

**THE ONE HUNDRED AND THIRTEENTH DAY**

---

CARSON CITY (Monday), May 29, 2023

Senate called to order at 11:16 a.m.

President Anthony presiding.

Roll called.

All present except Senator Spearman, who was excused.

Prayer by the Chaplain, Chaplain Ron McMillin.

Almighty God, Creator of heaven and earth, it is with grateful and solemn hearts that we come before You this Memorial Day. We thank You for the freedom You have so freely given us through the blood of Your Son, Jesus.

We also thank You for the freedoms we are so blessed to enjoy as Americans. May we always be reminded that freedom is not free. It has been bought and paid for by the selfless sacrifice, the blood and the lives of so many of our fellow citizens. To them and their loved ones, we are grateful. We owe them a debt that can never be repaid.

We ask You to comfort those who have lost loved ones in defense of this great nation. May they feel the embrace of Your loving arms, and may they find peace in your presence.

We pray for leaders at all levels of our government, for this body assembled here today. We ask that Your hand of providence be upon them. May You give them wisdom to enact legislation that protects the most vulnerable in our society while preserving the hard-won liberties we enjoy.

We pray this in the Name of our Lord and Savior, Christ Jesus.

AMEN.

Pledge of Allegiance to the Flag.

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

SPECIAL ORDERS OF THE DAY  
VETO MESSAGES OF THE GOVERNOR

The hour of 11:15 a.m. having arrived, vetoed Senate Bill No. 171 was considered.

Vetoed Senate Bill No. 171.

Bill read.

Governor's message stating his objections read.

MESSAGES FROM THE GOVERNOR  
OFFICE OF THE GOVERNOR  
101 NORTH CARSON STREET  
CARSON CITY, NEVADA 89701

May 17, 2023

The Honorable Nicole Cannizzaro  
Majority Leader of the Nevada State Senate  
Nevada Legislature  
401 South Carson Street  
Carson City, Nevada 89701

Re: Senate Bill 171 of the 82<sup>nd</sup> Legislative Session

Dear Leader Cannizzaro:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Senate Bill 171 (SB 171), which is titled as follows:

AN ACT relating to crimes; prohibiting the purchase, possession or ownership of a firearm by a person who has been convicted of committing or attempting to commit a crime motivated by certain characteristics of the victim; and providing other matters properly relating thereto.

SB 171 purportedly furthers the important objective of decreasing gun violence among those convicted of hate crimes. Certainly, those who have committed a violent or property crime motivated by a hateful animus based on their victim's race, sex, religion, gender identity, or other protected characteristic should face heightened scrutiny relating to their gun ownership. In fact, under existing law, even low level misdemeanor crimes such as simple theft are prosecuted as gross misdemeanors when the crimes are committed in furtherance of hate. Upon conviction, jail time and/or fines are effectively doubled as a result of the enhancement.

When it comes to these types of misdemeanor crimes, SB 171 would go much further than existing law by depriving individuals of their Second Amendment right to bear arms. Moreover, the limited nexus between certain misdemeanor offenses and gun violence makes it untenable to pass a law that immediately puts the defendant's Second Amendment rights in jeopardy. This would effectively open the door to more laws restricting others convicted of gross misdemeanors from owning firearms to protect their homes and families. Many of the more violent and egregious offenses under Nevada law that are commonly associated with hate crimes can and should be prosecuted as felonies in the first place, especially when there is a connection between the underlying crime and the use of guns. It is a better solution to make these types of hate crimes felonies than to further penalize low-level offenders – especially when existing law sufficiently addresses the issue.

For these reasons, I veto this bill and return it without my signature or approval.

Respectfully submitted,  
Joe Lombardo  
Governor

The question was put: "Shall the bill pass, notwithstanding the objections of the Governor?"

Senator Cannizzaro moved no further consideration of vetoed Senate Bill No. 171.

Motion carried.

#### REPORTS OF COMMITTEE

*Mr. President:*

Your Committee on Finance, to which was re-referred Senate Bill No. 9, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Finance, to which were re-referred Senate Bills Nos. 24, 166, 242, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Committee on Finance, to which were re-referred Senate Bills Nos. 222, 232, 279, 301, 305, 380, 390, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARILYN DONDERO LOOP, *Chair*

#### GENERAL FILE AND THIRD READING

Senate Bill No. 448.

Bill read third time.

**Remarks by Senator Nguyen.**

Senate Bill No. 448 eliminates the distribution of court administrative assessments to the Executive Branch and Judicial Branch budgets collected pursuant to NRS 176.059 and deposits the funds into the unrestricted General Fund.

**Roll call on Senate Bill No. 448:**

YEAS—20.

NAYS—None.

EXCUSED—Spearman.

Senate Bill No. 448 having received a constitutional majority,  
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 453.**

Bill read third time.

**Remarks by Senator Seevers Gansert.**

Senate Bill No. 453 makes one-time General Fund appropriations of \$145,237 to restore the balance in the Board of Examiners Emergency Account and \$22 million to restore the balance in the Interim Finance Committee Contingency Account, which were included in the Executive Budget.

**Roll call on Senate Bill No. 453:**

YEAS—20.

NAYS—None.

EXCUSED—Spearman.

Senate Bill No. 453 having received a constitutional majority,  
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 455.**

Bill read third time.

**Remarks by Senator Goicoechea.**

Senate Bill No. 455 makes a one-time General Fund appropriation to the Office of the Lieutenant Governor of the amount of \$7,392 for the replacement of computer hardware and associated software, which was included in the Executive Budget.

**Roll call on Senate Bill No. 455:**

YEAS—20.

NAYS—None.

EXCUSED—Spearman.

Senate Bill No. 455 having received a constitutional majority,  
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 456.**

Bill read third time.

**Remarks by Senator Neal.**

Senate Bill No. 456 makes a one-time General Fund appropriation to the Governor's Office of Finance of \$50 million for the costs of leases and furniture for state offices.

Roll call on Senate Bill No. 456:

YEAS—20.

NAYS—None.

EXCUSED—Spearman.

Senate Bill No. 456 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 457.

Bill read third time.

Remarks by Senator Cannizzaro.

Senate Bill No. 457 makes a one-time General Fund appropriation to the Governor's Office of Finance of \$9.2 million for the costs of operations and expansion of class size at the Kirk Kerkorian School of Medicine at the University of Nevada, Las Vegas, and for the costs of interdisciplinary opportunities for health students at the University of Nevada, Las Vegas, which was included in the Executive Budget.

Roll call on Senate Bill No. 457:

YEAS—20.

NAYS—None.

EXCUSED—Spearman.

Senate Bill No. 457 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 458.

Bill read third time.

Remarks by Senator Seevers Gansert.

Senate Bill No. 458 makes a one-time General Fund appropriation to the Office of the State Treasurer of \$57,016 for the replacement of computer hardware and associated software, which was included in the Executive Budget.

Roll call on Senate Bill No. 458:

YEAS—20.

NAYS—None.

EXCUSED—Spearman.

Senate Bill No. 458 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 459.

Bill read third time.

Remarks by Senator Goicoechea.

Senate Bill No. 459 makes a one-time General Fund appropriation to the Account for Pensions for Silicosis, Diseases Related to Asbestos and Other Disabilities, a \$35,000 appropriation, which was included in the Executive Budget.

Roll call on Senate Bill No. 459:

YEAS—20.

NAYS—None.

EXCUSED—Spearman.

Senate Bill No. 459 having received a constitutional majority,  
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 460.

Bill read third time.

Remarks by Senator Neal.

Senate Bill No. 460 makes a one-time General Fund appropriation to the Office of the State Controller of \$1,980,000 for a debt collection information technology. This was included in the Executive Budget.

Roll call on Senate Bill No. 460:

YEAS—20.

NAYS—None.

EXCUSED—Spearman.

Senate Bill No. 460 having received a constitutional majority,  
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 461.

Bill read third time.

Remarks by Senator Goicoechea.

Senate Bill No. 461 makes a one-time General Fund appropriation to the Office of the State Controller included in the Executive Budget of \$134,760 for replacement of computer hardware and associated software, \$294,866 for replacement of computer server equipment, \$5,501 for replacement of video conferencing equipment and \$6,000 for replacement of an air-conditioning unit in the Capitol Building basement.

Roll call on Senate Bill No. 461:

YEAS—20.

NAYS—None.

EXCUSED—Spearman.

Senate Bill No. 461 having received a constitutional majority,  
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 462.

Bill read third time.

Remarks by Senator Goicoechea.

Senate Bill No. 462 appropriates \$5,457 from the General Fund to the Nevada Indian Commission for the replacement of computer hardware and associated software.

Roll call on Senate Bill No. 462:

YEAS—20.

NAYS—None.

EXCUSED—Spearman.

Senate Bill No. 462 having received a constitutional majority,  
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 463.

Bill read third time.

Remarks by Senator Cannizzaro.

Senate Bill No. 463 appropriates \$26,170 from the General Fund to the Nevada Arts Council within the Department of Tourism and Cultural Affairs for the replacement of computer hardware and associated software.

Roll call on Senate Bill No. 463:

YEAS—20.

NAYS—None.

EXCUSED—Spearman.

Senate Bill No. 463 having received a constitutional majority,  
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 464.

Bill read third time.

Remarks by Senator Neal.

Senate Bill No. 464 makes an appropriation of \$1,184 from the General Fund and authorizes expenditures of \$3,553 for a total of \$4,737 to the Office of State Public Defender within the Department of Indigent Defense Services.

Roll call on Senate Bill No. 464:

YEAS—20.

NAYS—None.

EXCUSED—Spearman.

Senate Bill No. 464 having received a constitutional majority,  
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 465.

Bill read third time.

Remarks by Senator Neal.

Senate Bill No. 465 appropriates \$605,600 from the State General Fund to the Department of Taxation for the costs of a feasibility study and request for proposals for a real-time, sales tax point system.

Roll call on Senate Bill No. 465:

YEAS—20.

NAYS—None.

EXCUSED—Spearman.

Senate Bill No. 465 having received a constitutional majority,  
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 466.

Bill read third time.

Remarks by Senator Harris.

Senate Bill No. 466 appropriates \$378,560 from the State General Fund to the Department of Taxation for the cost of a contract with an information technology consultant to perform the backlog of updates to the Unified Tax System.

Roll call on Senate Bill No. 466:

YEAS—20.

NAYS—None.

EXCUSED—Spearman.

Senate Bill No. 466 having received a constitutional majority,  
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 468.

Bill read third time.

Remarks by Senator Titus.

Senate Bill No. 468 makes General Fund appropriations of \$12,260 to the Department of Agriculture's Division of Animal Industry for the replacement of computer hardware and associated software and \$192,478 to the Department's Division of Administrative Services for deferred maintenance projects.

Roll call on Senate Bill No. 468:

YEAS—20.

NAYS—None.

EXCUSED—Spearman.

Senate Bill No. 468 having received a constitutional majority,  
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 470.

Bill read third time.

Remarks by Senator Goicoechea.

Senate Bill No. 470 makes appropriations totaling \$12,592,200 from the State General Fund to the State Department of Conservation and Natural Resources for deferred maintenance projects, including \$10,417,316 for the Division of State Parks, \$1,169,184 for Forestry Administration and \$1,005,700 for Forestry Conservation Camps, to be used during the 2023-2025 biennium.

Roll call on Senate Bill No. 470:

YEAS—20.

NAYS—None.

EXCUSED—Spearman.

Senate Bill No. 470 having received a constitutional majority,  
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 471.

Bill read third time.

Remarks by Senator Nguyen.

Senate Bill No. 471 appropriates \$14 million from the State General Fund to the Division of State Parks of the State Department of Conservation and Natural Resources to fund a portion of the cost to replace the visitor center at the Valley of Fire State Park.

Roll call on Senate Bill No. 471:

YEAS—20.

NAYS—None.

EXCUSED—Spearman.

Senate Bill No. 471 having received a constitutional majority,  
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 472.

Bill read third time.

Remarks by Senator Titus.

Senate Bill No. 472 makes an appropriation totaling \$635,000 from the State General Fund to the Division of Water Resources of the Department of Conservation and Natural Resources for projects at the South Fork Dam to be used during the 2023-2025 biennium.

Roll call on Senate Bill No. 472:

YEAS—20.

NAYS—None.

EXCUSED—Spearman.

Senate Bill No. 472 having received a constitutional majority,  
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 473.

Bill read third time.

Remarks by Senators Harris and Titus.

SENATOR HARRIS:

Senate Bill No. 473 makes an appropriation totaling \$650,000 from the State General Fund to the Division of Water Resources of the State Department of Conservation and Natural Resources for a study of extreme rainfall events, including a study of the annual exceedance probability, to be used during the 2023-2025 biennium.

SENATOR TITUS:

I oppose Senate Bill No. 473. The fact they want to spend this kind of money to do a study on extreme rain events when you can look outside and tell the rock is wet without spending that kind of money—weather is unpredictable, at best—is an inappropriate use of our funds.

Roll call on Senate Bill No. 473:

YEAS—13.

NAYS—Buck, Goicoechea, Hansen, Krasner, Seevers Gansert, Stone, Titus—7.

EXCUSED—Spearman.

Senate Bill No. 473 having received a constitutional majority,  
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.



Senate Bill No. 474.

Bill read third time.

Remarks by Senator Nguyen.

Senate Bill No. 474 appropriates \$250,000 from the State General Fund to the Outdoor Education and Recreation Grant Program Account, administered by the Division of Outdoor Recreation, to carry out the grant program.

Roll call on Senate Bill No. 474:

YEAS—20.

NAYS—None.

EXCUSED—Spearman.

Senate Bill No. 474 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 476.

Bill read third time.

Remarks by Senator Harris.

Senate Bill No. 476 makes appropriations from the State General Fund and authorizes expenditures not appropriated from the State General Fund or State Highway Fund to the Office of the Military as follows: General Fund appropriations of \$1,018,487 and expenditures of \$2,164,630 for facilities maintenance projects for Nevada National Guard facilities; General Fund appropriations of \$203,798 and expenditures of \$212,064 for the replacement and purchase of equipment for facilities maintenance; and General Fund appropriations of \$22,151 for the purchase of videoconferencing equipment.

Senate Bill No. 476 further provides General Fund appropriations of \$24,496 and expenditures of \$112,276 to the Division of Emergency Management in the Office of the Military for the replacement of computer hardware and associated software and office equipment.

Roll call on Senate Bill No. 476:

YEAS—20.

NAYS—None.

EXCUSED—Spearman.

Senate Bill No. 476 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 477.

Bill read third time.

Remarks by Senator Harris.

Senate Bill No. 477 is a budget implementation bill related to the reorganization of the Department of Tourism and Cultural Affairs. The bill authorizes the Director to appoint an unclassified Deputy Director to oversee the Division of Tourism and eliminates certain ex officio, nonvoting members of the Commission on Tourism. Additionally, the bill revises the name of the Nevada Magazine publication, creates the Fund for Tourism and Cultural Affairs, eliminates the Fund for the Nevada Magazine and makes other conforming changes.

Roll call on Senate Bill No. 477:

YEAS—19.

NAYS—Hansen.

EXCUSED—Spearman.

Senate Bill No. 477 having received a constitutional majority,  
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 478.

Bill read third time.

Remarks by Senator Harris.

Senate Bill No. 478 makes a supplemental General Fund appropriation to the Office of the Secretary of State of \$426,376 for an unanticipated shortfall related to credit card processing fees, which was included in the Executive Budget.

Roll call on Senate Bill No. 478:

YEAS—20.

NAYS—None.

EXCUSED—Spearman.

Senate Bill No. 478 having received a constitutional majority,  
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 479.

Bill read third time.

Remarks by Senator Nguyen.

Senate Bill No. 479 makes an appropriation of \$2,569,906 to the Department of Indigent Defense Services for an unanticipated shortfall to fund costs in excess of the maximum contribution amounts of counties for the provision of indigent defense services.

Roll call on Senate Bill No. 479:

YEAS—20.

NAYS—None.

EXCUSED—Spearman.

Senate Bill No. 479 having received a constitutional majority,  
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 482.

Bill read third time.

Remarks by Senator Nguyen.

Senate Bill No. 482 makes one-time General Fund appropriations and authorizes the expenditure of money for the Office of the Attorney General included in the Executive Budget, including General Fund appropriations of \$5,870 for the replacement of ballistic vests and General Fund appropriations of \$28,989 and Attorney General Cost Allocation revenue of \$258,669 for computer operating system licenses.

Roll call on Senate Bill No. 482:

YEAS—20.

NAYS—None.

EXCUSED—Spearman.

Senate Bill No. 482 having received a constitutional majority,  
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 483.

Bill read third time.

Remarks by Senator Titus.

Senate Bill No. 483 makes one-time General Fund appropriations to the Office of the Secretary of State totaling \$365,652 for the purchase and replacement of computer hardware and associated software and certain equipment, which was included in the Executive Budget.

Roll call on Senate Bill No. 483:

YEAS—20.

NAYS—None.

EXCUSED—Spearman.

Senate Bill No. 483 having received a constitutional majority,  
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 484.

Bill read third time.

Remarks by Senator Cannizzaro.

Senate Bill No. 484 makes one-time General Fund appropriations to the Office of the Secretary of State included in the Executive Budget of \$40,000 for the costs of the implementation and support of risk-limiting audits of election results; \$877,414 for the costs of materials for voter education and outreach; \$90,000 for the costs of a contract for signature verification services; and \$228,000 for the costs of the tracking and notification system for mail ballots.

The bill also makes a one-time General Fund appropriation of \$25 million and a reduction to Help America Vote Act (HAVA) Title I reserve of \$5,525,802 for the HAVA Election Reform budget account for the costs of a statewide top-down voter registration database and election management system.

Roll call on Senate Bill No. 484:

YEAS—20.

NAYS—None.

EXCUSED—Spearman.

Senate Bill No. 484 having received a constitutional majority,  
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 485.

Bill read third time.

Remarks by Senator Neal.

Senate Bill No. 485 makes a one-time General Fund appropriation to the Office of the Secretary of State, and it is included in the Executive Budget.

Roll call on Senate Bill No. 485:

YEAS—20.

NAYS—None.

EXCUSED—Spearman.

Senate Bill No. 485 having received a constitutional majority,  
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 486.

Bill read third time.

Remarks by Senator Seevers Gansert.

Senate Bill No. 486 makes a one-time General Fund appropriation included in the Executive Budget of \$6 million to the Nevada Promise Scholarship Program and \$75 million to the Millennium Scholarship Trust Fund to support the Governor Guinn Millennium Scholarship Program.

The \$75 million for the Millennium Scholarship Program will get us through this biennium and the following biennium. We are prefunding to make sure we have it covered.

Roll call on Senate Bill No. 486:

YEAS—20.

NAYS—None.

EXCUSED—Spearman.

Senate Bill No. 486 having received a constitutional majority,  
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 487.

Bill read third time.

Remarks by Senator Goicoechea.

Senate Bill No. 487 makes a General Fund appropriation of \$11,053 to the Department of Indigent Defense Services for the replacement of computer hardware and associated software.

Roll call on Senate Bill No. 487:

YEAS—20.

NAYS—None.

EXCUSED—Spearman.

Senate Bill No. 487 having received a constitutional majority,  
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 488.

Bill read third time.

Remarks by Senator Cannizzaro.

Senate Bill No. 488 makes General Fund appropriations of \$204,097 to the Peace Officers' Standards and Training Commission for the replacement or purchase of a recording system, access control system, furniture, vehicles and computer hardware and associated software.

Roll call on Senate Bill No. 488:

YEAS—20.

NAYS—None.

EXCUSED—Spearman.

Senate Bill No. 488 having received a constitutional majority,  
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 489.

Bill read third time.

