THE ONE HUNDRED AND NINETEENTH DAY

CARSON CITY (Sunday), June 4, 2023

Senate called to order at 2:36 p.m.

President Anthony presiding.

Roll called.

All present.

Prayer by Senator Neal.

Father God, I come before You today because all I want is for You to be lifted. All I want is for You to be glorified. I want to thank You, Lord, for being ever-present in our lives, for Your grace and for Your power. There is a lot of hurt and anxiety running through this building, but You are the God of peace. We are Your servants, Lord, we seek You because You provide wisdom and direction for our journeys in this life. We thank You, Lord, for another day to serve Your people and for the power You have entrusted to us to do Your work.

AMEN.

Pledge of Allegiance to the Flag.

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

REPORTS OF COMMITTEE

Mr. President:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 147, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

PAT SPEARMAN, *Chair*

Mr. President:

Your Committee on Finance, to which were referred Senate Bills Nos. 454, 511; Assembly Bills Nos. 37, 84, 125, 128, 137, 138, 150, 158, 208, 216, 224, 237, 255, 259, 319, 383, 388, 422, 451, 498, 515, 523, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, our Committee on Finance, to which were re-referred Assembly Bills Nos. 15, 16, 77, 246, 257, 310, 376, 454, 516, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARILYN DONDERO LOOP, *Chair*

Mr. President:

Your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 7, 201, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

FABIAN DOÑATE, *Chair*

Mr. President:

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

DINA NEAL, *Chair*

MESSAGES FROM THE GOVERNOR

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

June 3, 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 251 of the 82nd Legislative Session

Dear Leader Cannizzaro:

I am returning Senate Bill No. 251 to the 82nd Session of the Nevada Legislature without my approval, accompanied by my letters of objections [*sic*].

Sincerely,
Joe Lombardo
Governor of Nevada

June 3, 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 302 of the 82nd Legislative Session

Dear Leader Cannizzaro:

I am returning Senate Bill No. 302 to the 82nd Session of the Nevada Legislature without my approval, accompanied by my letters of objections [*sic*].

Sincerely,
Joe Lombardo
Governor of Nevada

June 3, 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 429 of the 82nd Legislative Session

Dear Leader Cannizzaro:

I am returning Senate Bill No. 429 to the 82nd Session of the Nevada Legislature without my approval, accompanied by my letters of objections [*sic*].

Sincerely,
Joe Lombardo
Governor of Nevada

June 3, 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 433 of the 82nd Legislative Session

Dear Leader Cannizzaro:

I am returning Senate Bill No. 433 to the 82nd Session of the Nevada Legislature without my approval, accompanied by my letters of objections [*sic*].

Sincerely,
Joe Lombardo
Governor of Nevada

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, June 3, 2023

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bills Nos. 9, 36, 45, 54, 71, 88, 107, 145, 166, 167, 216, 222, 232, 237, 240, 273, 275, 279, 281, 282, 285, 290, 291, 307, 319, 339, 367, 387, 413, 416, 425, 443, 445, 448, 449, 452, 453, 455, 456, 457, 458, 459.

Also, I have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Bill No. 103, Amendment No. 899; Senate Bill No. 305, Amendment No. 854; Senate Bill No. 362, Amendment No. 661; Senate Bill No. 389, Amendment No. 900; Senate Bill No. 440, Amendment No. 904, and respectfully requests your honorable body to concur in said amendments.

CAROL AIELLO-SALA
Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Senator Lange moved that the following persons be accepted as accredited press representatives, and that they be allowed the use of appropriate media facilities: PBS RENO: Rebecca Cronon; THE NEVADA INDEPENDENT: Howard Stutz.

Motion carried.

Senator Lange moved that consideration of vetoed Senate Bills Nos. 251, 302, 429 and 433 of the 82nd Session be made a Special Order of Business for Monday, June 5, 2023, at 11:15 a.m.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 454.

Bill read second time and ordered to third reading.

Senate Bill No. 511.

Bill read second time and ordered to third reading.

Assembly Bill No. 7.

Bill read second time.

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

Amendment No. 936.

SUMMARY—Revises provisions relating to electronic health records. (BDR 40-381)

AN ACT relating to health care; requiring the adoption of a framework for the electronic transmittal, maintenance and exchange of certain health information; requiring governmental entities, health care facilities and providers, insurers and insurance administrators to maintain, transmit and exchange health information electronically; authorizing the imposition of certain discipline against a health care provider, insurer or insurance administrator that fails to comply with that requirement; authorizing the Director of the Department of Health and Human Services to contract with multiple health information exchanges to perform certain functions; ~~[requiring the Director to prescribe certain standards governing the maintenance and exchange of electronic health records;]~~ prohibiting the transmittal of health information to a health information exchange without the affirmative consent of the patient; expanding immunity from certain liability for health care providers who use a health information exchange; ~~[requiring medical facilities and providers of health care to store, transmit and exchange health records electronically;]~~ making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Director of the Department of Health and Human Services to adopt regulations governing health information exchanges and the transmittal, ownership, management, use and confidentiality of electronic health records. (NRS 439.587, 439.589) Section 1.08 of this bill requires the Director to prescribe by regulation a framework for the electronic maintenance, transmittal and exchange of electronic health records, prescriptions and health-related information. Section 1.08 requires that framework to establish standards for networks and technologies to be used to maintain, transmit and exchange health information, including standards that require: (1) the ability for patients to access and forward their records; and (2) the interoperability of such networks and technologies. Section 2.7 of this bill requires the Director to convene an advisory group to advise the Director in the adoption of those standards.

With certain exceptions, sections 1.08, 1.94, 1.96, 2 and 2.8 of this bill require governmental entities, health care providers, insurers, pharmacy benefit managers and other insurance administrators to maintain, transmit and exchange health information electronically in accordance with those standards and other provisions governing electronic health records, beginning on: (1) July 1, 2024, for hospitals and large physician group practices; (2) July 1, 2025, for governmental entities, other large health care practices, insurers, pharmacy benefit managers and other insurance administrators; and (3) January 1, 2030, for small physician group practices and other small health care practices. Sections 1.02 and 1.08 of this bill provide that a health care provider, insurer, pharmacy benefit manager or other insurance administrator that fails to comply

with that requirement is not guilty of a misdemeanor. Instead, section 1 of this bill requires the Department to notify any regulatory body that has issued a license, certificate, registration, permit or similar credential to a health care provider, insurer, pharmacy benefit manager or other insurance administrator if the holder of the credential fails to comply with that requirement. After receiving such notice, sections 1.3, 1.92, 2, 2.2 and 2.35 of this bill authorize a regulatory body to impose corrective action or an administrative penalty on the health care provider, insurer, pharmacy benefit manager or other insurance administrator. Section 1 of this bill requires the Department to notify the relevant regulatory body if a health care provider, insurer, pharmacy benefit manager or other insurance administrator that was previously out of compliance with the requirement to maintain, transmit and exchange health information electronically comes into compliance with that requirement. Section 1.06 of this bill removes duplicative requirements concerning the adoption of regulations governing electronic health records. Sections 1.02-1.07, 1.4-1.9, 1.98, 2.05, 2.15, 2.25, 2.3, 2.4 and 2.45 of this bill make conforming changes to indicate the proper placement of sections 1, 1.3, 2.1 and 2.2 in the Nevada Revised Statutes.

Existing law authorizes the Director of the Department of Health and Human Services to contract with not more than one health information exchange to be responsible for compiling statewide master indexes of patients, health care providers and payers. (NRS 439.587) Section ~~[1]~~ 1.06 of this bill authorizes the Director to contract with multiple health information exchanges to perform those functions. Section ~~[1]~~ 1.06 also removes a requirement that the Director encourage the use of health information exchanges. ~~[and prohibits the Director from requiring any person to use a health information exchange.]~~

Existing law requires that, with certain exceptions, a patient consent before his or her electronic health record is retrieved from a health information exchange. (NRS 439.591) Section 1.09 of this bill: (1) clarifies that such consent must be affirmative; and (2) requires that a patient also provide such consent before his or her electronic health record is transmitted to a health information exchange.

Existing law provides that a health care provider who with reasonable care relies upon an apparently genuine electronic health record accessed from a health information exchange to make a decision concerning the provision of health care to a patient is immune from civil or criminal liability for the decision if: (1) the electronic health record is inaccurate; (2) the inaccuracy was not caused by the health care provider; (3) the inaccuracy resulted in an inappropriate health care decision; and (4) the health care decision was appropriate based upon the information contained in the inaccurate electronic health record. (NRS 439.593) Section 1.1 of this bill expands this immunity from liability to also apply to any health care provider who transmits, accesses, utilizes, discloses, relies upon or provides to the patient any apparently genuine electronic health record in accordance with applicable law and regulations.

Section 1.2 of this bill provides that transmitting, accessing, utilizing or disclosing an electronic health record is not an unfair trade practice.

~~[Existing law: (1) provides for the regulation of medical facilities; and (2) establishes requirements governing the maintenance of the health records of providers of health care. (Chapter 449 of NRS; NRS 629.051-629.069) Beginning on January 1, 2028, sections 1.3 and 2 of this bill require such facilities and providers of health care to maintain, transmit and exchange health records electronically in a manner that: (1) allows patients to electronically access their health records directly from the facility or custodian of the records and forward such records electronically to other persons and entities; and (2) allows for the interoperability of health records with the electronic health records and systems of other facilities and providers of health care.]~~

Section 2.5 of this bill makes an appropriation to the Department to award grants to certain small facilities and providers of health care who work in small business settings to assist in compliance with the requirements of ~~[sections 1.3 and 2. Section 1 of this bill requires the Director to prescribe standards for the electronic maintenance and exchange of such records. Sections 1.4-1.9 of this bill make conforming changes to indicate the proper placement of and provide for the enforcement of section 1.3.]~~ section 1.08.

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

Section 1. Chapter 439 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall notify each regulatory body of this State that has issued a current, valid license to a licensed provider or insurer if:

(a) The Department determines that the licensed provider or insurer is not in compliance with the requirements of subsection 4 of NRS 439.589; and

(b) The licensed provider or insurer:

(1) Is not exempt from those requirements pursuant to subsection 5 of NRS 439.589; and

(2) Has not received a waiver of those requirements pursuant to subsection 6 of NRS 439.589.

2. If the Department determines that a licensed provider or insurer for which notice was previously provided pursuant to subsection 1 has come into compliance with the requirements of subsection 4 of NRS 439.589, the Department shall immediately notify the regulatory body that issued the license.

3. As used in this section:

(a) "License" means any license, certificate, registration, permit or similar type of authorization to practice an occupation or profession or engage in a business in this State issued to a licensed provider or insurer.

(b) "Licensed provider or insurer" means:

(1) A medical facility licensed pursuant to chapter 449 of NRS;

(2) The holder of a permit to operate an ambulance, an air ambulance or a vehicle of a fire-fighting agency pursuant to chapter 450B of NRS;

(3) A provider of health care, as defined in NRS 629.031, who is licensed pursuant to title 54 of NRS; or

(4) Any person licensed pursuant to title 57 of NRS.

(c) "Regulatory body" means any governmental entity that issues a license.

Sec. 1.02. NRS 439.580 is hereby amended to read as follows:

439.580 1. Any local health officer or a deputy of a local health officer who neglects or fails to enforce the provisions of this chapter in his or her jurisdiction, or neglects or refuses to perform any of the duties imposed upon him or her by this chapter or by the instructions and directions of the Division shall be punished by a fine of not more than $250.

2. ~~[Each]~~ *Except as otherwise provided in NRS 439.589, each* person who violates any of the provisions of this chapter or refuses or neglects to obey any lawful order, rule or regulation of the:

(a) State Board of Health or violates any rule or regulation approved by the State Board of Health pursuant to NRS 439.350, 439.366, 439.410 and 439.460; or

(b) Director adopted pursuant to NRS 439.538 or 439.581 to 439.595, inclusive, *and section 1 of this act,*

➥ is guilty of a misdemeanor.

Sec. 1.04. NRS 439.581 is hereby amended to read as follows:

439.581 As used in NRS 439.581 to 439.595, inclusive, *and section 1 of this act,* unless the context otherwise requires, the words and terms defined in NRS 439.582 to 439.585, inclusive, have the meanings ascribed to them in those sections.

~~[Section 1.]~~ *Sec. 1.06.* NRS 439.587 is hereby amended to read as follows:

439.587 1. The Director is the state authority for health information technology. ~~[The Director shall:~~

~~(a) Ensure that a health information exchange complies with the specifications and protocols for exchanging electronic health records, health-related information and related data prescribed pursuant to the provisions of the Health Information Technology for Economic and Clinical Health Act of 2009, 42 U.S.C. §§ 300jj et seq. and 17901 et seq., and other applicable federal and state law;~~

~~(b) Encourage the use of a health information exchange by health care providers, payers and patients;~~

~~(c) Prescribe by regulation standards for the electronic *maintenance,* transmittal *and exchange* of electronic health records, prescriptions, health-related information, electronic signatures and requirements for electronic equivalents of written entries or written approvals in accordance with federal law;~~

~~(d) *(c)* Prescribe by regulation rules governing the ownership, management and use of electronic health records, health-related information and related data retained or shared by a health information exchange; and~~

~~(e) *(d)* Prescribe by regulation, in consultation with the State Board of Pharmacy, standards for the electronic transmission of prior authorizations for prescription medication using a health information exchange.]~~

2. The Director may establish or contract with ~~[not more than]~~ one *or more* health information ~~[exchange to serve as the statewide health information exchange]~~ *exchanges* to be responsible for compiling statewide master indexes of patients, health care providers and payers. The Director may by regulation prescribe the requirements for *such* a ~~[statewide]~~ health information exchange, including, without limitation, the procedure by which any patient, health care provider or payer master index created pursuant to any contract is transferred to the State upon termination of the contract.

3. The Director may enter into contracts, apply for and accept available gifts, grants and donations, and adopt such regulations as are necessary to carry out the provisions of NRS 439.581 to 439.595, inclusive ~~[.~~

~~*4. The regulations adopted pursuant to this section and NRS 439.589 must not require any person or entity, other than the Department, to use a health information exchange.]~~ *, and section 1 of this act.*

Sec. 1.07. NRS 439.588 is hereby amended to read as follows:

439.588 1. A health information exchange shall not operate in this State without first obtaining certification as provided in subsection 2.

2. The Director shall by regulation establish the manner in which a health information exchange may apply for certification and the requirements for granting such certification, which must include, without limitation, that the health information exchange demonstrate its financial and operational sustainability, adherence to the privacy, security and patient consent standards adopted pursuant to NRS 439.589 and capacity for interoperability with any other health information exchange certified pursuant to this section.

3. The Director may deny an application for certification or may suspend or revoke any certification issued pursuant to subsection 2 for failure to comply with the provisions of NRS 439.581 to 439.595, inclusive, *and section 1 of this act,* or the regulations adopted pursuant thereto or any applicable federal or state law.

4. When the Director intends to deny, suspend or revoke a certification, he or she shall give reasonable notice to all parties by certified mail. The notice must contain the legal authority, jurisdiction and reasons for the action to be taken. A health information exchange that wishes to contest the action of the Director must file an appeal with the Director.

5. The Director shall adopt regulations establishing the manner in which a person may file a complaint with the Director regarding a violation of the provisions of this section.

6. The Director may impose an administrative fine against a health information exchange which operates in this State without holding a

certification in an amount established by the Director by regulation. The Director shall afford a health information exchange so fined an opportunity for a hearing pursuant to the provisions of NRS 233B.121.

7. The Director may adopt such regulations as he or she determines are necessary to carry out the provisions of this section.

Sec. 1.08. NRS 439.589 is hereby amended to read as follows:

439.589 1. The Director *, in consultation with health care providers, third parties and other interested persons and entities,* shall by regulation prescribe *a framework for the electronic maintenance, transmittal and exchange of electronic health records, prescriptions, health-related information and electronic signatures and requirements for electronic equivalents of written entries or written approvals in accordance with federal law. The regulations must:*

(a) Establish standards ~~[:~~

~~(a)]~~ *for networks and technologies to be used to maintain, transmit and exchange health information, including, without limitation, standards:*

(1) That require:

(I) The use of networks and technologies that allow patients to access electronic health records directly from the health care provider of the patient and forward such electronic health records electronically to other persons and entities; and

(II) The interoperability of such networks and technologies in accordance with the applicable standards for the interoperability of Qualified Health Information Networks prescribed by the Office of the National Coordinator for Health Information Technology of the United States Department of Health and Human Services;

(2) To ensure that electronic health records retained or shared ~~[by any health information exchange]~~ are secure;

~~[(b)]~~ *(3)* To maintain the confidentiality of electronic health records and health-related information, including, without limitation, standards to maintain the confidentiality of electronic health records relating to a child who has received health care services without the consent of a parent or guardian and which ensure that a child's right to access such health care services is not impaired;

~~[(c)]~~ *(4)* To ensure the privacy of individually identifiable health information, including, without limitation, standards to ensure the privacy of information relating to a child who has received health care services without the consent of a parent or guardian;

~~[(d)]~~ *(5)* For obtaining consent from a patient before retrieving the patient's health records from a health information exchange, including, without limitation, standards for obtaining such consent from a child who has received health care services without the consent of a parent or guardian;

~~[(e)]~~ *(6)* For making any necessary corrections to information or records ~~[retained or shared by a health information exchange; and~~

~~(f)]~~ ;

(7) For notifying a patient if the confidentiality of information contained in an electronic health record of the patient is breached ~~[.]~~ *;*

(8) Governing the ownership, management and use of electronic health records, health-related information and related data; and

(9) For the electronic transmission of prior authorizations for prescription medication;

(b) Ensure compliance with the requirements, specifications and protocols for exchanging, securing and disclosing electronic health records, health-related information and related data prescribed pursuant to the provisions of the Health Information Technology for Economic and Clinical Health Act, 42 U.S.C. §§ 300jj et seq. and 17901 et seq., the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and other applicable federal and state law; and

(c) Be based on nationally recognized best practices for maintaining, transmitting and exchanging health information electronically.

2. The standards prescribed pursuant to this section must include, without limitation:

(a) Requirements for the creation, maintenance and transmittal of electronic health records;

(b) Requirements for protecting confidentiality, including control over, access to and the collection, organization and maintenance of electronic health records, health-related information and individually identifiable health information;

(c) Requirements for the manner in which a patient may, through a health care provider who participates in the sharing of health records using a health information exchange, revoke his or her consent for a health care provider to retrieve the patient's health records from the health information exchange;

(d) A secure and traceable electronic audit system for identifying access points and trails to electronic health records and health information exchanges; and

(e) Any other requirements necessary to comply with all applicable federal laws relating to electronic health records, health-related information, health information exchanges and the security and confidentiality of such records and exchanges.

3. The regulations adopted pursuant to this section must not require any person or entity to use a health information exchange.

4. Except as otherwise provided in subsections 5, 6 and 7, the Department and the divisions thereof, other state and local governmental entities, health care providers, third parties, pharmacy benefit managers and other entities licensed or certified pursuant to title 57 of NRS shall maintain, transmit and exchange health information in accordance with the regulations adopted pursuant to this section, the provisions of NRS 439.581 to 439.595, inclusive, and section 1 of this act, and any other regulations adopted pursuant thereto.

5. The Federal Government and employees thereof, a provider of health coverage for federal employees, a provider of health coverage that is subject

to the Employee Retirement Income Security Act of 1974, 29 U.S.C. §§ 1001 et seq., or a Taft-Hartley trust formed pursuant to 29 U.S.C. § 186(c)(5) is not required to but may maintain, transmit and exchange electronic information in accordance with the regulations adopted pursuant to this section.

6. A health care provider may apply to the Department for a waiver from the provisions of subsection 4 on the basis that the health care provider does not have the infrastructure necessary to comply with those provisions, including, without limitation, because the health care provider does not have access to the Internet. The Department shall grant a waiver if it determines that:

(a) The health care provider does not currently have the infrastructure necessary to comply with the provisions of subsection 4; and

(b) Obtaining such infrastructure is not reasonably practicable, including, without limitation, because the cost of such infrastructure would make it difficult for the health care provider to continue to operate.

7. The provisions of subsection 4 do not apply to the Department of Corrections.

8. A violation of the provisions of this section or any regulations adopted pursuant thereto is not a misdemeanor.

9. As used in this section:

(a) "Pharmacy benefit manager" has the meaning ascribed to it in NRS 683A.174.

(b) "Third party" means any insurer, governmental entity or other organization providing health coverage or benefits in accordance with state or federal law.

Sec. 1.09. NRS 439.591 is hereby amended to read as follows:

439.591 1. Except as otherwise provided in subsection 2 of NRS 439.538, a patient must not be required to participate in a health information exchange. Before a patient's health care records may be *transmitted to or* retrieved from a health information exchange, the patient must be fully informed and *affirmatively* consent, in the manner prescribed by the Director. *It is the public policy of this State that, except as otherwise provided in NRS 439.538, a patient's health care records must not be transmitted to or retrieved from a health information exchange unless the patient provides such affirmative consent.*

2. A patient must be notified in the manner prescribed by the Director of any breach of the confidentiality of electronic health records of the patient or a health information exchange.

3. A patient who consents to the *transmittal of his or her electronic health record to or the* retrieval of his or her electronic health record from a health information exchange may at any time request that a health care provider access and provide the patient with his or her electronic health record in accordance with the provisions of 45 C.F.R. § 164.526.

Sec. 1.1. NRS 439.593 is hereby amended to read as follows:

439.593 A health care provider who with reasonable care *transmits,*

accesses, utilizes, discloses, relies upon *or provides to a patient* an apparently genuine electronic health record ~~[accessed from a health information exchange to make a decision concerning the provision of health care to a patient]~~ *in accordance with NRS 439.581 to 439.595, inclusive, and the regulations adopted pursuant thereto* is immune from civil or criminal liability for ~~[the]~~ *any* decision *concerning the provision of health care to a patient and any civil or criminal liability resulting from the provision of* ~~*[an apparently genuine electronic health]*~~ *the record to a patient* if:

1. The electronic health record is inaccurate;
2. The inaccuracy was not caused by the health care provider;
3. The inaccuracy resulted in an inappropriate health care decision; and
4. The health care decision was appropriate based upon the information contained in the inaccurate electronic health record.

Sec. 1.2. NRS 439.595 is hereby amended to read as follows:

439.595 Providing information to , *transmitting, accessing, utilizing or disclosing* an electronic health record or participating in a health information exchange in accordance with NRS 439.581 to 439.595, inclusive, does not constitute an unfair trade practice pursuant to chapter 598A or 686A of NRS.

Sec. 1.3. Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:

~~*[Except as otherwise provided in NRS 439.538 and 439.591, a medical facility shall maintain, transmit and exchange health records electronically in accordance with paragraph (a) of subsection 1 of NRS 629.051.]*~~

1. If the Division receives notification from the Department of Health and Human Services pursuant to section 1 of this act that a medical facility licensed pursuant to this chapter is not in compliance with the requirements of subsection 4 of NRS 439.589, the Division may, after notice and the opportunity for a hearing in accordance with the provisions of this chapter, require corrective action or impose an administrative penalty in the amount prescribed by NRS 449.163.

2. The Division shall not suspend or revoke a license for failure to comply with the requirements of subsection 4 of NRS 439.589.

Sec. 1.4. NRS 449.029 is hereby amended to read as follows:

449.029 As used in NRS 449.029 to 449.240, inclusive, *and section 1.3 of this act,* unless the context otherwise requires, "medical facility" has the meaning ascribed to it in NRS 449.0151 and includes a program of hospice care described in NRS 449.196.

Sec. 1.5. NRS 449.0301 is hereby amended to read as follows:

449.0301 The provisions of NRS 449.029 to 449.2428, inclusive, *and section 1.3 of this act* do not apply to:

1. Any facility conducted by and for the adherents of any church or religious denomination for the purpose of providing facilities for the care and treatment of the sick who depend solely upon spiritual means through prayer for healing in the practice of the religion of the church or denomination, except

that such a facility shall comply with all regulations relative to sanitation and safety applicable to other facilities of a similar category.

2. Foster homes as defined in NRS 424.014.

3. Any medical facility, facility for the dependent or facility which is otherwise required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed that is operated and maintained by the United States Government or an agency thereof.

Sec. 1.6. NRS 449.089 is hereby amended to read as follows:

449.089 1. Each license issued pursuant to NRS 449.029 to 449.2428, inclusive, *and section 1.3 of this act* expires on December 31 following its issuance and is renewable for 1 year upon reapplication and payment of all fees required pursuant to subsection 4 and NRS 449.050, as applicable, unless the Division finds, after an investigation, that the facility has not:

(a) Satisfactorily complied with the provisions of NRS 449.029 to 449.2428, inclusive, *and section 1.3 of this act* or the standards and regulations adopted by the Board;

(b) Obtained the approval of the Director of the Department of Health and Human Services before undertaking a project, if such approval is required by NRS 439A.100; or

(c) Conformed to all applicable local zoning regulations.

2. Each reapplication for an agency to provide personal care services in the home, an agency to provide nursing in the home, a community health worker pool, a facility for intermediate care, a facility for skilled nursing, a provider of community-based living arrangement services, a hospital described in 42 U.S.C. § 1395ww(d)(1)(B)(iv), a psychiatric hospital that provides inpatient services to children, a psychiatric residential treatment facility, a residential facility for groups, a program of hospice care, a home for individual residential care, a facility for the care of adults during the day, a facility for hospice care, a nursing pool, the distinct part of a hospital which meets the requirements of a skilled nursing facility or nursing facility pursuant to 42 C.F.R. § 483.5, a hospital that provides swing-bed services as described in 42 C.F.R. § 482.58 or, if residential services are provided to children, a medical facility or facility for the treatment of alcohol or other substance use disorders must include, without limitation, a statement that the facility, hospital, agency, program, pool or home is in compliance with the provisions of NRS 449.115 to 449.125, inclusive, and 449.174.

3. Each reapplication for an agency to provide personal care services in the home, a community health worker pool, a facility for intermediate care, a facility for skilled nursing, a facility for the care of adults during the day, a residential facility for groups or a home for individual residential care must include, without limitation, a statement that the holder of the license to operate, and the administrator or other person in charge and employees of, the facility, agency, pool or home are in compliance with the provisions of NRS 449.093.

4. Each reapplication for a surgical center for ambulatory patients, facility for the treatment of irreversible renal disease, facility for hospice care, program

of hospice care, hospital, facility for intermediate care, facility for skilled nursing, agency to provide personal care services in the home or rural clinic must be accompanied by the fee prescribed by the State Board of Health pursuant to NRS 457.240, in addition to the fees imposed pursuant to NRS 449.050.

Sec. 1.7. NRS 449.160 is hereby amended to read as follows:

449.160 1. The Division may deny an application for a license or may suspend or revoke any license issued under the provisions of NRS 449.029 to 449.2428, inclusive, *and section 1.3 of this act* upon any of the following grounds:

(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410 or 449.029 to 449.245, inclusive, *and section 1.3 of this act* or of any other law of this State or of the standards, rules and regulations adopted thereunder.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the premises for which a license is issued.

(d) Conduct or practice detrimental to the health or safety of the occupants or employees of the facility.

(e) Failure of the applicant to obtain written approval from the Director of the Department of Health and Human Services as required by NRS 439A.100 or as provided in any regulation adopted pursuant to NRS 449.001 to 449.430, inclusive, *and section 1.3 of this act* and 449.435 to 449.531, inclusive, and chapter 449A of NRS if such approval is required.

(f) Failure to comply with the provisions of NRS 441A.315 and any regulations adopted pursuant thereto or NRS 449.2486.

(g) Violation of the provisions of NRS 458.112.

2. In addition to the provisions of subsection 1, the Division may revoke a license to operate a facility for the dependent if, with respect to that facility, the licensee that operates the facility, or an agent or employee of the licensee:

(a) Is convicted of violating any of the provisions of NRS 202.470;

(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or

(c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.

3. The Division shall maintain a log of any complaints that it receives relating to activities for which the Division may revoke the license to operate a facility for the dependent pursuant to subsection 2. The Division shall provide to a facility for the care of adults during the day:

(a) A summary of a complaint against the facility if the investigation of the complaint by the Division either substantiates the complaint or is inconclusive;

(b) A report of any investigation conducted with respect to the complaint; and

(c) A report of any disciplinary action taken against the facility.

➥ The facility shall make the information available to the public pursuant to NRS 449.2486.

4. On or before February 1 of each odd-numbered year, the Division shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:

(a) Any complaints included in the log maintained by the Division pursuant to subsection 3; and

(b) Any disciplinary actions taken by the Division pursuant to subsection 2.

Sec. 1.75. NRS 449.163 is hereby amended to read as follows:

449.163 1. In addition to the payment of the amount required by NRS 449.0308, if a medical facility, facility for the dependent or facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed violates any provision related to its licensure, including any provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, *and section 1.3 of this act* or any condition, standard or regulation adopted by the Board, the Division, in accordance with the regulations adopted pursuant to NRS 449.165, may:

(a) Prohibit the facility from admitting any patient until it determines that the facility has corrected the violation;

(b) Limit the occupancy of the facility to the number of beds occupied when the violation occurred, until it determines that the facility has corrected the violation;

(c) If the license of the facility limits the occupancy of the facility and the facility has exceeded the approved occupancy, require the facility, at its own expense, to move patients to another facility that is licensed;

(d) Impose an administrative penalty of not more than $5,000 per day for each violation, together with interest thereon at a rate not to exceed 10 percent per annum; and

(e) Appoint temporary management to oversee the operation of the facility and to ensure the health and safety of the patients of the facility, until:

(1) It determines that the facility has corrected the violation and has management which is capable of ensuring continued compliance with the applicable statutes, conditions, standards and regulations; or

(2) Improvements are made to correct the violation.

2. If the facility fails to pay any administrative penalty imposed pursuant to paragraph (d) of subsection 1, the Division may:

(a) Suspend the license of the facility until the administrative penalty is paid; and

(b) Collect court costs, reasonable attorney's fees and other costs incurred to collect the administrative penalty.

3. The Division may require any facility that violates any provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, *and section 1.3 of this act* or any condition, standard or regulation adopted by the Board to make any improvements necessary to correct the violation.

4. Any money collected as administrative penalties pursuant to paragraph (d) of subsection 1 must be accounted for separately and used to administer and carry out the provisions of NRS 449.001 to 449.430, inclusive, *and section 1.3 of this act,* 449.435 to 449.531, inclusive, and chapter 449A of NRS to protect the health, safety, well-being and property of the patients and residents of facilities in accordance with applicable state and federal standards or for any other purpose authorized by the Legislature.

Sec. 1.8. NRS 449.220 is hereby amended to read as follows:

449.220 1. The Division may bring an action in the name of the State to enjoin any person, state or local government unit or agency thereof from operating or maintaining any facility within the meaning of NRS 449.029 to 449.2428, inclusive ~~[.]~~ *, and section 1.3 of this act:*

(a) Without first obtaining a license therefor; or

(b) After his or her license has been revoked or suspended by the Division.

2. It is sufficient in such action to allege that the defendant did, on a certain date and in a certain place, operate and maintain such a facility without a license.

Sec. 1.9. NRS 449.240 is hereby amended to read as follows:

449.240 The district attorney of the county in which the facility is located shall, upon application by the Division, institute and conduct the prosecution of any action for violation of any provisions of NRS 449.029 to 449.245, inclusive ~~[.]~~ *, and section 1.3 of this act.*

Sec. 1.92. Chapter 450B of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the health authority receives notification from the Department of Health and Human Services pursuant to section 1 of this act that the holder of a permit to operate an ambulance, air ambulance or vehicle of a fire-fighting agency is not in compliance with the requirements of subsection 4 of NRS 439.589, the health authority may, after notice and the opportunity for a hearing in accordance with the provisions of this chapter, require corrective action or impose an administrative penalty in an amount established by regulation of the board.

2. The health authority shall not suspend or revoke a permit for failure to comply with the requirements of subsection 4 of NRS 439.589.

Sec. 1.94. NRS 287.010 is hereby amended to read as follows:

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

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

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

(c) Provide group life, accident or health coverage through a self-insurance reserve fund and, where necessary, deduct contributions to the maintenance of the fund from the compensation of officers and employees and pay the deductions into the fund. The money accumulated for this purpose through deductions from the compensation of officers and employees and contributions of the governing body must be maintained as an internal service fund as defined by NRS 354.543. The money must be deposited in a state or national bank or credit union authorized to transact business in the State of Nevada. Any independent administrator of a fund created under this section is subject to the licensing requirements of chapter 683A of NRS, and must be a resident of this State. Any contract with an independent administrator must be approved by the Commissioner of Insurance as to the reasonableness of administrative charges in relation to contributions collected and benefits provided. The provisions of NRS *439.581 to 439.595, inclusive, and section 1 of this act,* 686A.135, 687B.352, 687B.408, 687B.723, 687B.725, 689B.030 to 689B.050, inclusive, 689B.265, 689B.287 and 689B.500 apply to coverage provided pursuant to this paragraph, except that the provisions of NRS 689B.0378, 689B.03785 and 689B.500 only apply to coverage for active officers and employees of the governing body, or the dependents of such officers and employees.

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

2. If a school district offers group insurance to its officers and employees pursuant to this section, members of the board of trustees of the school district must not be excluded from participating in the group insurance. If the amount of the deductions from compensation required to pay for the group insurance exceeds the compensation to which a trustee is entitled, the difference must be paid by the trustee.

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

section to the officers and employees, and the dependents of the officers and employees, of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency.

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

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

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

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

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

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

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

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

Sec. 1.96. NRS 287.04335 is hereby amended to read as follows:

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS *439.581 to 439.595, inclusive, and section 1 of this act,* 686A.135, 687B.352, 687B.409, 687B.723, 687B.725, 689B.0353, 689B.255, 695C.1723, 695G.150, 695G.155, 695G.160, 695G.162, 695G.1635, 695G.164, 695G.1645, 695G.1665, 695G.167, 695G.1675, 695G.170 to 695G.174, inclusive, 695G.176, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, and 695G.405, in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 1.98. NRS 603A.100 is hereby amended to read as follows:

603A.100 1. The provisions of NRS 603A.010 to 603A.290, inclusive, do not apply to the maintenance or transmittal of information in accordance with NRS 439.581 to 439.595, inclusive, *and section 1 of this act* and the regulations adopted pursuant thereto.

2. A data collector who is also an operator, as defined in NRS 603A.330, shall comply with the provisions of NRS 603A.300 to 603A.360, inclusive.

3. Any waiver of the provisions of NRS 603A.010 to 603A.290, inclusive, is contrary to public policy, void and unenforceable.

Sec. 2. NRS 629.051 is hereby amended to read as follows:

629.051 1. Except as otherwise provided in this section and in regulations adopted by the State Board of Health pursuant to NRS 652.135 with regard to the records of a medical laboratory and unless a longer period is provided by federal law, each custodian of health care records shall retain

the health care records of patients as part of the regularly maintained records of the custodian for 5 years after their receipt or production. Health care records may be retained in written form, or by microfilm or any other recognized form of size reduction, including, without limitation, microfiche, computer disc, magnetic tape and optical disc, which does not adversely affect their use for the purposes of NRS 629.061. Health ~~*[Except as otherwise provided in NRS 439.538 and 439.591, health]*~~ care records ~~[may]~~ *:*

(a) Must , except as otherwise provided in subsections 5 and 6 of NRS 439.589, be created, maintained, transmitted and exchanged electronically ~~*[in a manner that:*~~

~~*(1) Allows patients to electronically access their health records directly from the custodian of health care records and forward such records electronically to other persons and entities;*~~

~~*(2) Allows for the interoperability of health records with the electronic health records and systems of health care facilities and other providers of health care; and*~~

~~*(3) Complies with the applicable provisions of NRS 439.581 to 439.595, inclusive, and any regulations adopted pursuant thereto.]*~~ *as required by subsection 4 of NRS 439.589; and*

(b) May be created, authenticated and stored in a ~~[computer system]~~ *health information exchange* which meets the requirements of NRS 439.581 to 439.595, inclusive, *and section 1 of this act* and the regulations adopted pursuant thereto.

2. A provider of health care shall post, in a conspicuous place in each location at which the provider of health care performs health care services, a sign which discloses to patients that their health care records may be destroyed after the period set forth in subsection 1.

3. When a provider of health care performs health care services for a patient for the first time, the provider of health care shall deliver to the patient a written statement which discloses to the patient that the health care records of the patient may be destroyed after the period set forth in subsection 1.

4. If a provider of health care fails to deliver the written statement to the patient pursuant to subsection 3, the provider of health care shall deliver to the patient the written statement described in subsection 3 when the provider of health care next performs health care services for the patient.

5. In addition to delivering a written statement pursuant to subsection 3 or 4, a provider of health care may deliver such a written statement to a patient at any other time.

6. A written statement delivered to a patient pursuant to this section may be included with other written information delivered to the patient by a provider of health care.

7. A custodian of health care records shall not destroy the health care records of a person who is less than 23 years of age on the date of the proposed destruction of the records. The health care records of a person who has attained the age of 23 years may be destroyed in accordance with this section for those

records which have been retained for at least 5 years or for any longer period provided by federal law.

8. *If a health care licensing board receives notification from the Department of Health and Human Services pursuant to section 1 of this act that a provider of health care to which the health care licensing board has issued a license is not in compliance with the requirements of subsection 4 of NRS 439.589, the health care licensing board may, after notice and the opportunity for a hearing in accordance with the provisions of this title, require corrective action or impose an administrative penalty in an amount not to exceed the maximum penalty that the health care licensing board is authorized to impose for other violations. The health care licensing board shall not suspend or revoke a license for failure to comply with the requirements of subsection 4 of NRS 439.589.*

9. The provisions of this section *, except for the provisions of paragraph (a) of subsection 1* ~~[,]~~ *and subsection 8,* do not apply to a pharmacist.

~~[9.]~~ *10.* The State Board of Health shall adopt:

(a) Regulations prescribing the form, size, contents and placement of the signs and written statements required pursuant to this section; and

(b) Any other regulations necessary to carry out the provisions of this section.

11. As used in this section:

(a) "Health care licensing board" means:

(1) A board created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 641, 641A, 641B, 641C or 641D of NRS.

(2) The Division of Public and Behavioral Health of the Department of Health and Human Services.

(3) The State Board of Health with respect to licenses issued pursuant to chapter 640D or 640E of NRS.

(b) "License" has the meaning ascribed to it in section 1 of this act.

Sec. 2.05. NRS 654.190 is hereby amended to read as follows:

654.190 1. The Board may, after notice and an opportunity for a hearing as required by law, impose an administrative fine of not more than $10,000 for each violation on, recover reasonable investigative fees and costs incurred from, suspend, revoke, deny the issuance or renewal of or place conditions on the license of, and place on probation or impose any combination of the foregoing on any licensee who:

(a) Is convicted of a felony relating to the practice of administering a nursing facility or residential facility or of any offense involving moral turpitude.

(b) Has obtained his or her license by the use of fraud or deceit.

(c) Violates any of the provisions of this chapter.

(d) Aids or abets any person in the violation of any of the provisions of NRS 449.029 to 449.2428, inclusive, *and section 1.3 of this act,* as those

provisions pertain to a facility for skilled nursing, facility for intermediate care or residential facility for groups.

(e) Violates any regulation of the Board prescribing additional standards of conduct for licensees, including, without limitation, a code of ethics.

(f) Engages in conduct that violates the trust of a patient or resident or exploits the relationship between the licensee and the patient or resident for the financial or other gain of the licensee.

2. If a licensee requests a hearing pursuant to subsection 1, the Board shall give the licensee written notice of a hearing pursuant to NRS 233B.121 and 241.034. A licensee may waive, in writing, his or her right to attend the hearing.

3. The Board may compel the attendance of witnesses or the production of documents or objects by subpoena. The Board may adopt regulations that set forth a procedure pursuant to which the Chair of the Board may issue subpoenas on behalf of the Board. Any person who is subpoenaed pursuant to this subsection may request the Board to modify the terms of the subpoena or grant additional time for compliance.

4. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

5. The expiration of a license by operation of law or by order or decision of the Board or a court, or the voluntary surrender of a license, does not deprive the Board of jurisdiction to proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.

Sec. 2.1. Chapter 680A of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the Commissioner receives notification from the Department of Health and Human Services pursuant to section 1 of this act that an insurer is not in compliance with the requirements of subsection 4 of NRS 439.589, the Commissioner may, after notice and the opportunity for a hearing in accordance with the provisions of this title, require corrective action or impose an administrative fine in the amount prescribed by NRS 680A.200.

2. The Commissioner shall not suspend or revoke the certificate of authority of an insurer for failure to comply with the requirements of subsection 4 of NRS 439.589.

Sec. 2.15. NRS 680A.095 is hereby amended to read as follows:

680A.095 1. Except as otherwise provided in subsection 3, an insurer which is not authorized to transact insurance in this State may not transact reinsurance with a domestic insurer in this State, by mail or otherwise, unless the insurer holds a certificate of authority as a reinsurer in accordance with the provisions of NRS 680A.010 to 680A.150, inclusive, *and section 2.1 of this act,* 680A.160 to 680A.280, inclusive, 680A.320 and 680A.330.

2. To qualify for authority only to transact reinsurance, an insurer must meet the same requirements for capital and surplus as are imposed on an insurer which is authorized to transact insurance in this State.

3. This section does not apply to the joint reinsurance of title insurance risks or to reciprocal insurance authorized pursuant to chapter 694B of NRS.

Sec. 2.2. Chapter 683A of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the Commissioner receives notification from the Department of Health and Human Services pursuant to section 1 of this act that an administrator is not in compliance with the requirements of subsection 4 of NRS 439.589, the Commissioner may, after notice and the opportunity for a hearing in accordance with the provisions of this chapter, require corrective action or impose an administrative fine in the amount prescribed by NRS 683A.461.

2. The Commissioner shall not suspend or revoke the certificate of registration of an administrator for failure to comply with the requirements of subsection 4 of NRS 439.589.

