires the Director to convene an advisory group to advise the Director in the adoption of those standards. With certain exceptions, sections 6, 28, 29, 45 and 63 of this bill require all governmental entities, health care providers, insurers, pharmacy benefit managers and other insurance administrators to maintain, transmit and exchange health information electronically in accordance with those standards and other provisions governing electronic health records, beginning on: (1) July 1, 2024, for hospitals and physician group practices; and (2) July 1, 2025, for governmental entities, other health care providers, insurers, pharmacy benefit managers and other insurance administrators. Section 57 of this bill appropriates money to award grants to certain providers of health care and health care facilities for the purposes of complying with that requirement. Sections 2 and 6 of this bill provide that a health care provider, insurer, pharmacy benefit manager or other insurance administrator that fails to comply with that requirement is not guilty of a misdemeanor. Instead, section 1 of this bill requires the Department ~~to, after notice and the opportunity for a hearing,~~ to notify any regulatory body that has issued a license, certificate, registration, permit or similar credential to a health care

provider, insurer, pharmacy benefit manager or other insurance administrator if the holder of the credential fails to comply with that requirement. ~~[Sections] After receiving such notice, sections 9, 17, 45, 47, 50 and 53 of this bill [require] authorize a regulatory body to [immediately suspend a credential issued to such a provider, insurer, pharmacy benefit manager or other insurance administrator upon receiving such notice. Sections 15, 49 and 54 of this bill provide that such a suspension is not subject to certain procedure that ordinarily applies to the suspension of the license of a health care facility or the suspension of the certificate of authority of an insurer. Sections 1, 9, 17, 45, 47, 50 and 53 prescribe a similar process to reinstate a suspended credential if the Department determines that the holder has come into compliance with the requirement to maintain, transmit and exchange health information electronically.] impose corrective action or an administrative penalty on the health care provider, insurer, pharmacy benefit manager or other insurance administrator. Section 1 requires the Department to notify the relevant regulatory body if a health care provider, insurer, pharmacy benefit manager or other insurance administrator that was previously out of compliance with the requirement to maintain, transmit and exchange health information electronically comes into compliance with that requirement. Section 4 of this bill removes ~~[(1)]~~ duplicative requirements concerning the adoption of regulations governing electronic health records ~~[(1) and (2)]~~ Section 4.5 of this bill removes authorization for the Director to establish a statewide health information exchange ~~[(1)]~~, beginning on July 1, 2025. Sections ~~[(2-5)]~~ 2-4, 5, 8, 10-14, 16, 44, 46, 48, 51, 52, 55 and 56 of this bill make conforming changes to indicate the proper placement of sections 1, 9, 47 and 50 in the Nevada Revised Statutes.~~

Existing law provides that a health care provider who with reasonable care relies upon an apparently genuine electronic health record accessed from a health information exchange to make a decision concerning the provision of health care to a patient is immune from civil or criminal liability for the decision if: (1) the electronic health record is inaccurate; (2) the inaccuracy was not caused by the health care provider; (3) the inaccuracy resulted in an inappropriate health care decision; and (4) the health care decision was appropriate based upon the information contained in the inaccurate electronic health record. (NRS 439.593) Section 7 of this bill expands this immunity from liability to also apply to any health care provider who transmits, accesses, utilizes or discloses an apparently genuine electronic health record or provides such an electronic health record to a patient.

Existing law provides that providing information to an electronic health record in accordance with existing law is not an unfair trade practice. (NRS 439.595) Section 8 of this bill additionally provides that transmitting, accessing, utilizing or disclosing an electronic health record in accordance with existing law is not an unfair trade practice.

Sections 22-24 of this bill establish the Nevada Innovation Hub within the Department of Health and Human Services. Section 23 of this bill creates the

position of Chief Data Officer to: (1) serve as the executive head of the Hub; (2) advise public health agencies regarding best practices for creating and maintaining data; and (3) coordinate planning concerning data analytics and transparency for the Department. Section 24 of this bill requires the Hub to: (1) obtain information relating to public health from public health agencies and other persons and entities; and (2) establish and maintain a program to collect, analyze, exchange and make available such information. Sections 24 and 27 of this bill provide for the confidentiality of personally identifiable information maintained by the Hub and information maintained by the Hub for which disclosure is prohibited by state or federal law. Section 25 of this bill makes a conforming change to indicate the proper placement of sections 22-24 in the Nevada Revised Statutes. ~~[Section 61 of this bill requires the Chief Data Officer to submit a report to the Joint Interim Standing Committee on Health and Human Services concerning the policies and procedures of the Hub.]~~

Existing law authorizes the Office of Economic Development to approve an abatement or partial abatement of certain property taxes, business taxes and sales and use taxes in certain circumstances. (NRS 274.310-274.330, 360.750-360.754) Section 31 of this bill authorizes a person who intends to locate or expand a business ~~[in an academic medical district]~~ in the health care industry in this State to apply to the Office for a partial abatement of: (1) local sales and use taxes imposed on the purchase of tangible personal property used to provide health care or conduct scientific research; (2) certain property taxes imposed on the business; and (3) the excise tax on wages paid to employees performing services directly related to addressing critical medical and scientific needs, as defined by regulations adopted by the Office. Section 31 requires the Office to grant such an application if: (1) the applicant enters into an agreement authorizing the Office to conduct audits of the applicant and to remain in business in this State for a certain period of time; and (2) the Office finds that the business meets certain requirements relating to wages and benefits for employees and economic activity in this State. Additionally, if the applicant is requesting a partial abatement of certain taxes imposed for the benefit of public schools, section 31 requires the applicant to obtain the approval of a supermajority of the Board of Economic Development. Section 31 requires the Office, when authorizing abatements, to prioritize businesses that will serve certain underserved populations. Sections ~~[35, 36 and 37]~~ 35-37 of this bill establish the duration and amount of the abatements. Sections 18-20, 30 and 32-34 of this bill make various changes so that a partial abatement granted pursuant to section 31 is treated in the same manner as other similar abatements authorized by law.

Existing law authorizes a person who maintains or intends to locate a business in this State to apply to the Office for an abatement on certain taxes imposed on eligible machinery or equipment used by the business. (NRS 374.357) Section 38 of this bill provides that equipment used for medical treatment is not eligible machinery or equipment for that purpose,

thereby authorizing a business to obtain an abatement for certain taxes imposed on such equipment pursuant to sections 31 and 35-37.

With certain exceptions, existing federal and state law prohibits a person or governmental entity from providing a public benefit to an alien who is not legally present in the United States, except where a state law affirmatively provides for such eligibility. (8 U.S.C. § 1621; NRS 422.065, 422A.085) Section 39 of this bill ~~[affirmatively]~~ requires the Director to ~~[include in the State Plan for Medicaid authorization for any person who otherwise qualifies for Medicaid to enroll in Medicaid, regardless of his or her immigration or citizenship status.]~~ provide coverage under Medicaid for persons who qualify for the federal Deferred Action for Childhood Arrivals Program and meet all requirements to be eligible for Medicaid, except for the requirements governing immigration status. Section 39 also requires the Director to establish programs to provide coverage for: (1) persons under 27 years of age who are not eligible for Medicaid because of their immigration status; and (2) prenatal, labor and delivery and postpartum care for mothers who are not eligible for Medicaid because of their immigration status. Section 43 of this bill removes the requirement that a person who is not a citizen or national of the United States must be a qualified alien under federal law to receive Medicaid. Section 26 of this bill makes a conforming change to indicate the proper placement of section 39 in the Nevada Revised Statutes.

Under existing law, the Division of Welfare and Supportive Services of the Department administers provisions concerning applications for Medicaid and the Children's Health Insurance Program. (NRS 422A.3351, 422A.336) Section 41 of this bill creates the Medicaid Outreach Advisory Committee within the Division. Section 42 of this bill requires the Advisory Committee to: (1) advise the Department, the Division of Health Care Financing and Policy of the Department and the Division of Welfare and Supportive Services concerning outreach to, and maximizing enrollment in Medicaid and the Children's Health Insurance Program of, members of marginalized or underserved communities; and (2) annually post a report of the activities of the Advisory Committee on the Internet.

Existing law establishes the Silver State Health Insurance Exchange to facilitate the purchase of subsidized health plans by certain small employers and natural persons who are citizens of the United States or otherwise lawfully present in the United States. (Chapter 695I of NRS) Section 54.3 of this bill requires Executive Director of the Exchange, in collaboration with the Director of the Department of Health and Human Services, to apply for a federal waiver to authorize any natural person to purchase a qualified health plan on the Exchange, regardless of his or her immigration status, if the natural person otherwise qualifies to purchase such a plan on the Exchange. Section 54.6 of this bill makes a conforming change to indicate that the waiver authorizes natural persons who are not lawfully present in the United States to purchase such qualified health plans.

Section 58 of this bill requires the Joint Interim Standing Committee on Health and Human Services to study, during the 2023-2024 interim, the feasibility of including in the State Plan for Medicaid coverage of digital health products and the procedures for and costs of providing such coverage. Section 58.5 of this bill requires the Joint Interim Standing Committee to study, during the 2023-2024 interim: (1) the feasibility of and necessary steps for creating a natural persons index for this State; and (2) procedures governing data registries and ways to streamline the collection of data and reduce the burden of reporting requirements applicable to providers of health care. Section 59 of this bill requires the Department of Health and Human Services, during the 2023-2024 interim, to: (1) evaluate the workforce of the Department to determine whether adding, eliminating or revising the salary for any position within the Department would increase the effectiveness or efficiency of the operations of the Department; and (2) take any action recommended by the evaluation which does not require legislation unless the Director determines that the action is not feasible or advisable. Section 59 also requires the Department to submit to the Legislature a report concerning the evaluation and actions resulting from the evaluation.

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

Section 1. Chapter 439 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~The Department shall, after notice and the opportunity for a hearing, notify each regulatory body of this State that has issued a current, valid license to a licensed provider or insurer if:~~

~~(a) The Department determines that the licensed provider or insurer is not in compliance with the requirements of subsection 4 of NRS 439.589; and~~

~~(b) The licensed provider or insurer:~~

~~(1) Is not exempt from those requirements pursuant to subsection 5 of NRS 439.589; and~~

~~(2) Has not received a waiver of those requirements pursuant to subsection 6 of NRS 439.589.~~

2. ~~If the Department determines that a holder of a license which has been suspended pursuant to NRS 629.051 or section 9, 17, 47, 50 or 53 of this act licensed provider or insurer for which notice was previously provided pursuant to subsection 1 has come into compliance with the requirements of subsection 4 of NRS 439.589, the Department shall immediately notify the regulatory body that issued the license.~~

3. ~~The Director shall adopt regulations to carry out the provisions of this section. Those regulations must prescribe:~~

~~(a) The required contents of any notice provided to subsection 1 to a licensed provider or insurer;~~

~~(b) The amount of time after the provision of such a notice within which a licensed provider or insurer must come into compliance with the requirements of subsection 4 of NRS 439.589 or request a hearing before the~~

~~Department will notify any regulatory body of this State that issued a license to the licensed provider or insurer; and~~

~~(c) The process for verifying compliance with requirements of subsection 4 of NRS 439.589 for the purposes of paragraph (b) or subsection 2.~~

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

(a) "License" means any license, certificate, registration, permit or similar type of authorization to practice an occupation or profession or engage in a business in this State issued to a licensed provider or insurer.

(b) "Licensed provider or insurer" means:

(1) A medical facility licensed pursuant to chapter 449 of NRS;

(2) The holder of a permit to operate an ambulance, an air ambulance or a vehicle of a fire-fighting agency pursuant to chapter 450B of NRS;

(3) A provider of health care, as defined in NRS 629.031, who is licensed pursuant to title 54 of NRS; or

(4) Any person licensed pursuant to title 57 of NRS.

(c) "Regulatory body" means any governmental entity that issues a license.

Sec. 2. NRS 439.580 is hereby amended to read as follows:

439.580 1. Any local health officer or a deputy of a local health officer who neglects or fails to enforce the provisions of this chapter in his or her jurisdiction, or neglects or refuses to perform any of the duties imposed upon him or her by this chapter or by the instructions and directions of the Division shall be punished by a fine of not more than \$250.

2. ~~Each~~ Except as otherwise provided in NRS 439.589, each person who violates any of the provisions of this chapter or refuses or neglects to obey any lawful order, rule or regulation of the:

(a) State Board of Health or violates any rule or regulation approved by the State Board of Health pursuant to NRS 439.350, 439.366, 439.410 and 439.460; or

(b) Director adopted pursuant to NRS 439.538 or 439.581 to 439.595, inclusive, *and section 1 of this act*,

↪ is guilty of a misdemeanor.

Sec. 3. NRS 439.581 is hereby amended to read as follows:

439.581 As used in NRS 439.581 to 439.595, inclusive, *and section 1 of this act*, unless the context otherwise requires, the words and terms defined in NRS 439.582 to 439.585, inclusive, have the meanings ascribed to them in those sections.

Sec. 4. NRS 439.587 is hereby amended to read as follows:

439.587 1. The Director is the state authority for health information technology. ~~The Director shall:~~

~~(a) Ensure that a health information exchange complies with the specifications and protocols for exchanging electronic health records, health-related information and related data prescribed pursuant to the provisions of the Health Information Technology for Economic and Clinical~~

Health Act of 2009, 42 U.S.C. §§ 300jj et seq. and 17901 et seq., and other applicable federal and state law;

~~—(b) Encourage the use of a health information exchange by health care providers, payers and patients;~~

~~—(c) Prescribe by regulation standards for the electronic transmittal of electronic health records, prescriptions, health related information, electronic signatures and requirements for electronic equivalents of written entries or written approvals in accordance with federal law;~~

~~—(d) Prescribe by regulation rules governing the ownership, management and use of electronic health records, health related information and related data retained or shared by a health information exchange; and~~

~~—(e) Prescribe by regulation, in consultation with the State Board of Pharmacy, standards for the electronic transmission of prior authorizations for prescription medication using a health information exchange.]~~

2. The Director may establish or contract with not more than one health information exchange to serve as the statewide health information exchange to be responsible for compiling statewide master indexes of patients, health care providers and payers. The Director may by regulation prescribe the requirements for a statewide health information exchange, including, without limitation, the procedure by which any patient, health care provider or payer master index created pursuant to any contract is transferred to the State upon termination of the contract.

3. The Director may enter into contracts, apply for and accept available gifts, grants and donations, and adopt such regulations as are necessary to carry out the provisions of NRS 439.581 to 439.595, inclusive ~~[–]~~ , and *section 1 of this act.*

Sec. 4.5. NRS 439.587 is hereby amended to read as follows:

439.587 1. The Director is the state authority for health information technology.

2. ~~[The Director may establish or contract with not more than one health information exchange to serve as the statewide health information exchange to be responsible for compiling statewide master indexes of patients, health care providers and payers. The Director may by regulation prescribe the requirements for a statewide health information exchange, including, without limitation, the procedure by which any patient, health care provider or payer master index created pursuant to any contract is transferred to the State upon termination of the contract.]~~

~~—3.]~~ The Director may enter into contracts, apply for and accept available gifts, grants and donations, and adopt such regulations as are necessary to carry out the provisions of NRS 439.581 to 439.595, inclusive, and section 1 of this act.

Sec. 5. NRS 439.588 is hereby amended to read as follows:

439.588 1. A health information exchange shall not operate in this State without first obtaining certification as provided in subsection 2.

2. The Director shall by regulation establish the manner in which a health information exchange may apply for certification and the requirements for granting such certification, which must include, without limitation, that the health information exchange demonstrate its financial and operational sustainability, adherence to the privacy, security and patient consent standards adopted pursuant to NRS 439.589 and capacity for interoperability with any other health information exchange certified pursuant to this section.

3. The Director may deny an application for certification or may suspend or revoke any certification issued pursuant to subsection 2 for failure to comply with the provisions of NRS 439.581 to 439.595, inclusive, *and section 1 of this act* or the regulations adopted pursuant thereto or any applicable federal or state law.

4. When the Director intends to deny, suspend or revoke a certification, he or she shall give reasonable notice to all parties by certified mail. The notice must contain the legal authority, jurisdiction and reasons for the action to be taken. A health information exchange that wishes to contest the action of the Director must file an appeal with the Director.

5. The Director shall adopt regulations establishing the manner in which a person may file a complaint with the Director regarding a violation of the provisions of this section.

6. The Director may impose an administrative fine against a health information exchange which operates in this State without holding a certification in an amount established by the Director by regulation. The Director shall afford a health information exchange so fined an opportunity for a hearing pursuant to the provisions of NRS 233B.121.

7. The Director may adopt such regulations as he or she determines are necessary to carry out the provisions of this section.

Sec. 6. NRS 439.589 is hereby amended to read as follows:

439.589 1. The Director, *in consultation with health care providers, third parties and other interested persons and entities*, shall by regulation prescribe a framework for the electronic maintenance, transmittal and exchange of electronic health records, prescriptions, health-related information and electronic signatures and requirements for electronic equivalents of written entries or written approvals in accordance with federal law. *The regulations must:*

(a) Establish standards for:

~~—(a)—~~ for networks and technologies to be used to maintain, transmit and exchange health information, including, without limitation, standards:

(1) That require:

(I) The use of networks and technologies that allow patients to access electronic health records directly from the health care provider of the patient and forward such electronic health records electronically to other persons and entities; and

(II) The interoperability of such networks and technologies in accordance with the applicable standards for the interoperability of

Qualified Health Information Networks prescribed by the Office of the National Coordinator for Health Information Technology of the United States Department of Health and Human Services;

(2) To ensure that electronic health records retained or shared ~~by any health information exchange~~ are secure;

~~[(b)]~~ (3) To maintain the confidentiality of electronic health records and health-related information, including, without limitation, standards to maintain the confidentiality of electronic health records relating to a child who has received health care services without the consent of a parent or guardian and which ensure that a child's right to access such health care services is not impaired;

~~[(e)]~~ (4) To ensure the privacy of individually identifiable health information, including, without limitation, standards to ensure the privacy of information relating to a child who has received health care services without the consent of a parent or guardian;

~~[(d)]~~ (5) For obtaining consent from a patient before retrieving the patient's health records from a health information exchange, including, without limitation, standards for obtaining such consent from a child who has received health care services without the consent of a parent or guardian;

~~[(e)]~~ (6) For making any necessary corrections to information or records ~~retained or shared by a health information exchange; and~~
~~—[(f)] ;~~

(7) For notifying a patient if the confidentiality of information contained in an electronic health record of the patient is breached ~~[-]~~ ;

(8) *Governing the ownership, management and use of electronic health records, health-related information and related data; and*

(9) *For the electronic transmission of prior authorizations for prescription medication;*

(b) Ensure compliance with the specifications and protocols for exchanging electronic health records, health-related information and related data prescribed pursuant to the provisions of the Health Information Technology for Economic and Clinical Health Act, 42 U.S.C. §§ 300jj et seq. and 17901 et seq., and other applicable federal and state law; and

(c) Be based on nationally recognized best practices for maintaining, transmitting and exchanging health information electronically.

2. The standards prescribed pursuant to this section must include, without limitation:

(a) Requirements for the creation, maintenance and transmittal of electronic health records;

(b) Requirements for protecting confidentiality, including control over, access to and the collection, organization and maintenance of electronic health records, health-related information and individually identifiable health information;

(c) Requirements for the manner in which a patient may, through a health care provider who participates in the sharing of health records using a health

information exchange, revoke his or her consent for a health care provider to retrieve the patient's health records from the health information exchange;

(d) A secure and traceable electronic audit system for identifying access points and trails to electronic health records and health information exchanges; and

(e) Any other requirements necessary to comply with all applicable federal laws relating to electronic health records, health-related information, health information exchanges and the security and confidentiality of such records and exchanges.

3. *The regulations adopted pursuant to this section must not require any person or entity to use a health information exchange.*

4. *Except as otherwise provided in subsections 5 and 6, the Department and the divisions thereof, other state and local governmental entities, health care providers, third parties, pharmacy benefit managers and other entities licensed or certified pursuant to title 57 of NRS shall maintain, transmit and exchange health information in accordance with the regulations adopted pursuant to this section, the provisions of NRS 439.581 to 439.595, inclusive, and section 1 of this act, and any other regulations adopted pursuant thereto.*

5. *The Federal Government and employees thereof, a provider of health coverage for federal employees, a provider of health coverage that is subject to the Employee Retirement Income Security Act of 1974, 29 U.S.C. §§ 1001 et seq., or a Taft-Hartley trust formed pursuant to 29 U.S.C. § 186(c)(5) is not required to but may maintain, transmit and exchange electronic information in accordance with the regulations adopted pursuant to this section.*

6. *A health care provider may apply to the Department for a waiver from the provisions of subsection 4 on the basis that the health care provider does not have the infrastructure necessary to comply with those provisions, including, without limitation, because the health care provider does not have access to the Internet. The Department shall grant a waiver if it determines that:*

(a) *The health care provider does not currently have the infrastructure necessary to comply with the provisions of subsection 4; and*

(b) *Obtaining such infrastructure is not reasonably practicable, including, without limitation, because the cost of such infrastructure would make it difficult for the health care provider to continue to operate.*

7. *A violation of the provisions of this section or any regulations adopted pursuant thereto is not a misdemeanor.*

8. *As used in this section:*

(a) *"Pharmacy benefit manager" has the meaning ascribed to it in NRS 683A.174.*

(b) *"Third party" means any insurer, governmental entity or other organization providing health coverage or benefits in accordance with state or federal law.*

Sec. 7. NRS 439.593 is hereby amended to read as follows:

439.593 A health care provider who with reasonable care *transmits, accesses, utilizes, discloses, relies upon or provides to a patient* an apparently genuine electronic health record accessed ~~[from a health information exchange to make a decision concerning the provision of health care to a patient]~~ in accordance with NRS 439.581 to 439.595, inclusive, and section 1 of this act, and the regulations adopted pursuant thereto is immune from civil or criminal liability for ~~[the]~~ any decision concerning the provision of health care to the patient and any civil or criminal liability resulting from the provision of the record to a patient if:

1. The electronic health record is inaccurate;
2. The inaccuracy was not caused by the health care provider;
3. The inaccuracy resulted in an inappropriate health care decision; and
4. The health care decision was appropriate based upon the information contained in the inaccurate electronic health record.

Sec. 8. NRS 439.595 is hereby amended to read as follows:

439.595 Providing information to , *transmitting, accessing, utilizing or disclosing* an electronic health record or participating in a health information exchange in accordance with NRS 439.581 to 439.595, inclusive, and section 1 of this act does not constitute an unfair trade practice pursuant to chapter 598A or 686A of NRS.

Sec. 9. Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the Division receives notification from the Department of Health and Human Services pursuant to section 1 of this act that ~~it~~

~~1. A] a medical facility licensed pursuant to this chapter is not in compliance with the requirements of subsection 4 of NRS 439.589, the Division shall immediately suspend the license of the facility until the license is reinstated pursuant to subsection 2.~~

~~2. A facility whose license has been suspended pursuant to subsection 1 has come into compliance with the requirements of subsection 4 of NRS 439.589, the Division shall immediately reinstate the license of the facility.]~~ may, after notice and the opportunity for a hearing in accordance with the provisions of this chapter, require corrective action or impose an administrative penalty in the amount prescribed by NRS 449.163.

2. The Division shall not suspend or revoke a license for failure to comply with the requirements of subsection 4 of NRS 439.589.

Sec. 10. NRS 449.029 is hereby amended to read as follows:

449.029 As used in NRS 449.029 to 449.240, inclusive, and section 9 of this act, unless the context otherwise requires, "medical facility" has the meaning ascribed to it in NRS 449.0151 and includes a program of hospice care described in NRS 449.196.

Sec. 11. NRS 449.0301 is hereby amended to read as follows:

449.0301 The provisions of NRS 449.029 to 449.2428, inclusive, and section 9 of this act do not apply to:

1. Any facility conducted by and for the adherents of any church or religious denomination for the purpose of providing facilities for the care and treatment of the sick who depend solely upon spiritual means through prayer for healing in the practice of the religion of the church or denomination, except that such a facility shall comply with all regulations relative to sanitation and safety applicable to other facilities of a similar category.

2. Foster homes as defined in NRS 424.014.

3. Any medical facility, facility for the dependent or facility which is otherwise required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed that is operated and maintained by the United States Government or an agency thereof.

Sec. 12. NRS 449.0302 is hereby amended to read as follows:

449.0302 1. The Board shall adopt:

(a) Licensing standards for each class of medical facility or facility for the dependent covered by NRS 449.029 to 449.2428, inclusive, *and section 9 of this act* and for programs of hospice care.

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

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

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

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

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

(g) Any other regulations as it deems necessary or convenient to carry out the provisions of NRS 449.029 to 449.2428, inclusive ~~[-]~~, *and section 9 of this act*.

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

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

(b) Residential facilities for groups,

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

3. The Board shall adopt separate regulations for:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Before authorizing a person to move into the facility, the facility makes a full written disclosure to the person regarding what services of

personalized care will be available to the person and the amount that will be charged for those services throughout the resident's stay at the facility.

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

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

(2) Contain a sleeping area or bedroom; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) Require a natural person responsible for the operation of a provider of community-based living arrangement services to receive training concerning

the provisions of title 53 of NRS applicable to the provision of community-based living arrangement services; and

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

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

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

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

13. As used in this section, "living unit" means an individual private accommodation designated for a resident within the facility.

Sec. 13. NRS 449.160 is hereby amended to read as follows:

449.160 1. The Division may deny an application for a license or may suspend or revoke any license issued under the provisions of NRS 449.029 to 449.2428, inclusive, *and section 9 of this act* upon any of the following grounds:

(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410 or 449.029 to 449.245, inclusive, *and section 9 of this act*, or of any other law of this State or of the standards, rules and regulations adopted thereunder.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the premises for which a license is issued.

(d) Conduct or practice detrimental to the health or safety of the occupants or employees of the facility.

(e) Failure of the applicant to obtain written approval from the Director of the Department of Health and Human Services as required by NRS 439A.100 or as provided in any regulation adopted pursuant to NRS 449.001 to 449.430, inclusive, *and section 9 of this act*, and 449.435 to 449.531, inclusive, and chapter 449A of NRS if such approval is required.

(f) Failure to comply with the provisions of NRS 441A.315 and any regulations adopted pursuant thereto or NRS 449.2486.

(g) Violation of the provisions of NRS 458.112.

2. In addition to the provisions of subsection 1, the Division may revoke a license to operate a facility for the dependent if, with respect to that facility, the licensee that operates the facility, or an agent or employee of the licensee:

- (a) Is convicted of violating any of the provisions of NRS 202.470;
- (b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or
- (c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.

3. The Division shall maintain a log of any complaints that it receives relating to activities for which the Division may revoke the license to operate a facility for the dependent pursuant to subsection 2. The Division shall provide to a facility for the care of adults during the day:

- (a) A summary of a complaint against the facility if the investigation of the complaint by the Division either substantiates the complaint or is inconclusive;
- (b) A report of any investigation conducted with respect to the complaint; and
- (c) A report of any disciplinary action taken against the facility.

➔ The facility shall make the information available to the public pursuant to NRS 449.2486.

4. On or before February 1 of each odd-numbered year, the Division shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:

- (a) Any complaints included in the log maintained by the Division pursuant to subsection 3; and
- (b) Any disciplinary actions taken by the Division pursuant to subsection 2.