**Remarks by Senator Goicoechea.**

Senate Bill No. 489 makes General Fund appropriations to the Department of Taxation as follows: \$64,500 to modernize the internet website platform of the Department; \$10,861 for employee training and attendance of conferences; \$33,329 for the replacement of a money counter machine; \$562,600 for the replacement of computer hardware and associated software; \$598,194 for the replacement of technology equipment; and \$110,109 for licenses to upgrade the computer operating system.

**Roll call on Senate Bill No. 489:**

YEAS—20.

NAYS—None.

EXCUSED—Spearman.

Senate Bill No. 489 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 491.**

Bill read third time.

**Remarks by Senator Nguyen.**

Senate Bill No. 491 extends the reversion date for \$693,670 originally appropriated from the State General Fund by the 2021 Legislature for two years, from June 30, 2023, to June 30, 2025, related to an update of the Real Estate Division licensing system.

It also appropriates General Funds as follows: \$2,804 to the Office of Business Finance and Planning for replacement of computer hardware and associated software; \$292,175 to the Business and Industry Administration budget for the replacement of computer and other hardware and associated software; \$75,986 to the Real Estate Division for replacement of computer hardware and related software; and \$144,853 to the Office of Labor Commissioner for replacement of computer hardware and associated software.

It also appropriates \$35,135 of the Nevada Highway Funds to the Nevada Transportation Authority for the replacement of computer hardware and associated software.

**Roll call on Senate Bill No. 491:**

YEAS—20.

NAYS—None.

EXCUSED—Spearman.

Senate Bill No. 491 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 493.**

Bill read third time.

**Remarks by Senator Seevers Gansert.**

Senate Bill No. 493 makes appropriations from the General Fund and authorizes additional expenditures for the Department of Health and Human Services for computer hardware and software replacement for the Patient Protection Commission, Health and Human Services Administration budget, Developmental Disabilities budget and Data Analytics budget. It also provides General Funds of \$4,444 to the Data Analytics budget for additional data lines and software licenses as needed.

Roll call on Senate Bill No. 493:

YEAS—20.

NAYS—None.

EXCUSED—Spearman.

Senate Bill No. 493 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 494.

Bill read third time.

Remarks by Senator Nguyen.

Senate Bill No. 494 makes the following appropriations and authorizations to the Division of Health Care Financing and Policy of the Department of Health and Human Services: \$368,174 in General Fund appropriations and authorizes \$368,172 for computer hardware and software; \$43,185 in General Fund appropriations and authorizes \$388,670 for the replacement of the surveillance and utilization review database; \$160,000 in General Fund appropriations and authorizes \$1,440,000 for development of a centralized credentialing and recredentialing process.

Roll call on Senate Bill No. 494:

YEAS—20.

NAYS—None.

EXCUSED—Spearman.

Senate Bill No. 494 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 497.

Bill read third time.

Remarks by Senator Neal.

Senate Bill No. 497 authorizes a state agency whose employee serves as an arbitrator of a dispute between a third party and an out-of-network provider to retain the money paid for the costs of the arbitrator instead of such money being credited to the State General Fund.

Additionally, the provisions of the bill apply to any money collected by a state agency under such circumstances on or after July 1, 2022.

Roll call on Senate Bill No. 497:

YEAS—20.

NAYS—None.

EXCUSED—Spearman.

Senate Bill No. 497 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 499.

Bill read third time.

Remarks by Senator Harris.

Senate Bill No. 499 authorizes money in the Endowment Account to be expended by the State Treasurer for providing the Nevada ABLE Savings Program in addition to the current authorized expenditures. Additionally, the bill increases the maximum amount that may be expended for the

costs of providing the programs from money in the Endowment Account from 3 percent to 10 percent.

Roll call on Senate Bill No. 499:

YEAS—20.

NAYS—None.

EXCUSED—Spearman.

Senate Bill No. 499 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 500.

Bill read third time.

Remarks by Senator Harris.

Senate Bill No. 500 makes General Fund appropriations totaling \$69,925 to the following budgets in the Department of Education to fund the replacement of computer hardware and associated software as follows: \$7,212 to the Educator Effectiveness budget; \$14,424 to the Office of the Superintendent budget; \$2,404 to the Office of Early Learning and Development budget; \$2,404 to the Literacy Programs budget; \$2,404 to the Standards and Instructional Support budget; \$4,808 to the Assessments and Accountability budget; \$2,404 to the Student and School Support budget; \$19,441 to the Data Systems Management budget; \$7,212 to the District Support Services budget; \$2,404 to the Individuals with Disabilities Education Act budget; and \$4,808 to the Safe and Respectful Learning budget.

Roll call on Senate Bill No. 500:

YEAS—20.

NAYS—None.

EXCUSED—Spearman.

Senate Bill No. 500 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 9.

Bill read third time.

Remarks by Senators Dondero Loop and SeEVERS Gansert.

SENATOR DONDERO LOOP:

Senate Bill No. 9 is a budget implementation bill and eliminates end-of-course finals. The bill also eliminates the use of certain forms prescribed by the Department of Education that teachers in elementary schools are authorized to use for reports concerning parental involvement and compliance by pupils with certain policies.

Senate Bill No. 9 extends the deadline by which a school district or public school is required to create and post certain reports relating to educational expenditures, personnel employed and services provided.

This bill also increases the limitation from 7.5 percent to 20 percent on the use of state money for programs of career and technical education and expands the activities for which state money may be used to include workforce development activities.

SENATOR SEEVERS GANSERT:

I oppose Senate Bill No. 9. I am concerned about the elimination of end-of-course exams. We are always striving to ensure our students do better in school. It is important that we know they understand the material they have been studying. For those reasons, I will be opposing Senate Bill No. 9.

Roll call on Senate Bill No. 9:

YEAS—14.

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

EXCUSED—Spearman.

Senate Bill No. 9 having received a constitutional majority,  
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 24.

Bill read third time.

Remarks by Senator Titus.

Senate Bill No. 24, as amended, extends the prospective expiration date of the Office of Small Business Advocacy within the Office of the Lieutenant Governor from June 30, 2023, to June 30, 2025. It eliminates the prohibition on employing personnel for the Office with money from the State General Fund and authorizes the Lieutenant Governor to employ personnel for the Office within the limits of money appropriated or authorized for such purpose.

Roll call on Senate Bill No. 24:

YEAS—20.

NAYS—None.

EXCUSED—Spearman.

Senate Bill No. 24 having received a constitutional majority,  
Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 166.

Bill read third time.

Remarks by Senator Pazina.

Senate Bill No. 166, as amended, clarifies that for purposes of collective bargaining, an individual is excluded from the definition of being a "supervisory employee" if that individual performs civilian support services to a law enforcement agency and who is authorized to be part of an approved collective bargaining group.

Additionally, Senate Bill No. 166 requires the Government Employee Management Relations Board to establish a separate bargaining unit for supervisory employees who are category I, II and III peace officers and firefighters. Senate Bill No. 166 also provides that a bargaining unit for peace officers must be composed exclusively of peace officers.

Roll call on Senate Bill No. 166:

YEAS—18.

NAYS—Hansen, Titus—2.

EXCUSED—Spearman.

Senate Bill No. 166 having received a constitutional majority,  
Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 222.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 778.

SUMMARY—Revises provisions relating to juries. (BDR 1-192)



AN ACT relating to juries; revising provisions governing the selection of jurors; increasing the fee to which a person summoned to attend as a juror or serve as a juror is entitled; ~~revising provisions governing the right to serve as a juror;~~ making an appropriation to the Administrative Office of the Courts for the establishment of a connection to the information technology systems of the Department of Health and Human Services for certain purposes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) authorizes a court to assign a jury commissioner to select trial jurors; and (2) requires a jury commissioner to select jurors from among the qualified electors of the county or city, as applicable, who are not exempt from jury duty. As part of the process for the selection of trial jurors, existing law requires a jury commissioner to compile and maintain a list of qualified electors from information provided by: (1) a list of persons who are registered to vote in the county; (2) the Department of Motor Vehicles; (3) the Employment Security Division of the Department of Employment, Training and Rehabilitation; and (4) certain public utilities. (NRS 6.045) Section 6 of this bill requires the Department of Health and Human Services, upon the request of a district judge or jury commissioner, to provide a list of the names and addresses of persons who receive public assistance for use in jury selection. Section 1 of this bill requires a jury commissioner to include the information provided by the Department of Health and Human Services pursuant to section 6 in the list of qualified electors. Section 6.7 of this bill makes an appropriation from the State General Fund to the Administrative Office of the Courts for the establishment of a connection to the information technology systems of the Department of Health and Human Services to carry out the provisions of section 6.

Existing law sets forth certain fees for attendance and travel allowances for jurors summoned or serving on a grand jury or trial jury. (NRS 6.150) Section 2 of this bill increases, from \$40 to \$65, the fee to which a person summoned as a juror or serving as a grand juror or trial juror is entitled.

~~[Existing law prohibits a person who has been convicted of a felony from serving as a juror unless the person's civil right to serve as a juror has been restored. (NRS 6.010) Under existing law, a person's civil right to serve as a juror in a civil action is immediately restored upon his or her: (1) discharge from probation or parole; or (2) release from prison. Existing law provides for the restoration of a person's civil right to serve as a juror in a criminal action 6 years after the date on which he or she is: (1) discharged from probation or parole; or (2) released from prison. (NRS 176A.850, 213.155, 213.157) Sections 3-5 of this bill provide for the restoration of a person's civil right to serve as a juror in a criminal action immediately upon his or her discharge from parole or probation or release from prison so that such a person is eligible to serve as a juror in a criminal action at the same time he or she is eligible to serve as a juror in a civil action.]~~

~~Section 6.5 of this bill provides that nothing in the provisions of sections 1-6 limits the ability of a court, prosecuting attorney, defendant, or attorney for the defendant to: (1) challenge or remove a prospective juror on the basis of actual, implied, or inferable bias; or (2) inquire about the records of criminal history of a prospective juror during a voir dire examination of prospective jurors. Section 6.5 also provides that nothing in the provisions of sections 1-6 limits the ability of either party to exercise its peremptory challenges.]~~

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

Section 1. NRS 6.045 is hereby amended to read as follows:

6.045 1. A court may by rule of court designate the clerk of the court, one of the clerk's deputies or another person as a jury commissioner and may assign to the jury commissioner such administrative duties in connection with trial juries and jurors as the court finds desirable for efficient administration.

2. If a jury commissioner is so selected, the jury commissioner shall from time to time estimate the number of trial jurors which will be required for attendance on the designated court and shall select that number from the qualified electors of:

(a) The county; or  
(b) The city whose population is 220,000 or more, for a municipal court,  
↪ not exempt by law from jury duty, whether registered as voters or not. The jurors may be selected by computer whenever procedures to assure random selection from computerized lists are established by the jury commissioner.

3. The jury commissioner shall, for the purpose of selecting trial jurors, compile and maintain a list of qualified electors from information provided by:

(a) A list of persons who are registered to vote in the county or city, as applicable;  
(b) The Department of Motor Vehicles pursuant to NRS 482.171 and 483.225;  
(c) The Employment Security Division of the Department of Employment, Training and Rehabilitation pursuant to NRS 612.265; ~~and~~  
(d) A public utility pursuant to NRS 704.206 ~~+~~; and  
(e) *The Department of Health and Human Services pursuant to section 6 of this act.*

4. In compiling and maintaining the list of qualified electors, the jury commissioner shall avoid duplication of names.

5. The jury commissioner shall:

(a) Keep a record of the name, occupation, address and race of each trial juror selected pursuant to subsection 2;

(b) Keep a record of the name, occupation, address and race of each trial juror who appears for jury service; and

(c) Prepare and submit a report to the Court Administrator which must:

(1) Include statistics from the records required to be maintained by the jury commissioner pursuant to this subsection, including, without limitation,

the name, occupation, address and race of each trial juror who is selected and of each trial juror who appears for jury service;

(2) Be submitted at least once a year; and

(3) Be submitted in the time and manner prescribed by the Court Administrator.

6. The jury commissioner shall not select the name of any person whose name was selected the previous year, and who actually served on the jury by attending in court in response to the venire from day to day until excused from further attendance by order of the court, unless there are not enough other suitable jurors in the county or city to do the required jury duty.

7. A court may contract with another court for the purpose of procuring any administrative duties performed by a jury commissioner pursuant to this chapter.

Sec. 2. NRS 6.150 is hereby amended to read as follows:

6.150 1. Each person summoned to attend as a grand juror or a trial juror in the district court or justice court, or a trial juror in the municipal court, is entitled to a fee of ~~[\$40]~~ \$65 for each day after the second day of jury selection that the person is in attendance in response to the venire or summons, including Sundays and holidays.

2. Each grand juror and trial juror in the district court or justice court, or trial juror in the municipal court, actually sworn and serving is entitled to a fee of ~~[\$40]~~ \$65 a day as compensation for each day of service.

3. In addition to the fees specified in subsections 1 and 2, a board of county commissioners or governing body of a city may provide that, for each day of such attendance or service, each person is entitled to be paid the per diem allowance and travel expenses provided for state officers and employees generally.

4. Each person summoned to attend as a grand juror or a trial juror in the district court or justice court, or a trial juror in the municipal court, and each grand juror and trial juror in the district court or justice court, or trial juror in the municipal court, is entitled to receive 36.5 cents a mile for each mile necessarily and actually traveled if the home of the person summoned or serving as a juror is 30 miles or more from the place of trial.

5. If the home of a person summoned or serving as such a juror is 65 miles or more from the place of trial and the selection, inquiry or trial lasts more than 1 day, the person is entitled to receive an allowance for lodging at the rate established for state employees, in addition to his or her daily compensation for attendance or service, for each day on which the person does not return to his or her home.

6. In civil cases, any fee, per diem allowance, travel expense or other compensation due each juror engaged in the trial of the cause must be paid each day in advance to the clerk of the court, or the justice of the peace, by the party who has demanded the jury. If the party paying this money is the prevailing party, the money is recoverable as costs from the losing party. If the jury from any cause is discharged in a civil action without finding a verdict

and the party who demands the jury subsequently obtains judgment, the money so paid is recoverable as costs from the losing party.

7. The money paid by the clerk of the court to jurors for their services in a civil action or proceeding, which the clerk of the court has received from the party demanding the jury, must be deducted from the total amount due them for attendance as such jurors, and any balance is a charge against the county.

Sec. 3. ~~[NRS 176A.850 is hereby amended to read as follows:~~

~~176A.850 1. A person who:~~

~~(a) Has fulfilled the conditions of probation for the entire period thereof;~~

~~(b) Is recommended for earlier discharge by the Division; or~~

~~(c) Has demonstrated fitness for honorable discharge but because of economic hardship, verified by the Division, has been unable to make restitution as ordered by the court;~~

~~may be granted an honorable discharge from probation by order of the court.~~

~~2. A person whose term of probation has expired and:~~

~~(a) Whose whereabouts are unknown;~~

~~(b) Who has failed to make restitution in full as ordered by the court, without a verified showing of economic hardship; or~~

~~(c) Who has otherwise failed to qualify for an honorable discharge as provided in subsection 1;~~

~~is not eligible for an honorable discharge and must be given a dishonorable discharge. A dishonorable discharge releases the person from any further obligation, except as otherwise provided in subsection 3.~~

~~3. Any amount of restitution remaining unpaid constitutes a civil liability arising upon the date of discharge and is enforceable pursuant to NRS 176.275.~~

~~4. A person who has been discharged from probation:~~

~~(a) Is free from the terms and conditions of probation.~~

~~(b) Is immediately restored to the right to serve as a juror. [in a civil action.]~~

~~(c) Four years after the date of discharge from probation, is restored to the right to hold office.~~

~~(d) [Six years after the date of discharge from probation, is restored to the right to serve as a juror in a criminal action.~~

~~(e)] If the person meets the requirements of NRS 179.245, may apply to the court for the sealing of records relating to the conviction.~~

~~[(f)] (e) Must be informed of the provisions of this section and NRS 179.245 in the person's probation papers.~~

~~[(g)] (f) Is exempt from the requirements of chapter 179C of NRS, but is not exempt from the requirements of chapter 179D of NRS.~~

~~[(h)] (g) Shall disclose the conviction to a gaming establishment and to the State and its agencies, departments, boards, commissions and political subdivisions, if required in an application for employment, license or other permit. As used in this paragraph, "establishment" has the meaning ascribed to it in NRS 463.0148.~~

~~[(i)] (h) Except as otherwise provided in paragraph [(h),] (g), need not disclose the conviction to an employer or prospective employer.~~

~~5. The prior conviction of a person who has been discharged from probation may be used for purposes of impeachment. In any subsequent prosecution of the person, the prior conviction may be pleaded and proved if otherwise admissible.~~

~~6. Upon discharge from probation, the person so discharged must be given an official document which provides:~~

~~(a) That the person has received an honorable discharge or dishonorable discharge, as applicable, from probation;~~

~~(b) That the person is restored to his or her civil right to serve as a juror [in a civil action] as of the date of his or her discharge from probation; and~~

~~(c) The date on which the person's civil right to hold office will be restored pursuant to paragraph (c) of subsection 4 . [; and~~

~~(d) The date on which the person's civil right to serve as a juror in a criminal action will be restored pursuant to paragraph (d) of subsection 4 .]~~

~~7. A person who has been discharged from probation in this State or elsewhere and whose official documentation of discharge from probation is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore the person's civil rights pursuant to this section. Upon verification that the person has been discharged from probation and is eligible to be restored to the civil rights set forth in subsection 4, the court shall issue an order restoring the person to the civil rights set forth in subsection 4. A person must not be required to pay a fee to receive such an order.~~

~~8. A person who has been discharged from probation in this State or elsewhere may present:~~

~~(a) Official documentation of discharge from probation, if it contains the provisions set forth in subsection 6; or~~

~~(b) A court order restoring the person's civil rights;~~

~~as proof that the person has been restored to the civil rights set forth in subsection 4. (Deleted by amendment.)~~

Sec. 4. ~~[NRS 213.155 is hereby amended to read as follows:~~

~~213.155 1. A person who receives a discharge from parole pursuant to NRS 213.154:~~

~~(a) Is immediately restored to the right to serve as a juror . [in a civil action.]~~

~~(b) Four years after the date of his or her discharge from parole, is restored to the right to hold office.~~

~~[(c) Six years after the date of his or her discharge from parole, is restored to the right to serve as a juror in a criminal action.]~~

~~2. Upon his or her discharge from parole, a person so discharged must be given an official document which provides:~~

~~(a) That the person has received an honorable discharge or dishonorable discharge, as applicable, from parole;~~

~~(b) That the person is restored to his or her civil right to serve as a juror [in a civil action] as of the date of his or her discharge from parole; and~~

~~(c) The date on which his or her civil right to hold office will be restored to the person pursuant to paragraph (b) of subsection 1 . [; and~~

~~—(d) The date on which his or her civil right to serve as a juror in a criminal action will be restored to the person pursuant to paragraph (c) of subsection 1.]~~

~~—3. A person who has been discharged from parole in this State or elsewhere and whose official documentation of his or her discharge from parole is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his or her civil rights pursuant to this section. Upon verification that the person has been discharged from parole and is eligible to be restored to the civil rights set forth in subsection 1, the court shall issue an order restoring the person to the civil rights set forth in subsection 1. A person must not be required to pay a fee to receive such an order.~~

~~—4. A person who has been discharged from parole in this State or elsewhere may present:~~

~~—(a) Official documentation of his or her discharge from parole, if it contains the provisions set forth in subsection 2; or~~

~~—(b) A court order restoring his or her civil rights;~~

~~— as proof that the person has been restored to the civil rights set forth in subsection 1.~~

~~—5. The Board may adopt regulations necessary or convenient for the purposes of this section.] (Deleted by amendment.)~~