Sec. 2.25. NRS 683A.3683 is hereby amended to read as follows:

683A.3683 A producer of limited lines travel insurance and each travel retailer, or employee or authorized representative of a travel retailer, who offers or disseminates travel insurance under the license of a producer of limited lines travel insurance shall be subject to the provisions of NRS 683A.451 to 683A.520, inclusive, *and section 2.2 of this act* and chapter 686A of NRS.

Sec. 2.3. NRS 692A.270 is hereby amended to read as follows:

692A.270 The provisions of NRS 683A.321, 683A.331, 683A.341, 683A.400, 683A.451 to 683A.490, inclusive, *and section 2.2 of this act* and 683A.520 apply to title insurers, title agents and escrow officers.

Sec. 2.35. Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the Commissioner receives notification from the Department of Health and Human Services pursuant to section 1 of this act that a health maintenance organization is not in compliance with the requirements of subsection 4 of NRS 439.589, the Commissioner may, after notice and the opportunity for a hearing in accordance with the provisions of this chapter, require corrective action or impose an administrative fine in the amount prescribed by NRS 695C.350.

2. The Commissioner shall not suspend or revoke the certificate of authority of a health maintenance organization for failure to comply with the requirements of subsection 4 of NRS 439.589.

Sec. 2.4. NRS 719.200 is hereby amended to read as follows:

719.200 1. Except as otherwise provided in subsection 2, the provisions of this chapter apply to electronic records and electronic signatures relating to a transaction.

2. The provisions of this chapter do not apply to a transaction to the extent it is governed by:

(a) Except as otherwise specifically provided by law, a law governing the creation and execution of wills, codicils or testamentary trusts;

(b) The Uniform Commercial Code other than NRS 104.1306, 104.2101 to 104.2725, inclusive, and 104A.2101 to 104A.2532, inclusive; or

(c) The provisions of NRS 439.581 to 439.595, inclusive, *and section 1 of this act* and the regulations adopted pursuant thereto.

3. The provisions of this chapter apply to an electronic record or electronic signature otherwise excluded from the application of this chapter under subsection 2 to the extent it is governed by a law other than those specified in subsection 2.

4. A transaction subject to the provisions of this chapter is also subject to other applicable substantive law.

Sec. 2.45. NRS 720.140 is hereby amended to read as follows:

720.140 1. Except as otherwise provided in this subsection, the provisions of this chapter apply to any transaction for which a digital signature is used to sign an electronic record. The provisions of this chapter do not apply to a digital signature that is used to sign an electronic health record in accordance with NRS 439.581 to 439.595, inclusive, *and section 1 of this act* and the regulations adopted pursuant thereto.

2. As used in this section, "electronic record" has the meaning ascribed to it in NRS 719.090.

Sec. 2.5. 1. There is hereby appropriated from the State General Fund to the Department of Health and Human Services the sum of $3,000,000 for the purpose of awarding grants to providers of health care and medical facilities for the purposes of complying with the requirements of ~~[section 1.3 of this act and paragraph (a) of]~~ subsection ~~[1]~~ 4 of NRS ~~[629.051,]~~ 439.589, as amended by section ~~[2]~~ 1.08 of this act. To receive such a grant, a provider of health care or medical facility must have a staff of less than 50 persons or work for an entity that has a staff of less than 50 persons, as applicable.

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

3. As used in this section:

(a) "Medical facility" has the meaning ascribed to it in NRS 449.0151.

(b) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 2.7. 1. On or before July 1, 2023, the Director of the Department shall convene an advisory group to advise the Director of the Department in the adoption of regulations pursuant to NRS 439.589, as amended by section 1.08 of this act. The advisory group shall consist of:

(a) The following ex officio members:

(1) The Director of the Department;

(2) The Administrator of the Division of Public and Behavioral Health of the Department;

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

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

(5) The Commissioner of Insurance;

(6) Each district health officer appointed pursuant to NRS 439.368 or 439.400;

(7) The Executive Officer of the Public Employees' Benefits Program; and

(8) The Executive Director of the Silver State Health Insurance Exchange; and

(b) The following members appointed by the Director:

(1) Representatives of third parties, as defined in NRS 439.589, as amended by section 1.08 of this act, that provide health coverage in this State;

(2) Representatives of hospitals, as defined in NRS 449.012, other medical facilities, as defined in NRS 449.0151, and facilities for the dependent, as defined in NRS 449.0045;

(3) Representatives of consumers of health care;

(4) Representatives of labor organizations;

(5) Professionals in the field of information privacy and security;

(6) Professionals in the field of health information technology and the interoperability of health information;

(7) Representatives of community-based organizations whose work relates to health information;

(8) Representatives of county and city health departments;

(9) Representatives of social services agencies; and

(10) Representatives of community-based organizations whose work relates to social services.

2. Members appointed to the advisory group pursuant to paragraph (b) of subsection 1 serve at the pleasure of the Director of the Department. If a vacancy occurs, the Director shall appoint a person similarly qualified to replace that member.

3. Members of the advisory group serve without compensation or per diem but are entitled to receive reimbursement for travel expenses in the same amount provided for state officers and employees generally.

4. The Director of the Department shall serve as the Chair of the advisory group.

5. A majority of the voting members of the advisory group constitutes a quorum for the transaction of business, and a majority of the members of a quorum present at any meeting is sufficient for any official action taken by the advisory group.

6. Each member of the advisory group who is an officer or employee of this State or a political subdivision of this State must be relieved from his or

her duties without loss of regular compensation so that the officer or employee may prepare for and attend meetings of the advisory group and perform any work necessary to carry out the duties of the advisory group in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the advisory group to make up the time the officer or employee is absent from work to carry out duties as a member of the advisory group or use annual leave or compensatory time for the absence.

7. The advisory group may establish subcommittees and working groups consisting of members of the advisory group or other persons to assist the advisory group in the performance of its duties.

8. The advisory group shall advise the Director of the Department on the development and implementation of the regulations adopted pursuant to NRS 439.589, as amended by section 1.08 of this act.

9. The Director of the Department shall:

(a) On or before August 1, 2024, present at a meeting of the Joint Interim Standing Committee on Health and Human Services concerning the progress of the Director in developing and implementing the regulations adopted pursuant to NRS 439.589, as amended by section 1.08 of this act; and

(b) On or before December 31, 2024, submit to the Director of the Legislative Counsel Bureau for transmittal to the 83rd Session of the Legislature a report concerning the progress of the Director in developing and implementing the regulations adopted pursuant to NRS 439.589, as amended by section 1.08 of this act.

10. As used in this section, "Department" means the Department of Health and Human Services.

Sec. 2.8. 1. Hospitals and physician group practices with more than 20 employees shall comply with the provisions of subsection 4 of NRS 439.589, as amended by section 1.08 of this act, on or before July 1, 2024.

2. Notwithstanding the amendatory provisions of sections 1, 1.08, 1.3, 1.92, 1.94, 1.96, 2 and 2.2 of this act:

(a) Persons and entities subject to the provisions of subsection 4 of NRS 439.589, as amended by section 1.08 of this act, other than the persons and entities described in paragraph (b) of this subsection and subsection 1 of this section, are not required to comply with those provisions until July 1, 2025.

(b) Physician group practices or other business entities organized for the purpose of practicing a health care profession with 20 or fewer employees, including, without limitation, sole proprietorships, are not required to comply with the provisions of subsection 4 of NRS 439.589, as amended by section 1.08 of this act, until January 1, 2030.

3. As used in this section:

(a) "Hospital" has the meaning ascribed to it in NRS 449.012.

(b) "Health care profession" means any profession practiced by providers of health care, as defined in NRS 629.031.

(c) "Physician group practice" means any business entity organized for the purpose of the practice of medicine or osteopathic medicine by more than one physician.

Sec. 3. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 4. 1. This section and sections ~~[1,]~~ 1.09, 1.1 ~~[,]~~ and 1.2 ~~[and 2.5]~~ of this act become effective ~~[on July 1, 2023.]~~ upon passage and approval.

2. Sections 2.5 and 2.7 of this act become effective on July 1, 2023.

3. Sections ~~[1.3 to 2,]~~ 1 to 1.08, inclusive, 1.3 to 2.45, inclusive, 2.8 and 3 of this act become effective ~~[on January 1, 2028.]~~ :

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

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

Senator Doñate moved the adoption of the amendment.

Remarks by Senator Doñate.

Amendment No. 936 to Assembly Bill No. 7 adds other provisions relating to the maintenance, transmission and exchange of health information.

Amendment adopted.

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

Assembly Bill No. 37.

Bill read second time and ordered to third reading.

Assembly Bill No. 84.

Bill read second time and ordered to third reading.

Assembly Bill No. 125.

Bill read second time and ordered to third reading.

Assembly Bill No. 128.

Bill read second time and ordered to third reading.

Assembly Bill No. 137.

Bill read second time and ordered to third reading.

Assembly Bill No. 138.

Bill read second time and ordered to third reading.

Assembly Bill No. 147.

Bill read second time.

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

Amendment No. 947.

SUMMARY—Revises provisions relating to dentistry. (BDR 54-74)

AN ACT relating to dentistry; requiring dental hygienists and dental therapists to comply with certain requirements governing the provision of health care; requiring providers of dental care to receive training on

teledentistry before providing services through teledentistry; prescribing certain requirements relating to the secure storage of electronic records; providing for the issuance of special endorsements for a dentist, dental hygienist or dental therapist to administer immunizations; imposing certain requirements relating to the administration of immunizations by the holder of such an endorsement; requiring a dentist or dental hygienist to refer a minor to a dental home when appropriate; deeming certain conduct by a provider of dental care to be unprofessional conduct; authorizing the imposition of disciplinary action against a dentist, dental hygienist or dental therapist for certain violations; requiring hospitals and issuers of Medicaid managed care plans to take certain measures to ensure access by recipients of Medicaid to teledentistry; imposing certain requirements relating to the provision of services through teledentistry; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines the term "provider of health care" as a person who practices certain professions related to the provision of health care. (NRS 629.031) Existing law imposes certain requirements upon providers of health care, including requirements for billing, standards for advertisements and criminal penalties for acquiring certain debts. (NRS 629.071, 629.076, 629.078) Section 1 of this bill includes dental hygienists and dental therapists in the definition of "provider of health care," thereby subjecting dental hygienists and dental therapists to those requirements.

Existing law defines the term "telehealth" to mean the delivery of services from a provider of health care to a patient at a different location through the use of information and audio-visual communication technology, not including facsimile or electronic mail. (NRS 629.515) Section 5 of this bill defines the term "teledentistry" to mean the use of telehealth by a dentist, dental hygienist or dental therapist to facilitate the diagnosis, treatment, education, care management and self-management of or consultation with a patient. Sections 3, 4 and 6 of this bill define certain other terms related to teledentistry. Section 20 of this bill makes a conforming change to indicate the proper placement of sections 3-6 in the Nevada Revised Statutes.

Section 7 of this bill requires a person who provides services through teledentistry to a patient located in this State to be licensed in this State as a dentist, dental hygienist or dental therapist, to have completed certain training and to adhere to the applicable laws, regulations and standards of care to the same extent as when providing services in person. Section 8 of this bill requires a dentist, dental hygienist or dental therapist who provides services through teledentistry to patients in this State to be insured against liabilities arising from dental services provided through teledentistry. Section 9 of this bill authorizes the use of teledentistry for certain purposes relating to the provision of a diagnosis. Section 10 of this bill requires a dentist, dental hygienist or dental therapist to establish a bona fide relationship with a patient, confirm certain facts about a patient and obtain informed consent before providing

services through teledentistry. Section 10 also requires a dentist, dental hygienist or dental therapist to provide certain information to a patient receiving services through teledentistry concerning the license and practice of the dentist, dental hygienist or dental therapist before providing the services and upon request of a patient. Section 11 of this bill requires a dentist, dental hygienist or dental therapist to: (1) use communications technology that complies with certain federal requirements relating to the privacy of information relating to patients when providing services through teledentistry; and (2) create a complete record of each encounter with a patient through teledentistry. Section 12 of this bill imposes certain requirements to ensure that adequate, in-person care is available to a patient who receives services through teledentistry, if needed. Section 13 of this bill requires the Board of Dental Examiners of Nevada to adopt regulations governing teledentistry. Section 40.5 of this bill requires the Board to report to the Joint Interim Standing Committee on Commerce and Labor on or before January 1, 2024, concerning the adoption of those regulations.

Sections 21 and 40 of this bill require an applicant for a license to practice dentistry, dental therapy or dental hygiene or the holder of such a license who intends to provide services through teledentistry to complete certain training on teledentistry. Section 22 of this bill makes a conforming change to revise a reference to the section of existing law amended by section 21. Section 24 of this bill requires the Board to adopt regulations prescribing specific criteria for the accreditation of a course in teledentistry.

Section 14 of this bill prescribes certain requirements for the secure storage of electronic information concerning patients.

Section 25 of this bill provides that it is unprofessional conduct for which the Board is authorized to impose disciplinary action if a dentist, dental hygienist or dental therapist: (1) fails to actively involve a patient in decisions relating to his or her treatment; ~~[or]~~ (2) requires a patient to enter into an agreement that restricts the ability of the patient to submit a complaint to the Board ~~[.]~~ ; (3) fails to review certain radiographs before an initial diagnosis and correction of malpositions of teeth or the initial use of orthodontic appliances; or (4) fails to provide the information required by section 10.

Sections 30, 38 and 39 of this bill require hospitals and issuers of plans that provide coverage to recipients of Medicaid, including managed care plans, to take certain measures to improve the access of recipients of Medicaid to teledentistry. Sections 31-37 of this bill make conforming changes to indicate the proper placement of section 30 in the Nevada Revised Statutes and provide for the enforcement of the requirements of section 30. Section 19.5 of this bill requires a dentist, dental therapist or dental hygienist performing an initial dental examination, screening or assessment on a minor to refer the minor or his or her parent or guardian to a dental home if appropriate.

Existing law authorizes, in general, a dental hygienist or dental therapist to perform only the tasks authorized by a licensed dentist. (NRS 631.310, 631.3122) Section 15 of this bill requires the Board to issue to a licensed

dentist, dental hygienist or dental therapist a special endorsement to administer immunizations only if the licensed dentist, dental hygienist or dental therapist completes a course of training in the administration of immunizations that is approved by the Board. Section 24 prescribes the continuing education required to maintain such an endorsement.

Section 17 of this bill requires a dentist who holds a special endorsement to administer immunizations issued pursuant to section 15 and who administers immunizations, or under whose authorization a dental hygienist or dental therapist administers immunizations, to: (1) issue or obtain from certain persons a standing order for the administration of the immunizations; (2) establish certain policies and procedures relating to the administration of immunizations; and (3) comply with the instructions of the manufacturer of an immunization and certain federal guidelines for administering immunizations. Section 18 of this bill requires a dentist, dental hygienist or dental therapist to: (1) provide certain information to the patient, obtain the informed written consent of the patient and review the medical history of the patient before administering an immunization; and (2) thereafter, act in conformance with the conclusions of a physician, physician assistant or advanced practice registered nurse regarding the advisability of administering an immunization to a patient. Section 19 of this bill requires a dentist, dental hygienist or dental therapist who holds a special endorsement to administer immunizations to maintain certain records of the administration of immunizations. Section 25 provides that it is unprofessional conduct, for which the Board is authorized to impose disciplinary action, for a dentist, dental hygienist or dental therapist to: (1) administer an immunization without the proper special endorsement; or (2) fail to comply with existing requirements to report certain information relating to immunizations. The Board would also be authorized under existing law to impose disciplinary action against a dentist, dental hygienist or dental therapist who willfully or repeatedly violates other provisions of this bill governing the administration of immunizations. (NRS 631.3485)

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

Section 1. NRS 629.031 is hereby amended to read as follows:

629.031 Except as otherwise provided by a specific statute:

1. "Provider of health care" means:

(a) A physician licensed pursuant to chapter 630, 630A or 633 of NRS;

(b) A physician assistant;

(c) A dentist;

(d) *A dental therapist;*

(e) A dental hygienist;

(f) A licensed nurse;

~~[(e)]~~ *(g)* A person who holds a license as an attendant or who is certified as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to chapter 450B of NRS;

~~[(f)]~~ *(h)* A dispensing optician;

~~[(g)]~~ *(i)* An optometrist;
~~[(h)]~~ *(j)* A speech-language pathologist;
~~[(i)]~~ *(k)* An audiologist;
~~[(j)]~~ *(l)* A practitioner of respiratory care;
~~[(k)]~~ *(m)* A licensed physical therapist;
~~[(l)]~~ *(n)* An occupational therapist;
~~[(m)]~~*(o)* A podiatric physician;
~~[(n)]~~ *(p)* A licensed psychologist;
~~[(o)]~~ *(q)* A licensed marriage and family therapist;
~~[(p)]~~ *(r)* A licensed clinical professional counselor;
~~[(q)]~~ *(s)* A music therapist;
~~[(r)]~~ *(t)* A chiropractic physician;
~~[(s)]~~ *(u)* An athletic trainer;
~~[(t)]~~ *(v)* A perfusionist;
~~[(u)]~~ *(w)* A doctor of Oriental medicine in any form;
~~[(v)]~~ *(x)* A medical laboratory director or technician;
~~[(w)]~~*(y)* A pharmacist;
~~[(x)]~~ *(z)* A licensed dietitian;
~~[(y)]~~ *(aa)* An associate in social work, a social worker, a master social worker, an independent social worker or a clinical social worker licensed pursuant to chapter 641B of NRS;
~~[(z)]~~ *(bb)* An alcohol and drug counselor or a problem gambling counselor who is certified pursuant to chapter 641C of NRS;
~~[(aa)]~~ *(cc)* An alcohol and drug counselor or a clinical alcohol and drug counselor who is licensed pursuant to chapter 641C of NRS;
~~[(bb)]~~ *(dd)* A behavior analyst, assistant behavior analyst or registered behavior technician; or
~~[(cc)]~~ *(ee)* A medical facility as the employer of any person specified in this subsection.

2. For the purposes of NRS 629.400 to 629.490, inclusive, the term includes ~~[~~:

~~(a) A person who holds a license or certificate issued pursuant to chapter 631 of NRS; and~~

~~(b) A]~~ *a* person who holds a current license or certificate to practice his or her respective discipline pursuant to the applicable provisions of law of another state or territory of the United States.

Sec. 2. Chapter 631 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 19.5, inclusive, of this act.

Sec. 3. *"Distant site" has the meaning ascribed to it in NRS 629.515.*

Sec. 4. *"Originating site" has the meaning ascribed to it in NRS 629.515.*

Sec. 5. *"Teledentistry" means the use of telehealth by a licensee described in subsection 1 of section 7 of this act who is located at a distant site to facilitate the diagnosis, treatment, education, care management and self-management of or consultation with a patient who is located at an originating site. The term includes, without limitation:*

1. Real-time interactions between a patient at an originating site and a licensee at a distant site;

2. The asynchronous transmission of medical and dental information concerning a patient from an originating site to a licensee at a distant site;

3. Interaction between a licensee who is providing dental services to a patient at an originating site and another licensee at an originating site; and

4. Monitoring of a patient at an originating site by a licensee at a distant site.

Sec. 6. *"Telehealth" has the meaning ascribed to it in NRS 629.515.*

Sec. 7. *1. A person shall not provide dental services through teledentistry to a patient who is located at an originating site in this State unless the person:*

(a) Is licensed to practice dentistry, dental hygiene or dental therapy in this State; and

(b) Has complied with subsection 2 of NRS 631.220.

2. The provisions of this chapter and the regulations adopted thereto, including, without limitation, clinical requirements, ethical standards and requirements concerning the confidentiality of information concerning patients, apply to services provided through teledentistry to the same extent as if such services were provided in person or by other means.

3. A licensee who provides dental services through teledentistry, including, without limitation, providing consultation and recommendations for treatment, issuing a prescription, diagnosing, correcting the position of teeth and using orthodontic appliances, shall provide such services in accordance with the same standards of care and professional conduct as when providing those services in person or by other means.

4. A licensee shall not:

(a) Provide treatment for any condition based solely on the results of an online questionnaire; or

(b) Engage in activity that is outside his or her scope of practice while providing services through teledentistry.

5. Nothing in sections 7 to 13, inclusive, of this act prohibits an organization for dental care or an administrator of a health benefit plan that provides dental coverage from negotiating rates of reimbursement for services provided through teledentistry with a dentist, dental hygienist or dental therapist.

6. As used in this section:

(a) "Health benefit plan" has the meaning ascribed to it in NRS 695G.019.

(b) "Organization for dental care" has the meaning ascribed to it in NRS 695D.060.

Sec. 8. *A licensee who provides dental services through teledentistry to patients located at an originating site in this State must possess and maintain a policy of professional liability insurance which insures the licensee against any liability arising from the provision of dental services.*

Sec. 9. *1. A licensee may:*

(a) Use teledentistry to examine an existing patient for the purpose of providing a new diagnosis, or to examine a new patient if the examination is sufficient, in accordance with evidence-based standards of practice, to provide an informed diagnosis.

(b) Collaborate in real time through teledentistry with a person who is not licensed pursuant to this chapter, including, without limitation, a community health worker, provider of health care or student who is enrolled in a program of study in dentistry, dental therapy or dental hygiene, to provide diagnostic services or plan treatment for a dental emergency.

2. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 10. *1. Except as otherwise provided in this subsection, a licensee must establish a bona fide relationship, as defined by regulation of the Board, with a patient before providing services to the patient through teledentistry. A licensee may establish such a relationship through teledentistry only* ~~*[for]*~~ *:*

(a) For the purpose of emergent care ~~*[or in]*~~ *;*

(b) In connection with a public health program ~~*[.]*~~ *; or*

(c) To make an initial diagnosis of a malposition of teeth and a determination of the need for an orthodontic appliance. Such an initial diagnosis and determination must be confirmed through an in-person visit before the patient begins using the orthodontic appliance.

2. Before providing services to a patient through teledentistry, a licensee shall:

(a) Confirm the identity of the patient;

(b) If the patient is a minor who is not authorized by law to consent to the services, confirm that the parent or legal guardian of the patient is present;

(c) Confirm that the patient is located in a jurisdiction where the licensee is licensed or otherwise authorized to practice and document the location of the patient in the record of the patient;

(d) Obtain:

(1) Informed verbal or written consent that meets the requirements of subsection 4 from a patient who is an adult or a minor authorized by law to provide consent; or

(2) Informed written consent that meets the requirements of subsection 4 from the parent or guardian of a patient who is a minor and is not authorized by law to provide consent; and

(e) Document the informed consent provided pursuant to paragraph (d) in the record of the patient.

3. Before providing services through teledentistry and upon the request of a patient to whom services are provided through teledentistry, a licensee or any partnership, corporation or other entity through which a licensee provides services shall make available to the patient proof of the identity of the licensee, the telephone number of the licensee, the address at which the licensee practices, the license number of the licensee and any other relevant

information concerning the qualifications of the licensee ~~*[.]*~~ *and any other licensee who will be involved in providing the services through teledentistry.*

4. Informed consent to the provision of services through teledentistry requires the patient or his or her parent or guardian, as applicable, to be informed of:

(a) The types of services that will be provided through teledentistry and any limitations on the provision of those services through teledentistry;

(b) The information prescribed by subsection 3 for each licensee who will provide services through teledentistry;

(c) Precautions that will be taken in the event of a technological failure or an emergency; and

(d) Any other information prescribed by regulation of the Board.

5. As used in this section:

(a) "Emergent care" means treatment of pain, infection or any other intraoral or perioral condition which presents immediate harm to the well-being of the patient and for which treatment cannot be postponed.

(b) "Public health program" means a program approved by the Board or any program administered by:

(1) The Department of Health and Human Services;

(2) A health district; or

(3) A school district.

Sec. 11. *A licensee who provides services through teledentistry shall:*

1. Use communications technology that complies with Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and any regulations adopted pursuant thereto; and

2. Create a complete record of each encounter with a patient through teledentistry and maintain such records in accordance with all applicable federal and state laws and regulations, including, without limitation:

(a) The Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and any regulations adopted pursuant thereto;

(b) NRS 629.051 to 629.069, inclusive;

(c) The regulations adopted pursuant to section 13 of this act; and

(d) Section 14 of this act.

Sec. 12. *1. A licensee who provides services through teledentistry must be adequately familiar with the nature and availability of dental care in the geographical area in which the patient is located to ensure that the patient receives appropriate care after the provision of the services.*

2. If a licensee is not able to competently provide services through teledentistry, including, without limitation, because the licensee is unable to receive adequate information about the patient, the licensee must notify the patient of that fact and:

(a) Provide the services in person;

(b) Request any additional information necessary to competently provide the services through teledentistry; or

(c) Refer the patient to an appropriate licensee to receive the services in person.

3. A licensee who provides services through teledentistry shall refer a patient to the emergency department of a hospital or another provider of acute care in an emergency or any other situation where the provision of acute care is necessary to protect the health and safety of the patient.

Sec. 13. *1. The Board shall adopt regulations governing the provision of dental services through teledentistry. Those regulations must include, without limitation, requirements concerning:*

(a) The issuance of a prescription through teledentistry;

(b) The maintenance of records concerning patients to whom services are provided through teledentistry and the protection of the privacy of such patients;

(c) The use of teledentistry for collaboration between:

(1) Licensees and the office of a physician, physician assistant or advanced practice registered nurse; and

(2) Licensees who practice in different specialty areas; and

(d) Interaction between licensees using teledentistry, including, without limitation:

(1) The supervision of a dental therapist who has not completed the hours of clinical practice set forth in NRS 631.3122 or of a dental hygienist by a dentist using teledentistry; and

(2) Interaction between different licensees who are providing care to the same patient.

2. The regulations adopted pursuant to subsection 1 may prescribe evidence-based standards of practice that must be used when providing services through teledentistry to ensure the safety of patients, the quality of care and positive outcomes.

Sec. 14. *A licensee who electronically stores information concerning patients shall:*

1. Store and share such information using a secure server; and

2. Ensure that any electronic device on which such information is stored or that may be used to access such information is encrypted and requires a password.

Sec. 15. *1. The Board shall, upon application by a dentist, dental hygienist or dental therapist licensed pursuant to this chapter who has completed a course of training in the administration of immunizations that is approved by the Board pursuant to subsection 2, issue a special endorsement of the license allowing the dentist, dental hygienist or dental therapist to administer immunizations.*

2. The Board may approve a course of training in the administration of immunizations if the course:

(a) Provides participants with practical training and written instructional materials concerning the administration of immunizations;

(b) Includes an evaluation of the technique of participants in the administration of immunizations; and

(c) Includes instruction consistent with the guidelines prescribed by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services concerning:

(1) Practices for administering immunizations to children, adolescents and adults;

(2) Basic immunology and the mechanism by which immunizations induce protection from disease;

(3) Diseases that are preventable through immunizations;

(4) Storage and management of immunizations;

(5) Recommended schedules for immunization;

(6) Informed consent to immunization;

(7) Physiology and techniques for administering immunizations;

(8) Assessment and counseling before and after administering an immunization;

(9) Maintenance of records relating to immunizations; and

(10) Identifying, responding to and reporting adverse events resulting from immunizations.

3. A dentist who holds a special endorsement issued pursuant to subsection 1 may administer immunizations by an intranasal, intramuscular or subcutaneous injection.

4. A dental hygienist or dental therapist who holds a special endorsement issued pursuant to subsection 1 may administer immunizations by an intranasal, intramuscular or subcutaneous injection only under authorization from a dentist who also holds such a special endorsement.

Sec. 16. (Deleted by amendment.)

Sec. 17. *1. A dentist who holds a special endorsement issued pursuant to section 15 of this act and who administers immunizations or under whose authorization a dental hygienist or dental therapist who holds such an endorsement administers immunizations must:*

(a) Issue or obtain from a dentist, physician, physician assistant or advanced practice registered nurse a standing order for the administration of the immunizations that is approved by the Division of Public and Behavioral Health of the Department of Health and Human Services;

(b) Establish written policies and procedures for the handling and disposal of used or contaminated equipment; and

(c) Establish a written plan for addressing emergencies and ensure that the dentist, dental hygienist or dental therapist administering immunizations has immediate access to equipment that may be needed in an emergency, including, without limitation, equipment for administering oxygen and epinephrine and other equipment necessary to respond to an allergic reaction.

2. A dentist who holds a special endorsement issued pursuant to section 15 of this act and who administers an immunization or under whose authorization a dental hygienist or dental therapist who holds such an endorsement

administers an immunization shall report any severe reaction to the immunization as required by any applicable regulations adopted by the State Board of Health.

3. A dentist, dental hygienist or dental therapist who holds a special endorsement issued pursuant to section 15 of this act shall comply with:

(a) The instructions for storing and handling an immunization prescribed by the manufacturer; and

(b) To the extent that such guidelines do not conflict with the instructions of the manufacturer, any applicable guidelines issued by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, including, without limitation, guidelines for storing, handling and administering immunizations, guidelines for documenting the administration of an immunization and contraindications and precautions for immunizations.

Sec. 18. *1. Before administering an immunization, a dentist, dental hygienist or dental therapist who holds a special endorsement issued pursuant to section 15 of this act shall:*

(a) Provide to the patient or, if the patient is a minor and is not authorized by law to provide consent, his or her parent or guardian, the most current Vaccine Information Statement prescribed for the immunization by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, require him or her to read the Vaccine Information Statement and answer any questions that he or she has concerning the information in the Vaccine Information Statement;

(b) Obtain the informed written consent of the patient, or, if the patient is a minor and is not authorized by law to provide consent, from the parent or guardian of the patient; and

(c) Review the medical history of the patient, including, without limitation, asking the patient or, if the patient is a minor and is not authorized by law to provide consent, the parent or guardian of the patient, to describe any medications or other treatments that the patient is currently receiving, allergies to drugs, medical conditions that the patient is currently experiencing, surgeries the patient had or plans to have, past pregnancy or plans to become pregnant and any previous adverse reactions to immunizations.

2. If a dentist, dental hygienist or dental therapist who holds a special endorsement issued pursuant to section 15 of this act requests a physician, physician assistant or advanced practice registered nurse to conduct an examination and evaluation of a patient to determine whether the patient has a medical condition that would make it inadvisable to administer an immunization, the dentist, dental hygienist or dental therapist must rely on and act in conformance with the conclusions of the physician, physician assistant or advanced practice registered nurse.

Sec. 19. *1. A dentist, dental hygienist or dental therapist who holds a special endorsement issued pursuant to section 15 of this act shall include in the record of each patient to whom he or she administers an immunization:*

(a) The date on which the immunization was administered;

(b) The site at which the immunization was administered;

(c) The brand name of the immunization, the National Drug Code number assigned to the immunization by the United States Food and Drug Administration or the code number assigned to the immunization under another nationally recognized system of coding for immunizations;

(d) The dose, manufacturer, lot number and expiration date of the immunization;

(e) The name or initials of the dentist, dental hygienist or dental therapist;

(f) Except as otherwise provided in subsection 2, the address of the location where the immunization was administered;

(g) The date on which the Vaccine Information Statement was provided to the patient pursuant to section 18 of this act and the date on which the Vaccine Information Statement was published; and

(h) A copy of the questions asked by the dentist, dental hygienist or dental therapist and the information provided by the patient or his or her parent or guardian, as applicable, as part of the review of the medical history of the patient conducted pursuant to section 18 of this act, which must be signed by the patient or, if the patient is a minor and is not authorized by law to provide consent, his or her parent or guardian.

2. A dentist, dental hygienist or dental therapist is not required to include the information described in paragraph (f) of subsection 1 if that information is automatically included in a report made pursuant to NRS 439.265.

3. The records described in subsection 1 must be maintained in accordance with all applicable federal and state laws and regulations, including, without limitation:

(a) The Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and any applicable regulations adopted pursuant thereto; and

(b) NRS 629.051 to 629.069, inclusive, and any regulations adopted pursuant thereto.

Sec. 19.5. *1. A dentist, dental therapist or dental hygienist that performs an initial dental examination, screening or assessment on a minor shall refer the minor or his or her parent or guardian to a dental home, which may include, without limitation, a virtual dental home, when appropriate.*

2. As used in this section:

(a) "Dental home" means an entity that arranges for the provision of oral health care that is continuously available and delivered in a comprehensive, coordinated and family-centered manner by a dentist licensed in this State.

(b) "Virtual dental home" means a dental home that uses teams of persons licensed pursuant to chapter 631 of NRS who are connected to the patient and

each other through teledentistry to provide comprehensive oral health care in a community setting.

Sec. 20. NRS 631.005 is hereby amended to read as follows:

631.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 631.015 to 631.105, inclusive, *and sections 3 to 6, inclusive, of this act* have the meanings ascribed to them in those sections.

Sec. 21. NRS 631.220 is hereby amended to read as follows:

631.220 1. Every applicant for a license to practice dental hygiene, dental therapy or dentistry, or any of its special branches, must:

(a) File an application with the Board.

(b) Accompany the application with a recent photograph of the applicant together with the required fee and such other documentation as the Board may require by regulation.

(c) Submit with the application a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

(d) If the applicant is required to take an examination pursuant to NRS 631.240, 631.300 or 631.3121, submit with the application proof satisfactory that the applicant passed the examination.

2. *In addition to satisfying the requirements of subsection 1, if an applicant for a license to practice dental hygiene, dental therapy or dentistry, or any of its special branches, intends to provide services through teledentistry, the applicant must submit to the Board proof that the applicant has completed:*

(a) At least 2 hours of continuing education concerning teledentistry; or

(b) A course in teledentistry as part of the requirements for graduation from an accredited institution.

3. An application must include all information required to complete the application.

~~[3.]~~ *4.* The Secretary-Treasurer may, in accordance with regulations adopted by the Board and if the Secretary-Treasurer determines that an application is:

(a) Sufficient, advise the Executive Director of the sufficiency of the application. Upon the advice of the Secretary-Treasurer, the Executive Director may issue a license to the applicant without further review by the Board.

(b) Insufficient, reject the application by sending written notice of the rejection to the applicant.

Sec. 22. NRS 631.260 is hereby amended to read as follows:

631.260 Except as otherwise provided in subsection ~~[3]~~ *4* of NRS 631.220, as soon as possible after the examination has been given, the Board, under rules and regulations adopted by it, shall determine the qualifications of the applicant and shall issue to each person found by the Board to have the qualifications therefor a license which will entitle the person to practice dental

hygiene, dental therapy or dentistry, or any special branch of dentistry, as in such license defined, subject to the provisions of this chapter.

Sec. 23. (Deleted by amendment.)

Sec. 24. NRS 631.342 is hereby amended to read as follows:

631.342 1. The Board shall adopt regulations concerning continuing education in dentistry, dental hygiene and dental therapy. The regulations must include:

(a) Except as provided in NRS 631.3425, the number of hours of credit required annually;

(b) The criteria used to accredit each course ~~[;]~~ , *including, without limitation, specific criteria used to accredit a course in teledentistry;* and

(c) The requirements for submission of proof of attendance at courses.

2. Except as otherwise provided in subsection 3, as part of continuing education, each licensee must complete a course of instruction, within 2 years after initial licensure, relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction. The course must provide at least 4 hours of instruction that includes instruction in the following subjects:

(a) An overview of acts of terrorism and weapons of mass destruction;

(b) Personal protective equipment required for acts of terrorism;

(c) Common symptoms and methods of treatment associated with exposure to, or injuries caused by, chemical, biological, radioactive and nuclear agents;

(d) Syndromic surveillance and reporting procedures for acts of terrorism that involve biological agents; and

(e) An overview of the information available on, and the use of, the Health Alert Network.

3. Instead of the course described in subsection 2, a licensee may complete:

(a) A course in Basic Disaster Life Support or a course in Core Disaster Life Support if the course is offered by a provider of continuing education accredited by the National Disaster Life Support Foundation; or

(b) Any other course that the Board determines to be the equivalent of a course specified in paragraph (a).

4. Notwithstanding the provisions of subsections 2 and 3, the Board may determine whether to include in a program of continuing education additional courses of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction.

5. Each licensee must complete, as part of continuing education, at least 2 hours of training in the screening, brief intervention and referral to treatment approach to substance use disorder within 2 years after initial licensure.

6. *In addition to any other continuing education required pursuant to this section, a licensee who holds a special endorsement issued pursuant to section 15 of this act must biennially complete:*

(a) At least 2 hours of continuing education concerning the life cycle of diseases, drugs and the administration of immunizations;

(b) A course offered by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services concerning the epidemiology and prevention of diseases that are preventable by immunization;

(c) A course of training in the administration of immunizations offered by Immunize Nevada or its successor organization or, if that organization ceases to exist, another organization prescribed by regulation of the Board; or

(d) Another course of instruction relating to immunizations that is approved by:

(1) The Board;

(2) The American Dental Association, or its successor organization, or the societies which are a part of it;

(3) The American Dental Hygienists' Association, or its successor organization, or the societies which are a part of it;

(4) The Academy of General Dentistry, or its successor organization;

(5) Any nationally recognized association of dental or medical specialists;

(6) Any university, college or community college located inside or outside this State; or

(7) Any hospital accredited by The Joint Commission.

7. As used in this section:

(a) "Act of terrorism" has the meaning ascribed to it in NRS 202.4415.

(b) "Biological agent" has the meaning ascribed to it in NRS 202.442.

(c) "Chemical agent" has the meaning ascribed to it in NRS 202.4425.

(d) "Radioactive agent" has the meaning ascribed to it in NRS 202.4437.

(e) "Weapon of mass destruction" has the meaning ascribed to it in NRS 202.4445.

Sec. 25. NRS 631.3475 is hereby amended to read as follows:

631.3475 The following acts, among others, constitute unprofessional conduct:

1. Malpractice;

2. Professional incompetence;

3. Suspension or revocation of a license to practice dentistry, the imposition of a fine or other disciplinary action by any agency of another state authorized to regulate the practice of dentistry in that state;

4. More than one act by the dentist, dental hygienist or dental therapist constituting substandard care in the practice of dentistry, dental hygiene or dental therapy;

5. Administering, dispensing or prescribing any controlled substance or any dangerous drug as defined in chapter 454 of NRS, if it is not required to treat the dentist's patient;

6. Knowingly procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(a) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(b) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or

(c) Is cannabis being used for medical purposes in accordance with chapter 678C of NRS;

7. Having an alcohol or other substance use disorder to such an extent as to render the person unsafe or unreliable as a practitioner, or such gross immorality as tends to bring reproach upon the dental profession;

8. Conviction of a felony or misdemeanor involving moral turpitude or which relates to the practice of dentistry in this State, or conviction of any criminal violation of this chapter;

9. Conviction of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

10. Failure to comply with the provisions of NRS 453.163, 453.164, 453.226, 639.23507, 639.23535 and 639.2391 to 639.23916, inclusive, and any regulations adopted by the State Board of Pharmacy pursuant thereto.

11. Fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, administering or dispensing of a controlled substance listed in schedule II, III or IV;

12. Failure to comply with the provisions of NRS 454.217 or 629.086;

13. Failure to obtain any training required by the Board pursuant to NRS 631.344;

14. *Failure to actively involve a patient in decisions concerning his or her treatment;*

15. Requiring a patient to enter into an agreement that restricts the ability of the patient to submit a complaint to the Board;

16. The performance or supervision of the performance of a pelvic examination in violation of NRS 629.085; ~~[or~~

~~15.]~~ *17. Administering an immunization if the dentist, dental hygienist or dental therapist does not hold a special endorsement issued pursuant to section 15 of this act;*

18. Failure to comply with:

(a) The requirements of NRS 439.265; or

(b) Any requirement of section 17, 18 or 19 of this act; ~~*[or]*~~

19. Failure to review diagnostic digital or conventional radiographs for orthodontia before:

(a) Making an initial diagnosis of or taking any action to correct malpositions of teeth; or

(b) The initial use of an orthodontic appliance;

20. Failure to comply with the requirements of subsection 3 of section 10 of this act; or

21. Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(a) The license of the facility is suspended or revoked; or

(b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This subsection applies to an owner or other principal responsible for the operation of the facility.

Sec. 26. (Deleted by amendment.)

Sec. 27. (Deleted by amendment.)

Sec. 28. (Deleted by amendment.)

Sec. 29. (Deleted by amendment.)

Sec. 30. Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:

If a recipient of Medicaid presents in the emergency department of a hospital in this State with a nontraumatic dental injury, the hospital must notify the patient of providers of dental services included in the network of each health maintenance organization or managed care organization that provides services through teledentistry to recipients of Medicaid. The hospital shall provide such notice by:

1. Posting signs on the premises of the hospital that include the list of providers who offer services through teledentistry submitted to the hospital pursuant to NRS 695C.1708 or 695G.162, as applicable, or which direct patients to an Internet website on which such lists are available; or

2. Making available to patients a pamphlet or other written document that includes the list of providers who offer services through teledentistry submitted to the hospital pursuant to NRS 695C.1708 or 695G.162, as applicable, or which directs patients to an Internet website on which those lists are available.

Sec. 31. NRS 449.029 is hereby amended to read as follows:

449.029 As used in NRS 449.029 to 449.240, inclusive, *and section 30 of this act,* unless the context otherwise requires, "medical facility" has the meaning ascribed to it in NRS 449.0151 and includes a program of hospice care described in NRS 449.196.

Sec. 32. NRS 449.0301 is hereby amended to read as follows:

449.0301 The provisions of NRS 449.029 to 449.2428, inclusive, *and section 30 of this act* do not apply to:

1. Any facility conducted by and for the adherents of any church or religious denomination for the purpose of providing facilities for the care and treatment of the sick who depend solely upon spiritual means through prayer for healing in the practice of the religion of the church or denomination, except that such a facility shall comply with all regulations relative to sanitation and safety applicable to other facilities of a similar category.

2. Foster homes as defined in NRS 424.014.

3. Any medical facility, facility for the dependent or facility which is otherwise required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed that is operated and maintained by the United States Government or an agency thereof.

Sec. 33. NRS 449.089 is hereby amended to read as follows:

449.089 1. Each license issued pursuant to NRS 449.029 to 449.2428, inclusive, *and section 30 of this act* expires on December 31 following its issuance and is renewable for 1 year upon reapplication and payment of all fees required pursuant to subsection 4 and NRS 449.050, as applicable, unless the Division finds, after an investigation, that the facility has not:

(a) Satisfactorily complied with the provisions of NRS 449.029 to 449.2428, inclusive, *and section 30 of this act* or the standards and regulations adopted by the Board;

(b) Obtained the approval of the Director of the Department of Health and Human Services before undertaking a project, if such approval is required by NRS 439A.100; or

(c) Conformed to all applicable local zoning regulations.