Sec. 14. NRS 449.163 is hereby amended to read as follows:

449.163 1. In addition to the payment of the amount required by NRS 449.0308, if a medical facility, facility for the dependent or facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed violates any provision related to its licensure, including any provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, *and section 9 of this act* or any condition, standard or regulation adopted by the Board, the Division, in accordance with the regulations adopted pursuant to NRS 449.165, may:

- (a) Prohibit the facility from admitting any patient until it determines that the facility has corrected the violation;
- (b) Limit the occupancy of the facility to the number of beds occupied when the violation occurred, until it determines that the facility has corrected the violation;
- (c) If the license of the facility limits the occupancy of the facility and the facility has exceeded the approved occupancy, require the facility, at its own expense, to move patients to another facility that is licensed;

(d) Impose an administrative penalty of not more than \$5,000 per day for each violation, together with interest thereon at a rate not to exceed 10 percent per annum; and

(e) Appoint temporary management to oversee the operation of the facility and to ensure the health and safety of the patients of the facility, until:

(1) It determines that the facility has corrected the violation and has management which is capable of ensuring continued compliance with the applicable statutes, conditions, standards and regulations; or

(2) Improvements are made to correct the violation.

2. If the facility fails to pay any administrative penalty imposed pursuant to paragraph (d) of subsection 1, the Division may:

(a) Suspend the license of the facility until the administrative penalty is paid; and

(b) Collect court costs, reasonable attorney's fees and other costs incurred to collect the administrative penalty.

3. The Division may require any facility that violates any provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, *and section 9 of this act* or any condition, standard or regulation adopted by the Board to make any improvements necessary to correct the violation.

4. Any money collected as administrative penalties pursuant to paragraph (d) of subsection 1 must be accounted for separately and used to administer and carry out the provisions of NRS 449.001 to 449.430, inclusive, *and section 9 of this act*, 449.435 to 449.531, inclusive, and chapter 449A of NRS to protect the health, safety, well-being and property of the patients and residents of facilities in accordance with applicable state and federal standards or for any other purpose authorized by the Legislature.

Sec. 15. ~~[NRS 449.170 is hereby amended to read as follows:
449.170 1. [When] Except where immediate suspension is required by section 9 of this act, when the Division intends to deny, suspend or revoke a license, or impose any sanction prescribed by NRS 449.163, it shall give reasonable notice to all parties by certified mail. The notice must contain the legal authority, jurisdiction and reasons for the action to be taken. Notice is not required if the Division finds that the public health requires immediate action. In that case, it may order a summary suspension of a license pursuant to this section and NRS 233B.127 or impose any sanction prescribed by NRS 449.163, pending proceedings for revocation or other action.
2. If a person wants to contest the action of the Division, the person must file an appeal pursuant to regulations adopted by the Board.
3. Upon receiving notice of an appeal, the Division shall hold a hearing pursuant to regulations adopted by the Board.
4. The Board shall adopt such regulations as are necessary to carry out the provisions of this section.] (Deleted by amendment.)~~

Sec. 16. NRS 449.240 is hereby amended to read as follows:

449.240 The district attorney of the county in which the facility is located shall, upon application by the Division, institute and conduct the

prosecution of any action for violation of any provisions of NRS 449.029 to 449.245, inclusive ~~[,]~~, *and section 9 of this act.*

Sec. 17. Chapter 450B of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the health authority receives notification from the Department of Health and Human Services pursuant to section 1 of this act that ~~+~~

~~*1. The holder of a permit to operate an ambulance, air ambulance or vehicle of a fire-fighting agency is not in compliance with the requirements of subsection 4 of NRS 439.589, the health authority shall immediately suspend the permit until the permit is reinstated pursuant to subsection 2.*~~

~~*2. The holder of a permit to operate an ambulance, air ambulance or vehicle of a fire fighting agency which has been suspended pursuant to subsection 1 has come into compliance with the requirements of subsection 4 of NRS 439.589, the health authority shall immediately reinstate the permit.*~~
may, after notice and the opportunity for a hearing in accordance with the provisions of this chapter, require corrective action or impose an administrative penalty in an amount established by regulation of the board.

2. The health authority shall not suspend or revoke a permit for failure to comply with the requirements of subsection 4 of NRS 439.589.

Sec. 18. NRS 218D.355 is hereby amended to read as follows:

218D.355 1. Except as otherwise provided in NRS 360.753, 360.754, 360.893 and 360.965 ~~[,]~~ *and section 31 of this act*, any state legislation enacted on or after July 1, 2012, which authorizes or requires the Office of Economic Development to approve any abatement of taxes or increases the amount of any abatement of taxes which the Office is authorized or required to approve:

(a) Expires by limitation 10 years after the effective date of that legislation.

(b) Does not apply to:

(1) Any taxes imposed pursuant to NRS 374.110 and 374.111 or 374.190 and 374.191; or

(2) Any entity that receives:

(I) Any funding from a governmental entity, other than any private activity bonds as defined in 26 U.S.C. § 141; or

(II) Any real or personal property from a governmental entity at no cost or at a reduced cost.

(c) Requires each recipient of the abatement to submit to the Department of Taxation, on or before the last day of each even-numbered year, a report on whether the recipient is in compliance with the terms of the abatement. The Department of Taxation shall establish a form for the report and may adopt such regulations as it determines to be appropriate to carry out this paragraph. The report must include, without limitation:

(1) The date the recipient commenced operation in this State;

(2) The number of employees actually employed by the recipient and the average hourly wage of those employees;

(3) An accounting of any fees paid by the recipient to the State and to local governmental entities;

(4) An accounting of the property taxes paid by the recipient and the amount of those taxes that would have been due if not for the abatement;

(5) An accounting of the sales and use taxes paid by the recipient and the amount of those taxes that would have been due if not for the abatement;

(6) An accounting of the total capital investment made in connection with the project to which the abatement applies; and

(7) An accounting of the total investment in personal property made in connection with the project to which the abatement applies.

2. On or before January 15 of each odd-numbered year, the Department of Taxation shall:

(a) Based upon the information submitted to the Department of Taxation pursuant to paragraph (c) of subsection 1, prepare a written report of its findings regarding whether the costs of the abatement exceed the benefits of the abatement; and

(b) Submit the report to the Director for transmittal to the Legislature.

Sec. 19. NRS 231.0685 is hereby amended to read as follows:

231.0685 The Office shall, on or before January 15 of each odd-numbered year, prepare and submit to the Director of the Legislative Counsel Bureau for transmission to the Legislature a report concerning the abatements from taxation that the Office approved pursuant to NRS 274.310, 274.320, 274.330, 360.750, 360.752, 360.753 or 360.754 ~~[-]~~ *or section 31 of this act*. The report must set forth, for each abatement from taxation that the Office approved during the fiscal years which are 3 fiscal years and 6 fiscal years immediately preceding the submission of the report:

1. The dollar amount of the abatement;
2. The location of the business for which the abatement was approved;
3. The value of infrastructure included as an incentive for the business;
4. If applicable, the number of employees that the business for which the abatement was approved employs or will employ;
5. Whether the business for which the abatement was approved is a new business or an existing business;
6. The economic sector in which the business operates, the number of primary jobs related to the business, the average wage paid to employees of the business and the assessed values of personal property and real property of the business;
7. Any information concerning whether the business for which the abatement was approved participates or has participated in a program of workforce development, as defined in NRS 231.146, implemented by the Executive Director; and
8. Any other information that the Office determines to be useful.

Sec. 20. NRS 231A.170 is hereby amended to read as follows:

231A.170 1. For the purpose of NRS 231A.110, a qualified active low-income community business is limited to those businesses meeting the Small Business Administration size eligibility standards established in 13 C.F.R. §§ 121.101 to 201, inclusive, at the time the qualified low-income community investment is made. A business must be considered a qualified active low-income community business for the duration of the qualified community development entity's investment in, or loan to, the business if the entity reasonably expects, at the time it makes the investment or loan, that the business will continue to satisfy the requirements for being a qualified active low-income community business, other than the Small Business Administration size standards, throughout the entire period of the investment or loan.

2. Except as otherwise provided in this subsection, the businesses limited by this section do not include any business that derives or projects to derive 15 percent or more of its annual revenue from the rental or sale of real estate. This exclusion does not apply to a business that is controlled by, or under common control with, another business if the second business:

(a) Does not derive or project to derive 15 percent or more of its annual revenue from the rental or sale of real estate; and

(b) Is the primary tenant of the real estate leased from the first business.

3. Except as otherwise provided in subsection 4, the following businesses are not qualified active low-income community businesses:

(a) A business that has received an abatement from taxation pursuant to NRS 274.310, 274.320, 274.330, 360.750, 360.753 or 360.754 ~~or~~ *or section 31 of this act*.

(b) An entity that has liability for insurance premium tax on a premium tax report filed pursuant to NRS 680B.030.

(c) A business engaged in banking or lending.

(d) A massage parlor.

(e) A bath house.

(f) A tanning salon.

(g) A country club.

(h) A business operating under a nonrestricted license for gaming issued pursuant to NRS 463.170.

(i) A liquor store.

(j) A golf course.

4. A business that has received an abatement from taxation pursuant to NRS 274.310, 274.320, 274.330, 360.750, 360.753 or 360.754 *or section 31 of this act* is a qualified active low-income community business if the business elects to waive the abatement and provides written notice of the waiver of the abatement to the Office of Economic Development not later than the due date of the first payment of any tax which would be abated if the abatement became effective. If the business provides the written notice to the Office of Economic Development:

(a) Within the period required by this subsection:

(1) Any agreement entered into by the business and the Office of Economic Development pursuant to NRS 274.310, 274.320, 274.330, 360.750, 360.753 or 360.754 or *section 31 of this act* is void; and

(2) The Office of Economic Development must forward a copy of the written notice to the Department and each governmental entity or official to whom a copy of the certificate of eligibility for the abatement was forwarded.

(b) After the period required by this subsection has expired, the Office of Economic Development must provide written notice to the Department and the business that the abatement has not been waived and the business is not a qualified active low-income community business.

Sec. 21. Chapter 232 of NRS is hereby amended by adding thereto the provisions set forth as sections 22, 23 and 24 of this act.

Sec. 22. *As used in this section and sections 23 and 24 of this act, unless the context otherwise requires, "Hub" means the Nevada Innovation Hub established by section 23 of this act.*

Sec. 23. 1. *The Nevada Innovation Hub is hereby established within the Department.*

2. *The Director shall appoint the Chief Data Officer to serve as the executive head of the Hub. The Chief Data Officer is in the unclassified service of the State and serves at the pleasure of the Director.*

3. *The Chief Data Officer shall:*

(a) *Oversee the operations of the Hub;*

(b) *Advise the Department, the divisions of the Department and county, city and district boards of health and health departments regarding best practices concerning the creation and maintenance of data; and*

(c) *Coordinate planning concerning data analytics and transparency for the Department.*

4. *The Department shall provide any additional personnel, facilities, equipment and supplies required by the Hub to carry out the provisions of this section and section 24 of this act.*

Sec. 24. 1. *The Hub shall:*

(a) *Obtain information relating to public health from:*

(1) *The Department and its divisions;*

(2) *County, city and district boards of health and health departments;*
and

(3) *Persons and entities who provide such information pursuant to subsection 2.*

(b) *Establish and maintain a program to:*

(1) *Collect, analyze and exchange the information described in paragraph (a); and*

(2) *Make the information described in paragraph (a) available to state agencies, political subdivisions of this State, educational institutions, researchers, nongovernmental organizations and the general public in accordance with the regulations adopted pursuant to paragraph (c).*

(c) Adopt regulations prescribing:

(1) The information that must be submitted to the Hub by the Department, its divisions and county, city and district boards of health and health departments;

(2) The procedure for submitting information to the Hub; and

(3) Procedures by which state agencies, political subdivisions of this State, educational institutions, researchers, nongovernmental organizations and the general public may request the information described in paragraph (a).

(d) Establish policies to protect the privacy of the information described in paragraph (a) in accordance with all applicable state and federal law.

(e) Maintain the security of the information described in paragraph (a).

(f) Conduct operational and procedural audits of the Department and its divisions.

(g) Perform financial planning for and design and implement projects to improve the efficiency of the Department and its divisions.

(h) Advise and assist the Department and its divisions to identify and implement procedures to continuously improve processes.

(i) Perform any other duties assigned by the Director or the Chief Data Officer appointed pursuant to section 23 of this act.

2. The Hub may accept information relating to public health from any person or entity.

3. Except as otherwise provided in this subsection, the Department, a division thereof and a county, city or district board of health or health department shall submit to the Hub any information required by the regulations adopted pursuant to paragraph (c) of subsection 1 using the procedures prescribed by those regulations and provide any technical assistance necessary to facilitate the sharing of such information. The Department, a division thereof, or a county, city or district board of health or health department is not required to submit such information if the submission of the information may compromise an ongoing criminal or civil investigation.

4. The Hub shall not:

(a) Make information available where prohibited by federal or state law;

or

(b) Make personally identifiable information available to an educational institution, researcher, nongovernmental organization or the general public. Such information in the possession of the Hub is confidential and is not a public record.

5. The Hub shall be deemed the agent of any person or entity when sharing information submitted to the Hub in accordance with this section.

6. The sharing of information by the Hub with any agency or political subdivision of this State does not constitute a disclosure of the information for any purpose.

Sec. 25. NRS 232.290 is hereby amended to read as follows:

232.290 As used in NRS 232.290 to 232.4983, inclusive, *and sections 22, 23 and 24 of this act*, unless the context requires otherwise:

1. "Department" means the Department of Health and Human Services.
2. "Director" means the Director of the Department.

Sec. 26. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

- (1) The Administrator of the Aging and Disability Services Division;
- (2) The Administrator of the Division of Welfare and Supportive Services;
- (3) The Administrator of the Division of Child and Family Services;
- (4) The Administrator of the Division of Health Care Financing and Policy; and

(5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, *and section 39 of this act*, 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department.

Sec. 27. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830,

385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550,

696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, *and section 24 of this act*, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

- (1) Was not created or prepared in an electronic format; and
- (2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

- (1) Give access to proprietary software; or
- (2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 28. 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 439.581 to 439.595, inclusive, and section 1 of this act, 686A.135, 687B.352, 687B.408, 687B.723, 687B.725, 689B.030 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. 29. 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 439.581 to 439.595, inclusive, and section 1 of this act, 686A.135, 687B.352, 687B.409, 687B.723, 687B.725, 689B.0353, 689B.255, 695C.1723, 695G.150, 695G.155, 695G.160, 695G.162, 695G.1635, 695G.164, 695G.1645, 695G.1665, 695G.167, 695G.1675, 695G.170 to 695G.174, inclusive, 695G.176, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, and 695G.405, in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 30. NRS 353.207 is hereby amended to read as follows:

353.207 1. The Chief shall:

(a) Require the Office of Economic Development and the Office of Energy each periodically to conduct an analysis of the relative costs and benefits of each incentive for economic development previously approved by the respective office and in effect during the immediately preceding 2 fiscal years, including, without limitation, any abatement of taxes approved by the Office of Economic Development pursuant to NRS 274.310, 274.320, 274.330, 360.750, 360.752, 360.753, 360.754, 360.890, 360.950, 361.0687, 374.357 or 701A.210, *or section 31 of this act*, to assist the Governor and the Legislature in determining whether the economic benefits of the incentive have accomplished the purposes of the statute pursuant to which the incentive was approved and warrant additional incentives of that kind;

(b) Require each office to report in writing to the Chief the results of the analysis conducted by the office pursuant to paragraph (a); and

(c) Establish a schedule for performing and reporting the results of the analysis required by paragraph (a) which ensures that the results of the analysis reported by each office are included in the proposed budget prepared pursuant to NRS 353.205, as required by that section.

2. Each report prepared for the Chief pursuant to this section is a public record and is open to inspection pursuant to the provisions of NRS 239.010.

Sec. 31. Chapter 360 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A person who intends to locate or expand a business in ~~an academic medical district~~ the industry of health care in this State may apply to the Office of Economic Development pursuant to this section for a partial abatement of one or more of:*

(a) The local sales and use taxes imposed on the purchase of eligible machinery, equipment and supplies, as defined in section 37 of this act.

(b) The taxes imposed on the business pursuant to chapter 361 of NRS.

(c) The taxes imposed pursuant to chapter 363B of NRS on the wages paid by the business to employees of the business who perform services directly related to addressing a critical medical or scientific need, as defined by regulation of the Office of Economic Development.

2. *Notwithstanding the provisions of any law to the contrary and except as otherwise provided in subsection 3, the Office of Economic Development shall approve an application for a partial abatement if the Office makes the following determinations:*

(a) Not later than 1 year after the date on which the application was received by the Office, the applicant has executed an agreement with the Office which:

(1) Complies with the requirements of NRS 360.755;

(2) States the date on which the abatement becomes effective, as agreed to by the applicant and the Office, which must not be earlier than the date on

which the Office received the application and not later than 1 year after the date on which the Office approves the application;

(3) States that the business will, after the date on which a certificate of eligibility for the partial abatement is issued pursuant to subsection 4, continue in operation in this State for a period specified by the Office, which must be not less than 5 years, and will continue to meet the eligibility requirements set forth in this subsection; and

(4) Binds any successor in interest of the applicant for the specified period;

(b) The business is registered pursuant to the laws of this State or the applicant commits to obtaining a valid business license and all other permits required by the county, city or town in which the business operates;

(c) The average hourly wage that will be paid by the business to its employees in this State during the period of partial abatement is not less than 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year;

(d) The business will, by the eighth calendar quarter following the calendar quarter in which the abatement becomes effective, offer a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees, and the health care benefits the business offers to its employees in this State will meet the minimum requirements for health care benefits established by the Office;

(e) The business offers all employees at least 10 days of paid leave each calendar year, which may be used by employees of the business in accordance with a policy adopted by the business;

(f) The business will make a new capital investment of at least \$3,000,000 in this State within 1 year after receiving a certificate of eligibility for a partial abatement;

(g) The business engages in qualified research in the field of health care ~~at a location within an academic medical district~~ or provides health care services in this State; and

(h) If the application is for the partial abatement of the taxes imposed by the Local School Support Tax Law, the application has been approved by a vote of at least two-thirds of the members of the Board of Economic Development created by NRS 231.033.

3. The Office of Economic Development:

(a) In considering applications submitted pursuant to this section, shall prioritize applications which propose to serve rural areas, areas with a high ratio of patients to physicians and areas otherwise underserved by providers of health care;

~~(b)~~ (b) Shall approve or deny an application submitted pursuant to this section and notify the applicant of its decision not later than 45 days after receiving the application.

~~(c)~~ (c) Must not:

(1) Consider an application for a partial abatement unless the Office has requested a letter of acknowledgment of the request for the partial abatement from any affected county, school district, city or town and has complied with the requirements of NRS 360.757; or

(2) Approve a partial abatement for any applicant for a period of more than 10 years.

4. If the Office of Economic Development approves an application for a partial abatement pursuant to this section, the Office shall immediately forward a certificate of eligibility for the partial abatement to:

(a) The Department;

(b) The Nevada Tax Commission; and

(c) If the partial abatement is from personal property taxes, the appropriate county treasurer.

5. An applicant for a partial abatement pursuant to this section or an existing business whose partial abatement is in effect shall, upon the request of the Executive Director of the Office of Economic Development, furnish the Executive Director with copies of all records necessary to verify that the applicant meets the requirements of subsection 2.

6. If an applicant for a partial abatement pursuant to this section fails to execute the agreement described in paragraph (a) of subsection 2 within 1 year after the date on which the application was received by the Office, the applicant must not be approved for a partial abatement pursuant to this section unless the applicant submits a new application.

7. If a business whose partial abatement has been approved pursuant to this section and whose partial abatement is in effect ceases:

(a) To meet the requirements set forth in subsection 2; or

(b) Operation before the time specified in the agreement described in paragraph (a) of subsection 2,

↳ the business shall repay to the Department the amount of the partial abatement that was allowed pursuant to this section before the failure of the business to comply, unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the partial abatement required to be repaid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

8. The Office of Economic Development may adopt such regulations as the Office determines to be necessary to carry out the provisions of this section.

9. The Nevada Tax Commission may adopt such regulations as the Commission determines are necessary to carry out the provisions of this section.

10. An applicant for a partial abatement who is aggrieved by a final decision of the Office of Economic Development may petition a court of competent jurisdiction to review the decision in the manner provided in chapter 233B of NRS.

11. As used in this section:

~~(a) "Academic medical district" means an area defined by an ordinance enacted by a county or incorporated city that contains within its boundaries an educational institution that:~~

~~— (1) Includes an allopathic medical school that is accredited by the Liaison Committee on Medical Education of the American Medical Association and the Association of American Medical Colleges or their respective successor organizations, or a school of osteopathic medicine that is accredited by the Commission on Osteopathic College Accreditation;~~

~~— (2) Includes at least one allied health professional school; and~~

~~— (3) Either owns or is affiliated with a teaching hospital or health care system.~~

~~— (b)~~ "Local sales and use taxes" means any taxes imposed on the gross receipts of any retailer from the sale of tangible personal property sold at retail, or stored, used or otherwise consumed, in any political subdivision of this State, except the taxes imposed by the Sales and Use Tax Act.

~~— (c)~~ (b) "Qualified research" has the meaning ascribed to it in 26 U.S.C. § 41(d).

Sec. 32. NRS 360.755 is hereby amended to read as follows:

360.755 1. If the Office of Economic Development approves an application by a business for an abatement of taxes pursuant to NRS 360.950 or a partial abatement pursuant to NRS 360.750, 360.752, 360.753, 360.754 or 360.890, or section 31 of this act, the agreement with the Office must provide that the business:

(a) Agrees to allow the Department to conduct audits of the business to determine whether the business is in full compliance with the requirements for the abatement or partial abatement; and

(b) Consents to the disclosure of the audit reports in the manner set forth in this section.

2. If the Department conducts an audit of the business to determine whether the business is in full compliance with the requirements for the abatement or partial abatement, the Department shall, upon request, provide the audit report to the Office of Economic Development.

3. Until the business has exhausted all appeals to the Department and the Nevada Tax Commission relating to the audit, the information contained in the audit report provided to the Office of Economic Development:

(a) Is confidential proprietary information of the business;

(b) Is not a public record; and

(c) Must not be disclosed to any person who is not an officer or employee of the Office of Economic Development unless the business consents to the disclosure.

4. After the business has exhausted all appeals to the Department and the Nevada Tax Commission relating to the audit:

(a) The audit report provided to the Office of Economic Development is a public record; and

(b) Upon request by any person, the Executive Director of the Office of Economic Development shall disclose the audit report to the person who made the request, except for any information in the audit report that is protected from disclosure pursuant to subsection 5.

5. Before the Executive Director of the Office of Economic Development discloses the audit report to the public, the business may submit a request to the Executive Director to protect from disclosure any information in the audit report which, under generally accepted business practices, would be considered a trade secret or other confidential proprietary information of the business. After consulting with the business, the Executive Director shall determine whether to protect the information from disclosure. The decision of the Executive Director is final and is not subject to judicial review. If the Executive Director determines to protect the information from disclosure, the protected information:

(a) Is confidential proprietary information of the business;

(b) Is not a public record;

(c) Must be redacted by the Executive Director from any audit report that is disclosed to the public; and

(d) Must not be disclosed to any person who is not an officer or employee of the Office of Economic Development unless the business consents to the disclosure.

Sec. 33. NRS 360.757 is hereby amended to read as follows:

360.757 1. The Office of Economic Development shall not take any action on an application for any abatement of taxes pursuant to NRS 274.310, 274.320, 274.330, 360.750, 360.753 or 360.754 or *section 31 of this act* or any other specific statute unless the Office:

(a) Takes that action at a public meeting conducted for that purpose; and

(b) At least 30 days before the meeting, provides notice of the application to:

(1) The governing body of the county, the board of trustees of the school district and the governing body of the city or town, if any, in which the pertinent business is or will be located;

(2) The governing body of any other political subdivision that could be affected by the abatement; and

(3) The general public.

2. The notice required by this section must set forth the date, time and location of the meeting at which the Office of Economic Development will consider the application.

3. The Office of Economic Development shall adopt regulations relating to the notice required by this section.

Sec. 34. NRS 360.7575 is hereby amended to read as follows:

360.7575 1. If the Office of Economic Development approves an application for an abatement of sales and use taxes pursuant to NRS 360.950 or a partial abatement of any sales and use taxes pursuant to NRS 274.310, 274.320, 274.330, 360.750, 360.753, 360.754 or 360.890, *or section 31 of this act*, the Department shall issue to the business a document certifying the abatement or partial abatement which can be presented to retailers at the time of purchase. The document must clearly state that the business is not required to pay sales and use taxes or the rate of sales and use tax that the business is required to pay.

2. If the Department has issued to a business a document pursuant to subsection 1 and the business pays an amount of sales and use taxes for which the business was entitled to an abatement because the business fails to present the document, the business may apply to the Department for a refund of the amount of sales and use tax paid for which the business was entitled to an abatement. If the Department has issued to a business a document pursuant to subsection 1 and the failure of the business to present the document results in the business paying the full amount of sales and use tax on 50 percent or more of the purchases for which the business was eligible for the abatement, the Department shall impose on the business a penalty equal to 10 percent of the total amount of the abatement. The Department shall distribute the proceeds of any penalty imposed pursuant to this subsection to each local government affected by a refund issued pursuant to this subsection in proportion to the amount of the refunds for which the affected local government is responsible.

3. If, after submitting an application for an abatement of sales and use taxes pursuant to NRS 360.950 or a partial abatement of any sales and use taxes pursuant to NRS 360.750, 360.753, 360.754 or 360.890 *or section 31 of this act* and before receiving the document issued pursuant to subsection 1, a business pays an amount of sales and use tax for which the business is entitled to an abatement, the business may apply to the Department for a refund of the amount of sales and use tax which the applicant paid for which the business is entitled to an abatement.

4. Notwithstanding any other provision of law, no interest is allowed on a refund made pursuant to subsection 2 or 3.

Sec. 35. Chapter 361 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A person who intends to locate or expand a business in the industry of health care in this State may, pursuant to section 31 of this act, apply to the Office of Economic Development for a partial abatement from the taxes imposed by this chapter.*

2. *If a partial abatement from the taxes imposed by this chapter on personal property located at the business is approved by the Office of Economic Development pursuant to section 31 of this act:*

(a) *The partial abatement must:*

(1) *Be for a duration of 10 years but not more than 20 years; and*

(2) *Equal 50 percent of the taxes imposed on the real property of the business each year pursuant to this chapter and 50 percent of the taxes imposed on the personal property of the business that is eligible machinery, equipment and supplies; and*

(3) *Be administered and carried out in the manner set forth in section 31 of this act.*

(b) *The Executive Director of the Office of Economic Development shall notify the county assessor of each county in which the business is located of the approval of the partial abatement, including, without limitation, the duration and percentage of the partial abatement that the Office granted. The Executive Director shall, on or before April 15 of each year, advise the county assessor of each county in which a business qualifies for a partial abatement during the current fiscal year as to whether the business is still eligible for the partial abatement in the next succeeding fiscal year.*

3. *As used in this section:*

(a) *"Eligible machinery, equipment and supplies" means machinery, equipment and supplies necessary to and specifically related to qualified research. The term does not include vehicles, buildings or the structural components of buildings.*

(b) *"Qualified research" has the meaning ascribed to it in 26 U.S.C. § 41(d).*

Sec. 36. Chapter 363B of NRS is hereby amended by adding thereto a new section to read as follows:

1. *An employer that qualifies pursuant to the provisions of section 31 of this act is entitled to an abatement of the amount of tax otherwise due pursuant to NRS 363B.110.*

2. *The abatement must:*

(a) *Be for a duration of 10 years; and*

(b) *Equal the amount of tax otherwise due pursuant to NRS 363B.110 on the wages of employees of the business who perform services directly related to addressing a critical medical or scientific need, as defined by regulations adopted by the Office of Economic Development pursuant to section 31 of this act.*

3. *If a partial abatement from the taxes otherwise due pursuant to NRS 363B.110 is approved by the Office of Economic Development pursuant to NRS 360.750, the partial abatement must be administered and carried out in the manner set forth in NRS 360.750.*

Sec. 37. Chapter 374 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A person who intends to locate or expand a business in the industry of health care in this State may, pursuant to section 31 of this act, apply to the Office of Economic Development for a partial abatement from the taxes imposed by this chapter on the gross receipts from the sale, and the storage,*

use or other consumption, of eligible machinery, equipment and supplies for use at the business which has been approved for a partial abatement pursuant to section 31 of this act.