Sec. 5. ~~[NRS 213.157 is hereby amended to read as follows:~~

~~213.157 1. A person convicted of a felony:~~

~~—(a) Who is placed on probation, granted parole or granted a pardon is immediately restored to the right to vote;~~

~~—(b) Who has served his or her sentence and has been released from prison:~~

~~—(1) Is immediately restored to the right to serve as a juror . [in a civil action.]~~

~~—(2) Is immediately restored to the right to vote.~~

~~—(3) Four years after the date of his or her release from prison, is restored to the right to hold office.~~

~~—[(4) Six years after the date of his or her release from prison, is restored to the right to serve as a juror in a criminal action.]~~

~~—2. Upon his or her release from prison, a person so released must be given an official document which provides:~~

~~—(a) That the person has been released from prison;~~

~~—(b) That the person is restored to his or her civil right to serve as a juror [in a civil action] as of the date of his or her release from prison; and~~

~~—(c) The date on which his or her civil right to hold office will be restored to the person pursuant to subparagraph (3) of paragraph (b) of subsection 1 . [; and~~

~~—(d) The date on which his or her civil right to serve as a juror in a criminal action will be restored to the person pursuant to subparagraph (4) of paragraph (b) of subsection 1.]~~

~~—3. A person who has been released from prison in this State or elsewhere and whose official documentation of his or her release from prison is lost, damaged or destroyed may file a written request with a court of competent~~

~~jurisdiction to restore his or her civil rights pursuant to this section. Upon verification that the person has been released from prison and is eligible to be restored to the civil rights set forth in subsection 1, the court shall issue an order restoring the person to the civil rights set forth in subsection 1. A person must not be required to pay a fee to receive such an order.~~

~~4. A person who has been released from prison in this State or elsewhere may present:~~

~~—(a) Official documentation of his or her release from prison, if it contains the provisions set forth in subsection 2; or~~

~~—(b) A court order restoring his or her civil rights;~~

~~— as proof that the person has been restored to the civil rights set forth in subsection 1. (Deleted by amendment.)~~

Sec. 6. Chapter 422A of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Upon the request of a district judge or jury commissioner, the Department shall provide to the district judge or jury commissioner a list of the names and addresses of persons who receive public assistance for use in the selection of jurors pursuant to NRS 6.045.*

2. *A district judge or jury commissioner who requests the list of recipients pursuant to subsection 1 shall reimburse the Department for the reasonable cost of compiling the list.*

Sec. 6.5. ~~[Nothing in this act shall be construed to limit the ability of:~~

~~1. A court, prosecuting attorney, defendant, or attorney for the defendant to:~~

~~—(a) Challenge or remove a prospective juror on the basis of actual, implied, or inferable bias; or~~

~~—(b) Inquire about the records of criminal history of a prospective juror during a voir dire examination of prospective jurors; or~~

~~2. Either party to exercise its peremptory challenges.] (Deleted by amendment.)~~

Sec. 6.7. 1. There is hereby appropriated from the State General Fund to the Administrative Office of the Courts the sum of \$20,000 for the establishment of a connection to the information technology systems of the Department of Health and Human Services to carry out the provisions of section 6 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. 7. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 8. 1. This section becomes effective upon passage and approval.

2. Section 6.7 of this act becomes effective on July 1, 2023.

3. Sections 1 to ~~7~~ 6.5, inclusive, and 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 Dondero Loop moved the adoption of the amendment.

Remarks by Senator Dondero Loop.

Amendment No. 778 to Senate Bill No. 222 eliminates the sections that would provide for the restoration of a person's civil right to serve as a juror in a criminal action immediately upon his or her discharge from parole and probation or release from prison to align with the same time he or she is eligible to serve as a juror in a civil action. In addition, the amendment provides a \$20,000 General Fund appropriation to the Administrative Office of the Courts for the establishment of a connection to the information technology systems of the Department of Health and Human Services to carry out the provisions of section 6 of Senate Bill No. 222.

Amendment adopted.

Bill read third time.

Remarks by Senators Harris and Seevers Gansert.

SENATOR HARRIS:

Senate Bill No. 222, as amended, requires the Department of Health and Human Services to provide a list of names and addresses of persons who receive public assistance for use in jury selection to a district judge or jury commissioner upon request to be placed on the list of qualified electors. This bill also increases the fee to which a person summoned as a juror or serving as a juror is entitled from \$40 to \$65. In addition, this bill provides a \$20,000 General Fund appropriation to the Administrative Office of the Courts for the establishment of a connection to the information technology systems of the Department of Health and Human Services to carry out the provisions of section 6 of this act.

SENATOR SEEVERS GANSERT:

I support Senate Bill No. 222. I appreciate the amendment and want to recognize that having individuals who are provided some assistance through the Department of Health and Human Services is important. We need to remember we have 900,000 people on Medicaid in the State of Nevada. Right now, we do not have those folks available for the rolls. We want to make sure we have juries who are economically and ethnically diverse and make sure we have appropriate trials.

Roll call on Senate Bill No. 222:

YEAS—20.

NAYS—None.

EXCUSED—Spearman.

Senate Bill No. 222 having received a constitutional majority,  
Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 232.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 766.



SUMMARY—Requires the State Plan for Medicaid to include coverage for postpartum care services. (BDR 38-45)

AN ACT relating to Medicaid; requiring the State Plan for Medicaid to include coverage for postpartum care services for a certain period of time following a pregnancy; making appropriations to certain divisions of the Department of Health and Human Services; authorizing expenditures by certain divisions of the Department; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing state law requires the Director of the Department of Health and Human Services to develop and the Department to administer a State Plan for Medicaid, which includes a list of specific medical services required to be provided to Medicaid recipients. (NRS 422.063, 422.270) Existing federal law authorizes states to extend Medicaid coverage for postpartum care for a period of 12 months following the end of pregnancy. (American Rescue Plan Act of 2021, Pub. L. No. 117-2, § 9812) Section 1 of this bill requires the Director to include in the State Plan for Medicaid coverage for postpartum care services provided to a recipient for 12 months following the end of pregnancy. 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 an appropriation to, and authorizes expenditure by, the Division of Welfare and Supportive Services of the Department for information technology changes related to the implementation of this bill. Section 4 of this bill makes an appropriation to, and authorizes expenditure by, the Division of Health Care Financing and Policy of the Department for the costs of providing Medicaid coverage for postpartum care services pursuant to this bill.

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

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

1. *The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for postpartum care services provided to a recipient of Medicaid for 12 months following the end of pregnancy.*

2. *As used in this section, "postpartum care services" means medical care that is consistent with current standards of care and provided to a person following the end of pregnancy, including, without limitation:*

*(a) The development of a plan for postpartum care;*

*(b) Contact with the person after the end of pregnancy as needed by the person;*

*(c) A comprehensive postpartum visit, including, without limitation:*

*(1) Screening concerning the physical, social and psychological well-being of the person; and*

(2) *If necessary, a referral for a full assessment of the physical, social and psychological well-being of the person and any necessary treatment;*

(d) *Treatment of complications of pregnancy and childbirth, including, without limitation, pelvic floor disorders and postpartum depression, and any necessary referral for the evaluation and treatment of such complications;*

(e) *Screening for cardiovascular disease and, if necessary, a referral for a full assessment for cardiovascular disease and any necessary treatment; and*

(f) *Care related to the loss of a pregnancy.*

Sec. 2. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

(1) The Administrator of the Aging and Disability Services Division;

(2) The Administrator of the Division of Welfare and Supportive Services;

(3) The Administrator of the Division of Child and Family Services;

(4) The Administrator of the Division of Health Care Financing and Policy; and

(5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, *and section 1 of this act*, 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department.

Sec. 3. 1. There is hereby appropriated from the State General Fund to the Division of Welfare and Supportive Services of the Department of Health and Human Services for information technology changes related to the implementation of this act the following sums:

<u>For the Fiscal Year 2023-2024 .....</u>	<u>\$33,365</u>
<u>For the Fiscal Year 2024-2025 .....</u>	<u>\$33,365</u>

2. Expenditure of the following sums not appropriated from the State General Fund or the State Highway Fund is hereby authorized by the Division of Welfare and Supportive Services of the Department of Health and Human Services for the same purpose as set forth in subsection 1:

<u>For the Fiscal Year 2023-2024 .....</u>	<u>\$300,285</u>
<u>For the Fiscal Year 2024-2025 .....</u>	<u>\$300,285</u>

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

Sec. 4. 1. There is hereby appropriated from the State General Fund to the Division of Health Care Financing and Policy of the Department of Health and Human Services for the costs of providing Medicaid coverage for postpartum care services pursuant to this act the following sums:

<u>For the Fiscal Year 2023-2024 .....</u>	<u>\$472,956</u>
<u>For the Fiscal Year 2024-2025 .....</u>	<u>\$923,640</u>

2. Expenditure of the following sums not appropriated from the State General Fund or the State Highway Fund is hereby authorized by the Division of Health Care Financing and Policy of the Department of Health and Human Services for the same purpose as set forth in subsection 1:

For the Fiscal Year 2023-2024 .....\$4,256,603

For the Fiscal Year 2024-2025 .....\$8,312,768

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

~~[Sec. 3.]~~ Sec. 5. 1. This section becomes effective upon passage and approval.

2. Sections 3 and 4 of this act become effective on July 1, 2023.

3. 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 Dondero Loop moved the adoption of the amendment.

Remarks by Senator Dondero Loop.

Amendment No. 766 to Senate Bill No. 232 provides General Fund appropriations totaling \$33,365 and authorizes funding totaling \$300,285 in each year of the 2023-2025 biennium to the Division of Welfare and Supportive Services to fund expenditures for related system enhancements.

Amendment No. 766 to Senate Bill No. 232 appropriates \$472,956 and authorizes \$4,256,603 in Fiscal Year (FY) 2024 and appropriates \$923,640 and authorizes \$8,312,768 in FY 2025 to the Division of Health Care Financing and policy to support increased costs related to expanding Medicaid coverage for 12 months following the end of a pregnancy.

Amendment adopted.

Bill read third time.

Remarks by Senator Cannizzaro.

I support Senate Bill No. 232. This bill will expand postpartum coverage for Nevadans who are on Medicaid for 12 months. In a fortuitous turn of events, I can appreciate—standing here with my own newborn baby and being postpartum myself—having a baby is hard and comes with its own set of complications that are different and unique for every person who is postpartum and for every baby that is being held thereafter. Those complications can be many and varied. They do not always present themselves in the first 60 days, which is what is currently covered. Being able to address postpartum care to ensure healthy babies and families is important. There are many things that can arise that are outside of the current window that this 12-month coverage will cover for many Nevadans. This is a critical point of care and something that we should do.

I am proud to sponsor this legislation and have support for it. I urge my colleagues to vote "yes" on Senate Bill No. 232 so we can provide those necessary resources for all the women out there

who are having babies and trying to figure out how to take care of them and for the many needs that can arise thereafter. Hopefully, we can support them and their babies by voting Senate Bill No. 232 out of this chamber today.

Roll call on Senate Bill No. 232:

YEAS—20.

NAYS—None.

EXCUSED—Spearman.

Senate Bill No. 232 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 242.

Bill read third time.

Remarks by Senator Nguyen.

I support Senate Bill No. 242, as amended. All this bill does right now is make sure we are in a position that, as legislation and the tides are turning around this country, we are prepared to deal with the everchanging nature of mental health treatment in our State.

It requires the Department of Health and Human Services to establish a Psychedelic Medicines Working Group to study certain issues relating to the therapeutic use of such medicines during the 2023-2024 interim. The bill, as amended, further prescribes the membership and duties of the working group and requires the Department of Health and Human Services submit a written report describing the activities, findings, conclusions and recommendations of the working group for transmittal to the 83rd Session of the Legislature.

As many people have heard—they have from the numerous people that this type of treatment, they have found success in it, our veterans, first responders and people where traditional medicines have not worked. They have looked at this. We can look at our own hospitals in Carson-Tahoe. They are in the process of putting together a study and clinical trials with Stanford University to test some of these things in a clinical setting. We can see there have been valid initiatives in Oregon, Colorado, Texas and recently Missouri. These states have dedicated resources to funding what this looks like legislatively and regulatory in their states. This working group will put us in a better position to have information and knowledge gathered to make sure we are doing what is best for Nevadans. I would encourage your support.

Roll call on Senate Bill 242:

YEAS—16.

NAYS—Goicoechea, Krasner, Seevers Gansert, Titus—4.

EXCUSED—Spearman.

Senate Bill 242 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 279.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 780.

SUMMARY—Revises provisions relating to employment. (BDR 23-882)

AN ACT relating to disabilities; establishing the State as a Model Employer Program in the Division of Human Resource Management of the Department of Administration; making an appropriation; and providing other matters properly relating thereto.

## Legislative Counsel's Digest:

Existing law: (1) declares that it is the policy of this State that persons with disabilities must be afforded equal opportunities in employment by the State; and (2) requires full consideration to be given to the employment of a person with a disability for a position if the person is capable of performing the essential functions of the position with or without reasonable accommodations. (NRS 284.012, 284.317) Section 3 of this bill establishes the State as a Model Employer Program in the Division of Human Resource Management of the Department of Administration to ensure that each appointing authority design and proactively implement best, promising and emerging policies, practices and procedures relating to the hiring, promotion and retention of persons with disabilities. Section 3 further requires the Administrator of the Division, in coordination with the Rehabilitation Division of the Department of Employment, Training and Rehabilitation, to provide technical assistance and training to each appointing authority on such policies, practices and procedures.

Section 3.5 of this bill makes an appropriation to the Division of Human Resource Management of the Department of Administration for personnel, operating, equipment, travel and information services costs to carry out the State as a Model Employer Program established by section 3.

Section 2 of this bill provides that the Legislature finds and declares that: (1) it is the policy of this State to be a model for persons with disabilities; and (2) the intent of establishing the Program is to provide agencies in the Executive Department of the State Government a framework for recruiting, hiring, promoting and retaining qualified persons with disabilities.

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

Section 1. Chapter 284 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. *It is the policy of this State to be a model employer for persons with disabilities.*

2. *The intent of establishing the State as a Model Employer Program pursuant to section 3 of this act is to provide agencies in the Executive Department of the State Government a framework for recruiting, hiring, promoting and retaining qualified persons with disabilities.*

Sec. 3. 1. *The State as a Model Employer Program is hereby established in the Division of Human Resource Management of the Department of Administration, to be administered by the Administrator. The Program must ensure that each appointing authority design and proactively implement best, promising and emerging policies, practices and procedures relating to the hiring, promotion and retention of persons with disabilities.*

2. *The Administrator shall, in coordination with the Rehabilitation Division of the Department of Employment, Training and Rehabilitation, provide technical assistance and training to each appointing authority on best,*

*promising and emerging policies, practices and procedures relating to the hiring, promotion and retention of persons with disabilities.*

3. *The Commission shall adopt any regulations necessary to carry out the Program.*

Sec. 3.5. 1. There is hereby appropriated from the State General Fund to the Division of Human Resource Management of the Department of Administration for personnel, operating, equipment, travel and information services costs to carry out the State as a Model Employer Program established by section 3 of this act the following sums:

For the Fiscal Year 2023-2024 ..... \$80,195

For the Fiscal Year 2024-2025 ..... \$98,171

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

Sec. 4. 1. This section becomes effective upon passage and approval.

2. Section 3.5 of this act becomes effective on July 1, 2023.

3. Sections 1, 2 and 3 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 Dondero Loop moved the adoption of the amendment.

Remarks by Senator Dondero Loop.

Amendment No. 780 to Senate Bill No. 279, as amended, adds section 3.5, which provides General Fund appropriations of \$80,195 in Fiscal Year (FY) 2024 and \$98,171 in FY 2025 to the Division of Human Resource Management of the Department of Administration for personnel, operating, equipment, travel and information services costs to carry out the State as a Model Employer Program. Additionally, the amendment revises section 4 to indicate section 3.5.

Amendment adopted.

Bill read third time.

Remarks by Senator Lange.

Senate Bill No. 279, as amended, establishes the State as a Model Employer Program in the Division of Human Resource Management of the Department of Administration to ensure each appointing authority implements the best, promising and emerging policies, practices and procedures relating to the hiring, promotion and retention of persons with disabilities. Senate Bill No. 279 further requires the Division of Human Resource Management in coordination with the Department of Employment, Training and Rehabilitation to provide training and technical assistance to each appointing authority on such policies, practices and procedures. Finally, Senate Bill No. 279, as amended, provides General Fund appropriations of \$80,195 in Fiscal Year

(FY) 2024 and \$98,171 in FY 2025 for personnel, operating, equipment, travel and information services costs to carry out the State as a Model Employer Program.

Roll call on Senate Bill No. 279:

YEAS—20.

NAYS—None.

EXCUSED—Spearman.

Senate Bill No. 279 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 301.

Bill read third time.

The following amendment was proposed by the Committee on Finance:  
Amendment No. 781.

SUMMARY—Revises provisions governing public works. (BDR 28-967)

AN ACT relating to public works; revising provisions governing the circumstances under which a worker is deemed to be employed on a public work; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires that mechanics and workers employed on certain public works be paid, at minimum, the prevailing wage for the type of work that the mechanic or worker performs in the region in which the public work is located. (NRS 338.020) With certain exceptions, existing law deems a worker to be employed on a public work if the worker is: (1) employed at the site of a public work; and (2) necessary in the execution of the contract for the public work. (NRS 338.040) Section 1 of this bill provides that a worker who is: (1) employed by delivering or removing construction material or structures to or from the site of a public work; and (2) necessary in the execution of the contract for the public work is also deemed to be employed on the public work for purposes of the payment of prevailing wages. Section 1 further defines "construction material or structures" to mean aggregate, asphalt and concrete.

Section 1.3 of this bill makes an appropriation to the Office of the Labor Commissioner in the Department of Business and Industry for personnel, operating, travel and information services costs for compliance and enforcement duties related to the provisions of this bill.

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

Section 1. NRS 338.040 is hereby amended to read as follows:

338.040 1. Except as otherwise provided by specific statute, workers who are:

(a) Employed at the site of a public work ~~to~~ *or employed by delivering or removing construction material or structures to or from the site of a public work*; and

(b) Necessary in the execution of the contract for the public work,



↪ are deemed to be employed on public works.

2. The Labor Commissioner shall adopt regulations to define the circumstances under which a worker is:

(a) Employed at the site of a public work ~~to~~ *or employed by delivering or removing construction material or structures to or from the site of a public work*; and

(b) Necessary in the execution of the contract for the public work.

3. *For the purposes of this section, "construction material or structures" means aggregate, asphalt and concrete.*

Sec. 1.3. 1. There is hereby appropriated from the State General Fund to the Office of the Labor Commissioner in the Department of Business and Industry for personnel, operating, travel and information services costs for compliance and enforcement duties related to the provisions of this act the following sums:

For the Fiscal Year 2023-2024 ..... \$86,357

For the Fiscal Year 2024-2025 ..... \$144,576

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

Sec. 2. Any regulations adopted by the Labor Commissioner that conflict with NRS 338.040, as amended by section 1 of this act, are void. The Legislative Counsel shall remove those regulations from the Nevada Administrative Code as soon as practicable after the date on which this section becomes effective.

Sec. 3. 1. This section and section 2 of this act become effective upon passage and approval.

2. Section 1.3 of this act becomes effective on July 1, 2023.

3. Section 1 of this act becomes effective:

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

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

Senator Dondero Loop moved the adoption of the amendment.

Remarks by Senator Dondero Loop.

Amendment No. 781 to Senate Bill No. 301 makes General Fund appropriations of \$86,357 in Fiscal Year (FY) 2024 and \$144,576 in FY 2025 to the Office of the Labor Commissioner in the Department of Business and Industry for the personnel and operating costs of two positions to perform compliance and enforcement duties related to the provisions of this bill.

Amendment adopted.

Bill read third time.