2. Each reapplication for an agency to provide personal care services in the home, an agency to provide nursing in the home, a community health worker pool, a facility for intermediate care, a facility for skilled nursing, a provider of community-based living arrangement services, a hospital described in 42 U.S.C. § 1395ww(d)(1)(B)(iv), a psychiatric hospital that provides inpatient services to children, a psychiatric residential treatment facility, a residential facility for groups, a program of hospice care, a home for individual residential care, a facility for the care of adults during the day, a facility for hospice care, a nursing pool, the distinct part of a hospital which meets the requirements of a skilled nursing facility or nursing facility pursuant to 42 C.F.R. § 483.5, a hospital that provides swing-bed services as described in 42 C.F.R. § 482.58 or, if residential services are provided to children, a medical facility or facility for the treatment of alcohol or other substance use disorders must include, without limitation, a statement that the facility, hospital, agency, program, pool or home is in compliance with the provisions of NRS 449.115 to 449.125, inclusive, and 449.174.

3. Each reapplication for an agency to provide personal care services in the home, a community health worker pool, a facility for intermediate care, a facility for skilled nursing, a facility for the care of adults during the day, a residential facility for groups or a home for individual residential care must include, without limitation, a statement that the holder of the license to operate, and the administrator or other person in charge and employees of, the facility, agency, pool or home are in compliance with the provisions of NRS 449.093.

4. Each reapplication for a surgical center for ambulatory patients, facility for the treatment of irreversible renal disease, facility for hospice care, program of hospice care, hospital, facility for intermediate care, facility for skilled nursing, agency to provide personal care services in the home or rural clinic must be accompanied by the fee prescribed by the State Board of Health pursuant to NRS 457.240, in addition to the fees imposed pursuant to NRS 449.050.

Sec. 34. NRS 449.160 is hereby amended to read as follows:

449.160 1. The Division may deny an application for a license or may

suspend or revoke any license issued under the provisions of NRS 449.029 to 449.2428, inclusive, *and section 30 of this act* upon any of the following grounds:

(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410 or 449.029 to 449.245, inclusive, *and section 30 of this act* or of any other law of this State or of the standards, rules and regulations adopted thereunder.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the premises for which a license is issued.

(d) Conduct or practice detrimental to the health or safety of the occupants or employees of the facility.

(e) Failure of the applicant to obtain written approval from the Director of the Department of Health and Human Services as required by NRS 439A.100 or as provided in any regulation adopted pursuant to NRS 449.001 to 449.430, inclusive, *and section 30 of this act* and 449.435 to 449.531, inclusive, and chapter 449A of NRS if such approval is required.

(f) Failure to comply with the provisions of NRS 441A.315 and any regulations adopted pursuant thereto or NRS 449.2486.

(g) Violation of the provisions of NRS 458.112.

2. In addition to the provisions of subsection 1, the Division may revoke a license to operate a facility for the dependent if, with respect to that facility, the licensee that operates the facility, or an agent or employee of the licensee:

(a) Is convicted of violating any of the provisions of NRS 202.470;

(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or

(c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.

3. The Division shall maintain a log of any complaints that it receives relating to activities for which the Division may revoke the license to operate a facility for the dependent pursuant to subsection 2. The Division shall provide to a facility for the care of adults during the day:

(a) A summary of a complaint against the facility if the investigation of the complaint by the Division either substantiates the complaint or is inconclusive;

(b) A report of any investigation conducted with respect to the complaint; and

(c) A report of any disciplinary action taken against the facility.

➥ The facility shall make the information available to the public pursuant to NRS 449.2486.

4. On or before February 1 of each odd-numbered year, the Division shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:

(a) Any complaints included in the log maintained by the Division pursuant to subsection 3; and

(b) Any disciplinary actions taken by the Division pursuant to subsection 2.

Sec. 35. NRS 449.163 is hereby amended to read as follows:

449.163 1. In addition to the payment of the amount required by NRS 449.0308, if a medical facility, facility for the dependent or facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed violates any provision related to its licensure, including any provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, *and section 30 of this act* or any condition, standard or regulation adopted by the Board, the Division, in accordance with the regulations adopted pursuant to NRS 449.165, may:

(a) Prohibit the facility from admitting any patient until it determines that the facility has corrected the violation;

(b) Limit the occupancy of the facility to the number of beds occupied when the violation occurred, until it determines that the facility has corrected the violation;

(c) If the license of the facility limits the occupancy of the facility and the facility has exceeded the approved occupancy, require the facility, at its own expense, to move patients to another facility that is licensed;

(d) Impose an administrative penalty of not more than $5,000 per day for each violation, together with interest thereon at a rate not to exceed 10 percent per annum; and

(e) Appoint temporary management to oversee the operation of the facility and to ensure the health and safety of the patients of the facility, until:

(1) It determines that the facility has corrected the violation and has management which is capable of ensuring continued compliance with the applicable statutes, conditions, standards and regulations; or

(2) Improvements are made to correct the violation.

2. If the facility fails to pay any administrative penalty imposed pursuant to paragraph (d) of subsection 1, the Division may:

(a) Suspend the license of the facility until the administrative penalty is paid; and

(b) Collect court costs, reasonable attorney's fees and other costs incurred to collect the administrative penalty.

3. The Division may require any facility that violates any provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, *and section 30 of this act* or any condition, standard or regulation adopted by the Board to make any improvements necessary to correct the violation.

4. Any money collected as administrative penalties pursuant to paragraph (d) of subsection 1 must be accounted for separately and used to administer and carry out the provisions of NRS 449.001 to 449.430, inclusive, *and section 30 of this act*, 449.435 to 449.531, inclusive, and chapter 449A of NRS to protect the health, safety, well-being and property of the patients and

residents of facilities in accordance with applicable state and federal standards or for any other purpose authorized by the Legislature.

Sec. 36. NRS 449.220 is hereby amended to read as follows:

449.220 1. The Division may bring an action in the name of the State to enjoin any person, state or local government unit or agency thereof from operating or maintaining any facility within the meaning of NRS 449.029 to 449.2428, inclusive ~~[.]~~ *, and section 30 of this act:*

(a) Without first obtaining a license therefor; or

(b) After his or her license has been revoked or suspended by the Division.

2. It is sufficient in such action to allege that the defendant did, on a certain date and in a certain place, operate and maintain such a facility without a license.

Sec. 37. NRS 449.240 is hereby amended to read as follows:

449.240 The district attorney of the county in which the facility is located shall, upon application by the Division, institute and conduct the prosecution of any action for violation of any provisions of NRS 449.029 to 449.245, inclusive ~~[.]~~ *, and section 30 of this act.*

Sec. 38. NRS 695C.1708 is hereby amended to read as follows:

695C.1708 1. A health care plan of a health maintenance organization must include coverage for services provided to an enrollee through telehealth to the same extent as though provided in person or by other means.

2. A health maintenance organization shall not:

(a) Require an enrollee to establish a relationship in person with a provider of health care or provide any additional consent to or reason for obtaining services through telehealth as a condition to providing the coverage described in subsection 1;

(b) Require a provider of health care to demonstrate that it is necessary to provide services to an enrollee through telehealth or receive any additional type of certification or license to provide services through telehealth as a condition to providing the coverage described in subsection 1;

(c) Refuse to provide the coverage described in subsection 1 because of:

(1) The distant site from which a provider of health care provides services through telehealth or the originating site at which an enrollee receives services through telehealth; or

(2) The technology used to provide the services;

(d) Require covered services to be provided through telehealth as a condition to providing coverage for such services; or

(e) Categorize a service provided through telehealth differently for purposes relating to coverage than if the service had been provided in person or through other means.

3. A health care plan of a health maintenance organization must not require an enrollee to obtain prior authorization for any service provided through telehealth that is not required for the service when provided in person. Such a health care plan may require prior authorization for a service provided

through telehealth if such prior authorization would be required if the service were provided in person or by other means.

4. *A health maintenance organization that provides medical services to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services shall provide referrals to providers of dental services who provide services through teledentistry.*

5. A health maintenance organization that provides dental services to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services shall:

(a) Maintain a list of providers of dental services included in the network of the health maintenance organization who offer services through teledentistry;

(b) At least quarterly, update the list and submit a copy of the updated list to the emergency department of each hospital located in this State; and

(c) Allow such providers of dental services to include on claim forms codes for teledentistry services provided through both real-time interactions and asynchronous transmissions of medical and dental information.

6. The provisions of this section do not require a health maintenance organization to:

(a) Ensure that covered services are available to an enrollee through telehealth at a particular originating site;

(b) Provide coverage for a service that is not a covered service or that is not provided by a covered provider of health care; or

(c) Enter into a contract with any provider of health care or cover any service if the health maintenance organization is not otherwise required by law to do so.

~~[5.]~~ *7.* Evidence of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2021, has the legal effect of including the coverage required by this section, and any provision of the plan or the renewal which is in conflict with this section is void.

~~[6.]~~ *8.* As used in this section:

(a) "Distant site" has the meaning ascribed to it in NRS 629.515.

(b) "Originating site" has the meaning ascribed to it in NRS 629.515.

(c) "Provider of health care" has the meaning ascribed to it in NRS 439.820.

(d) *"Teledentistry" has the meaning ascribed to it in section 5 of this act.*

(e) "Telehealth" has the meaning ascribed to it in NRS 629.515.

Sec. 39. NRS 695G.162 is hereby amended to read as follows:

695G.162 1. A health care plan issued by a managed care organization for group coverage must include coverage for services provided to an insured

through telehealth to the same extent as though provided in person or by other means.

2. A managed care organization shall not:

(a) Require an insured to establish a relationship in person with a provider of health care or provide any additional consent to or reason for obtaining services through telehealth as a condition to providing the coverage described in subsection 1;

(b) Require a provider of health care to demonstrate that it is necessary to provide services to an insured through telehealth or receive any additional type of certification or license to provide services through telehealth as a condition to providing the coverage described in subsection 1;

(c) Refuse to provide the coverage described in subsection 1 because of:

(1) The distant site from which a provider of health care provides services through telehealth or the originating site at which an insured receives services through telehealth; or

(2) The technology used to provide the services;

(d) Require covered services to be provided through telehealth as a condition to providing coverage for such services; or

(e) Categorize a service provided through telehealth differently for purposes relating to coverage than if the service had been provided in person or through other means.

3. A health care plan of a managed care organization must not require an insured to obtain prior authorization for any service provided through telehealth that is not required for the service when provided in person. Such a health care plan may require prior authorization for a service provided through telehealth if such prior authorization would be required if the service were provided in person or by other means.

4. *A managed care organization that provides medical services to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services shall provide referrals to providers of dental services who provide services through teledentistry.*

5. A managed care organization that provides dental services to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services shall:

(a) Maintain a list of providers of dental services included in the network of the managed care organization who offer services through teledentistry;

(b) At least quarterly, update the list and submit a copy of the updated list to the emergency department of each hospital located in this State; and

(c) Allow such providers of dental services to include on claim forms codes for teledentistry services provided through both real-time interactions and asynchronous transmissions of medical and dental information.

6. The provisions of this section do not require a managed care organization to:

(a) Ensure that covered services are available to an insured through telehealth at a particular originating site;

(b) Provide coverage for a service that is not a covered service or that is not provided by a covered provider of health care; or

(c) Enter into a contract with any provider of health care or cover any service if the managed care organization is not otherwise required by law to do so.

~~[5.]~~ *7.* Evidence of coverage that is delivered, issued for delivery or renewed on or after October 1, 2021, has the legal effect of including the coverage required by this section, and any provision of the plan or the renewal which is in conflict with this section is void.

~~[6.]~~ *8.* As used in this section:

(a) "Distant site" has the meaning ascribed to it in NRS 629.515.

(b) "Originating site" has the meaning ascribed to it in NRS 629.515.

(c) "Provider of health care" has the meaning ascribed to it in NRS 439.820.

(d) "*Teledentistry*" *has the meaning ascribed to it in section 5 of this act.*

(e) "Telehealth" has the meaning ascribed to it in NRS 629.515.

Sec. 40. 1. Each person who, on January 1, 2024, holds a license to practice dentistry, dental hygiene or dental therapy issued pursuant to chapter 631 of NRS and intends to provide services through teledentistry shall submit to the Board of Dental Examiners of Nevada with the next application to renew that license after that date proof that the licensee has completed:

(a) At least 2 hours of continuing education concerning teledentistry; or

(b) A course in teledentistry as part of the requirements for graduation from an institution accredited by the Commission on Dental Accreditation of the American Dental Association, or its successor entity.

2. The provisions of paragraph (b) of subsection 1 of section 7 of this act do not apply to a person described in subsection 1 until:

(a) The next renewal of the license of the person to practice dentistry, dental hygiene or dental therapy on or after January 1, 2024; or

(b) The denial of the next application to renew the license of the person to practice dentistry, dental hygiene or dental therapy submitted on or after January 1, 2024.

3. As used in this section, "teledentistry" has the meaning ascribed to it in section 5 of this act.

Sec. 40.5. Not later than January 1, 2024, the Board of Dental Examiners of Nevada shall:

1. Compile a report concerning the adoption of regulations pursuant to section 13 of this act. The report must include, without limitation:

(a) A summary of the progress of the Board in adopting those regulations; and

(b) A copy of any such regulations that have been adopted or proposed to be adopted, the reasons for the content of those regulations and a summary of any comment received by the Board concerning those regulations.

2. Submit the report to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Commerce and Labor.

Sec. 41. 1. This section becomes effective upon passage and approval.

2. Sections 1 to ~~[40,]~~ 40.5, inclusive, of this act become effective:

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

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

Senator Lange moved the adoption of the amendment.

Remarks by Senator Lange.

Amendment No. 947 to Assembly Bill No. 147 authorizes initial orthodontic diagnosis via teledentistry but requires in-person confirmation before appliance use and requires disclosure of dental practitioners' licensing details to patients. It deems failure to review diagnostic orthodontic radiographs and license information disclosure unprofessional conduct, and it requires the Board of Dental Examiners of Nevada to submit a report to the Joint Interim Standing Committee on Commerce and Labor in 2023-2024.

Amendment adopted.

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

Assembly Bill No. 150.

Bill read second time and ordered to third reading.

Assembly Bill No. 158.

Bill read second time and ordered to third reading.

Assembly Bill No. 201.

Bill read second time.

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

Amendment No. 950.

SUMMARY—Revises provisions relating to planning for the provision of behavioral health care. (BDR 39-325)

AN ACT relating to behavioral health; requiring the Department of Health and Human Services to provide certain oversight and make certain recommendations concerning the children's behavioral health system of care; adding certain members to the subcommittee on the mental health of children of the Commission on Behavioral Health; prescribing certain duties of a regional behavioral health policy board; ~~[creating a statewide mental health consortium; prescribing the membership, powers and duties of the statewide mental health consortium; authorizing each mental health consortium to request the drafting of not more than one legislative measure for each regular session of the Legislature;]~~ requiring a mental health consortium to submit certain documents to the Administrator of the Division of Child and Family Services of the Department; clarifying the authority of the State Board of

Health to require the licensing of certain facilities; requiring the ~~[Joint Interim Standing]~~ Legislative Committee ~~[on Health and Human Services]~~ on Senior Citizens, Veterans and Adults With Special Needs to conduct a study of the feasibility of formulating and operating a comprehensive state plan to provide behavioral health services ; ~~[for adults and children;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires: (1) the Division of Public and Behavioral Health of the Department of Health and Human Services to perform certain duties relating to the provision of behavioral health services in this State; and (2) the Division of Child and Family Services of the Department to administer provisions governing mental health services for children. (NRS 433.33-433.374, chapter 433B of NRS) Section 2 of this bill requires the Department to: (1) track the spending of federal and state money on the children's behavioral health system of care, which consists of certain behavioral health services for children and their families; (2) quantify and track the costs avoided through such expenditures; and (3) perform certain duties to provide oversight for and make recommendations concerning the reinvestment of the money saved through such avoided costs in the children's behavioral health system of care.

Existing law establishes a regional behavioral health policy board for each of the five behavioral health regions of this State. (NRS 433.428, 433.429) Existing law requires each regional behavioral health policy board to: (1) advise the Department, the Division of Public and Behavioral Health and the Commission on Behavioral Health regarding certain matters relating to behavioral health in the region; and (2) submit an annual report to the Commission concerning the behavioral health needs of the region and certain duties of the policy board. (NRS 433.4295) Section 8 of this bill additionally requires each regional behavioral health policy board to advise the Division of Child and Family Services regarding behavioral health for children in the region over which the policy board has jurisdiction. Section 8 also requires a regional behavioral health policy board to additionally submit the annual report to the Division of Public and Behavioral Health and the Division of Child and Family Services.

Existing law establishes a mental health consortium for each county whose population is 100,000 or more (currently Clark and Washoe Counties) and another behavioral health consortium for the jurisdiction consisting of all other counties in this State. (NRS 433B.333) ~~[Section 10.5 of this bill establishes a statewide mental health consortium to represent all mental health consortia established by existing law. Section 10.5 also prescribes the membership of the statewide mental health consortium. Section 11.3 of this bill prescribes the powers and duties of the statewide mental health consortium, which include representing all regional mental health consortia and taking certain other actions related to the mental health of children.]~~

Existing law requires each mental health consortium to: (1) prepare and submit to the Director of the Department a long-term strategic plan for the provision of mental health services to children with emotional disturbance in the jurisdiction of the consortium; and (2) annually submit to the Director of the Department and the Commission certain reports relating to the long-term strategic plan. (NRS 433B.335) ~~[Section 11 of this bill exempts the statewide mental health consortium from those requirements. Sections 6 and 11.6 of this bill make conforming changes to clarify that only a mental health consortium that represents a particular region is required to submit a long-term strategic plan.]~~ Section 11 ~~[additionally]~~ of this bill requires each mental health consortium ~~[that represents a particular region]~~ to submit the long-term strategic plan and the annual reports to the Administrator of the Division of Child and Family Services.

Existing law requires the Commission to appoint a subcommittee on the mental health of children to review each long-term strategic plan submitted by a mental health consortium that represents a particular region. (NRS 433.317) Section 6 of this bill requires that subcommittee to include two members ~~[of the statewide]~~ recommended by and upon agreement of the mental health ~~[consortium.~~

~~Existing law prescribes the number of legislative measures which may be requested by various departments, agencies and other entities of this State for each regular session of the Legislature. (NRS 218D.100-218D.220) Section 12.3 of this bill authorizes the statewide mental health consortium and each regional mental health consortium to request the drafting of not more than one legislative measure for each regular session of the Legislature. Section 12.5 of this bill makes a conforming change to indicate the proper placement of section 12.3 in the Nevada Revised Statutes.]~~ consortia.

Existing law: (1) requires a medical facility or facility for the dependent to obtain a license from the Division of Public and Behavioral Health; and (2) authorizes the State Board of Health to adopt regulations requiring the licensing of other types of facilities that provide any type of medical care or treatment. (NRS 449.030, 449.0303) Section 12.8 of this bill clarifies that the authority of the State Board to require such licensing includes the authority to require the licensing of facilities that provide behavioral health care or treatment.

Existing law requires the Division of Public and Behavioral Health to formulate and operate a comprehensive state plan for programs for alcohol or other substance use disorders. (NRS 458.025) Section 13.5 of this bill requires the ~~[Joint Interim Standing]~~ Legislative Committee on ~~[Health and Human Services]~~ Senior Citizens, Veterans and Adults With Special Needs to study, during the 2023-2024 interim, the feasibility of formulating and operating a similar comprehensive state plan for the provision of behavioral health services ~~[to adults and children]~~ in this State.

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

Section 1. Chapter 433 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *1. The Department shall:*

(a) Track the spending of federal and state money on the children's behavioral health system of care;

(b) Quantify and track the costs avoided through the expenditures described in paragraph (a) over time;

(c) Solicit, compile and analyze information and hold public hearings concerning:

(1) The use of federal and state money spent on the children's behavioral health system of care; and

(2) Ways to reinvest the money saved through the avoided costs quantified pursuant to paragraph (b) in the children's behavioral health system of care in a manner that addresses the behavioral health needs of children in this State and reduces the involvement of such children in the child welfare and juvenile justice systems;

(d) On or before June 30 of every even-numbered year, present at a meeting of the Joint Interim Standing Committee on Health and Human Services concerning:

(1) The costs that are projected to be avoided through the expenditure of federal and state money on the children's behavioral health system of care during the immediately following 2 years; and

(2) Recommendations for the reinvestment of such avoided costs in accordance with subparagraph (2) of paragraph (c); and

(e) On or before December 31 of every even-numbered year, submit a report of the information described in paragraph (d) to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means at the beginning of the next regular session of the Legislature.

2. For the purposes of this section, the children's behavioral health system of care consists of:

(a) Respite care for families and caregivers;

(b) Community-based and in-home behavioral health services for children;

(c) Services for children in a behavioral health crisis, including, without limitation, mobile crisis services and services for in-home stabilization;

(d) Services to promote the coordination of behavioral health care between families and providers, including, without limitation, high fidelity wraparound;

(e) Family-to-family peer support services;

(f) Specialty services for children with an emotional disturbance and dual diagnoses;

(g) Behavioral health services identified in the state plan for foster care and adoption assistance established pursuant to 42 U.S.C. § 671; and

(h) Any other services prescribed by regulation of the Division of Child and Family Services of the Department.

3. As used in this section:

(a) "Child with an emotional disturbance" has the meaning ascribed to it in NRS 433B.045.

(b) "High fidelity wraparound" means an evidence-based, structured and team-oriented process for developing and implementing a plan to meet all of the behavioral health needs of a child with complex behavioral health issues in collaboration with the family of the child.

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. NRS 433.317 is hereby amended to read as follows:

433.317 1. The Commission shall appoint a subcommittee on the mental health of children to review the findings and recommendations of each mental health consortium submitted ~~*[by mental health consortia]*~~ pursuant to NRS 433B.335 and to create a statewide plan for the provision of mental health services to children. *The members of the subcommittee must include, without limitation* ~~*[:*~~

~~*(a) The Chair of the statewide mental health consortium established pursuant to subsection 4 of NRS 433B.333; and*~~

~~*(b) A member of the statewide mental health consortium appointed pursuant to subparagraph (2) of paragraph (c) of subsection 4 of]*~~ *, two members recommended by and upon agreement of the mental health consortia established pursuant to NRS 433B.333 .* ~~*[, other than the Chair of the statewide mental health consortium.]*~~

2. The members of the subcommittee appointed pursuant to this section serve at the pleasure of the Commission. The members serve without compensation, except that each member is entitled, while engaged in the business of the subcommittee, to the per diem allowance and travel expenses provided for state officers and employees generally if funding is available for this purpose.

Sec. 7. (Deleted by amendment.)

Sec. 8. NRS 433.4295 is hereby amended to read as follows:

433.4295 1. Each policy board shall:

(a) Advise the Department, *the* Division , *the Division of Child and Family Services* and *the* Commission , *as appropriate,* regarding:

(1) The behavioral health needs of adults and children in the behavioral health region;

(2) Any progress, problems or proposed plans relating to the provision of behavioral health services and methods to improve the provision of behavioral health services in the behavioral health region;

(3) Identified gaps in the behavioral health services which are available in the behavioral health region and any recommendations or service enhancements to address those gaps;

(4) Any federal, state or local law or regulation that relates to behavioral health which it determines is redundant, conflicts with other laws or is obsolete and any recommendation to address any such redundant, conflicting or obsolete law or regulation; and

(5) Priorities for allocating money to support and develop behavioral health services in the behavioral health region.

(b) Promote improvements in the delivery of behavioral health services in the behavioral health region.

(c) Coordinate and exchange information with the other policy boards to provide unified and coordinated recommendations to the Department, *the* Division , *the Division of Child and Family Services* and *the* Commission regarding behavioral health services in the behavioral health region.

(d) Review the collection and reporting standards of behavioral health data to determine standards for such data collection and reporting processes.

(e) To the extent feasible, establish an organized, sustainable and accurate electronic repository of data and information concerning behavioral health and behavioral health services in the behavioral health region that is accessible to members of the public on an Internet website maintained by the policy board. A policy board may collaborate with an existing community-based organization to establish the repository.

(f) To the extent feasible, track and compile data concerning persons placed on a mental health crisis hold pursuant to NRS 433A.160, persons admitted to mental health facilities and hospitals under an emergency admission pursuant to NRS 433A.162, persons admitted to mental health facilities under an involuntary court-ordered admission pursuant to NRS 433A.200 to 433A.330, inclusive, and persons ordered to receive assisted outpatient treatment pursuant to NRS 433A.335 to 433A.345, inclusive, in the behavioral health region, including, without limitation:

(1) The outcomes of treatment provided to such persons; and

(2) Measures taken upon and after the release of such persons to address behavioral health issues and prevent future mental health crisis holds and admissions.

(g) If a data dashboard is established pursuant to NRS 439.245, use the data dashboard to review access by different groups and populations in this State to behavioral health services provided through telehealth, as defined in NRS 629.515, and evaluate policies to make such access more equitable.

(h) Identify and coordinate with other entities in the behavioral health region and this State that address issues relating to behavioral health to increase awareness of such issues and avoid duplication of efforts.

(i) In coordination with existing entities in this State that address issues relating to behavioral health services, submit an annual report to the Commission , *the Division and the Division of Child and Family Services* which includes, without limitation:

(1) The specific behavioral health needs of the behavioral health region;

(2) A description of the methods used by the policy board to collect and analyze data concerning the behavioral health needs and problems of the behavioral health region and gaps in behavioral health services which are available in the behavioral health region, including, without limitation, a list of all sources of such data used by the policy board;

(3) A description of the manner in which the policy board has carried out the requirements of paragraphs (c) and (h) and the results of those activities; and

(4) The data compiled pursuant to paragraph (f) and any conclusions that the policy board has derived from such data.

2. A report described in paragraph (i) of subsection 1 may be submitted more often than annually if the policy board determines that a specific behavioral health issue requires an additional report . ~~[to the Commission.]~~

3. As used in this section, "Division of Child and Family Services" means the Division of Child and Family Services of the Department.

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 10.5. ~~[NRS 433B.333 is hereby amended to read as follows:~~

~~433B.333 1. A mental health consortium is hereby established in each of the following jurisdictions:~~

~~(a) A county whose population is 100,000 or more; and~~

~~(b) The region consisting of all counties whose population are less than 100,000.~~

~~2. In a county whose population is 100,000 or more, such a consortium must consist of at least the following persons appointed by the Administrator:~~

~~(a) A representative of the Division;~~

~~(b) A representative of the agency which provides child welfare services;~~

~~(c) A representative of the Division of Health Care Financing and Policy of the Department;~~

~~(d) A representative of the board of trustees of the school district in the county;~~

~~(e) A representative of the local juvenile probation department;~~

~~(f) A representative of the local chamber of commerce or business community;~~

~~(g) A private provider of mental health care;~~

~~(h) A provider of foster care;~~

~~(i) A parent of a child with an emotional disturbance; and~~

~~(j) A representative of an agency which provides services for the treatment and prevention of substance use disorders.~~

~~3. In the region consisting of counties whose population are less than 100,000, such a consortium must consist of at least the following persons appointed by the Administrator:~~

~~(a) A representative of the Division of Public and Behavioral Health of the Department;~~

~~(b) A representative of the agency which provides child welfare services in the region;~~

~~(c) A representative of the Division of Health Care Financing and Policy of the Department;~~

~~(d) A representative of the boards of trustees of the school districts in the region;~~

~~(e) A representative of the local juvenile probation departments;~~

~~(f) A representative of the chambers of commerce or business community in the region;~~

~~(g) A private provider of mental health care;~~

~~(h) A provider of foster care;~~

~~(i) A parent of a child with an emotional disturbance; and~~

~~(j) A representative of an agency which provides services for the treatment and prevention of substance use disorders.~~

~~*4. A statewide mental health consortium is hereby established to represent all mental health consortia established by subsection 1. The statewide mental health consortium must consist of:*~~

~~*(a) The Administrator as an ex officio, nonvoting member. The Administrator may designate an alternate who is an employee of the Division or another person to attend any meeting of the consortium in his or her place.*~~

~~*(b) The following voting members:*~~

~~*(1) A representative of the Division of Health Care Financing and Policy of the Department, appointed by the Administrator of that Division;*~~

~~*(2) A representative of the Department of Education, appointed by the Superintendent of Public Instruction; and*~~

~~*(3) A representative of the Division of Child and Family Services of the Department, appointed by the Administrator.*~~

~~*(c) The following voting members, appointed by the mental health consortium established by subsection 1 of which they are a member:*~~

~~*(1) Not more than three members from each mental health consortium established by subsection 1; and*~~

~~*(2) In addition to the members appointed pursuant to subparagraph (1), one parent or legal guardian of a child with an emotional disturbance from each mental health consortium established by subsection 1.*~~

~~*5. The statewide mental health consortium established pursuant to subsection 4 shall annually elect a Chair from among its voting members.]*~~ (Deleted by amendment.)

Sec. 11. NRS 433B.335 is hereby amended to read as follows:

433B.335 1. Each mental health consortium established pursuant to ~~*[by subsection 1 of]*~~ NRS 433B.333 shall prepare and submit to the Director of the Department *and the Administrator* a long-term strategic plan for the provision of mental health services to children with emotional disturbance in the jurisdiction of the consortium. A plan submitted pursuant to this section is valid for 10 years after the date of submission, and each consortium shall submit a new plan upon its expiration.

2. In preparing the long-term strategic plan pursuant to subsection 1, each mental health consortium ~~*[established by subsection 1 of NRS 433B.333]*~~ must be guided by the following principles:

(a) The system of mental health services set forth in the plan should be centered on children with emotional disturbance and their families, with the needs and strengths of those children and their families dictating the types and mix of services provided.

(b) The families of children with emotional disturbance, including, without limitation, foster parents, should be active participants in all aspects of planning, selecting and delivering mental health services at the local level.

(c) The system of mental health services should be community-based and flexible, with accountability and the focus of the services at the local level.

(d) The system of mental health services should provide timely access to a comprehensive array of cost-effective mental health services.

(e) Children and their families who are in need of mental health services should be identified as early as possible through screening, assessment processes, treatment and systems of support.

(f) Comprehensive mental health services should be made available in the least restrictive but clinically appropriate environment.

(g) The family of a child with an emotional disturbance should be eligible to receive mental health services from the system.

(h) Mental health services should be provided to children with emotional disturbance in a sensitive manner that is responsive to cultural and gender-based differences and the special needs of the children.

3. The long-term strategic plan prepared pursuant to subsection 1 must include:

(a) An assessment of the need for mental health services in the jurisdiction of the consortium;

(b) The long-term strategies and goals of the consortium for providing mental health services to children with emotional disturbance within the jurisdiction of the consortium;

(c) A description of the types of services to be offered to children with emotional disturbance within the jurisdiction of the consortium;

(d) Criteria for eligibility for those services;

(e) A description of the manner in which those services may be obtained by eligible children;

(f) The manner in which the costs for those services will be allocated;

(g) The mechanisms to manage the money provided for those services;

(h) Documentation of the number of children with emotional disturbance who are not currently being provided services, the costs to provide services to those children, the obstacles to providing services to those children and recommendations for removing those obstacles;

(i) Methods for obtaining additional money and services for children with emotional disturbance from private and public entities; and

(j) The manner in which family members of eligible children and other persons may be involved in the treatment of the children.

4. On or before January 31 of each even-numbered year, each mental health consortium ~~*[established by subsection 1 of NRS 433B.333]*~~ shall submit to the Director of the Department , *the Administrator* and the Commission:

(a) A list of the priorities of services necessary to implement the long-term strategic plan submitted pursuant to subsection 1 and an itemized list of the costs to provide those services;

(b) A description of any revisions to the long-term strategic plan adopted by the consortium during the immediately preceding year; and

(c) Any request for an allocation for administrative expenses of the consortium.

5. In preparing the biennial budget request for the Department, the Director of the Department shall consider the list of priorities and any request for an allocation submitted pursuant to subsection 4 by each mental health consortium . ~~*[established by subsection 1 of NRS 433B.333.]*~~ On or before September 30 of each even-numbered year, the Director of the Department shall submit to each mental health consortium ~~*[established by subsection 1 of NRS 433B.333]*~~ a report which includes a description of:

(a) Each item on the list of priorities of the consortium that was included in the biennial budget request for the Department;

(b) Each item on the list of priorities of the consortium that was not included in the biennial budget request for the Department and an explanation for the exclusion; and

(c) Any request for an allocation for administrative expenses of the consortium that was included in the biennial budget request for the Department.

6. On or before January 31 of each odd-numbered year, each ~~*[mental health]*~~ consortium ~~*[established by subsection 1 of NRS 433B.333]*~~ shall submit to the Director of the Department , *the Administrator* and the Commission:

(a) A report regarding the status of the long-term strategic plan submitted pursuant to subsection 1, including, without limitation, the status of the strategies, goals and services included in the plan;

(b) A description of any revisions to the long-term strategic plan adopted by the consortium during the immediately preceding year; and

(c) A report of all expenditures made from an account maintained pursuant to NRS 433B.339, if any.

Sec. 11.3. ~~[NRS 433B.337 is hereby amended to read as follows:~~

~~— 433B.337 — 1. — A mental health consortium established by *subsection 1 of* NRS 433B.333 may:~~

~~— (a) Participate in activities within the jurisdiction of the consortium to:~~

~~— — (1) Implement the provisions of the long-term strategic plan established by the consortium pursuant to NRS 433B.335; and~~

~~(2) Improve the provision of mental health services to children with emotional disturbance and their families, including, without limitation, advertising the availability of mental health services and carrying out a demonstration project relating to mental health services.~~

~~(b) Take other action to carry out its duties set forth in this section and NRS 433B.335 and 433B.339.~~

~~*2. The statewide mental health consortium established by subsection 4 of NRS 433B.333 shall:*~~

~~*(a) Represent all mental health consortia established by subsection 1 of NRS 433B.333 before the Legislature, Commission and Department.*~~

~~*(b) Review, make recommendations for and approve programs proposed by the Division to prevent placing children in facilities located outside of the home or home state of the child for the treatment of emotional disturbance, substance use disorders or co-occurring disorders.*~~

~~*(c) Evaluate the future needs of this State concerning the treatment of children with emotional disturbance, substance use disorders or co-occurring disorders and develop ways to improve the treatment currently provided.*~~

~~*(d) Take any other action necessary to promote the mental health of children in this State.*~~

~~*3. The statewide mental health consortium established by subsection 4 of NRS 433B.333 may:*~~

~~*(a) Create a document that consolidates the strategies, goals and services in the long-term strategic plan prepared by each mental health consortium pursuant to NRS 433B.335.*~~

~~*(b) Take such other action as is necessary to represent all mental health consortia established by subsection 1 of NRS 433B.333.*~~

~~*4.* To the extent practicable, a mental health consortium *established by subsection 1 of NRS 433B.333 and the statewide mental health consortium established by subsection 4 of NRS 433B.333* shall coordinate with the Department to avoid duplicating or contradicting the efforts of the Department to provide mental health services to children with emotional disturbance and their families.~~]~~ (Deleted by amendment.)

Sec. 11.6. ~~[NRS 433B.339 is hereby amended to read as follows:~~

~~433B.339 1. A mental health consortium established by *subsection 1 of NRS 433B.333 and the statewide mental health consortium established by subsection 4 of* NRS 433B.333 may:~~

~~(a) Enter into contracts and agreements to carry out the provisions of this section , [and] NRS [433B.335 and] 433B.337 [;] and , *if applicable, NRS 433B.335; and*~~

~~(b) Apply for and accept gifts, grants, donations and bequests from any source to carry out the provisions of this section , [and] NRS [433B.335 and] 433B.337 [.] *and, if applicable, NRS 433B.335.*~~

~~2. Any money collected pursuant to subsection 1:~~

~~(a) Must be deposited in the State Treasury and accounted for separately in the State General Fund; and~~

~~(b) Except as otherwise provided by the terms of a specific gift, grant, donation or bequest, must only be expended, under the direction of the consortium which deposited the money, to carry out the provisions of this section , [and] NRS [433B.335 and] 433B.337 [.] *and, if applicable, NRS 433B.335.*~~

~~3. The Administrator shall administer the account maintained for each consortium.~~

~~4. Any interest or income earned on the money in an account maintained pursuant to this section must be credited to the account and does not revert to the State General Fund at the end of a fiscal year.~~

~~5. Any claims against an account maintained pursuant to this section must be paid as other claims against the State are paid.]~~ (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 12.3. ~~[Chapter 218D of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. For a regular session, the statewide mental health consortium established by subsection 4 of NRS 433B.333 and each mental health consortium established by subsection 1 of NRS 433B.333 may request the drafting of not more than one legislative measure which relates to matters within the scope of the consortium.*~~

~~*2. Any such request must be submitted to the Legislative Counsel on or before September 1 preceding a regular session.*~~

~~*3. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel. A legislative measure requested pursuant to this section must be prefiled on or before the third Wednesday in November preceding a regular session. A legislative measure that is not prefiled on or before that day shall be deemed withdrawn.]~~ (Deleted by amendment.)

Sec. 12.5. ~~[NRS 218D.100 is hereby amended to read as follows:~~

~~218D.100 1. The provisions of NRS 218D.100 to 218D.220, inclusive, apply to requests for the drafting of legislative measures for a regular session.~~

~~2. Except as otherwise provided by a specific statute, joint rule or concurrent resolution, the Legislative Counsel shall not honor a request for the drafting of a legislative measure if the request:~~

~~(a) Exceeds the number of requests authorized by NRS 218D.100 to 218D.220, inclusive, *and section 12.3 of this act* for the requester; or~~

~~(b) Is submitted by an authorized nonlegislative requester pursuant to NRS 218D.175 to 218D.220, inclusive, *and section 12.3 of this act* but is not in a subject related to the function of the requester.~~

~~3. The Legislative Counsel shall not:~~

~~(a) Honor a request to change the subject matter of a request for the drafting of a legislative measure after it has been submitted for drafting.~~

~~(b) Honor a request for the drafting of a legislative measure which has been combined in violation of Section 17 of Article 4 of the Nevada Constitution.]~~ (Deleted by amendment.)

Sec. 12.8. NRS 449.0303 is hereby amended to read as follows:

449.0303 The Board may adopt regulations requiring the licensing of a facility other than those required to be licensed pursuant to NRS 449.029 to 449.2428, inclusive, if the:

1. Facility provides any type of medical care or treatment ~~[;]~~ *, including, without limitation, behavioral health care or treatment;* and

2. Regulation is necessary to protect the health of the general public.

Sec. 13. (Deleted by amendment.)

Sec. 13.5. 1. During the 2023-2024 interim, the ~~[Joint Interim Standing]~~ Legislative Committee on ~~[Health and Human Services]~~ Senior Citizens, Veterans and Adults With Special Needs created by NRS 218E.750 shall study the feasibility of formulating and operating a comprehensive plan to provide behavioral health services ~~[for adults and children]~~ in this State. In conducting the study, the ~~[Joint Interim Standing]~~ Committee may collaborate with:

(a) The Commission on Behavioral Health;

(b) ~~[Any mental health consortium established by NRS 433B.333, as amended by section 10.5 of this act;~~

~~(c)]~~ Personnel of the Department of Health and Human Services or any division thereof;

~~[(d)]~~ (c) Any regional behavioral health policy board created by NRS 433.429; and

~~[(e)]~~ (d) Any other state or local governmental entity that provides or performs duties relating to behavioral health services in this State.

2. On or before September 1, 2024, the ~~[Joint Interim Standing]~~ Legislative Committee on ~~[Health and Human Services]~~ Senior Citizens, Veterans and Adults With Special Needs shall submit a report of the results of the study conducted pursuant to subsection 1 and recommendations for legislation resulting from the study to:

(a) The Governor; and

(b) The Director of the Legislative Counsel Bureau for transmittal to the 83rd Session of the Nevada Legislature.

Sec. 14. 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. 15. (Deleted by amendment.)

Sec. 16. This act becomes effective on July 1, 2023.

Senator Doñate moved the adoption of the amendment.

Remarks by Senator Doñate.

Amendment No. 950 to Assembly Bill No. 201 removes the Statewide Mental Health Consortium.

Amendment adopted.

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

Assembly Bill No. 208.

Bill read second time and ordered to third reading.

Assembly Bill No. 216.
Bill read second time and ordered to third reading.

Assembly Bill No. 224.
Bill read second time and ordered to third reading.

Assembly Bill No. 237.
Bill read second time and ordered to third reading.

Assembly Bill No. 255.
Bill read second time and ordered to third reading.

Assembly Bill No. 259.
Bill read second time and ordered to third reading.

Assembly Bill No. 319.
Bill read second time and ordered to third reading.

Assembly Bill No. 383.
Bill read second time and ordered to third reading.

Assembly Bill No. 388.
Bill read second time and ordered to third reading.

Assembly Bill No. 422.
Bill read second time and ordered to third reading.

Assembly Bill No. 430.
Bill read second time.

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

Amendment No. 946.