2. *If an application for a partial abatement is approved:*

(a) *The business is eligible for an abatement from the tax imposed by this chapter for a period of 10 years.*

(b) *The abatement must be administered and carried out in the manner set forth in section 31 of this act.*

3. *As used in this section:*

(a) *"Eligible machinery, equipment and supplies" means machinery, equipment and supplies necessary to and specifically related to qualified research. The term does not include vehicles, buildings or the structural components of buildings.*

(b) *"Qualified research" has the meaning ascribed to it in 26 U.S.C. § 41(d).*

Sec. 38. NRS 374.357 is hereby amended to read as follows:

374.357 1. A person who maintains a business or intends to locate a business in this State may, pursuant to NRS 360.750, apply to the Office of Economic Development for an abatement from the taxes imposed by this chapter on the gross receipts from the sale, and the storage, use or other consumption, of eligible machinery or equipment for use by a business which has been approved for an abatement pursuant to NRS 360.750.

2. If an application for an abatement is approved pursuant to NRS 360.750:

(a) The taxpayer is eligible for an abatement from the tax imposed by this chapter for not more than 2 years.

(b) The abatement must be administered and carried out in the manner set forth in NRS 360.750.

3. As used in this section, unless the context otherwise requires, "eligible machinery or equipment" means machinery or equipment for which a deduction is authorized pursuant to 26 U.S.C. § 179. The term does not include:

(a) Buildings or the structural components of buildings;

(b) Equipment used by a public utility;

(c) ~~Equipment used for medical treatment;~~

~~—(d) Machinery or equipment used in mining; or~~

~~—(e) (d) Machinery or equipment used in gaming.~~

Sec. 39. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Legislature hereby finds and declares that it is the public policy of this State that each resident of this State who otherwise qualifies for enrollment in Medicaid, regardless of his or her immigration or citizenship status, is eligible to receive the benefits ~~for enrolling in Medicaid pursuant to 8 U.S.C. § 1621(d).~~ provided for by subsection 2.*

~~2. The Director shall include in the State Plan for Medicaid authorization for any person who otherwise qualifies for Medicaid to enroll in Medicaid, regardless of his or her immigration or citizenship status. Such authorization must be included regardless of whether federal financial participation is available to pay the costs of covering the persons authorized by this subsection to enroll in Medicaid.~~

~~3. To the extent that federal financial participation is available to pay the costs of covering the persons authorized by subsection 2 to enroll in Medicaid, the Director shall apply for any federal waivers or take any other action necessary to obtain such federal financial participation.]:~~

(a) Establish a program to provide coverage, to the same extent as coverage provided under Medicaid, to persons who:

(1) Are less than 27 years of age;

(2) Are not eligible for coverage under the State Plan for Medicaid because of their immigration status; and

(3) Would otherwise be eligible for Medicaid.

(b) Apply to the Secretary of Health and Human Services for any waiver, amendment of the State Plan for Medicaid or other federal authority necessary to provide coverage under Medicaid for persons who:

(1) Qualify for the federal Deferred Action for Childhood Arrivals Program established by the memorandum of the Secretary of Homeland Security issued on June 15, 2012; and

(2) Meet the requirements to be eligible for Medicaid, except for requirements concerning immigration status.

(c) Apply to the Secretary of Health and Human Services for any federal authority necessary to provide coverage under the Children's Health Insurance Program for the costs of prenatal care and labor and delivery for persons who:

(1) Are not eligible for coverage under the State Plan for Medicaid because of their immigration status; and

(2) Would otherwise be eligible for Medicaid.

(d) Establish a program to provide coverage, to the same extent as coverage provided under Medicaid, for postpartum care for persons who:

(1) Are not eligible for coverage under the State Plan for Medicaid because of their immigration status; and

(2) Would otherwise be eligible for Medicaid.

3. The Department shall:

(a) Cooperate with the Federal Government in obtaining any federal authority pursuant to paragraph (b) or (c) of subsection 2;

(b) If the Federal Government provides the authority necessary to provide the coverage described in paragraphs (b) and (c) of subsection 2, take any measures necessary to provide such coverage; and

(c) Implement the provisions of paragraphs (b) and (c) of subsection 2 only to the extent authorized by the Federal Government.

Sec. 40. Chapter 422A of NRS is hereby amended by adding thereto the provisions set forth as sections 41 and 42 of this act.

Sec. 41. 1. *The Medicaid Outreach Advisory Committee is hereby established within the Division of Welfare and Supportive Services.*

2. *The Advisory Committee consists of such members as are appointed by the Administrator. The members appointed by the Administrator must be persons with experience conducting outreach to persons described in subsection 1 of section 42 of this act.*

3. *Except as otherwise provided in this section, the members of the Advisory Committee must be appointed to terms of 4 years. The terms must be staggered in such a manner that, to the extent possible, the terms of one half of the members will expire every 2 years. The initial members of the Advisory Committee shall, at the first meeting of the board after their appointment, draw lots to determine which members will initially serve terms of 2 years and which will serve terms of 4 years. A member of the Advisory Committee may be reappointed.*

4. *A vacancy in the membership of the Advisory Committee must be filled in the same manner as the initial appointment.*

5. *The members of the Advisory Committee serve without compensation and are not entitled to the per diem and travel expenses provided for state officers and employees generally.*

6. *Each member of the Advisory Committee who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation so that the officer or employee may prepare for and attend meetings of the Advisory Committee and perform any work necessary to carry out the duties of the Advisory Committee in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Advisory Committee to make up the time the officer or employee is absent from work to carry out duties as a member of the Advisory Committee or use annual leave or compensatory time for the absence.*

7. *The Division shall provide such administrative support to the Advisory Committee as is necessary to carry out the duties of the Advisory Committee.*

8. *The Advisory Committee shall:*

(a) *Annually elect a Chair from among its members; and*

(b) *Meet at least once every 3 months at the times and places specified by a call of the Chair and may meet at such further times as deemed necessary by the Chair.*

9. *A majority of the voting members of the Advisory Committee constitutes a quorum for the transaction of business, and the affirmative vote of a majority of the members of the Advisory Committee is required to take action.*

Sec. 42. 1. *The Medicaid Outreach Advisory Committee created by section 41 of this act shall advise the Department, the Division of Health*

Care Financing and Policy and the Division of Welfare and Supportive Services concerning outreach to, and maximizing enrollment in Medicaid and the Children's Health Insurance Program of, members of marginalized or underserved communities, including, without limitation:

- (a) Racial and ethnic minorities;*
- (b) Persons who reside in rural areas;*
- (c) Persons with disabilities;*
- (d) Persons with mental illness;*
- (e) Persons with substance use disorders;*
- (f) Persons experiencing homelessness; and*
- (g) Parents or guardians of children who are persons described in paragraphs (a) to (f), inclusive.*

2. *The Advisory Committee shall annually compile a report of its activities and post the report on an Internet website maintained by the Division.*

Sec. 43. NRS 422A.372 is hereby amended to read as follows:

422A.372 1. The Department shall provide public assistance pursuant to:

(a) The program established to provide Temporary Assistance for Needy Families; or

(b) ~~Medicaid; or~~

~~—(c)—~~ Any program for which a grant has been provided to this State pursuant to 42 U.S.C. §§ 1397 et seq.,

↪ to a qualified person who is not a citizen or national of the United States who complies with the requirements established by the Department pursuant to federal law and this chapter for the receipt of benefits pursuant to that program.

2. A person who is not a citizen or national of the United States is considered "qualified" for the purposes of subsection 1 if the person meets the requirements of 8 U.S.C. § 1641(b).

Sec. 44. NRS 603A.100 is hereby amended to read as follows:

603A.100 1. The provisions of NRS 603A.010 to 603A.290, inclusive, do not apply to the maintenance or transmittal of information in accordance with NRS 439.581 to 439.595, inclusive, *and section 1 of this act* and the regulations adopted pursuant thereto.

2. A data collector who is also an operator, as defined in NRS 603A.330, shall comply with the provisions of NRS 603A.300 to 603A.360, inclusive.

3. Any waiver of the provisions of NRS 603A.010 to 603A.290, inclusive, is contrary to public policy, void and unenforceable.

Sec. 45. NRS 629.051 is hereby amended to read as follows:

629.051 1. Except as otherwise provided in this section and in regulations adopted by the State Board of Health pursuant to NRS 652.135 with regard to the records of a medical laboratory and unless a longer period is provided by federal law, each custodian of health care records shall retain the health care records of patients as part of the regularly maintained records

of the custodian for 5 years after their receipt or production. Health care records may be retained in written form, or by microfilm or any other recognized form of size reduction, including, without limitation, microfiche, computer disc, magnetic tape and optical disc, which does not adversely affect their use for the purposes of NRS 629.061. Health care records ~~may~~ :

(a) *Must, except as otherwise provided in subsections 5 and 6 of NRS 439.589, be created, maintained, transmitted and exchanged electronically as required by subsection 4 of NRS 439.589; and*

(b) *May be created, authenticated and stored in a ~~computer system~~ health information exchange which meets the requirements of NRS 439.581 to 439.595, inclusive, and section 1 of this act, and the regulations adopted pursuant thereto.*

2. A provider of health care shall post, in a conspicuous place in each location at which the provider of health care performs health care services, a sign which discloses to patients that their health care records may be destroyed after the period set forth in subsection 1.

3. When a provider of health care performs health care services for a patient for the first time, the provider of health care shall deliver to the patient a written statement which discloses to the patient that the health care records of the patient may be destroyed after the period set forth in subsection 1.

4. If a provider of health care fails to deliver the written statement to the patient pursuant to subsection 3, the provider of health care shall deliver to the patient the written statement described in subsection 3 when the provider of health care next performs health care services for the patient.

5. In addition to delivering a written statement pursuant to subsection 3 or 4, a provider of health care may deliver such a written statement to a patient at any other time.

6. A written statement delivered to a patient pursuant to this section may be included with other written information delivered to the patient by a provider of health care.

7. A custodian of health care records shall not destroy the health care records of a person who is less than 23 years of age on the date of the proposed destruction of the records. The health care records of a person who has attained the age of 23 years may be destroyed in accordance with this section for those records which have been retained for at least 5 years or for any longer period provided by federal law.

8. *If a health care licensing board receives notification from the Department of Health and Human Services pursuant to section 1 of this act that ~~it~~*

~~*(a) A provider of health care to which the health care licensing board has issued a license is not in compliance with the requirements of subsection 4 of NRS 439.589, the health care licensing board shall immediately suspend the license until the license is reinstated pursuant to paragraph (b).*~~

~~(b) A provider of health care whose license has been suspended pursuant to paragraph (a) has come into compliance with the requirements of subsection 4 of NRS 439.589, the Division shall immediately reinstate the license.]~~ may, after notice and the opportunity for a hearing in accordance with the provisions of this title, require corrective action or impose an administrative penalty in an amount not to exceed the maximum penalty that the health care licensing board is authorized to impose for other violations. The health care licensing board shall not suspend or revoke a license for failure to comply with the requirements of subsection 4 of NRS 439.589.

9. The provisions of this section , except for the provisions of paragraph (a) of subsection 1 and subsection 8, do not apply to a pharmacist.

~~¶9.]~~ 10. The State Board of Health shall adopt:

(a) Regulations prescribing the form, size, contents and placement of the signs and written statements required pursuant to this section; and

(b) Any other regulations necessary to carry out the provisions of this section.

11. As used in this section:

(a) "Health care licensing board" means:

(1) A board created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 641, 641A, 641B, 641C or 641D of NRS.

(2) The Division of Public and Behavioral Health of the Department of Health and Human Services.

(3) The State Board of Health with respect to licenses issued pursuant to chapter 640D or 640E of NRS.

(b) "License" has the meaning ascribed to it in section 1 of this act.

Sec. 46. NRS 654.190 is hereby amended to read as follows:

654.190 1. The Board may, after notice and an opportunity for a hearing as required by law, impose an administrative fine of not more than \$10,000 for each violation on, recover reasonable investigative fees and costs incurred from, suspend, revoke, deny the issuance or renewal of or place conditions on the license of, and place on probation or impose any combination of the foregoing on any licensee who:

(a) Is convicted of a felony relating to the practice of administering a nursing facility or residential facility or of any offense involving moral turpitude.

(b) Has obtained his or her license by the use of fraud or deceit.

(c) Violates any of the provisions of this chapter.

(d) Aids or abets any person in the violation of any of the provisions of NRS 449.029 to 449.2428, inclusive, and section 9 of this act, as those provisions pertain to a facility for skilled nursing, facility for intermediate care or residential facility for groups.

(e) Violates any regulation of the Board prescribing additional standards of conduct for licensees, including, without limitation, a code of ethics.

(f) Engages in conduct that violates the trust of a patient or resident or exploits the relationship between the licensee and the patient or resident for the financial or other gain of the licensee.

2. If a licensee requests a hearing pursuant to subsection 1, the Board shall give the licensee written notice of a hearing pursuant to NRS 233B.121 and 241.034. A licensee may waive, in writing, his or her right to attend the hearing.

3. The Board may compel the attendance of witnesses or the production of documents or objects by subpoena. The Board may adopt regulations that set forth a procedure pursuant to which the Chair of the Board may issue subpoenas on behalf of the Board. Any person who is subpoenaed pursuant to this subsection may request the Board to modify the terms of the subpoena or grant additional time for compliance.

4. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

5. The expiration of a license by operation of law or by order or decision of the Board or a court, or the voluntary surrender of a license, does not deprive the Board of jurisdiction to proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.

Sec. 47. Chapter 680A of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the Commissioner receives notification from the Department of Health and Human Services pursuant to section 1 of this act that ~~the~~

~~1. An insurer is not in compliance with the requirements of subsection 4 of NRS 439.589, the Commissioner shall immediately suspend the insurer's certificate of authority until the certificate of authority is reinstated pursuant to subsection 2.~~

~~2. An insurer whose certificate of authority has been suspended pursuant to subsection 1 has come into compliance with the requirements of subsection 4 of NRS 439.589, the Commissioner shall immediately reinstate the certificate of authority.~~ *may, after notice and the opportunity for a hearing in accordance with the provisions of this title, require corrective action or impose an administrative fine in the amount prescribed by NRS 680A.200.*

2. The Commissioner shall not suspend or revoke the certificate of authority of an insurer for failure to comply with the requirements of subsection 4 of NRS 439.589.

Sec. 48. NRS 680A.095 is hereby amended to read as follows:

680A.095 1. Except as otherwise provided in subsection 3, an insurer which is not authorized to transact insurance in this State may not transact reinsurance with a domestic insurer in this State, by mail or otherwise, unless the insurer holds a certificate of authority as a reinsurer in accordance with the provisions of NRS 680A.010 to 680A.150, inclusive, 680A.160 to 680A.280, inclusive, *and section 47 of this act*, 680A.320 and 680A.330.

2. To qualify for authority only to transact reinsurance, an insurer must meet the same requirements for capital and surplus as are imposed on an insurer which is authorized to transact insurance in this State.

3. This section does not apply to the joint reinsurance of title insurance risks or to reciprocal insurance authorized pursuant to chapter 694B of NRS.

Sec. 49. ~~[NRS 680A.220 is hereby amended to read as follows:~~

~~680A.220 1. [Suspension] Except as otherwise provided in section 47 of this act, suspension of an insurer's certificate of authority must be for such period as the Commissioner specifies in the order of suspension, but not to exceed 1 year. During the suspension period the Commissioner may rescind or shorten the suspension by further order.~~

~~2. During the suspension period the insurer shall not solicit or write any new business in this state, but must file its annual statement, pay fees, licenses and taxes as required under this Code, and may service its business already in force in this state, as if the certificate of authority had continued in full force.~~

~~3. Upon expiration of the suspension period, if within such period the certificate of authority has not terminated, the insurer's certificate of authority is automatically reinstated unless the Commissioner finds that the causes of the suspension, being other than a past event, are continuing, or that the insurer is otherwise not in compliance with the requirements of this Code, and of which the Commissioner shall give the insurer notice not less than 30 days in advance of expiration of the suspension period.~~

~~4. Upon reinstatement of the insurer's certificate of authority, the authority of its agents in this state to represent the insurer is also reinstated. The Commissioner shall promptly notify the insurer and its agents in this state, of record in the Division, of such reinstatement.] (Deleted by amendment.)~~

Sec. 50. Chapter 683A of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the Commissioner receives notification from the Department of Health and Human Services pursuant to section 1 of this act that ~~fr~~

~~1. An] an administrator is not in compliance with the requirements of subsection 4 of NRS 439.589, the Commissioner ~~shall immediately suspend the registration of the administrator until the registration is reinstated pursuant to subsection 2.~~~~

~~2. An administrator whose registration has been suspended pursuant to subsection 1 has come into compliance with the requirements of subsection 4 of NRS 439.589, the Commissioner shall immediately reinstate the registration.] may, after notice and the opportunity for a hearing in accordance with the provisions of this chapter, require corrective action or impose an administrative fine in the amount prescribed by NRS 683A.461.~~

2. The Commissioner shall not suspend or revoke the certificate of registration of an administrator for failure to comply with the requirements of subsection 4 of NRS 439.589.

Sec. 51. NRS 683A.3683 is hereby amended to read as follows:

683A.3683 A producer of limited lines travel insurance and each travel retailer, or employee or authorized representative of a travel retailer, who offers or disseminates travel insurance under the license of a producer of limited lines travel insurance shall be subject to the provisions of NRS 683A.451 to 683A.520, inclusive, *and section 50 of this act* and chapter 686A of NRS.

Sec. 52. NRS 692A.270 is hereby amended to read as follows:

692A.270 The provisions of NRS 683A.321, 683A.331, 683A.341, 683A.400, 683A.451 to 683A.490, inclusive, *and section 50 of this act* and 683A.520 apply to title insurers, title agents and escrow officers.

Sec. 53. Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the Commissioner receives notification from the Department of Health and Human Services pursuant to section 1 of this act that ~~1.~~

~~1. A health maintenance organization is not in compliance with the requirements of subsection 4 of NRS 439.589, the Commissioner shall immediately suspend the health maintenance organization's certificate of authority until the certificate of authority is reinstated pursuant to subsection 2.~~

~~2. A health maintenance organization whose certificate of authority has been suspended pursuant to subsection 1 has come into compliance with the requirements of subsection 4 of NRS 439.589, the Commissioner shall immediately reinstate the certificate of authority.~~ 1 may, after notice and the opportunity for a hearing in accordance with the provisions of this chapter, require corrective action or impose an administrative fine in the amount prescribed by NRS 695C.350.

2. The Commissioner shall not suspend or revoke the certificate of authority of a health maintenance organization for failure to comply with the requirements of subsection 4 of NRS 439.589.

Sec. 54. ~~NRS 695C.330 is hereby amended to read as follows:~~

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

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

~~(b) The health maintenance organization issues evidence of coverage or uses a schedule of charges for health care services which do not comply with the requirements of NRS 695C.1691 to 695C.200, inclusive, or 695C.207;~~

~~— (c) The health care plan does not furnish comprehensive health care services as provided for in NRS 695C.060;~~

~~— (d) The Commissioner certifies that the health maintenance organization:~~

~~— (1) Does not meet the requirements of subsection 1 of NRS 695C.080; or~~

~~— (2) Is unable to fulfill its obligations to furnish health care services as required under its health care plan;~~

~~— (e) The health maintenance organization is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees;~~

~~— (f) The health maintenance organization has failed to put into effect a mechanism affording the enrollees an opportunity to participate in matters relating to the content of programs pursuant to NRS 695C.110;~~

~~— (g) The health maintenance organization has failed to put into effect the system required by NRS 695C.260 for:~~

~~— (1) Resolving complaints in a manner reasonably to dispose of valid complaints; and~~

~~— (2) Conducting external reviews of adverse determinations that comply with the provisions of NRS 695C.241 to 695C.310, inclusive;~~

~~— (h) The health maintenance organization or any person on its behalf has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive or unfair manner;~~

~~— (i) The continued operation of the health maintenance organization would be hazardous to its enrollees or creditors or to the general public;~~

~~— (j) The health maintenance organization fails to provide the coverage required by NRS 695C.1691; or~~

~~— (k) The health maintenance organization has otherwise failed to comply substantially with the provisions of this chapter.~~

~~— 2. [A] Except as otherwise provided in section 53 of this act, a certificate of authority must be suspended or revoked only after compliance with the requirements of NRS 695C.340.~~

~~— 3. If the certificate of authority of a health maintenance organization is suspended, the health maintenance organization shall not, during the period of that suspension, enroll any additional groups or new individual contracts, unless those groups or persons were contracted for before the date of suspension.~~

~~— 4. If the certificate of authority of a health maintenance organization is revoked, the organization shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs and shall conduct no further business except as may be essential to the orderly conclusion of the affairs of the organization. It shall engage in no further advertising or solicitation of any kind. The Commissioner may, by written order, permit such further operation of the organization as the Commissioner may find to be in the best interest of enrollees to the end that enrollees are afforded the~~

~~greatest practical opportunity to obtain continuing coverage for health care.]~~
(Deleted by amendment.)

Sec. 54.3. Chapter 695I of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Legislature hereby finds and declares that it is the public policy of this State that each natural person who otherwise qualifies to purchase a qualified health plan on the Exchange, regardless of his or her immigration or citizenship status, is eligible to receive the benefits of purchasing a qualified health plan on the Exchange.

2. The Executive Director, in collaboration with the Director of the Department of Health and Human Services, shall apply to the Secretary of Health and Human Services for a waiver pursuant to 42 U.S.C. § 18052 to authorize any natural person to purchase a qualified health plan on the Exchange, regardless of his or her immigration status, if the natural person would otherwise be a qualified individual.

Sec. 54.6. NRS 695I.210 is hereby amended to read as follows:

695I.210 1. The Exchange shall:

- (a) Create and administer a health insurance exchange;
- (b) Facilitate the purchase and sale of qualified health plans consistent with established patterns of care within the State;
- (c) Provide for the establishment of a program to assist qualified small employers in Nevada in facilitating the enrollment of their employees in qualified health plans offered in the small group market;
- (d) Except as otherwise authorized by a waiver obtained pursuant to NRS 695I.505 ~~or~~ or section 54.3 of this act, make only qualified health plans available to qualified individuals and qualified small employers; and
- (e) Unless the Federal Act is repealed or is held to be unconstitutional or otherwise invalid or unlawful, perform all duties that are required of the Exchange to implement the requirements of the Federal Act.

2. The Exchange may:

- (a) Enter into contracts with any person, including, without limitation, a local government, a political subdivision of a local government and a governmental agency, to assist in carrying out the duties and powers of the Exchange or the Board; and
- (b) Apply for and accept any gift, donation, bequest, grant or other source of money to carry out the duties and powers of the Exchange or the Board.

3. The Exchange is subject to the provisions of chapter 333 of NRS.

Sec. 55. NRS 719.200 is hereby amended to read as follows:

719.200 1. Except as otherwise provided in subsection 2, the provisions of this chapter apply to electronic records and electronic signatures relating to a transaction.

2. The provisions of this chapter do not apply to a transaction to the extent it is governed by:

- (a) Except as otherwise specifically provided by law, a law governing the creation and execution of wills, codicils or testamentary trusts;

(b) The Uniform Commercial Code other than NRS 104.1306, 104.2101 to 104.2725, inclusive, and 104A.2101 to 104A.2532, inclusive; or

(c) The provisions of NRS 439.581 to 439.595, inclusive, *and section 1 of this act* and the regulations adopted pursuant thereto.

3. The provisions of this chapter apply to an electronic record or electronic signature otherwise excluded from the application of this chapter under subsection 2 to the extent it is governed by a law other than those specified in subsection 2.

4. A transaction subject to the provisions of this chapter is also subject to other applicable substantive law.

Sec. 56. NRS 720.140 is hereby amended to read as follows:

720.140 1. Except as otherwise provided in this subsection, the provisions of this chapter apply to any transaction for which a digital signature is used to sign an electronic record. The provisions of this chapter do not apply to a digital signature that is used to sign an electronic health record in accordance with NRS 439.581 to 439.595, inclusive, *and section 1 of this act* and the regulations adopted pursuant thereto.

2. As used in this section, "electronic record" has the meaning ascribed to it in NRS 719.090.

Sec. 57. 1. There is hereby appropriated from the State General Fund to the Department of Health and Human Services the sum of \$3,000,000 for the purpose of awarding grants to providers of health care and facilities licensed pursuant to chapter 449 of NRS for the purposes of complying with the requirements of subsection 4 of NRS 439.589, as amended by section 6 of this act, and paragraph (a) of subsection 1 of NRS 629.051, as amended by section 45 of this act. To receive such a grant, a provider of health care or facility must:

(a) Have a staff of less than 50 persons or work for an entity that has a staff of less than 50 persons, as applicable; or

(b) Be located in a county whose population is less than 100,000, a health professional shortage area or an area with a medically underserved population in this State, or work in such a county or area, as applicable.

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

3. As used in this section:

(a) "Area with a medically underserved population" means an area designated as such by the United States Secretary of Health and Human Services pursuant to 42 U.S.C. § 254c; and

(b) "Health professional shortage area" means a geographic area designated as such by the United States Secretary of Health and Human Services pursuant to 42 U.S.C. § 254e; and

(c) "Provider of health care" has the meaning ascribe to it in NRS 629.031.

Sec. 58. 1. During the 2023-2024 interim, the Joint Interim Standing Committee on Health and Human Services shall study:

(a) The feasibility of including in the State Plan for Medicaid coverage of digital health products, including, without limitation:

- (1) Remote patient monitoring;
- (2) Health products that use artificial intelligence;
- (3) Digital therapeutics; and
- (4) Health information technology;

(b) Procedures for providing the coverage described in paragraph (a), including, without limitation, procedures and criteria for determining whether a digital health product is suitable for coverage;

(c) Any waivers of federal law necessary to obtain federal financial participation in the provision of the coverage described in paragraph (a); and

(d) The estimated potential costs of providing the coverage described in paragraph (a).

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

3. As used in this section, "digital therapeutic" means a product, device, Internet application or other technology that uses software primarily to prevent, manage or treat a medical condition, disease or disorder.

Sec. 58.5. 1. During the 2023-2024 interim, the Joint Interim Standing Committee on Health and Human Services shall study:

(a) The feasibility of creating a natural persons index for this State and the steps necessary to create such an index. The study must include, without limitation, an analysis of the capabilities of providers of health care in this State concerning the exchange of health information.