Remarks by Senators Lange and Goicoechea.

SENATOR LANGE:

Senate Bill No. 301, as amended, revises the definition of a worker employed on a public works project and, thus, eligible to be paid the prevailing wage to include a public worker who is employed by delivering or removing construction material or structures to or from the site of a public work and necessary in the execution of the contract for the public work is also deemed to be employed by the public work for purposes of the payment of prevailing wages. This bill, as amended, defines "construction material or structures" to mean aggregate, asphalt and concrete. Lastly, the bill, as amended, appropriates General Funds of \$86,357 in Fiscal Year (FY) 2024 and \$144,576 in FY 2025 to the Office of the Labor Commissioner in the Department of Business and Industry for the personnel and associated operating costs of two positions to perform compliance and enforcement duties related to the provisions of this bill.

SENATOR GOICOECHEA:

I oppose Senate Bill No. 301. Although I appreciate the author's efforts to amend the bill, it is a bookkeeping nightmare. There is no way you will be able to track the transportation of those three commodities to and from, off and on a job site. We have had bills on what time we are going to start construction and when you have to stop. If you happen to be a trucker—many of these are independent truckers—how are you going to qualify when and how much you hauled to a public works job? You break it in the middle of the shift, then you have some on straight time and try to come back and do a couple hours on prevailing wage; it cannot work. It is bookkeeping nightmare, especially when we are talking about transportation. I urge you to oppose this bill.

Roll call on Senate Bill No. 301:

YEAS—12.

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

EXCUSED—Spearman.

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

Bill ordered transmitted to the Assembly.

Senate Bill No. 305.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 783.

SUMMARY—Provides for the establishment of a retirement savings program for private sector employees. (BDR 31-933)

AN ACT relating to employment; creating the Board of Trustees of the Nevada Employee Savings Trust; prescribing the membership, powers, duties and limitations of the Board; authorizing the Board to create the Nevada Employee Savings Trust Program; prescribing certain required attributes of the Program; creating the Nevada Employee Savings Trust Administrative Fund and specifying the sources and uses of money deposited therein; creating the Nevada Employee Savings Trust and prescribing the manner of its administration; providing for the confidentiality of certain information; providing civil immunity to certain persons and entities in connection with the Program; making certain persons fiduciaries with respect to participants in the Program; prohibiting certain persons from engaging in certain financial

transactions in connection with the Program; requiring the preparation and submission of certain annual reports; making an appropriation to the Office of the State Treasurer for costs related to the administration of the Program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law provides for individual retirement accounts and individual retirement annuities by which persons may save money for retirement under favorable income tax treatment. (26 U.S.C. §§ 408, 408A) This bill establishes the Nevada Employee Savings Trust under the direction of a board of trustees with the power to establish a similar program and to encourage private employees to establish such accounts.

Section 19 of this bill creates the Board of Trustees of the Nevada Employee Savings Trust and establishes its membership. Section 20 of this bill establishes certain powers and duties of the Board. In particular, section 20 authorizes and empowers the Board to: (1) design, establish and operate the Nevada Employee Savings Trust Program; and (2) adopt regulations, rules and procedures for the establishment and operation of the Program and to take such other actions necessary or desirable to establish and operate the Program.

Section 21 of this bill requires the State Treasurer to provide staff support to the Board within the limits of appropriations and authorizes the State Treasurer to provide administrative support to the Board.

Section 22 of this bill provides that an act or undertaking of the Board does not constitute a debt of the State of Nevada, or any political subdivision thereof, or a pledge of the full faith and credit of the State of Nevada, or of any political subdivision thereof, and is payable solely from the assets controlled by the Board. Section 22 also prohibits the Board from imposing any obligations on the State or pledging the credit of the State.

Section 23 of this bill establishes certain attributes that the Board must include in the Program, including: (1) that covered employers must automatically enroll all covered employees in the Program or in a similar program offered by a trade association or chamber of commerce, unless a covered employee opts out of the Program or, if applicable, the similar program offered by a trade association or chamber of commerce; (2) that contributions to a covered employee's Individual Retirement Account must be withheld from the employee's compensation at the rate set by the Board unless the employee elects not to contribute or to contribute at a different rate; (3) that a covered employee may withdraw contributions to meet a financial or other emergency; and (4) that the Board must prepare informational materials, disclosure statements, forms and instructions concerning the Program for distribution by covered employers to covered employees.

Section 24 of this bill creates the Nevada Employee Savings Trust Administrative Fund in the State Treasury, specifies the sources of money that must be deposited in the Fund and requires the Board to use money in the Fund solely to pay the administrative costs and expenses of the Board and the Program.

Section 25 of this bill authorizes the Board to borrow money or enter into certain long-term procurement contracts with financial providers until the Board determines that the Program is financially self-sustaining.

Section 26 of this bill creates the Nevada Employee Savings Trust as an instrumentality of the State and requires the Board to appoint a Trustee of the Trust. Section 26 requires that the assets of all Individual Retirement Accounts established by covered employees through the Program be allocated to the Trust and invested, managed and administered for the exclusive purposes of providing benefits to the covered employees and defraying the reasonable expenses of the Board, Program and Trust. Section 26 also establishes certain investment guidelines and practices.

Section 27 of this bill provides that, except to the extent necessary to administer the Program, personal information relating to individual participants in the Program and information relating to individual accounts established or maintained through the Program is confidential and must be maintained as confidential, unless the person who provides the information or is the subject of the information expressly agrees in writing to the disclosure of the information.

Section 28 of this bill provides a grant of immunity from civil liability to covered employers for the consequences of various decisions made by employees or the Board in connection with the Program, including, for example, an employee's decision to participate in or opt out of the Program, an investment decision made by the participant or the Board or a loss, failure to realize a gain or other adverse consequence incurred by a person as a result of participating in the Program. Section 28 also provides that a covered employer or other employer must not be deemed to be a fiduciary in relation to the Program.

Section 29 of this bill absolves the State and any employee or officer thereof, the Board and any member of the Board or employee thereof and the Program from any responsibility or civil liability for the actions of certain other persons in connection with the Program, including, for example, a person's failure to comply with provisions of the Internal Revenue Code, the payment of benefits or a loss, failure to realize a gain or other adverse consequence incurred by a person as a result of participating in the Program. Section 29 also provides that the debts, contracts and obligations of the Board, Program or Trust are not the debts, contracts and obligations of the State, and neither the faith and credit nor the taxing power of the State is pledged directly or indirectly to the payment of the debts, contracts and obligations of the Board, Program or Trust.

Section 30 of this bill provides that members of the Board, the Trustee and certain other persons involved in the administration of the Trust are fiduciaries with respect to the participants in the Program.

Section 31 of this bill prohibits members of the Board, its staff and persons who serve as administrators of the Program from engaging in certain financial transactions in connection with the Program.

Section 32 of this bill requires the Board to obtain an annual independent audit of the Board, Program and Trust and to annually submit audited financial reports to the Governor, State Controller and Legislature.

Section 35 of this bill requires, with certain exceptions, the Board to establish the Program and implement its provisions so that covered employees are able to make contributions to an Individual Retirement Account through the Program beginning on July 1, 2025. Section 35 further authorizes the Board to implement the Program in phases but if the Board does so, the first phase must not begin before July 1, 2025.

Section 34.5 of this bill makes an appropriation to the Office of the State Treasurer for costs related to the administration of the Program.

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

Section 1. Title 31 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 33, inclusive, of this act.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 18, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Administrative Fund" means the Nevada Employee Savings Trust Administrative Fund created by section 24 of this act.*

Sec. 4. *"Board" means the Board of Trustees of the Nevada Employee Savings Trust created by section 19 of this act.*

Sec. 5. *"Compensation" means compensation within the meaning of section 219(f)(1) of the Internal Revenue Code, 26 U.S.C. § 219 (f)(1), that is received by a covered employee from a covered employer.*

Sec. 6. *"Contribution rate" means the percentage of a covered employee's compensation that is withheld from the covered employee's compensation and paid to the Individual Retirement Account established or maintained for the covered employee through the Program.*

Sec. 7. 1. *"Covered employee" means a person who:*

- (a) Is employed by a covered employer for not less than 120 days;*
- (b) Has wages or other compensation that is allocable to the State; and*
- (c) Is at least 18 years of age.*

2. *For purposes of the investment, withdrawal, transfer, rollover or other distribution of an Individual Retirement Account, the term also includes the beneficiary of a deceased covered employee.*

3. *The term does not include:*

*(a) Any employee covered under the federal Railway Labor Act, 45 U.S.C. §§ 151 et seq.;*

*(b) Any employee on whose behalf an employer makes contributions to a Taft-Hartley multiemployer pension trust fund; or*

*(c) Any person who is an employee of the Federal Government, the State or any other state, county or municipal corporation, or any of this State's or any other state's units or instrumentalities.*

Sec. 8. *"Covered employer" means an employer that:*

1. *Employs more than five persons in this State;*
2. *Has been in business for at least 36 months; and*
3. *Has not maintained a tax-favored retirement plan for its employees or has not done so in an effective form and operation at any time within the current calendar year or 3 immediately preceding calendar years.*

Sec. 9. 1. *Except as otherwise provided in subsection 2, "employer" means a person or entity engaged in a business, profession, trade or other enterprise in this State, whether for profit or not for profit, that employs one or more persons in this State.*

2. *The term does not include an agency or entity of the Federal Government, the government of this State or a political subdivision of this State.*

Sec. 10. *"Individual Retirement Account" means an individual retirement account and an individual retirement annuity established under section 408 or 408A of the Internal Revenue Code, 26 U.S.C. § 408 or 408A.*

Sec. 11. *"Internal Revenue Code" means the federal Internal Revenue Code of 1986, as amended.*

Sec. 12. *"Investment fund" means an investment portfolio established by the Board within the Trust for investment purposes.*

Sec. 13. *"Participant" means a person who contributes to an Individual Retirement Account established or maintained through the Program or has an account balance in an Individual Retirement Account established or maintained through the Program.*

Sec. 14. *"Program" means the Nevada Employee Savings Trust Program established by the Board pursuant to section 20 of this act.*

Sec. 15. *"State" means the State of Nevada.*

Sec. 16. *"Tax-favored retirement plan" means a retirement plan that is tax-qualified under or is described in and satisfies the requirements of section 401(a), 401(k), 403(a), 403(b), 408(k) or 408(p) of the Internal Revenue Code, 26 U.S.C. §§ 401(a), 401(k), 403(a), 403(b), 408(k) or 408(p).*

Sec. 17. *"Trust" means the Nevada Employee Savings Trust created pursuant to section 26 of this act and each Individual Retirement Account trust or annuity contract allocated to the Nevada Employee Savings Trust pursuant to section 26 of this act.*

Sec. 18. *"Trustee" means the Trustee of the Trust appointed by the Board pursuant to subsection 2 of section 26 of this act.*

Sec. 19. 1. *There is hereby created the Board of Trustees of the Nevada Employee Savings Trust.*

2. *The Board consists of:*

- (a) *The State Treasurer or the designee of the State Treasurer;*
- (b) *The Lieutenant Governor or the designee of the Lieutenant Governor;*
- (c) *One member, appointed by the Governor, who represents employers;*
- (d) *One member, appointed by the Governor, who is a representative of an association that represents employees;*

(e) *One member, appointed by the Governor, who has experience in the field of investments;*

(f) *One member, appointed by the Majority Leader of the Senate, who represents retirees; and*

(g) *One member, appointed by the Speaker of the Assembly, who has experience in small business.*

3. *Each appointed member serves a term of 4 years unless dismissed for cause. Members may be reappointed for additional terms of 4 years in the same manner as the original appointments.*

4. *Any vacancy occurring in the appointed membership of the Board must be filled in the same manner as the original appointment for the remainder of the unexpired term.*

5. *The State Treasurer or the designee of the State Treasurer shall serve as the Chair of the Board.*

6. *The Board shall meet at the call of the Chair as frequently as required to perform its duties.*

7. *A majority of the members of the Board constitutes a quorum for the transaction of business, and a majority of a quorum present at any meeting is sufficient for any official action taken by the Board.*

8. *Each member of the Board serves without compensation, except that each member is entitled to receive:*

(a) *The per diem allowance and travel expenses provided for state officers and employees generally; and*

(b) *Reimbursement for any other actual and reasonable expense incurred while performing the member's duties.*

Sec. 20. *The Board is authorized and empowered to:*

1. *Design, establish, and operate the Nevada Employee Savings Trust Program;*

2. *Enter into contracts necessary or desirable for the administration of the Program, including, without limitation, contracts with one or more other states to:*

(a) *Provide for the administration of all or part of the Program by another state;*

(b) *Administer all or part of the qualified employee savings trust program of another state; or*

(c) *Jointly administer the Program with the qualified employee savings trust program of one or more other states;*

3. *Hire, retain and terminate third party service providers as the Board deems necessary or desirable for the Program, including, without limitation, nonprofit organizations, consultants, investment managers or advisers, trustees, custodians, insurance companies, record keepers, administrators, actuaries, counsel, auditors and other professionals;*

4. *Determine, without limitation, the:*

(a) *Types of Individual Retirement Accounts to be offered;*

(b) *Default contribution rate; and*

(c) *Process for automatic escalation of participant contributions;*

5. *Develop an option for participants to convert contributions into fixed lifetime income streams;*

6. *Develop and implement an outreach plan to gain input and disseminate information regarding the Program and retirement and financial education in general to employees, employers and other constituents in this State;*

7. *Determine the number of days during which a covered employer must make the Program available to a covered employee upon first becoming a covered employer or covered employee;*

8. *Determine the number of days, which must not be less than 90, after the Program is first made available to a covered employee during which the covered employee may exercise the employee's right to opt out of the Program without penalty; and*

9. *Adopt regulations, rules and procedures for the establishment and operation of the Program and to take such other actions necessary or desirable to establish and operate the Program.*

Sec. 21. 1. *The State Treasurer shall, within the limits of legislative appropriations, provide staff support to the Board and may otherwise provide administrative support to the Board.*

2. *The Board may enter into an intergovernmental agreement or contract to obtain outreach, technical assistance or compliance services with any officer, agency, division or department of the State, including, without limitation, the Lieutenant Governor, Secretary of State, Department of Taxation, Department of Employment, Training and Rehabilitation, Department of Business and Industry and Office of the Labor Commissioner. An officer, agency, division or department that enters into such an intergovernmental agreement with the Board shall collaborate with any other officer, agency, division or department of the State as necessary to provide such outreach, technical assistance or compliance services to the Board.*

3. *Each officer, agency, division or department of the State must provide any information necessary for the Board to implement the Program regardless of whether the Board has entered into an intergovernmental agreement or contract with the officer, agency, division or department pursuant to subsection 2.*

Sec. 22. 1. *An act or undertaking of the Board does not constitute a debt of the State of Nevada, or any political subdivision thereof, or a pledge of the full faith and credit of the State of Nevada, or of any political subdivision thereof, and is payable solely from the Trust.*

2. *The Board may not impose any obligations on the State or pledge the credit of the State.*

Sec. 23. *The Program designed, established and operated by the Board pursuant to section 20 of this act must provide, without limitation, that:*

1. *Each covered employer shall automatically enroll the covered employee in the Program or in a similar program offered by a trade association or chamber of commerce, unless the employee elects to opt out of*



*the Program, or if applicable, the similar program offered by a trade association or chamber of commerce.*

*2. Contributions must be withheld from the compensation of each covered employee at the contribution rate set by the Board unless the covered employee elects not to contribute or to contribute at a different rate.*

*3. An Individual Retirement Account established and maintained through the Program must qualify for favorable federal income tax treatment pursuant to section 408 or 408A of the Internal Revenue Code, 26 U.S.C. § 408 or 408A.*

*4. To the extent consistent with federal law, a covered employee may withdraw from the employee's Individual Retirement Account at any time if necessary to meet a financial or other emergency.*

*5. The Board may establish intervals after which a covered employee who opted out of the Program may later elect to participate in the Program.*

*6. A covered employer must deposit a covered employee's withheld contributions under the Program with the Trustee in such manner as is determined by the Board, but in no case later than 10 business days after the date such amounts otherwise would have been paid to the covered employee.*

*7. The Board shall determine the rules and procedures for withdrawals, distributions, transfers and rollovers of Individual Retirement Accounts and for the designation of Individual Retirement Account beneficiaries.*

*8. The Board shall determine a method for employers other than covered employers and employees other than covered employees to participate in the Program, if allowed under federal law.*

*9. The Board shall prepare or cause to be prepared informational materials and required disclosures regarding the Program for distribution by covered employers to covered employees. Such materials must include, without limitation:*

*(a) A description of the benefits and risks associated with making contributions through the Program;*

*(b) Instructions about how to obtain additional information about the Program;*

*(c) A description of the federal and state income tax consequences of an Individual Retirement Account, which may consist of or include the disclosure statement required to be distributed by the Trustee by the Internal Revenue Code and the Treasury Regulations adopted thereunder;*

*(d) A statement that covered employees seeking financial advice should contact their own financial advisers and that covered employers are not in a position to provide financial advice and that covered employers are not liable for decisions covered employees make concerning the Program;*

*(e) A statement that the Program is not an employer-sponsored retirement plan;*

*(f) A statement that neither the Program nor the covered employee's Individual Retirement Account established or maintained through the Program is guaranteed by the State; and*

*(g) A statement that:*

(1) *Neither a covered employer nor the State will monitor or has an obligation to monitor the covered employee's eligibility under the Internal Revenue Code to make contributions to an Individual Retirement Account or to monitor whether the covered employee's contributions to the Individual Retirement Account established or maintained for the covered employee through the Program exceed the maximum permissible Individual Retirement Account contribution;*

(2) *It is the covered employee's responsibility to monitor such matters; and*

(3) *Neither the State nor the covered employer will have any liability with respect to any failure of the covered employee to be eligible to make Individual Retirement Account contributions or for making any contribution in excess of the maximum Individual Retirement Account contribution.*

10. *The Board shall prepare or cause to be prepared information, forms or instructions to be furnished to covered employees at such times as the Board determines that provide the covered employee with the procedures for, without limitation:*

(a) *Making contributions to the covered employee's Individual Retirement Account established or maintained through the Program, including, without limitation, a description of the default contribution rate, any automatic escalation rate or frequency and the covered employee's right to elect to make no contribution or to change the contribution rate;*

(b) *Making an investment election with respect to the covered employee's Individual Retirement Account established or maintained through the Program, including a description of the default investment fund;*

(c) *Making transfers, rollovers, withdrawals and other distributions from the covered employee's Individual Retirement Account; and*

(d) *Exercising the covered employee's right to opt out of the Program.*

11. *Each covered employer shall deliver or facilitate the delivery of the items set forth in subsections 9 and 10, and any other information required by the Board, to each covered employee at such time and in such manner as determined by the Board.*

12. *The Program shall be designed and operated in a manner that will cause it not to be an employee pension benefit plan within the meaning of section 3(2) of the Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1002(2).*

Sec. 24. 1. *The Nevada Employee Savings Trust Administrative Fund is hereby created in the State Treasury.*

2. *The Board shall administer the Administrative Fund.*

3. *The Board shall deposit in the Administrative Fund all money received for the Program, including, without limitation:*

(a) *Money appropriated to the Administrative Fund by the Legislature;*

(b) *Money transferred to the Administrative Fund from the Federal Government, other state agencies or local governments;*

(c) Any gifts, donations, grants or other money designated for the Administrative Fund from the State, or any unit of federal or local government, or any other person, firm, partnership, corporation or other entity solely for deposit into the Administrative Fund, whether for investment or administrative expenses; and

(d) Earnings on money in the Administrative Fund.

4. The Board shall use the money in the Administrative Fund solely to pay the administrative costs and expenses of the Program and the administrative costs and expenses the Board incurs in the performance of its duties.