SUMMARY—Revises provisions relating to cannabis. (BDR 32-893)

AN ACT relating to taxation; ~~[revising the definition of "vapor product";]~~ revising provisions governing the excise tax on cannabis; requiring the Department of Taxation to adopt certain regulations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law imposes a tax upon the receipt, purchase or sale of other tobacco products by a customer in this State at a rate of 30 percent of the wholesale price of those products. (NRS 370.450) Under existing law, vapor products, including electronic cigarettes, cigars, cigarillos, pipes, hookahs, vape pens and similar products or devices and their components are taxed as other tobacco products. (NRS 370.0318, 370.450) Sections 1 and 1.7 of this bill revise the definition of "vapor product" to exclude cannabis vaporizers which are products that: (1) are solely designed or intended to be used for vaporizing, ingesting, inhaling or otherwise introducing cannabis or cannabis products into the human body; and (2) include a clear and conspicuous label~~

~~that includes certain information. Section 1.3 makes a conforming change to indicate the proper placement of section 1 in the Nevada Revised Statutes.]~~

Existing law imposes an excise tax at the rate of 15 percent of the fair market value at wholesale upon each wholesale sale of cannabis by a medical cannabis cultivation facility or an adult-use cannabis cultivation facility to another cannabis establishment. (NRS 372A.290) Existing law imposes an excise tax at the rate of 10 percent of the sales price of each retail sale of cannabis or cannabis products by an adult-use cannabis retail store or cannabis consumption lounge. (NRS 372A.290) Section 7 of this bill revises the excise tax on the wholesale sale of cannabis to apply the tax only to the first wholesale sale and to provide that the tax is at the rate of 15 percent of: (1) the fair market value at wholesale for sales made to an affiliate of the medical cannabis cultivation facility or adult-use cannabis cultivation facility; or (2) the sales price, if the sale is made to a cannabis establishment that is not an affiliate of the medical cannabis cultivation facility or adult-use cannabis cultivation facility.

~~[Section 4 of this bill revises the definition of "sales price" to exclude the amount of any excise tax on cannabis or cannabis products.]~~

Existing law requires the Department of Taxation to adopt regulations to establish procedures to determine the fair market value at wholesale of cannabis. (NRS 678B.640) Section 9 of this bill establishes certain additional requirements for the regulations adopted by the Department. Section 9 requires the Cannabis Compliance Board to ensure that any computer software used for the seed-to-sale tracking of cannabis adopted by the Board includes a method to denote transfers of cannabis between affiliates.

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

Section 1. ~~[Chapter 370 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. "Cannabis vaporizer" means a product that:*~~

~~*(a) Is solely designed or intended to be used for vaporizing, ingesting, inhaling or otherwise introducing cannabis, as defined in NRS 678A.085, or any cannabis product into the human body; and*~~

~~*(b) Includes a clear and conspicuous label which identifies the product as a cannabis vaporizer and states that the product is not for tobacco, nicotine, e-liquid or any synthetic nicotine substance.*~~

~~*2. The term does not include a product that may also be used for vaporizing, ingesting, inhaling or otherwise introducing nicotine into the human body.]*~~ (Deleted by amendment.)

Sec. 1.3. ~~[NRS 370.007 is hereby amended to read as follows:~~

~~370.007 As used in NRS 370.007 to 370.430, inclusive, *and section 1 of this act*, and 370.505 to 370.530, inclusive, unless the context otherwise requires, the words and terms defined in NRS 370.008 to 370.055, inclusive, *and section 1 of this act*, have the meanings ascribed to them in those sections.]~~ (Deleted by amendment.)

Sec. 1.7. ~~[NRS 370.054 is hereby amended to read as follows:~~

~~"370.054 "Vapor product":~~

~~1. Means any noncombustible product containing nicotine or any other substance that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of the shape or size thereof, that can be used to produce vapor from nicotine or any other substance in a solution or other form, the use or inhalation of which simulates smoking.~~

~~2. Includes, without limitation:~~

~~(a) An electronic cigarette, cigar, cigarillo, pipe, hookah, or vape pen, or a similar product or device; and~~

~~(b) The components of such a product or device, whether or not sold separately, including, without limitation, vapor cartridges or other container of nicotine or any other substance in a solution or other form that is intended to be used with or in an electronic cigarette, cigar, cigarillo, pipe, hookah, or vape pen, or a similar product or device, atomizers, cartomizers, digital displays, clearomizers, tank systems, flavors, programmable software or other similar products or devices. As used in this paragraph, "component" means a product intended primarily or exclusively to be used with or in an electronic cigarette, cigar, cigarillo, pipe, hookah, or vape pen, or a similar product or device.~~

~~3. Does not include any product:~~

~~(a) Regulated by the United States Food and Drug Administration pursuant to subchapter V of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. §§ 351 et seq.~~

~~(b) Subject to the excise tax on cannabis or cannabis products pursuant to NRS 372A.200 to 372A.380, inclusive.~~

~~(c) Purchased by a person who holds a current, valid medical cannabis establishment license pursuant to chapter 678B of NRS.~~

~~*(d) Which is a cannabis vaporizer.]~~* (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. ~~[NRS 372A.247 is hereby amended to read as follows:~~

~~372A.247 1. "Sales price" means the total amount for which tangible property is sold, valued in money, whether paid in money or otherwise, without any deduction on account of any of the following:~~

~~(a) The cost of the property sold.~~

~~(b) The cost of materials used, labor or service cost, interest charged, losses or any other expenses.~~

~~(c) The cost of transportation of the property before its purchase.~~

~~2. The total amount for which property is sold includes all of the following:~~

~~(a) Any services that are a part of the sale.~~

~~(b) Any amount for which credit is given to the purchaser by the seller.~~

~~3. "Sales price" does not include any of the following:~~

~~(a) Cash discounts allowed and taken on sales.~~

~~(b) The amount charged for property returned by customers when the entire amount charged therefor is refunded either in cash or credit, except that this exclusion does not apply in any instance when the customer, to obtain the refund, is required to purchase other property at a price greater than the amount charged for the property that is returned.~~

~~(c) The amount of any tax, not including any manufacturers' or importers' excise tax, imposed by the United States upon or with respect to retail sales, whether imposed upon the retailer or the consumer.~~

~~*(d) The amount of any tax imposed pursuant to NRS 372A.200 to 372A.380, inclusive.*~~ (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. NRS 372A.290 is hereby amended to read as follows:

372A.290 1. An excise tax is hereby imposed on ~~[each]~~ *the first* wholesale sale in this State of cannabis by a medical cannabis cultivation facility to another cannabis establishment at the rate of 15 percent of ~~[the]~~ *:*

(a) The fair market value at wholesale of the cannabis ~~[.]~~ *, if the sale is made to an affiliate of the medical cannabis cultivation facility; or*

(b) The sales price of the cannabis, if the sale is made to a cannabis establishment that is not an affiliate of the medical cannabis cultivation facility.

➥ The excise tax imposed pursuant to this subsection is the obligation of the medical cannabis cultivation facility.

2. An excise tax is hereby imposed on ~~[each]~~ *the first* wholesale sale in this State of cannabis by an adult-use cannabis cultivation facility to another cannabis establishment at the rate of 15 percent of ~~[the]~~ *:*

(a) The fair market value at wholesale of the cannabis ~~[.]~~ *, if the sale is made to an affiliate of the adult-use cannabis cultivation facility; or*

(b) The sales price of the cannabis, if the sale is made to a cannabis establishment that is not an affiliate of the adult-use cannabis cultivation facility.

➥ The excise tax imposed pursuant to this subsection is the obligation of the adult-use cannabis cultivation facility.

3. An excise tax is hereby imposed on each retail sale in this State of cannabis or cannabis products by an adult-use cannabis retail store or cannabis consumption lounge at the rate of 10 percent of the sales price of the cannabis or cannabis products. The excise tax imposed pursuant to this subsection:

(a) Is the obligation of the seller of the cannabis or cannabis product ~~[,]~~ *but may be recovered from the purchaser.*

(b) Is separate from and in addition to any general state and local sales and use taxes that apply to retail sales of tangible personal property.

4. The revenues collected from the excise tax imposed pursuant to subsection 1 must be distributed:

(a) To the Cannabis Compliance Board and to local governments in an amount determined to be necessary by the Board to pay the costs of the Board

and local governments in carrying out the provisions of chapter 678C of NRS; and

(b) If any money remains after the revenues are distributed pursuant to paragraph (a), to the State Treasurer to be deposited to the credit of the State Education Fund.

5. The revenues collected from the excise tax imposed pursuant to subsection 2 must be distributed:

(a) To the Cannabis Compliance Board and to local governments in an amount determined to be necessary by the Board to pay the costs of the Board and local governments in carrying out the provisions of chapter 678D of NRS; and

(b) If any money remains after the revenues are distributed pursuant to paragraph (a), to the State Treasurer to be deposited to the credit of the State Education Fund.

6. For the purpose of subsections 4 and 5, a total amount of $5,000,000 of the revenues collected from the excise tax imposed pursuant to subsection 1 and the excise tax imposed pursuant to subsection 2 in each fiscal year shall be deemed sufficient to pay the costs of all local governments to carry out the provisions of chapters 678C and 678D of NRS. The Board shall, by regulation, determine the manner in which local governments may be reimbursed for the costs of carrying out the provisions of chapters 678C and 678D of NRS.

7. The revenues collected from the excise tax imposed pursuant to subsection 3 must be paid over as collected to the State Treasurer to be deposited to the credit of the State Education Fund.

8. As used in this section:

(a) "Adult-use cannabis cultivation facility" has the meaning ascribed to it in NRS 678A.025.

(b) *"Affiliate" means a person who, directly or indirectly through one or more intermediaries, controls, is controlled by or is under common control with, a specified person.*

(c) "Cannabis product" has the meaning ascribed to it in NRS 678A.120.

~~[(c)]~~ *(d)* "Local government" has the meaning ascribed to it in NRS 360.640.

~~[(d)]~~ *(e)* "Medical cannabis cultivation facility" has the meaning ascribed to it in NRS 678A.170.

~~[(e)]~~ *(f)* "Medical cannabis establishment" has the meaning ascribed to it in NRS 678A.180.

~~[(f)]~~ *(g)* "Wholesale sale" means ~~[a]~~ *the first* sale or transfer of cannabis by a cannabis cultivation facility to another cannabis establishment. The term does not include a transfer of cannabis by a cannabis cultivation facility to another cannabis cultivation facility when both cannabis cultivation facilities share identical ownership.

Sec. 8. (Deleted by amendment.)

Sec. 9. NRS 678B.640 is hereby amended to read as follows:

678B.640 *1.* The Department of Taxation shall adopt regulations to

establish procedures to determine the fair market value at wholesale of cannabis. *The regulations shall:*

(a) Provide that the fair market value of cannabis:

(1) Will be calculated and published by the Department on a quarterly basis not more than 30 days after the end of each calendar quarter; and

(2) Is the median sales price for wholesale sales between cannabis cultivation facilities and cannabis establishments that are not affiliates, per pound or each, during the period specified in subparagraph (1).

(b) Prescribe any information required by the Department to determine the fair market value at wholesale of cannabis.

2. The Board shall ensure that any computer software used for the seed-to-sale tracking of cannabis adopted by the Board includes a method to denote transfers of cannabis between affiliates.

3. The Board shall furnish the Department with such information as the Department determines to be necessary to adopt the regulations required by this section.

4. As used in this section, "affiliate" has the meaning ascribed to it in NRS 372A.290.

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

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

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

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

Senator Neal moved the adoption of the amendment.

Remarks by Senator Neal.

Amendment No. 946 to Assembly Bill No. 430 deletes sections 1, 1.3, 1.7 and 4 of the bill.

Amendment adopted.

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

Assembly Bill No. 451.

Bill read second time and ordered to third reading.

Assembly Bill No. 498.

Bill read second time and ordered to third reading.

Assembly Bill No. 515.

Bill read second time and ordered to third reading.

Assembly Bill No. 516.

Bill read second time and ordered to third reading.

Assembly Bill No. 523.

Bill read second time and ordered to third reading.

UNFINISHED BUSINESS
CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 81.

The following Assembly amendment was read:

Amendment No. 583.

SUMMARY—Revises provisions governing regional planning. (BDR S-536)

AN ACT relating to regional planning; requiring representatives of certain counties and cities to meet jointly for a specified period to identify issues and make recommendations regarding the orderly management of growth in the region; requiring such representatives to prepare certain joint reports during that period; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires Carson City, Douglas County, Lyon County, Storey County and Washoe County, in consultation with any cities within each such county, to each prepare a report for submission to each Legislator who represents any portion of one of these counties at the end of each calendar year between July 1, 2019, and December 31, 2022. Each report must identify certain issues relating to the orderly management of growth in those counties and make recommendations regarding such issues. (Chapter 144, Statutes of Nevada 2019, at page 798) This bill extends the meeting and reporting requirements through calendar year 2026 and revises the meeting and reporting requirements.

Specifically, this bill requires, on or before December 1 of each calendar year during the period between July 1, 2023, and December 1, 2026, Carson City, Douglas County, Lyon County, Storey County and Washoe County, in consultation with any cities within each such county, to meet to discuss and identify the positive and negative issues relating to growth in the region that are impacting any such county and prepare a joint report that: (1) identifies certain issues relating to growth in the region; and (2) addresses, without limitation, the areas of conservation, population, land use and development, transportation, and public facilities and services. Each joint report must set forth recommendations that are intended to resolve any negative impact on such issues which have been identified in the joint report.

Additionally, this bill requires during the period between January 1, 2024, and January 1, 2027, certain Legislators and other representatives of each county and city in the region to meet jointly at least twice during each calendar year during the period to identify and discuss the positive and negative issues relating to the orderly management of growth in the region. On or before December 31 of each calendar year during the period, county managers or certain other designees are required to prepare a joint regional report of the issues identified. The joint regional report must also address comprehensively all of the issues identified and recommendations made in the reports prepared by the counties and cities.

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

Section 1. Section 1 of chapter 144, Statutes of Nevada 2019, at page 798, is hereby amended to read as follows:

Section 1. 1. The Legislature hereby finds and declares that:

(a) The region of Carson City, Douglas County, Lyon County, Storey County and Washoe County is a unique, contiguous geographical area that comprises the northwestern border of Nevada.

(b) As part of *one of* the fastest-growing ~~[state]~~ *states* in the nation, the population of this region has increased rapidly in recent years, especially as a result of the location of substantial economic development projects in the region.

(c) This increased population and economic development activity has *had* a significant impact on resources beyond the boundaries of individual political subdivisions, affecting the region in such areas as transportation, land use development and public services and facilities.

(d) *The increased demand from development has placed a significant amount of stress on the I-80 commercial corridor within Lyon, Storey and Washoe Counties, necessitating a strong focus to protect residents and visitors as well as the economic vitality of the region.*

(e) Because of the unique conditions in the region, a general law cannot be made applicable and necessitates this special act to require discussion and planning for the orderly management of growth in the region in a collaborative and structured manner by the counties and cities in the region for the well-being of the residents as well as the long-term economic development of the region.

2. On or before December ~~[31]~~ *1* of each calendar year during the period between July 1, ~~[2019,]~~ *2023,* and December ~~[31, 2022,]~~ *1, 2026,* each county in the region, in consultation with any cities within each such county, shall *meet to discuss and identify the positive and negative issues relating to growth in the region that are impacting any county in the region and* prepare and submit to each Legislator who represents any portion of the ~~[county]~~ *region* a ~~[separate]~~ *joint* report that:

(a) Identifies ~~[issues]~~ *each positive or negative issue* relating to the orderly management of growth in the *region that is impacting any* county, including cities within ~~[the]~~ *any* county ~~[, and]~~ *in* the region, including, without limitation, issues in the following areas:

(1) Conservation, including, without limitation, the use and protection of natural resources ~~[,]~~ *, architectural conservation and preservation planning;*

(2) Population, including, without limitation, projected population growth *in the region* and the projected resources *of the county or city that are* necessary to support that *regional* population ~~[,]~~ *growth;*

(3) Land use and development;

(4) Transportation ~~[,]~~ *, including, without limitation, the I-80 corridor and surrounding arterials;* and

(5) Public facilities and services, including, without limitation, roads, water and sewer service, flood control, police and fire protection, mass transit, libraries and parks.

(b) ~~[Makes]~~ *Set forth* recommendations ~~[regarding]~~ *that are intended to resolve any negative impact on* those issues ~~[.]~~ *that are identified in the joint report.*

3. In preparing the *joint* report required by subsection 2, each county in the region and any city within such a county may consult with and solicit input concerning issues relating to the orderly management of growth in the county, city or region from *any state agency, including, without limitation, the Department of Transportation and the Office of Economic Development, and from* other entities in the county, including, without limitation, ~~[the]~~ school ~~[district]~~ *districts* and any town, airport authority, regional transportation commission, water authority, military base, flood control agency, public safety agency or Indian colony or tribe in the county. *Such input may include, without limitation, any I-80 corridor planning reports prepared by the Department of Transportation.*

4. During the period between January 1, ~~[2020,]~~ *2024,* and ~~[December 1, 2023,]~~ *January 1, 2027, two members, one from the majority political party and one from the minority political party, of the Senate whose legislative districts include any area within the region and designated by the Majority Leader of the Senate, two members, one from the majority political party and one from the minority political party, of the Assembly whose legislative districts include any area within the region and designated by the Speaker of the Assembly,* the county manager of each county in the region or his or her designee, or if a county manager is not appointed pursuant to NRS 244.125, a person designated by the board of county commissioners of the county, and the city manager of each city in the region or his or her designee or, if the city does not have a city manager, a person designated by the governing body of the city, shall meet jointly at least twice during each calendar year in that period to identify and discuss *the positive and negative* issues relating to the orderly management of growth in the region, including, without limitation, the issues identified and *any* recommendations made in the *joint* reports prepared pursuant to subsection 2. *Each Legislator and city manager serve in an ex officio capacity and are not voting members.*

5. Except as otherwise provided in this subsection, on or before December ~~[1]~~ *31* of each calendar year during the period between January 1, ~~[2020,]~~ *2024,* and ~~[December 1, 2023, the counties in the region, in consultation with the cities in the region,]~~ *January 1, 2027, the county managers or their designees described in subsection 4* shall

prepare a joint *regional* report of the issues identified during the meetings held pursuant to subsection 4 during that calendar year and any recommendations made relating to those issues . ~~[and submit the report]~~ *The contents of each joint regional report must be approved by a simple majority of the county managers or their designees described in subsection 4. Each joint regional report must be submitted* to each Legislator who represents any portion of a county in the region and to the Legislative Commission. ~~[The]~~ *Each* joint report that must be submitted ~~[on or before December 1, 2023,]~~ *pursuant to this subsection* must address comprehensively all the issues identified and recommendations made by the counties and cities in the ~~[region during the period between January 1, 2020, and December 1, 2023, relating to the orderly management of growth in the region.]~~ *joint report prepared by the counties and cities pursuant to subsection 2.*

6. *A Legislator is not entitled to compensation or to any per diem or travel expenses to attend a meeting described in subsection 4.*

7. As used in this section, "region" means the combined geographical area consisting of Carson City, Douglas County, Lyon County, Storey County and Washoe County.

Sec. 2. Section 2 of chapter 144, Statutes of Nevada 2019, at page 800, is hereby amended to read as follows:

Sec. 2. This act becomes effective on July 1, 2019 . ~~[, and expires by limitation on December 31, 2023.]~~

Sec. 3. This act becomes effective on July 1, 2023.

Senator Flores moved that the Senate concur in Assembly Amendment No. 583 to Senate Bill No. 81.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 155.

The following Assembly amendments were read:

Amendment No. 625.

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

AN ACT relating to ~~[homeless persons;]~~ crimes; revising provisions relating to certain crimes committed by homeless persons; authorizing a justice court or a municipal court to transfer original jurisdiction of certain cases to the district court to enable the defendant to receive assisted outpatient treatment; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes certain diversionary and specialty court programs to which certain defendants may be assigned, such as the preprosecution diversionary program and specialty court programs for veterans and members of the military, persons with mental illness and persons who use alcohol or other substances. (NRS 174.032, 176A.230, 176A.250, 176A.280)

Sections 4-8 of this bill authorize homeless persons who commit certain misdemeanor offenses to be assigned to such diversionary and specialty court programs. Section 5 of this bill authorizes a court that assigns a homeless person to complete such a program of treatment to waive or reduce any fine, administrative assessment or fee that would otherwise be imposed upon the homeless person for committing such an offense.

Existing law authorizes a criminal defendant or the district attorney to make a motion to the district court to commence a proceeding for the issuance of a court order requiring assisted outpatient treatment of the defendant or the district court to commence such a proceeding on its own motion. (NRS 433A.335) Sections 5-11 of this bill authorize a justice court or a municipal court to transfer original jurisdiction of a case involving a defendant who is eligible to receive assisted outpatient treatment to the district court, including homeless persons who commit certain misdemeanors pursuant to section 5. Sections 12 and 13 of this bill make conforming changes to refer to provisions that have been renumbered by section 11.

Existing law limits the definition of an "eligible defendant" to mean a person who: (1) has not tendered a plea of guilty, guilty but mentally ill or nolo contendere to, or been found guilty or guilty but mentally ill of, an offense that is a misdemeanor; (2) appears to suffer from mental illness or to be intellectually disabled; and (3) would benefit from assignment to a specialty court program. (NRS 176A.235, 176A.255, 176A.285) Sections 6-8 of this bill expand the definition of an "eligible defendant" to include any person who, regardless of whether the person has tendered a plea to or been found guilty of an offense that is a misdemeanor: (1) appears to suffer from a mental illness or to be intellectually disabled; and (2) would benefit from assignment to a specialty court program.

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

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

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

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

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

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

(a) A program of treatment which may rehabilitate a defendant, including, without limitation, educational programs, participation in a support group,

anger management therapy, counseling , ~~[or]~~ a program of treatment for veterans and members of the military, mental illness or intellectual disabilities ~~[,]~~ or the use of alcohol or other substances ~~[;]~~ *or* ~~[chronic homelessness;]~~ *a program of treatment to assist homeless persons;*

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

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

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

5. The justice court or municipal court shall, when assigning a defendant to a preprosecution diversion program, issue an order setting forth the terms and conditions for successful completion of the preprosecution diversion program, which may include, without limitation:

(a) Any program of treatment the defendant is required to complete;

(b) Any sanctions and the manner in which they must be carried out by the defendant;

(c) The date by which the terms and conditions must be completed by the defendant, which must not be more than 18 months after the date of the order;

(d) A requirement that the defendant appear before the court at least one time every 3 months for a status hearing on the progress of the defendant toward completion of the terms and conditions set forth in the order; and

(e) A notice relating to the provisions of subsection 3 of NRS 174.033.

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

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

8. As used in this section, "homeless person" has the meaning ascribed to it in section 5 of this act.

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

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

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

3. As used in this section:

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

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

(1) NRS 202.450.
(2) NRS 205.860.
(3) NRS 206.010.
(4) NRS 206.040.
(5) NRS 206.140.
(6) NRS 206.310.
(7) NRS 207.030.
(8) NRS 207.200.
(9) NRS 207.203.

(c) "Homeless person" means a person:

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

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

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

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

(d) "Program of treatment" means a preprosecution diversion program, specialty court program or other program designed to assist homeless persons that is established pursuant to NRS 174.032, 176A.230, 176A.250, 176A.280 , 433A.335 or another specific statute or by court rule or court order.

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

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

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

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

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

~~[(c)]~~ *(b)* Would benefit from assignment to a program established pursuant to NRS 176A.230.

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

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

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

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

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

~~[(c)]~~ *(b)* Would benefit from assignment to a program established pursuant to *:*

(1) NRS 176A.250 ~~[.]~~ *; or*

(2) NRS 433A.335, if the defendant is eligible to receive assisted outpatient treatment pursuant to that section.

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

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

Sec. 9. NRS 4.370 is hereby amended to read as follows:

4.370 1. Except as otherwise provided in subsection 2, justice courts have jurisdiction of the following civil actions and proceedings and no others except as otherwise provided by specific statute:

(a) In actions arising on contract for the recovery of money only, if the sum claimed, exclusive of interest, does not exceed $15,000.

(b) In actions for damages for injury to the person, or for taking, detaining or injuring personal property, or for injury to real property where no issue is raised by the verified answer of the defendant involving the title to or

boundaries of the real property, if the damage claimed does not exceed $15,000.

(c) Except as otherwise provided in paragraph (l), in actions for a fine, penalty or forfeiture not exceeding $15,000, given by statute or the ordinance of a county, city or town, where no issue is raised by the answer involving the legality of any tax, impost, assessment, toll or municipal fine.

(d) In actions upon bonds or undertakings conditioned for the payment of money, if the sum claimed does not exceed $15,000, though the penalty may exceed that sum. Bail bonds and other undertakings posted in criminal matters may be forfeited regardless of amount.

(e) In actions to recover the possession of personal property, if the value of the property does not exceed $15,000.

(f) To take and enter judgment on the confession of a defendant, when the amount confessed, exclusive of interest, does not exceed $15,000.

(g) Of actions for the possession of lands and tenements where the relation of landlord and tenant exists, when damages claimed do not exceed $15,000 or when no damages are claimed.

(h) Of actions when the possession of lands and tenements has been unlawfully or fraudulently obtained or withheld, when damages claimed do not exceed $15,000 or when no damages are claimed.

(i) Of suits for the collection of taxes, where the amount of the tax sued for does not exceed $15,000.

(j) Of actions for the enforcement of mechanics' liens, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed $15,000.

(k) Of actions for the enforcement of liens of owners of facilities for storage, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed $15,000.

(l) In actions for a civil penalty imposed for a violation of NRS 484D.680.

(m) Except as otherwise provided in this paragraph, in any action for the issuance of a temporary or extended order for protection against domestic violence pursuant to NRS 33.020. A justice court does not have jurisdiction in an action for the issuance of a temporary or extended order for protection against domestic violence:

(1) In a county whose population is 100,000 or more and less than 700,000;

(2) In any township whose population is 100,000 or more located within a county whose population is 700,000 or more;

(3) If a district court issues a written order to the justice court requiring that further proceedings relating to the action for the issuance of the order for protection be conducted before the district court; or

(4) Where the adverse party against whom the order is sought is under 18 years of age.

(n) Except as otherwise provided in this paragraph, in any action for the issuance of an emergency or extended order for protection against high-risk behavior pursuant to NRS 33.570 or 33.580. A justice court does not have

jurisdiction in an action for the issuance of an emergency or extended order for protection against high-risk behavior:

(1) In a county whose population is 100,000 or more but less than 700,000;

(2) In any township whose population is 100,000 or more located within a county whose population is 700,000 or more;

(3) If a district court issues a written order to the justice court requiring that further proceedings relating to the action for the issuance of the order for protection be conducted before the district court; or

(4) Where the adverse party against whom the order is sought is under 18 years of age.

(o) In an action for the issuance of a temporary or extended order for protection against harassment in the workplace pursuant to NRS 33.200 to 33.360, inclusive, where the adverse party against whom the order is sought is 18 years of age or older.

(p) In small claims actions under the provisions of chapter 73 of NRS.

(q) In actions to contest the validity of liens on mobile homes or manufactured homes.

(r) In any action pursuant to NRS 200.591 for the issuance of a protective order against a person alleged to be committing the crime of stalking, aggravated stalking or harassment where the adverse party against whom the order is sought is 18 years of age or older.

(s) In any action pursuant to NRS 200.378 for the issuance of a protective order against a person alleged to have committed the crime of sexual assault where the adverse party against whom the order is sought is 18 years of age or older.

(t) In actions transferred from the district court pursuant to NRS 3.221.

(u) In any action for the issuance of a temporary or extended order pursuant to NRS 33.400.

(v) In any action seeking an order pursuant to NRS 441A.195.

(w) In any action to determine whether a person has committed a civil infraction punishable pursuant to NRS 484A.703 to 484A.705, inclusive.

2. The jurisdiction conferred by this section does not extend to civil actions, other than for forcible entry or detainer, in which the title of real property or mining claims or questions affecting the boundaries of land are involved.

3. Justice courts have jurisdiction of all misdemeanors and no other criminal offenses except as otherwise provided by specific statute. Upon approval of the district court, a justice court may transfer original jurisdiction of a misdemeanor to the district court for the purpose of assigning an offender to a program established pursuant to *:*

(a) NRS 176A.250 ~~[or, if]~~ *;*

(b) If the justice court has not established a program pursuant to NRS 176A.280, to a program established pursuant to that section ~~[.]~~ *; or*

(c) NRS 433A.335, if the offender is eligible to receive assisted outpatient treatment pursuant to that section.

4. Except as otherwise provided in subsections 5, 6 and 7, in criminal cases the jurisdiction of justices of the peace extends to the limits of their respective counties.

5. A justice of the peace may conduct a pretrial release hearing for a person located outside of the township of the justice of the peace.

6. In the case of any arrest made by a member of the Nevada Highway Patrol, the jurisdiction of the justices of the peace extends to the limits of their respective counties and to the limits of all counties which have common boundaries with their respective counties.

7. Each justice court has jurisdiction of any violation of a regulation governing vehicular traffic on an airport within the township in which the court is established.

Sec. 10. NRS 5.050 is hereby amended to read as follows:

5.050 1. Municipal courts have jurisdiction of civil actions or proceedings:

(a) For the violation of any ordinance of their respective cities.

(b) To determine whether a person has committed a civil infraction punishable pursuant to NRS 484A.703 to 484A.705, inclusive.

(c) To prevent or abate a nuisance within the limits of their respective cities.

2. Except as otherwise provided in subsection 2 of NRS 173.115, the municipal courts have jurisdiction of all misdemeanors committed in violation of the ordinances of their respective cities. Upon approval of the district court, a municipal court may transfer original jurisdiction of a misdemeanor to the district court for the purpose of assigning an offender to a program established pursuant to *:*

(a) NRS 176A.250 ~~[or, if]~~ *;*

(b) If the municipal court has not established a program pursuant to NRS 176A.280, to a program established pursuant to that section ~~[.]~~ *; or*

(c) NRS 433A.335, if the offender is eligible to receive assisted outpatient treatment pursuant to that section.

3. The municipal courts have jurisdiction of:

(a) Any action for the collection of taxes or assessments levied for city purposes, when the principal sum thereof does not exceed $2,500.

(b) Actions to foreclose liens in the name of the city for the nonpayment of those taxes or assessments when the principal sum claimed does not exceed $2,500.

(c) Actions for the breach of any bond given by any officer or person to or for the use or benefit of the city, and of any action for damages to which the city is a party, and upon all forfeited recognizances given to or for the use or benefit of the city, and upon all bonds given on appeals from the municipal court in any of the cases named in this section, when the principal sum claimed does not exceed $2,500.

(d) Actions for the recovery of personal property belonging to the city, when the value thereof does not exceed $2,500.

(e) Actions by the city for the collection of any damages, debts or other obligations when the amount claimed, exclusive of costs or attorney's fees, or both if allowed, does not exceed $2,500.

(f) Actions seeking an order pursuant to NRS 441A.195.

4. Nothing contained in subsection 3 gives the municipal court jurisdiction to determine any such cause when it appears from the pleadings that the validity of any tax, assessment or levy, or title to real property, is necessarily an issue in the cause, in which case the court shall certify the cause to the district court in like manner and with the same effect as provided by law for certification of causes by justice courts.

5. The municipal courts may hold a jury trial for any matter:

(a) Within the jurisdiction of the municipal court; and

(b) Required by the United States Constitution, the Nevada Constitution or statute.

Sec. 11. NRS 433A.335 is hereby amended to read as follows:

433A.335 1. A proceeding for an order requiring any person in the State of Nevada to receive assisted outpatient treatment may be commenced by the filing of a petition for such an order with the clerk of the district court of the county where the person who is to be treated is present. The petition may be filed by:

(a) Any person who is at least 18 years of age and resides with the person to be treated;

(b) The spouse, parent, adult sibling, adult child or legal guardian of the person to be treated;

(c) A physician, physician assistant, psychologist, social worker or registered nurse who is providing care to the person to be treated;

(d) The Administrator or his or her designee; or

(e) The medical director of a division facility in which the person is receiving treatment or the designee of the medical director of such a division facility.

2. A proceeding to require a person who is the defendant in a criminal proceeding in the district court to receive assisted outpatient treatment may be commenced ~~[by]~~ :

(a) By the district court ~~[, on]~~ :

(1) On its own motion ~~[, or by]~~ ;

(2) By motion of the defendant or the district attorney ~~[if:~~

~~(a)]~~ *; or*

(3) After a justice court or a municipal court, upon approval of the district court, transfers original jurisdiction to the district court of a case involving a defendant who is eligible to receive assisted outpatient treatment pursuant to this section; and

(b) If:

(1) The defendant has been examined in accordance with NRS 178.415;

~~[(b)]~~ *(2)* The defendant is not eligible for commitment to the custody of the Administrator pursuant to NRS 178.461; and

~~[(c)]~~ *(3)* The Division makes a clinical determination that assisted outpatient treatment is appropriate ~~[.]~~ *for the defendant.*

3. A petition filed pursuant to subsection 1 or a motion made pursuant to subsection 2 must allege the following concerning the person to be treated:

(a) The person is at least 18 years of age.

(b) The person has a mental illness.

(c) The person has a history of poor compliance with treatment for his or her mental illness that has resulted in at least one of the following circumstances:

(1) At least twice during the immediately preceding 48 months, poor compliance with mental health treatment has been a significant factor in causing the person to be hospitalized or receive services in the behavioral health unit of a detention facility or correctional facility. The 48-month period described in this subparagraph must be extended by any amount of time that the person has been hospitalized, incarcerated or detained during that period.

(2) Poor compliance with mental health treatment has been a significant factor in causing the person to commit, attempt to commit or threaten to commit serious physical harm to himself or herself or others during the immediately preceding 48 months. The 48-month period described in this subparagraph must be extended by any amount of time that the person has been hospitalized, incarcerated or detained during that period.

(3) Poor compliance with mental health treatment has resulted in the person being hospitalized, incarcerated or detained for a cumulative period of at least 6 months and the person:

(I) Is scheduled to be discharged or released from such hospitalization, incarceration or detention during the 30 days immediately following the date of the petition; or

(II) Has been discharged or released from such hospitalization, incarceration or detention during the 60 days immediately preceding the date of the petition.

(d) Because of his or her mental illness, the person is unwilling or unlikely to voluntarily participate in outpatient treatment that would enable the person to live safely in the community without the supervision of the court.

(e) Assisted outpatient treatment is the least restrictive appropriate means to prevent further disability or deterioration that would result in the person becoming a person in a mental health crisis.

4. A petition filed pursuant to subsection 1 or a motion made pursuant to subsection 2 must be accompanied by:

(a) A sworn statement or a declaration that complies with the provisions of NRS 53.045 by a physician, a psychologist, a physician assistant under the supervision of a psychiatrist, a clinical social worker who has the psychiatric training and experience prescribed by the Board of Examiners for Social Workers pursuant to NRS 641B.160 or an advanced practice registered nurse

who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120, stating that he or she:

(1) Evaluated the person who is the subject of the petition or motion not earlier than 10 days before the filing of the petition or making of the motion;

(2) Recommends that the person be ordered to receive assisted outpatient treatment; and

(3) Is willing and able to testify at a hearing on the petition or motion; and

(b) A sworn statement or a declaration that complies with the provisions of NRS 53.045 from a person professionally qualified in the field of psychiatric mental health stating that he or she is willing to provide assisted outpatient treatment for the person in the county where the person resides.

5. A copy of the petition filed pursuant to subsection 1 or the motion made pursuant to subsection 2 must be served upon the person who is the subject of the petition or motion or his or her counsel and, if applicable, his or her legal guardian.

Sec. 12. NRS 433A.337 is hereby amended to read as follows:

433A.337 1. Before the date of a hearing on a petition or motion for assisted outpatient treatment, the person who made the sworn statement or declaration pursuant to paragraph (a) of subsection 4 of NRS 433A.335, the personnel of the Division who made the clinical determination concerning the appropriateness of assisted outpatient treatment pursuant to *subparagraph (3) of* paragraph ~~[(c)]~~ *(b)* of subsection 2 of NRS 433A.335 or the person or entity who submitted the petition pursuant to NRS 433A.345, as applicable, shall submit to the court a proposed written treatment plan created by a person professionally qualified in the field of psychiatric mental health who is familiar with the person who is the subject of the petition or motion, as applicable. The proposed written treatment plan must set forth:

(a) The services and treatment recommended for the person who is the subject of the petition or motion; and

(b) The person who will provide such services and treatment and his or her qualifications.

2. Services and treatment set forth in a proposed written treatment plan must include, without limitation:

(a) Case management services to coordinate the assisted outpatient treatment recommended pursuant to paragraph (b); and

(b) Assisted outpatient treatment which may include, without limitation:

(1) Medication;

(2) Periodic blood or urine testing to determine whether the person is receiving such medication;

(3) Individual or group therapy;

(4) Full-day or partial-day programming activities;

(5) Educational activities;

(6) Vocational training;

(7) Treatment and counseling for a substance use disorder;

(8) If the person has a history of substance use, periodic blood or urine testing for the presence of alcohol or other recreational drugs;

(9) Supervised living arrangements; and

(10) Any other services determined necessary to treat the mental illness of the person, assist the person in living or functioning in the community or prevent a deterioration of the mental or physical condition of the person.

3. A person professionally qualified in the field of psychiatric mental health who is creating a proposed written treatment plan pursuant to subsection 1 shall:

(a) Consider any wishes expressed by the person who is to be treated in an advance directive for psychiatric care executed pursuant to NRS 449A.600 to 449A.645, inclusive; and

(b) Consult with the person who is to be treated, any providers of health care who are currently treating the person, any supporter or legal guardian of the person, and, upon the request of the person, any other person concerned with his or her welfare, including, without limitation, a relative or friend.

4. If a proposed written treatment plan includes medication, the plan must specify the type and class of the medication and state whether the medication is to be self-administered or administered by a specific provider of health care. A proposed written treatment plan must not recommend the use of physical force or restraints to administer medication.

5. If a proposed written treatment plan includes periodic blood or urine testing for the presence of alcohol or other recreational drugs, the plan must set forth sufficient facts to support a clinical determination that the person who is to be treated has a history of substance use disorder.

6. If the person who is to be treated has executed an advance directive for psychiatric care pursuant to NRS 449A.600 to 449A.645, inclusive, a copy of the advance directive must be attached to the proposed written treatment plan.

7. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 13. NRS 433A.341 is hereby amended to read as follows:

433A.341 1. In proceedings for assisted outpatient treatment, the court shall hear and consider all relevant testimony, including, without limitation:

(a) The testimony of the person who made a sworn statement or declaration pursuant to paragraph (a) of subsection 4 of NRS 433A.335, any personnel of the Division responsible for a clinical determination made pursuant to *subparagraph (3) of* paragraph ~~[(c)]~~ *(b)* of subsection 2 of NRS 433A.335 or the person or entity responsible for the decision to submit a petition pursuant to NRS 433A.345, as applicable;

(b) The testimony of any supporter or legal guardian of the person who is the subject of the proceedings, if that person wishes to testify; and

(c) If the proposed written treatment plan submitted pursuant to NRS 433A.337 recommends medication and the person who is the subject of the petition or motion objects to the recommendation, the testimony of the

person professionally qualified in the field of psychiatric mental health who prescribed the recommendation.

2. The court may consider testimony relating to any past actions of the person who is the subject of the petition or motion if such testimony is probative of the question of whether the person currently meets the criteria prescribed by subsection 3 of NRS 433A.335 or subsection 1 of NRS 433A.345, as applicable.

Amendment No. 776.

SUMMARY—Revises provisions relating to crimes. (BDR 14-244)

AN ACT relating to crimes; revising provisions relating to certain crimes committed by homeless persons; authorizing a justice court or a municipal court to transfer original jurisdiction of certain cases to the district court to enable the defendant to receive assisted outpatient treatment; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes certain diversionary and specialty court programs to which certain defendants may be assigned, such as the preprosecution diversionary program and specialty court programs for veterans and members of the military, persons with mental illness and persons who use alcohol or other substances. (NRS 174.032, 176A.230, 176A.250, 176A.280) Sections 4-8 of this bill authorize homeless persons who commit certain misdemeanor offenses to be assigned to such diversionary and specialty court programs. Section 5 of this bill authorizes a court that assigns a homeless person to complete such a program of treatment to waive or reduce any fine, administrative assessment or fee that would otherwise be imposed upon the homeless person for committing such an offense.

Existing law authorizes a criminal defendant or the district attorney to make a motion to the district court to commence a proceeding for the issuance of a court order requiring assisted outpatient treatment of the defendant or the district court to commence such a proceeding on its own motion. (NRS 433A.335) Sections 5-11 of this bill authorize a justice court or a municipal court to transfer original jurisdiction of a case involving a defendant who is eligible to receive assisted outpatient treatment to the district court, including homeless persons who commit certain misdemeanors pursuant to section 5. Sections 12 and 13 of this bill make conforming changes to refer to provisions that have been renumbered by section 11.

Existing law limits the definition of an "eligible defendant" to mean a person who: (1) has not tendered a plea of guilty, guilty but mentally ill or nolo contendere to, or been found guilty or guilty but mentally ill of, an offense that is a misdemeanor; (2) appears to suffer from mental illness or to be intellectually disabled; and (3) would benefit from assignment to a specialty court program. (NRS 176A.235, 176A.255, 176A.285) Sections 6-8 of this bill expand the definition of an "eligible defendant" to include any person who, regardless of whether the person has tendered a plea to or been found guilty of

an offense that is a misdemeanor: (1) appears to suffer from a mental illness or to be intellectually disabled; and (2) would benefit from assignment to a specialty court program.

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

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

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

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

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

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

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

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

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

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

5. The justice court or municipal court shall, when assigning a defendant to a preprosecution diversion program, issue an order setting forth the terms and conditions for successful completion of the preprosecution diversion program, which may include, without limitation:

(a) Any program of treatment the defendant is required to complete;

(b) Any sanctions and the manner in which they must be carried out by the defendant;

(c) The date by which the terms and conditions must be completed by the defendant, which must not be more than 18 months after the date of the order;

(d) A requirement that the defendant appear before the court at least one time every 3 months for a status hearing on the progress of the defendant toward completion of the terms and conditions set forth in the order; and

(e) A notice relating to the provisions of subsection 3 of NRS 174.033.

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

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

8. As used in this section, "homeless person" has the meaning ascribed to it in section 5 of this act.

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

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

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

3. As used in this section:

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

(b) "Eligible offense" means a violation of any local ordinance prohibiting public urination or defecation or possession of an open container of an alcoholic beverage, or the same or similar conduct, or a violation of the following statutory provisions, or any local ordinance prohibiting the same or similar conduct, that is punishable as a misdemeanor:

(1) NRS 202.450.

(2) NRS 205.860.

(3) NRS 206.010.

(4) ~~[NRS 206.040.~~

~~(5)]~~ NRS 206.140.

~~[(6)]~~ (5) NRS 206.310.