(b) Procedures governing data registries and ways to streamline the collection of data and reduce the burden of reporting requirements applicable to providers of health care to improve collaboration between providers of health care and public health agencies in this State.

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

3. As used in this section:

(a) "Data registry" includes, without limitation:

(1) The system for the reporting of information on sickle cell disease and its variants established pursuant to NRS 439.4976.

(2) The system for the reporting of information on lupus and its variants established pursuant to NRS 439.4929.

(3) The system for the reporting of information on cancer and other neoplasms established pursuant to NRS 457.230.

(b) "Natural persons index" means a database of health information concerning natural persons who reside in this State to be used by providers of health care and public health agencies in this State to maintain and access accurate health information concerning such natural persons.

(c) "Provider of health care" means:

(1) A medical facility licensed pursuant to chapter 449 of NRS;

(2) The holder of a permit to operate an ambulance, an air ambulance or a vehicle of a fire-fighting agency pursuant to chapter 450B of NRS; or

(3) A provider of health care, as defined in NRS 629.031, who is licensed pursuant to title 54 of NRS.

Sec. 59. 1. During the 2023-2024 Interim, the Department of Health and Human Services shall:

(a) Evaluate the workforce of the Department, including, without limitation, each division thereof, and determine, for each position, whether adding, eliminating, reclassifying or revising the salary for any position within the Department would increase the effectiveness or efficiency of the operations of the Department and its divisions; and

(b) Take any action recommended by the evaluation conducted pursuant to paragraph (a) that does not require legislation unless the Director of the Department determines that such action is not feasible or advisable.

2. On or before February 1, 2025, the Department of Health and Human Services shall submit to the Director of the Legislative Counsel Bureau for transmittal to the 83rd Session of the Legislature a report of:

(a) The results of the evaluation conducted pursuant to paragraph (a) of subsection 1;

(b) Any action taken pursuant to paragraph (b) of subsection 1;

(c) Any action recommended by the evaluation conducted pursuant to paragraph (a) of subsection 1 which requires legislation and the legislation that would be required to carry out the recommendation; and

(d) Any action recommended by the evaluation conducted pursuant to paragraph (a) of subsection 1 which the Director of the Department determined pursuant to paragraph (b) of subsection 1 to be infeasible or inadvisable, and the reasons for that determination.

Sec. 60. 1. On or before July 1, 2023, the Director of the Department shall convene an advisory group to advise the Director of the Department in the adoption of regulations pursuant to NRS 439.589, as amended by section 6 of this act. The advisory group shall consist of:

(a) The following ex officio members:

(1) The Director of the Department;

(2) The Administrator of the Division of Public and Behavioral Health of the Department;

(3) The Administrator of the Division of Health Care Financing and Policy of the Department;

(4) The Administrator of the Division of Welfare and Supportive Services of the Department;

(5) The Commissioner of Insurance;

(6) Each district health officer appointed pursuant to NRS 439.368 or 439.400;

(7) The Executive Officer of the Public Employees' Benefits Program; and

(8) The Executive Director of the Silver State Health Insurance Exchange; and

(b) The following members appointed by the Director:

(1) Representatives of third parties, as defined in NRS 439.589, as amended by section 6 of this act, that provide health coverage in this State;

(2) Representatives of hospitals, as defined in NRS 449.012, other medical facilities, as defined in NRS 449.0151, and facilities for the dependent, as defined in NRS 449.0045;

(3) Representatives of consumers of health care;

(4) Representatives of labor organizations;

(5) Professionals in the field of information privacy and security;

(6) Professionals in the field of health information technology;

(7) Representatives of community-based organizations whose work relates to health information;

(8) Representatives of county and city health departments;

(9) Representatives of social services agencies; and

(10) Representatives of community-based organizations whose work relates to social services.

2. Members appointed to the advisory group pursuant to paragraph (b) of subsection 1 serve at the pleasure of the Director of the Department. If a vacancy occurs, the Director shall appoint a person similarly qualified to replace that member.

3. Members of the advisory group serve without compensation or per diem but are entitled to receive reimbursement for travel expenses in the same amount provided for state officers and employees generally.

4. The Director of the Department shall serve as the Chair of the advisory group.

5. A majority of the voting members of the advisory group constitutes a quorum for the transaction of business, and a majority of the members of a quorum present at any meeting is sufficient for any official action taken by the advisory group.

6. Each member of the advisory group who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation so that the officer or employee may prepare for and attend meetings of the advisory group and perform any work necessary to carry out the duties of the advisory group in

the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the advisory group to make up the time the officer or employee is absent from work to carry out duties as a member of the advisory group or use annual leave or compensatory time for the absence.

7. The advisory group may establish subcommittees and working groups consisting of members of the advisory group or other persons to assist the advisory group in the performance of its duties.

8. The advisory group shall advise the Department on the development and implementation of the regulations adopted pursuant to NRS 439.589, as amended by section 6 of this act.

9. The Department shall:

(a) On or before August 1, 2024, present at a meeting of the Joint Interim Standing Committee on Health and Human Services concerning the progress of the Department in developing and implementing the regulations adopted pursuant to NRS 439.589, as amended by section 6 of this act; and

(b) On or before December 31, 2024, submit to the Director of the Legislative Counsel Bureau for transmittal to the 83rd Regular Session of the Legislature a report concerning the progress of the Department in developing and implementing the regulations adopted pursuant to NRS 439.589, as amended by section 6 of this act.

10. As used in this section, "Department" means the Department of Health and Human Services.

Sec. 61. ~~[1. On or before April 1, 2024, the Chief Data Officer of the Hub shall:~~

~~— (a) Compile a report concerning:~~

~~— (1) Policies and practices to ensure the privacy, security, quality and confidentiality of the information collected, analyzed and maintained by the Hub, including, without limitation, policies and practices to protect personally identifiable information and other sensitive information;~~

~~— (2) Organizational structures, policies and practices for:~~

~~— (I) Making information collected, analyzed and maintained by the Hub available to state agencies, political subdivisions of this State, educational institutions, researchers, nongovernmental organizations and the general public; and~~

~~— (II) Ensuring ongoing and continuous communication between the Hub and governmental and nongovernmental users of information collected, analyzed and maintained by the Hub; and~~

~~— (3) Policies and procedures to ensure that information collected, analyzed and maintained by the Hub is relevant and readily available to educational institutions, researchers, nongovernmental organizations and the general public;~~

~~— (b) Submit the report to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Health and Human Services;~~

~~2. The Chief Data Officer of the Hub appointed pursuant to section 23 of this act shall appoint and serve as the Chair of an advisory group to assist in developing the report described in subsection 1. The advisory group must consist of:~~

~~(a) The Director of the Department of Health and Human Services;~~

~~(b) The Chief Data Officer of the Hub;~~

~~(c) At least two representatives of nonprofit entities engaged in research relating to public health, the provision of health care, social determinants of health or similar topics; and~~

~~(d) At least two representatives of organizations that, in the regular course of business, use information relating to public health, the provision of health care, social determinants of health or similar topics.~~

~~3. Members of the advisory group appointed pursuant to subsection 2 serve without compensation and are not entitled to the per diem and travel expenses provided for state officers and employees generally.~~

~~4. A member of the advisory group appointed pursuant to subsection 2 who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation so that the person may prepare for and attend meetings of the advisory group and perform any work necessary to carry out the duties of the advisory group in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the advisory group to make up the time he or she is absent from work to carry out his or her duties as a member of the advisory group or use annual vacation or compensatory time for the absence.~~

~~5. As used in this section, "Hub" means the Nevada Innovation Hub established by section 23 of this act.] (Deleted by amendment.)~~

Sec. 62. 1. ~~[Notwithstanding the provisions of subsection 2 of NRS 439.587, as that section exists on the effective date of this section, the Director of the Department of Health and Human Services shall not enter into a contract pursuant to that subsection with a health information exchange to serve as the statewide health information exchange on or after the effective date of this section.~~

~~2.]~~ Notwithstanding the amendatory provisions of section ~~[4]~~ 4.5 of this act, if the Director of the Department of Health and Human Services has contracted with a health information exchange to serve as the statewide health information exchange pursuant to subsection 2 of NRS 439.587, as that section exists on ~~[the effective date of this section,]~~ June 30, 2025, and that contract is effective on July 1, ~~[2024,]~~ 2025, the contract remains valid until the expiration of the contract but may not be renewed.

~~[2.]~~ 2. As used in this section, "health information exchange" has the meaning ascribed to it in NRS 439.584.

Sec. 63. 1. Notwithstanding the amendatory provisions of sections 1, 6, 9 and 45 of this act, persons and entities subject to the provisions of subsection 4 of NRS 439.589, as amended by section 6 of this act, other than

hospitals and physician group practices, are not required to comply with those provisions until July 1, 2025.

2. As used in this section:

(a) "Hospital" has the meaning ascribed to it in NRS 449.012.

(b) "Physician group practice" means any business entity organized for the purpose of the practice of medicine or osteopathic medicine by more than one physician.

Sec. 64. 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. 65. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 66. The Legislature hereby finds that each abatement provided by this act from any ad valorem tax on property or excise tax on the sale, storage, use or other consumption of tangible personal property sold at retail:

1. Will achieve a bona fide social or economic purpose and the benefits of the abatement are expected to exceed any adverse effect of the abatement on the provision of services to the public by the State or a local government that would otherwise receive revenue from the tax from which the abatement would be granted; and

2. Will not impair adversely the ability of the State or a local government to pay, when due, all interest and principal on any outstanding bonds or any other obligations for which revenue from the tax from which the abatement would be granted was pledged.

Sec. 67. 1. This section and sections 7 ~~to 6~~ and 8 ~~and 62~~ of this act become effective upon passage and approval.

2. Sections 18, 19, 20, 30 to 38, inclusive, 40, 41, 42, 57 to 60, inclusive, 64 and 66 of this act become effective on July 1, 2023.

3. Sections 21 to 27, inclusive, 39, 43, 54.3, 54.6 and 61 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.

4. Sections 1 to 4, 6 inclusive, 5, 6, 9 to 16, inclusive, 44, 45, 46, 55, 56 and 63 of this act become effective:

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

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

5. Sections 17, 28, 29, 47 to 54, inclusive, and 65 of this act become effective:

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

(b) On July 1, 2025, for all other purposes.

6. Sections 4.5 and 62 of this act becomes effective on July 1, 2025.

7. Sections 31 to 38, inclusive, of this act expire by limitation on July 1, 2053.

~~7.1~~ 8. Section 60 of this act expires by limitation on January 1, 2025.

Senator Doñate moved the adoption of the amendment.

Remarks by Senator Doñate.

Amendment No. 357 to Senate Bill No. 419 authorizes a regulatory body to impose corrective action or an administrative penalty on those who do not comply; requires the Office of Economic Development to prioritize businesses that will serve certain underserved populations; calls for the Director of Health and Human Services to establish programs to provide coverage for certain persons regardless of immigration status; and requires the Joint Interim Standing Committee [on Health and Human Services] to study during the interim matters relating to a natural persons index for the State.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 439.

Bill read second time.

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

Amendment No. 358.

SUMMARY—Revises provisions relating to communicable diseases. (BDR 40-987)

AN ACT relating to communicable diseases; requiring certain state and local agencies to develop policies to provide uninterrupted services during a public health emergency to certain persons; ~~authorizing a person who has been convicted of certain crimes to petition a court to vacate the judgment and seal certain records;~~ requiring a public or private detention facility to take certain measures to ensure the access of prisoners to treatment for and methods to prevent the acquisition of human immunodeficiency virus; revising provisions governing certain crimes committed by prisoners; requiring the board of trustees of a school district to establish a course or unit of a course of evidence-based, factual instruction in sexuality education; requiring certain public and private health insurers to provide certain coverage; requiring such an insurer to reimburse an advanced practice registered nurse or physician assistant at the same rate as a physician for certain services; ~~imposing certain requirements relating to cost sharing for prescription drugs;~~ authorizing providers of health care to receive credit toward requirements for continuing education for certain training relating to the human immunodeficiency virus; requiring certain providers of health care to complete such training; providing that the repeal or revision of certain crimes applies retroactively; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Division of Public and Behavioral Health of the

Department of Health and Human Services and district, county and city health departments to perform certain functions relating to public health in this State, including certain duties relating to the control of communicable diseases. (NRS 439.150-439.265, 439.340, 439.350, 439.360, 439.366, 439.367, 439.3675, 439.405, 439.410, 439.460, 439.470) Existing law also requires a district health officer or the Chief Medical Officer to perform certain duties relating to the control of communicable diseases. (Chapter 441A of NRS) Existing law prescribes certain responsibilities of the Division of Health Care Financing and Policy of the Department concerning the administration of the Medicaid program. (NRS 422.061, 422.063) Section 1 of this bill requires the Department and all district, county and city boards of health to develop policies to provide uninterrupted services during a public health emergency to persons who have been diagnosed with the human immunodeficiency virus or persons who are at a high risk of acquiring the human immunodeficiency virus. Section 2 of this bill makes a conforming change to indicate the proper placement of section 1 in the Nevada Revised Statutes.

~~[Senate Bill No. 275 of the 2021 Legislative Session repealed certain criminal offenses for which an element of the offense was having the human immunodeficiency virus. (Section 24, chapter 491, Statutes of Nevada 2021, at page 3199) Section 77 of this bill provides that the repeal of those offenses applies retroactively to violations that occurred before the effective date of Senate Bill No. 275. Section 3 of this bill authorizes a person who was convicted of such an offense before the effective date of Senate Bill No. 275 to petition the court in which he or she was convicted for an order vacating the judgment and sealing certain records relating to the conviction. Section 3: (1) requires the court to grant the petition if the petition meets the relevant statutory requirements; and (2) authorizes the court to issue an order to vacate the judgment and dismiss the accusatory pleading if the petition is deficient with respect to the sealing of the records but the petitioner otherwise satisfies the requirements for vacating the judgment. Section 4 of this bill makes a conforming change to indicate the proper placement of section 3 in the Nevada Revised Statutes. Sections 5-7 of this bill exempt a petition filed pursuant to section 3 from certain requirements, and sections 8-10 of this bill make various changes to ensure that an order issued pursuant to section 3 is treated in the same manner as other similar orders for certain purposes.]~~

Existing law requires the Director of the Department of Corrections to establish standards for the medical and dental services of each institution or facility under the control of the Department. (NRS 209.381) Existing law also requires a sheriff, chief of police or town marshal to arrange for the administration of medical care required by prisoners while in his or her custody. (NRS 211.140) Sections 11 and 12 of this bill impose certain requirements on the operators of public and private prisons, jails and detention facilities to ensure the access of prisoners to treatment for human

immunodeficiency virus and methods of preventing the acquisition of human immunodeficiency virus.

Existing law prohibits a prisoner from using, propelling, discharging, spreading or concealing human excrement or bodily fluid with intent or under circumstances where it is reasonably likely that the excrement or fluid will come in contact with another person. Under most circumstances, a violation is a gross misdemeanor, ~~for~~ a category D felony, ~~or~~ a category B felony, depending on the circumstances of the prisoner's confinement. However, if the prisoner knew at the time of the offense that any portion of the excrement or bodily fluid contained a communicable disease that causes or is reasonably likely to cause substantial bodily harm, the violation is a category A felony, regardless of whether the communicable disease was transmitted. (NRS 212.189) Section 13 of this bill instead provides that such a violation is only a category A felony where: (1) ~~the prisoner knew~~ the communicable disease was likely to be transmitted by his or her conduct; and (2) the communicable disease was actually transmitted as a result of the conduct. Section 78 of this bill provides that the provisions of section 13 apply retroactively to violations that occurred before the effective date of that section, if the person who committed the violation has not been convicted before that date.

Existing law requires public and private health plans, including Medicaid and health plans for state ~~and local~~ government employees, to cover an examination and testing of a pregnant woman for *Chlamydia trachomatis*, gonorrhea, hepatitis B, hepatitis C and syphilis. (NRS ~~287.010,~~ 287.04335, 422.27173, 689A.0412, 689B.0315, 689C.1675, 695A.1856, 695B.1913, 695C.1737, 695G.1714) Sections ~~15,~~ 16, 22, 34, 42, 47, 52, 55, 60, 65, 67 and 72 of this bill additionally require such insurance plans to cover: (1) testing for, treatment of and prevention of sexually transmitted diseases; and (2) condoms for certain covered persons. ~~who are 13 years of age or older. Sections 15, 16, 22, 35, 43, 48, 52, 56, 61, 66, 67 and 73 of this bill require an insurer to count any amount paid by a covered person or another person or entity on behalf of a covered person toward any cost-sharing requirement applicable to certain prescription drugs, including drugs to prevent human immunodeficiency virus, treat human immunodeficiency virus or hepatitis C or provide certain treatment for substance use disorder. Section 21 of this bill defines the term "pharmacy benefit manager" for the purpose of provisions of law governing Medicaid coverage of prescription drugs.~~

Existing law requires public and private health plans, including Medicaid and health plans for state ~~and local~~ government employees, to cover drugs that prevent the acquisition of human immunodeficiency virus and any related laboratory or diagnostic procedures. (NRS 287.010, 287.04335, 422.27235, 422.4025, 689A.0437, 689B.0312, 689C.1671, 695A.1843, 695B.1924, 695C.1743, 695G.1705) Sections 25, 31, 37, 44, 51, 57, 62, 68 and 74 of this bill require such insurance plans to cover all such drugs approved by the United States Food and Drug Administration and all drugs

approved by the Food and Drug Administration for treating human immunodeficiency virus or hepatitis C without restrictions, other than step therapy. Sections 23, 37, 44, 51, 57, 62, 68 and 74 of this bill require such insurance plans to: (1) cover any service to test for, prevent or treat those diseases provided by a provider of primary care if the service is covered when provided by a specialist and certain other requirements are met; and (2) reimburse an advanced practice registered nurse or a physician assistant for such services at a rate equal to that provided to a physician. Sections ~~15,~~ 16, 20, 25, 31, 33, 41, 46, 52, 54, 59, 64, 67 and 71 impose similar requirements regarding: (1) coverage of certain drugs approved by the Food and Drug Administration to treat substance use disorder; (2) coverage of services for the treatment of substance use disorder provided by a provider of primary care; and (3) reimbursement for such services provided by an advanced practice registered nurse. Sections 14.5-15.5 of this bill make conforming changes to exempt local governmental agencies that provide health insurance to employees through a plan of self-insurance from the amendatory provisions of section 44 while maintaining existing requirements that apply to such insurance. Sections 36, 38, 49 and 50 of this bill make conforming changes to indicate that the coverage required by sections 33 and 46 is in addition to certain coverage of services for the treatment of substance use disorder that certain insurers are required by existing law to provide. Sections 14, ~~15,~~ 25 and 39 of this bill make conforming changes to indicate the proper placement of sections ~~20-22,~~ 20, 22, 33 and ~~33-35,~~ 34 in the Nevada Revised Statutes. Section 69 of this bill authorizes the Commissioner of Insurance to suspend or revoke the certificate of a health maintenance organization that fails to comply with the requirements of ~~sections 64-66,~~ section 64 or 65. The Commissioner would also be authorized to take such action against any health insurer who fails to comply with the requirements of sections ~~33-35,~~ 33, 34, 37, 41-44, ~~46-48,~~ 46, 47, 50, 54-57, 59-62, 67, 68 or 71-74 of this bill. (NRS 680A.200, 695C.330)

Existing law requires the board of trustees of each school district to establish a course or unit of a course of instruction concerning acquired immune deficiency syndrome, the human reproductive system, related communicable diseases and sexual responsibility which must be taught by a teacher or school nurse whose qualifications have been approved by the board of trustees. (NRS 389.036) Section 17 of this bill instead requires the board of trustees of a school district to establish a course or unit of a course of evidence-based, factual instruction in sexuality education. Section 17 additionally authorizes a provider of health care or other qualified person approved by the board of trustees to teach such a course. Section 18 of this bill requires the standards adopted by the Council to Establish Academic Standards for Public Schools for instruction in health to include standards for sexuality education. Section 18 also authorizes the Council to include topics related to sexuality education in the standards for other courses where appropriate.

Existing law requires physicians, osteopathic physicians, physician assistants and nurses to complete certain continuing education in order to renew their licenses. (NRS 630.253, 632.343, 633.471) Sections 28-30 and 75 of this bill require such a provider of health care who provides or supervises the provision of emergency medical care or primary care in a hospital to complete before the first renewal of their license or, for currently practicing providers, the next renewal of their license, at least 2 hours of training in stigma, discrimination and unrecognized bias toward persons who have acquired or are at a high risk of acquiring human immunodeficiency virus. Section 27 of this bill authorizes any provider of health care to use training in that subject in place of not more than 2 hours of any other training that the provider is required to complete, other than continuing education relating to ethics.

Senate Bill No. 275 of the 2021 Legislative Session repealed certain criminal offenses for which an element of the offense was having the human immunodeficiency virus. (Section 24, chapter 491, Statutes of Nevada 2021, at page 3199) Section 77 of this bill provides that the repeal of those offenses applies retroactively to violations that occurred before the effective date of Senate Bill No. 275.

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

Section 1. Chapter 441A of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Department of Health and Human Services and all district, county and city boards of health shall develop policies to provide uninterrupted services during a public health emergency to persons who have been diagnosed with the human immunodeficiency virus or who are at a high risk of acquiring the human immunodeficiency virus and who are receiving services from the Department or any division thereof or the district, county or city health department, as applicable. Such policies may provide, without limitation, for the delivery of such services during a public health emergency:*

(a) *Over the Internet;*
(b) *Using an application for a mobile device; or*
(c) *By calling or sending text messages from a telephone number that is not generally blocked or identified as a source of unwanted calls or messages.*

2. *As used in this section:*

(a) *"Mobile device" includes, without limitation, a smartphone or a tablet computer.*

(b) *"Public health emergency" means:*

(1) *A public health emergency or other health event identified by a health authority pursuant to NRS 439.970; or*

(2) *A state of emergency or declaration of disaster proclaimed pursuant to NRS 414.070 that relates to or affects public health.*

Sec. 2. NRS 441A.334 is hereby amended to read as follows:

441A.334 As used in this section and NRS 441A.335 and 441A.336, and section 1 of this act, "provider of health care" means a physician, nurse or physician assistant licensed in accordance with state law.

Sec. 3. ~~[Chapter 179 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. If a person has been convicted of a violation of NRS 201.205 or 201.358, as those sections existed before June 6, 2021, which is the effective date of repeal of those sections by section 24 of chapter 491, Statutes of Nevada 2021, at page 3199, the person may petition the court in which he or she was convicted for an order:~~

~~—(a) Vacating the judgment; and~~

~~—(b) Sealing all documents, papers and exhibits in the person's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order.~~

~~2. A petition filed pursuant to subsection 1 must satisfy the requirements of NRS 179.245.~~

~~3. Except as otherwise provided in subsection 6, the court shall grant a petition filed pursuant to subsection 1 if the petition meets the requirements of this section.~~

~~4. If the court grants a petition filed pursuant to subsection 1, the court shall:~~

~~—(a) Vacate the judgment and dismiss the accusatory pleading; and~~

~~—(b) Order sealed all documents, papers and exhibits in the petitioner's record, minute book entries and entries on dockets and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order.~~

~~5. If a petition filed pursuant to subsection 1 does not satisfy the requirements of NRS 179.245 or the court determines that the petition is otherwise deficient with respect to the sealing of the petitioner's record, the court may enter an order to vacate the judgment and dismiss the accusatory pleading if the petitioner satisfies all requirements necessary for the judgment to be vacated.~~

~~6. If the court enters an order pursuant to subsection 5, the court shall also order sealed the records of the petitioner which relate to the judgment being vacated in accordance with paragraph (b) of subsection 4, regardless of whether any records relating to other convictions are ineligible for sealing, either by operation of law or because of a deficiency in the petition.~~

~~7. No fee may be charged by any court or agency of criminal justice for the submission of a petition pursuant to this section.] (Deleted by amendment.)~~

Sec. 4. ~~[NRS 179.241 is hereby amended to read as follows:~~

~~179.241 As used in NRS 179.2405 to 179.301, inclusive, and section 3 of this act, unless the context otherwise requires, the words and terms defined in~~

~~NRS 179.242, 179.243 and 179.244 have the meanings ascribed to them in these sections. (Deleted by amendment.)~~

Sec. 5. ~~[NRS 179.245 is hereby amended to read as follows:~~

~~179.245 1. Except as otherwise provided in subsection 6 and NRS 176.211, 176A.245, 176A.265, 176A.295, 179.247, 179.259, 201.354 and 453.3365 [,] and section 3 of this act, a person may petition the court in which the person was convicted for the sealing of all records relating to a conviction of:~~

~~—(a) A category A felony, a crime of violence or residential burglary pursuant to NRS 205.060 after 10 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;~~

~~—(b) Except as otherwise provided in paragraphs (a) and (c), a category B, C or D felony after 5 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;~~

~~—(c) A category E felony after 2 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;~~

~~—(d) Except as otherwise provided in paragraph (c), any gross misdemeanor after 2 years from the date of release from actual custody or discharge from probation, whichever occurs later;~~

~~—(e) A violation of NRS 422.540 to 422.570, inclusive, a violation of NRS 484C.110 or 484C.120 other than a felony, or a battery which constitutes domestic violence pursuant to NRS 33.018 other than a felony, after 7 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later;~~

~~—(f) Except as otherwise provided in paragraph (c), if the offense is punished as a misdemeanor, a battery pursuant to NRS 200.481, harassment pursuant to NRS 200.571, stalking pursuant to NRS 200.575 or a violation of a temporary or extended order for protection, after 2 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later; or~~

~~—(g) Any other misdemeanor after 1 year from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later.~~

~~2. A petition filed pursuant to subsection 1 must:~~

~~—(a) Be accompanied by the petitioner's current, verified records received from the Central Repository for Nevada Records of Criminal History;~~

~~—(b) If the petition references NRS 453.3365, include a certificate of acknowledgment or the disposition of the proceedings for the records to be sealed from all agencies of criminal justice which maintain such records;~~

~~—(c) Include a list of any other public or private agency, company, official or other custodian of records that is reasonably known to the petitioner to have possession of records of the conviction and to whom the order to seal records, if issued, will be directed; and~~

~~—(d) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed, including, without limitation, the:~~

~~—(1) Date of birth of the petitioner;~~

~~—(2) Specific conviction to which the records to be sealed pertain; and~~

~~—(3) Date of arrest relating to the specific conviction to which the records to be sealed pertain.~~

~~—3. Upon receiving a petition pursuant to this section, the court shall notify the law enforcement agency that arrested the petitioner for the crime and the prosecuting attorney, including, without limitation, the Attorney General, who prosecuted the petitioner for the crime. The prosecuting attorney and any person having relevant evidence may testify and present evidence at any hearing on the petition.~~

~~—4. If the prosecuting agency that prosecuted the petitioner for the crime stipulates to the sealing of the records, the court shall apply the presumption set forth in NRS 179.2445 and seal the records. If the prosecuting agency does not stipulate to the sealing of the records or does not file a written objection within 30 days after receiving notification pursuant to subsection 3 and the court makes the findings set forth in subsection 5, the court may order the sealing of the records in accordance with subsection 5 without a hearing. If the court does not order the sealing of the records or the prosecuting agency files a written objection, a hearing on the petition must be conducted. At the hearing, unless an objecting party presents evidence sufficient to rebut the presumption set forth in NRS 179.2445, the court shall apply the presumption and seal the records.~~