Sec. 25. 1. The Board may, to enable or facilitate the start up and continuing operation, maintenance, administration and management of the Program until the Board determines that the Program has accumulated sufficient balances and is able to generate sufficient funding for the Program to be financially self-sustaining:

(a) Borrow money from the State, any unit of federal, state or local government or any other person, firm, partnership, corporation or entity; or

(b) Enter into long-term procurement contracts with one or more financial providers if the Board determines that the fee structure of a contract allows or assists the Program to minimize or avoid the need to borrow money pursuant to paragraph (a) or to rely upon general assets of the State.

2. Money borrowed pursuant to subsection 1 must:

(a) Be borrowed in the name of the Program and Board only;

(b) Be repaid solely from the revenues of the Program; and

(c) Not be repaid unless the money was offered contingent upon the promise of such repayment.

3. Within the limits of legislative appropriations, the State may pay on behalf of the Board administrative costs associated with the creation, maintenance, operation and management of the Program and Trust until the Board determines that sufficient assets are available in the Administrative Fund for that purpose. Thereafter, all administrative costs of the Program and Trust, including any repayment of start-up money provided by the State, must be repaid only out of money on deposit in the Administrative Fund.

Sec. 26. 1. The Nevada Employee Savings Trust is hereby created as an instrumentality of the State.

2. The Board shall appoint an institution qualified to act as a trustee of Individual Retirement Account trusts or an insurance company that issues annuity contracts pursuant to section 408 of the Internal Revenue Code, 26 U.S.C. § 408, and licensed to do business in the State of Nevada to act as Trustee of the Trust.

3. The assets of Individual Retirement Accounts established or maintained for covered employees must be allocated to the Trust and may be combined for investment purposes. Trust assets must be managed and administered for the exclusive purposes of providing benefits to covered employees and defraying reasonable expenses of administering and managing the investments, Individual Retirement Accounts, Board, Program and Trust.

4. *The Board shall establish within the Trust one or more investment funds, each pursuing an investment strategy and policy established by the Board. The underlying investments of each investment fund must be diversified so as to minimize the risk of large losses under any circumstances. The Board may, at any time or from time to time, add, replace or remove any investment fund.*

5. *The Board may allow covered employees to allocate assets of their Individual Retirement Accounts among such investment funds and, in such case, the Board also may designate an investment fund as a default investment for the Individual Retirement Accounts of covered employees who do not make an investment choice.*

6. *The Board, in consultation with such third-party professional investment advisers, managers or consultants as it may retain, shall select the underlying investments of each investment fund. Such underlying investments may include, without limitation, shares of mutual funds and exchange-traded funds, publicly traded equity and fixed-income securities and other investments available for investment by the Trust. An investment fund may not invest in any bond, debt instrument or other security issued by the State.*

7. *The Board may, in its discretion, retain an investment adviser to select and manage the investments of an investment fund on a discretionary basis, subject to the Board's ongoing review and oversight. An investment adviser retained pursuant to this subsection must be:*

*(a) An investment adviser registered as such under the Investment Advisers Act of 1940, 15 U.S.C. §§ 80b-1 et seq.; or*

*(b) A bank or other institution exempt from registration under the Investment Advisers Act.*

8. *The Trustee shall be subject to directions of the Board or of an investment adviser pursuant to this section and shall otherwise have no responsibility for the selection, retention or disposition of the investments or assets of the Trust.*

9. *The assets of the Trust must at all times be preserved, invested and expended solely for the purposes of the Trust and no property rights therein shall exist in favor of the State or any covered employer. Trust assets must not be transferred or used by the State for any purposes other than the purposes of the Trust or paying the expenses of operating the Program. Amounts deposited with the Trustee do not constitute property of the State and must not be commingled with state money and the State has no claim to or against, or interest in, the assets of the Trust.*

10. *The assets of the Trust must at all times be held separate and apart from the assets of the State. The State, Program, Board, any member of the Board or any covered employer shall not guaranty any investment, rate of return, or interest on amounts held in the Trust, an investment fund or any Individual Retirement Account. The State, Program, Board, any member of the Board or any covered employer is not liable for any losses incurred by Trust*

*investments or otherwise by any covered employee or other person as a result of participating in the Program.*

*11. The provisions of chapter 90 of NRS, the Uniform Securities Act, do not apply to the Trust, any investment fund or any interest held by an Individual Retirement Account in the Trust or such investment fund.*

*12. The Trust and each investment fund are exempt from all taxation by this State and any political subdivision thereof.*

*Sec. 27. Except to the extent necessary to administer the Program, personally identifiable information relating to individual participants in the Program, including, without limitation, the name, physical and electronic mail address, telephone number and other personally identifiable information of the participant, and information relating to individual accounts established or maintained through the Program, including, without limitation, the identity or amount of any investment, contribution or earnings attributable to an account, is confidential and must be maintained as confidential, unless the person who provides the information or is the subject of the information expressly agrees in writing to the disclosure of the information.*

*Sec. 28. 1. A covered employer or other employer may not be held liable for:*

- (a) An employee's decision to participate in or opt out of the Program;*
- (b) A participant's or the Board's investment decisions;*
- (c) The administration, investment, investment returns or investment performance of the Program, including, without limitation, any interest rate or other rate of return on any contribution or account balance, provided the covered employer or other employer played no role;*
- (d) The design of the Program or the benefits paid to participants;*
- (e) A person's awareness of or compliance with the conditions and other provisions of the Internal Revenue Code that determine which persons are eligible to make tax-favored contributions to Individual Retirement Accounts, in what amount and in what time frame and manner; or*
- (f) Any loss, failure to realize any gain or any other adverse consequences, including, without limitation, any adverse tax consequences or loss of favorable tax treatment, public assistance or other benefits, incurred by any person as a result of participating in the Program.*

*2. A covered employer or other employer must not be deemed to be a fiduciary in relation to the Program.*

*Sec. 29. 1. The State and any employee or officer thereof, the Board and any member of the Board or employee thereof and the Program:*

- (a) Have no responsibility for compliance by persons with the conditions and other provisions of the Internal Revenue Code that determine which persons are eligible to make tax-favored contributions to Individual Retirement Accounts, in what amount and in what time frame and manner;*
- (b) Have no duty, responsibility or liability to any party for the payment of any benefits through the Program, regardless of whether sufficient money is available through the Program to pay such benefits;*

*(c) Do not and shall not guarantee any interest rate or other rate of return on or investment performance of any contribution or account balance; and*

*(d) Are not and shall not be liable or responsible for any loss, deficiency, failure to realize any gain or any other adverse consequences, including, without limitation, any adverse tax consequences or loss of favorable tax treatment, public assistance or other benefits, incurred by any person as a result of participating in the Program.*

*2. The debts, contracts and obligations of the Board, Program or Trust are not the debts, contracts and obligations of the State, and neither the faith and credit nor the taxing power of the State is pledged directly or indirectly to the payment of the debts, contracts and obligations of the Board, Program or Trust.*

*Sec. 30. 1. Each member of the Board, the Trustee and each investment adviser or other person who has control of the assets of the Trust is a fiduciary with respect to the Trust and each Individual Retirement Account established and maintained through the Program.*

*2. Each fiduciary shall discharge its duties with respect to the Program solely in the interests of covered employees and with the care, skill, prudence and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with those matters would use in the conduct of an enterprise of like character and aims.*

*Sec. 31. A member of the Board and a person who serves on the staff of the Board or as an administrator of the Program shall not:*

*1. Directly or indirectly have any interest in the making of any investment under the Program or in any gains or profits accruing from such an investment;*

*2. Borrow any Program-related money or deposits, or use any such money or deposits in any manner, for himself or herself or as an agent or partner of others; or*

*3. Become an endorser, surety or obligor on any investment made through the Program.*

*Sec. 32. 1. The Board shall cause an accurate account of all the activities, operations and receipts and expenditures of the Board, Program and Trust to be maintained. Each year, a full audit of the books and accounts of the Board, Program and Trust pertaining to those activities, operations, receipts and expenditures, personnel, services and facilities must be conducted by a certified public accountant and must include, without limitation, direct and indirect costs attributable to the use of outside consultants, independent contractors and any other persons who are not state employees for the administration of the Program. For the purposes of the audit, the auditors shall have access to the properties and records of the Board, Program and Trust and may prescribe methods of accounting and the rendering of periodic reports in relation to projects undertaken by the Board, Program and Trust.*

*2. Not later than August 1 of each year, the Board shall submit to the Governor, the State Controller and the Director of the Legislative Counsel*

*Bureau for transmittal to the Legislature or, if the Legislature is not in session, to the Legislative Commission, an audited financial report, prepared in accordance with generally accepted accounting principles, detailing the activities, operations and receipts and expenditures of the Board, Program and Trust during the immediately preceding calendar year. The report must also include projected activities of the Program for the current calendar year.*

3. *The Board shall prepare an annual report on the operation of the Program to be available to all citizens and provided to appropriate state officers.*

Sec. 33. *This chapter, being necessary to secure the public health, safety, convenience and welfare, must be liberally construed to effect its purposes.*

Sec. 34. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271,

392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, *section 27 of this act*, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to



be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 34.5. 1. There is hereby appropriated from the State General Fund to the Office of the State Treasurer for costs related to the administration of the Nevada Employee Savings Trust Program established pursuant to section 20 of this act the following sums:

For the Fiscal Year 2023-2024 ..... \$669,491

For the Fiscal Year 2024-2025 ..... \$535,074

2. The Office of the State Treasurer shall repay the sums appropriated by subsection 1 as soon as the Office has received sufficient money for the operation of the Program.

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

Sec. 35. 1. Except as otherwise provided in this section, the Board of Trustees of the Nevada Employee Savings Trust created by section 19 of this act shall establish the Nevada Employee Savings Trust Program pursuant to section 20 of this act and implement its provisions so that covered employees are able to make contributions to an Individual Retirement Account through the Program beginning on July 1, 2025.

2. The Board may implement the Program in phases so that the ability of covered employees to contribute to an Individual Retirement Account through the Program first applies on different dates for different employees based on the number of employees employed by the covered employer. If the Board implements the Program in phases pursuant to this subsection, the first phase must not begin before July 1, 2025.

3. The Board shall not implement the Program if, and to the extent that, it determines that the Program is preempted by the Employee Retirement Income Security Act of 1974, 29 U.S.C. §§ 1001 et seq. If the Board determines that one or more provisions of the Program are preempted by Employee Retirement Income Security Act of 1974, the Board shall implement the remaining provisions of the Program to the extent practicable.

4. The Board shall not implement a provision of the Program that authorizes an arrangement by which an employer facilitates access for an employee to contribute to an Individual Retirement Account by means of payroll deduction if the Board determines that the arrangement is an employee pension benefit plan within the meaning of section 3(2) of the Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1002(2).

Sec. 36. As soon as practicable on or after the effective date of this section, the Governor, Majority Leader of the Senate and Speaker of the Assembly shall appoint the members of the Board of Trustees of the Nevada Employee Savings Trust pursuant to section 19 of this act.

Sec. 37. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 38. 1. This section and section 36 of this act become effective upon passage and approval.

2. Section 34.5 of this act becomes effective on July 1, 2023.

3. Sections 1 to ~~35~~ 34, inclusive, ~~and~~ 35 and 37 of this act, become effective:

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

(b) On July 1, 2025, for all other purposes.

Senator Dondero Loop moved the adoption of the amendment.

Remarks by Senator Dondero Loop.

Amendment No. 783 to Senate Bill No. 305, as amended, by adding section 34.5 to add General Fund appropriations of \$669,491 in Fiscal Year (FY) 2024 and \$535,074 in FY 2025 to fund costs related to the administration of the Nevada Employee Savings Trust Program, including two positions, that must be repaid as soon as the office has received sufficient money for the operation of the program.

Amendment adopted.

Bill read third time.

Remarks by Senators Harris and Seevers Gansert.

SENATOR HARRIS:

Senate Bill No. 305, as amended, establishes the Nevada Employee Savings Trust Program under the direction of a board of trustees with the power to establish a similar program and to encourage private employees to establish such accounts. Section 25 authorizes the board established by the bill to borrow money or enter into certain long-term procurement contracts with financial providers for start-up and operational costs until the program is self-sustaining. Section 34.5 includes General Fund appropriations of \$669,491 in Fiscal Year (FY) 2024 and \$535,074 in FY 2025 to fund costs related to the administration of the Nevada Employee Savings Trust Program, including two positions that must be repaid as soon as the office has received sufficient money for the operation of the program.

SENATOR SEEVERS GANSERT:

I oppose Senate Bill No. 305. It is important for individuals to have retirement plans. Retirement plans break into two buckets, Individual Retirement Accounts (IRA) and 401k plans. If you have a 401k, you can borrow from your 401k. You can take some money in and out of it within 60 days. You cannot do that with IRAs. For both plans, if you take money out, you can replace it within 60 days, but if you go outside of 60 days, you pay current taxes plus a 10 percent penalty. It is complex. I know there will be some money for education. But individuals could end up paying the current taxes plus a 10 percent penalty if they put some money into this and have to take it out because of an emergency.

The threshold for businesses is five or more employees, which is pretty low. We have a lot of legislation that is at 50 or more employees, which is the line for small businesses or larger businesses. That would have been a better line to move this bill forward given the complexity of retirement plans and the work that goes along with that for a small business to be able to establish this.

Roll call on Senate Bill No. 305:

YEAS—15.

NAYS—Buck, Goicoechea, Krasner, Seevers Gansert, Titus—5.

EXCUSED—Spearman.

Senate Bill No. 305 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 380.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 768.

SUMMARY—Revises provisions relating to the Extended Young Adult Support Services Program. (BDR S-991)

AN ACT relating to child welfare; revising the date on which an agency which provides child welfare services is required to participate in the Extended Young Adult Support Services Program; authorizing an agency which provides child welfare services to request to participate in the Program before that date; requiring reporting concerning efforts to allow certain young adults to remain in foster care; making appropriations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a child whom a court places with a person or entity other than a parent and who reaches 18 years of age to request the court to retain jurisdiction over the child until the child reaches 21 years of age. If a court retains jurisdiction over a child in such circumstances, the child is required to enter into an agreement with the agency which provides child welfare services. Such an agreement is required to provide that the child is entitled to: (1) continue receiving services from the agency which provides child welfare services; and (2) receive monetary payments directly or to have such payments provided to another entity in an amount not to exceed the rate of payment for foster care. (NRS 432B.594) Existing law additionally requires the agency which provides child welfare services to develop a written plan to assist the child in transitioning into independent living. (NRS 432B.595)

Senate Bill No. 397 of the 2021 Legislative Session revises those provisions, effective on January 1, 2024, to require the Division of Child and Family Services of the Department of Health and Human Services to establish the Extended Young Adult Support Services Program to provide extended youth support services to young adults who would have been eligible previously to receive services upon electing to remain under the jurisdiction of the court. (Section 25 of chapter 419, Statutes of Nevada 2021, at page 2728) Senate Bill No. 397 authorizes a young adult to decide to participate in the Program any time before his or her 21st birthday, notwithstanding any previous decision not to participate or to terminate participation. (Section 32 of chapter 419, Statutes of Nevada 2021, at page 2731) Senate Bill No. 397 requires a participant in

the Program to: (1) enter into a written agreement with the agency which provides child welfare services; and (2) be employed or enrolled in certain educational programs or programs to promote employment if the participant is capable of doing so. (Section 33 of chapter 419, Statutes of Nevada 2021, at page 2731) Senate Bill No. 397 requires: (1) the agency which provides child welfare services to develop a written extended youth support services plan to assist a participant in the Program in transitioning to self-sufficiency; and (2) the participant to make a good faith effort to achieve the goals set forth in the plan. (Sections 33 and 34 of chapter 419, Statutes of Nevada 2021, at pages 2731 and 2734) Senate Bill No. 397 requires a court that has jurisdiction over a participant to hold an annual hearing to: (1) review the plan developed for the participant; and (2) determine whether the agency which provides child welfare services has made reasonable efforts to assist the participant in meeting the goals prescribed by the plan. (Section 26 of chapter 419, Statutes of Nevada 2021, at page 2729) Senate Bill No. 397 additionally provides that a participant in the Program is entitled to continue to: (1) receive services from the agency which provides child welfare services; and (2) receive monetary payments from that agency or have those payments provided to another entity. (Sections 33 and 34 of chapter 419, Statutes of Nevada 2021, at pages 2731 and 2734)

Section 1 of this bill revises the date on which an agency which provides child welfare services is required to participate in the Program from January 1, 2024, to July 1, 2025. However, section 2 of this bill authorizes an agency which provides child welfare services to submit a request to the Division to begin participating in the Program before that date. If sufficient money is available and the Division approves that request, section 2 requires the Division to notify the Governor and the Director of the Legislative Counsel Bureau. Section 2 requires the Division to begin reporting on December 31, 2023, and every 6 months thereafter until July 1, 2025, to the Interim Finance Committee and the Legislature on: (1) the status of the implementation of the Program and any requests to participate in the Program before July 1, 2025; (2) the progress of efforts to allow young adults to remain in foster care; (3) recommendations for additional programs to allow young adults to remain in foster care; and (4) the progress of efforts to secure federal funding for the Program. Sections 1.3 and 1.5 of this bill make appropriations to the Division for personnel costs to develop the Program.

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

Section 1. Section 37 of chapter 419, Statutes of Nevada 2021, at page 2736, is hereby amended to read as follows:

Sec. 37. 1. This section and sections 34.5 and 36 of this act become effective upon passage and approval.

2. Sections 1 to 34, inclusive, and 35 of this act become effective on ~~January 1, 2024,~~ *the earlier of July 1, 2025, or the date on which the Division of Child and Family Services of the Department of Health and*

*Human Services notifies the Governor and the Director of the Legislative Counsel Bureau that there is sufficient money available to carry out the provisions of those sections and an agency which provides child welfare services, as defined in NRS 422B.030, is prepared to participate in the Extended Young Adult Support Services Program established pursuant to section 25 of this act (codified as NRS 432B.5919).*

Sec. 1.3. 1. There is hereby appropriated from the State General Fund to the Division of Child and Family Services of the Department of Health and Human Services the sum of \$352,204 for Fiscal Year 2023-2024 for the Family Support Program budget account for personnel costs to develop a statewide Extended Young Adult Support Services Program.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2024, 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, 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.

Sec. 1.5. 1. There is hereby appropriated from the State General Fund to the Division of Child and Family Services of the Department of Health and Human Services the sum of \$276,861 for Fiscal Year 2024-2025 for the Washoe County Child Welfare budget account for personnel costs to develop a statewide Extended Young Adult Support Services Program.

2. There is hereby appropriated from the State General Fund to the Division of Child and Family Services of the Department of Health and Human Services the sum of \$886,126 for Fiscal Year 2024-2025 for the Clark County Child Welfare budget account for personnel costs to develop a statewide Extended Young Adult Support Services Program.

3. There is hereby appropriated from the State General Fund to the Division of Child and Family Services of the Department of Health and Human Services the sum of \$49,232 for Fiscal Year 2024-2025 for the Children, Youth and Family Administration budget account for personnel costs to develop a statewide Extended Young Adult Support Services Program.

4. There is hereby appropriated from the State General Fund to the Division of Child and Family Services of the Department of Health and Human Services the sum of \$162,683 for Fiscal Year 2024-2025 for the Rural Child Welfare budget account for personnel costs to develop a statewide Extended Young Adult Support Services Program.

5. Any remaining balance of the appropriations made by subsections 1 to 4, inclusive, must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose

after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.

Sec. 2. 1. An agency which provides child welfare services may submit a request to the Division to begin participating in the Program before July 1, 2025.

2. If the Division determines that an agency which provides child welfare services that submits a request pursuant to subsection 1 is prepared to begin participating in the Program before July 1, 2025, and there is sufficient money available to carry out such a request, the Division shall notify the Governor and the Director of the Legislative Counsel Bureau of that fact.