~~[(7) NRS 207.030.~~

~~(8)]~~ (6) NRS 207.200.

~~*[(9) NRS 207.203.]*~~

(c) "Homeless person" means a person:

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

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

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

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

(d) "Program of treatment" means a preprosecution diversion program, specialty court program or other program designed to assist homeless persons that is established pursuant to NRS 174.032, 176A.230, 176A.250, 176A.280, 433A.335 or another specific statute or by court rule or court order.

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

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

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

(a) ~~[Has not tendered a plea of guilty, guilty but mentally ill or nolo contendere to, or been found guilty or guilty but mentally ill of, an offense that is a misdemeanor;~~

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

~~[(c)]~~ *(b)* Would benefit from assignment to a program established pursuant to NRS 176A.230.

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

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

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

(a) ~~[Has not tendered a plea of guilty, guilty but mentally ill or nolo contendere to, or been found guilty or guilty but mentally ill of, an offense that is a misdemeanor;~~

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

~~[(c)]~~ *(b)* Would benefit from assignment to a program established pursuant to *:*

(1) NRS 176A.250 ~~[.]~~ *; or*

(2) NRS 433A.335, if the defendant is eligible to receive assisted outpatient treatment pursuant to that section.

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

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

Sec. 9. NRS 4.370 is hereby amended to read as follows:

4.370 1. Except as otherwise provided in subsection 2, justice courts have jurisdiction of the following civil actions and proceedings and no others except as otherwise provided by specific statute:

(a) In actions arising on contract for the recovery of money only, if the sum claimed, exclusive of interest, does not exceed $15,000.

(b) In actions for damages for injury to the person, or for taking, detaining or injuring personal property, or for injury to real property where no issue is raised by the verified answer of the defendant involving the title to or boundaries of the real property, if the damage claimed does not exceed $15,000.

(c) Except as otherwise provided in paragraph (l), in actions for a fine, penalty or forfeiture not exceeding $15,000, given by statute or the ordinance of a county, city or town, where no issue is raised by the answer involving the legality of any tax, impost, assessment, toll or municipal fine.

(d) In actions upon bonds or undertakings conditioned for the payment of money, if the sum claimed does not exceed $15,000, though the penalty may exceed that sum. Bail bonds and other undertakings posted in criminal matters may be forfeited regardless of amount.

(e) In actions to recover the possession of personal property, if the value of the property does not exceed $15,000.

(f) To take and enter judgment on the confession of a defendant, when the amount confessed, exclusive of interest, does not exceed $15,000.

(g) Of actions for the possession of lands and tenements where the relation of landlord and tenant exists, when damages claimed do not exceed $15,000 or when no damages are claimed.

(h) Of actions when the possession of lands and tenements has been unlawfully or fraudulently obtained or withheld, when damages claimed do not exceed $15,000 or when no damages are claimed.

(i) Of suits for the collection of taxes, where the amount of the tax sued for does not exceed $15,000.

(j) Of actions for the enforcement of mechanics' liens, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed $15,000.

(k) Of actions for the enforcement of liens of owners of facilities for storage, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed $15,000.

(l) In actions for a civil penalty imposed for a violation of NRS 484D.680.

(m) Except as otherwise provided in this paragraph, in any action for the issuance of a temporary or extended order for protection against domestic violence pursuant to NRS 33.020. A justice court does not have jurisdiction in an action for the issuance of a temporary or extended order for protection against domestic violence:

(1) In a county whose population is 100,000 or more and less than 700,000;

(2) In any township whose population is 100,000 or more located within a county whose population is 700,000 or more;

(3) If a district court issues a written order to the justice court requiring that further proceedings relating to the action for the issuance of the order for protection be conducted before the district court; or

(4) Where the adverse party against whom the order is sought is under 18 years of age.

(n) Except as otherwise provided in this paragraph, in any action for the issuance of an emergency or extended order for protection against high-risk behavior pursuant to NRS 33.570 or 33.580. A justice court does not have jurisdiction in an action for the issuance of an emergency or extended order for protection against high-risk behavior:

(1) In a county whose population is 100,000 or more but less than 700,000;

(2) In any township whose population is 100,000 or more located within a county whose population is 700,000 or more;

(3) If a district court issues a written order to the justice court requiring that further proceedings relating to the action for the issuance of the order for protection be conducted before the district court; or

(4) Where the adverse party against whom the order is sought is under 18 years of age.

(o) In an action for the issuance of a temporary or extended order for protection against harassment in the workplace pursuant to NRS 33.200 to 33.360, inclusive, where the adverse party against whom the order is sought is 18 years of age or older.

(p) In small claims actions under the provisions of chapter 73 of NRS.

(q) In actions to contest the validity of liens on mobile homes or manufactured homes.

(r) In any action pursuant to NRS 200.591 for the issuance of a protective order against a person alleged to be committing the crime of stalking, aggravated stalking or harassment where the adverse party against whom the order is sought is 18 years of age or older.

(s) In any action pursuant to NRS 200.378 for the issuance of a protective order against a person alleged to have committed the crime of sexual assault

where the adverse party against whom the order is sought is 18 years of age or older.

(t) In actions transferred from the district court pursuant to NRS 3.221.

(u) In any action for the issuance of a temporary or extended order pursuant to NRS 33.400.

(v) In any action seeking an order pursuant to NRS 441A.195.

(w) In any action to determine whether a person has committed a civil infraction punishable pursuant to NRS 484A.703 to 484A.705, inclusive.

2. The jurisdiction conferred by this section does not extend to civil actions, other than for forcible entry or detainer, in which the title of real property or mining claims or questions affecting the boundaries of land are involved.

3. Justice courts have jurisdiction of all misdemeanors and no other criminal offenses except as otherwise provided by specific statute. Upon approval of the district court, a justice court may transfer original jurisdiction of a misdemeanor to the district court for the purpose of assigning an offender to a program established pursuant to *:*

(a) NRS 176A.250 ~~[or, if]~~ *;*

(b) If the justice court has not established a program pursuant to NRS 176A.280, to a program established pursuant to that section ~~[.]~~ *; or*

(c) NRS 433A.335, if the offender is eligible to receive assisted outpatient treatment pursuant to that section.

4. Except as otherwise provided in subsections 5, 6 and 7, in criminal cases the jurisdiction of justices of the peace extends to the limits of their respective counties.

5. A justice of the peace may conduct a pretrial release hearing for a person located outside of the township of the justice of the peace.

6. In the case of any arrest made by a member of the Nevada Highway Patrol, the jurisdiction of the justices of the peace extends to the limits of their respective counties and to the limits of all counties which have common boundaries with their respective counties.

7. Each justice court has jurisdiction of any violation of a regulation governing vehicular traffic on an airport within the township in which the court is established.

Sec. 10. NRS 5.050 is hereby amended to read as follows:

5.050 1. Municipal courts have jurisdiction of civil actions or proceedings:

(a) For the violation of any ordinance of their respective cities.

(b) To determine whether a person has committed a civil infraction punishable pursuant to NRS 484A.703 to 484A.705, inclusive.

(c) To prevent or abate a nuisance within the limits of their respective cities.

2. Except as otherwise provided in subsection 2 of NRS 173.115, the municipal courts have jurisdiction of all misdemeanors committed in violation of the ordinances of their respective cities. Upon approval of the district court, a municipal court may transfer original jurisdiction of a misdemeanor to the

district court for the purpose of assigning an offender to a program established pursuant to *:*

(a) NRS 176A.250 ~~[or, if]~~ *;*

(b) If the municipal court has not established a program pursuant to NRS 176A.280, to a program established pursuant to that section ~~[.]~~ *; or*

(c) NRS 433A.335, if the offender is eligible to receive assisted outpatient treatment pursuant to that section.

3. The municipal courts have jurisdiction of:

(a) Any action for the collection of taxes or assessments levied for city purposes, when the principal sum thereof does not exceed $2,500.

(b) Actions to foreclose liens in the name of the city for the nonpayment of those taxes or assessments when the principal sum claimed does not exceed $2,500.

(c) Actions for the breach of any bond given by any officer or person to or for the use or benefit of the city, and of any action for damages to which the city is a party, and upon all forfeited recognizances given to or for the use or benefit of the city, and upon all bonds given on appeals from the municipal court in any of the cases named in this section, when the principal sum claimed does not exceed $2,500.

(d) Actions for the recovery of personal property belonging to the city, when the value thereof does not exceed $2,500.

(e) Actions by the city for the collection of any damages, debts or other obligations when the amount claimed, exclusive of costs or attorney's fees, or both if allowed, does not exceed $2,500.

(f) Actions seeking an order pursuant to NRS 441A.195.

4. Nothing contained in subsection 3 gives the municipal court jurisdiction to determine any such cause when it appears from the pleadings that the validity of any tax, assessment or levy, or title to real property, is necessarily an issue in the cause, in which case the court shall certify the cause to the district court in like manner and with the same effect as provided by law for certification of causes by justice courts.

5. The municipal courts may hold a jury trial for any matter:

(a) Within the jurisdiction of the municipal court; and

(b) Required by the United States Constitution, the Nevada Constitution or statute.

Sec. 11. NRS 433A.335 is hereby amended to read as follows:

433A.335 1. A proceeding for an order requiring any person in the State of Nevada to receive assisted outpatient treatment may be commenced by the filing of a petition for such an order with the clerk of the district court of the county where the person who is to be treated is present. The petition may be filed by:

(a) Any person who is at least 18 years of age and resides with the person to be treated;

(b) The spouse, parent, adult sibling, adult child or legal guardian of the person to be treated;

(c) A physician, physician assistant, psychologist, social worker or registered nurse who is providing care to the person to be treated;

(d) The Administrator or his or her designee; or

(e) The medical director of a division facility in which the person is receiving treatment or the designee of the medical director of such a division facility.

2. A proceeding to require a person who is the defendant in a criminal proceeding in the district court to receive assisted outpatient treatment may be commenced ~~[by]~~ *:*

(a) By the district court ~~[, on]~~ *:*

(1) On its own motion ~~[, or by]~~ *;*

(2) By motion of the defendant or the district attorney ~~[if:~~

~~(a)]~~ *; or*

(3) After a justice court or a municipal court, upon approval of the district court, transfers original jurisdiction to the district court of a case involving a defendant who is eligible to receive assisted outpatient treatment pursuant to this section; and

(b) If:

(1) The defendant has been examined in accordance with NRS 178.415;

~~[(b)]~~ *(2)* The defendant is not eligible for commitment to the custody of the Administrator pursuant to NRS 178.461; and

~~[(c)]~~ *(3)* The Division makes a clinical determination that assisted outpatient treatment is appropriate ~~[.]~~ *for the defendant.*

3. A petition filed pursuant to subsection 1 or a motion made pursuant to subsection 2 must allege the following concerning the person to be treated:

(a) The person is at least 18 years of age.

(b) The person has a mental illness.

(c) The person has a history of poor compliance with treatment for his or her mental illness that has resulted in at least one of the following circumstances:

(1) At least twice during the immediately preceding 48 months, poor compliance with mental health treatment has been a significant factor in causing the person to be hospitalized or receive services in the behavioral health unit of a detention facility or correctional facility. The 48-month period described in this subparagraph must be extended by any amount of time that the person has been hospitalized, incarcerated or detained during that period.

(2) Poor compliance with mental health treatment has been a significant factor in causing the person to commit, attempt to commit or threaten to commit serious physical harm to himself or herself or others during the immediately preceding 48 months. The 48-month period described in this subparagraph must be extended by any amount of time that the person has been hospitalized, incarcerated or detained during that period.

(3) Poor compliance with mental health treatment has resulted in the person being hospitalized, incarcerated or detained for a cumulative period of at least 6 months and the person:

(I) Is scheduled to be discharged or released from such hospitalization, incarceration or detention during the 30 days immediately following the date of the petition; or

(II) Has been discharged or released from such hospitalization, incarceration or detention during the 60 days immediately preceding the date of the petition.

(d) Because of his or her mental illness, the person is unwilling or unlikely to voluntarily participate in outpatient treatment that would enable the person to live safely in the community without the supervision of the court.

(e) Assisted outpatient treatment is the least restrictive appropriate means to prevent further disability or deterioration that would result in the person becoming a person in a mental health crisis.

4. A petition filed pursuant to subsection 1 or a motion made pursuant to subsection 2 must be accompanied by:

(a) A sworn statement or a declaration that complies with the provisions of NRS 53.045 by a physician, a psychologist, a physician assistant under the supervision of a psychiatrist, a clinical social worker who has the psychiatric training and experience prescribed by the Board of Examiners for Social Workers pursuant to NRS 641B.160 or an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120, stating that he or she:

(1) Evaluated the person who is the subject of the petition or motion not earlier than 10 days before the filing of the petition or making of the motion;

(2) Recommends that the person be ordered to receive assisted outpatient treatment; and

(3) Is willing and able to testify at a hearing on the petition or motion; and

(b) A sworn statement or a declaration that complies with the provisions of NRS 53.045 from a person professionally qualified in the field of psychiatric mental health stating that he or she is willing to provide assisted outpatient treatment for the person in the county where the person resides.

5. A copy of the petition filed pursuant to subsection 1 or the motion made pursuant to subsection 2 must be served upon the person who is the subject of the petition or motion or his or her counsel and, if applicable, his or her legal guardian.

Sec. 12. NRS 433A.337 is hereby amended to read as follows:

433A.337 1. Before the date of a hearing on a petition or motion for assisted outpatient treatment, the person who made the sworn statement or declaration pursuant to paragraph (a) of subsection 4 of NRS 433A.335, the personnel of the Division who made the clinical determination concerning the appropriateness of assisted outpatient treatment pursuant to *subparagraph (3) of* paragraph ~~[(c)]~~ *(b)* of subsection 2 of NRS 433A.335 or the person or entity who submitted the petition pursuant to NRS 433A.345, as applicable, shall submit to the court a proposed written treatment plan created by a person professionally qualified in the field of psychiatric mental health who is familiar

with the person who is the subject of the petition or motion, as applicable. The proposed written treatment plan must set forth:

(a) The services and treatment recommended for the person who is the subject of the petition or motion; and

(b) The person who will provide such services and treatment and his or her qualifications.

2. Services and treatment set forth in a proposed written treatment plan must include, without limitation:

(a) Case management services to coordinate the assisted outpatient treatment recommended pursuant to paragraph (b); and

(b) Assisted outpatient treatment which may include, without limitation:

(1) Medication;

(2) Periodic blood or urine testing to determine whether the person is receiving such medication;

(3) Individual or group therapy;

(4) Full-day or partial-day programming activities;

(5) Educational activities;

(6) Vocational training;

(7) Treatment and counseling for a substance use disorder;

(8) If the person has a history of substance use, periodic blood or urine testing for the presence of alcohol or other recreational drugs;

(9) Supervised living arrangements; and

(10) Any other services determined necessary to treat the mental illness of the person, assist the person in living or functioning in the community or prevent a deterioration of the mental or physical condition of the person.

3. A person professionally qualified in the field of psychiatric mental health who is creating a proposed written treatment plan pursuant to subsection 1 shall:

(a) Consider any wishes expressed by the person who is to be treated in an advance directive for psychiatric care executed pursuant to NRS 449A.600 to 449A.645, inclusive; and

(b) Consult with the person who is to be treated, any providers of health care who are currently treating the person, any supporter or legal guardian of the person, and, upon the request of the person, any other person concerned with his or her welfare, including, without limitation, a relative or friend.

4. If a proposed written treatment plan includes medication, the plan must specify the type and class of the medication and state whether the medication is to be self-administered or administered by a specific provider of health care. A proposed written treatment plan must not recommend the use of physical force or restraints to administer medication.

5. If a proposed written treatment plan includes periodic blood or urine testing for the presence of alcohol or other recreational drugs, the plan must set forth sufficient facts to support a clinical determination that the person who is to be treated has a history of substance use disorder.

6. If the person who is to be treated has executed an advance directive for psychiatric care pursuant to NRS 449A.600 to 449A.645, inclusive, a copy of the advance directive must be attached to the proposed written treatment plan.

7. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 13. NRS 433A.341 is hereby amended to read as follows:

433A.341 1. In proceedings for assisted outpatient treatment, the court shall hear and consider all relevant testimony, including, without limitation:

(a) The testimony of the person who made a sworn statement or declaration pursuant to paragraph (a) of subsection 4 of NRS 433A.335, any personnel of the Division responsible for a clinical determination made pursuant to *subparagraph (3) of* paragraph ~~[(c)]~~ *(b)* of subsection 2 of NRS 433A.335 or the person or entity responsible for the decision to submit a petition pursuant to NRS 433A.345, as applicable;

(b) The testimony of any supporter or legal guardian of the person who is the subject of the proceedings, if that person wishes to testify; and

(c) If the proposed written treatment plan submitted pursuant to NRS 433A.337 recommends medication and the person who is the subject of the petition or motion objects to the recommendation, the testimony of the person professionally qualified in the field of psychiatric mental health who prescribed the recommendation.

2. The court may consider testimony relating to any past actions of the person who is the subject of the petition or motion if such testimony is probative of the question of whether the person currently meets the criteria prescribed by subsection 3 of NRS 433A.335 or subsection 1 of NRS 433A.345, as applicable.

Senator Flores moved that the Senate concur in Assembly Amendments Nos. 625 and 776 to Senate Bill No. 155.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 272.

The following Assembly amendment was read:

Amendment No. 628.

SUMMARY—Revises provisions relating to governmental administration. (BDR 27-876)

AN ACT relating to governmental administration; requiring a state agency or local government to post certain information on its Internet website relating to certain purchasing contracts, performance contracts and contracts for public works; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes, under certain circumstances, a state agency or local government to enter into certain purchasing contracts, performance contracts and contracts for public works. (Chapters 332, 333, 333A and 338 of NRS) Sections 1-4 of this bill require each state agency or local government to, on

or before September 1 of each year, post in a conspicuous place on its Internet website: (1) the total number of such contracts awarded by the state agency or local government during the immediately preceding fiscal year; (2) the total dollar amount of all such contracts awarded by the state agency or local government during the immediately preceding fiscal year; (3) the total number of contracts awarded by the state agency or local government during the immediately preceding fiscal year to minority-owned businesses, women-owned businesses , ~~[and]~~ LGBTQ-owned businesses ~~[,]~~ and veteran-owned businesses; and (4) the total dollar amount of all such contracts awarded by the state agency or local government during the immediately preceding fiscal year to minority-owned businesses, women-owned businesses , ~~[and]~~ LGBTQ-owned businesses ~~[,]~~ and veteran-owned businesses.

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

Section 1. Chapter 332 of NRS is hereby amended by adding thereto a new section to read as follows:

1. On or before September 1 of each year, each local government shall post in a clear and conspicuous place on the Internet website maintained by the local government:

(a) The total number of contracts and performance contracts awarded by the local government pursuant to this chapter during the immediately preceding fiscal year;

(b) The total dollar amount of all contracts and performance contracts awarded by the local government pursuant to this chapter during the immediately preceding fiscal year;

(c) The total number of contracts and performance contracts awarded by the local government pursuant to this chapter during the immediately preceding fiscal year to:

(1) Minority-owned businesses;

(2) Women-owned businesses; ~~[or]~~

(3) LGBTQ-owned businesses; or

(4) Veteran-owned businesses; and

(d) The total dollar amount of all contracts and performance contracts awarded by the local government pursuant to this chapter during the immediately preceding fiscal year to:

(1) Minority-owned businesses;

(2) Women-owned businesses; ~~[or]~~

(3) LGBTQ-owned businesses ~~[.]~~ ; or

(4) Veteran-owned businesses.

2. As used in this section:

(a) "LGBTQ" means lesbian, gay, bisexual, transgender, queer or intersex or of any other nonheterosexual or noncisgender orientation or gender identity or expression.

(b) "LGBTQ-owned business" means a business that:

(1) Is owned by a natural person who identifies as LGBTQ; or

(2) Has at least 51 percent of its ownership interest held by one or more natural persons who identify as LGBTQ.

(c) "Minority group" means:

(1) A racial or ethnic minority group; or

(2) A group of persons with disabilities.

(d) "Minority-owned business" means a business that:

(1) Is owned by a natural person who is a member of a minority group; or

(2) Has at least 51 percent of its ownership interest held by one or more natural persons who is a member of a minority group.

(e) "Veteran-owned business" means a business that:

(1) Is owned by a natural person who is a veteran; or

(2) Has at least 51 percent of its ownership interest held by one or more veterans.

Sec. 2. Chapter 333 of NRS is hereby amended by adding thereto a new section to read as follows:

1. On or before September 1 of each year, each using agency shall post in a clear and conspicuous place on the Internet website maintained by the using agency:

(a) The total number of contracts awarded by the using agency pursuant to this chapter during the immediately preceding fiscal year;

(b) The total dollar amount of all contracts awarded by the using agency pursuant to this chapter during the immediately preceding fiscal year;

(c) The total number of contracts awarded by the using agency pursuant to this chapter during the immediately preceding fiscal year to:

(1) Minority-owned businesses;

(2) Women-owned businesses; ~~[or]~~

(3) LGBTQ-owned businesses; or

(4) Veteran-owned businesses; and

(d) The total dollar amount of all contracts awarded by the using agency pursuant to this chapter during the immediately preceding fiscal year to:

(1) Minority-owned businesses;

(2) Women-owned businesses; ~~[or]~~

(3) LGBTQ-owned businesses ~~[.]~~ ; or

(4) Veteran-owned businesses.

2. As used in this section:

(a) "LGBTQ" means lesbian, gay, bisexual, transgender, queer or intersex or of any other nonheterosexual or noncisgender orientation or gender identity or expression.

(b) "LGBTQ-owned business" means a business that:

(1) Is owned by a natural person who identifies as LGBTQ; or

(2) Has at least 51 percent of its ownership interest held by one or more natural persons who identify as LGBTQ.

(c) "Minority group" means:

(1) A racial or ethnic minority group; or

(2) A group of persons with disabilities.

(d) "Minority-owned business" means a business that:

(1) Is owned by a natural person who is a member of a minority group; or

(2) Has at least 51 percent of its ownership interest held by one or more natural persons who is a member of a minority group.

(e) "Veteran-owned business" means a business that:

(1) Is owned by a natural person who is a veteran; or

(2) Has at least 51 percent of its ownership interest held by one or more veterans.

Sec. 3. Chapter 333A of NRS is hereby amended by adding thereto a new section to read as follows:

1. On or before September 1 of each year, each using agency shall post in a clear and conspicuous place on the Internet website maintained by the using agency:

(a) The total number of performance contracts awarded by the using agency pursuant to this chapter during the immediately preceding fiscal year;

(b) The total dollar amount of all performance contracts awarded by the using agency pursuant to this chapter during the immediately preceding fiscal year;

(c) The total number of performance contracts awarded by the using agency pursuant to this chapter during the immediately preceding fiscal year to:

(1) Minority-owned businesses;

(2) Women-owned businesses; ~~[or]~~

(3) LGBTQ-owned businesses; or

(4) Veteran-owned businesses; and

(d) The total dollar amount of all performance contracts awarded by the using agency pursuant to this chapter during the immediately preceding fiscal year to:

(1) Minority-owned businesses;

(2) Women-owned businesses; ~~[or]~~

(3) LGBTQ-owned businesses ~~[.]~~ ; or

(4) Veteran-owned businesses.

2. As used in this section:

(a) "LGBTQ" means lesbian, gay, bisexual, transgender, queer or intersex or of any other nonheterosexual or noncisgender orientation or gender identity or expression.

(b) "LGBTQ-owned business" means a business that:

(1) Is owned by a natural person who identifies as LGBTQ; or

(2) Has at least 51 percent of its ownership interest held by one or more natural persons who identify as LGBTQ.

(c) "Minority group" means:

(1) A racial or ethnic minority group; or

(2) A group of persons with disabilities.

(d) "Minority-owned business" means a business that:

(1) Is owned by a natural person who is a member of a minority group; or

(2) Has at least 51 percent of its ownership interest held by one or more natural persons who is a member of a minority group.

(e) "Veteran-owned business" means a business that:

(1) Is owned by a natural person who is a veteran; or

(2) Has at least 51 percent of its ownership interest held by one or more veterans.

Sec. 4. Chapter 338 of NRS is hereby amended by adding thereto a new section to read as follows:

1. On or before September 1 of each year, each public body shall post in a clear and conspicuous place on the Internet website maintained by the public body:

(a) The total number of contracts for public works awarded by the public body pursuant to this chapter during the immediately preceding fiscal year;

(b) The total dollar amount of all contracts for public works awarded by the public body pursuant to this chapter during the immediately preceding fiscal year;

(c) The total number of contracts for public works awarded by the public body pursuant to this chapter during the immediately preceding fiscal year to:

(1) Minority-owned businesses;

(2) Women-owned businesses; ~~[or]~~

(3) LGBTQ-owned businesses; or

(4) Veteran-owned businesses; and

(d) The total dollar amount of all contracts for public works awarded by the public body pursuant to this chapter during the immediately preceding fiscal year to:

(1) Minority-owned businesses;

(2) Women-owned businesses; ~~[or]~~

(3) LGBTQ-owned businesses ~~[.]~~ ; or

(4) Veteran-owned businesses.

2. As used in this section:

(a) "LGBTQ" means lesbian, gay, bisexual, transgender, queer or intersex or of any other nonheterosexual or noncisgender orientation or gender identity or expression.

(b) "LGBTQ-owned business" means a business that:

(1) Is owned by a natural person who identifies as LGBTQ; or

(2) Has at least 51 percent of its ownership interest held by one or more natural persons who identify as LGBTQ.

(c) "Minority group" means:

(1) A racial or ethnic minority group; or

(2) A group of persons with disabilities.

(d) "Minority-owned business" means a business that:

(1) Is owned by a natural person who is a member of a minority group; or

(2) Has at least 51 percent of its ownership interest held by one or more natural persons who is a member of a minority group.

(e) "Veteran-owned business" means a business that:

(1) Is owned by a natural person who is a veteran; or

(2) Has at least 51 percent of its ownership interest held by one or more veterans.

Sec. 5. This act becomes effective on July 1, ~~[2023.]~~ 2024.

Senator Flores moved that the Senate concur in Assembly Amendment No. 628 to Senate Bill No. 272.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 315.

The following Assembly amendment was read:

Amendment No. 652.

SUMMARY—Makes revisions relating to the rights of persons with disabilities and persons who are aged. (BDR 38-808)

AN ACT relating to persons with disabilities; prescribing certain rights for persons with disabilities who are receiving certain home and community-based services and persons who are aged receiving such services; prescribing certain rights for pupils with disabilities who are receiving certain services through an individualized education program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law authorizes states to implement certain home and community-based services for persons who are elderly or disabled. (42 U.S.C. § 1396n) Section 1 of this bill prescribes certain rights for persons with an intellectual disability, developmental disability or physical disability who are receiving such services or who are aged and receiving such services. Section 2 of this bill makes a conforming change to indicate the proper placement of section 1 in the Nevada Revised Statutes.

Existing law requires public schools to provide special programs and services for pupils with disabilities. (NRS 388.419, 388.429) Section 3 of this bill prescribes certain rights for pupils with disabilities who are enrolled in a public school or receiving services from a provider of special education and receiving transition services through an individualized education program. Section 4 of this bill makes a conforming change to indicate the proper placement of section 3 in the Nevada Revised Statutes.

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

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

1. This section may be cited as the Bill of Rights for Persons with Intellectual, Developmental or Physical Disabilities or who are Aged.

2. Except as otherwise specifically provided by law, each person with an intellectual disability, developmental disability or physical disability who is receiving services pursuant to a home and community-based services waiver granted pursuant to 42 U.S.C. § 1396n, and each person who is aged and is receiving such services, has, to the extent applicable to the services received by the person and appropriate for the person pursuant to the home and community-based services waiver, the right to:

(a) Participate in decisions that affect the life of the person, including, without limitation, decisions relating to:

(1) The finances and personal property of the person;

(2) The location where the person resides; and

(3) The development and implementation of any plan for delivering services and the frequency with which services are delivered pursuant to the home and community-based services waiver.

(b) Be treated with respect and dignity.

(c) An appropriate, safe and sanitary living environment that complies with all local, state and federal standards and recognizes the needs of the person for privacy and independence.

(d) Food that is adequate to meet the nutritional needs of the person.

(e) Practice the religion of his or her choice or abstain from the practice of any religion.

(f) Receive timely, effective and appropriate health care.

(g) Receive ancillary services, to the extent necessary for the person.

(h) Maintain privacy and confidentiality in personal matters.

(i) Communicate freely with persons of his or her choice and in any reasonable manner he or she chooses.

(j) Own and use personal property.

(k) Have social interactions with persons of any sex or gender identity or expression.

(l) Pursue vocational opportunities to promote and enhance the economic independence of the person.

(m) Be treated as an equal citizen under the law.

(n) Be free from emotional, psychological, physical and financial abuse.

(o) Participate in appropriate programs of education, training, social development, habilitation and reasonable recreation, including, without limitation, a class at or other program administered by a university, college, community college or trade school.

(p) Select a parent, family member, advocate <u>, employee of this State</u> or other person to act on his or her behalf, including, without limitation, by entering into a supported decision-making agreement pursuant to NRS 162C.200.

(q) Manage his or her own personal finances.

(r) Have his or her personal and medical records kept confidential to the extent provided by state and federal law.

(s) Voice grievances and suggest changes in policies, services and providers of services without restraint, interference, coercion, discrimination or reprisal.

(t) Be free from unnecessary chemical, physical or mechanical restraints.

(u) Participate in the political process.

(v) Refuse to participate in any medical, psychological or other research or experiment.

3. The rights set forth in subsection 2 do not abrogate any remedies provided by law.

4. As used in this section:

(a) "Developmental disability" has the meaning ascribed to it in NRS 435.007.

(b) "Intellectual disability" has the meaning ascribed to it in NRS 435.007.

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

232.320 1. The Director:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 3. Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:

1. This section may be cited as the Transition Bill of Rights for Pupils with Disabilities.

2. Except as otherwise specifically provided by law, each pupil with a disability who is enrolled in a public school or receiving services from a provider of special education and is receiving transition services through an individualized education program pursuant to 34 C.F.R. § 300.43 has the right to:

(a) Be provided notice of and invited to any meeting concerning his or her individualized education program at which transition services will be discussed.

(b) Attend all meetings concerning his or her individualized education program and be able to represent his or her desire concerning his or her:

(1) Training or education;

(2) Employment; and

(3) If appropriate, independent living.

(c) Be treated with respect and dignity by all teachers, paraprofessionals and other educational staff.

(d) Assist in the development of realistic, specific and measurable post-secondary goals in training, education, employment and, if appropriate, independent living for the pupil.

(e) Receive coordinated secondary transition services and related support services to help prepare the pupil to meet the measurable postsecondary goals

established pursuant to paragraph (d). Such services must include, without limitation:

(1) An age-appropriate transition assessment;

(2) Instruction and related services;

(3) Community experiences;

(4) Assistance in developing objectives for employment and other life after the pupil ceases to attend school; and

(5) If appropriate, services to aid in developing skills for daily living and an evaluation of functional vocational skills.

(f) Communicate freely using methods of communication that are accessible to the pupil , including, without limitation, the preferred language of the pupil, concerning his or her strengths, interests, preferences and vision of his or her future for consideration when developing the transition plan.

(g) Have access to social interactions in school-based settings that are common to pupils of a similar age with persons with whom he or she chooses to interact. Such access must be provided to the same extent as pupils not receiving transition services through an individualized education program.

(h) Assist in developing annual goals and objectives reasonably calculated to promote progress toward achieving the measurable postsecondary goals developed pursuant to paragraph (d).

(i) Invite, or have assistance in inviting, appropriate outside agencies to any meeting concerning his or her individualized education program at which transition services will be discussed.

(j) Receive information necessary to identify, explore and connect with outside agencies, as appropriate, including, without limitation:

(1) The Bureau of Vocational Rehabilitation in the Rehabilitation Division of the Department of Employment, Training and Rehabilitation; ~~[and]~~

(2) The Aging and Disability Services Division of the Department of Health and Human Services ~~[.]~~ ;

(3) The Council on Developmental Disabilities established in this State pursuant to 42 U.S.C. § 15025; and

(4) The Statewide Independent Living Council established in this State pursuant to 29 U.S.C. § 796d.

(k) Receive information on appropriate programs of support, including, without limitation, the Supplemental Security Income Program, as defined in NRS 422A.075.

(l) Select a parent, family member, advocate , employee of this State or other person to act on his or her behalf, including, without limitation, as prescribed in NRS 388.459.

(m) As appropriate to his or her individualized education program, receive education in financial literacy, including, without limitation, information about the Nevada ABLE Savings Program established pursuant to NRS 427A.889, to assist the pupil in managing his or her financial affairs.

(n) Receive, as appropriate, the pre-employment transition services required by 34 C.F.R. § 361.48.

(o) Voice concerns and disagreements with his or her educational or transition services and suggest changes in policies, services and providers of services without restraint, interference, coercion, discrimination or reprisal.

(p) Assist in the development of a course of study that is designed to provide the pupil with the ability to achieve his or her measurable post-secondary goals established pursuant to paragraph (d) and obtain a diploma.

(q) Receive information regarding potential consequences of attaining a diploma accessible to pupils with disabilities.

(r) As appropriate to his or her individualized education program, receive instruction in civil participation, including, without limitation, participation in the political process.

(s) Be notified, not less than 1 year before the pupil reaches 18 years of age, that any right accorded to the parent of a pupil with a disability pursuant to Part B of the Individuals with Disabilities Education Act, 20 U.S.C. § 1411 et seq., and the regulations adopted pursuant thereto, transfer to the pupil when he or she reaches 18 years of age.

3. The rights of a pupil with a disability set forth in subsection 2 do not abrogate any remedies provided by law.

Sec. 4. NRS 388.417 is hereby amended to read as follows:

388.417 As used in NRS 388.417 to 388.515, inclusive ~~[:]~~ *, and section 3 of this act:*

1. "Communication mode" means any system or method of communication used by a person with a disability, including, without limitation, a person who is deaf or whose hearing is impaired, to facilitate communication which may include, without limitation:

(a) American Sign Language;

(b) English-based manual or sign systems;

(c) Oral and aural communication;

(d) Spoken and written English, including speech reading or lip reading; and

(e) Communication with assistive technology devices.

2. "Dyslexia" means a neurological learning disability characterized by difficulties with accurate and fluent word recognition and poor spelling and decoding abilities that typically result from a deficit in the phonological component of language.

3. "Dyslexia intervention" means systematic, multisensory intervention offered in an appropriate setting that is derived from evidence-based research.

4. "Individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

5. "Individualized education program team" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(B).

6. "Provider of special education" means a school within a school district or charter school that provides education or services to pupils with disabilities

or any other entity that is responsible for providing education or services to a pupil with a disability for a school district or charter school.

7. "Pupil who receives early intervening services" means a person enrolled in kindergarten or grades 1 to 12, inclusive, who is not a pupil with a disability but who needs additional academic and behavioral support to succeed in a regular school program.

8. "Pupil with a disability" means a "child with a disability," as that term is defined in 20 U.S.C. § 1401(3)(A), who is under 22 years of age.

9. "Response to scientific, research-based intervention" means a collaborative process which assesses a pupil's response to scientific, research-based intervention that is matched to the needs of a pupil and that systematically monitors the level of performance and rate of learning of the pupil over time for the purpose of making data-based decisions concerning the need of the pupil for increasingly intensified services.

10. "Specific learning disability" means a disorder in one or more of the basic psychological processes involved in understanding or using spoken or written language which is not primarily the result of a visual, hearing or motor impairment, intellectual disability, serious emotional disturbance, or an environmental, cultural or economic disadvantage. Such a disorder may manifest itself in an imperfect ability to listen, think, speak, read, write, spell or perform mathematical calculations. The term includes, without limitation, perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia.

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

Senator Doñate moved that the Senate concur in Assembly Amendment No. 652 to Senate Bill No. 315.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 331.

The following Assembly amendment was read:

Amendment No. 627.

SUMMARY—Revises provisions relating to state and local emergency management plans. (BDR 36-813)

AN ACT relating to emergency management; requiring certain emergency management plans to include certain information related to the evacuation, transport and shelter of persons with pets; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires that an emergency management plan prepared by the Governor pursuant to NRS 414.060 or adopted by a political subdivision or local organization for emergency management must address the needs of persons with pets, service animals or service animals in training. (NRS 414.095) This bill requires that such an emergency management plan, to the extent practicable, also: (1) designate at least one shelter to

accommodate persons with pets; and (2) ~~[to the extent practicable,]~~ include provisions for the evacuation, transport and shelter of persons with pets.

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

Section 1. NRS 414.095 is hereby amended to read as follows:

414.095 1. An emergency management plan prepared by the Governor pursuant to NRS 414.060 or adopted by a political subdivision or a local organization for emergency management must, without limitation ~~[, address]~~ *:*

(a) Address the needs of persons with pets, service animals or service animals in training during and after an emergency or disaster ~~[.]~~ *;*

(b) ~~*[Designate]*~~ *To the extent practicable, designate at least one shelter to accommodate persons with pets; and*

(c) To the extent practicable, include provisions for the evacuation, transport and shelter of persons with pets.

2. As used in this section:

(a) "Pet" has the meaning ascribed to it in NRS 574.615.

(b) "Service animal" has the meaning ascribed to it in NRS 426.097.

(c) "Service animal in training" has the meaning ascribed to it in NRS 426.099.

Senator Flores moved that the Senate concur in Assembly Amendment No. 627 to Senate Bill No. 331.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 363.

The following Assembly amendment was read:

Amendment No. 629.

SUMMARY—Revises provisions relating to affordable housing. (BDR 25-1029)

AN ACT relating to affordable housing; authorizing the Housing Division of the Department of Business and Industry to prioritize funding for projects related to affordable housing that give preference to certain persons; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Account for Affordable Housing in the State General Fund and prescribes the distribution and use of money in the Account. (NRS 319.500, 319.510) Existing law also authorizes the Housing Division of the Department of Business and Industry to distribute a certain portion of money in the Account to public or private nonprofit charitable organizations for projects that meet certain criteria. (NRS 319.510) This bill authorizes the Division to give priority to projects that provide a preference for: (1) women who are veterans; (2) women who were previously incarcerated; (3) survivors of domestic violence; ~~[and]~~ (4) elderly women who do not have stable or adequate living arrangements ~~[.]~~ ; and (5) unmarried persons with primary physical custody of a child.

WHEREAS, The shortage of affordable housing is affecting communities across the State of Nevada and the nation, and particularly impacts certain populations of women in Nevada; and

WHEREAS, Women who are veterans face many challenges when returning to civilian life, including, without limitation, raising children on their own and dealing with the psychological repercussions related to events such as military service or sexual trauma, which can put women who are veterans at a high risk of experiencing housing insecurity or homelessness; and

WHEREAS, Women who were formerly incarcerated experience barriers to employment as well as distrust and discrimination which create significant obstacles for formerly incarcerated women to obtain and maintain safe, stable housing for themselves and their families after release; and

WHEREAS, Survivors of domestic violence are also hampered in finding safe, affordable housing as a result of certain barriers such as a history of financial abuse, discrimination based on the violent or criminal actions of perpetrators and the unique safety and confidentiality needs of survivors of domestic violence; and

WHEREAS, Elderly women are more likely to live in poverty than men as a result of historical wage disparities and having to take time away from the workforce for caregiving; and

WHEREAS, Expansion of the inventory of affordable housing that provides a preference for these disadvantaged female populations will address many of the significant obstacles that such women face in obtaining safe, stable and affordable housing; and

WHEREAS, Federal and state funding for housing in Nevada should be prioritized for projects that provide a preference for such disadvantaged women; now, therefore,

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

Section 1. NRS 319.510 is hereby amended to read as follows:

319.510 1. Except as otherwise provided in subsection 2, money deposited in the Account for Affordable Housing must be used:

(a) For the acquisition, construction or rehabilitation of affordable housing for eligible families by public or private nonprofit charitable organizations, housing authorities or local governments through loans, grants or subsidies;

(b) To provide technical and financial assistance to public or private nonprofit charitable organizations, housing authorities and local governments for the acquisition, construction or rehabilitation of affordable housing for eligible families;

(c) To provide funding for projects of public or private nonprofit charitable organizations, housing authorities or local governments that provide assistance to or guarantee the payment of rent or deposits as security for rent for eligible families, including homeless persons;

(d) To reimburse the Division for the costs of administering the Account;

(e) To assist eligible persons by supplementing their monthly rent for the manufactured home lots, as defined by NRS 118B.016, on which their manufactured homes, as defined by NRS 118B.015, are located; and

(f) In any other manner consistent with this section to assist eligible families in obtaining or keeping affordable housing, including use as the State's contribution to facilitate the receipt of related federal money.

2. Except as otherwise provided in this subsection, the Division may expend money from the Account as reimbursement for the necessary costs of efficiently administering the Account and any money received pursuant to 42 U.S.C. §§ 12701 et seq. In no case may the Division expend more than $40,000 per year or an amount equal to 6 percent of any money made available to the State pursuant to 42 U.S.C. §§ 12701 et seq., whichever is greater. In addition, the Division may expend not more than $175,000 per year from the Account to create and maintain the statewide low-income housing database required by NRS 319.143. The Division may expend not more than $75,000 per year of the money deposited in the Account pursuant to NRS 375.070 for the purpose set forth in paragraph (e) of subsection 1. Of the remaining money allocated from the Account:

(a) Except as otherwise provided in subsection 3, 15 percent must be distributed to the Division of Welfare and Supportive Services of the Department of Health and Human Services for use in its program developed pursuant to 45 C.F.R. § 233.120, as that section existed on December 4, 1997, to provide emergency assistance to needy families with children, subject to the following:

(1) The Division of Welfare and Supportive Services shall adopt regulations governing the use of the money that are consistent with the provisions of this section.

(2) The money must be used solely for activities relating to affordable housing that are consistent with the provisions of this section.

(3) The money must be made available to families that have children and whose income is at or below the federally designated level signifying poverty.

(4) All money provided by the Federal Government to match the money distributed to the Division of Welfare and Supportive Services pursuant to this section must be expended for activities consistent with the provisions of this section.