~~—5. If the court finds that, in the period prescribed in subsection 1, the petitioner has not been charged with any offense for which the charges are pending or convicted of any offense, except for minor moving or standing traffic violations, the court may order sealed all records of the conviction which are in the custody of any agency of criminal justice or any public or private agency, company, official or other custodian of records in the State of Nevada, and may also order all such records of the petitioner returned to the file of the court where the proceeding was commenced from, including, without limitation, the Federal Bureau of Investigation and all other agencies of criminal justice which maintain such records and which are reasonably known by either the petitioner or the court to have possession of such records.~~

~~—6. A person may not petition the court to seal records relating to a conviction of:~~

~~—(a) A crime against a child;~~

~~—(b) A sexual offense;~~

~~—(c) Invasion of the home with a deadly weapon pursuant to NRS 205.067;~~

~~—(d) A violation of NRS 484C.110 or 484C.120 that is punishable as a felony pursuant to paragraph (c) of subsection 1 of NRS 484C.400;~~

~~—(e) A violation of NRS 484C.430;~~

~~— (f) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430;~~

~~— (g) A violation of NRS 488.410 that is punishable as a felony pursuant to NRS 488.427; or~~

~~— (h) A violation of NRS 488.420 or 488.425.~~

~~— 7. The provisions of paragraph (c) of subsection 1 and paragraph (d) of subsection 6 must not be construed to preclude a person from being able to petition the court to seal records relating to a conviction for a violation of NRS 484C.110 or 484C.120 pursuant to this section if the person was found guilty of a violation of NRS 484C.110 or 484C.120 that is punishable pursuant to:~~

~~— (a) Paragraph (b) of subsection 1 of NRS 484C.400; or~~

~~— (b) Paragraph (c) of subsection 1 of NRS 484C.400 but had a judgment of conviction entered against him or her for a violation of paragraph (b) of subsection 1 of NRS 484C.400 because the person participated in the statewide sobriety and drug monitoring program established pursuant to NRS 484C.392.~~

~~— 8. If the court grants a petition for the sealing of records pursuant to this section, upon the request of the person whose records are sealed, the court may order sealed all records of the civil proceeding in which the records were sealed.~~

~~— 9. As used in this section:~~

~~— (a) "Crime against a child" has the meaning ascribed to it in NRS 179D.0357;~~

~~— (b) "Sexual offense" means:~~

~~— (1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030;~~

~~— (2) Sexual assault pursuant to NRS 200.366;~~

~~— (3) Statutory sexual seduction pursuant to NRS 200.368, if punishable as a felony;~~

~~— (4) Battery with intent to commit sexual assault pursuant to NRS 200.400;~~

~~— (5) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this paragraph;~~

~~— (6) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence, if the crime of violence is an offense listed in this paragraph;~~

~~— (7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation;~~

~~— (8) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.~~

~~— (9) Incest pursuant to NRS 201.180.~~

~~— (10) Open or gross lewdness pursuant to NRS 201.210, if punishable as a felony.~~

~~— (11) Indecent or obscene exposure pursuant to NRS 201.220, if punishable as a felony.~~

~~— (12) Lewdness with a child pursuant to NRS 201.230.~~

~~— (13) Sexual penetration of a dead human body pursuant to NRS 201.450.~~

~~— (14) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.~~

~~— (15) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.~~

~~— (16) Luring a child or a person with mental illness pursuant to NRS 201.560, if punishable as a felony.~~

~~— (17) An attempt to commit an offense listed in this paragraph.] (Deleted by amendment.)~~

Sec. 6. ~~[NRS 179.2595 is hereby amended to read as follows:~~

~~179.2595 Notwithstanding the procedure established in NRS 179.245, 179.255 or 179.259 or section 3 of this act for the filing of a petition for the sealing of records:~~

~~1. If a person wishes to have more than one record sealed and would otherwise need to file a petition in more than one court for the sealing of the records, the person may, instead of filing a petition in each court, file a petition in district court for the sealing of all such records.~~

~~2. If a person files a petition for the sealing of records in district court pursuant to subsection 1 or NRS 179.245, 179.255 or 179.259, the district court may order the sealing of any other records in the justice or municipal courts in accordance with the provisions of NRS 179.2405 to 179.301, inclusive.~~

~~3. A district court shall act in accordance with subsection 2 regardless of whether a petition filed pursuant to this section includes a request for the sealing of a record in a district court.] (Deleted by amendment.)~~

Sec. 7. ~~[NRS 179.271 is hereby amended to read as follows:~~

~~179.271 1. Except as otherwise provided in this section [,] and section 3 of this act, if an offense is decriminalized:~~

~~(a) Any person who was convicted of that offense before the date on which the offense was decriminalized may submit a written request to any court in which the person was convicted of that offense for the sealing of any record of criminal history in its possession and in the possession of any agency of criminal justice relating to the conviction.~~

~~(b) Upon receipt of a request pursuant to paragraph (a), the court shall, as soon as practicable, send written notice of the request to the office of the prosecuting attorney that prosecuted the offense. If the office of the~~

~~prosecuting attorney objects to the granting of the request, a written objection to the request must be filed with the court within 10 judicial days after the date on which notice of the request was received. If no written objection to the request is filed, the court shall grant the request. If a written objection to the request is filed, the court must hold a hearing on the request. At the hearing, the court shall grant the request unless the prosecuting attorney establishes, by clear and convincing evidence, that there is good cause not to grant the request. The decision of the court to deny the request is subject to appeal.~~

~~2. No fee may be charged by any court or agency of criminal justice for the submission of a request pursuant to this section.~~

~~3. The provisions of this section do not apply to a traffic offense.~~

~~4. As used in this section:~~

~~(a) "Decriminalized" means that an offense is no longer punishable as a crime as the result of enactment of an act of the Legislature or the passage of a referendum petition or initiative petition pursuant to Article 19 of the Nevada Constitution.~~

~~(b) "Traffic offense" means a violation of any state or local law or ordinance governing the operation of a motor vehicle upon any highway within this State. (Deleted by amendment.)~~

Sec. 8. ~~{NRS 179.275 is hereby amended to read as follows:~~

~~179.275 Where the court orders the sealing of a record pursuant to NRS 34.970, 174.034, 176.211, 176A.245, 176A.265, 176A.295, 179.245, 179.247, 179.255, 179.259, 179.2595, 179.271, 201.354 or 453.3365, or section 3 of this act, a copy of the order must be sent to:~~

~~1. The Central Repository for Nevada Records of Criminal History; and~~

~~2. Each agency of criminal justice and each public or private company, agency, official or other custodian of records named in the order, and that person shall seal the records in his or her custody which relate to the matters contained in the order, shall advise the court of compliance and shall then seal the order. (Deleted by amendment.)~~

Sec. 9. ~~{NRS 179.285 is hereby amended to read as follows:~~

~~179.285 Except as otherwise provided in NRS 179.301:~~

~~1. If the court orders a record sealed pursuant to NRS 34.970, 174.034, 176.211, 176A.245, 176A.265, 176A.295, 179.245, 179.247, 179.255, 179.259, 179.2595, 179.271, 201.354 or 453.3365 [;] or section 3 of this act:~~

~~(a) All proceedings recounted in the record are deemed never to have occurred, and the person to whom the order pertains may properly answer accordingly to any inquiry, including, without limitation, an inquiry relating to an application for employment, concerning the arrest, conviction, dismissal or acquittal and the events and proceedings relating to the arrest, conviction, dismissal or acquittal.~~

~~(b) The person is immediately restored to the following civil rights if the person's civil rights previously have not been restored:~~

~~——(1) The right to vote;~~

~~—(2) The right to hold office; and~~

~~—(3) The right to serve on a jury.~~

~~—2. Upon the sealing of the person's records, a person who is restored to his or her civil rights pursuant to subsection 1 must be given:~~

~~—(a) An official document which demonstrates that the person has been restored to the civil rights set forth in paragraph (b) of subsection 1; and~~

~~—(b) A written notice informing the person that he or she has not been restored to the right to bear arms, unless the person has received a pardon and the pardon does not restrict his or her right to bear arms.~~

~~—3. A person who has had his or her records sealed in this State or any other state and whose official documentation of the restoration of civil rights is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his or her civil rights pursuant to this section. Upon verification that the person has had his or her records sealed, the court shall issue an order restoring the person to the civil rights to vote, to hold office and to serve on a jury. A person must not be required to pay a fee to receive such an order.~~

~~—4. A person who has had his or her records sealed in this State or any other state may present official documentation that the person has been restored to his or her civil rights or a court order restoring civil rights as proof that the person has been restored to the right to vote, to hold office and to serve as a juror.] (Deleted by amendment.)~~

Sec. 10. ~~[NRS 179.295 is hereby amended to read as follows:~~

~~—179.295 1. The person who is the subject of the records that are sealed pursuant to NRS 34.970, 174.034, 176.211, 176A.245, 176A.265, 176A.295, 179.245, 179.247, 179.255, 179.259, 179.2595, 179.271, 201.354 or 453.3365 or section 3 of this act may petition the court that ordered the records sealed to permit inspection of the records by a person named in the petition, and the court may order such inspection. Except as otherwise provided in this section, subsection 9 of NRS 179.255 and NRS 179.259 and 179.301, the court may not order the inspection of the records under any other circumstances.~~

~~—2. If a person has been arrested, the charges have been dismissed and the records of the arrest have been sealed, the court may order the inspection of the records by a prosecuting attorney upon a showing that as a result of newly discovered evidence, the person has been arrested for the same or a similar offense and that there is sufficient evidence reasonably to conclude that the person will stand trial for the offense.~~

~~—3. The court may, upon the application of a prosecuting attorney or an attorney representing a defendant in a criminal action, order an inspection of such records for the purpose of obtaining information relating to persons who were involved in the incident recorded.~~

~~—4. This section does not prohibit a court from considering a proceeding for which records have been sealed pursuant to NRS 174.034, 176.211, 176A.245, 176A.265, 176A.295, 179.245, 179.247, 179.255, 179.259,~~

~~179.2595, 179.271, 201.354 or 453.3365 or section 3 of this act in determining whether to grant a petition pursuant to NRS 176.211, 176A.245, 176A.265, 176A.295, 179.245, 179.255, 179.259, 179.2595 or 453.3365 for a conviction of another offense.] (Deleted by amendment.)~~

Sec. 11. Chapter 209 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Department or the operator of a private facility or institution shall not enter into a contract or other agreement with any person or entity to provide medical services to offenders who are diagnosed with human immunodeficiency virus unless the person or entity demonstrates that at least 95 percent of the patients who are diagnosed with human immunodeficiency virus to whom the person or entity provides medical services:*

- (a) Are offered treatment on the same day as the diagnosis; and*
- (b) Are able to begin such treatment not later than 7 days after diagnosis.*

2. *Except as otherwise provided in subsection 3, an institution, facility or private facility or institution shall take reasonable measures to ensure the availability of:*

(a) Any drug prescribed for treating the human immunodeficiency virus in the form recommended by the prescribing practitioner to each offender who has been diagnosed with human immunodeficiency virus to the same extent and under the same conditions as other medical care for offenders.

(b) Methods of preventing the acquisition of human immunodeficiency virus, including, without limitation, drugs approved by the United States Food and Drug Administration for that purpose, ~~and condoms,~~ to all offenders free of charge.

3. *An institution, facility or private facility or institution:*

(a) Is not required to make available a drug described in subsection 2 for which a prescription is required to an offender for whom such a prescription has not been issued.

(b) Shall take reasonable measures to make available to all offenders a provider of health care who is authorized to issue a prescription for a drug described in subsection 2.

(c) Shall not demand, request or suggest that a provider of health care refrain from issuing a prescription for a drug described in subsection 2 to an offender or take any other measure to prevent a provider of health care from issuing such a prescription.

4. *As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.*

Sec. 12. Chapter 211 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A sheriff, chief of police or town marshal who is responsible for a county, city or town jail or detention facility shall not enter into a contract or other agreement with any person or entity to provide medical services to prisoners who are diagnosed with human immunodeficiency virus unless the person or entity demonstrates that at least 95 percent of the patients who are*

diagnosed with human immunodeficiency virus to whom the person or entity provides medical services:

- (a) Are offered treatment on the same day as the diagnosis; and
- (b) Are able to begin such treatment not later than 7 days after diagnosis.

2. Except as otherwise provided in subsection 3, a county, city or town jail or detention facility shall take reasonable measures to ensure the availability of:

(a) Any drug prescribed for treating the human immunodeficiency virus in the form recommended by the prescribing practitioner to each prisoner who has been diagnosed with human immunodeficiency virus to the same extent and under the same conditions as other medical care for prisoners.

(b) Methods of preventing the acquisition of human immunodeficiency virus, including, without limitation, drugs approved by the United States Food and Drug Administration for that purpose and condoms, ~~and condoms,~~ to all prisoners free of charge.

3. A county, city or town jail or detention facility:

(a) Is not required to make available a drug described in subsection 2 for which a prescription is required to a prisoner for whom such a prescription has not been issued.

(b) Shall take reasonable measures to make available to all prisoners a provider of health care who is authorized to issue a prescription for a drug described in subsection 2.

(c) Shall not demand, request or suggest that a provider of health care refrain from issuing a prescription for a drug described in subsection 2 to an offender or take any other measure to prevent a provider of health care from issuing such a prescription.

4. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 13. NRS 212.189 is hereby amended to read as follows:

212.189 1. Except as otherwise provided in subsection 10, a prisoner who is under lawful arrest, in lawful custody or in lawful confinement shall not knowingly:

- (a) Store or stockpile any human excrement or bodily fluid;
- (b) Sell, supply or provide any human excrement or bodily fluid to any other person;
- (c) Buy, receive or acquire any human excrement or bodily fluid from any other person; or
- (d) Use, propel, discharge, spread or conceal, or cause to be used, propelled, discharged, spread or concealed, any human excrement or bodily fluid:

(1) With the intent to have the excrement or bodily fluid come into physical contact with any portion of the body of another person, including, without limitation, an officer or employee of a prison or law enforcement agency, whether or not such physical contact actually occurs; or

(2) Under circumstances in which the excrement or bodily fluid is reasonably likely to come into physical contact with any portion of the body of another person, including, without limitation, an officer or employee of a prison or law enforcement agency, whether or not such physical contact actually occurs.

2. Except as otherwise provided in subsection 4, if a prisoner who is under lawful arrest or in lawful custody violates any provision of subsection 1, the prisoner is guilty of:

(a) For a first offense, a gross misdemeanor.

(b) For a second offense or any subsequent offense, a category D felony and shall be punished as provided in NRS 193.130.

3. Except as otherwise provided in subsection 4, if a prisoner who is in lawful confinement, other than residential confinement, violates any provision of subsection 1, the prisoner is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than \$10,000.

4. If a prisoner who is under lawful arrest, in lawful custody or in lawful confinement violates any provision of paragraph (d) of subsection 1 and, at the time of the offense, the prisoner knew that any portion of the excrement or bodily fluid involved in the offense contained a communicable disease that causes or is reasonably likely to cause substantial bodily harm ~~whether or not and~~ *the communicable disease is likely to be transmitted as a result of the offense and the communicable disease was actually transmitted to a victim as a result of the offense*, the prisoner is guilty of a category A felony and shall be punished by imprisonment in the state prison:

(a) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or

(b) For a definite term of 25 years, with eligibility for parole beginning when a minimum of 10 years has been served,

➔ and may be further punished by a fine of not more than \$50,000.

5. A sentence imposed upon a prisoner pursuant to subsection 2, 3 or 4:

(a) Is not subject to suspension or the granting of probation; and

(b) Must run consecutively after the prisoner has served any sentences imposed upon the prisoner for the offense or offenses for which the prisoner was under lawful arrest, in lawful custody or in lawful confinement when the prisoner violated the provisions of subsection 1.

6. In addition to any other penalty, the court shall order a prisoner who violates any provision of paragraph (d) of subsection 1 to reimburse the appropriate person or governmental body for the cost of any examinations or testing:

(a) Conducted pursuant to paragraphs (a) and (b) of subsection 8; or

(b) Paid for pursuant to subparagraph (2) of paragraph (c) of subsection 8.

7. The warden, sheriff, administrator or other person responsible for administering a prison shall immediately and fully investigate any act

described in subsection 1 that is reported or suspected to have been committed in the prison.

8. If there is probable cause to believe that an act described in paragraph (d) of subsection 1 has been committed in a prison:

(a) Each prisoner believed to have committed the act or to have been the bodily source of any portion of the excrement or bodily fluid involved in the act shall submit to any appropriate examinations and testing to determine whether each such prisoner has any communicable disease.

(b) If possible, a sample of the excrement or bodily fluid involved in the act must be recovered and tested to determine whether any communicable disease is present in the excrement or bodily fluid.

(c) If the excrement or bodily fluid involved in the act came into physical contact with any portion of the body of an officer or employee of a prison or law enforcement agency:

(1) The results of any examinations or testing conducted pursuant to paragraphs (a) and (b) must be provided to each such officer, employee or other person; and

(2) For each such officer or employee:

(I) Of a prison, the person or governmental body operating the prison where the act was committed shall pay for any appropriate examinations and testing requested by the officer or employee to determine whether a communicable disease was transmitted to the officer or employee as a result of the act; and

(II) Of any law enforcement agency, the law enforcement agency that employs the officer or employee shall pay for any appropriate examinations and testing requested by the officer or employee to determine whether a communicable disease was transmitted to the officer or employee as a result of the act.

(d) The results of the investigation conducted pursuant to subsection 7 and the results of any examinations or testing conducted pursuant to paragraphs (a) and (b) must be submitted to the district attorney of the county in which the act was committed or to the Office of the Attorney General for possible prosecution of each prisoner who committed the act.

9. If a prisoner is charged with committing an act described in paragraph (d) of subsection 1 and a victim or an intended victim of the act was an officer or employee of a prison or law enforcement agency, the prosecuting attorney shall not dismiss the charge in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless the prosecuting attorney knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial.

10. The provisions of this section do not apply to a prisoner who is in residential confinement or to a prisoner who commits an act described in subsection 1 if the act:

(a) Is otherwise lawful and is authorized by the warden, sheriff, administrator or other person responsible for administering the prison, or his or her designee, and the prisoner performs the act in accordance with the directions or instructions given to the prisoner by that person;

(b) Involves the discharge of human excrement or bodily fluid directly from the body of the prisoner and the discharge is the direct result of a temporary or permanent injury, disease or medical condition afflicting the prisoner that prevents the prisoner from having physical control over the discharge of his or her own excrement or bodily fluid; or

(c) Constitutes voluntary sexual conduct with another person in violation of the provisions of NRS 212.187.

Sec. 14. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

(1) The Administrator of the Aging and Disability Services Division;

(2) The Administrator of the Division of Welfare and Supportive Services;

(3) The Administrator of the Division of Child and Family Services;

(4) The Administrator of the Division of Health Care Financing and Policy; and

(5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, ~~and sections~~ section 20 ~~-, 21 and 22~~ of this act, 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department.

Sec. 14.5. Chapter 287 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance shall provide coverage for:

(a) Drugs approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus;

(b) Laboratory testing that is necessary for therapy that uses such a drug;
and

(c) The services described in NRS 639.28085, when provided by a pharmacist who participates in the network plan of the governing body.

2. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance shall reimburse a pharmacist who participates in the network plan of the governing body for the services described in NRS 639.28085 at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

3. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance

through a plan of self-insurance may subject the benefits required by subsection 1 to reasonable medical management techniques.

4. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the governing body.

5. A plan of self-insurance described in subsection 1 that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a plan of self-insurance provided by the governing body of a local governmental agency under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the governing body. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 15. NRS 287.010 is hereby amended to read as follows:

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

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

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

(c) Provide group life, accident or health coverage through a self-insurance reserve fund and, where necessary, deduct contributions to the

maintenance of the fund from the compensation of officers and employees and pay the deductions into the fund. The money accumulated for this purpose through deductions from the compensation of officers and employees and contributions of the governing body must be maintained as an internal service fund as defined by NRS 354.543. The money must be deposited in a state or national bank or credit union authorized to transact business in the State of Nevada. Any independent administrator of a fund created under this section is subject to the licensing requirements of chapter 683A of NRS, and must be a resident of this State. Any contract with an independent administrator must be approved by the Commissioner of Insurance as to the reasonableness of administrative charges in relation to contributions collected and benefits provided. The provisions of NRS 686A.135, 687B.352, 687B.408, 687B.723, 687B.725, 689B.030 to 689B.031, inclusive, 689B.0313 to 689B.050, inclusive, and sections 42, 43 and 44 of this act, 689B.265, 689B.287 and 689B.500 apply to coverage provided pursuant to this paragraph, except that the provisions of NRS 689B.0378, 689B.03785 and 689B.500 only apply to coverage for active officers and employees of the governing body, or the dependents of such officers and employees.

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

2. If a school district offers group insurance to its officers and employees pursuant to this section, members of the board of trustees of the school district must not be excluded from participating in the group insurance. If the amount of the deductions from compensation required to pay for the group insurance exceeds the compensation to which a trustee is entitled, the difference must be paid by the trustee.

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

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

(a) Shall be deemed, solely for the purposes of this section, to be officers and employees of the county, school district, municipal corporation, political

subdivision, public corporation or other local governmental agency with which the legal services organization has contracted; and

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

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

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

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

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

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

Sec. 15.5. NRS 287.040 is hereby amended to read as follows:

287.040 The provisions of NRS 287.010 to 287.040, inclusive, and section 14.5 of this act do not make it compulsory upon any governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada, except as otherwise provided in NRS 287.021 or subsection 4 of NRS 287.023 or in an agreement entered into pursuant to subsection 3 of NRS 287.015, to pay any premiums, contributions or other costs for group insurance, a plan of benefits or medical or hospital services established pursuant to NRS 287.010, 287.015, 287.020 or paragraph (b), (c) or (d) of subsection 1 of NRS 287.025, for coverage under the Public Employees' Benefits Program, or to make any contributions to a trust fund established pursuant to NRS 287.017, or upon any officer or employee of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of this State to accept any such coverage or to assign his or her wages or salary in payment of premiums or contributions therefor.

Sec. 16. NRS 287.04335 is hereby amended to read as follows:

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 686A.135, 687B.352, 687B.409, 687B.723, 687B.725, 689B.0353, 689B.255, 695C.1723, 695G.150, 695G.155, 695G.160, 695G.162, 695G.1635, 695G.164, 695G.1645, 695G.1665, 695G.167, 695G.1675, 695G.170 to 695G.174, inclusive, *and sections 71 and 72 of this act*, 695G.176, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, and 695G.405, ~~and section 73 of this act~~, in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 17. NRS 389.036 is hereby amended to read as follows:

389.036 1. The board of trustees of a school district shall ~~establish~~ :

(a) Establish a course or unit of a course of ~~the~~
~~—(a) Factual~~ evidence-based, factual instruction ~~[concerning the human immunodeficiency virus; and~~
~~—(b) Instruction on the human reproductive system, related communicable diseases and sexual responsibility.~~
~~—2.]~~ in sexuality education. The course of instruction must comply with the standards of content and performance for a course of study in health established by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520 and must be appropriate for the ages of the pupils who receive the instruction. The course must include, without limitation, instruction concerning:

(1) Reproductive and sexual anatomy and physiology, including, without limitation, biological, psychosocial and emotional changes that accompany maturation;

(2) Puberty, pregnancy, parenting, body image and gender stereotypes;

(3) The human immunodeficiency virus and other sexually transmitted infections and related communicable diseases;

(4) The benefits, potential side effects and proper use of methods approved by the United States Food and Drug Administration for preventing pregnancy and sexually transmitted infections;

(5) The ways in which the use of alcohol and drugs affect responsible decision making;

(6) The impact of media and peers on the thoughts, feelings and behaviors of pupils related to sexuality;

(7) How to identify, prevent and respond to domestic violence, sexual abuse and sexual assault, including, without limitation, medical and legal resources and counseling for survivors of such crimes;

(8) Statutes related to age of consent and statutory rape, including, without limitation, NRS 200.366, 200.727, 201.230, 201.540 and 201.550, and preventing statutory rape;

(9) Statutes related to the transmission and possession of sexually explicit images, including, without limitation, NRS 200.604, 200.727, 200.730 and 200.780, and avoiding participation in such acts and exploitation of others through the creation and transmission of such images over the Internet or in any other manner; and

(10) The manner in which to locate and access reproductive health services, including, without limitation, obtaining contraceptives, barrier methods, cancer screenings and testing for and the treatment of sexually transmitted infections; and

(b) Periodically revise the content of the course or unit of a course of instruction established pursuant to paragraph (a) as necessary to ensure that the content is current, appropriate for the ages of the pupils and, as applicable, medically accurate.

2. The course or unit of a course established pursuant to subsection 1 must:

(a) Use instructional methods and materials that promote the inclusion and acceptance of pupils regardless of race, gender, gender identity or expression, religion, sexual orientation, ethnic or cultural background or disability;

(b) Promote the development of skills, including, without limitation, setting goals that are needed to make responsible decisions about sexuality and sexual behavior throughout life;

(c) Be designed to provide equally meaningful instruction to pupils regardless of their level of sexual experience or whether they are currently engaging in sexual activity;

(d) Emphasize that abstaining from sexual activity is the only way to ensure the avoidance of pregnancy and sexually transmitted infections;

(e) Emphasize the use of interpersonal skills to develop healthy relationships, including, without limitation, friendships, marriage and romantic and familial relationships; and

(f) Involve the parents or guardians of pupils in the instruction provided and encourage pupils to communicate with their families concerning issues relating to sexuality.

3. Each board of trustees shall appoint an advisory committee consisting of:

(a) Five parents of children who attend schools in the district; and

(b) Four representatives, one from each of four of the following professions or occupations:

(1) Medicine or nursing;

(2) Counseling;

(3) Religion;

(4) Pupils who attend schools in the district; or

(5) Teaching.

~~[3.]~~ ~~This~~

4. The advisory committee appointed pursuant to subsection 3 shall advise the district concerning the content of and materials to be used in a course or unit of a course of instruction established pursuant to this section, and the recommended ages of the pupils to whom the course or unit is offered. The final decision on these matters must be that of the board of trustees.

~~[3.]~~ 5. The subjects of the ~~[courses]~~ course or unit of a course of instruction may be taught only by a teacher, ~~[or]~~ school nurse ~~[whose qualifications have]~~, provider of health care or other person who has been ~~[previously]~~ approved by the board of trustees. The board of trustees may approve a person for the purposes of this subsection if it determines that the person has demonstrated competency in the applicable subject and the use of the required instructional materials.

~~[4.]~~ 6. The parent or guardian of each pupil to whom a course or unit of a course of instruction established pursuant to this section is offered must first be furnished written notice that the course or unit of a course will be

offered. The notice must be given in the usual manner used by the local district to transmit written material to parents, and must contain a form for the signature of the parent or guardian of the pupil consenting to the pupil's attendance. Upon receipt of the written consent of the parent or guardian, the pupil may attend the course ~~or~~ *or unit of a course*. If the written consent of the parent or guardian is not received, the pupil must be excused from such attendance without any penalty as to credits or academic standing. Any course *or unit of a course* offered pursuant to this section is not a requirement for graduation.

~~§~~ 7. All instructional materials to be used in a course *or unit of a course of instruction established pursuant to this section* must be available for inspection by parents or guardians of pupils at reasonable times and locations before the course is taught, and appropriate written notice of the availability of the material must be furnished to all parents and guardians.