3. On or before December 31, 2023, and every 6 months thereafter until July 1, 2025, the Division shall submit a report to the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee. The report must include, without limitation:

(a) The status of the implementation of the Program and any request made pursuant to subsection 1;

(b) The progress of efforts to allow young adults to remain in foster care;

(c) Recommendations concerning additional programs to allow young adults to remain in foster care, which may include, without limitation, authorizing assistance for young adults under the Kinship Guardianship Assistance Program or providing subsidies for the adoption of young adults;

(d) Any other recommendations to allow young adults to remain in foster care; and

(e) The progress of efforts to secure federal funding for the Program, including, without limitation, the status of any federal approval necessary to receive such funding.

4. As used in this section:

(a) "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

(b) "Division" means the Division of Child and Family Services of the Department of Health and Human Services.

(c) "Kinship Guardianship Assistance Program" means the Kinship Guardianship Assistance Program established and administered by the Department of Health and Human Services pursuant to NRS 432B.622.

(d) "Program" means the Extended Young Adult Support Services Program established pursuant to section 25 of chapter 419, Statutes of Nevada 2021, at page 2728 (codified as NRS 432B.5919).

(e) "Young adult" means a person who is at least 18 years of age but less than 21 years of age and whose plan for permanent placement adopted pursuant to NRS 432B.553 was, on his or her 18th birthday, a permanent living arrangement other than reunification with his or her parents.

Sec. 3. 1. This ~~act becomes~~ section and sections 1 and 2 of this act become effective upon passage and approval.

2. Sections 1.3 and 1.5 of this act become effective on July 1, 2023.

Senator Dondero Loop moved the adoption of the amendment.

Remarks by Senator Dondero Loop.

Amendment No. 768 to Senate Bill No. 380 adds a General Fund appropriation of approximately \$1.7 million to support the cost of positions for the Division of Child and Family Services of the Department of Health and Human Services as well as the Washoe County and Clark County Child Welfare program budgets for the Extended Young Adult Support Services Program.

Amendment adopted.

Bill read third time.

Remarks by Senator Nguyen.

Senate Bill No. 380, as amended, revises the existing January 1, 2024, date by which the child welfare agencies in Nevada must implement a program of Extended Young Adult Support Services to the sooner date of July 1, 2025, or when the Division of Child and Family Services of the Department of Health and Human Services (DHHS) notifies the Governor and the Director of the Legislative Counsel Bureau that sufficient funding is available.

Senate Bill No. 380 also provides General Fund appropriations totaling approximately \$1.7 million to support new positions for the budgets of the Division of Child and Family Services of DHHS and the Washoe County and Clark County child welfare budgets.

Roll call on Senate Bill No. 380:

YEAS—20.

NAYS—None.

EXCUSED—Spearman.

Senate Bill No. 380 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 390.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 762.

SUMMARY—Enacts provisions relating to neurodegenerative diseases. (BDR 40-135)

AN ACT relating to health care; authorizing the Department of Brain Health at the University of Nevada, Las Vegas, to establish and maintain a system for the reporting and analysis of certain information on neurodegenerative diseases; authorizing a patient to opt in to the reporting of such information; ~~authorizing~~ requiring the ~~University of Nevada, Las Vegas, to establish and maintain~~ establishment and maintenance of 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 ~~13-8~~ 2.5-8 of this bill define certain terms for the purposes of sections 2-17 of this bill. Section 9 of this bill authorizes the Department of Brain Health at the University of Nevada, Las Vegas, to establish and maintain a similar system for the reporting of information on Parkinson's disease, Parkinsonisms, multiple sclerosis, Alzheimer's disease and other neurodegenerative diseases. ~~[prescribed by 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 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 9 requires the Department of Brain Health to provide the Chief Medical Officer and the Department of Health and Human Services with access to the data and reports provided to the Department of Brain Health for inclusion in the system. Section 10 of this bill requires the Department of Brain Health, in consultation with the Chief Medical Officer, to prescribe: (1) the neurodegenerative diseases for which information may be reported; (2) the form and manner of making such a report; and (3) the protocol for allowing access to and preserving the confidentiality of the records of patients needed for research into neurodegenerative diseases. Section 11 of this bill prescribes a procedure by which a patient may opt in to the reporting of information relating to him or her. ~~If the patient opts in to such reporting, section 11 authorizes a hospital, medical laboratory, other facility or provider of health care to report information concerning the patient to the system.~~ Section 14.5 of this bill ~~[authorizes]~~ requires the ~~[University of Nevada, Las Vegas,]~~ Department of Brain Health to: (1) establish and maintain an Internet website for the system; ~~[and]~~ or (2) enter into an agreement for the Chief Medical Officer to perform those duties. Section 14.5 authorizes the Department of Brain Health or the Chief Medical Officer to post an annual report concerning the activities of the system on that Internet website. Section 15 of this bill authorizes the ~~[University of Nevada, Las Vegas,]~~ Department of Brain Health 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 ~~[University of Nevada, Las Vegas,]~~ Department of Brain Health in accordance with the ~~[requirements]~~ provisions of sections ~~[9 and]~~ 10. ~~[.]~~ and 11. 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 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 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 ~~439~~ 2.5 to 8, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 2.5. "Designated department" means:

1. The Department of Brain Health at the University of Nevada, Las Vegas, or its successor department; or

2. If that department ceases to exist, another department at the University of Nevada, Las Vegas, designated by the Board of Regents of the University of Nevada to perform the functions prescribed by sections 2 to 17, inclusive, of this act.

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.] (Deleted by amendment.)~~

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, multiple sclerosis 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 [University of Nevada, Las Vegas,] designated department~~ may establish and maintain a system for the reporting of information on neurodegenerative diseases.

2. ~~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 pursuant to section 10 of this act 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. 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 University of Nevada, Las Vegas, pursuant to section 10 of this act for patients who opt in to such reporting pursuant to section 11 of this act.~~

~~— 4. 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 is primarily responsible for providing treatment for a neurodegenerative disease, except for a case directly referred to the provider or a case that 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 University of Nevada, Las Vegas, pursuant to section 10 of this act for patients who opt in to such reporting pursuant to section 11 of this act.~~ the designated department shall provide the Chief Medical Officer and Department with access to all individual and aggregate data included in the system and all reports provided to or compiled by the designated department for inclusion in the system.

Sec. 10. 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,~~ designated department shall ~~for~~, in consultation with the Chief Medical Officer:

1. Prescribe the neurodegenerative diseases for which information ~~must, to the extent authorized by~~ may be reported in accordance with section 11 of this act, be reported, which may include, without limitation, Parkinson's disease, Parkinsonisms, multiple sclerosis and Alzheimer's disease;

2. Prescribe the form and manner ~~in which~~ for reporting information on cases of neurodegenerative diseases ~~must be reported;~~

~~— 3. Prescribe~~ and the information that ~~must~~ may 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;~~

~~— (e) 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

~~4.1~~ 3. Establish protocol for allowing access to and preserving the confidentiality of the records of patients needed for research into neurodegenerative diseases.

Sec. 11. 1. 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,]~~ designated department 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 in to the collection of such information by executing the form.

2. 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] may provide to each~~ a patient with a neurodegenerative disease for which reporting is ~~[required]~~ authorized 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.]~~

~~4.1~~ If a patient ~~[does]~~ :

(a) Executes the form provided to the patient pursuant to subsection 2, the hospital, medical laboratory, other facility or provider of health care, as applicable, may report information concerning the patient to the system established pursuant to section 9 of this act.

(b) 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 to the system established pursuant to section 9 of this act.

4. As used in this section, "medical laboratory" has the meaning ascribed to it in NRS 652.060.

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 14.5. 1. 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]~~ designated department shall, except

*as otherwise provided in subsection 2, establish and maintain an Internet website for the system that may include, without limitation:*

~~1.1~~ (a) An annual summary of the activities conducted pursuant to sections 2 to 17, inclusive, of this act, which may include, without limitation:

~~(a)~~ (1) The incidence and prevalence of Parkinson's disease, Parkinsonisms, multiple sclerosis and Alzheimer's disease reported to the system during the immediately preceding year, in total and disaggregated for each county of this State;

~~(b)~~ (2) The number of reports made to the system pursuant to section ~~10~~ 11 of this act for the immediately preceding year; and

~~(c)~~ (3) Demographic information concerning the patients to which the reports described in ~~paragraph (b)~~ subparagraph (2) pertain, including, without limitation, information concerning the age, sex and race of such patients.

~~2.1~~ (b) Other information relating to the system.

2. The designated department may enter into an agreement with the Chief Medical Officer and the Department for the Chief Medical Officer to establish and maintain the Internet website pursuant to subsection 1.

Sec. 15. 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,~~ designated department 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 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. 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,~~ designated department, Chief Medical Officer and Department shall not reveal the identity of any patient, provider of health care or health care facility which is involved in the reporting ~~required by~~ of information to the system established pursuant to section 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 ~~University of Nevada, Las Vegas,~~ designated department in accordance with sections ~~9 and~~ 10 and 11 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~~ required 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. This act becomes effective on July 1, 2023.

Senator Dondero Loop moved the adoption of the amendment.



**Remarks by Senator Dondero Loop.**

Amendment No. 762 to Senate Bill No. 390 changes language to reflect the registry will be established and maintained by the Department of Brain Health at the University of Nevada, Las Vegas. The amendment to the bill also requires the Department of Brain Health to provide the Chief Medical Officer and the Department of Health and Human Services with access to data and reports and establishes requirements relating to the use, collection and sharing of associated data. Finally, the establishment and maintenance of the website may be carried out by the Chief Medical Officer upon agreement between the Department of Brain Health and the Chief Medical Officer.

Amendment adopted.

Bill read third time.

**Remarks by Senator Scheible.**

Senate Bill No. 390, as amended, authorizes the University of Nevada, Las Vegas, to establish and maintain a system for the reporting and analysis of certain information on neurodegenerative diseases, including Parkinson's, Alzheimer's and multiple sclerosis, prescribed by the University of Nevada, Las Vegas. The bill authorizes a patient to opt-in to the reporting of such information; authorizes the University of Nevada, Las Vegas, to establish and maintain an internet website for the system; and makes a General Fund appropriation of \$150,000 to the Department of Brain Health at the University of Nevada, Las Vegas, to establish and maintain the system.

Roll call on Senate Bill No. 390:

YEAS—20.

NAYS—None.

EXCUSED—Spearman.

Senate Bill No. 390 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

**UNFINISHED BUSINESS****CONSIDERATION OF ASSEMBLY AMENDMENTS**

Senate Bill No. 239.

The following Assembly amendment was read:

Amendment No. 715.

**SUMMARY**—Establishes provisions governing the prescribing, dispensing and administering of medication designed to end the life of a patient. (BDR 40-677)

AN ACT relating to health care; revising provisions concerning medical certificates of death relating to a person who self-administers a medication that is designed to end his or her life; authorizing a physician or advanced practice registered nurse to prescribe a medication that is designed to end the life of a patient under certain circumstances; prohibiting persons other than a patient from administering a medication that is designed to end the life of the patient; imposing requirements on certain providers of health care and health care facilities relating to the records of a patient who requests a medication that is designed to end his or her life; providing immunity to certain providers of health care and health care facilities that take certain actions relating to prescribing or dispensing a medication that is designed to end the life of a patient; authorizing the owner or operator of a health care facility to prohibit certain persons from providing certain services relating to a medication that is

designed to end the life of a patient; prohibiting a person from conditioning provisions of a will, contract, agreement or policy of life insurance on the request for or acquisition or administration of a medication that is designed to end the life of the person; prohibiting a person from denying benefits under a policy of life insurance to or imposing additional charges against a policyholder or beneficiary because the insured requested or revoked a request for a medication that is designed to end the life of the person; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a patient who has been diagnosed with a terminal condition to refuse life-resuscitating or life-sustaining treatment in certain circumstances. (NRS 449A.400-449A.581, 450B.400-450B.590) Sections 10-39 of this bill authorize a patient, under certain circumstances, to self-administer a medication that is designed to end the life of the patient. Section 20 of this bill defines "practitioner" to mean a physician, osteopathic physician or advanced practice registered nurse. Sections 11-18, 21 and 22 of this bill define other relevant terms. Section 23 of this bill authorizes a patient to request that his or her attending practitioner prescribe a medication that is designed to end his or her life if the patient: (1) is at least 18 years of age; (2) has been diagnosed with a terminal condition by at least two practitioners; (3) has made an informed and voluntary decision to end his or her own life; (4) is mentally capable of making such a decision; and (5) is not requesting the medication because of coercion, deception or undue influence. Section 24 of this bill prescribes certain requirements concerning the manner in which a patient may request a medication that is designed to end the life of the patient, including that the patient make two verbal requests and one written request for the medication, and that the written request for the medication be signed by a witness. Section 25 of this bill prescribes the form for the written request for the medication. Section 26 of this bill imposes certain requirements before a practitioner is authorized to prescribe a medication that is designed to end the life of a patient, including that the practitioner: (1) inform the patient of his or her right to revoke a request for the medication at any time; (2) determine and verify that the patient meets the requirements for making such a request; (3) discuss certain relevant factors with the patient, including the diagnosis and prognosis of the patient and alternative options for care; (4) refer the patient to a consulting practitioner who can confirm the diagnosis, prognosis and mental capability of the patient and that the patient has not been coerced or unduly influenced; and (5) instruct the patient against self-administering the medication in public. Section 27 of this bill requires a practitioner who determines that a patient who has requested a prescription for a medication that is designed to end his or her life may not be mentally capable to refer the patient to a qualified mental health professional and to receive confirmation about the patient's mental capability.

Section 28 of this bill: (1) prescribes procedures for the issuance of a prescription for a medication that is designed to end the life of the patient; and

(2) provides that only an attending practitioner or a pharmacist may dispense such a medication. Section 29 of this bill prohibits an attending practitioner from prescribing a medication that is designed to end the life of a patient based solely on the age or disability of the patient. Section 30 of this bill requires certain providers of health care to include certain information concerning requests and prescriptions for and the dispensing of a medication that is designed to end the life of a patient in the medical record of the patient. If a patient who has requested a medication that is designed to end the life of a patient transfers care to another practitioner or health care facility, sections 30 and 37 of this bill require the practitioner or health care facility that previously provided care to the patient to forward the patient's medical records to the new practitioner or health care facility. Section 33 of this bill prescribes certain information that must be reported by an attending practitioner to the Division of Public and Behavioral Health of the Department of Health and Human Services relating to a patient who has been prescribed or self-administered such a medication. Section 34 of this bill requires the Division to compile an annual report concerning the implementation of the provisions of this bill authorizing a patient to request a prescription for a medication that is designed to end the life of the patient. Sections 33, 46 and 47 of this bill provide that such information is otherwise confidential when reported to the Division.

Section 31 of this bill authorizes a patient, at any time, to revoke a request for a medication that is designed to end his or her life. Sections 32 and 41 of this bill provide that only the patient to whom a medication that is designed to end his or her life is prescribed may administer the medication. Section 32 establishes requirements for the disposal of any unused portion of the medication.

Section 39 of this bill makes certain persons exempt from professional discipline and immune from civil and criminal penalties and provides that such persons do not violate any applicable standard of care for taking actions authorized by this bill to assist a patient in acquiring a medication that is designed to end the life of the patient. Section 35 of this bill provides that a death resulting from the self-administration of a medication that is designed to end the life of a patient is not mercy killing, euthanasia, assisted suicide, suicide or homicide when done in accordance with the provisions of this bill, and section 4 of this bill requires a death certificate to list the terminal condition of the patient as the cause of death of the patient. Sections 3 and 7 of this bill provide that a coroner, coroner's deputy or local health officer is not required to certify the cause of such a death. Section 46.5 of this bill: (1) authorizes a coroner to make an appropriate investigation after discovering that a person has self-administered a medication designed to end the life of the person, to the extent necessary to determine the cause of the terminal condition with which the person was diagnosed; and (2) requires a coroner to cease such an investigation after determining that the terminal condition resulted from a natural cause. Section 46.2 of this bill makes a conforming change to revise certain internal references.

Sections 36 and 44 of this bill prohibit a person from preventing or requiring a person to make or revoke a request for a medication that is designed to end the life of the person as a condition to receiving health care or as a condition in an agreement, contract or will.

Section 37 of this bill clarifies that a practitioner is not required to prescribe a medication that is designed to end the life of a patient and remains responsible for treating the patient's pain. However, if a patient who is diagnosed with a terminal condition requests information concerning the prescription and self-administration of a medication that is designed to end the life of the patient, section 37 requires a practitioner to provide that information or ~~refer~~ facilitate the transfer of the patient to another provider of health care ~~[who is willing to do so.]~~ Section 37 also provides that a pharmacist is not required to fill a prescription for or dispense such a medication. Section 38 of this bill allows the owner or operator of a health care facility to prohibit an employee or independent contractor of the health care facility or any person who provides services on the premises of the health care facility from providing any services relating to prescribing a medication that is designed to end the life of a patient while acting within the scope of his or her employment or contract with the facility or while on the premises of the facility. Section 39 prohibits a health care facility or provider of health care from taking certain actions against an employee or independent contractor who: (1) provides accurate, scientific information concerning end-of-life care to a patient; or (2) facilitates the prescription or self-administration of a medication that is designed to end the life of the patient. Sections 40-43 of this bill make conforming changes to clarify that a practitioner or pharmacist is authorized to dispense a medication that is designed to end the life of a patient that is a controlled substance or dangerous drug and a patient may self-administer such a medication in accordance with other provisions governing medications designed to end the life of a patient.

Section 45 of this bill provides that a proposed protected person shall not be deemed to be in need of a general or special guardian solely because the proposed protected person requested a medication that is designed to end his or her life or revoked such a request.

Sections 48 and 49 of this bill prohibit insurers from conditioning life insurance benefits, group life insurance benefits or the payment of claims on whether the insured makes, fails to make or revokes a request for a medication that is designed to end the life of the insured or self-administers such a medication. Section 50 of this bill makes a conforming change to reflect this prohibition on a policy of group life insurance.

WHEREAS, A mentally capable adult patient should have the right to self-determination concerning his or her health care decisions based on his or her values, beliefs or personal preferences; and

WHEREAS, It is important that patients have the full range of options for their care, especially at the end of their lives; and

WHEREAS, Patients with a terminal illness may undergo unremitting pain, agonizing discomfort and a sudden, continuing and irreversible reduction in their quality of life; and

WHEREAS, The availability of medical aid in dying provides an additional palliative care option for persons with a terminal illness who seek to retain their autonomy and some level of control over the progression of their disease or ease unnecessary pain and suffering; and

WHEREAS, The integration of medical aid in dying into standard end-of-life care has demonstrably improved such care by contributing to better conversations between providers of health care and patients, earlier and more appropriate enrollment in hospice care and better training concerning palliative care for providers; and

WHEREAS, Patient-directed care respects and responds to the decisions, preferences, needs and values of individual patients, ensures that the values of patients direct all clinical decisions concerning their care and ensures that patients are fully informed of and able to access the options for care that they desire; now, therefore,

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

Section 1. Chapter 440 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. (Deleted by amendment.)