(b) Eighty-five percent must be distributed to public or private nonprofit charitable organizations, housing authorities and local governments for the acquisition, construction and rehabilitation of affordable housing for eligible families, subject to the following:

(1) *Priority may be given to those projects that provide a preference for:*

(I) Women who are veterans;

(II) Women who were previously incarcerated;

(III) Survivors of domestic violence; ~~*[and]*~~

(IV) Elderly women who do not have stable or adequate living arrangements ~~*[.]*~~ *; and*

(V) Unmarried persons with primary physical custody of a child.

(2) Priority must be given to those projects that qualify for the federal tax credit relating to low-income housing.

~~[(2)]~~ *(3)* Priority must be given to those projects that anticipate receiving federal money to match the state money distributed to them.

~~[(3)]~~ *(4)* Priority must be given to those projects that have the commitment of a local government to provide assistance to them.

~~[(4)]~~ *(5)* All money must be used to benefit families whose income does not exceed 120 percent of the median income for families residing in the same county, as defined by the United States Department of Housing and Urban Development.

~~[(5)]~~ *(6)* Not less than 15 percent of the units acquired, constructed or rehabilitated must be affordable to persons whose income is at or below the federally designated level signifying poverty. For the purposes of this subparagraph, a unit is affordable if a family does not have to pay more than 30 percent of its gross income for housing costs, including both utility and mortgage or rental costs.

~~[(6)]~~ *(7)* To be eligible to receive money pursuant to this paragraph, a project must be sponsored by a local government.

3. The Division may, pursuant to contract and in lieu of distributing money to the Division of Welfare and Supportive Services pursuant to paragraph (a) of subsection 2, distribute any amount of that money to private or public nonprofit entities for use consistent with the provisions of this section.

Senator Flores moved that the Senate concur in Assembly Amendment No. 629 to Senate Bill No. 363.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 434.

The following Assembly amendment was read:

Amendment No. 630.

SUMMARY—Revises provisions related to retirement. (BDR 23-16)

AN ACT relating to retirement; revising provisions governing eligibility for membership in the Public Employees' Retirement System; revising provisions governing the options for service retirement allowances under the System; revising provisions relating to the granting of a divorce; ~~[revising provisions governing the disposition of certain pension or retirement benefits upon dissolution of marriage;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Eligible retired public employees receive retirement allowances through membership in and contributions to the Public Employees' Retirement System. (Chapter 286 of NRS) Under existing law, certain persons are not eligible to be members of the System, including substitute teachers. (NRS 286.297) Section 1 of this bill makes substitute teachers eligible for membership in the System.

Existing law provides several different alternative options to an unmodified retirement allowance under the Public Employees' Retirement System that members are authorized to elect upon retirement. (NRS 286.590) Section 2 of this bill provides the additional alternative option of a reduced service retirement allowance with a benefit paid for 6 months to a designated beneficiary or an alternate beneficiary.

Existing law specifies certain powers and duties of courts in granting a divorce. ~~[One such power is modifying an adjudication of property rights or an agreement settling property rights upon written stipulation by the parties to the action.]~~ (NRS 125.150) Section 2.5 of this bill requires a court, in granting a divorce, to provide an explanation, or ensure that an explanation has been provided, to the parties of any provision relating to the disposition of pension or retirement benefits that will be included in the decree of divorce or any related order. ~~[Section 2.5 also authorizes a court to modify the adjudication of or an agreement settling property rights as a result of the filing of a motion to amend the adjudication or agreement relating to the disposition of pension or retirement benefits by the parties to the action.~~

~~Existing law provides for the disposition of pension or retirement benefits provided by the Public Employees' Retirement System or the Judicial Retirement Plan upon dissolution of marriage. Existing law codifies the "time rule," whereby the community interest in such retirement benefits is calculated by dividing an employee's length of service during marriage by his or her total length of service. (NRS 125.155) Section 3 of this bill replaces the "time rule" with the "frozen benefit rule," whereby the community interest in such retirement benefits is "frozen" at the salary base and years of service of the party participating in the retirement system on the date on which the decree of legal separation or divorce is entered. The "frozen benefit rule" currently applies to military pensions under the Uniformed Services Former Spouses' Protection Act. (10 U.S.C. § 1408(a)(4)(B))]~~

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

Section 1. NRS 286.297 is hereby amended to read as follows:

286.297 The following persons are not eligible to become members of the System:

1. Inmates of state institutions even though they may be receiving compensation for services performed for the institution.

2. Independent contractors or persons rendering professional services on a fee, retainer or contract basis.

3. Except as otherwise provided in NRS 286.525, persons retired under the provisions of this chapter who are employed by a participating public employer.

4. Members of boards or commissions of the State of Nevada or of its political subdivisions when such boards or commissions are advisory or directive and when membership thereon is not compensated except for expenses incurred. Receipt of a fee for attendance at official sessions of a

particular board or commission does not constitute compensation for the purpose of this subsection.

5. ~~[Substitute teachers and students]~~ *Students* who are employed by the institution which they attend.

6. District judges, judges of the Court of Appeals and justices of the Supreme Court first elected or appointed on or after July 1, 1977, who are not enrolled in the System at the time of election or appointment.

7. Members of the professional staff of the Nevada System of Higher Education who are employed on or after July 1, 1977.

8. Persons employed on or after July 1, 1979, under the Comprehensive Employment and Training Act.

9. Except as otherwise provided in NRS 286.293, persons assigned to intermittent or temporary positions unless the assignment exceeds 6 consecutive months.

10. Persons employed on or after July 1, 1981, as part-time guards at school crossings.

11. Nurses who:

(a) Are not full-time employees;

(b) Are paid an hourly wage on a daily basis;

(c) Do not receive the employee benefits received by other employees of the same employer; and

(d) Do not work a regular schedule or are requested to work for a shift at a time.

Sec. 2. NRS 286.590 is hereby amended to read as follows:

286.590 The alternatives to an unmodified service retirement allowance are as follows:

1. Option 2 consists of a reduced service retirement allowance payable monthly during the retired employee's life, with the provision that it continue after the retired employee's death for the life of the beneficiary whom the retired employee nominates by written designation acknowledged and filed with the Board at the time of retirement should the beneficiary survive the retired employee.

2. Option 3 consists of a reduced service retirement allowance payable monthly during the retired employee's life, with the provision that it continue after the retired employee's death at one-half the rate paid to the retired employee and be paid for the life of the beneficiary whom the retired employee nominates by written designation acknowledged and filed with the Board at the time of retirement should the beneficiary survive the retired employee.

3. Option 4 consists of a reduced service retirement allowance payable monthly during the retired employee's life, with the provision that it continue after the retired employee's death for the life of the retired employee's beneficiary, whom the retired employee nominates by written designation acknowledged and filed with the Board at the time of the election, should the retired employee's beneficiary survive the retired employee, beginning on the attainment by the surviving beneficiary of age 60. If a beneficiary designated

under this option dies after the date of the retired employee's death but before attaining age 60, the contributions of the retired employee which have not been returned to the retired employee or the retired employee's beneficiary must be paid to the estate of the deceased beneficiary.

4. Option 5 consists of a reduced service retirement allowance payable monthly during the retired employee's life, with the provision that it continue after the retired employee's death at one-half the rate paid to the retired employee and be paid for the life of the retired employee's beneficiary whom the retired employee nominates by written designation acknowledged and filed with the Board at the time of the election, should the retired employee's beneficiary survive the retired employee, beginning on the attainment by the surviving beneficiary of age 60. If a beneficiary designated under this option dies after the date of the retired employee's death but before attaining age 60, the contributions of the retired employee which have not been returned to the retired employee or the retired employee's beneficiary must be paid to the estate of the deceased beneficiary.

5. Option 6 consists of a reduced service retirement allowance payable monthly during the retired employee's life, with the provision that a specific sum per month, which cannot exceed the monthly allowance paid to the retired employee, be paid after the retired employee's death to the beneficiary for the life of the beneficiary whom the retired employee nominates by written designation acknowledged and filed with the Board at the time of retirement, should the beneficiary survive the retired employee.

6. Option 7 consists of a reduced service retirement allowance payable monthly during the retired employee's life, with the provision that a specific sum per month, which cannot exceed the monthly allowance paid to the retired employee, be paid after the retired employee's death to the beneficiary for the life of the beneficiary whom the retired employee nominates by written designation acknowledged and filed with the Board at the time of election, should the beneficiary survive the retired employee, beginning on the attainment by the surviving beneficiary of age 60 years. If a surviving beneficiary dies after the date of the retired employee's death, but before attaining age 60, all contributions of the retired employee which have not been returned to the retired employee or the retired employee's beneficiary must be paid to the estate of the beneficiary.

7. Option 8 consists of a reduced service retirement allowance payable monthly during the retired employee's life, with the provision that a specific sum per month, which cannot exceed the monthly allowance paid to the retired employee, be paid for 6 months after the retired employee's death to the beneficiary whom the retired employee nominates by written designation acknowledged and filed with the Board at the time of retirement, should the beneficiary survive the retired employee. The retired employee may also designate at the time of retirement one alternate beneficiary should the initial designated beneficiary not survive the retired employee. Except as otherwise provided in this subsection, if the designated beneficiary dies less than

6 months after the date of the retired employee's death, any amount which has not been paid to the designated beneficiary pursuant to this subsection must be paid to the estate of the designated beneficiary. If the retired employee designated an alternate beneficiary, any amount which has not been paid pursuant to this subsection to the initial designated beneficiary before the initial designated beneficiary's death must be paid to the alternate designated beneficiary. If the alternate designated beneficiary also later dies less than 6 months after the date of the retired employee's death, any amount which has not been paid to the alternate designated beneficiary pursuant to this subsection must be paid to the estate of the alternate designated beneficiary. If the initial designated beneficiary and, if applicable, the alternate designated beneficiary do not survive the retired employee, any amount which is required to be paid pursuant to this subsection to a beneficiary must be paid to the estate of the retired employee.

Sec. 2.5. NRS 125.150 is hereby amended to read as follows:

125.150 Except as otherwise provided in NRS 125.155 and 125.165, and unless the action is contrary to a premarital agreement between the parties which is enforceable pursuant to chapter 123A of NRS:

1. In granting a divorce, the court:

(a) May award such alimony to either spouse, in a specified principal sum or as specified periodic payments, as appears just and equitable; ~~[and]~~

(b) Shall, to the extent practicable, make an equal disposition of the community property of the parties, including, without limitation, any community property transferred into an irrevocable trust pursuant to NRS 123.125 over which the court acquires jurisdiction pursuant to NRS 164.010, except that the court may make an unequal disposition of the community property in such proportions as it deems just if the court finds a compelling reason to do so and sets forth in writing the reasons for making the unequal disposition ~~[.]~~ *; and*

(c) Shall provide an explanation, or ensure that an explanation has been provided, to the parties of any provision relating to the disposition of pension or retirement benefits that will be included in the decree of divorce or any related order.

2. Except as otherwise provided in this subsection, in granting a divorce, the court shall dispose of any property held in joint tenancy in the manner set forth in subsection 1 for the disposition of community property. If a party has made a contribution of separate property to the acquisition or improvement of property held in joint tenancy, the court may provide for the reimbursement of that party for his or her contribution. The amount of reimbursement must not exceed the amount of the contribution of separate property that can be traced to the acquisition or improvement of property held in joint tenancy, without interest or any adjustment because of an increase in the value of the property held in joint tenancy. The amount of reimbursement must not exceed the value, at the time of the disposition, of the property held in joint tenancy for which the contribution of separate property was made. In determining whether to

provide for the reimbursement, in whole or in part, of a party who has contributed separate property, the court shall consider:

(a) The intention of the parties in placing the property in joint tenancy;

(b) The length of the marriage; and

(c) Any other factor which the court deems relevant in making a just and equitable disposition of that property.

➥ As used in this subsection, "contribution" includes, without limitation, a down payment, a payment for the acquisition or improvement of property, and a payment reducing the principal of a loan used to finance the purchase or improvement of property. The term does not include a payment of interest on a loan used to finance the purchase or improvement of property, or a payment made for maintenance, insurance or taxes on property.

3. A party may file a postjudgment motion in any action for divorce, annulment or separate maintenance to obtain adjudication of any community property or liability omitted from the decree or judgment as the result of fraud or mistake. A motion pursuant to this subsection must be filed within 3 years after the discovery by the aggrieved party of the facts constituting the fraud or mistake. The court has continuing jurisdiction to hear such a motion and shall equally divide the omitted community property or liability between the parties unless the court finds that:

(a) The community property or liability was included in a prior equal disposition of the community property of the parties or in an unequal disposition of the community property of the parties which was made pursuant to written findings of a compelling reason for making that unequal disposition; or

(b) The court determines a compelling reason in the interests of justice to make an unequal disposition of the community property or liability and sets forth in writing the reasons for making the unequal disposition.

➥ If a motion pursuant to this subsection results in a judgment dividing a defined benefit pension plan, the judgment may not be enforced against an installment payment made by the plan more than 6 years after the installment payment.

4. Except as otherwise provided in NRS 125.141, whether or not application for suit money has been made under the provisions of NRS 125.040, the court may award a reasonable attorney's fee to either party to an action for divorce.

5. In granting a divorce, the court may also set apart such portion of the separate property of either spouse for the other spouse's support or the separate property of either spouse for the support of their children as is deemed just and equitable.

6. In the event of the death of either party or the subsequent remarriage of the spouse to whom specified periodic payments were to be made, all the payments required by the decree must cease, unless it was otherwise ordered by the court.

7. If the court adjudicates the property rights of the parties, or an agreement by the parties settling their property rights has been approved by the court, whether or not the court has retained jurisdiction to modify them, the adjudication of property rights, and the agreements settling property rights, may nevertheless at any time thereafter be modified by the court ~~*[as a result of the filing of a motion to amend the adjudication or agreement relating to the disposition of pension or retirement benefits by the parties to the action or]*~~ upon written stipulation signed and acknowledged by the parties to the action, and in accordance with the terms thereof.

8. If a decree of divorce, or an agreement between the parties which was ratified, adopted or approved in a decree of divorce, provides for specified periodic payments of alimony, the decree or agreement is not subject to modification by the court as to accrued payments. Payments pursuant to a decree entered on or after July 1, 1975, which have not accrued at the time a motion for modification is filed may be modified upon a showing of changed circumstances, whether or not the court has expressly retained jurisdiction for the modification. In addition to any other factors the court considers relevant in determining whether to modify the order, the court shall consider whether the income of the spouse who is ordered to pay alimony, as indicated on the spouse's federal income tax return for the preceding calendar year, has been reduced to such a level that the spouse is financially unable to pay the amount of alimony the spouse has been ordered to pay.

9. In addition to any other factors the court considers relevant in determining whether to award alimony and the amount of such an award, the court shall consider:

(a) The financial condition of each spouse;

(b) The nature and value of the respective property of each spouse;

(c) The contribution of each spouse to any property held by the spouses pursuant to NRS 123.030;

(d) The duration of the marriage;

(e) The income, earning capacity, age and health of each spouse;

(f) The standard of living during the marriage;

(g) The career before the marriage of the spouse who would receive the alimony;

(h) The existence of specialized education or training or the level of marketable skills attained by each spouse during the marriage;

(i) The contribution of either spouse as homemaker;

(j) The award of property granted by the court in the divorce, other than child support and alimony, to the spouse who would receive the alimony; and

(k) The physical and mental condition of each party as it relates to the financial condition, health and ability to work of that spouse.

10. In granting a divorce, the court shall consider the need to grant alimony to a spouse for the purpose of obtaining training or education relating to a job, career or profession. In addition to any other factors the court considers

relevant in determining whether such alimony should be granted, the court shall consider:

(a) Whether the spouse who would pay such alimony has obtained greater job skills or education during the marriage; and

(b) Whether the spouse who would receive such alimony provided financial support while the other spouse obtained job skills or education.

11. If the court determines that alimony should be awarded pursuant to the provisions of subsection 10:

(a) The court, in its order, shall provide for the time within which the spouse who is the recipient of the alimony must commence the training or education relating to a job, career or profession.

(b) The spouse who is ordered to pay the alimony may, upon changed circumstances, file a motion to modify the order.

(c) The spouse who is the recipient of the alimony may be granted, in addition to any other alimony granted by the court, money to provide for:

(1) Testing of the recipient's skills relating to a job, career or profession;

(2) Evaluation of the recipient's abilities and goals relating to a job, career or profession;

(3) Guidance for the recipient in establishing a specific plan for training or education relating to a job, career or profession;

(4) Subsidization of an employer's costs incurred in training the recipient;

(5) Assisting the recipient to search for a job; or

(6) Payment of the costs of tuition, books and fees for:

(I) The equivalent of a high school diploma;

(II) College courses which are directly applicable to the recipient's goals for his or her career; or

(III) Courses of training in skills desirable for employment.

12. For the purposes of this section, a change of 20 percent or more in the gross monthly income of a spouse who is ordered to pay alimony shall be deemed to constitute changed circumstances requiring a review for modification of the payments of alimony. As used in this subsection, "gross monthly income" means the total amount of income received each month from any source of a person who is not self-employed or the gross income from any source of a self-employed person, after deduction of all legitimate business expenses, but without deduction for personal income taxes, contributions for retirement benefits, contributions to a pension or for any other personal expenses.

Sec. 3. ~~[NRS 125.155 is hereby amended to read as follows:~~

~~125.155 Unless the action is contrary to a premarital agreement between the parties which is enforceable pursuant to chapter 123A of NRS or is prohibited by specific statute:~~

~~1. In determining the value of an interest in or entitlement to a pension or retirement benefit provided by the Public Employees' Retirement System pursuant to chapter 286 of NRS or the Judicial Retirement Plan established pursuant to NRS 1A.300, the court [:]~~

~~(a)] *shall base its determination upon the amount of the pension or retirement benefits to which the participating party would have been entitled using the salary base and years of service of the participating party on the date on which a decree of legal separation or divorce is entered.*~~

~~[Shall base its determination upon the number of years or portion thereof that the contributing party was employed and received the interest or entitlement, beginning on the date of the marriage and ending on the date on which a decree of legal separation or divorce is entered; and~~

~~(b) Shall not base its determination upon any estimated increase in the value of the interest or entitlement resulting from a promotion, raise or any other efforts made by the party who contributed to the interest or entitlement as a result of his or her continued employment after the date of a decree of legal separation or divorce.]~~

~~2. The court may, in making a disposition of a pension or retirement benefit provided by the Public Employees' Retirement System or the Judicial Retirement Plan, order that the benefit not be paid before the date on which the participating party retires. To ensure that the party who is not a participant will receive payment for the benefits, the court may:~~

~~(a) On its own motion or pursuant to an agreement of the parties, require the participating party to furnish a performance or surety bond, executed by the participating party as principal and by a corporation qualified under the laws of this state as surety, made payable to the party who is not a participant under the plan, and conditioned upon the payment of the pension or retirement benefits. The bond must be in a principal sum equal to the amount of the determined interest of the nonparticipating party in the pension or retirement benefits and must be in a form prescribed by the court.~~

~~(b) On its own motion or pursuant to an agreement of the parties, require the participating party to purchase a policy of life insurance. The amount payable under the policy must be equal to the determined interest of the nonparticipating party in the pension or retirement benefits. The nonparticipating party must be named as a beneficiary under the policy and must remain a named beneficiary until the participating party retires.~~

~~(c) Pursuant to an agreement of the parties, increase the value of the determined interest of the nonparticipating party in the pension or retirement benefit as compensation for the delay in payment of the benefit to that party.~~

~~(d) On its own motion or pursuant to an agreement of the parties, allow the participating party to provide any other form of security which ensures the payment of the determined interest of the nonparticipating party in the pension or retirement benefit.~~

~~3. If a party receives an interest in or an entitlement to a pension or retirement benefit which the party would not otherwise have an interest in or be entitled to if not for a disposition made pursuant to this section, the interest or entitlement and any related obligation to pay that interest or entitlement terminates upon the death of either party unless pursuant to:~~

~~(a) An agreement of the parties; or~~

~~(b) An order of the court,~~

~~→ a party who is a participant in the Public Employees' Retirement System or the Judicial Retirement Plan provides an alternative to an unmodified service retirement allowance pursuant to NRS 1A.450 or 286.590.]~~ (Deleted by amendment.)

Sec. 4. This act becomes effective ~~[upon passage and approval.]~~ on July 1, 2023.

Senator Flores moved that the Senate concur in Assembly Amendment No. 630 to Senate Bill No. 434.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 60.

The following Assembly amendment was read:

Amendment No. 721.

SUMMARY—Revises provisions relating to elections. (BDR 24-412)

AN ACT relating to elections; requiring the Secretary of State to allow any registered voter to use the system of approved electronic transmission to request and cast a ballot under certain circumstances; revising provisions relating to mail ballots; revising provisions relating to a recount and contest of a presidential election; setting forth a specific form of a declaration of candidacy for an independent candidate for partisan office; revising the methods for paying certain filing fees; revising provisions governing members of election boards; revising provisions relating to when certain candidates may be declared elected at a primary election; revising provisions relating to the form of certain ballots; revising the deadline for a hearing of an election contest; revising provisions relating to counting ballots and standards for counting votes; revising provisions relating to risk-limiting audits; revising provisions relating to an application to preregister or register to vote; revising prohibitions relating to tampering or interfering with certain election equipment or computer programs; requiring the Secretary of State to adopt by regulation a cyber-incident response plan for elections; revising the deadline by which a withdrawal of candidacy must be presented by certain candidates; revising the definition of "uniformed-service voter"; revising provisions relating to the limit on contributions to a candidate for office; delaying the effective date of certain provisions relating to automatic voter registration; repealing certain provisions relating to elections; making various other changes relating to elections; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires ~~[, with certain exceptions, the county clerk and city clerk to prepare and distribute a mail ballot for every election to each active registered voter in the county or city and each person who registers to vote or updates his or her voter registration information not later than 14 days before the election. (NRS 293.269911, 293C.263)]~~ the Secretary of State to establish a system of approved electronic transmission through which: (1) certain

military and overseas electors and voters; or (2) certain registered electors and voters with a disability may register to vote, request a ballot and cast a ballot. (NRS 293.269951, 293D.200) Sections 1.5 and 7.6 of this bill ~~[authorize a]~~ require the Secretary of State to allow any registered voter to ~~[request a replacement mail]~~ use the system of approved electronic transmission to apply for and cast a ballot if the registered voter: (1) does not have access to his or her ~~[original]~~ mail ballot; and (2) is unable to go to the polls because of an illness or disability resulting in confinement, hospitalization, serious illness or is suddenly called away from home. ~~[Sections 1.5 and 7.6 authorize a registered voter to designate in such a request a person to mark and sign a replacement mail ballot on his or her behalf. Sections 6.15, 6.2, 9.6 and 9.8 of this bill make conforming changes to provide that this provision is an exception to the prohibitions on a person marking or signing a mail ballot on behalf of another person.]~~ Sections 6.55 and 10.5 of this bill require the county and city clerks to notify the public of the provisions of sections 1.5 and 7.6.

Existing federal law requires a certificate of ascertainment of appointment of presidential electors to be issued and transmitted to the Archivist of the United States not later than 6 days before the time fixed for the meeting of the electors, which is the first Tuesday after the second Wednesday in December. (3 U.S.C. §§ 5, 7) Existing state law authorizes a candidate defeated at any election to demand and receive a recount within 3 working days after the canvass of the vote. For purposes of demanding a recount in a general election, "canvass" means: (1) the canvass by the Supreme Court of the returns for a candidate for a statewide office; or (2) the canvass of the board of county commissioners of the returns for any other candidate. (NRS 293.403) The canvass by: (1) a board of county commissioners must be completed on or before the 10th day following the election; and (2) the Supreme Court is the fourth Tuesday of November after each general election. (NRS 293.387, 293.395) Each recount must be commenced within 5 days after demand, and completed within 5 days after it begins. (NRS 293.405) Existing state law further authorizes, with certain exceptions, a candidate or registered voter to contest an election by filing a statement of contest no later than 5 days after a recount is completed, and no later than 14 days after the election if no recount is demanded. (NRS 293.407, 293.413) If an election contest is filed, the court is required to set the matter for hearing not less than 5 days nor more than 10 days after the filing of the statement of contest. (NRS 293.413)

Section 1.7 of this bill establishes a different timeline for filing a recount or an election contest that applies only to the election of presidential electors. Specifically, section 1.7 provides that a candidate for the office of presidential elector may demand and receive a recount if, on or before the 13th day following the election, the candidate files the written demand to and deposits the estimated costs of the recount with the Secretary of State. Any such recount must be: (1) commenced within 1 day after the demand is filed; and (2) completed within 5 days after the recount begins. Section 1.7 further authorizes a candidate or any registered voter to contest the election of a

candidate to the office of presidential elector not more than 2 working days after the canvass of the returns by the Supreme Court. Such an election contest must be: (1) scheduled for a judicial hearing not more than 5 days after the filing of the statement of contest; and (2) decided before the deadline to issue and submit the certificate of ascertainment pursuant to federal law.

Pursuant to section 1.7, for purposes of the 2024 General Election, which will be held on November 5, 2024, the deadline: (1) to demand a recount for the office of presidential elector is November 18, 2024; (2) to begin a recount for the office of presidential elector is November 19, 2024; (3) to complete a recount for the office of presidential elector is November 24, 2024, (4) to contest the election for the office of presidential elector is December 2, 2024; and (5) for the court to set any such contest for hearing is December 7, 2024. Further, the deadline under federal law to issue and transmit the certificate of ascertainment is December 11, 2024, so pursuant to section 1.7, the court must determine the result of any election contest of the office of presidential elector before December 11, 2024.

Sections 6.35-6.5 and 7.3 of this bill make conforming changes to reflect the changes in section 1.7 to the schedule for filing a demand for a recount or an election contest for the office of presidential elector.

Section 11.7 of this bill requires the Secretary of State to transmit the certificate of ascertainment to the Archivist.

Section 6.5 requires a court to set a contest of an election for hearing not more than 5 days after the filing of the statement of contest for any election.

Existing law requires an independent candidate for partisan office to file a declaration of candidacy. (NRS 293.200) Existing law further sets forth the form for a declaration of candidacy for all candidates for partisan office. (NRS 293.177) Section 1.8 of this bill sets forth the form for the declaration of candidacy for an independent candidate for partisan office. Section 3 of this bill makes conforming changes to clarify that the declaration of candidacy for an independent candidate must be in the form set forth in section 1.8.

Existing law sets forth certain fees for filing a declaration of candidacy and provides that the fee for filing a declaration of candidacy may be paid by cash, cashier's check or certified check. (NRS 293.193) Section 2 of this bill: (1) provides that such a fee may also be paid by credit card; (2) revises the description of certain offices; and (3) reorganizes existing fees set forth in other provisions of existing law in to this schedule of fees.

Existing law provides that members of election boards continue to serve as such from the day before the day of the election until the time for filing contests of the election has expired. (NRS 293.225) Section 3.5 of this bill provides instead that members continue to serve as such from the day of appointment.

Existing law provides that, in certain circumstances, if one candidate receives a majority of the votes cast in a primary election for certain nonpartisan offices, the candidate must be declared elected and the candidate's name must not be placed on the ballot. (NRS 293.260, 293C.175; Carson City Charter § 5.010; Henderson City Charter § 5.010; Las Vegas City Charter

§ 5.010; North Las Vegas City Charter § 5.020; Sparks City Charter § 5.020) Sections 4, 8 and 12-17 of this bill provide that for the purposes of determining the majority of the votes cast in a primary election for an office for which voters may select more than one candidate, each ballot upon which a voter marked a valid choice for one or more candidates for that office shall be deemed to be one vote cast in the primary election for that office.

Existing law provides that every ballot upon which appears the names of candidates for any statewide office or for President or Vice President of the United States must contain an additional line with a square in which the voter may select "None of these candidates." (NRS 293.269) Section 5 of this bill provides instead that the additional line on such a ballot must contain a space in which the voter may select "None of these candidates."

Existing law: (1) authorizes the mail ballot central counting board to begin counting mail ballots 15 days before the day of the election; (2) requires the counting board to prepare to count the ballots when the polls are closed; and (3) establishes certain requirements for counting paper ballots. (NRS 293.269931, 293.363, 293C.26331, 293C.362) Sections 6.23 and 10.2 of this bill: (1) clarify that the mail ballot central counting board may begin counting mail ballots before the polls are closed; and (2) remove the requirements for counting paper ballots.

Existing law: (1) sets forth certain standards for counting votes; (2) requires the Secretary of State to adopt regulations establishing uniform, statewide standards for counting a vote; and (3) authorizes the Secretary of State to adopt regulations establishing additional uniform statewide standards. (NRS 293.3677, 293C.369) Sections 6.24 and 10.4 of this bill authorize the Secretary of State to establish uniform thresholds for determining whether writing or a mark must be counted as a vote.

Existing law provides that certain election materials, including the voted, rejected and spoiled ballots, must be sealed and deposited in the vaults of the county clerk. (NRS 293.391) Section 6.25 of this bill provides that such election materials are subject to inspection for the purposes of a risk-limiting audit.

Existing law requires each county clerk to conduct a risk-limiting audit of the results of an election prior to the certification of the results of an election. (NRS 293.394) Section 6.3 of this bill removes the requirement to conduct such an audit prior to the certification of the results.

Existing law provides that the deadline to register to vote at a voter registration agency, the Department of Motor Vehicles or an automatic voter registration agency is the last day to register to vote by mail. Existing law requires a county clerk to accept any application which is completed by the last day to register to vote by mail if the county clerk receives the application not later than 5 days after that date. (NRS 293.504, 293.5727, 293.5737) Sections 6.6, 6.75 and 17.7 of this bill require a voter registration agency, the Department of Motor Vehicles and an automatic voter registration agency to notify a voter who registers to vote after this deadline that in order to vote in

the upcoming election, the voter must register to vote by computer or at a polling place or polling place for early voting.

Existing law requires the Secretary of State to prescribe the form for applications to preregister or register to vote. (NRS 293.5235) Section 6.65 of this bill requires an application to preregister or register to vote to include an option for a voter to elect not to receive a mail ballot. Sections 6.1 and 9.2 of this bill make conforming changes to provide that a county clerk and city clerk shall not distribute a mail ballot to a person who has elected not to receive a mail ballot.

Existing federal law sets forth certain requirements for the removal of a voter from the official list of eligible voters which prohibit a state from removing the name of a registered voter unless the voter: (1) confirms a change of residence outside of the registrar's jurisdiction in writing; or (2) fails to respond to a notice sent to his or her residence and has not voted or appeared to vote for a period of time after a notice has been mailed to his or her residence. (52 U.S.C. § 20507) Sections 6.7 and 6.9 of this bill require a county clerk to mail a notice and conduct any correction or removal of a registered voter in accordance with existing federal law.

Existing law provides a penalty for a person who tampers or interferes or attempts to tamper or interfere with any computer program used to count ballots. (NRS 293.755) Section 6.8 of this bill instead prohibits a person from tampering or interfering or attempting to tamper or interfere with any computer program used to conduct an election.

Existing law prohibits a person from being preregistered or registered to vote in more than one county at a time. (NRS 293.810) Section 6.9 instead prohibits a person from being preregistered or registered to vote in more than one state at a time.

Existing law requires a county or city clerk or other election official to immediately notify the Secretary of State if the clerk or official identifies or is informed of a confirmed attack or attempted attack on the security of an information system used by the clerk or official. (NRS 293.875) Section 7 of this bill requires the Secretary of State to adopt by regulation a cyber-incident response plan for elections. Section 7 also requires a county or city clerk or other election official to notify the Secretary of State of any cyber-incident or attempted cyber-incident on the security of an information system used by the county or city clerk or other election official in accordance with the cyber-incident response plan.

Existing law provides that a withdrawal of candidacy must be presented: (1) for a candidate for city office, to the city clerk within 2 days after the last day for filing for candidacy; and (2) for all other candidates, to the county clerk within 7 days after the last day for filing. (NRS 293.202, 293C.195) Section 9 of this bill requires a withdrawal of candidacy by a candidate for a city office to be presented within 7 days, consistent with the requirement for all other candidates.

Existing law authorizes uniformed-service voters and certain other voters to vote in an election using a system of approved electronic transmission, a federal postcard application or the federal write-in absentee ballot. (Chapter 293D of NRS) Section 11 of this bill revises the definition of "uniformed-service voter" to include a member of the active or reserve components of the Space Force of the United States who is on active duty.

Existing law sets forth certain limits on making or committing to make any contributions to a candidate for office, except for a federal office, and provides that no contribution made, committed or accepted for a primary election or general election affects the limitation on contributions for a special election to recall a public officer. (NRS 294A.100) Section 11.3 of this bill also provides that no contribution made, committed or accepted for a special election other than a special election to recall a public officer affects the limitation on contributions for a special election to recall a public officer.

Beginning on January 1, 2024, existing law expands the agencies which provide automatic voter registration services and establishes certain requirements for an automatic voter registration agency to transmit certain voter registration information to the Secretary of State and county clerks. (Chapter 555, Statutes of Nevada 2021, at page 3849) Section 17.7 of this bill delays the effective date of these provisions until January 1, 2025.

Section 19 of this bill repeals certain provisions that: (1) prohibit a counting board from commencing to count the votes until all ballots are accounted for; (2) provide for a recount at a hearing of any contest; and (3) require the county clerk to transmit the number of registered voters in the county and their political affiliation to the Secretary of State before certain elections.

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

Section 1. Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.5 and 1.7 of this act.

Sec. 1.5. *1. ~~[Any]~~ The Secretary of State shall allow any registered voter ~~[may submit a written request]~~ to ~~[the county clerk for a replacement mail]~~ use the system of approved electronic transmission established pursuant to NRS 293D.200 to apply for and cast a ballot in every election where the system of approved electronic transmission is available to a covered voter to apply for and cast a military-overseas ballot if the registered voter does not have access to his or her mail ballot and is unable to go to the polls because:*

(a) Of an illness or disability resulting in confinement in a hospital, sanatorium, dwelling or nursing home; or

(b) The registered voter is suddenly hospitalized, becomes seriously ill or is called away from home.

2. ~~[A written request submitted pursuant to subsection 1 must include, without limitation:~~

~~(a) The name, address and signature of the registered voter requesting the replacement mail ballot;~~

~~*(b) The name, address and signature of the person designated by the registered voter to obtain, deliver and return the replacement mail ballot for the registered voter;*~~

~~*(c) A brief statement of the illness or disability of the registered voter or of facts sufficient to establish that the registered voter was called away from home and cannot obtain his or her original mail ballot;*~~

~~*(d) If the registered voter is confined in a hospital, sanatorium, dwelling or nursing home, a statement that he or she will be confined therein on the day of the election; and*~~

~~*(e) Unless the person designated pursuant to paragraph (b) will mark and sign the replacement mail ballot on behalf of the registered voter pursuant to subsection 5, a statement signed under penalty of perjury that only the registered voter will mark and sign the replacement mail ballot.*~~

~~*3. If the county clerk determines that a request submitted pursuant to subsection 1 includes the information required pursuant to subsection 2, the county clerk shall, at the office of the county clerk, deliver the replacement mail ballot to the person designated in the request to obtain the replacement mail ballot for the registered voter.*~~

~~*4. Except as otherwise provided in subsection 5, the registered voter must vote the mail ballot in accordance with the requirements of NRS 293.269917.*~~

~~*5. A person designated in the request submitted pursuant to subsection 1 may, on behalf of and at the direction of the registered voter, mark and sign the replacement mail ballot. If the person marks and signs the replacement mail ballot pursuant to this section, the person must:*~~

~~*(a) Indicate next to his or her signature that the replacement mail ballot has been marked and signed on behalf of the registered voter; and*~~

~~*(b) Submit a written statement with the replacement mail ballot that includes the name, address and signature of the person.*~~

~~*6. A replacement mail ballot prepared by or on behalf of a registered voter pursuant to this section must be mailed or delivered to the county clerk in accordance with NRS 293.269921.*~~

~~*7. The county clerk shall cancel the original mail ballot.*~~

~~*8. The procedure authorized by this section is subject to all other provisions of this chapter relating to voting by mail ballot to the extent that those provisions are not inconsistent with the provisions of this section.]*~~ *The deadlines for a registered voter to use the system of approved electronic transmission pursuant to subsection 1 to apply for and cast a ballot are the same as the deadlines set forth in NRS 293D.310 and 293D.400 for a covered voter to apply for and cast a military-overseas ballot.*

3. Upon receipt of an application and ballot cast by a registered voter in accordance with subsection 1 using the system of approved electronic transmission established pursuant to NRS 293D.200, the local elections official shall affix, mark or otherwise acknowledge receipt of the application and ballot by means of a time stamp on the application.

4. The Secretary of State shall ensure that the registered voter may provide his or her digital signature or electronic signature on any document or other material that is necessary for the registered voter to request and cast a ballot.

5. The Secretary of State shall prescribe the form and content of a declaration for use by a registered voter who does not have access to his or her mail ballot and is unable to go to the polls to swear or affirm specific representations pertaining to identity, eligibility to vote, status as a registered voter and timely and proper completion of a ballot.

6. The Secretary of State shall prescribe the duties of the county clerk upon receipt of a ballot sent by a registered voter using the system of approved electronic transmission pursuant to this section, including, without limitation, the procedures to be used in accepting, handling and counting the ballot.

7. The Secretary of State shall make available to a registered voter using the system of approved electronic transmission pursuant to this section information regarding instructions on using the system for approved electronic transmission to apply for and cast a ballot.

8. The Secretary of State shall adopt any regulations necessary to carry out the provisions of this section.

9. As used in this section:

(a) "Covered voter" has the meaning ascribed to it in NRS 293D.030.

(b) "Digital signature" has the meaning ascribed to it in NRS 720.060.

(c) "Electronic signature" has the meaning ascribed to it in NRS 719.100.

(d) "Military-overseas ballot" has the meaning ascribed to it in NRS 293D.050.

Sec. 1.7. *For the purposes of an election to the office of presidential elector:*

1. The following requirements apply to a demand for a recount:

(a) A candidate for the office of presidential elector may demand and receive a recount of the vote to determine the number of votes received for the candidate and the number of votes received for the person who won the election if, on or before the 13th day following the election, the candidate who demands the recount:

(1) Files in writing a demand with the Secretary of State; and

(2) Deposits in advance the estimated costs of the recount with the Secretary of State, as determined by the Secretary of State, in accordance with the regulations adopted by the Secretary of State defining the term "costs."

(b) A recount conducted pursuant to this subsection must be commenced within 1 day after the demand is filed and must be completed within 5 days after the recount is begun.

2. The following requirements apply to a contest of an election:

(a) A candidate for the office of presidential elector or any registered voter of this State may contest the election of a candidate to the office of presidential elector. To contest the election, the candidate or registered voter, as applicable, must file with the clerk of the district court a written statement of

contest not more than 2 working days after the canvass of the returns by the Supreme Court.

(b) The statement of contest must be prepared in accordance with NRS 293.407.

(c) The court shall set the matter for a hearing not more than 5 days after the filing of the statement of contest and must determine the results of the contest before the deadline to issue and submit the certificate of ascertainment pursuant to 3 U.S.C. § 5. Election contests shall take precedence over all regular business of the court in order that results of elections shall be determined as soon as practicable.

(d) The court may refer the contest to a special master in the manner provided by the Nevada Rules of Civil Procedure, and such special master shall have all powers necessary for a proper determination of the contest.

Sec. 1.8. NRS 293.177 is hereby amended to read as follows:

293.177 1. Except as otherwise provided in NRS 293.165 and 293.166, a name may not be printed on a ballot to be used at a primary election unless the person named has filed a declaration of candidacy with the appropriate filing officer and paid the filing fee required by NRS 293.193 not earlier than:

(a) For a candidate for judicial office, the first Monday in January of the year in which the election is to be held and not later than 5 p.m. on the second Friday after the first Monday in January; and

(b) For all other candidates, the first Monday in March of the year in which the election is to be held and not later than 5 p.m. on the second Friday after the first Monday in March.

2. A declaration of candidacy required to be filed pursuant to this chapter must be in substantially the following form:

(a) For partisan office:

DECLARATION OF CANDIDACY OF ..... FOR THE OFFICE OF .....

State of Nevada

County of .....

For the purpose of having my name placed on the official ballot as a candidate for the ..... Party nomination for the office of ....., I, the undersigned ....., do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ....., in the City or Town of ....., County of ....., State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am registered as a member of the ..... Party; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a

felony, my civil rights have been restored; that I have not, in violation of the provisions of NRS 293.176, changed the designation of my political party or political party affiliation on an official application to register to vote in any state since December 31 before the closing filing date for this election; that I generally believe in and intend to support the concepts found in the principles and policies of that political party in the coming election; that if nominated as a candidate of the ..... Party at the ensuing election, I will accept that nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; that I understand that knowingly and willfully filing a declaration of candidacy which contains a false statement is a crime punishable as a gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the office; and that I understand that my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....
.....
Notary Public or other person
authorized to administer an oath

(b) *For an independent candidate for partisan office:*

DECLARATION OF CANDIDACY OF ..... FOR THE OFFICE OF .....

State of Nevada
County of .....

For the purpose of having my name placed on the official ballot at the general election as an independent candidate for the office of ....., I, the undersigned ....., do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ....., in the City or Town of ....., County of ....., State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am a

qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; that I understand that knowingly and willfully filing a declaration of candidacy which contains a false statement is a crime punishable as a gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the office; and that I understand that my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....

.....
Notary Public or other person
authorized to administer an oath

(c) For nonpartisan office:

DECLARATION OF CANDIDACY OF ..... FOR THE OFFICE OF .....

State of Nevada
County of .....

For the purpose of having my name placed on the official ballot as a candidate for the office of ....., I, the undersigned ....., do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ....., in the City or Town of ....., County of ....., State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored; that if nominated as a nonpartisan candidate at the ensuing election, I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this

State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; that I understand that knowingly and willfully filing a declaration of candidacy which contains a false statement is a crime punishable as a gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the office; and that I understand that my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....