8. *As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.*

Sec. 18. NRS 389.520 is hereby amended to read as follows:

389.520 1. The Council shall:

(a) Establish standards of content and performance, including, without limitation, a prescription of the resulting level of achievement, for the grade levels set forth in subsection 5, based upon the content of each course, that is expected of pupils for the following courses of study:

- (1) English language arts;
- (2) Mathematics;
- (3) Science;
- (4) Social studies, which includes only the subjects of history, geography, economics, civics, financial literacy and multicultural education;
- (5) The arts;
- (6) Computer education and technology, which includes computer science and computational thinking;
- (7) Health;
- (8) Physical education; and
- (9) A foreign or world language.

(b) Establish a schedule for the periodic review and, if necessary, revision of the standards of content and performance. The review must include, without limitation, the review required pursuant to NRS 390.115 of the results of pupils on the examinations administered pursuant to NRS 390.105.

(c) Assign priorities to the standards of content and performance relative to importance and degree of emphasis and revise the standards, if necessary, based upon the priorities.

2. The standards for computer education and technology must include a policy for the ethical, safe and secure use of computers and other electronic devices. The policy must include, without limitation:

(a) The ethical use of computers and other electronic devices, including, without limitation:

(1) Rules of conduct for the acceptable use of the Internet and other electronic devices; and

(2) Methods to ensure the prevention of:

(I) Cyber-bullying;

(II) Plagiarism; and

(III) The theft of information or data in an electronic form;

(b) The safe use of computers and other electronic devices, including, without limitation, methods to:

(1) Avoid cyber-bullying and other unwanted electronic communication, including, without limitation, communication with on-line predators;

(2) Recognize when an on-line electronic communication is dangerous or potentially dangerous; and

(3) Report a dangerous or potentially dangerous on-line electronic communication to the appropriate school personnel;

(c) The secure use of computers and other electronic devices, including, without limitation:

(1) Methods to maintain the security of personal identifying information and financial information, including, without limitation, identifying unsolicited electronic communication which is sent for the purpose of obtaining such personal and financial information for an unlawful purpose;

(2) The necessity for secure passwords or other unique identifiers;

(3) The effects of a computer contaminant;

(4) Methods to identify unsolicited commercial material; and

(5) The dangers associated with social networking Internet sites; and

(d) A designation of the level of detail of instruction as appropriate for the grade level of pupils who receive the instruction.

3. The standards for social studies must include multicultural education, including, without limitation, information relating to contributions made by men and women from various racial and ethnic backgrounds. The Council shall consult with members of the community who represent the racial and ethnic diversity of this State in developing such standards.

4. The standards for health must include ~~(mental)~~ :

(a) *Mental* health and the relationship between mental health and physical health.

(b) *Standards for sexuality education. The standards for other courses may include topics relating to sexuality education where appropriate.*

5. The Council shall establish standards of content and performance for each grade level in kindergarten and grades 1 to 8, inclusive, for English language arts and mathematics. The Council shall establish standards of content and performance for the grade levels selected by the Council for the other courses of study prescribed in subsection 1.

6. The Council shall forward to the State Board the standards of content and performance established by the Council for each course of study. The State Board shall:

(a) Adopt the standards for each course of study, as submitted by the Council; or

(b) If the State Board objects to the standards for a course of study or a particular grade level for a course of study, return those standards to the Council with a written explanation setting forth the reason for the objection.

7. If the State Board returns to the Council the standards of content and performance for a course of study or a grade level, the Council shall:

(a) Consider the objection provided by the State Board and determine whether to revise the standards based upon the objection; and

(b) Return the standards or the revised standards, as applicable, to the State Board.

➡ The State Board shall adopt the standards of content and performance or the revised standards, as applicable.

8. The Council shall work in cooperation with the State Board to prescribe the examinations required by NRS 390.105.

9. As used in this section:

(a) "Computer contaminant" has the meaning ascribed to it in NRS 205.4737.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

(c) "Electronic communication" has the meaning ascribed to it in NRS 388.124.

Sec. 19. Chapter 422 of NRS is hereby amended by adding thereto the provisions set forth as sections 20 and 21 of this act.

Sec. 20. 1. *The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenses for any service for the treatment of substance use disorder provided by a provider of primary care if the service is included in the State Plan when provided by a specialist and:*

(a) The service is within the scope of practice of the provider of primary care; or

(b) The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation.

2. As used in this section, "primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.

Sec. 21. ~~[When calculating the amount of the contribution by a recipient of Medicaid towards a deductible, copayment, coinsurance or any other cost-sharing requirement for prescription drugs, the Department or any pharmacy benefit manager or health maintenance organization that manages pharmacy benefits for the Department pursuant to NRS 422.4053 must include the amount paid by the recipient or another person or entity on behalf of the recipient for a prescription drug:~~

~~1. That has no generic equivalent;~~

~~2. For which the Department, pharmacy benefit manager or health maintenance organization has imposed a requirement for prior authorization or a step therapy protocol pursuant to NRS 422.403;~~

~~3. Which is only covered under the State Plan for Medicaid after the recipient;~~

~~(a) Obtains an exception to a general policy of the Department, pharmacy benefit manager or health maintenance organization; or~~

~~(b) Wins an appeal of such a policy; or~~

~~4. That is prescribed to:~~

~~(a) Prevent the acquisition of human immunodeficiency virus;~~

~~(b) Treat human immunodeficiency virus or hepatitis C;~~

~~(c) Provide medication-assisted treatment for opioid use disorder; or~~

~~(d) Support safe withdrawal from substance use disorder.] (Deleted by amendment.)~~

Sec. 22. NRS 422.27173 is hereby amended to read as follows:

422.27173 The Director shall include in the State Plan for Medicaid a requirement that the State must pay the nonfederal share of expenditures incurred for :

1. *Testing for and the treatment and prevention of sexually transmitted diseases, including, without limitation, Chlamydia trachomatis, gonorrhea, syphilis, human immunodeficiency virus and hepatitis B and C, for all recipients of Medicaid, regardless of age. Services covered pursuant to this section must include, without limitation, the examination of a pregnant woman for the discovery of:*

~~{1-}~~ (a) Chlamydia trachomatis, gonorrhea, hepatitis B and hepatitis C in accordance with NRS 442.013.

~~{2-}~~ (b) Syphilis in accordance with NRS 442.010.

2. *Condoms for recipients of Medicaid . ~~{who are 13 years of age or older.}~~*

Sec. 23. NRS 422.27235 is hereby amended to read as follows:

422.27235 1. The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for:

~~{1-}~~ (a) Any laboratory testing that is necessary for therapy that uses a drug approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus . ~~{and}~~

~~{2-}~~ (b) The services of a pharmacist described in NRS 639.28085. The State must provide reimbursement for such services at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

(c) *Any service to test for, prevent or treat human immunodeficiency virus or hepatitis C provided by a provider of primary care if the service is covered when provided by a specialist and:*

(1) *The service is within the scope of practice of the provider of primary care; or*

(2) *The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation.*

2. *The Director shall include in the State Plan for Medicaid a requirement that the State reimburse an advanced practice registered nurse or a physician assistant for any service to test for, prevent or treat human immunodeficiency virus or hepatitis C at a rate equal to the rate of reimbursement provided to a physician for similar services.*

3. *As used in this section, "primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.*

Sec. 24. ~~[NRS 422.401 is hereby amended to read as follows:
422.401 As used in NRS 422.401 to 422.406, inclusive, and section 21 of this act, unless the context otherwise requires, the words and terms defined in NRS 422.4015 to 422.4024, inclusive, and section 21 of this act have the meanings ascribed to them in those sections.] (Deleted by amendment.)~~

Sec. 25. NRS 422.4025 is hereby amended to read as follows:

422.4025 1. The Department shall:

(a) By regulation, develop a list of preferred prescription drugs to be used for the Medicaid program and the Children's Health Insurance Program, and each public or nonprofit health benefit plan that elects to use the list of preferred prescription drugs as its formulary pursuant to NRS 287.012, 287.0433 or 687B.407; and

(b) Negotiate and enter into agreements to purchase the drugs included on the list of preferred prescription drugs on behalf of the health benefit plans described in paragraph (a) or enter into a contract pursuant to NRS 422.4053 with a pharmacy benefit manager, health maintenance organization or one or more public or private entities in this State, the District of Columbia or other states or territories of the United States, as appropriate, to negotiate such agreements.

2. The Department shall, by regulation, establish a list of prescription drugs which must be excluded from any restrictions that are imposed by the Medicaid program on drugs that are on the list of preferred prescription drugs established pursuant to subsection 1. The list established pursuant to this subsection must include, without limitation:

(a) Prescription drugs that are prescribed for the treatment of the human immunodeficiency virus, including, without limitation, antiretroviral medications;

(b) Antirejection medications for organ transplants;

(c) Antihemophilic medications; ~~and~~

(d) *Any prescription drug described in paragraph (b) of subsection 4; and*

(e) Any prescription drug which the Board identifies as appropriate for exclusion from any restrictions that are imposed by the Medicaid program on drugs that are on the list of preferred prescription drugs.

3. The regulations must provide that the Board makes the final determination of:

(a) Whether a class of therapeutic prescription drugs is included on the list of preferred prescription drugs and is excluded from any restrictions that are imposed by the Medicaid program on drugs that are on the list of preferred prescription drugs;

(b) Which therapeutically equivalent prescription drugs will be reviewed for inclusion on the list of preferred prescription drugs and for exclusion from any restrictions that are imposed by the Medicaid program on drugs that are on the list of preferred prescription drugs; and

(c) Which prescription drugs should be excluded from any restrictions that are imposed by the Medicaid program on drugs that are on the list of preferred prescription drugs based on continuity of care concerning a specific diagnosis, condition, class of therapeutic prescription drugs or medical specialty.

4. The list of preferred prescription drugs established pursuant to subsection 1 must include, without limitation:

(a) Any prescription drug determined by the Board to be essential for treating sickle cell disease and its variants; and

(b) ~~Prescription~~ *All prescription drugs approved by the United States Food and Drug Administration to ~~prevent~~* :

(1) *Prevent* the acquisition of human immunodeficiency virus ~~[-]~~ or hepatitis C or treat those diseases.

(2) *Provide medication-assisted treatment for opioid use disorder, including, without limitation, buprenorphine, methadone and naltrexone.*

(3) *Support safe withdrawal from substance use disorder, including, without limitation, lofexidine.*

5. The regulations must provide that each new pharmaceutical product and each existing pharmaceutical product for which there is new clinical evidence supporting its inclusion on the list of preferred prescription drugs must be made available pursuant to the Medicaid program with prior authorization until the Board reviews the product or the evidence.

6. On or before February 1 of each year, the Department shall:

(a) Compile a report concerning the agreements negotiated pursuant to paragraph (b) of subsection 1 and contracts entered into pursuant to NRS 422.4053 which must include, without limitation, the financial effects of obtaining prescription drugs through those agreements and contracts, in total and aggregated separately for agreements negotiated by the Department, contracts with a pharmacy benefit manager, contracts with a health maintenance organization and contracts with public and private entities from this State, the District of Columbia and other states and territories of the United States; and

(b) Post the report on an Internet website maintained by the Department and submit the report to the Director of the Legislative Counsel Bureau for transmittal to:

- (1) In odd-numbered years, the Legislature; or
- (2) In even-numbered years, the Legislative Commission.

Sec. 26. NRS 608.156 is hereby amended to read as follows:

608.156 1. ~~[(1)]~~ *In addition to any benefits required by NRS 608.1555,* an employer provides health benefits for his or her employees, the employer shall provide benefits for the expenses for the treatment of alcohol and substance use disorders. The annual benefits provided by the employer must ~~[consist of:]~~ *include, without limitation:*

(a) Treatment for withdrawal from the physiological effects of alcohol or drugs, with a maximum benefit of \$1,500 per calendar year.

(b) Treatment for a patient admitted to a facility, with a maximum benefit of \$9,000 per calendar year.

(c) Counseling for a person, group or family who is not admitted to a facility, with a maximum benefit of \$2,500 per calendar year.

2. The maximum amount which may be paid in the lifetime of the insured for any combination of the treatments listed in subsection 1 is \$39,000.

3. Except as otherwise provided in NRS 687B.409, these benefits must be paid in the same manner as benefits for any other illness covered by the employer are paid.

4. The employee is entitled to these benefits if treatment is received in any:

(a) Program for the treatment of alcohol or substance use disorders which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.

(b) Hospital or other medical facility or facility for the dependent which is licensed by the Division of Public and Behavioral Health of the Department of Health and Human Services, is accredited by The Joint Commission or CARF International and provides a program for the treatment of alcohol or substance use disorders as part of its accredited activities.

Sec. 27. NRS 629.093 is hereby amended to read as follows:

629.093 Unless a specific statute or regulation requires or authorizes a greater number of hours, a provider of health care may use credit earned for continuing education relating to Alzheimer's disease *or the stigma, discrimination and unrecognized bias toward persons who have acquired or are at a high risk of acquiring human immunodeficiency virus* in place of not more than 2 hours each year of the continuing education that the provider of health care is required to complete, other than any continuing education relating to ethics that the provider of health care is required to complete.

Sec. 28. NRS 630.253 is hereby amended to read as follows:

630.253 1. The Board shall, as a prerequisite for the:

(a) Renewal of a license as a physician assistant; or

(b) Biennial registration of the holder of a license to practice medicine,

↪ require each holder to submit evidence of compliance with the requirements for continuing education as set forth in regulations adopted by the Board.

2. These requirements:

(a) May provide for the completion of one or more courses of instruction relating to risk management in the performance of medical services.

(b) Must provide for the completion of a course of instruction, within 2 years after initial licensure, relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction. The course must provide at least 4 hours of instruction that includes instruction in the following subjects:

(1) An overview of acts of terrorism and weapons of mass destruction;

(2) Personal protective equipment required for acts of terrorism;

(3) Common symptoms and methods of treatment associated with exposure to, or injuries caused by, chemical, biological, radioactive and nuclear agents;

(4) Syndromic surveillance and reporting procedures for acts of terrorism that involve biological agents; and

(5) An overview of the information available on, and the use of, the Health Alert Network.

(c) Must provide for the completion by a holder of a license to practice medicine of a course of instruction within 2 years after initial licensure that provides at least 2 hours of instruction on evidence-based suicide prevention and awareness as described in subsection 6.

(d) Must provide for the completion of at least 2 hours of training in the screening, brief intervention and referral to treatment approach to substance use disorder within 2 years after initial licensure.

(e) Must provide for the biennial completion by each psychiatrist and each physician assistant practicing under the supervision of a psychiatrist of one or more courses of instruction that provide at least 2 hours of instruction relating to cultural competency and diversity, equity and inclusion. Such instruction:

(1) May include the training provided pursuant to NRS 449.103, where applicable.

(2) Must be based upon a range of research from diverse sources.

(3) Must address persons of different cultural backgrounds, including, without limitation:

(I) Persons from various gender, racial and ethnic backgrounds;

(II) Persons from various religious backgrounds;

(III) Lesbian, gay, bisexual, transgender and questioning persons;

(IV) Children and senior citizens;

(V) Veterans;

(VI) Persons with a mental illness;

(VII) Persons with an intellectual disability, developmental disability or physical disability; and

(VIII) Persons who are part of any other population that a psychiatrist or a physician assistant practicing under the supervision of a psychiatrist may need to better understand, as determined by the Board.

(f) Must allow the holder of a license to receive credit toward the total amount of continuing education required by the Board for the completion of a course of instruction relating to genetic counseling and genetic testing.

(g) Must provide for the completion by a physician or physician assistant who provides or supervises the provision of emergency medical services in a hospital or primary care of at least 2 hours of training in the stigma, discrimination and unrecognized bias toward persons who have acquired or are at a high risk of acquiring human immunodeficiency virus within 2 years after beginning to provide or supervise the provision of such services or care.

3. The Board may determine whether to include in a program of continuing education courses of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction in addition to the course of instruction required by paragraph (b) of subsection 2.

4. The Board shall encourage each holder of a license who treats or cares for persons who are more than 60 years of age to receive, as a portion of their continuing education, education in geriatrics and gerontology, including such topics as:

(a) The skills and knowledge that the licensee needs to address aging issues;

(b) Approaches to providing health care to older persons, including both didactic and clinical approaches;

(c) The biological, behavioral, social and emotional aspects of the aging process; and

(d) The importance of maintenance of function and independence for older persons.

5. The Board shall encourage each holder of a license to practice medicine to receive, as a portion of his or her continuing education, training concerning methods for educating patients about how to effectively manage medications, including, without limitation, the ability of the patient to request to have the symptom or purpose for which a drug is prescribed included on the label attached to the container of the drug.

6. The Board shall require each holder of a license to practice medicine to receive as a portion of his or her continuing education at least 2 hours of instruction every 4 years on evidence-based suicide prevention and awareness, which may include, without limitation, instruction concerning:

(a) The skills and knowledge that the licensee needs to detect behaviors that may lead to suicide, including, without limitation, post-traumatic stress disorder;

(b) Approaches to engaging other professionals in suicide intervention; and

(c) The detection of suicidal thoughts and ideations and the prevention of suicide.

7. The Board shall encourage each holder of a license to practice medicine or as a physician assistant to receive, as a portion of his or her continuing education, training and education in the diagnosis of rare diseases, including, without limitation:

(a) Recognizing the symptoms of pediatric cancer; and

(b) Interpreting family history to determine whether such symptoms indicate a normal childhood illness or a condition that requires additional examination.

8. A holder of a license to practice medicine may not substitute the continuing education credits relating to suicide prevention and awareness required by this section for the purposes of satisfying an equivalent requirement for continuing education in ethics.

9. Except as otherwise provided in NRS 630.2535, a holder of a license to practice medicine may substitute not more than 2 hours of continuing education credits in pain management, care for persons with an addictive disorder or the screening, brief intervention and referral to treatment approach to substance use disorder for the purposes of satisfying an equivalent requirement for continuing education in ethics.

10. As used in this section:

(a) "Act of terrorism" has the meaning ascribed to it in NRS 202.4415.

(b) "Biological agent" has the meaning ascribed to it in NRS 202.442.

(c) "Chemical agent" has the meaning ascribed to it in NRS 202.4425.

(d) *"Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.*

(e) "Radioactive agent" has the meaning ascribed to it in NRS 202.4437.

~~[(e)]~~ (f) "Weapon of mass destruction" has the meaning ascribed to it in NRS 202.4445.

Sec. 29. NRS 632.343 is hereby amended to read as follows:

632.343 1. The Board shall not renew any license issued under this chapter until the licensee has submitted proof satisfactory to the Board of completion, during the 2-year period before renewal of the license, of 30 hours in a program of continuing education approved by the Board in accordance with regulations adopted by the Board. Except as otherwise provided in subsection 3, the licensee is exempt from this provision for the first biennial period after graduation from:

(a) An accredited school of professional nursing;

(b) An accredited school of practical nursing;

(c) An approved school of professional nursing in the process of obtaining accreditation; or

(d) An approved school of practical nursing in the process of obtaining accreditation.

2. The Board shall review all courses offered to nurses for the completion of the requirement set forth in subsection 1. The Board may

approve nursing and other courses which are directly related to the practice of nursing as well as others which bear a reasonable relationship to current developments in the field of nursing or any special area of practice in which a licensee engages. These may include academic studies, workshops, extension studies, home study and other courses.

3. The program of continuing education required by subsection 1 must include:

(a) For a person licensed as an advanced practice registered nurse:

(1) A course of instruction to be completed within 2 years after initial licensure that provides at least 2 hours of instruction on suicide prevention and awareness as described in subsection 6.

(2) The ability to receive credit toward the total amount of continuing education required by subsection 1 for the completion of a course of instruction relating to genetic counseling and genetic testing.

(b) For each person licensed pursuant to this chapter, a course of instruction, to be completed within 2 years after initial licensure, relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction. The course must provide at least 4 hours of instruction that includes instruction in the following subjects:

(1) An overview of acts of terrorism and weapons of mass destruction;

(2) Personal protective equipment required for acts of terrorism;

(3) Common symptoms and methods of treatment associated with exposure to, or injuries caused by, chemical, biological, radioactive and nuclear agents;

(4) Syndromic surveillance and reporting procedures for acts of terrorism that involve biological agents; and

(5) An overview of the information available on, and the use of, the Health Alert Network.

(c) For each person licensed pursuant to this chapter, one or more courses of instruction that provide at least 2 hours of instruction relating to cultural competency and diversity, equity and inclusion to be completed biennially. Such instruction:

(1) May include the training provided pursuant to NRS 449.103, where applicable.

(2) Must be based upon a range of research from diverse sources.

(3) Must address persons of different cultural backgrounds, including, without limitation:

(I) Persons from various gender, racial and ethnic backgrounds;

(II) Persons from various religious backgrounds;

(III) Lesbian, gay, bisexual, transgender and questioning persons;

(IV) Children and senior citizens;

(V) Veterans;

(VI) Persons with a mental illness;

(VII) Persons with an intellectual disability, developmental disability or physical disability; and

(VIII) Persons who are part of any other population that a person licensed pursuant to this chapter may need to better understand, as determined by the Board.

(d) For a person licensed as an advanced practice registered nurse, at least 2 hours of training in the screening, brief intervention and referral to treatment approach to substance use disorder to be completed within 2 years after initial licensure.

(e) For each person licensed pursuant to this chapter who provides or supervises the provision of emergency medical services in a hospital or primary care, at least 2 hours of training in the stigma, discrimination and unrecognized bias toward persons who have acquired or are at a high risk of acquiring human immunodeficiency virus to be completed within 2 years after beginning to provide or supervise the provision of such services or care.

4. The Board may determine whether to include in a program of continuing education courses of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction in addition to the course of instruction required by paragraph (b) of subsection 3.

5. The Board shall encourage each licensee who treats or cares for persons who are more than 60 years of age to receive, as a portion of their continuing education, education in geriatrics and gerontology, including such topics as:

(a) The skills and knowledge that the licensee needs to address aging issues;

(b) Approaches to providing health care to older persons, including both didactic and clinical approaches;

(c) The biological, behavioral, social and emotional aspects of the aging process; and

(d) The importance of maintenance of function and independence for older persons.

6. The Board shall require each person licensed as an advanced practice registered nurse to receive as a portion of his or her continuing education at least 2 hours of instruction every 4 years on evidence-based suicide prevention and awareness or another course of instruction on suicide prevention and awareness that is approved by the Board which the Board has determined to be effective and appropriate.

7. The Board shall encourage each person licensed as an advanced practice registered nurse to receive, as a portion of his or her continuing education, training and education in the diagnosis of rare diseases, including, without limitation:

(a) Recognizing the symptoms of pediatric cancer; and

(b) Interpreting family history to determine whether such symptoms indicate a normal childhood illness or a condition that requires additional examination.

8. As used in this section:

- (a) "Act of terrorism" has the meaning ascribed to it in NRS 202.4415.
- (b) "Biological agent" has the meaning ascribed to it in NRS 202.442.
- (c) "Chemical agent" has the meaning ascribed to it in NRS 202.4425.
- (d) *"Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.*
- (e) "Radioactive agent" has the meaning ascribed to it in NRS 202.4437.
- ~~[(e)]~~ (f) "Weapon of mass destruction" has the meaning ascribed to it in NRS 202.4445.

Sec. 30. NRS 633.471 is hereby amended to read as follows:

633.471 1. Except as otherwise provided in subsection ~~{14}~~ 15 and NRS 633.491, every holder of a license, except a physician assistant, issued under this chapter, except a temporary or a special license, may renew the license on or before January 1 of each calendar year after its issuance by:

- (a) Applying for renewal on forms provided by the Board;
- (b) Paying the annual license renewal fee specified in this chapter;
- (c) Submitting a list of all actions filed or claims submitted to arbitration or mediation for malpractice or negligence against the holder during the previous year;
- (d) Subject to subsection ~~{13,}~~ 14, submitting evidence to the Board that in the year preceding the application for renewal the holder has attended courses or programs of continuing education approved by the Board in accordance with regulations adopted by the Board totaling a number of hours established by the Board which must not be less than 35 hours nor more than that set in the requirements for continuing medical education of the American Osteopathic Association; and
- (e) Submitting all information required to complete the renewal.

2. The Secretary of the Board shall notify each licensee of the requirements for renewal not less than 30 days before the date of renewal.

3. The Board shall request submission of verified evidence of completion of the required number of hours of continuing medical education annually from no fewer than one-third of the applicants for renewal of a license to practice osteopathic medicine or a license to practice as a physician assistant. Subject to subsection ~~{13,}~~ 14, upon a request from the Board, an applicant for renewal of a license to practice osteopathic medicine or a license to practice as a physician assistant shall submit verified evidence satisfactory to the Board that in the year preceding the application for renewal the applicant attended courses or programs of continuing medical education approved by the Board totaling the number of hours established by the Board.

4. The Board shall require each holder of a license to practice osteopathic medicine to complete a course of instruction within 2 years after initial licensure that provides at least 2 hours of instruction on evidence-based suicide prevention and awareness as described in subsection 9.

5. The Board shall encourage each holder of a license to practice osteopathic medicine to receive, as a portion of his or her continuing

education, training concerning methods for educating patients about how to effectively manage medications, including, without limitation, the ability of the patient to request to have the symptom or purpose for which a drug is prescribed included on the label attached to the container of the drug.

6. The Board shall encourage each holder of a license to practice osteopathic medicine or as a physician assistant to receive, as a portion of his or her continuing education, training and education in the diagnosis of rare diseases, including, without limitation:

- (a) Recognizing the symptoms of pediatric cancer; and
- (b) Interpreting family history to determine whether such symptoms indicate a normal childhood illness or a condition that requires additional examination.

7. The Board shall require, as part of the continuing education requirements approved by the Board, the biennial completion by a holder of a license to practice osteopathic medicine of at least 2 hours of continuing education credits in ethics, pain management, care of persons with addictive disorders or the screening, brief intervention and referral to treatment approach to substance use disorder.

8. The continuing education requirements approved by the Board must allow the holder of a license as an osteopathic physician or physician assistant to receive credit toward the total amount of continuing education required by the Board for the completion of a course of instruction relating to genetic counseling and genetic testing.

9. The Board shall require each holder of a license to practice osteopathic medicine to receive as a portion of his or her continuing education at least 2 hours of instruction every 4 years on evidence-based suicide prevention and awareness which may include, without limitation, instruction concerning:

- (a) The skills and knowledge that the licensee needs to detect behaviors that may lead to suicide, including, without limitation, post-traumatic stress disorder;
- (b) Approaches to engaging other professionals in suicide intervention; and
- (c) The detection of suicidal thoughts and ideations and the prevention of suicide.

10. A holder of a license to practice osteopathic medicine may not substitute the continuing education credits relating to suicide prevention and awareness required by this section for the purposes of satisfying an equivalent requirement for continuing education in ethics.

11. The Board shall require each holder of a license to practice osteopathic medicine to complete at least 2 hours of training in the screening, brief intervention and referral to treatment approach to substance use disorder within 2 years after initial licensure.

12. The Board shall require each psychiatrist or a physician assistant practicing under the supervision of a psychiatrist to biennially complete one or more courses of instruction that provide at least 2 hours of instruction

relating to cultural competency and diversity, equity and inclusion. Such instruction:

(a) May include the training provided pursuant to NRS 449.103, where applicable.

(b) Must be based upon a range of research from diverse sources.