Sec. 3. *1. A coroner, coroner's deputy or local health officer is not required to certify the cause of death of a patient who dies after self-administering a medication that is designed to end the life of the patient in accordance with the provisions of sections 10 to 39, inclusive, of this act.*

*2. A coroner, coroner's deputy or local health officer may access any records or information submitted to the Division of Public and Behavioral Health of the Department of Health and Human Services pursuant to section 33 of this act to confirm that a patient died from self-administering a medication that is designed to end the life of the patient in accordance with the provisions of sections 10 to 39, inclusive, of this act.*

Sec. 4. NRS 440.380 is hereby amended to read as follows:

440.380 1. The medical certificate of death must be signed by the physician or advanced practice registered nurse, if any, last in attendance on the deceased, or pursuant to regulations adopted by the Board, it may be signed by the attending physician's associate physician, the chief medical officer of the hospital or institution in which the death occurred, or the pathologist who performed an autopsy upon the deceased. The person who signs the medical certificate of death shall specify:

- (a) The social security number of the deceased.
- (b) The hour and day on which the death occurred.
- (c) The cause of death, so as to show the cause of disease or sequence of causes resulting in death, giving first the primary cause of death or the name

of the disease causing death, and the contributory or secondary cause, if any, and the duration of each.

2. In deaths in hospitals or institutions, or of nonresidents, the physician or advanced practice registered nurse shall furnish the information required under this section, and may state where, in his or her opinion, the disease was contracted.

3. *The medical certificate of death of a patient who dies after self-administering a medication that is designed to end the life of the patient in accordance with sections 10 to 39, inclusive, of this act:*

(a) *Must specify the terminal condition with which the patient was diagnosed as the cause of death; and*

(b) *Must not indicate suicide as the cause of death or mention that the patient self-administered a medication that is designed to end the life of the patient.*

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. NRS 440.420 is hereby amended to read as follows:

440.420 1. In case of any death occurring without medical attendance, the funeral director shall notify the local health officer, coroner or coroner's deputy of such death and refer the case to the local health officer, coroner or coroner's deputy . ~~[[for immediate investigation and certification.]]~~ *Except as otherwise provided in NRS 259.050 and section 3 of this act, the coroner, coroner's deputy or local health officer shall immediately investigate the death and certify the cause of death.*

2. Where there is no qualified physician or advanced practice registered nurse in attendance, and in such cases only, the local health officer is authorized to make the certificate and return from the statements of relatives or other persons having adequate knowledge of the facts.

3. If the death was caused by unlawful or suspicious means, the local health officer shall then refer the case to the coroner for investigation and certification.

4. In counties which have adopted an ordinance authorizing a coroner's examination in cases of sudden infant death syndrome, the funeral director shall notify the local health officer whenever the cause or suspected cause of death is sudden infant death syndrome. The local health officer shall then refer the case to the coroner for investigation and certification.

5. The coroner or the coroner's deputy may certify the cause of death in any case which is referred to the coroner by the local health officer or pursuant to a local ordinance.

Sec. 8. (Deleted by amendment.)

Sec. 9. Chapter 449A of NRS is hereby amended by adding thereto the provisions set forth as sections 10 to 39, inclusive, of this act.

Sec. 10. *As used in sections 10 to 39, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 11 to 22, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 11. *"Advanced practice registered nurse" means a registered nurse who holds a valid license as an advanced practice registered nurse issued by the State Board of Nursing pursuant to NRS 632.237.*

Sec. 12. *"Attending practitioner" means the practitioner who has primary responsibility for the treatment of a terminal condition from which a patient suffers.*

Sec. 13. (Deleted by amendment.)

Sec. 14. *"Consulting practitioner" means a practitioner to whom a patient is referred pursuant to paragraph (d) of subsection 1 of section 26 of this act for confirmation of the diagnosis and prognosis of the patient and that the patient is mentally capable.*

Sec. 15. *"Division" means the Division of Public and Behavioral Health of the Department of Health and Human Services.*

Sec. 16. *"Health care facility" means any facility licensed pursuant to chapter 449 of NRS.*

Sec. 16.5. *"Mentally capable" means that a patient has the ability to make, communicate and understand the nature of the decision to request and self-administer a medication that is designed to end the life of the patient.*

Sec. 17. *"Person professionally qualified in the field of psychiatric mental health" has the meaning ascribed to it in NRS 433.209.*

Sec. 18. *"Physician" means a person who is licensed to practice medicine pursuant to chapter 630 of NRS or osteopathic medicine pursuant to chapter 633 of NRS.*

Sec. 19. (Deleted by amendment.)

Sec. 20. *"Practitioner" means a physician or advanced practice registered nurse.*

Sec. 21. *"Self-administer" or "self-administration" means the ingestion by a person of a medication that is designed to end his or her life as an affirmative, conscious and voluntary act. The term does not include the administration of the medication by parenteral injection or infusion.*

Sec. 22. *"Terminal condition" means an incurable and irreversible condition that will, in accordance with reasonable medical judgment, result in death within 6 months.*

Sec. 23. *A patient may request that his or her attending practitioner prescribe a medication that is designed to end the life of the patient if the patient:*

- 1. Is at least 18 years of age;*
- 2. Has been diagnosed with a terminal condition by the attending practitioner and at least one consulting practitioner;*
- 3. Has made an informed and voluntary decision to end his or her own life;*
- 4. Is mentally capable; and*
- 5. Is not requesting the medication because of coercion, deception or undue influence.*

Sec. 24. 1. A patient who wishes to obtain a prescription for a medication that is designed to end his or her life must:

(a) Make two verbal requests for the medication to his or her attending practitioner. Except as otherwise provided in this paragraph, the second verbal request must be made at least 15 days after the first verbal request. If the attending practitioner determines that the patient is reasonably likely to die within 15 days after the first verbal request, the patient may make the second verbal request at any time.

(b) Make a written request for the medication in the form prescribed by section 25 of this act and submit the written request to the attending practitioner. The written request for the medication must be signed by the patient and one witness, who must not be:

- (1) Related to the patient by blood, marriage or adoption;
- (2) Entitled to any portion of the estate of the patient upon death under a will or by operation of law;
- (3) An owner, operator or employee of a health care facility where the patient is receiving treatment or is a resident;
- (4) The attending practitioner; or
- (5) An interpreter for the patient.

2. An oral or written request made pursuant to this section may not be made:

(a) By any person acting on behalf of the patient, including, without limitation, a surrogate, supporter, guardian or person designated in a power of attorney to make decisions concerning health care pursuant to NRS 162A.790.

(b) In an advance directive.

3. As used in this section:

(a) "Advance directive" has the meaning ascribed to it in NRS 449A.703.

(b) "Supporter" has the meaning ascribed to it in NRS 162C.090.

Sec. 25. A written request for a medication that is designed to end the life of a patient must be in substantially the following form:

**REQUEST FOR A MEDICATION  
THAT IS DESIGNED TO END MY LIFE**

I, ....., am an adult of sound mind.

I have been diagnosed with ..... and given a prognosis of less than 6 months to live.

I have been fully informed of my diagnosis, my prognosis and the feasible alternative, concurrent or additional treatment opportunities, including comfort care, hospice care and pain control. I have been offered resources or referrals to pursue these alternative, concurrent or additional treatment opportunities.

I have been fully informed of the nature of the medication to be prescribed to me and the risks and benefits of self-administering the medication, including that the likely effect of self-administering the medication is death. I understand that I can rescind this request at any



*time and that I am under no obligation to fill the prescription once it is written or to self-administer the medication if I obtain it.*

*I request that my attending practitioner prescribe a medication that I may self-administer to end my life and authorize my attending practitioner to contact a pharmacist to fill the prescription at a time of my choosing.*

*I make this request voluntarily, free from coercion or undue influence.*

*Signed: .....*

*Dated: .....*

*Witness signature: .....*

*Date: .....*

Sec. 26. 1. *Before prescribing a medication that is designed to end the life of a patient, the attending practitioner of the patient must:*

*(a) Inform the patient that he or she may revoke a request for the medication at any time and provide the patient with the opportunity to revoke his or her second verbal request made pursuant to subsection 1 of section 24 of this act;*

*(b) Determine and verify, after each verbal and written request for the medication made pursuant to subsection 1 of section 24 of this act and immediately before writing the prescription, that the patient meets the requirements of subsections 3, 4 and 5 of section 23 of this act;*

*(c) Discuss with the patient:*

*(1) The diagnosis and prognosis of the patient;*

*(2) All available methods of treating or managing the terminal condition of the patient, including, without limitation, comfort care, hospice care and pain control, and the risks and benefits of each method;*

*(3) The risks and benefits of self-administering the medication, including, without limitation, that death is the probable result of self-administering the medication;*

*(4) The recommended procedure for self-administering the medication;*

*(5) The manner in which the medication must be kept and disposed of in accordance with applicable state and federal law;*

*(6) The importance of having another person present when the patient self-administers the medication; and*

*(7) The benefits of notifying the patient's next of kin of his or her decision to request a prescription for a medication that is designed to end the life of the patient;*

*(d) Refer the patient to a consulting practitioner who is qualified by reason of specialty or experience to diagnose the terminal condition of the patient for examination and receive written confirmation from that practitioner of the diagnosis and prognosis of the patient and that the patient meets the requirements of subsections 3, 4 and 5 of section 23 of this act;*

*(e) Inform the patient that there is no obligation to fill the prescription or to self-administer the medication, if obtained; and*

(f) *Instruct the patient against self-administering the medication in a public place. As used in this paragraph, "public place" means any location readily accessible to the general public, but does not include a health care facility.*

2. *The attending practitioner shall refer the patient for comfort care, palliative care, hospice care, pain control or other end-of-life care if requested or as clinically indicated.*

Sec. 27. 1. *If the attending practitioner to whom a patient makes a request for a medication that is designed to end the life of the patient or the consulting practitioner to whom a patient is referred pursuant to paragraph (d) of subsection 1 of section 26 of this act determines that the patient may not be mentally capable:*

(a) *The attending practitioner or consulting practitioner, as applicable, must refer the patient for examination by a person professionally qualified in the field of psychiatric mental health; and*

(b) *The attending practitioner must not prescribe a medication that is designed to end the life of the patient, unless the person professionally qualified in the field of psychiatric mental health concludes, based on the examination, that the patient is mentally capable.*

2. *If a patient is examined pursuant to subsection 1, the person professionally qualified in the field of psychiatric mental health must provide to the attending practitioner and, if applicable, the consulting practitioner who made the referral, his or her written determination regarding whether the patient is mentally capable.*

Sec. 28. 1. *Except as otherwise provided in section 29 of this act, the attending practitioner of a patient may prescribe a medication that is designed to end the life of the patient after the attending practitioner has ensured that the requirements of sections 23 to 27, inclusive, of this act have been met.*

2. *After an attending practitioner prescribes a medication that is designed to end the life of a patient, the attending practitioner shall, after obtaining the written consent of the patient, contact a pharmacist and inform the pharmacist of the prescription. After the pharmacist has been notified, the attending practitioner shall transmit the prescription directly to the pharmacist.*

3. *A medication that is designed to end the life of a patient may only be dispensed by a registered pharmacist or by the attending practitioner of the patient. A pharmacist may only dispense such a medication pursuant to a valid prescription provided by an attending practitioner in accordance with subsection 2 to:*

(a) *The patient;*

(b) *The attending practitioner who prescribed the medication; or*

(c) *An agent of the patient who has been expressly identified to the pharmacist as such by the patient.*

Sec. 29. *An attending practitioner shall not prescribe a medication that is designed to end the life of a patient based solely on the age or disability of the patient.*

Sec. 30. 1. *The attending practitioner of a patient who requests a medication that is designed to end the life of the patient shall document in the medical record of the patient:*

*(a) Each request for such a medication made by the patient, including, without limitation, by including in the record a copy of the written request submitted pursuant to paragraph (b) of subsection 1 of section 24 of this act, and each revocation of such a request;*

*(b) The diagnosis and the prognosis of the patient provided by the attending practitioner;*

*(c) Each determination made by the attending practitioner concerning whether the patient meets the requirements of subsections 3, 4 and 5 of section 23 of this act;*

*(d) Confirmation that:*

*(1) The attending practitioner offered the patient the opportunity to revoke his or her second verbal request for the medication, as required by subsection 1 of section 26 of this act; and*

*(2) The requirements set forth in sections 10 to 39, inclusive, of this act have been satisfied; and*

*(e) The name, amount and dosage of any medication that is designed to end the life of the patient and any ancillary medications that the attending practitioner prescribes for the patient.*

2. *A consulting practitioner shall report to the attending practitioner of the patient and document in the medical record of the patient his or her:*

*(a) Confirmation that the patient has requested a medication designed to end the life of the patient;*

*(b) Diagnosis and opinion regarding the prognosis of the patient; and*

*(c) Determination concerning whether the patient meets the requirements of subsections 3, 4 and 5 of section 23 of this act.*

3. *A person professionally qualified in the field of psychiatric mental health to whom a patient is referred pursuant to section 27 of this act shall document in the medical record of the patient his or her determination of whether the patient is mentally capable.*

4. *If a patient who has requested a medication that is designed to end his or her life changes his or her attending practitioner or transfers his or her care to a different health care facility, the prior attending practitioner and health care facility, as applicable, must, upon the request of the patient or the new attending practitioner or health care facility, forward the medical records of the patient to the new attending practitioner or health care facility, as applicable.*

Sec. 31. 1. *A patient who requests a medication that is designed to end his or her life may revoke the request at any time, without regard to his or her age or physical or mental condition.*

2. *The revocation of a request for such a medication becomes effective immediately upon the patient communicating the revocation to his or her*

*attending practitioner. When the patient revokes such a request, the attending practitioner must document the revocation in the medical record of the patient.*

*Sec. 32. 1. Only a patient to whom a medication that is designed to end his or her life is prescribed may administer the medication. No other person may administer the medication to the patient, including, without limitation, by parenteral injection or infusion. Any person who is present may assist the patient in preparing the medication for self-administration.*

*2. If any amount of a medication that is designed to end the life of a patient is not self-administered, it must be disposed of in accordance with law.*

*Sec. 33. 1. An attending practitioner who prescribes a medication that is designed to end the life of a patient shall:*

*(a) Not more than 30 days after prescribing the medication, provide to the Division in the form prescribed by the Division the name, date of birth, diagnosis and prognosis of the patient and affirmation that the prescription was issued in accordance with the provisions of sections 10 to 39, inclusive, of this act; and*

*(b) Not more than 60 days after the death of a patient from administering the medication, provide to the Division the name and date of birth of the patient, the date on which the patient died and a statement of whether the patient was receiving hospice care at the time of death.*

*2. The Division shall prescribe forms for reporting each set of information required by subsection 1.*

*3. Except as otherwise provided in NRS 239.0115 and sections 3 and 34 of this act, any information or records submitted to the Division pursuant to this section are confidential.*

*4. The Division shall annually review a sample of the reports submitted pursuant to subsection 1 to ensure compliance with the requirements of that subsection.*

*5. The provisions of subsection 1 of section 39 of this act do not apply to a practitioner who willfully fails to comply with the requirements of this section.*

*Sec. 34. On or before February 1 of each year, the Division shall:*

*1. Compile a report concerning the implementation of the provisions of sections 10 to 39, inclusive, of this act. The report:*

*(a) Must include, for the immediately preceding calendar year:*

*(1) The number of patients to whom a medication that is designed to end the life of a patient was prescribed;*

*(2) The number of patients described in subparagraph (1) who died after self-administering the medication and the terminal conditions which were specified as the cause of those deaths; and*

*(3) The number of practitioners who prescribed a medication that is designed to end the life of a patient.*

*(b) Must not include the personally identifiable information of any patient or provider of health care.*

2. *Make the report compiled pursuant to subsection 1 publicly available on the Internet website maintained by the Division.*

Sec. 35. 1. *A death resulting from a patient self-administering a medication that is designed to end his or her life in accordance with the provisions of sections 10 to 39, inclusive, of this act does not constitute mercy killing, euthanasia, assisted suicide, suicide or homicide.*

2. *Any report or other document produced by this State, any political subdivision of this State or any agency, board, commission, department, officer, employee or agent of this State must refer to a request for, acquisition of, prescription of, dispensing of and self-administration of a medication that is designed to end the life of a patient as a request for, acquisition of, prescription of, dispensing of and self-administration, as applicable, of a medication that is designed to end the life of a patient.*

Sec. 36. 1. *A person shall not prevent a patient from making or revoking or require a patient to make or revoke a request for a medication that is designed to end the life of the patient as a condition of receiving health care.*

2. *Any provision in any contract or agreement entered into before, on or after the effective date of this act, whether written or oral, that would affect the right of a patient to take any action in accordance with the provisions of sections 10 to 39, inclusive, of this act is unenforceable and void.*

Sec. 37. 1. *The provisions of sections 10 to 39, inclusive, of this act do not:*

(a) *Require an attending practitioner to prescribe a medication that is designed to end the life of a patient or require a pharmacist to fill a prescription for or dispense such a medication;*

(b) *Affect the responsibility of a practitioner to provide information and treatment in accordance with the standard of care, including, without limitation, treatment for a patient's comfort or alleviation of pain; or*

(c) *Condone, authorize or approve mercy killing, euthanasia or assisted suicide.*

2. *An attending practitioner shall provide a patient who is diagnosed with a terminal condition with complete and accurate information concerning his or her available options for care and the risks and benefits of each option. If an attending practitioner is unwilling or unable to provide information concerning the prescription and self-administration of a medication that is designed to end the life of the patient in accordance with sections 10 to 39, inclusive, of this act to a patient who requests such information, the attending practitioner must ~~refer~~ facilitate the transition of the patient to another provider of health care ~~[who is willing and able to provide this information.]~~ , unless the patient refuses such a transition. An attending practitioner who fails to comply with the requirements of this subsection shall be deemed to have failed to obtain informed consent to any care provided to the patient after the request.*

3. *If a patient requests pursuant to section 24 of this act that the attending practitioner prescribe a medication that is designed to end the life of the*

*patient and the attending practitioner is unwilling or unable to issue any prescription for such medication, the attending practitioner must:*

*(a) Document the request and the date of the request in the medical record of the patient; and*

*(b) Upon request, forward the medical records of the patient as required by subsection 4 of section 30 of this act.*

*Sec. 38. 1. Except as otherwise required by section 37 of this act, the owner or operator of a health care facility may prohibit:*

*(a) Any employee or independent contractor of the health care facility from providing any services described in sections 10 to 39, inclusive, of this act while acting within the scope of his or her employment or contract, as applicable, with the health care facility; or*

*(b) Any other person, including, without limitation, an employee or independent contractor of the health care facility or another provider of health care who provides services on the premises of the health care facility, from providing any services described in sections 10 to 39, inclusive, of this act on the premises of the health care facility.*

*2. An owner or operator of a health care facility who prohibits any person from providing services described in sections 10 to 39, inclusive, of this act shall provide notice of the prohibition to:*

*(a) Each employee and independent contractor of the health care facility at the time of hiring and annually thereafter; and*

*(b) Each provider of health care not described in paragraph (a) who provides services on the premises of the health care facility, including, without limitation, through telehealth as defined in NRS 629.515, at the time the provider of health care begins providing services on the premises of the health care facility and annually thereafter.*

*3. The owner or operator of a health care facility may take any action authorized by law or authorized pursuant to any applicable rule, policy, procedure or contract against any person who provides a service prohibited by the owner or operator in compliance with subsection 1 while acting within the scope of his or her employment or contract, as applicable, or on the premises of the health care facility.*

*Sec. 39. 1. Except as otherwise provided in section 38 of this act:*

*(a) A health care facility or provider of health care shall not:*

*(1) Prohibit an employee or independent contractor from:*

*(I) Providing services described in sections 10 to 39, inclusive, of this act outside the scope of the employment or contract, as applicable, and off the premises of the health care facility or any premises owned or operated by the provider of health care;*

*(II) Being present when a patient self-administers a medication that is designed to end the life of the patient outside the scope of his or her employment or contract, as applicable, and off the premises of the health care facility or any premises owned or operated by the provider of health care; or*

*(III) Providing accurate, scientific information concerning the diagnosis and prognosis of a patient or options for the treatment of a terminal condition, including, without limitation, the administration of a medication that is designed to end the life of a patient, or providing information concerning available health care services and other resources, including, without limitation, information about how to access such services and resources, when discussing the options of the patient for end-of-life care; or*

*(2) Discharge, demote, censure, suspend, revoke or suspend the privileges of, discipline or otherwise penalize an employee or independent contractor who takes any action described in subparagraph (1).*

*(b) A practitioner, person professionally qualified in the field of psychiatric mental health, pharmacist or other provider of health care is not subject to professional discipline, does not violate any applicable standard of care and is not subject to any civil or criminal penalty solely because the provider of health care:*

*(1) Takes any action authorized by sections 10 to 39, inclusive, of this act, including, without limitation, assisting a patient in preparing a medication that is designed to end the life of the patient in accordance with subsection 1 of section 32 of this act; or*

*(2) Is present when a patient self-administers a medication that is designed to end the life of the patient or when a patient dies as a result of such self-administration.*

*(c) A health care facility is not subject to disciplinary action, does not violate any applicable standard of care and is not subject to any civil or criminal penalty solely because an employee or independent contractor of the health care facility takes any action authorized by sections 10 to 39, inclusive, of this act.*

*(d) A person other than a provider of health care is not subject to professional discipline, does not violate any applicable standard of care and is not subject to any civil or criminal penalty solely because the person:*

*(1) Assists a patient in preparing a medication that is designed to end the life of the patient in accordance with subsection 1 of section 32 of this act; or*

*(2) Is present when a patient self-administers a medication that is designed to end the life of the patient or when a patient dies as a result of such self-administration.*

*2. If any part of paragraph (a) of subsection 1 conflicts with requirements concerning the receipt of federal money by this State, the conflicting provision does not apply solely to the extent of the conflict with respect to the health care facility or provider of health care directly affected.*

*3. A local government, coroner, law enforcement agency or an employee of a local government, coroner or law enforcement agency is not subject to any civil or criminal penalty for ceasing or refusing to investigate or take other action in response to a death resulting from the self-administration of a medication designed to end the life of the patient pursuant to sections 10 to 39, inclusive, of this act or refusing to make a finding concerning such a death.*

4. *The provisions of this section do not limit liability for damages resulting from the negligence or intentional misconduct of any person providing services pursuant to sections 10 to 39, inclusive, of this act.*

Sec. 40. NRS 453.256 is hereby amended to read as follows:

453.256 1. A prescription for a controlled substance must be given to a pharmacy in compliance with NRS 639.23535. A prescription for a substance included in schedule II must not be refilled. A prescription for a substance included in schedule III or IV which is a dangerous drug as determined under NRS 454.201 must not be filled or refilled more than 6 months after the date thereof or be refilled more than five times, unless renewed by the practitioner.