.....
Notary Public or other person
authorized to administer an oath

3. The address of a candidate which must be included in the declaration of candidacy pursuant to subsection 2 must be the street address of the residence where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050, if one has been assigned. The declaration of candidacy must not be accepted for filing if the candidate fails to comply with the following provisions of this subsection or, if applicable, the provisions of subsection 4:

(a) The candidate shall not list the candidate's address as a post office box unless a street address has not been assigned to his or her residence; and

(b) Except as otherwise provided in subsection 4, the candidate shall present to the filing officer:

(1) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate and the candidate's residential address; or

(2) A current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the candidate's name and residential address, but not including a voter registration card.

4. If the candidate executes an oath or affirmation under penalty of perjury stating that the candidate is unable to present to the filing officer the proof of residency required by subsection 3 because a street address has not been assigned to the candidate's residence or because the rural or remote location of the candidate's residence makes it impracticable to present the proof of residency required by subsection 3, the candidate shall present to the filing officer:

(a) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate; and

(b) Alternative proof of the candidate's residential address that the filing officer determines is sufficient to verify where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050. The Secretary of State may adopt regulations establishing the forms of alternative proof of the candidate's residential address that the filing officer may accept to verify where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050.

5. The filing officer shall retain a copy of the proof of identity and residency provided by the candidate pursuant to subsection 3 or 4. Such a copy:

(a) May not be withheld from the public; and

(b) Must not contain the social security number, driver's license or identification card number or account number of the candidate.

6. By filing the declaration of candidacy, the candidate shall be deemed to have appointed the filing officer for the office as his or her agent for service of process for the purposes of a proceeding pursuant to NRS 293.182. Service of such process must first be attempted at the appropriate address as specified by the candidate in the declaration of candidacy. If the candidate cannot be served at that address, service must be made by personally delivering to and leaving with the filing officer duplicate copies of the process. The filing officer shall immediately send, by registered or certified mail, one of the copies to the candidate at the specified address, unless the candidate has designated in writing to the filing officer a different address for that purpose, in which case the filing officer shall mail the copy to the last address so designated.

7. If the filing officer receives credible evidence indicating that a candidate has been convicted of a felony and has not had his or her civil rights restored, the filing officer:

(a) May conduct an investigation to determine whether the candidate has been convicted of a felony and, if so, whether the candidate has had his or her civil rights restored; and

(b) Shall transmit the credible evidence and the findings from such investigation to the Attorney General, if the filing officer is the Secretary of State, or to the district attorney, if the filing officer is a person other than the Secretary of State.

8. The receipt of information by the Attorney General or district attorney pursuant to subsection 7 must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293.182 to which the provisions of NRS 293.2045 apply.

9. Any person who knowingly and willfully files a declaration of candidacy which contains a false statement in violation of this section is guilty of a gross misdemeanor.

Sec. 2. NRS 293.193 is hereby amended to read as follows:

293.193 1. Fees as listed in this section for filing declarations of candidacy must be paid to the filing officer by cash, *credit card*, cashier's check or certified check.

United States Senator $500

Representative in Congress 300
Governor..... 300
Justice of the Supreme Court 300
~~[Any state office, other than Governor or justice of the Supreme Court ..... 200]~~
Independent candidate for the office of President of the United States 250
Lieutenant Governor 200
Secretary of State, State Treasurer, State Controller or Attorney General 200
Court of Appeals judge 200
Member of the State Board of Education 200
District judge 150
Justice of the peace 100
Any county office 100
State Senator 100
Assemblyman or Assemblywoman 100
Trustee of a county school district, hospital or hospital district ... 30
Any *other* district office other than district judge 30
Constable or other town or township office 30
Member of the Board of Regents of the University of Nevada 0
Any other office which receives no compensation 0

For the purposes of this subsection, trustee of a county school district, hospital or hospital district is not a county office.

2. No filing fee may be required from a candidate for an office the holder of which receives no compensation.

3. The county clerk shall pay to the county treasurer all filing fees received from candidates. The county treasurer shall deposit the money to the credit of the general fund of the county.

4. Except as otherwise provided in NRS 293.194, a filing fee paid pursuant to this section is not refundable.

Sec. 3. NRS 293.200 is hereby amended to read as follows:

293.200 1. An independent candidate for partisan office must file with the appropriate filing officer as set forth in NRS 293.185:

(a) A copy of the petition of candidacy that he or she intends to subsequently circulate for signatures. The copy must be filed not earlier than the January 2 preceding the date of the election and not later than 10 working days before the last day to file the petition pursuant to subsection 4. The copy of the petition must be filed with the appropriate filing officer before the petition may be circulated for signatures.

(b) Either of the following:

(1) A petition of candidacy signed by a number of registered voters equal to at least 1 percent of the total number of ballots cast in:

(I) This State for that office at the last preceding general election in which a person was elected to that office, if the office is a statewide office;

(II) The county for that office at the last preceding general election in which a person was elected to that office, if the office is a county office; or

(III) The district for that office at the last preceding general election in which a person was elected to that office, if the office is a district office.

(2) A petition of candidacy signed by 250 registered voters if the candidate is a candidate for statewide office, or signed by 100 registered voters if the candidate is a candidate for any office other than a statewide office.

2. The petition may consist of more than one document. Each document must bear the name of the county in which it was circulated, and only registered voters of that county may sign the document. If the office is not a statewide office, only the registered voters of the county, district or municipality in question may sign the document. The documents that are circulated for signature in a county must be submitted to that county clerk for verification in the manner prescribed in NRS 293.1276 to 293.1279, inclusive, not later than 10 working days before the last day to file the petition pursuant to subsection 4. Each person who signs the petition shall add to his or her signature the address of the place at which the person actually resides, the date that he or she signs the petition and the name of the county where he or she is registered to vote. The person who circulates each document of the petition shall sign an affidavit attesting that the signatures on the document are genuine to the best of his or her knowledge and belief and were signed in his or her presence by persons registered to vote in that county.

3. The petition of candidacy may state the principle, if any, which the person qualified represents.

4. Petitions of candidacy must be filed not earlier than the first Monday in March preceding the general election and not later than 5 p.m. on the third Friday in June.

5. No petition of candidacy may contain the name of more than one candidate for each office to be filled.

6. A person may not file as an independent candidate if he or she is proposing to run as the candidate of a political party.

7. The names of independent candidates must be placed on the general election ballot and must not appear on the primary election ballot.

8. If the sufficiency of the petition of the candidacy of any person seeking to qualify pursuant to this section is challenged, all affidavits and documents in support of the challenge must be filed not later than 5 p.m. on the fourth Friday in June. Any judicial proceeding resulting from the challenge must be set for hearing not more than 5 days after the fourth Friday in June.

9. Any challenge pursuant to subsection 8 must be filed with:

(a) The First Judicial District Court if the petition of candidacy was filed with the Secretary of State.

(b) The district court for the county where the petition of candidacy was filed if the petition was filed with a county clerk.

10. The district court in which the challenge is filed shall give priority to such proceedings over all other matters pending with the court, except for criminal proceedings.

11. An independent candidate for partisan office must file a declaration of candidacy *in the form required by NRS 293.177* with the appropriate filing officer and pay the filing fee required by NRS 293.193 not earlier than the first Monday in March of the year in which the election is held and not later than 5 p.m. on the second Friday after the first Monday in March.

Sec. 3.5. NRS 293.225 is hereby amended to read as follows:

293.225 1. Members of election boards continue *to serve* as such from the day ~~[before the day of the election,]~~ *of appointment* until the time for filing contests of the election has expired.

2. Each member of an election board is subject to call by the board of county commissioners or city council to correct any errors discovered during the canvass of votes by the board of county commissioners or city council.

3. Reserve election board officers must be appointed by the county or city clerk, if practicable, to fill any vacancy which occurs on the day of the election, and the reserve officers must be compensated if they serve at the polls.

4. If a vacancy occurs in any election board on the day of the election and no reserves are available, the election board may appoint, at the polling place, any registered voter who is willing to serve and satisfies the election board that he or she possesses the qualifications required to perform the services required.

Sec. 4. NRS 293.260 is hereby amended to read as follows:

293.260 1. If there is no contest of election for nomination to a particular office, neither the title of the office nor the name of the candidate may appear on the ballot at the primary election.

2. If a major political party has two or more candidates for a particular office, the person who receives the highest number of votes at the primary election must be declared the nominee of that major political party for the office.

3. If not more than the number of candidates to be elected have filed for nomination for:

(a) Any partisan office or the office of judge of a district court, judge of the Court of Appeals or justice of the Supreme Court, the names of those candidates must be omitted from all ballots for a primary election and placed on all ballots for the general election.

(b) Any nonpartisan office, other than the office of judge of a district court, judge of the Court of Appeals, justice of the Supreme Court or member of a town advisory board, the names of those candidates must appear on the ballot for a primary election unless the candidates were nominated pursuant to subsection 2 of NRS 293.165. If a candidate receives one or more votes at the primary election, the candidate must be declared elected to the office and his or her name must not be placed on the ballot for the general election. If a

candidate does not receive one or more votes at the primary election, his or her name must be placed on the ballot for the general election.

(c) The office of member of a town advisory board, the candidate must be declared elected to the office and no election must be held for that office.

4. If there are not more than twice the number of candidates to be elected to a nonpartisan office, the candidates must, without a primary election, be declared the nominees for the office, and the names of the candidates must be omitted from all ballots for a primary election and placed on all ballots for the general election.

5. If there are more than twice the number of candidates to be elected to a nonpartisan office, the names of the candidates must appear on the ballot for a primary election. Except as otherwise provided in NRS 293.400, those candidates who receive the highest number of votes at the primary election, not to exceed twice the number to be elected, must be declared nominees for the office and the names of those candidates must be placed on the ballot for the general election, except that if one of those candidates receives a majority of the votes cast in the primary election for:

(a) The office of judge of a district court, judge of the Court of Appeals or justice of the Supreme Court, the candidate must be declared the only nominee for the office and only his or her name must be placed on the ballot for the general election.

(b) Any other nonpartisan office, the candidate must be declared elected to the office and his or her name must not be placed on the ballot for the general election.

➥ *For the purposes of determining whether a candidate received a majority of the votes cast in the primary election for a nonpartisan office for which voters were authorized to select more than one candidate, each ballot upon which a voter marked a valid choice for one or more candidates for that office shall be deemed to be one vote cast in the primary election for that office.*

Sec. 5. NRS 293.269 is hereby amended to read as follows:

293.269 1. Every ballot upon which appears the names of candidates for any statewide office or for President and Vice President of the United States shall contain for each office an additional line equivalent to the lines on which the candidates' names appear and placed at the end of the group of lines containing the names of the candidates for that office. Each additional line shall contain a ~~[square]~~ *space* in which the voter may express a choice of that line in the same manner as the voter would express a choice of a candidate, and the line shall read "None of these candidates."

2. Only votes cast for the named candidates shall be counted in determining nomination or election to any statewide office or presidential nominations or the selection of presidential electors, but for each office the number of ballots on which the additional line was chosen shall be listed following the names of the candidates and the number of their votes in every posting, abstract and proclamation of the results of the election.

3. Every sample ballot or other instruction to voters prescribed or approved by the Secretary of State shall clearly explain that the voter may mark the choice of the line "None of these candidates" only if the voter has not voted for any candidate for the office.

Sec. 6. (Deleted by amendment.)

Sec. 6.1. NRS 293.269911 is hereby amended to read as follows:

293.269911 1. Except as otherwise provided in this section, the county clerk shall prepare and distribute to each active registered voter in the county and each person who registers to vote or updates his or her voter registration information not later than the 14 days before the election a mail ballot for every election. The county clerk shall make reasonable accommodations for the use of the mail ballot by a person who is elderly or disabled, including, without limitation, by providing, upon request, the mail ballot in 12-point type to a person who is elderly or disabled.

2. The county clerk shall allow a voter to elect not to receive a mail ballot pursuant to this section by submitting to the county clerk a written notice in the form prescribed by the county clerk which must be received by the county clerk not later than 60 days before the day of the election.

3. The county clerk shall not distribute a mail ballot to any person who:

(a) Registers to vote for the election pursuant to the provisions of NRS 293.5772 to 293.5887, inclusive; ~~[or]~~

(b) Elects not to receive a mail ballot pursuant to subsection 2 ~~[.]~~ *; or*

(c) Elects not to receive a mail ballot at the time the person preregistered or registered to vote.

4. The mail ballot must include all offices, candidates and measures upon which the voter is entitled to vote at the election.

5. Except as otherwise provided in subsections 2 and 3, the mail ballot must be distributed to:

(a) Each active registered voter who:

(1) Resides within the State, not later than 20 days before the election; and

(2) Except as otherwise provided in paragraph (c), resides outside the State, not later than 40 days before the election.

(b) Each active registered voter who registers to vote after the dates set for distributing mail ballots pursuant to paragraph (a) but who is eligible to receive a mail ballot pursuant to subsection 1, not later than 13 days before the election.

(c) Each covered voter who is entitled to have a military-overseas ballot transmitted pursuant to the provisions of chapter 293D of NRS or the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq., not later than the time required by those provisions.

6. In the case of a special election where no candidate for federal office will appear on the ballot, the mail ballot must be distributed to each active registered voter not later than 15 days before the special election.

7. Any untimely legal action which would prevent the mail ballot from being distributed to any voter pursuant to this section is moot and of no effect.

Sec. 6.15. ~~[NRS 293.269917 is hereby amended to read as follows:~~

~~293.269917 1. Except as otherwise provided in NRS 293.269919 *and section 1.5 of this act* and chapter 293D of NRS, in order to vote a mail ballot, the voter must, in accordance with the instructions:~~

~~(a) Mark and fold the mail ballot;~~

~~(b) Deposit the mail ballot in the return envelope and seal the return envelope;~~

~~(c) Affix his or her signature on the return envelope in the space provided for the signature; and~~

~~(d) Mail or deliver the return envelope in a manner authorized by law.~~

~~2. Except as otherwise provided in chapter 293D of NRS, voting must be only upon candidates whose names appear upon the mail ballot as prepared pursuant to NRS 293.269911, and no person may write in the name of an additional candidate for any office.~~

~~3. If a mail ballot has been sent to a voter who applies to vote in person at a polling place, including, without limitation, a polling place for early voting, the voter must, in addition to complying with all other requirements for voting in person that are set forth in this chapter, surrender his or her mail ballot or sign an affirmation under penalty of perjury that the voter has not voted during the election. A person who receives a surrendered mail ballot shall mark it "Cancelled."]~~ (Deleted by amendment.)

Sec. 6.2. ~~[NRS 293.269919 is hereby amended to read as follows:~~

~~293.269919 1. Except as otherwise provided in this section [,] or *section 1.5 of this act*, a person shall not mark and sign a mail ballot on behalf of a voter or assist a voter to mark and sign a mail ballot pursuant to the provisions of NRS 293.269911 to 293.269937, inclusive.~~

~~2. At the direction of a voter who has a physical disability, is at least 65 years of age or is unable to read or write, a person may mark and sign a mail ballot on behalf of the voter or assist the voter to mark and sign a mail ballot pursuant to this section.~~

~~3. If a person marks and signs a mail ballot on behalf of a voter pursuant to this section, the person must indicate next to his or her signature that the mail ballot has been marked and signed on behalf of the voter.~~

~~4. If a person assists a voter to mark and sign a mail ballot pursuant to this section, the person or the voter must include on the return envelope his or her name, address and signature.]~~ (Deleted by amendment.)

Sec. 6.23. NRS 293.363 is hereby amended to read as follows:

293.363 1. ~~[When]~~ *Mail ballots must be counted by the mail ballot central counting board pursuant to NRS 293.269931.*

2. Ballots cast using a mechanical voting system must not be counted until the polls are closed*.* ~~[, the counting board shall prepare to count the ballots voted.]~~ The counting procedure must be public and*, to the extent practicable,* continue without adjournment until completed.

~~[2. If the ballots are paper ballots, the counting board shall prepare in the following manner:~~

~~(a) The container that holds the ballots or the ballot box must be opened and the ballots contained therein counted by the counting board and opened far enough to ascertain whether each ballot is single. If two or more ballots are found folded together to present the appearance of a single ballot, they must be laid aside until the count of the ballots is completed. If a majority of the inspectors are of the opinion that the ballots folded together were voted by one person, the ballots must be rejected and placed in an envelope, upon which must be written the reason for their rejection. The envelope must be signed by the counting board officers and placed in the container or ballot box after the count is completed.~~

~~(b) If the ballots in the container or box are found to exceed in number the number of names as are indicated on the roster as having voted, the ballots must be replaced in the container or box, and a counting board officer, with his or her back turned to the container or box, shall draw out a number of ballots equal to the excess. The excess ballots must be marked on the back thereof with the words "Excess ballots not counted." The ballots when so marked must be immediately sealed in an envelope and returned to the county clerk with the other ballots rejected for any cause.~~

~~(c) When it has been ascertained that the number of ballots agrees with the number of names of registered voters shown to have voted, the board shall proceed to count. If there is a discrepancy between the number of ballots and the number of voters, a record of the discrepancy must be made.]~~

Sec. 6.24. NRS 293.3677 is hereby amended to read as follows:

293.3677 1. When counting a vote in an election, if more choices than permitted by the instructions for a ballot are marked for any office or question, the vote for that office or question may not be counted ~~[.]~~ *if the marks meet or exceed the threshold established by regulation pursuant to subsection 3.*

2. Except as otherwise provided in subsection 1, in an election in which a mechanical voting system is used whereby a vote is cast by darkening a designated space on the ballot:

(a) A vote must be counted if the designated space is darkened or there is a writing in the designated space, including, without limitation, a cross or check; and

(b) Except as otherwise provided in paragraph (a), a writing or other mark on the ballot, including, without limitation, a cross, check, tear or scratch may not be counted as a vote ~~[.]~~ *unless the writing or mark meets or exceeds the threshold established by regulation pursuant to subsection 3.*

3. The Secretary of State:

(a) May adopt regulations establishing ~~[additional]~~ :

(1) Additional uniform, statewide standards, not inconsistent with this section, for counting a vote cast by a method of voting described in subsection 2; and

(2) Uniform thresholds for determining whether writing or a mark on a ballot must be counted as a vote; and

(b) Shall adopt regulations establishing uniform, statewide standards for counting a vote cast by each method of voting used in this State that is not described in subsection 2, including, without limitation, a vote cast on a mechanical recording device which directly records the votes electronically.

Sec. 6.25. NRS 293.391 is hereby amended to read as follows:

293.391 1. The voted ballots, rejected ballots, spoiled ballots, challenge lists, records printed on paper of voted ballots collected pursuant to NRS 293B.400, reports prepared pursuant to NRS 293.269937 and stubs of the ballots used, enclosed and sealed, must, after canvass of the votes by the board of county commissioners, be deposited in the vaults of the county clerk. The records of voted ballots that are maintained in electronic form must, after canvass of the votes by the board of county commissioners, be sealed and deposited in the vaults of the county clerk. The tally lists collected pursuant to this title must, after canvass of the votes by the board of county commissioners, be deposited in the vaults of the county clerk without being sealed. All materials described by this subsection must be preserved for at least 22 months, and all such sealed materials must be destroyed immediately after the preservation period. A notice of the destruction must be published by the clerk in at least one newspaper of general circulation in the county not less than 2 weeks before the destruction.

2. Unused ballots, enclosed and sealed, must, after canvass of the votes by the board of county commissioners, be deposited in the vaults of the county clerk and preserved for at least the period during which the election may be contested and adjudicated, after which the unused ballots may be destroyed.

3. The rosters containing the signatures of those persons who voted in the election and the tally lists deposited with the board of county commissioners are subject to the inspection of any elector who may wish to examine them at any time after their deposit with the county clerk.

4. A contestant of an election may inspect all of the material regarding that election which is preserved pursuant to subsection 1 or 2, except the voted ballots and records printed on paper of voted ballots collected pursuant to NRS 293B.400 which are deposited with the county clerk.

5. The voted ballots and records printed on paper of voted ballots collected pursuant to NRS 293B.400 which are deposited with the county clerk are not subject to the inspection of anyone, except in cases of a contested election, and then only by the judge, body or board before whom the election is being contested, or by the parties to the contest, jointly, pursuant to an order of such judge, body or board.

6. All of the materials preserved pursuant to subsection 1 which are deposited with the county clerk are subject to inspection in a risk-limiting audit that is conducted in accordance with the regulations adopted pursuant to NRS 293.394.

Sec. 6.3. NRS 293.394 is hereby amended to read as follows:

293.394 1. The Secretary of State shall adopt regulations for conducting a risk-limiting audit of an election, which may include, without limitation:

(a) Procedures to conduct a risk-limiting audit;

(b) Criteria for which elections must be audited; and

(c) Criteria to determine the scope of the risk-limiting audit.

2. In accordance with the regulations adopted by the Secretary of State pursuant to this section, each county clerk shall conduct a risk-limiting audit of the results of an election . ~~[prior to the certification of the results of the election pursuant to NRS 293.395.]~~

3. As used in this section, "risk-limiting audit" means an audit protocol that:

(a) Makes use of statistical principles and methods; and

(b) Is designed to limit the risk of certifying an incorrect election outcome.

Sec. 6.35. NRS 293.403 is hereby amended to read as follows:

293.403 1. ~~[A]~~ *Except as otherwise provided in section 1.7 of this act, a* candidate defeated at any election may demand and receive a recount of the vote for the office for which he or she is a candidate to determine the number of votes received for the candidate and the number of votes received for the person who won the election if, within 3 working days after the canvass of the vote and the certification by the county clerk or city clerk of the abstract of votes, the candidate who demands the recount:

(a) Files in writing a demand with the officer with whom the candidate filed his or her declaration of candidacy; and

(b) Deposits in advance the estimated costs of the recount with that officer.

2. Any voter at an election may demand and receive a recount of the vote for a ballot question if, within 3 working days after the canvass of the vote and the certification by the county clerk or city clerk of the abstract of votes, the voter:

(a) Files in writing a demand with:

(1) The Secretary of State, if the demand is for a recount of a ballot question affecting more than one county; or

(2) The county or city clerk who will conduct the recount, if the demand is for a recount of a ballot question affecting only one county or city; and

(b) Deposits in advance the estimated costs of the recount with the person to whom the demand was made.

3. The estimated costs of the recount must be determined by the person with whom the advance is deposited based on regulations adopted by the Secretary of State defining the term "costs."

4. As used in this section, "canvass" means:

(a) In any primary election, the canvass by the board of county commissioners of the returns for a candidate or ballot question voted for in one county or the canvass by the board of county commissioners last completing its canvass of the returns for a candidate or ballot question voted for in more than one county.

(b) In any primary city election, the canvass by the city council of the returns for a candidate or ballot question voted for in the city.

(c) In any general election:

(1) The canvass by the Supreme Court of the returns for a candidate for a statewide office or a statewide ballot question; or

(2) The canvass of the board of county commissioners of the returns for any other candidate or ballot question, as provided in paragraph (a).

(d) In any general city election, the canvass by the city council of the returns for a candidate or ballot question voted for in the city.

Sec. 6.4. NRS 293.404 is hereby amended to read as follows:

293.404 1. Where a recount is demanded pursuant to the provisions of NRS 293.403, *or section 1.7 of this act,* the:

(a) County clerk of each county affected by the recount shall employ a recount board to conduct the recount in the county, and shall act as chair of the recount board unless the recount is for the office of county clerk, in which case the registrar of voters of the county, if a registrar of voters has been appointed for the county, shall act as chair of the recount board. If a registrar of voters has not been appointed for the county, the chair of the board of county commissioners, if the chair is not a candidate on the ballot, shall act as chair of the recount board. If the recount is for the office of county clerk, a registrar of voters has not been appointed for the county and the chair of the board of county commissioners is a candidate on the ballot, the chair of the board of county commissioners shall appoint another member of the board of county commissioners who is not a candidate on the ballot to act as chair of the recount board. A member of the board of county commissioners who is a candidate on the ballot may not serve as a member of the recount board.

(b) City clerk shall employ a recount board to conduct the recount in the city, and shall act as chair of the recount board unless the recount is for the office of city clerk, in which case the mayor of the city, if the mayor is not a candidate on the ballot, shall act as chair of the recount board. If the recount is for the office of city clerk and the mayor of the city is a candidate on the ballot, the mayor of the city shall appoint another member of the city council who is not a candidate on the ballot to act as chair of the recount board. A member of the city council who is a candidate on the ballot may not serve as a member of the recount board.

2. Each candidate for the office affected by the recount and the voter who demanded the recount, if any, may be present in person or by an authorized representative, but may not be a member of the recount board.

3. The recount must include a count and inspection of all ballots, including rejected ballots, and must determine whether all ballots are marked

as required by law. All ballots must be recounted in the same manner in which the ballots were originally tabulated.

4. The county or city clerk shall unseal and give to the recount board all ballots to be counted.

5. The Secretary of State may adopt regulations to carry out the provisions of this section.

Sec. 6.43. NRS 293.405 is hereby amended to read as follows:

293.405 1. If the person who demanded the recount does not prevail, and it is found that the sum deposited was less than the cost of the recount, the person shall, upon demand, pay the deficiency to the county clerk, city clerk or Secretary of State, as the case may be. If the sum deposited is in excess of the cost, the excess must be refunded to the person.

2. If the person who demanded the recount prevails, the sum deposited with the Secretary of State, county clerk or city clerk must be refunded to the person and the cost of the recount must be paid as follows:

(a) If the recount concerns an office or ballot question for which voting is not statewide, the cost must be borne by the county or city which conducted the recount.

(b) If the recount concerns an office or ballot question for which voting is statewide, the clerk of each county shall submit a statement of its costs in the recount to the Secretary of State for review and approval. The Secretary of State shall submit the statements to the State Board of Examiners, which shall repay the allowable costs from the Reserve for Statutory Contingency Account to the respective counties.

3. ~~[Each]~~ *Except as otherwise provided in section 1.7 of this act, each* recount must be commenced within 5 days after demand, and must be completed within 5 days after it is begun.

4. After the recount of a precinct is completed, that precinct must not be subject to another recount for the same office or ballot question at the same election.

Sec. 6.47. NRS 293.407 is hereby amended to read as follows:

293.407 1. A candidate at any election, or any registered voter of the appropriate political subdivision, may contest the election of any candidate, except for the office of United States Senator or Representative in Congress.

2. Except where the contest involves the general election for the office of Governor, Lieutenant Governor, Assemblyman, Assemblywoman, State Senator, justice of the Supreme Court or judge of the Court of Appeals, a candidate or voter who wishes to contest an election, including election to the office of presidential elector, must, within the time prescribed in NRS 293.413, *or section 1.7 of this act, as applicable,* file with the clerk of the district court a written statement of contest, setting forth:

(a) The name of the contestant and that the contestant is a registered voter of the political subdivision in which the election to be contested or part of it was held;

(b) The name of the defendant;

(c) The office to which the defendant was declared elected;

(d) The particular grounds of contest and the section of Nevada Revised Statutes pursuant to which the statement is filed; and

(e) The date of the declaration of the result of the election and the body or board which canvassed the returns thereof.

3. The contestant shall verify the statement of contest in the manner provided for the verification of pleadings in civil actions.

4. All material regarding a contest filed by a contestant with the clerk of the district court must be filed in triplicate.

5. The contestant must notify the defendant that a statement of contest has been filed pursuant to this section.

Sec. 6.5. NRS 293.413 is hereby amended to read as follows:

293.413 1. ~~[The]~~ *Except as otherwise provided in section 1.7 of this act, the* statement of contest provided for in NRS 293.407 shall be filed with the clerk of the district court no later than 5 days after a recount is completed, and no later than 14 days after the election if no recount is demanded. The parties to a contest shall be denominated contestant and defendant.

2. The court shall set the matter for hearing not ~~[less]~~ *more* than 5 days ~~[nor more than 10 days]~~ after the filing of the statement of contest. Election contests shall take precedence over all regular business of the court in order that results of elections shall be determined as soon as practicable.

3. The court may refer the contest to a special master in the manner provided by the Nevada Rules of Civil Procedure, and such special master shall have all powers necessary for a proper determination of the contest.

Sec. 6.55. NRS 293.469 is hereby amended to read as follows:

293.469 Each county clerk is encouraged to:

1. Not later than the earlier date of the notice provided pursuant to NRS 293.203 or the first notice provided pursuant to subsection 3 of NRS 293.560, notify the public, through means designed to reach members of the public who are elderly or disabled, of the provisions of NRS 293.269911, 293.269951, 293.2955 and 293.296 ~~[.]~~ *and section 1.5 of this act.*

2. Provide in alternative audio and visual formats information concerning elections, information concerning how to preregister or register to vote and information concerning the manner of voting for use by a person who is elderly or disabled, including, without limitation, providing such information through a telecommunications device that is accessible to a person who is deaf.

3. Not later than 5 working days after receiving the request of a person who is elderly or disabled, provide to the person, in a format that can be used by the person, any requested material that is:

(a) Related to elections; and

(b) Made available by the county clerk to the public in printed form.

Sec. 6.6. NRS 293.504 is hereby amended to read as follows:

293.504 1. The following offices shall serve as voter registration agencies:

(a) Such offices that provide public assistance as are designated by the Secretary of State;

(b) Each office that receives money from the State of Nevada to provide services to persons with disabilities in this State;

(c) The offices of the Department of Motor Vehicles;

(d) The offices of the city and county clerks;

(e) Such other county and municipal facilities as a county clerk or city clerk may designate pursuant to NRS 293.5035 or 293C.520, as applicable;

(f) Recruitment offices of the United States Armed Forces; and

(g) Such other offices as the Secretary of State deems appropriate.

2. Each voter registration agency shall:

(a) Post in a conspicuous place, in at least 12-point type, instructions for preregistering and registering to vote;

(b) Except as otherwise provided in subsection 3 and NRS 293.5732 to 293.5757, inclusive, distribute applications to preregister or register to vote which may be returned by mail with any application for services or assistance from the agency or submitted for any other purpose and with each application for recertification, renewal or change of address submitted to the agency that relates to such services, assistance or other purpose;

(c) Provide the same amount of assistance to an applicant in completing an application to preregister or register to vote as the agency provides to a person completing any other forms for the agency; and

(d) Accept completed applications to preregister or register to vote.

3. A voter registration agency is not required to provide an application to preregister or register to vote pursuant to paragraph (b) of subsection 2 to a person who applies for or receives services or assistance from the agency or submits an application for any other purpose if the person affirmatively declines to preregister or register to vote and submits to the agency a written form that meets the requirements of 52 U.S.C. § 20506(a)(6). Information related to the declination to preregister or register to vote may not be used for any purpose other than voter registration.

4. Except as otherwise provided in this subsection and NRS 293.5727 and 293.5747, any application to preregister or register to vote accepted by a voter registration agency must be transmitted to the county clerk not later than 10 days after the application is accepted. The applications must be forwarded daily during the 2 weeks immediately preceding the last day to register to vote by mail pursuant to NRS 293.560 or 293C.527, as applicable. The county clerk shall accept any application which is obtained from a voter registration agency pursuant to this section and completed by the last day to register to vote by mail pursuant to NRS 293.560 or 293C.527, as applicable, if the county clerk receives the application not later than 5 days after that date.

5. *A voter registration agency shall provide notice to a voter who submits an application to register to vote after the last day to register to vote by mail for an election pursuant to NRS 293.560 or 293C.527 that to vote in the upcoming election, the voter must complete an application to register to*

vote by computer using the system established by the Secretary of State pursuant to NRS 293.671 or in person pursuant to NRS 293.5772 to 293.5887, inclusive.

6. The Secretary of State shall cooperate with the Secretary of Defense to develop and carry out procedures to enable persons in this State to apply to preregister or register to vote at recruitment offices of the United States Armed Forces.

Sec. 6.65. NRS 293.5235 is hereby amended to read as follows:

293.5235 1. Except as otherwise provided in NRS 293.502 and chapter 293D of NRS, a person may preregister or register to vote by:

(a) Mailing an application to preregister or register to vote to the county clerk of the county in which the person resides.

(b) A computer using:

(1) The system established by the Secretary of State pursuant to NRS 293.671; or

(2) A system established by the county clerk, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to preregister or register to vote.

(c) Any other method authorized by the provisions of this title.

2. The county clerk shall, upon request, mail an application to preregister or register to vote to an applicant. The county clerk shall make the applications available at various public places in the county.

3. Except as otherwise provided in NRS 293.5772 to 293.5887, inclusive:

(a) An application to preregister to vote may be used to correct information in a previous application.

(b) An application to register to vote may be used to correct information in the registrar of voters' register.

4. An application to preregister or register to vote which is mailed to an applicant by the county clerk or made available to the public at various locations or voter registration agencies in the county may be returned to the county clerk by mail or in person. For the purposes of this section, an application which is personally delivered to the county clerk shall be deemed to have been returned by mail.

5. The applicant must complete the application, including, without limitation, checking the boxes described in paragraphs (b) and (c) of subsection 12 and signing the application.

6. The county clerk shall, upon receipt of an application, determine whether the application is complete.

7. If the county clerk determines that the application is complete, he or she shall, within 10 days after receiving the application, mail to the applicant:

(a) A notice that the applicant is preregistered or registered to vote, as applicable. If the applicant is registered to vote, the county clerk must also mail to the applicant a voter registration card; or

(b) A notice that the person's application to preregister to vote or the registrar of voters' register has been corrected to reflect any changes indicated on the application.

8. Except as otherwise provided in subsections 5 and 6 of NRS 293.518 and NRS 293.5767, if the county clerk determines that the application is not complete, the county clerk shall, as soon as possible, mail a notice to the applicant that additional information is required to complete the application. If the applicant provides the information requested by the county clerk within 15 days after the county clerk mails the notice, the county clerk shall, within 10 days after receiving the information, mail to the applicant:

(a) A notice that the applicant is:

(1) Preregistered to vote; or

(2) Registered to vote and a voter registration card; or

(b) A notice that the person's application to preregister to vote or the registrar of voters' register has been corrected to reflect any changes indicated on the application.

➥ If the applicant does not provide the additional information within the prescribed period, the application is void.

9. The applicant shall be deemed to be preregistered or registered or to have corrected the information in the application to preregister to vote or the registrar of voters' register on the date the application is postmarked or received by the county clerk, whichever is earlier.

10. If the applicant fails to check the box described in paragraph (b) of subsection 12, the application shall not be considered invalid, and the county clerk shall provide a means for the applicant to correct the omission at the time the applicant appears to vote in person at the assigned polling place.

11. The Secretary of State shall prescribe the form for applications to preregister or register to vote by:

(a) Mail, which must be used to preregister or register to vote by mail in this State.

(b) Computer, which must be used to preregister or register to vote by computer using:

(1) The system established by the Secretary of State pursuant to NRS 293.671; or

(2) A system established by the county clerk, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to preregister or register to vote.

12. The application to preregister or register to vote by mail must include:

(a) A notice in at least 10-point type which states:

NOTICE: You are urged to return your application to the County Clerk in person or by mail. If you choose to give your completed application to another person to return to the County Clerk on your behalf, and the person fails to deliver the application to the County Clerk, you will not be preregistered or registered to vote, as applicable.

Please retain the duplicate copy or receipt from your application to preregister or register to vote.

(b) The question, "Are you a citizen of the United States?" and boxes for the applicant to check to indicate whether or not the applicant is a citizen of the United States.

(c) If the application is to:

(1) Preregister to vote, the question, "Are you at least 17 years of age and not more than 18 years of age?" and boxes to indicate whether or not the applicant is at least 17 years of age and not more than 18 years of age.

(2) Register to vote, the question, "Will you be at least 18 years of age on or before election day?" and boxes for the applicant to check to indicate whether or not the applicant will be at least 18 years of age or older on election day.

(d) A statement instructing the applicant not to complete the application if the applicant checked "no" in response to the question set forth in:

(1) If the application is to preregister to vote, paragraph (b) or subparagraph (1) of paragraph (c).

(2) If the application is to register to vote, paragraph (b) or subparagraph (2) of paragraph (c).

(e) A statement informing the applicant that if the application is submitted by mail and the applicant is preregistering or registering to vote for the first time, the applicant must submit the information set forth in paragraph (a) of subsection 2 of NRS 293.2725 to avoid the requirements of subsection 1 of NRS 293.2725 upon voting for the first time.

(f) An option for an applicant to elect not to receive a mail ballot.

13. Except as otherwise provided in subsections 5 and 6 of NRS 293.518, the county clerk shall not preregister or register a person to vote pursuant to this section unless that person has provided all of the information required by the application.

14. The county clerk shall mail, by postcard, the notices required pursuant to subsections 7 and 8. If the postcard is returned to the county clerk by the United States Postal Service because the address is fictitious or the person does not live at that address, the county clerk shall attempt to determine whether the person's current residence is other than that indicated on the application to preregister or register to vote in the manner set forth in NRS 293.530.

15. A person who, by mail, preregisters or registers to vote pursuant to this section may be assisted in completing the application to preregister or register to vote by any other person. The application must include the mailing address and signature of the person who assisted the applicant. The failure to provide the information required by this subsection will not result in the application being deemed incomplete.

16. An application to preregister or register to vote must be made available to all persons, regardless of political party affiliation.

17. An application must not be altered or otherwise defaced after the applicant has completed and signed it. An application must be mailed or delivered in person to the office of the county clerk within 10 days after it is completed.

18. A person who willfully violates any of the provisions of subsection 15, 16 or 17 is guilty of a category E felony and shall be punished as provided in NRS 193.130.

19. The Secretary of State shall adopt regulations to carry out the provisions of this section.

Sec. 6.7. NRS 293.5307 is hereby amended to read as follows:

293.5307 If a county clerk enters into an agreement pursuant to NRS 293.5303, the county clerk shall review each notice of a change of address filed with the United States Postal Service by a resident of the county and identify each resident who is a registered voter and has moved to a new address. ~~[Before removing or correcting information in the statewide voter registration list, the]~~ *The* county clerk shall *, in accordance with 52 U.S.C. § 20507,* mail a notice to each such registered voter and follow the procedures set forth in NRS 293.530.

Sec. 6.75. NRS 293.5727 is hereby amended to read as follows:

293.5727 1. Except as otherwise provided in this section, the Department of Motor Vehicles shall provide an application to preregister or register to vote to each person who applies for the issuance or renewal of any type of driver's license or identification card issued by the Department.

2. The county clerk shall use the applications to preregister or register to vote which are signed and completed pursuant to subsection 1 to preregister or register an applicant to vote or to correct the preregistration or registration of the applicant, as applicable. An application that is not signed must not be used to preregister or register or correct the preregistration or registration of the applicant.

3. For the purposes of this section, each employee specifically authorized to do so by the Director of the Department may oversee the completion of an application. The authorized employee shall check the application for completeness and verify the information required by the application. Each application must include a duplicate copy or receipt to be retained by the applicant upon completion of the form. The Department shall, except as otherwise provided in this subsection, forward each application on a weekly basis to the county clerk or, if applicable, to the registrar of voters of the county in which the applicant resides. The applications must be forwarded daily during the 2 weeks immediately preceding the last day to register to vote by mail pursuant to NRS 293.560 or 293C.527, as applicable.

4. The Department ~~[is]~~ *:*

(a) Is not required to provide an application to register to vote pursuant to subsection 1 to a person who declines to apply to register to vote pursuant to this section and submits to the Department a written form that meets the requirements of 52 U.S.C. § 20506(a)(6). Information related to the declination

to apply to register to vote must not be used for any purpose other than voter registration.

(b) Shall provide notice to a voter who submits an application to register to vote after the last day to register to vote by mail in an election pursuant to NRS 293.560 or 293C.527 that to vote in the upcoming election, the voter must complete an application to register to vote by computer using the system established by the Secretary of State pursuant to NRS 293.671 or in person pursuant to NRS 293.5772 to 293.5887, inclusive.

5. The county clerk shall accept any application to:

(a) Preregister to vote at any time.

(b) Register to vote which is obtained from the Department of Motor Vehicles pursuant to this section and completed by the last day to register to vote by mail pursuant to NRS 293.560 or 293C.527, as applicable, if the county clerk receives the application not later than 5 days after that date.

6. Upon receipt of an application, the county clerk or field registrar of voters shall determine whether the application is complete. If the county clerk or field registrar of voters determines that the application is complete, he or she shall notify the applicant and the applicant shall be deemed to be preregistered or registered as of the date of the submission of the application. If the county clerk or field registrar of voters determines that the application is not complete, he or she shall notify the applicant of the additional information required. The applicant shall be deemed to be preregistered or registered as of the date of the initial submission of the application if the additional information is provided within 15 days after the notice for the additional information is mailed. If the applicant has not provided the additional information within 15 days after the notice for the additional information is mailed, the incomplete application is void. Any notification required by this subsection must be given by mail at the mailing address on the application not more than 7 working days after the determination is made concerning whether the application is complete.

7. The county clerk shall use any form submitted to the Department to correct information on a driver's license or identification card to correct information on a previous application to preregister or register unless the person indicates on the form that the correction is not to be used for the purposes of preregistration or voter registration. The Department shall forward each such form to the county clerk or, if applicable, to the registrar of voters of the county in which the person resides in the same manner provided by subsection 3 for applications to preregister or register to vote.

8. Upon receipt of a form to correct information, the county clerk shall compare the information to that contained in the database created by the Secretary of State pursuant to NRS 293.675. The county clerk shall correct the information to reflect any changes indicated on the form. After making any changes, the county clerk shall notify the person by mail that the records have been corrected.

9. The Secretary of State shall, with the approval of the Director, adopt regulations to:

(a) Establish any procedure necessary to provide a person who applies to preregister to vote or an elector who applies to register to vote pursuant to this section the opportunity to do so;

(b) Prescribe the contents of any forms or applications which the Department is required to distribute pursuant to this section; and

(c) Provide for the transfer of the completed applications of preregistration or registration from the Department to the appropriate county clerk.

Sec. 6.8. NRS 293.755 is hereby amended to read as follows:

293.755 1. A person who tampers or interferes with, or attempts to tamper or interfere with, a mechanical voting system, mechanical voting device or any computer program used ~~[to count ballots]~~ *to conduct an election* with the intent to prevent the proper operation of that device, system or program is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. A person who tampers or interferes with, or attempts to tamper or interfere with, a mechanical voting system, mechanical voting device or any computer program used to ~~[count ballots]~~ *conduct an election* with the intent to influence the outcome of an election is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years.