(c) Must address persons of different cultural backgrounds, including, without limitation:

(1) Persons from various gender, racial and ethnic backgrounds;

(2) Persons from various religious backgrounds;

(3) Lesbian, gay, bisexual, transgender and questioning persons;

(4) Children and senior citizens;

(5) Veterans;

(6) Persons with a mental illness;

(7) Persons with an intellectual disability, developmental disability or physical disability; and

(8) Persons who are part of any other population that a psychiatrist or physician assistant practicing under the supervision of a psychiatrist may need to better understand, as determined by the Board.

13. *The Board shall require each holder of a license to practice osteopathic medicine or as a physician assistant who provides or supervises the provision of emergency medical services in a hospital or primary care to complete at least 2 hours of training in the stigma, discrimination and unrecognized bias toward persons who have acquired or are at a high risk of acquiring human immunodeficiency virus within 2 years after beginning to provide or supervise the provision of such services or care.*

14. The Board shall not require a physician assistant to receive or maintain certification by the National Commission on Certification of Physician Assistants, or its successor organization, or by any other nationally recognized organization for the accreditation of physician assistants to satisfy any continuing education requirement pursuant to paragraph (d) of subsection 1 and subsection 3.

~~{14.}~~ 15. Members of the Armed Forces of the United States and the United States Public Health Service are exempt from payment of the annual license renewal fee during their active duty status.

16. *As used in this section, "primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.*

Sec. 31. NRS 687B.225 is hereby amended to read as follows:

687B.225 1. Except as otherwise provided in NRS 689A.0405, 689A.0412, 689A.0413, 689A.0437, 689A.044, 689A.0445, 689B.031, 689B.0312, 689B.0313, 689B.0315, 689B.0317, 689B.0374, 689C.1671, 689C.1675, 695A.1843, 695A.1856, 695B.1912, 695B.1913, 695B.1914, 695B.1924, 695B.1925, 695B.1942, 695C.1713, 695C.1735, 695C.1737, 695C.1743, 695C.1745, 695C.1751, 695G.170, 695G.1705, 695G.171, 695G.1714 and 695G.177, and sections 33, 41, 46, 54, 59, 64 and 71 of this

act, any contract for group, blanket or individual health insurance or any contract by a nonprofit hospital, medical or dental service corporation or organization for dental care which provides for payment of a certain part of medical or dental care may require the insured or member to obtain prior authorization for that care from the insurer or organization. The insurer or organization shall:

(a) File its procedure for obtaining approval of care pursuant to this section for approval by the Commissioner; and

(b) Respond to any request for approval by the insured or member pursuant to this section within 20 days after it receives the request.

2. The procedure for prior authorization may not discriminate among persons licensed to provide the covered care.

Sec. 32. Chapter 689A of NRS is hereby amended by adding thereto the provisions set forth as sections 33, 34 and 35 of this act.

Sec. 33. 1. *An insurer that offers or issues a policy of health insurance shall include in the policy coverage for:*

(a) *All drugs approved by the United States Food and Drug Administration to:*

(1) *Provide medication-assisted treatment for opioid use disorder, including, without limitation, buprenorphine, methadone and naltrexone.*

(2) *Support safe withdrawal from substance use disorder, including, without limitation, lofexidine.*

(b) *Any service for the treatment of substance use disorder provided by a provider of primary care if the service is covered when provided by a specialist and:*

(1) *The service is within the scope of practice of the provider of primary care; or*

(2) *The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation.*

2. *An insurer shall provide the coverage required by paragraph (a) of subsection 1 regardless of whether the drug is included in the formulary of the insurer.*

3. *An insurer shall not:*

(a) *Subject the benefits required by paragraph (a) of subsection 1 to medical management techniques, other than step therapy;*

(b) *Limit the covered amount of a drug described in paragraph (a) of subsection 1; or*

(c) *Refuse to cover a drug described in paragraph (a) of subsection 1 because the drug is dispensed by a pharmacy through mail order service.*

4. *An insurer shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.*

5. *A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024,*

has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 34. 1. An insurer that offers or issues a policy of health insurance shall include in the policy:

(a) Coverage of testing for and the treatment and prevention of sexually transmitted diseases, including, without limitation, Chlamydia trachomatis, gonorrhea, syphilis, human immunodeficiency virus and hepatitis B and C, for all insureds, regardless of age. Such coverage must include, without limitation, the coverage required by NRS 689A.0412 and 689A.0437.

(b) Unrestricted coverage of condoms for insureds who are 13 years of age or older.

2. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

Sec. 35. ~~[1. A policy of health insurance which provides coverage for prescription drugs must provide that, when calculating the amount of the contribution by an insured towards a deductible, copayment, coinsurance or any other cost sharing requirement for prescription drugs, the insurer or any pharmacy benefit manager that manages pharmacy benefits for the insurer must include the amount paid by the insured or another person or entity on behalf of the insured for a prescription drug:~~

~~(a) That has no generic equivalent;~~

~~(b) For which the insurer or pharmacy benefit manager has imposed a requirement for prior authorization or a step therapy protocol;~~

~~(c) Which is only covered under the policy of health insurance after the insured;~~

~~(1) Obtains an exception to a general policy of the insurer or pharmacy benefit manager; or~~

~~(2) Wins an appeal of such a policy; or~~

~~(d) That is prescribed to:~~

~~(1) Prevent the acquisition of human immunodeficiency virus;~~

~~(2) Treat human immunodeficiency virus or hepatitis C;~~

~~(3) Provide medication-assisted treatment for opioid use disorder; or~~

~~(4) Support safe withdrawal from substance use disorder.~~

~~2. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the provisions required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.~~

~~3. As used in this section, "pharmacy benefit manager" has the meaning ascribed to it in NRS 683A.174.~~ (Deleted by amendment.)

Sec. 36. NRS 689A.030 is hereby amended to read as follows:

689A.030 A policy of health insurance must not be delivered or issued for delivery to any person in this State unless it otherwise complies with this Code, and complies with the following:

1. The entire money and other considerations for the policy must be expressed therein.

2. The time when the insurance takes effect and terminates must be expressed therein.

3. It must purport to insure only one person, except that a policy may insure, originally or by subsequent amendment, upon the application of an adult member of a family, who shall be deemed the policyholder, any two or more eligible members of that family, including the husband, wife, domestic partner as defined in NRS 122A.030, dependent children, from the time of birth, adoption or placement for the purpose of adoption as provided in NRS 689A.043, or any child on or before the last day of the month in which the child attains 26 years of age, and any other person dependent upon the policyholder.

4. The style, arrangement and overall appearance of the policy must not give undue prominence to any portion of the text, and every printed portion of the text of the policy and of any endorsements or attached papers must be plainly printed in light-faced type of a style in general use, the size of which must be uniform and not less than 10 points with a lowercase unspaced alphabet length not less than 120 points. "Text" includes all printed matter except the name and address of the insurer, the name or the title of the policy, the brief description, if any, and captions and subcaptions.

5. The exceptions and reductions of indemnity must be set forth in the policy and, other than those contained in NRS 689A.050 to 689A.290, inclusive, must be printed, at the insurer's option, with the benefit provision to which they apply or under an appropriate caption such as "Exceptions" or "Exceptions and Reductions," except that if an exception or reduction

specifically applies only to a particular benefit of the policy, a statement of that exception or reduction must be included with the benefit provision to which it applies.

6. Each such form, including riders and endorsements, must be identified by a number in the lower left-hand corner of the first page thereof.

7. The policy must not contain any provision purporting to make any portion of the charter, rules, constitution or bylaws of the insurer a part of the policy unless that portion is set forth in full in the policy, except in the case of the incorporation of or reference to a statement of rates or classification of risks, or short-rate table filed with the Commissioner.

8. The policy must provide benefits for expense arising from care at home or health supportive services if that care or service was prescribed by a physician and would have been covered by the policy if performed in a medical facility or facility for the dependent as defined in chapter 449 of NRS.

9. ~~The~~ *Except as otherwise provided in this subsection, the policy must provide ~~[, at the option of the applicant,]~~ benefits for expenses incurred for the treatment of alcohol or substance use disorder . ~~[, unless]~~ Except for the benefits required by section 34 of this act, such benefits must be provided:*

(a) At the option of the applicant; and

(b) Unless the policy provides coverage only for a specified disease or provides for the payment of a specific amount of money if the insured is hospitalized or receiving health care in his or her home.

10. The policy must provide benefits for expense arising from hospice care.

Sec. 37. NRS 689A.0437 is hereby amended to read as follows:

689A.0437 1. An insurer that offers or issues a policy of health insurance shall include in the policy coverage for:

(a) ~~[Drugs]~~ *All drugs approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus ~~[,]~~ or treating human immunodeficiency virus or hepatitis C in the form recommended by the prescribing practitioner, regardless of whether the drug is included in the formulary of the insurer;*

(b) Laboratory testing that is necessary for therapy that uses ~~[such]~~ a drug ~~[,]~~ *to prevent the acquisition of human immunodeficiency virus;*

(c) *Any service to test for, prevent or treat human immunodeficiency virus or hepatitis C provided by a provider of primary care if the service is covered when provided by a specialist and:*

(1) The service is within the scope of practice of the provider of primary care; or

(2) The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation; and

~~[(c)]~~ (d) *The services described in NRS 639.28085, when provided by a pharmacist who participates in the network plan of the insurer.*

2. An insurer that offers or issues a policy of health insurance shall reimburse ~~it~~:

(a) A pharmacist who participates in the network plan of the insurer for the services described in NRS 639.28085 at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

(b) *An advanced practice registered nurse or a physician assistant who participates in the network plan of the insurer for any service to test for, prevent or treat human immunodeficiency virus or hepatitis C at a rate equal to the rate of reimbursement provided to a physician for similar services.*

3. An insurer ~~may subject~~ shall not:

(a) Subject the benefits required by subsection 1 to ~~reasonable~~ medical management techniques ~~it~~, other than step therapy;

(b) Limit the covered amount of a drug described in paragraph (a) of subsection 1;

(c) Refuse to cover a drug described in paragraph (a) of subsection 1 because the drug is dispensed by a pharmacy through mail order service; or

(d) Prohibit or restrict access to any service or drug to treat human immunodeficiency virus or hepatitis C on the same day on which the insured is diagnosed.

4. An insurer shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

5. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~October~~ January 1, ~~2021,~~ 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) *"Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.*

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 38. NRS 689A.046 is hereby amended to read as follows:

689A.046 1. ~~[The]~~ *In addition to the benefits required by section 33 of this act, the benefits provided by a policy for health insurance for treatment of alcohol or substance use disorder must ~~[consist of:]~~ include, without limitation:*

(a) Treatment for withdrawal from the physiological effect of alcohol or drugs, with a minimum benefit of \$1,500 per calendar year.

(b) Treatment for a patient admitted to a facility, with a minimum benefit of \$9,000 per calendar year.

(c) Counseling for a person, group or family who is not admitted to a facility, with a minimum benefit of \$2,500 per calendar year.

2. Except as otherwise provided in NRS 687B.409, these benefits must be paid in the same manner as benefits for any other illness covered by a similar policy are paid.

3. The insured person is entitled to these benefits if treatment is received in any:

(a) Facility for the treatment of alcohol or substance use disorder which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.

(b) Hospital or other medical facility or facility for the dependent which is licensed by the Division of Public and Behavioral Health of the Department of Health and Human Services, accredited by The Joint Commission or CARF International and provides a program for the treatment of alcohol or substance use disorder as part of its accredited activities.

Sec. 39. NRS 689A.330 is hereby amended to read as follows:

689A.330 If any policy is issued by a domestic insurer for delivery to a person residing in another state, and if the insurance commissioner or corresponding public officer of that other state has informed the Commissioner that the policy is not subject to approval or disapproval by that officer, the Commissioner may by ruling require that the policy meet the standards set forth in NRS 689A.030 to 689A.320, inclusive ~~[]~~ , and sections 33 ~~[]~~ and 34 ~~[and 35]~~ of this act.

Sec. 40. Chapter 689B of NRS is hereby amended by adding thereto the provisions set forth as sections 41, 42 and 43 of this act.

Sec. 41. 1. *An insurer that offers or issues a policy of group health insurance shall include in the policy coverage for:*

(a) *All drugs approved by the United States Food and Drug Administration to:*

(1) *Provide medication-assisted treatment for opioid use disorder, including, without limitation, buprenorphine, methadone and naltrexone.*

(2) *Support safe withdrawal from substance use disorder, including, without limitation, lofexidine.*

(b) *Any service for the treatment of substance use disorder provided by a provider of primary care if the service is covered when provided by a specialist and:*

(1) The service is within the scope of practice of the provider of primary care; or

(2) The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation.

2. An insurer shall provide the coverage required by paragraph (a) of subsection 1 regardless of whether the drug is included in the formulary of the insurer.

3. An insurer shall not:

(a) Subject the benefits required by paragraph (a) of subsection 1 to medical management techniques, other than step therapy;

(b) Limit the covered amount of a drug described in paragraph (a) of subsection 1; or

(c) Refuse to cover a drug described in paragraph (a) of subsection 1 because the drug is dispensed by a pharmacy through mail order service.

4. An insurer shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

5. A policy of group health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of group health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 42. 1. An insurer that offers or issues a policy of group health insurance shall include in the policy:

(a) Coverage of testing for and the treatment of and prevention of sexually transmitted diseases, including, without limitation, *Chlamydia trachomatis*, gonorrhea, syphilis, human immunodeficiency virus and hepatitis B and C, for all insureds, regardless of age. Such coverage must include, without limitation, the coverage required by NRS 689B.0312 and 689B.0315.

(b) Unrestricted coverage of condoms for insureds who are 13 years of age or older.

2. A policy of group health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

Sec. 43. ~~1. A policy of group health insurance which provides coverage for prescription drugs must provide that, when calculating the amount of the contribution by an insured towards a deductible, copayment, coinsurance or any other cost-sharing requirement for prescription drugs, the insurer or any pharmacy benefit manager that manages pharmacy benefits for the insurer must include the amount paid by the insured or another person or entity on behalf of the insured for a prescription drug:~~

~~(a) That has no generic equivalent;~~

~~(b) For which the insurer or pharmacy benefit manager has imposed a requirement for prior authorization or a step therapy protocol;~~

~~(c) Which is only covered under the policy of group health insurance after the insured;~~

~~(1) Obtains an exception to a general policy of the insurer or pharmacy benefit manager; or~~

~~(2) Wins an appeal of such a policy; or~~

~~(d) That is prescribed to:~~

~~(1) Prevent the acquisition of human immunodeficiency virus;~~

~~(2) Treat human immunodeficiency virus or hepatitis C;~~

~~(3) Provide medication-assisted treatment for opioid use disorder; or~~

~~(4) Support safe withdrawal from substance use disorder.~~

~~2. A policy of group health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the provisions required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.~~

~~3. As used in this section, "pharmacy benefit manager" has the meaning ascribed to it in NRS 683A.174.] (Deleted by amendment.)~~

Sec. 44. NRS 689B.0312 is hereby amended to read as follows:

689B.0312 1. An insurer that offers or issues a policy of group health insurance shall include in the policy coverage for:

(a) ~~[Drugs]~~ All drugs approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus ~~[;]~~ or treating human immunodeficiency virus or hepatitis C in the form recommended by the prescribing practitioner, regardless of whether the drug is included in the formulary of the insurer;

(b) Laboratory testing that is necessary for therapy that uses ~~[such]~~ a drug ~~[;]~~ to prevent the acquisition of human immunodeficiency virus;

(c) Any service to test for, prevent or treat human immunodeficiency virus or hepatitis C provided by a provider of primary care if the service is covered when provided by a specialist and:

(1) The service is within the scope of practice of the provider of primary care; or

(2) The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation; and

~~[(c)]~~ (d) The services described in NRS 639.28085, when provided by a pharmacist who participates in the network plan of the insurer.

2. An insurer that offers or issues a policy of group health insurance shall reimburse ~~for~~:

(a) A pharmacist who participates in the network plan of the insurer for the services described in NRS 639.28085 at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

(b) An advanced practice registered nurse or a physician assistant who participates in the network plan of the insurer for any service to test for, prevent or treat human immunodeficiency virus or hepatitis C at a rate equal to the rate of reimbursement provided to a physician for similar services.

3. An insurer ~~may subject~~ shall not:

(a) Subject the benefits required by subsection 1 to ~~reasonable~~ medical management techniques ~~[-]~~, other than step therapy;

(b) Limit the covered amount of a drug described in paragraph (a) of subsection 1;

(c) Refuse to cover a drug described in paragraph (a) of subsection 1 because the drug is dispensed by a pharmacy through mail order service; or

(d) Prohibit or restrict access to any service or drug to treat human immunodeficiency virus or hepatitis C on the same day on which the insured is diagnosed.

4. An insurer shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

5. A policy of group health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~October~~ January 1, ~~{2021,}~~ 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of group health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) *"Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.*

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 45. Chapter 689C of NRS is hereby amended by adding thereto the provisions set forth as sections 46, 47 and 48 of this act.

Sec. 46. 1. *A carrier that offers or issues a health benefit plan shall include in the plan coverage for:*

(a) *All drugs approved by the United States Food and Drug Administration to:*

(1) *Provide medication-assisted treatment for opioid use disorder, including, without limitation, buprenorphine, methadone and naltrexone.*

(2) *Support safe withdrawal from substance use disorder, including, without limitation, lofexidine.*

(b) *Any service for the treatment of substance use disorder provided by a provider of primary care if the service is covered when provided by a specialist and:*

(1) *The service is within the scope of practice of the provider of primary care; or*

(2) *The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation.*

2. *A carrier shall provide the coverage required by paragraph (a) of subsection 1 regardless of whether the drug is included in the formulary of the carrier.*

3. *A carrier shall not:*

(a) *Subject the benefits required by paragraph (a) of subsection 1 to medical management techniques, other than step therapy;*

(b) *Limit the covered amount of a drug described in paragraph (a) of subsection 1; or*

(c) *Refuse to cover a drug described in paragraph (a) of subsection 1 because the drug is dispensed by a pharmacy through mail order service.*

4. *A carrier shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the carrier.*

5. *A health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.*

6. *As used in this section:*

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health benefit plan offered by a carrier under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the carrier. The term does not include an arrangement for the financing of premiums.

(c) "Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 47. 1. A carrier that offers or issues a health benefit plan shall include in the plan:

(a) Coverage of testing for and the treatment and prevention of sexually transmitted diseases, including, without limitation, *Chlamydia trachomatis*, gonorrhea, syphilis, human immunodeficiency virus and hepatitis B and C, for all insureds, regardless of age. Such coverage must include, without limitation, the coverage required by NRS 689C.1671 and 689C.1675.

(b) Unrestricted coverage of condoms for insureds who are 13 years of age or older.

2. A health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

Sec. 48. ~~1. A health benefit plan which provides coverage for prescription drugs must provide that, when calculating the amount of the contribution by an insured towards a deductible, copayment, coinsurance or any other cost sharing requirement for prescription drugs, the carrier or any pharmacy benefit manager that manages pharmacy benefits for the carrier must include the amount paid by the insured or another person or entity on behalf of the insured for a prescription drug:~~

~~—(a) That has no generic equivalent;~~

~~—(b) For which the carrier or pharmacy benefit manager has imposed a requirement for prior authorization or a step therapy protocol;~~

~~—(c) Which is only covered under the health benefit plan after the insured:~~

~~—(1) Obtains an exception to a general policy of the carrier or pharmacy benefit manager; or~~

~~—(2) Wins an appeal of such a policy; or~~

~~—(d) That is prescribed to:~~

~~—(1) Prevent the acquisition of human immunodeficiency virus;~~

~~—(2) Treat human immunodeficiency virus or hepatitis C;~~

~~—(3) Provide medication assisted treatment for opioid use disorder; or~~

~~(4) Support safe withdrawal from substance use disorder.~~
~~2. A health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the provisions required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.~~
~~3. As used in this section, "pharmacy benefit manager" has the meaning ascribed to it in NRS 683A.174.] (Deleted by amendment.)~~

Sec. 49. NRS 689C.166 is hereby amended to read as follows:

689C.166 Each group health insurance policy must contain in substance a provision for benefits payable for expenses incurred for the treatment of alcohol or substance use disorder, as provided in NRS 689C.167 ~~[-]~~ and section 46 of this act.

Sec. 50. NRS 689C.167 is hereby amended to read as follows:

689C.167 1. ~~[The]~~ In addition to the benefits required by section 46 of this act, the benefits provided by a group policy for health insurance, as required by NRS 689C.166, for the treatment of alcohol or substance use disorders must ~~[consist of:]~~ include, without limitation:

(a) Treatment for withdrawal from the physiological effects of alcohol or drugs, with a minimum benefit of \$1,500 per calendar year.

(b) Treatment for a patient admitted to a facility, with a minimum benefit of \$9,000 per calendar year.

(c) Counseling for a person, group or family who is not admitted to a facility, with a minimum benefit of \$2,500 per calendar year.

2. Except as otherwise provided in NRS 687B.409, these benefits must be paid in the same manner as benefits for any other illness covered by a similar policy are paid.

3. The insured person is entitled to these benefits if treatment is received in any:

(a) Facility for the treatment of alcohol or substance use disorders which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.

(b) Hospital or other medical facility or facility for the dependent which is licensed by the Division of Public and Behavioral Health of the Department of Health and Human Services, is accredited by The Joint Commission or CARF International and provides a program for the treatment of alcohol or substance use disorders as part of its accredited activities.

Sec. 51. NRS 689C.1671 is hereby amended to read as follows:

689C.1671 1. A carrier that offers or issues a health benefit plan shall include in the plan coverage for:

(a) ~~[Drugs]~~ All drugs approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus ~~[-]~~ or treating human immunodeficiency virus or hepatitis C in the form recommended by the prescribing practitioner, regardless of whether the drug is included in the formulary of the carrier;

(b) Laboratory testing that is necessary for therapy that uses ~~[such]~~ a drug ~~[to prevent the acquisition of human immunodeficiency virus];~~

(c) Any service to test for, prevent or treat human immunodeficiency virus or hepatitis C provided by a provider of primary care if the service is covered when provided by a specialist and:

(1) The service is within the scope of practice of the provider of primary care; or

(2) The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation; and

~~[(e)]~~ (d) The services described in NRS 639.28085, when provided by a pharmacist who participates in the health benefit plan of the carrier.

2. A carrier that offers or issues a health benefit plan shall reimburse ~~[a]~~ :

(a) A pharmacist who participates in the health benefit plan of the carrier for the services described in NRS 639.28085 at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

(b) An advanced practice registered nurse or a physician assistant who participates in the network plan of the carrier for any service to test for, prevent or treat human immunodeficiency virus or hepatitis C at a rate equal to the rate of reimbursement provided to a physician for similar services.

3. A carrier ~~[may subject]~~ shall not:

(a) Subject the benefits required by subsection 1 to ~~[reasonable]~~ medical management techniques ~~[,]~~, other than step therapy;

(b) Limit the covered amount of a drug described in paragraph (a) of subsection 1;

(c) Refuse to cover a drug described in paragraph (a) of subsection 1 because the drug is dispensed by a pharmacy through mail order service; or

(d) Prohibit or restrict access to any service or drug to treat human immunodeficiency virus or hepatitis C on the same day on which the insured is diagnosed.

4. A carrier shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the carrier.

5. A health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~[October]~~ January 1, ~~[2021,]~~ 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health benefit plan offered by a carrier under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the carrier. The term does not include an arrangement for the financing of premiums.

(c) *"Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.*

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 52. NRS 689C.425 is hereby amended to read as follows:

689C.425 A voluntary purchasing group and any contract issued to such a group pursuant to NRS 689C.360 to 689C.600, inclusive, are subject to the provisions of NRS 689C.015 to 689C.355, inclusive, *and sections 46, 47 and 48 of this act* ~~to the extent applicable and not in conflict with the express provisions of NRS 687B.408 and 689C.360 to 689C.600, inclusive.~~

Sec. 53. Chapter 695A of NRS is hereby amended by adding thereto the provisions set forth as sections 54, 55 and 56 of this act.

Sec. 54. 1. *A society that offers or issues a benefit contract shall include in the contract coverage for:*

(a) *All drugs approved by the United States Food and Drug Administration to:*

(1) *Provide medication-assisted treatment for opioid use disorder, including, without limitation, buprenorphine, methadone and naltrexone.*

(2) *Support safe withdrawal from substance use disorder, including, without limitation, lofexidine.*

(b) *Any service for the treatment of substance use disorder provided by a provider of primary care if the service is covered when provided by a specialist and:*

(1) *The service is within the scope of practice of the provider of primary care; or*

(2) *The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation.*

2. *A society shall provide the coverage required by paragraph (a) of subsection 1 regardless of whether the drug is included in the formulary of the society.*

3. *A society shall not:*

(a) *Subject the benefits required by paragraph (a) of subsection 1 to medical management techniques, other than step therapy;*

(b) *Limit the covered amount of a drug described in paragraph (a) of subsection 1; or*

(c) *Refuse to cover a drug described in paragraph (a) of subsection 1 because the drug is dispensed by a pharmacy through mail order service.*

4. A society shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the society.

5. A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the contract that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a benefit contract offered by a society under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the society. The term does not include an arrangement for the financing of premiums.

(c) "Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 55. 1. A society that offers or issues a benefit contract shall include in the contract:

(a) Coverage of testing for and the treatment and prevention of sexually transmitted diseases, including, without limitation, Chlamydia trachomatis, gonorrhea, syphilis, human immunodeficiency virus and hepatitis B and C, for all insureds, regardless of age. Such coverage must include, without limitation, the coverage required by NRS 695A.1843 and 695A.1856.

(b) Unrestricted coverage of condoms for insureds who are 13 years of age or older.

2. A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the contract that conflicts with the provisions of this section is void.

Sec. 56. ~~1. A benefit contract which provides coverage for prescription drugs must provide that, when calculating the amount of the contribution by an insured towards a deductible, copayment, coinsurance or any other cost sharing requirement for prescription drugs, the society or any pharmacy benefit manager that manages pharmacy benefits for the society must include the amount paid by the insured or another person or entity on behalf of the insured for a prescription drug:~~

~~— (a) That has no generic equivalent;~~

~~(b) For which the society or pharmacy benefit manager has imposed a requirement for prior authorization or a step therapy protocol;~~

~~(c) Which is only covered under the benefit contract after the insured:~~

~~(1) Obtains an exception to a general policy of the society or pharmacy benefit manager; or~~

~~(2) Wins an appeal of such a policy; or~~

~~(d) That is prescribed to:~~

~~(1) Prevent the acquisition of human immunodeficiency virus;~~

~~(2) Treat human immunodeficiency virus or hepatitis C;~~

~~(3) Provide medication-assisted treatment for opioid use disorder; or~~

~~(4) Support safe withdrawal from substance use disorder.~~

~~2. A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the provisions required by subsection 1, and any provision of the contract that conflicts with the provisions of this section is void.~~

~~3. As used in this section, "pharmacy benefit manager" has the meaning ascribed to it in NRS 683A.174.] (Deleted by amendment.)~~

Sec. 57. NRS 695A.1843 is hereby amended to read as follows:

695A.1843 1. A society that offers or issues a benefit contract shall include in the benefit coverage for:

(a) ~~{Drugs}~~ All approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus ~~{;}~~ or treating human immunodeficiency virus or hepatitis C in the form recommended by the prescribing practitioner, regardless of whether the drug is included in the formulary of the society;

(b) Laboratory testing that is necessary for therapy that uses ~~{such}~~ a drug ~~{;}~~ to prevent the acquisition of human immunodeficiency virus;

(c) Any service to test for, prevent or treat human immunodeficiency virus or hepatitis C provided by a provider of primary care if the service is covered when provided by a specialist and:

(1) The service is within the scope of practice of the provider of primary care; or

(2) The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation; and

~~{(c)}~~ (d) The services described in NRS 639.28085, when provided by a pharmacist who participates in the network plan of the society.