2. A substance included in schedule V may be distributed or dispensed only for a medical purpose, including medical treatment or authorized research.

3. A practitioner may dispense or deliver a controlled substance to or for a person or animal only for medical treatment or authorized research in the ordinary course of his or her profession.

4. No civil or criminal liability or administrative sanction may be imposed on a pharmacist for action taken in good faith in reliance on a reasonable belief that an order purporting to be a prescription was issued by a practitioner in the usual course of professional treatment or in authorized research.

5. An individual practitioner may not dispense a substance included in schedule II, III or IV for the practitioner's own personal use except in a medical emergency.

6. A person who violates this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.

7. As used in this section, "medical treatment" includes ~~[dispensing]~~ :

(a) *Dispensing* or administering a narcotic drug for pain, whether or not intractable ~~[-]~~; and

(b) *Dispensing a medication that is designed to end the life of a patient pursuant to the provisions of sections 10 to 39, inclusive, of this act.*

Sec. 41. NRS 453.375 is hereby amended to read as follows:

453.375 1. ~~[-A-]~~ *Except as otherwise provided in sections 10 to 39, inclusive, of this act,* a controlled substance may be possessed and administered by the following persons:

(a) A practitioner.

(b) A registered nurse licensed to practice professional nursing or licensed practical nurse, at the direction of a physician, physician assistant, dentist, podiatric physician or advanced practice registered nurse, or pursuant to a chart order, for administration to a patient at another location.

(c) A paramedic:

(1) As authorized by regulation of:

(I) The State Board of Health in a county whose population is less than 100,000; or

(II) A county or district board of health in a county whose population is 100,000 or more; and



(2) In accordance with any applicable regulations of:

(I) The State Board of Health in a county whose population is less than 100,000;

(II) A county board of health in a county whose population is 100,000 or more; or

(III) A district board of health created pursuant to NRS 439.362 or 439.370 in any county.

(d) A respiratory therapist, at the direction of a physician or physician assistant.

(e) A medical student, student in training to become a physician assistant 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 or physician assistant and:

(1) In the presence of a physician, physician assistant or a registered nurse; or

(2) Under the supervision of a physician, physician assistant or a registered nurse if the student is authorized by the college or school to administer the substance outside the presence of a physician, physician assistant or nurse.

➡ A medical student or student nurse may administer a controlled substance 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.

(f) An ultimate user or any person whom the ultimate user designates pursuant to a written agreement.

(g) Any person designated by the head of a correctional institution.

(h) A veterinary technician at the direction of his or her supervising veterinarian.

(i) 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.

(j) In accordance with applicable regulations of the State Board of Pharmacy, an animal control officer, a wildlife biologist or an employee designated by a federal, state or local governmental agency whose duties include the control of domestic, wild and predatory animals.

(k) A person who is enrolled in a training program to become a paramedic, respiratory therapist or veterinary technician if the person possesses and administers the controlled substance in the same manner and under the same conditions that apply, respectively, to a paramedic, respiratory therapist or veterinary technician who may possess and administer the controlled substance, and under the direct supervision of a person licensed or registered to perform the respective medical art or a supervisor of such a person.

(l) 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.

2. As used in this section, "accredited college of medicine" means:

(a) A 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 successor organizations; or

(b) A school of osteopathic medicine, as defined in NRS 633.121.

Sec. 42. NRS 454.213 is hereby amended to read as follows:

454.213 1. Except as otherwise provided in NRS 454.217 ~~and~~ *and sections 10 to 39, inclusive, of this act*, 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 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. 43. NRS 454.215 is hereby amended to read as follows:

454.215 ~~4A~~ *Except as otherwise provided in sections 10 to 39, inclusive, of this act, a dangerous drug may be dispensed by:*

1. A registered pharmacist upon the legal prescription from a practitioner or to a pharmacy in a correctional institution upon the written order of the prescribing practitioner in charge;

2. A pharmacy in a correctional institution, in case of emergency, upon a written order signed by the chief medical officer;

3. A practitioner, or a physician assistant licensed pursuant to chapter 630 or 633 of NRS if authorized by the Board;

4. A registered nurse, when the nurse is engaged in the performance of any public health program approved by the Board;

5. A medical intern in the course of his or her internship;

6. An advanced practice registered nurse who holds a certificate from the State Board of Pharmacy permitting him or her to dispense dangerous drugs;

7. A registered nurse employed at an institution of the Department of Corrections to an offender in that institution;

8. A registered pharmacist from an institutional pharmacy pursuant to regulations adopted by the Board; or

9. A registered nurse to a patient at a rural clinic that is designated as such pursuant to NRS 433.233 and that is operated by the Division of Public and Behavioral Health of the Department of Health and Human Services if the nurse is providing mental health services at the rural clinic,

↪ except that no person may dispense a dangerous drug in violation of a regulation adopted by the Board.

Sec. 44. NRS 133.065 is hereby amended to read as follows:

133.065 1. Except *as otherwise provided in subsection 2 or* to the extent that it violates public policy, a testator may:

~~{1-}~~ (a) Make a devise conditional upon a devisee's action or failure to take action or upon the occurrence or nonoccurrence of one or more specified events; and

~~{2-}~~ (b) Specify the conditions or actions which would disqualify a person from serving or which would constitute cause for removal of a person who is serving in any capacity under the will, including, without limitation, as a personal representative, guardian or trustee.

2. *Any provision in a will executed on or after the effective date of this act that conditions a devise on any person requesting or failing to request a medication designed to end his or her life, revoking such a request or self-administering such a medication in accordance with the provision of sections 10 to 39, inclusive, of this act is unenforceable and void.*

Sec. 45. NRS 159.054 is hereby amended to read as follows:

159.054 1. If the court finds that the proposed protected person is not incapacitated and is not in need of a guardian, the court shall dismiss the petition.

2. If the court finds that the proposed protected person is of limited capacity and is in need of a special guardian, the court shall enter an order accordingly and specify the powers and duties of the special guardian.

3. If the court finds that appointment of a general guardian is required, the court shall appoint a general guardian of the person, estate, or person and estate of the proposed protected person.

4. *A proposed protected person shall not be deemed to be in need of a general or special guardian based solely upon a request by the proposed protected person for a medication that is designed to end his or her life or the revocation of such a request if made in accordance with the provisions of sections 10 to 39, inclusive, of this act.*

Sec. 46. 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 33 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. 46.2. NRS 259.010 is hereby amended to read as follows:

259.010 1. Every county in this State constitutes a coroner's district, except a county where a coroner is appointed pursuant to the provisions of NRS 244.163.

2. The provisions of this chapter, except NRS 259.025, 259.045, 259.047, 259.049, subsections ~~{3}~~ 4 and ~~{4}~~ 5 of NRS 259.050, NRS 259.053 and 259.150 to 259.180, inclusive, do not apply to any county where a coroner is appointed pursuant to the provisions of NRS 244.163.

Sec. 46.5. NRS 259.050 is hereby amended to read as follows:

259.050 1. When a coroner or the coroner's deputy is informed that a person has been killed, has committed suicide or has suddenly died under such circumstances as to afford reasonable ground to suspect that the death has been occasioned by unnatural means, the coroner shall make an appropriate investigation.

2. *When a coroner or the coroner's deputy is informed or otherwise discovers that a person has self-administered a medication designed to end his or her life pursuant to sections 10 to 39, inclusive, of this act, the coroner:*

*(a) May make an appropriate investigation to the extent necessary to determine that the cause of the terminal condition with which the person was diagnosed; and*



*(b) Must cease investigating the death after determining that the terminal condition with which the person was diagnosed resulted from a natural cause.*

3. In all cases where it is apparent or can be reasonably inferred that the death may have been caused by a criminal act, the coroner or the coroner's deputy shall notify the district attorney of the county where the inquiry is made, and the district attorney shall make an investigation with the assistance of the coroner. If the sheriff is not ex officio the coroner, the coroner shall also notify the sheriff, and the district attorney and sheriff shall make the investigation with the assistance of the coroner.

~~{3-}~~ 4. If it is apparent to or can be reasonably inferred by the coroner that a death may have been caused by drug use or poisoning, the coroner shall cause a postmortem examination to be performed on the decedent by a forensic pathologist unless the death occurred following a hospitalization stay of 24 hours or more.

~~{4-}~~ 5. A coroner may issue a subpoena for the production of any document, record or material that is directly related or believed to contain evidence related to an investigation by the coroner.

~~{5-}~~ 6. The holding of a coroner's inquest is within the sound discretion of the district attorney or district judge of the county. An inquest need not be conducted in any case of death manifestly occasioned by natural cause, suicide, accident, motor vehicle crash or when it is publicly known that the death was caused by a person already in custody, but an inquest must be held unless the district attorney or a district judge certifies that no inquest is required.

~~{6-}~~ 7. If an inquest is to be held, the district attorney shall call upon a justice of the peace of the county to preside over it. The justice of the peace shall summon three persons qualified by law to serve as jurors, to appear before the justice of the peace forthwith at the place where the body is or such other place within the county as may be designated by him or her to inquire into the cause of death.

~~{7-}~~ 8. A single inquest may be held with respect to more than one death, where all the deaths were occasioned by a common cause.

Sec. 47. NRS 639.238 is hereby amended to read as follows:

639.238 1. Prescriptions filled and on file in a pharmacy are not a public record. Except as otherwise provided in NRS 439.538 and 639.2357, *and section 33 of this act*, a pharmacist shall not divulge the contents of any prescription or provide a copy of any prescription, except to:

- (a) The patient for whom the original prescription was issued;
- (b) The practitioner who originally issued the prescription;
- (c) A practitioner who is then treating the patient;
- (d) A member, inspector or investigator of the Board or an inspector of the Food and Drug Administration or an agent of the Investigation Division of the Department of Public Safety;
- (e) An agency of state government charged with the responsibility of providing medical care for the patient;

(f) An insurance carrier, on receipt of written authorization signed by the patient or his or her legal guardian, authorizing the release of such information;

(g) Any person authorized by an order of a district court;

(h) Any member, inspector or investigator of a professional licensing board which licenses a practitioner who orders prescriptions filled at the pharmacy;

(i) Other registered pharmacists for the limited purpose of and to the extent necessary for the exchange of information relating to persons who are suspected of:

(1) Misusing prescriptions to obtain excessive amounts of drugs; or

(2) Failing to use a drug in conformity with the directions for its use or taking a drug in combination with other drugs in a manner that could result in injury to that person;

(j) A peace officer employed by a local government for the limited purpose of and to the extent necessary:

(1) For the investigation of an alleged crime reported by an employee of the pharmacy where the crime was committed; or

(2) To carry out a search warrant or subpoena issued pursuant to a court order; or

(k) A county coroner, medical examiner or investigator employed by an office of a county coroner for the purpose of:

(1) Identifying a deceased person;

(2) Determining a cause of death; or

(3) Performing other duties authorized by law.

2. Any copy of a prescription for a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is issued to a county coroner, medical examiner or investigator employed by an office of a county coroner must be limited to a copy of the prescription filled or on file for:

(a) The person whose name is on the container of the controlled substance or dangerous drug that is found on or near the body of a deceased person; or

(b) The deceased person whose cause of death is being determined.

3. Except as otherwise provided in NRS 639.2357, any copy of a prescription for a controlled substance or a dangerous drug as defined in chapter 454 of NRS, issued to a person authorized by this section to receive such a copy, must contain all of the information appearing on the original prescription and be clearly marked on its face "Copy, Not Refillable—For Reference Purposes Only." The copy must bear the name or initials of the registered pharmacist who prepared the copy.

4. If a copy of a prescription for any controlled substance or a dangerous drug as defined in chapter 454 of NRS is furnished to the customer, the original prescription must be voided and notations made thereon showing the date and the name of the person to whom the copy was furnished.

5. As used in this section, "peace officer" does not include:

(a) A member of the Police Department of the Nevada System of Higher Education.

(b) A school police officer who is appointed or employed pursuant to NRS 391.281.

Sec. 48. Chapter 688A of NRS is hereby amended by adding thereto a new section to read as follows:

1. *An insurer shall not deny a claim under a policy of life insurance or annuity contract, cancel a policy of life insurance or annuity contract or impose an additional charge on a policyholder or beneficiary solely because the insured has, in accordance with the provisions of sections 10 to 39, inclusive, of this act, requested a medication designed to end the life of the insured, revoked such a request or self-administered such a medication.*

2. *Any provision of a policy of life insurance or annuity contract that, in conflict with the provisions of this section, allows the denial of a claim or cancellation of the policy or contract and which is included in a policy or contract that has been or is delivered, issued for delivery or renewed before, on or after the effective date of this act is void and unenforceable.*

Sec. 49. Chapter 688B of NRS is hereby amended by adding thereto a new section to read as follows:

1. *An insurer shall not deny a claim under a policy of group life insurance, cancel a policy of group life insurance or impose an additional charge on a policyholder or beneficiary solely because the insured has, in accordance with the provisions of sections 10 to 39, inclusive, of this act, requested a medication designed to end the life of the insured, revoked such a request or self-administered such a medication.*

2. *Any provision of a policy of group life insurance that, in conflict with the provisions of this section, allows the denial of a claim or cancellation of the policy and which is included in a policy that has been or is delivered, issued for delivery or renewed before, on or after the effective date of this act is void and unenforceable.*

Sec. 50. NRS 688B.040 is hereby amended to read as follows:

688B.040 No policy of group life insurance shall be delivered in this State unless it contains in substance the provisions set forth in NRS 688B.040 to 688B.150, inclusive, *and section 49 of this act*, or provisions which in the opinion of the Commissioner are more favorable to the persons insured, or at least as favorable to the persons insured and more favorable to the policyholder; except:

1. NRS 688B.100 to 688B.140, inclusive, do not apply to policies issued to a creditor to insure debtors of such creditor;

2. The standard provisions required for individual life insurance policies do not apply to group life insurance policies; and

3. If the group life insurance policy is on a plan of insurance other than the term plan, it shall contain a nonforfeiture provision or provisions which in the opinion of the Commissioner is or are equitable to the insured persons and to the policyholder; but nothing in this subsection shall be construed to require that group life insurance policies contain the same nonforfeiture provisions as are required for individual life insurance policies.

Sec. 51. Not later than 45 days after the effective date of this act, the Division of Public and Behavioral Health of the Department of Health and Human Services shall prescribe and make available on an Internet website maintained by the Division the forms for making the reports required by section 33 of this act.

Sec. 52. This act becomes effective upon passage and approval.

Senator Doñate moved that the Senate concur in Assembly Amendment No. 715 to Senate Bill No. 239.

Senators Seevers Gansert, Krasner and Titus requested a roll call vote on Senator Doñate's motion.

Roll call on Senator Doñate's motion:

YEAS—11.

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

EXCUSED—Spearman.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 292.

The following Assembly amendment was read:

Amendment No. 603.

SUMMARY—Revises provisions relating to school administrators. (BDR 34-554)

AN ACT relating to education; providing that certain principals are employed at will; 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 ~~or~~ or remains at the lowest level possible; 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;~~ nonrenewal of his or her contract on recommendation of the superintendent of the school district.

Sections 4-10 of this bill make changes to conform with the changes made by section 2.

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 ~~++~~ or remains at the lowest level possible; 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:

(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;~~ nonrenewal of his or her contract on recommendation of the superintendent . ~~(and) If the contract of the principal is not renewed pursuant to this subsection and the principal was previously employed by the school district in another position, the principal is entitled to, on dismissal, to a written statement of the reasons for dismissal, to be assigned to his or her former position at the rate of compensation provided for that position.~~

Sec. 3. (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 section 2 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 section 2 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 section 2 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) 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 section 2 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 section 2 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 section 2 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 section 2 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 ~~4A~~ *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 section 2 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 section 2 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 section 2 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 that the Senate concur in Assembly Amendment No. 603 to Senate Bill No. 292.

Remarks by Senator Lange.

Amendment No. 603 to Senate Bill No. 292 specifies that an at-will principal is subject to nonrenewal upon recommendation of the superintendent, and outlines certain conditions related to such nonrenewal, and clarifies that certain provisions concerning a school's rating apply if the school remains at the lowest level possible.

Motion carried by a constitutional majority.

Bill ordered enrolled.

#### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Bills Nos. 113, 159, 323, 393 and 433; Senate Resolution No. 7; Assembly Bills Nos. 11, 17, 44, 91, 97, 107, 120, 124, 159, 177, 183, 275, 309, 342, 350 and 398; Assembly Joint Resolutions Nos. 1 and 5; Assembly Joint Resolution No. 1 of the 81st Legislative Session; and Assembly Concurrent Resolution No. 5.

#### GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Cannizzaro, the privilege of the floor of the Senate Chamber was extended to former Lobbyist Carole Vilardo.

On request of Senator Krasner, the privilege of the floor of the Senate Chamber for this day was extended to Donna Washington and former Senator Maurice Washington.

On request of Senator Seevers Gansert, the privilege of the floor of the Senate Chamber for this day was extended to Matthew Agam.

Senator Cannizzaro moved that the Senate adjourn until Tuesday, May 30, 2023, at 11:00 a.m.

Motion carried.

Senate adjourned at 12:51 p.m.

Approved:

STAVROS ANTHONY  
*President of the Senate*

Attest: BRENDAN BUCY  
*Secretary of the Senate*