2. A society that offers or issues a benefit contract shall reimburse ~~{a}~~ :

(a) A pharmacist who participates in the network plan of the society for the services described in NRS 639.28085 at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

(b) An advanced practice registered nurse or a physician assistant who participates in the network plan of the society for any service to test for,

prevent or treat human immunodeficiency virus or hepatitis C at a rate equal to the rate of reimbursement provided to a physician for similar services.

3. A society ~~[may subject]~~ shall not:

(a) *Subject the benefits required by subsection 1 to ~~[reasonable]~~ medical management techniques ~~[,]~~, other than step therapy;*

(b) *Limit the covered amount of a drug described in paragraph (a) of subsection 1;*

(c) *Refuse to cover a drug described in paragraph (a) of subsection 1 because the drug is dispensed by a pharmacy through mail order service; or*

(d) *Prohibit or restrict access to any service or drug to treat human immunodeficiency virus or hepatitis C on the same day on which the insured is diagnosed.*

4. A society shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the society.

5. A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~[October]~~ January 1, ~~[2021,]~~ 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a benefit contract offered by a society under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the society. The term does not include an arrangement for the financing of premiums.

(c) "Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 58. Chapter 695B of NRS is hereby amended by adding thereto the provisions set forth as sections 59, 60 and 61 of this act.

Sec. 59. 1. A hospital or medical services corporation that offers or issues a policy of health insurance shall include in the policy coverage for:

(a) All drugs approved by the United States Food and Drug Administration to:

(1) Provide medication-assisted treatment for opioid use disorder, including, without limitation, buprenorphine, methadone and naltrexone.

(2) Support safe withdrawal from substance use disorder, including, without limitation, lofexidine.

(b) Any service for the treatment of substance use disorder provided by a provider of primary care if the service is covered when provided by a specialist and:

(1) The service is within the scope of practice of the provider of primary care; or

(2) The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation.

2. A hospital or medical services corporation shall provide the coverage required by paragraph (a) of subsection 1 regardless of whether the drug is included in the formulary of the hospital or medical services corporation.

3. A hospital or medical services corporation shall not:

(a) Subject the benefits required by paragraph (a) of subsection 1 to medical management techniques, other than step therapy;

(b) Limit the covered amount of a drug described in paragraph (a) of subsection 1; or

(c) Refuse to cover a drug described in paragraph (a) of subsection 1 because the drug is dispensed by a pharmacy through mail order service.

4. A hospital or medical services corporation shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the hospital or medical services corporation.

5. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of health insurance offered by a hospital or medical services corporation under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the hospital or medical services corporation. The term does not include an arrangement for the financing of premiums.

(c) "Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 60. 1. A hospital or medical services corporation that offers or issues a policy of health insurance shall include in the policy:

(a) Coverage of testing for and the treatment and prevention of sexually transmitted diseases, including, without limitation, *Chlamydia trachomatis*, gonorrhea, syphilis, human immunodeficiency virus and hepatitis B and C, for all insureds, regardless of age. Such coverage must include, without limitation, the coverage required by NRS 695B.1913 and 695B.1924.

(b) Unrestricted coverage of condoms for insureds who are 13 years of age or older.

2. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

~~Sec. 61. [1. A policy of health insurance which provides coverage for prescription drugs must provide that, when calculating the amount of the contribution by an insured towards a deductible, copayment, coinsurance or any other cost sharing requirement for prescription drugs, the hospital or medical services corporation or any pharmacy benefit manager that manages pharmacy benefits for the hospital or medical services corporation must include the amount paid by the insured or another person or entity on behalf of the insured for a prescription drug:~~

~~—(a) That has no generic equivalent;~~

~~—(b) For which the hospital or medical services corporation or pharmacy benefit manager has imposed a requirement for prior authorization or a step therapy protocol; or~~

~~—(c) Which is only covered under the policy of health insurance after the insured:~~

~~—(1) Obtains an exception to a general policy of the hospital or medical services corporation or pharmacy benefit manager; or~~

~~—(2) Wins an appeal of such a policy; or~~

~~—(d) That is prescribed to:~~

~~—(1) Prevent the acquisition of human immunodeficiency virus;~~

~~—(2) Treat human immunodeficiency virus or hepatitis C;~~

~~—(3) Provide medication assisted treatment for opioid use disorder; or~~

~~—(4) Support safe withdrawal from substance use disorder.~~

~~2. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the provisions required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.~~

~~3. As used in this section, "pharmacy benefit manager" has the meaning ascribed to it in NRS 682A.174.] (Deleted by amendment.)~~

Sec. 62. NRS 695B.1924 is hereby amended to read as follows:

695B.1924 1. A hospital or medical services corporation that offers or issues a policy of health insurance shall include in the policy coverage for:

(a) ~~{Drugs}~~ All drugs approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus ~~{,}~~ or treating human immunodeficiency virus or hepatitis C in the form recommended by the prescribing practitioner, regardless of whether the drug is included in the formulary of the hospital or medical services organization;

(b) Laboratory testing that is necessary for therapy using ~~{such}~~ a drug ~~{,}~~ to prevent the acquisition of human immunodeficiency virus;

(c) Any service to test for, prevent or treat human immunodeficiency virus or hepatitis C provided by a provider of primary care if the service is covered when provided by a specialist and:

(1) The service is within the scope of practice of the provider of primary care; or

(2) The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation; and

~~{(e)}~~ (d) The services described in NRS 639.28085, when provided by a pharmacist who participates in the network plan of the hospital or medical services corporation.

2. A hospital or medical services corporation that offers or issues a policy of health insurance shall reimburse ~~{a}~~ :

(a) A pharmacist who participates in the network plan of the hospital or medical services corporation for the services described in NRS 639.28085 at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

(b) An advanced practice registered nurse or a physician assistant who participates in the network plan of the hospital or medical services corporation for any service to test for, prevent or treat human immunodeficiency virus or hepatitis C at a rate equal to the rate of reimbursement provided to a physician for similar services.

3. A hospital or medical services corporation ~~{may subject}~~ shall not:

(a) Subject the benefits required by subsection 1 to ~~{reasonable}~~ medical management techniques ~~{,}~~, other than step therapy;

(b) Limit the covered amount of a drug described in paragraph (a) of subsection 1;

(c) Refuse to cover a drug described in paragraph (a) of subsection 1 because the drug is dispensed by a pharmacy through mail order service; or

(d) Prohibit or restrict access to any service or drug to treat human immunodeficiency virus or hepatitis C on the same day on which the insured is diagnosed.

4. A hospital or medical services corporation shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the hospital or medical services corporation.

5. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~{October}~~

January 1, ~~{2021,}~~ 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of health insurance offered by a hospital or medical services corporation under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the hospital or medical services corporation. The term does not include an arrangement for the financing of premiums.

(c) "Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 63. Chapter 695C of NRS is hereby amended by adding thereto the provisions set forth as sections 64, 65 and 66 of this act.

Sec. 64. 1. A health maintenance organization that offers or issues a health care plan shall include in the plan coverage for:

(a) All drugs approved by the United States Food and Drug Administration to:

(1) Provide medication-assisted treatment for opioid use disorder, including, without limitation, buprenorphine, methadone and naltrexone.

(2) Support safe withdrawal from substance use disorder, including, without limitation, lofexidine.

(b) Any service for the treatment of substance use disorder provided by a provider of primary care if the service is covered when provided by a specialist and:

(1) The service is within the scope of practice of the provider of primary care; or

(2) The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation.

2. A health maintenance organization shall provide the coverage required by paragraph (a) of subsection 1 regardless of whether the drug is included in the formulary of the health maintenance organization.

3. A health maintenance organization shall not:

(a) Subject the benefits required by paragraph (a) of subsection 1 to medical management techniques, other than step therapy;

(b) Limit the covered amount of a drug described in paragraph (a) of subsection 1; or

(c) Refuse to cover a drug described in paragraph (a) of subsection 1 because the drug is dispensed by a pharmacy through mail order service.

4. A health maintenance organization shall ensure that the benefits required by subsection 1 are made available to an enrollee through a provider of health care who participates in the network plan of the health maintenance organization.

5. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health care plan offered by a health maintenance organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the health maintenance organization. The term does not include an arrangement for the financing of premiums.

(c) "Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 65. 1. A health maintenance organization that offers or issues a health care plan shall include in the plan:

(a) Coverage of testing for and the treatment and prevention of sexually transmitted diseases, including, without limitation, Chlamydia trachomatis, gonorrhea, syphilis, human immunodeficiency virus and hepatitis B and C, for all enrollees, regardless of age. Such coverage must include, without limitation, the coverage required by NRS 695C.1737 and 695C.1743.

(b) Unrestricted coverage of condoms for enrollees who are 13 years of age or older.

2. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

Sec. 66. ~~1. A health care plan which provides coverage for prescription drugs must provide that, when calculating the amount of the contribution by an enrollee towards a deductible, copayment, coinsurance or any other cost-sharing requirement for prescription drugs, the health maintenance organization or any pharmacy benefit manager that manages pharmacy benefits for the health maintenance organization must include the~~

~~amount paid by the enrollee or another person or entity on behalf of the enrollee for a prescription drug;~~

~~— (a) That has no generic equivalent;~~

~~— (b) For which the health maintenance organization or pharmacy benefit manager has imposed a requirement for prior authorization or a step therapy protocol;~~

~~— (c) Which is only covered under the health care plan after the enrollee:~~

~~— (1) Obtains an exception to a general policy of the health maintenance organization or pharmacy benefit manager; or~~

~~— (2) Wins an appeal of such a policy; or~~

~~— (d) That is prescribed to:~~

~~— (1) Prevent the acquisition of human immunodeficiency virus;~~

~~— (2) Treat human immunodeficiency virus or hepatitis C;~~

~~— (3) Provide medication-assisted treatment for opioid use disorder; or~~

~~— (4) Support safe withdrawal from substance use disorder.~~

~~2. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the provisions required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.~~

~~3. As used in this section, "pharmacy benefit manager" has the meaning ascribed to it in NRS 683A.174.] (Deleted by amendment.)~~

Sec. 67. NRS 695C.050 is hereby amended to read as follows:

695C.050 1. Except as otherwise provided in this chapter or in specific provisions of this title, the provisions of this title are not applicable to any health maintenance organization granted a certificate of authority under this chapter. This provision does not apply to an insurer licensed and regulated pursuant to this title except with respect to its activities as a health maintenance organization authorized and regulated pursuant to this chapter.

2. Solicitation of enrollees by a health maintenance organization granted a certificate of authority, or its representatives, must not be construed to violate any provision of law relating to solicitation or advertising by practitioners of a healing art.

3. Any health maintenance organization authorized under this chapter shall not be deemed to be practicing medicine and is exempt from the provisions of chapter 630 of NRS.

4. The provisions of NRS 695C.110, 695C.125, 695C.1691, 695C.1693, 695C.170, 695C.1703, 695C.1705, 695C.1709 to 695C.173, inclusive, 695C.1733, 695C.17335, 695C.1734, 695C.1751, 695C.1755, 695C.1759, 695C.176 to 695C.200, inclusive, and 695C.265 do not apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services. This subsection does not exempt a health

maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

5. The provisions of NRS 695C.1694 to 695C.1698, inclusive, 695C.1701, 695C.1708, 695C.1728, 695C.1731, 695C.17333, 695C.17345, 695C.17347, 695C.1735, 695C.1737, 695C.1743, 695C.1745 and 695C.1757 *and sections 64 ~~and~~ and 65 ~~and 66~~ of this act* apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid.

Sec. 68. NRS 695C.1743 is hereby amended to read as follows:

695C.1743 1. A health maintenance organization that offers or issues a health care plan shall include in the plan coverage for:

(a) ~~Drugs~~ *All drugs approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus ~~or treating human immunodeficiency virus or hepatitis C in the form recommended by the prescribing practitioner, regardless of whether the drug is included in the formulary of the health maintenance organization;~~*

(b) Laboratory testing that is necessary for therapy that uses ~~such~~ a drug ~~to prevent the acquisition of human immunodeficiency virus;~~

(c) *Any service to test for, prevent or treat human immunodeficiency virus or hepatitis C provided by a provider of primary care if the service is covered when provided by a specialist and:*

(1) *The service is within the scope of practice of the provider of primary care; or*

(2) *The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation; and*

~~(c)~~ (d) The services described in NRS 639.28085, when provided by a pharmacist who participates in the network plan of the health maintenance organization.

2. A health maintenance organization that offers or issues a health care plan shall reimburse ~~at~~ :

(a) A pharmacist who participates in the network plan of the health maintenance organization for the services described in NRS 639.28085 at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

(b) *An advanced practice registered nurse or a physician assistant who participates in the network plan of the health maintenance organization for any service to test for, prevent or treat human immunodeficiency virus or hepatitis C at a rate equal to the rate of reimbursement provided to a physician for similar services.*

3. A health maintenance organization ~~may subject~~ shall not:

(a) *Subject the benefits required by subsection 1 to ~~reasonable~~ medical management techniques ~~or~~, other than step therapy;*

(b) *Limit the covered amount of a drug described in paragraph (a) of subsection 1;*

(c) *Refuse to cover a drug described in paragraph (a) of subsection 1 because the drug is dispensed by a pharmacy through mail order service; or*

(d) *Prohibit or restrict access to any service or drug to treat human immunodeficiency virus or hepatitis C on the same day on which the enrollee is diagnosed.*

4. A health maintenance organization shall ensure that the benefits required by subsection 1 are made available to an enrollee through a provider of health care who participates in the network plan of the health maintenance organization.

5. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~{October}~~ January 1, ~~{2021,}~~ 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health care plan offered by a health maintenance organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the health maintenance organization. The term does not include an arrangement for the financing of premiums.

(c) *"Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.*

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 69. NRS 695C.330 is hereby amended to read as follows:

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

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

(b) The health maintenance organization issues evidence of coverage or uses a schedule of charges for health care services which do not comply with the requirements of NRS 695C.1691 to 695C.200, inclusive, *and sections 64 ~~{,}~~ and 65 ~~{and 66}~~ of this act* or 695C.207;

(c) The health care plan does not furnish comprehensive health care services as provided for in NRS 695C.060;

(d) The Commissioner certifies that the health maintenance organization:

(1) Does not meet the requirements of subsection 1 of NRS 695C.080;

or

(2) Is unable to fulfill its obligations to furnish health care services as required under its health care plan;

(e) The health maintenance organization is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees;

(f) The health maintenance organization has failed to put into effect a mechanism affording the enrollees an opportunity to participate in matters relating to the content of programs pursuant to NRS 695C.110;

(g) The health maintenance organization has failed to put into effect the system required by NRS 695C.260 for:

(1) Resolving complaints in a manner reasonably to dispose of valid complaints; and

(2) Conducting external reviews of adverse determinations that comply with the provisions of NRS 695G.241 to 695G.310, inclusive;

(h) The health maintenance organization or any person on its behalf has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive or unfair manner;

(i) The continued operation of the health maintenance organization would be hazardous to its enrollees or creditors or to the general public;

(j) The health maintenance organization fails to provide the coverage required by NRS 695C.1691; or

(k) The health maintenance organization has otherwise failed to comply substantially with the provisions of this chapter.

2. A certificate of authority must be suspended or revoked only after compliance with the requirements of NRS 695C.340.

3. If the certificate of authority of a health maintenance organization is suspended, the health maintenance organization shall not, during the period of that suspension, enroll any additional groups or new individual contracts, unless those groups or persons were contracted for before the date of suspension.

4. If the certificate of authority of a health maintenance organization is revoked, the organization shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs and shall conduct no further business except as may be essential to the orderly conclusion of the affairs of the organization. It shall engage in no further advertising or solicitation of any kind. The Commissioner may, by written order, permit such further operation of the organization as the Commissioner may find to be in the best interest of enrollees to the end that enrollees are afforded the greatest practical opportunity to obtain continuing coverage for health care.

Sec. 70. Chapter 695G of NRS is hereby amended by adding thereto the provisions set forth as sections 71, 72 and 73 of this act.

Sec. 71. 1. *A managed care organization that offers or issues a health care plan shall include in the plan coverage for:*

(a) *All drugs approved by the United States Food and Drug Administration to:*

(1) *Provide medication-assisted treatment for opioid use disorder, including, without limitation, buprenorphine, methadone and naltrexone.*

(2) *Support safe withdrawal from substance use disorder, including, without limitation, lofexidine.*

(b) *Any service for the treatment of substance use disorder provided by a provider of primary care if the service is covered when provided by a specialist and:*

(1) *The service is within the scope of practice of the provider of primary care; or*

(2) *The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation.*

2. *A managed care organization shall provide the coverage required by paragraph (a) of subsection 1 regardless of whether the drug is included in the formulary of the managed care organization.*

3. *A managed care organization shall not:*

(a) *Subject the benefits required by paragraph (a) of subsection 1 to medical management techniques, other than step therapy;*

(b) *Limit the covered amount of a drug described in paragraph (a) of subsection 1; or*

(c) *Refuse to cover a drug described in paragraph (a) of subsection 1 because the drug is dispensed by a pharmacy through mail order service.*

4. *A managed care organization shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the managed care organization.*

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

6. *As used in this section:*

(a) *"Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.*

(b) *"Network plan" means a health care plan offered by a managed care organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole*

or in part, through a defined set of providers under contract with the managed care organization. The term does not include an arrangement for the financing of premiums.

(c) "Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 72. 1. A managed care organization that offers or issues a health care plan shall include in the plan:

(a) Coverage of testing for, treatment of and prevention of sexually transmitted diseases, including, without limitation, Chlamydia trachomatis, gonorrhea, syphilis, human immunodeficiency virus and hepatitis B and C, for all insureds, regardless of age. Such coverage must include, without limitation, the coverage required by NRS 695G.1705 and 695G.1714.

(b) Unrestricted coverage of condoms for insureds who are 13 years of age or older.

2. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

~~Sec. 73. 1. A health care plan which provides coverage for prescription drugs must provide that, when calculating the amount of the contribution by an insured towards a deductible, copayment, coinsurance or any other cost-sharing requirement for prescription drugs, the managed care organization or any pharmacy benefit manager that manages pharmacy benefits for the managed care organization must include the amount paid by the insured or another person or entity on behalf of the insured for a prescription drug:~~

~~— (a) That has no generic equivalent;~~

~~— (b) For which the managed care organization or pharmacy benefit manager has imposed a requirement for prior authorization or a step therapy protocol;~~

~~— (c) Which is only covered under the health care plan after the insured:~~

~~— (1) Obtains an exception to a general policy of the managed care organization or pharmacy benefit manager; or~~

~~— (2) Wins an appeal of such a policy; or~~

~~— (d) That is prescribed to:~~

~~— (1) Prevent the acquisition of human immunodeficiency virus;~~

~~— (2) Treat human immunodeficiency virus or hepatitis C;~~

~~— (3) Provide medication-assisted treatment for opioid use disorder; or~~

~~— (4) Support safe withdrawal from substance use disorder.~~

~~2. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the provisions required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.~~

~~3. As used in this section, "pharmacy benefit manager" has the meaning ascribed to it in NRS 683A.174. (Deleted by amendment.)~~

Sec. 74. NRS 695G.1705 is hereby amended to read as follows:

695G.1705 1. A managed care organization that offers or issues a health care plan shall include in the plan coverage for:

(a) ~~Drugs~~ All drugs approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus ~~or treating human immunodeficiency virus or hepatitis C in the form recommended by the prescribing practitioner, regardless of whether the drug is included in the formulary of the managed care organization;~~

(b) Laboratory testing that is necessary for therapy that uses ~~such~~ a drug ~~to prevent the acquisition of human immunodeficiency virus;~~

(c) Any service to test for, prevent or treat human immunodeficiency virus or hepatitis C provided by a provider of primary care if the service is covered when provided by a specialist and:

(1) The service is within the scope of practice of the provider of primary care; or

(2) The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation; and

~~(c)~~ (d) The services described in NRS 639.28085, when provided by a pharmacist who participates in the network plan of the managed care organization.

2. A managed care organization that offers or issues a health care plan shall reimburse ~~at~~ :

(a) A pharmacist who participates in the network plan of the managed care organization for the services described in NRS 639.28085 at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

(b) An advanced practice registered nurse or a physician assistant who participates in the network plan of the managed care organization for any service to test for, prevent or treat human immunodeficiency virus or hepatitis C at a rate equal to the rate of reimbursement provided to a physician for similar services.

3. A managed care organization ~~may subject~~ shall not:

(a) Subject the benefits required by subsection 1 to ~~reasonable~~ medical management techniques ~~or~~, other than step therapy;

(b) Limit the covered amount of a drug described in paragraph (a) of subsection 1;

(c) Refuse to cover a drug described in paragraph (a) of subsection 1 because the drug is dispensed by a pharmacy through mail order service; or

(d) Prohibit or restrict access to any service or drug to treat human immunodeficiency virus or hepatitis C on the same day on which the insured is diagnosed.

4. A managed care organization shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the managed care organization.

5. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~October~~ January 1, ~~2021,~~ 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health care plan offered by a managed care organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the managed care organization. The term does not include an arrangement for the financing of premiums.

(c) *"Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.*

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 75. 1. The first application that a physician, osteopathic physician or physician assistant licensed pursuant to chapter 630 or 633 of NRS or a nurse who provides or supervises the provision of emergency medical services in a hospital or primary care and who is licensed on January 1, 2024, submits to renew his or her license on or after that date must include, without limitation, proof that the applicant has completed at least 2 hours of training in the stigma, discrimination and unrecognized bias toward persons who have acquired or are at a high risk of acquiring human immunodeficiency virus, as required by NRS 630.253, 632.343 and 633.471, as amended by sections 28, 29 and 30 of this act, respectively, as applicable.

2. As used in this section, "primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.

Sec. 76. The Legislature hereby finds and declares that:

1. In *Lapinski v. State*, 84 Nev. 611, 613 (1968), the Nevada Supreme Court held that "the power to define crimes and penalties lies exclusively in the legislature."

2. The Nevada Supreme Court has further held in *Tellis v. State*, 84 Nev. 587, 591 (1968), *Sparkman v. State*, 95 Nev. 76, 82 (1979) and *State v. Dist. Ct. (Pullin)*, 124 Nev. 564, 567-68 (2008), that the penalty for a crime is determined by the law in effect at the time the offender committed the crime

and not the law in effect at the time the offender is sentenced unless the Legislature has expressed its clear intent that a statute ameliorating the penalty apply retroactively.

3. NRS 441A.118 states that "[t]he Legislature hereby finds and declares that the spread of communicable diseases is best addressed through public health measures rather than criminalization."

4. For those reasons, the Legislature is exercising its exclusive power to define the acts which subject a person to criminal penalties by:

(a) Retroactively applying the provisions of section 24 of chapter 491, Statutes of Nevada 2021, at page 3199, which repealed certain criminal offenses that were based on a person having the human immunodeficiency virus, to apply to conduct that occurred before those offenses were repealed; and

(b) Making certain offenses which were punishable as category A felonies before the effective date of section 13 of this act based on the potential to spread a communicable disease instead punishable as category B felonies, category D felonies or gross misdemeanors.

Sec. 77. 1. The provisions of section 24 of chapter 491, Statutes of Nevada 2021, at page 3199, apply to any violation of NRS 201.205 or 201.358, as those sections existed before the enactment of section 24 of chapter 491, Statutes of Nevada 2021, at page 3199, if the violation occurred before, on or after June 6, 2021, and the person was convicted on or after the effective date of this section.

~~2. The provisions of section 3 of this act apply to any violation of NRS 201.205 or 201.358, as those sections existed before the enactment of section 24 of chapter 491, Statutes of Nevada 2021, at page 3199, if the violation occurred before, on or after June 6, 2021, regardless of when the person was convicted.~~

~~3.~~ If, before June 6, 2021, a person committed a violation of a NRS 201.205 or 201.358, as those sections existed before the enactment of section 24 of chapter 491, Statutes of Nevada 2021, at page 3199, and the person was not charged for that violation before the effective date of this section, the person must not be charged for that violation.

~~4.~~ 3. Each court in this State shall cancel each outstanding bench warrant issued by the court for a person who failed to appear in court in relation to an alleged violation of NRS 201.205 or 201.358, as those sections existed before the enactment of section 24 of chapter 491, Statutes of Nevada 2021, at page 3199.

~~5.~~ 4. The Central Repository for Nevada Records of Criminal History shall remove from each database or compilation of records of criminal history maintained by the Central Repository all records of bench warrants issued for a person who failed to appear in court in relation to an alleged violation of NRS 201.205 or 201.358, as those sections existed before the enactment of section 24 of chapter 491, Statutes of Nevada 2021, at page 3199.

Sec. 78. 1. The provisions of NRS 212.189, as amended by section 13 of this act, apply to any violation of that section, that occurred before, on or after the effective date of that section, if the person was not convicted before the effective date of that section.

2. If a person commits a violation of a NRS 212.189 which is punishable as a category A felony before the effective date of section 13 of this act, and the violation is punishable as a category B felony, a category D felony or a gross misdemeanor pursuant to NRS 212.189, as amended by section 13 of this act, the person must not be charged with or convicted of a category A felony, if the violation occurs on or after the effective date of section 13 of this act, and may only be charged with and convicted of a category B felony, category D felony or gross misdemeanor, as applicable, on or after the effective date of section 13 of this act.

Sec. 79. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 80. 1. This section and sections 3 to 10, inclusive, 13, 76, 77 and 78 of this act become effective upon passage and approval.

2. Sections 1, 2, 11, 12, 14 to 75, inclusive, and 79 of this act become effective:

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

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

Senator Doñate moved the adoption of the amendment.

Remarks by Senator Doñate.

Amendment No. 358 to Senate Bill No. 439 provides that the repeal of certain offenses applies retroactively to violations that occurred before the effective date and makes conforming changes to exempt local governmental agencies that provide health insurance to employees under certain circumstances.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

WAIVERS AND EXEMPTIONS

NOTICE OF EXEMPTION

April 24, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 163, 290, 419, 439.

WAYNE THORLEY
Fiscal Analysis Division

MOTIONS, RESOLUTIONS AND NOTICES

Senator Dondero Loop moved that Senate Bills Nos. 163, 290, 419 and 439 be taken from the General File and re-referred to the Committee on Finance upon return from reprint.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 436.

Bill read third time.

The following amendment was proposed by Senator Spearman:

Amendment No. 514.

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)

~~[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. 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~~ 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 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.}~~ (Deleted by amendment.)

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. 514 to Senate Bill No. 436 deletes the requirement for service contractors to maintain an adequate network of employees or contractors.

Amendment adopted.

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

Senator Cannizzaro moved that the Senate adjourn until Tuesday, April 25, 2023, at 11:00 a.m.

Motion carried.

Senate adjourned at 10:19 p.m.

Approved:

STAVROS ANTHONY
President of the Senate

Attest: BRENDAN BUCY
Secretary of the Senate