3. The county or city clerk shall report any alleged violation of this section to the district attorney who shall cause appropriate proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay.

Sec. 6.9. NRS 293.810 is hereby amended to read as follows:

293.810 *1.* It is unlawful for any person to be preregistered to vote or registered as a voter in more than one ~~[county]~~ *state* at one time.

2. If a county clerk receives information from another state that a person is registered to vote in that state, the county clerk shall, in accordance with 52 U.S.C. § 20507, mail a notice to each such registered voter and follow the procedures set forth in NRS 293.530 or 293.541, as applicable.

Sec. 7. NRS 293.875 is hereby amended to read as follows:

293.875 1. At least once each year, each county or city clerk and all members of their staff whose duties include administering an election must complete a training class on cybersecurity that is approved by the Secretary of State.

2. *The Secretary of State shall adopt by regulation a cyber-incident response plan for elections. Each county and city clerk and other local election official is required to comply with the requirements of the cyber-incident response plan.* If any county or city clerk or other local election official identifies or is informed of a confirmed ~~[attack]~~ *cyber-incident* or attempted ~~[attack]~~ *cyber-incident* on the security of an information system used by the county or city clerk or other local election official, the county or city clerk or

other local election official shall ~~[immediately]~~ notify the Secretary of State regarding such ~~[attack]~~ *cyber-incident* or attempted ~~[attack.]~~ *cyber-incident in accordance with the cyber-incident response plan adopted by the Secretary of State pursuant to this subsection.*

Sec. 7.3. NRS 293B.400 is hereby amended to read as follows:

293B.400 1. Except as otherwise provided in this section, if a recount is demanded pursuant to the provisions of NRS 293.403 *or section 1.7 of this act* or if an election is contested pursuant to NRS 293.407, *or section 1.7 of this act,* the county or city clerk shall ensure that each mechanical recording device which directly recorded votes electronically for the applicable election provides a record printed on paper of each ballot voted on that device.

2. In carrying out the requirements of this section, the county or city clerk shall:

(a) Print only the records required for the recount or contest; and

(b) Collect those records and deposit them in the vaults of the county or city clerk pursuant to NRS 293.391 or 293C.390.

Sec. 7.6. Chapter 293C of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[Any]~~ The Secretary of State shall allow any registered voter ~~[may submit a written request]~~ to ~~[the city clerk for a replacement mail]~~ use the system of approved electronic transmission established pursuant to NRS 293D.200 to apply for and cast a ballot in every election where the system of approved electronic transmission is available to a covered voter to request and cast a military-overseas ballot if the registered voter does not have access to his or her mail ballot and is unable to go to the polls because:

(a) Of an illness or disability resulting in confinement in a hospital, sanatorium, dwelling or nursing home; or

(b) The registered voter is suddenly hospitalized, becomes seriously ill or is called away from home.

2. ~~[A written request submitted pursuant to subsection 1 must include, without limitation:~~

~~(a) The name, address and signature of the registered voter requesting the replacement mail ballot;~~

~~(b) The name, address and signature of the person designated by the registered voter to obtain, deliver and return the replacement mail ballot for the registered voter;~~

~~(c) A brief statement of the illness or disability of the registered voter or of facts sufficient to establish that the registered voter was called away from home and cannot obtain his or her original mail ballot;~~

~~(d) If the registered voter is confined in a hospital, sanatorium, dwelling or nursing home, a statement that he or she will be confined therein on the day of the election; and~~

~~(e) Unless the person designated pursuant to paragraph (b) will mark and sign the replacement mail ballot on behalf of the registered voter pursuant~~

~~to subsection 5, a statement signed under penalty of perjury that only the registered voter will mark and sign the replacement mail ballot.~~

~~3. If the city clerk determines that a request submitted pursuant to subsection 1 includes the information required pursuant to subsection 2, the city clerk shall, at the office of the city clerk, deliver the replacement mail ballot to the person designated in the request to obtain the replacement mail ballot for the registered voter.~~

~~4. Except as otherwise provided in subsection 5, the registered voter must vote the mail ballot in accordance with the requirements of NRS 293C.26316.~~

~~5. A person designated in the request submitted pursuant to subsection 1 may, on behalf of and at the direction of the registered voter, mark and sign the replacement mail ballot. If the person marks and signs the replacement mail ballot pursuant to this section, the person must:~~

~~(a) Indicate next to his or her signature that the replacement mail ballot has been marked and signed on behalf of the registered voter; and~~

~~(b) Submit a written statement with the replacement mail ballot that includes the name, address and signature of the person.~~

~~6. A replacement mail ballot prepared by or on behalf of a registered voter pursuant to this section must be mailed or delivered to the city clerk in accordance with NRS 293C.26321.~~

~~7. The city clerk shall cancel the original mail ballot.~~

~~8. The procedure authorized by this section is subject to all other provisions of this chapter relating to voting by mail ballot to the extent that those provisions are not inconsistent with the provisions of this section.]~~ *The deadlines for a registered voter to use the system of approved electronic transmission pursuant to subsection 1 to apply for and cast a ballot are the same as the deadlines set forth in NRS 293D.310 and 293D.400 for a covered voter to apply for and cast a military-overseas ballot.*

3. Upon receipt of an application and ballot cast by a registered voter in accordance with subsection 1 using the system of approved electronic transmission established pursuant to NRS 293D.200, the local elections official shall affix, mark or otherwise acknowledge receipt of the application and ballot by means of a time stamp on the application.

4. The Secretary of State shall ensure that the registered voter may provide his or her digital signature or electronic signature on any document or other material that is necessary for the registered voter to request and cast a ballot.

5. The Secretary of State shall prescribe the form and content of a declaration for use by a registered voter who does not have access to his or her mail ballot and is unable to go to the polls to swear or affirm specific representations pertaining to identity, eligibility to vote, status as a registered voter and timely and proper completion of a ballot.

6. The Secretary of State shall prescribe the duties of the city clerk upon receipt of a ballot sent by a registered voter using the system of approved

electronic transmission pursuant to this section, including, without limitation, the procedures to be used in accepting, handling and counting the ballot.

7. The Secretary of State shall make available to a registered voter using the system of approved electronic transmission pursuant to this section information regarding instructions on using the system for approved electronic transmission to apply for and cast a ballot.

8. The Secretary of State shall adopt any regulations necessary to carry out the provisions of this section.

9. As used in this section:

(a) "Covered voter" has the meaning ascribed to it in NRS 293D.030.

(b) "Digital signature" has the meaning ascribed to it in NRS 720.060.

(c) "Electronic signature" has the meaning ascribed to it in NRS 719.100.

(d) "Military-overseas ballot" has the meaning ascribed to it in NRS 293D.050.

Sec. 8. NRS 293C.175 is hereby amended to read as follows:

293C.175 1. A primary city election must be held in each city of population category one, and in each city of population category two that has so provided by ordinance, on the second Tuesday in June of each even-numbered year, at which time there must be nominated candidates for offices to be voted for at the next general city election.

2. A candidate for an office to be voted for at the primary or general city election must file a declaration of candidacy with the city clerk not earlier than:

(a) For the office of judge of a municipal court, the first Monday in January of the year in which the applicable election is to be held and not later than 5 p.m. on the second Friday after the first Monday in January.

(b) For any other office, the first Monday in March of the year in which the applicable election is to be held and not later than 5 p.m. on the second Friday after the first Monday in March.

3. At the time that a candidate files a declaration of candidacy, the city clerk shall charge and collect from the candidate, and the candidate must pay to the city clerk, a filing fee in an amount fixed by the governing body of the city by ordinance or resolution. The filing fees collected by the city clerk must be deposited to the credit of the general fund of the city.

4. All candidates, except as otherwise provided in NRS 266.220, must be voted upon by the electors of the city at large.

5. If, in a primary city election held in a city of population category one or two, one candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the candidate must be declared elected to the office and the candidate's name must not be placed on the ballot for the general city election. If, in the primary city election, no candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the names of the two candidates receiving the highest number of votes must be placed on the ballot for the general city election. *For the purposes of determining whether a candidate received a majority of the votes cast in the primary election for an office upon which voters were authorized*

to select more than one candidate, each ballot upon which a voter marked a valid choice for one or more candidates for that office shall be deemed to be one vote cast in the primary city election for that office.

Sec. 9. NRS 293C.195 is hereby amended to read as follows:

293C.195 A withdrawal of candidacy for a city office must be in writing and presented to the city clerk by the candidate in person within ~~[2]~~ *7* days, excluding Saturdays, Sundays and holidays, after the last day for filing a declaration of candidacy. *If the withdrawal of candidacy is submitted in a timely manner pursuant to the provisions of this subsection, the withdrawal shall be deemed effective after the seventh day, excluding Saturdays, Sundays and holidays, after the last day for filing.*

Sec. 9.2. NRS 293C.263 is hereby amended to read as follows:

293C.263 1. Except as otherwise provided in this section, the city clerk shall prepare and distribute to each active registered voter in the city and each person who registers to vote or updates his or her voter registration information not later than the 14 days before the election a mail ballot for every election. The city clerk shall make reasonable accommodations for the use of the mail ballot by a person who is elderly or disabled, including, without limitation, by providing, upon request, the mail ballot in 12-point type to a person who is elderly or disabled.

2. The city clerk shall allow a voter to elect not to receive a mail ballot pursuant to this section by submitting to the city clerk a written notice in the form prescribed by the city clerk which must be received by the city clerk not later than 60 days before the day of the election.

3. The city clerk shall not distribute a mail ballot to any person who:

(a) Registers to vote for the election pursuant to the provisions of NRS 293.5772 to 293.5887, inclusive; ~~[or]~~

(b) Elects not to receive a mail ballot pursuant to subsection 2 ~~[.]~~ *; or*

(c) Elects not to receive a mail ballot at the time the person preregistered or registered to vote.

4. The mail ballot must include all offices, candidates and measures upon which the voter is entitled to vote at the election.

5. Except as otherwise provided in subsections 2 and 3, the mail ballot must be distributed to:

(a) Each active registered voter who:

(1) Resides within the State, not later than 20 days before the election; and

(2) Except as otherwise provided in paragraph (b), resides outside the State, not later than 40 days before the election.

(b) Each active registered voter who registers to vote after the dates set for distributing mail ballots pursuant to paragraph (a) but who is eligible to receive a mail ballot pursuant to subsection 1, not later than 13 days before the election.

(c) Each covered voter who is entitled to have a military-overseas ballot transmitted pursuant to the provisions of chapter 293D of NRS or the

Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq., not later than the time required by those provisions.

6. In the case of a special election where no candidate for federal office will appear on the ballot, the mail ballot must be distributed to each active registered voter not later than 15 days before the special election.

7. Any untimely legal action which would prevent the mail ballot from being distributed to any voter pursuant to this section is moot and of no effect.

Sec. 9.6. ~~[NRS 293C.26316 is hereby amended to read as follows:~~

~~293C.26316 1. Except as otherwise provided in NRS 293C.26318 *and section 7.6 of this act* and chapter 293D of NRS, in order to vote a mail ballot, the voter must, in accordance with the instructions:~~

~~(a) Mark and fold the mail ballot;~~

~~(b) Deposit the mail ballot in the return envelope and seal the return envelope;~~

~~(c) Affix his or her signature on the return envelope in the space provided for the signature; and~~

~~(d) Mail or deliver the return envelope in a manner authorized by law.~~

~~2. Except as otherwise provided in chapter 293D of NRS, voting must be only upon candidates whose names appear upon the mail ballot as prepared pursuant to NRS 293C.263, and no person may write in the name of an additional candidate for any office.~~

~~3. If a mail ballot has been sent to a voter who applies to vote in person at a polling place, including, without limitation, a polling place for early voting, the voter must, in addition to complying with all other requirements for voting in person that are set forth in this chapter, surrender his or her mail ballot or sign an affirmation under penalty of perjury that the voter has not voted during the election. A person who receives a surrendered mail ballot shall mark it "Cancelled."]~~ (Deleted by amendment.)

Sec. 9.8. ~~[NRS 293C.26318 is hereby amended to read as follows:~~

~~293C.26318 1. Except as otherwise provided in this section, *and section 7.6 of this act*, a person shall not mark and sign a mail ballot on behalf of a voter or assist a voter to mark and sign a mail ballot pursuant to the provisions of NRS 293C.263 to 293C.26337, inclusive.~~

~~2. At the direction of a voter who has a physical disability, is at least 65 years of age or is unable to read or write, a person may mark and sign a mail ballot on behalf of the voter or assist the voter to mark and sign a mail ballot pursuant to this section.~~

~~3. If a person marks and signs a mail ballot on behalf of a voter pursuant to this section, the person must indicate next to his or her signature that the mail ballot has been marked and signed on behalf of the voter.~~

~~4. If a person assists a voter to mark and sign a mail ballot pursuant to this section, the person must include on the return envelope his or her name, address and signature.]~~ (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 10.2. NRS 293C.362 is hereby amended to read as follows:

293C.362 1. ~~[When]~~ *Mail ballots must be counted by the mail ballot central counting board pursuant to NRS 293C.26331.*

2. Ballots cast using a mechanical voting system must not be counted until the polls are closed *.* ~~[, the counting board shall prepare to count the ballots voted.]~~ The counting procedure must be public and *, to the extent practicable,* continue without adjournment until completed.

~~[2. If the ballots are paper ballots, the counting board shall prepare in the following manner:~~

~~(a) The container that holds the ballots or the ballot box must be opened and the ballots contained therein counted by the counting board and opened far enough to determine whether each ballot is single. If two or more ballots are found folded together to present the appearance of a single ballot, they must be laid aside until the count of the ballots is completed. If a majority of the inspectors are of the opinion that the ballots folded together were voted by one person, the ballots must be rejected and placed in an envelope, upon which must be written the reason for their rejection. The envelope must be signed by the counting board officers and placed in the container or ballot box after the count is completed.~~

~~(b) If the ballots in the container or box are found to exceed the number of names as are indicated on the roster as having voted, the ballots must be replaced in the container or box and a counting board officer shall, with his or her back turned to the container or box, draw out a number of ballots equal to the excess. The excess ballots must be marked on the back thereof with the words "Excess ballots not counted." The ballots when so marked must be immediately sealed in an envelope and returned to the city clerk with the other ballots rejected for any cause.~~

~~(c) When it has been determined that the number of ballots agrees with the number of names of registered voters shown to have voted, the board shall proceed to count. If there is a discrepancy between the number of ballots and the number of voters, a record of the discrepancy must be made.]~~

Sec. 10.4. NRS 293C.369 is hereby amended to read as follows:

293C.369 1. When counting a vote in an election, if more choices than permitted by the instructions for a ballot are marked for any office or question, the vote for that office or question may not be counted ~~[.]~~ *if the marks meet or exceed the threshold established by regulation pursuant to subsection 3.*

2. Except as otherwise provided in subsection 1, in an election in which a mechanical voting system is used whereby a vote is cast by darkening a designated space on the ballot:

(a) A vote must be counted if the designated space is darkened or there is a writing in the designated space, including, without limitation, a cross or check; and

(b) Except as otherwise provided in paragraph (a), a writing or other mark on the ballot, including, without limitation, a cross, check, tear or scratch may not be counted as a vote ~~[.]~~ *unless the writing or mark meets or exceeds the threshold established by regulation pursuant to subsection 3.*

3. The Secretary of State:

(a) May adopt regulations establishing ~~[additional]~~ :

(1) Additional uniform, statewide standards, not inconsistent with this section, for counting a vote cast by a method of voting described in subsection 2; and

(2) Uniform thresholds for determining whether writing or a mark on a ballot must be counted as a vote; and

(b) Shall adopt regulations establishing uniform, statewide standards for counting a vote cast by each method of voting used in this State that is not described in subsection 2, including, without limitation, a vote cast on a mechanical recording device which directly records the votes electronically.

Sec. 10.5. NRS 293C.720 is hereby amended to read as follows:

293C.720 Each city clerk is encouraged to:

1. Not later than the earlier date of the first notice provided pursuant to subsection 3 of NRS 293.560 or NRS 293C.187, notify the public, through means designed to reach members of the public who are elderly or disabled, of the provisions of NRS 293C.263, 293C.281 and 293C.282 ~~[.]~~ *and section 7.6 of this act.*

2. Provide in alternative audio and visual formats information concerning elections, information concerning how to preregister or register to vote and information concerning the manner of voting for use by a person who is elderly or disabled, including, without limitation, providing such information through a telecommunications device that is accessible to a person who is deaf.

3. Not later than 5 working days after receiving the request of a person who is elderly or disabled, provide to the person, in a format that can be used by the person, any requested material that is:

(a) Related to elections; and

(b) Made available by the city clerk to the public in printed form.

Sec. 11. NRS 293D.090 is hereby amended to read as follows:

293D.090 "Uniformed-service voter" means an elector who is:

1. A member of the active or reserve components of the Army, Navy, Air Force, Marine Corps , ~~[or]~~ Coast Guard *or Space Force* of the United States who is on active duty;

2. A member of the Merchant Marine, the Commissioned Corps of the Public Health Service or the Commissioned Corps of the National Oceanic and Atmospheric Administration of the United States;

3. A member of the National Guard or state militia unit who is on activated status; or

4. A spouse or dependent of a person described in subsection 1, 2 or 3.

Sec. 11.3. NRS 294A.100 is hereby amended to read as follows:

294A.100 1. A person shall not make or commit to make a contribution or contributions to a candidate for any office, except a federal office, in an amount which exceeds $5,000 for the primary election, regardless

of the number of candidates for the office, and $5,000 for the general election, regardless of the number of candidates for the office, during the period:

(a) Beginning January 1 of the year immediately following the last general election for the office and ending December 31 immediately following the next general election for the office, if that office is a state, district, county or township office; or

(b) Beginning from 30 days after the last election for the office and ending 30 days after the next general city election for the office, if that office is a city office.

2. A candidate shall not accept a contribution or commitment to make a contribution made in violation of subsection 1.

3. No contribution made, committed to be made or accepted pursuant to this section to a candidate for a primary election , ~~[or]~~ general election *or special election other than a special election to recall a public officer* affects the limitations on the amount of contributions that may be committed, contributed or accepted pursuant to NRS 294A.115 for a special election to recall a public officer.

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

Sec. 11.7. NRS 298.055 is hereby amended to read as follows:

298.055 The *Secretary of State shall submit the* certificate of ascertainment ~~[submitted]~~ to the Archivist of the United States pursuant to 3 U.S.C. § ~~[6]~~ *5. The certificate of ascertainment* must include a statement that:

1. Each nominee for presidential elector shall serve as a presidential elector unless a vacancy occurs in the position of presidential elector held by that nominee for presidential elector before the conclusion of the meeting of presidential electors held pursuant to 3 U.S.C. § 7; and

2. If a person is appointed pursuant to NRS 298.065 to fill a vacancy in a position of presidential elector, the Secretary of State will submit an amended certificate of ascertainment to the Archivist.

Sec. 12. Section 5.010 of the Charter of Carson City, being chapter 213, Statutes of Nevada 1969, as last amended by chapter 295, Statutes of Nevada 2015, at page 1481, is hereby amended to read as follows:

Sec. 5.010 Primary election.

1. A primary election must be held on the date fixed by the election laws of this state for statewide elections, at which time there must be nominated candidates for offices to be voted for at the next general election.

2. A candidate for any office to be voted for at any primary election must file a declaration of candidacy as provided by the election laws of this state.

3. All candidates for the office of Mayor and Supervisor, and candidates for the office of Municipal Judge if a third department of the Municipal Court has been established, must be voted upon by the registered voters of Carson City at large.

4. If only two persons file for a particular office, their names must not appear on the primary ballot but their names must be placed on the ballot for the general election.

5. If in the primary election one candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the candidate must be declared elected to the office and his or her name must not be placed on the ballot for the general election. If in the primary election no candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the names of the two candidates receiving the highest numbers of votes must be placed on the ballot for the general election. *For the purposes of determining whether a candidate received a majority of the votes cast in the primary election for an office for which voters were authorized to select more than one candidate, each ballot upon which a voter marked a valid choice for one or more candidates for that office shall be deemed to be one vote cast in the primary election for that office.*

Sec. 13. Section 5.010 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 558, Statutes of Nevada 2019, at page 3553, is hereby amended to read as follows:

Sec. 5.010 Primary municipal election.

1. A primary municipal election must be held:

(a) On the first Tuesday after the first Monday in April 2019; and

(b) Beginning in 2022, on the second Tuesday in June of each even-numbered year,

➥ at which time there must be nominated candidates for offices to be voted for at the next general municipal election.

2. A candidate for any office to be voted for at any primary municipal election must file a declaration of candidacy as provided by the election laws of this State.

3. All candidates for elective office must be voted upon by the registered voters of the City at large.

4. If in the primary municipal election no candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the names of the two candidates receiving the highest number of votes must be placed on the ballot for the general municipal election. If in the primary municipal election, regardless of the number of candidates for an office, one candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, he or she must be declared elected and no general municipal election need be held for that office. Such candidate shall enter upon his or her respective duties at:

(a) If the primary municipal election was held in 2019, the second regular meeting of the City Council held in June 2019.

(b) If the primary municipal election was held on the second Tuesday of June of an even-numbered year, the first regular meeting of the City Council held in January of the year following the primary municipal election.

5. *For the purposes of determining whether a candidate received a majority of the votes cast in the primary municipal election for an office for which voters were authorized to select more than one candidate, each ballot upon which a voter marked a valid choice for one or more candidates for that office shall be deemed to be one vote cast in the primary municipal election for that office.*

Sec. 14. Section 5.010 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapters 350 and 558, Statutes of Nevada 2019, at pages 2179 and 3553, respectively, is hereby amended to read as follows:

Sec. 5.010 Primary municipal election.

1. A primary municipal election must be held:

(a) On the first Tuesday after the first Monday in April 2019; and

(b) Beginning in 2022, on the second Tuesday in June of each even-numbered year,

➥ at which time there must be nominated candidates for offices to be voted for at the next general municipal election.

2. A candidate for any office to be voted for at any primary municipal election must file a declaration of candidacy as provided by the election laws of this State.

3. All candidates for elective office, other than candidates for the office of Council Member, must be voted upon by the registered voters of the City at large.

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

5. If in the primary municipal election no candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the names of the two candidates receiving the highest number of votes must be placed on the ballot for the general municipal election. If in the primary municipal election, regardless of the number of candidates for an office, one candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, he or she must be declared elected and no general municipal election need be held for that office. Such candidate shall enter upon his or her respective duties at:

(a) If the primary municipal election was held in 2019, the second regular meeting of the City Council held in June 2019.

(b) If the primary municipal election was held on the second Tuesday of June of an even-numbered year, the first regular meeting of

the City Council held in January of the year following the primary municipal election.

6. *For the purposes of determining whether a candidate received a majority of the votes cast in the primary municipal election for an office for which voters were authorized to select more than one candidate, each ballot upon which a voter marked a valid choice for one or more candidates for that office shall be deemed to be one vote cast in the primary municipal election for that office.*

Sec. 15. Section 5.010 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as last amended by chapter 558, Statutes of Nevada 2019, at page 3558, is hereby amended to read as follows:

Sec. 5.010 Primary municipal elections.

1. A primary municipal election must be held in the City:

(a) On the first Tuesday after the first Monday in April 2019; and

(b) Beginning in 2022, on the second Tuesday in June of each even-numbered year.

2. In the primary municipal elections:

(a) The candidates for Council Member who are to be nominated must be nominated and voted for separately according to the respective wards.

(b) If the City Council has established an additional department or departments of the Municipal Court pursuant to section 4.010 and, as a result, more than one office of Municipal Judge is to be filled at any election, the candidates for those offices must be nominated and voted upon separately according to the respective departments.

3. Each candidate for municipal office must file a declaration of candidacy with the City Clerk. All filing fees collected by the City Clerk must be paid into the City Treasury.

4. If, in the primary municipal election, regardless of the number of candidates for an office, one candidate receives a majority of votes which are cast in that election for the office for which he or she is a candidate, he or she must be declared elected for the term which commences on the day of the first regular meeting of the City Council next succeeding the meeting at which the canvass of the returns is made, and no general municipal election need be held for that office. If, in the primary municipal election, no candidate receives a majority of votes which are cast in that election for the office for which he or she is a candidate, the names of the two candidates who receive the highest number of votes must be placed on the ballot for the general municipal election.

5. *For the purposes of determining whether a candidate received a majority of the votes cast in the primary municipal election for an office for which voters were authorized to select more than one candidate, each ballot upon which a voter marked a valid choice for*

one or more candidates for that office shall be deemed to be one vote cast in the primary municipal election for that office.

Sec. 16. Section 5.020 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 558, Statutes of Nevada 2019, at page 3562, is hereby amended to read as follows:

Sec. 5.020 Primary municipal elections; declaration of candidacy.

1. The City Council shall provide by ordinance for candidates for elective office to declare their candidacy and file the necessary documents. The seats for City Council Members must be designated by the numbers one through four, which numbers must correspond with the wards the candidates for City Council Members will seek to represent. A candidate for the office of City Council Member shall include in his or her declaration of candidacy the number of the ward which he or she seeks to represent. Each candidate for City Council must be designated as a candidate for the City Council seat that corresponds with the ward that he or she seeks to represent.

2. A primary municipal election must be held:

(a) On the Tuesday following the first Monday in April 2019; and

(b) Beginning in 2022, on the second Tuesday in June of each even-numbered year.

3. In the primary municipal election:

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

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

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

5. If, regardless of the number of candidates for an office, one candidate receives a majority of the total votes cast for that office in the primary municipal election, he or she must be declared elected to that office and no general municipal election need be held for that office. *For the purposes of determining whether a candidate received a majority of the votes cast in the primary municipal election for an office for which voters were authorized to select more than one candidate, each ballot upon which a voter marked a valid choice for one or more candidates for that office shall be deemed to be one vote cast in the primary municipal election for that office.*

Sec. 17. Section 5.020 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as last amended by chapter 158, Statutes of Nevada 2021, at page 716, is hereby amended to read as follows:

Sec. 5.020 Primary elections.

1. At the primary election:

(a) Candidates for the offices of Mayor, City Attorney and Municipal Judge must be voted upon by the registered voters of the City at large.

(b) Candidates to represent a ward as a member of the City Council must be voted upon by the registered voters of the ward to be represented by them.

2. If at 5 p.m. on the last day for filing a declaration of candidacy:

(a) There is only one candidate who has filed for nomination for an office, that candidate must be declared elected to the office and no election may be held for that office.

(b) Except as otherwise provided in paragraph (a), not more than twice the number of candidates to be elected have filed for nomination for an office, the names of those candidates must be omitted from all ballots for a primary election and placed on all ballots for a general election.

(c) More than twice the number of candidates to be elected have filed for nomination for an office, the names of the candidates must be placed on the ballot for the primary election.

3. If at the primary election:

(a) One candidate receives the majority of votes cast in the election for the office for which he or she is a candidate, he or she must be declared elected to the office and no general election need be held for that office.

(b) No candidate receives the majority of votes cast in the election for the office for which he or she is a candidate, the names of the two candidates who receive the highest number of votes must be placed on the ballot for the general election.

➥ *For the purposes of determining whether a candidate received a majority of the votes cast in the primary election for an office for which voters were authorized to select more than one candidate, each ballot upon which a voter marked a valid choice for one or more candidates for that office shall be deemed to be one vote cast in the primary election for that office.*

Sec. 17.3 Section 22 of chapter 555, Statutes of Nevada 2021, at page 3866, is hereby amended to read as follows:

Sec. 22. NRS 293.5747 is hereby amended to read as follows:

293.5747 1. An automatic voter registration agency is required to electronically transmit the following information of a person to the Secretary of State and county clerk using the system established pursuant to NRS 293.5732:

(a) An electronic facsimile of the signature of the person, if the automatic voter registration agency is capable of recording, storing and transmitting to the county clerk an electronic facsimile of the signature of the person;

(b) The first or given name and the surname of the person;

(c) The address at which the person actually resides as set forth in NRS 293.486 and, if different, the address at which the person may receive mail, including, without limitation, a post office box or general delivery;

(d) The date of birth of the person;

(e) At least one of the following:

(1) The number indicated on the person's current and valid driver's license or identification card issued by the Department of Motor Vehicles; or

(2) The last four digits of the person's social security number; and

(f) A description of the documentation presented to the automatic voter registration agency that indicates the person is a citizen of the United States.

2. Except as otherwise provided in section 3 of this act, the automatic voter registration agency shall electronically transmit to the Secretary of State and the appropriate county clerk the information described in subsection 1:

(a) Except as otherwise provided in paragraph (b), not later than 5 working days after collecting the information; and

(b) During the 2 weeks immediately preceding the fifth Sunday preceding an election, not later than 1 working day after collecting the information.

3. *An automatic voter registration agency shall provide notice to a voter who submits an application to register to vote after the last day to register to vote by mail for an election pursuant to NRS 293.560 or 293C.527 that to vote in the upcoming election, the voter must complete an application to register to vote by computer using the system established by the Secretary of State pursuant to NRS 293.671 or in person pursuant to NRS 293.5772 to 293.5887, inclusive.*

Sec. 17.7. Section 36 of chapter 555, Statutes of Nevada 2021, at page 3876, is hereby amended to read as follows:

Sec. 36. 1. This section becomes effective upon passage and approval.

2. Sections 32.3 and 32.7 of this act become effective on July 1, 2021.

3. Sections 1 to 32, inclusive, and 33, 34 and 35 of this act become effective:

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

(b) On January 1, [2024,] 2025, for all other purposes.

Sec. 18. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 19. NRS 293.365, 293.423, 293.567 and 293C.365 are hereby repealed.

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

2. Sections 1 to 12, inclusive, and 15 to 19, inclusive, of this act become effective on July 1, 2023.

3. Section 13 of this act becomes effective on July 1, 2023, if the question set forth in subsection 2 of section 5 of Assembly Bill No. 282 of the 2019 Legislative Session, chapter 350, Statutes of Nevada 2019, at page 2181, is not approved and ratified by the registered voters of the City of Henderson at the 2022 General Election.

4. Section 14 of this act becomes effective on July 1, 2023, if the question set forth in subsection 2 of section 5 of Assembly Bill No. 282 of the 2019 Legislative Session, chapter 350, Statutes of Nevada 2019, at page 2181, is approved and ratified by the registered voters of the City of Henderson at the 2022 General Election.

LEADLINES OF REPEALED SECTIONS

293.365 Accounting for all paper ballots before counting of votes begins.

293.423 Recount of ballots at hearing of contest.

293.567 Number of registered voters in county to be transmitted by county clerk to Secretary of State before certain elections.

293C.365 Accounting for all paper ballots before counting of votes begins.

Senator Ohrenschall moved that the Senate do not concur in Assembly Amendment No. 721 to Senate Bill No. 60.

Motion carried.

Bill ordered transmitted to the Assembly.

REMARKS FROM THE FLOOR

Remarks by Senators Hansen and Seevers Gansert.

SENATOR HANSEN:

Some of the most pressing issues we face are what are called pocketbook issues. Two of them are rent and the price of electricity. The reason I bring this up is because last night was late, and I did not get a chance to address why I voted "yes" on Senate Bill No. 395 by my colleague from District 4.

As we look especially in Clark County, there has been a massive spike in rent costs. It affects the poorest among us, who do not own their own property and have to rent. The purpose of her bill and the reason why I was, and still am, proud to support it is there is something going on in the world—from what I can tell—where giant corporations are coming into areas and buying enormous blocks of houses for rental units. Maybe this is just the normal supply and demand of a marketplace, but having dug into this, I think she has opened up something we need to look at aggressively.

I looked at one giant corporation called BlackRock. They have $12 trillion in assets, trillion. Compared to the total gross domestic product of the United States in a normal year, that total is more than half the total for this one corporation.

What I would like to see—maybe this is a conspiratorial mindset—is I think her bill is an opportunity for us to find out. Some people have suggested, "Well, it won't do that." If it does not,

I would love to have some offers or amendments to prove that point. It is important. If that is the case, we need to dig into that and find out. Again, this is a fundamental pocketbook issue for our most needy citizens.

The other issue which came up is electrical bills. Again, the poorest among us are the most disproportionally affected when those prices go up. We had a joint hearing in Growth and Infrastructure the other day, and in it, we found out that NV Energy has an approved $2.5 billion package that will show up on our constituent's energy bills shortly. They just saw a big spike, and they will see another one because of this. That, again, is constantly going up.

Another issue we need to address is why. Are there legitimate reasons? NV Energy said it was part of the green energy package, and those things are now being passed onto consumers. As Legislators, we need to find out. That is why I supported Senate Bill No. 395. We need to find out if there are foreign governments operating through these giant corporations that are having dramatic impacts on what is normally a free market, such as rent and who owns property.

We are seeing a spike because of these massive influxes of dollars. Why would we not want to find that out? That is something I think everyone in this room should want because we should protect American citizens from predatory practices by giant international corporations that may be funded by foreign governments. To me, it seems completely reasonable to do that. A bunch of my colleagues and others have said, "Man, have you lost your Republican credentials because you think that maybe we should look into these kinds of things?" Yes, we should. There is nothing more fundamental for both parties than to protect the interests of the most vulnerable citizens in our society: those who are renting, paying high electric bills and seeing them constantly go up. Absolutely, we should be looking aggressively into this and trying to minimize those escalating costs whenever we can.

Again, I am happy I supported Senate Bill No. 395. I would have given the explanation on the record last night, but the hour was late. I could tell no one wanted to hear another speech from me. I think it is important we get that on the record.

SENATOR SEEVERS GANSERT:

We are running short on time, and I know we all get tired towards the end of the night. So I wanted to take this opportunity to thank all our staff for working late hours, those of you on the floor, behind the scenes and in Finance working more than overtime to make sure we have the work session documents going. When we delay everything, we also have cleaning crews, who go through this building. I do not know if any of them are in here now, but I wanted to thank them as well for waiting on us as we do our work. Everything is off-kilter right now and everyone is getting tired. I want to acknowledge and thank everyone who works in this building and supports us for being here. I am sure we will do this again tomorrow, but we are fresher today. Thank you.

Senator Lange moved that the Senate recess subject to the call of the Chair.
Motion carried.

Senate in recess at 3:05 p.m.

SENATE IN SESSION

At 9:37 p.m.
President Anthony presiding.
Quorum present.

REPORTS OF COMMITTEE

Mr. President:

Your Committee on Finance, to which were referred Senate Bill No. 505; Assembly Bills Nos. 245, 322, 468, 482, 483, 487, 488, 489, 491, 494, 506, 507, 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 was re-referred Assembly Bill No. 517, 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 was re-referred Assembly Bill No. 192, 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 referred Assembly Bills Nos. 119, 155, 160, 526, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Finance, to which was re-referred Senate Bill No. 10, 400, 419; Assembly Bill No. 452, 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*

Mr. President:

Your Committee on Growth and Infrastructure, to which was referred Assembly Bill No. 524, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DALLAS HARRIS, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, June 4, 2023

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bills Nos. 400, 528.

Also, I have the honor to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 8.

CAROL AIELLO-SALA
Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Senator Cannizzaro moved that the following person be accepted as an accredited press representative and be allowed the use of appropriate media facilities: KTVN CHANNEL 2 NEWS: Jay Akers.

Motion carried.

Senator Cannizzaro moved that Senate Resolutions Nos. 8 and 9; and Assembly Concurrent Resolution No. 8 be taken from their positions on the Resolution File and placed on the Resolution File, last agenda.

Motion carried.

Senator Cannizzaro moved that Senate Bills Nos. 10, 400, 419, 490 and 506 and Assembly Bills Nos. 15, 16, 41, 72, 77, 140, 148, 192, 195, 203, 232, 246, 257, 260, 277, 281, 292, 299, 304, 310, 345, 376, 389, 399, 404, 443, 448, 452, 454, 457, 461, 462, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 485, 486, 492, 493, 495, 496, 500, 502, 503, 504, 505, 508, 509, 510, 511, 512 and 517 be taken from their positions on the General File and placed on the General File, last agenda.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 400.

Senator Cannizzaro moved that the bill be referred to the Committee on Finance.

Motion carried.

Assembly Bill No. 528.

Senator Cannizzaro moved that the bill be referred to the Committee on Finance.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 505.

Bill read second time and ordered to third reading.

Assembly Bill No. 119.

Bill read second time and ordered to third reading.

Assembly Bill No. 155.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 961.

SUMMARY—Establishes provisions relating to biomarker testing. (BDR 40-305)

AN ACT relating to health care; requiring policies of health insurance to include coverage of biomarker testing for the diagnosis, treatment, appropriate management and ongoing monitoring of cancer in certain circumstances; establishing certain conditions relating to such required coverage; providing for a study of the cost-effectiveness of biomarker testing; making an appropriation and authorizing certain expenditures; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires public and private policies of insurance regulated under Nevada law to include certain coverage. (NRS 287.010, 287.04335, 422.2717-422.27248, 689A.04033-689A.0465, 689B.0303-689B.0379, 689C.1655-689C.169, 689C.194-689C.195, 689C.425, 695A.184-695A.1875, 695B.1901-695B.1949, 695C.050, 695C.1691-695C.176, 695G.162-695G.177) Sections 13-15, 17, 19, 20, 22-25 and 27 of this bill require certain public and private health plans, including Medicaid and health plans for state and local government employees, to provide coverage for medically necessary biomarker testing for the diagnosis, treatment, appropriate management and ongoing monitoring of cancer when such biomarker testing is supported by medical and scientific evidence. Sections 13-15, 17, 19, 20, 22-25 and 27 require such health plans to: (1) provide the required coverage in a manner that limits disruptions in care and the need for multiple specimens; and (2) establish a process for requesting an exception to a policy excluding coverage for biomarker testing for the diagnosis, treatment, management or ongoing monitoring of cancer or appealing a denial of coverage for such biomarker testing. Sections 13-17, 19, 20, 22-25 and 27 additionally require such health plans to respond to any request for preauthorization for such biomarker testing within: (1) 24 hours for urgent requests; or (2) 72 hours for all other requests. Sections 13-17, 19, 20, 22-25 and 27 clarify that an insurer

is not required to cover biomarker testing for screening purposes or in certain circumstances. Sections 11, 18 and 21 of this bill make conforming changes to indicate the proper placement of sections 15, 17 and 20, respectively, in the Nevada Revised Statutes. Section 26 of this bill authorizes the Commissioner of Insurance to suspend or revoke the certificate of a health maintenance organization that fails to comply with the requirements of section 24 of this bill. The Commissioner would also be authorized to take such action against other private health insurers who fail to comply with the requirements of section 17, 19, 20, 22, 23 or 27 of this bill. (NRS 680A.200) Section 28.5 of this bill appropriates and authorizes the expenditure of money for the Division of Health Care Financing and Policy of the Department of Health and Human Services to contract with a qualified person to determine the cost-effectiveness of providing coverage for biomarker testing under Medicaid for the diagnosis, treatment, management or ongoing monitoring of diseases or conditions other than cancer. Section 29.5 of this bill requires the Joint Interim Standing Committee on Health and Human Services, in coordination with the Department of Health and Human Services, to conduct a study during the 2023-2024 interim concerning the cost-effectiveness of biomarker testing.

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 10, inclusive, of this act.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. 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 15 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. 12. (Deleted by amendment.)

Sec. 13. NRS 287.010 is hereby amended to read as follows:

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

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

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

(c) Provide group life, accident or health coverage through a self-insurance reserve fund and, where necessary, deduct contributions to the maintenance of the fund from the compensation of officers and employees and pay the deductions into the fund. The money accumulated for this purpose through deductions from the compensation of officers and employees and contributions of the governing body must be maintained as an internal service fund as defined by NRS 354.543. The money must be deposited in a state or national bank or credit union authorized to transact business in the State of Nevada. Any independent administrator of a fund created under this section is subject to the licensing requirements of chapter 683A of NRS, and must be a resident of this State. Any contract with an independent administrator must be approved by the Commissioner of Insurance as to the reasonableness of administrative charges in relation to contributions collected and benefits provided. The provisions of NRS 686A.135, 687B.352, 687B.408, 687B.723, 687B.725, 689B.030 to 689B.050, inclusive, *and section 19 of this act,* 689B.265, 689B.287 and 689B.500 apply to coverage provided pursuant to this paragraph, except that the provisions of NRS 689B.0378, 689B.03785 and 689B.500 only apply to coverage for active officers and employees of the governing body, or the dependents of such officers and employees.

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

2. If a school district offers group insurance to its officers and employees pursuant to this section, members of the board of trustees of the school district must not be excluded from participating in the group insurance. If the amount of the deductions from compensation required to pay for the group insurance exceeds the compensation to which a trustee is entitled, the difference must be paid by the trustee.

3. In any county in which a legal services organization exists, the governing body of the county, or of any school district, municipal corporation,

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

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

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

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

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

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

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

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

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

Sec. 14. NRS 287.04335 is hereby amended to read as follows:

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 686A.135, 687B.352, 687B.409, 687B.723, 687B.725, 689B.0353, 689B.255, 695C.1723, 695G.150, 695G.155, 695G.160, 695G.162, 695G.1635, 695G.164, 695G.1645, 695G.1665, 695G.167, 695G.1675, 695G.170 to 695G.174, inclusive, *and section 27 of this act*, 695G.176, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, and 695G.405, in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 15. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Subject to the limitations prescribed by subsection 4, the Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for medically necessary biomarker testing for the diagnosis, treatment, appropriate management and ongoing monitoring of cancer when such biomarker testing is supported by medical and scientific evidence. Such evidence includes, without limitation:

(a) The labeled indications for a biomarker test or medication that has been approved or cleared by the United States Food and Drug Administration;

(b) The indicated tests for a drug that has been approved by the United States Food and Drug Administration or the warnings and precautions included on the label of such a drug;

(c) A national coverage determination or local coverage determination, as those terms are defined in 42 C.F.R. § 400.202; or

(d) Nationally recognized clinical practice guidelines or consensus statements.

2. The Director shall:

(a) Ensure that the coverage required by subsection 1 is provided in a manner that limits disruptions in care and the need for multiple specimens.

(b) Include in the State Plan for Medicaid a clear and readily accessible process for a recipient of Medicaid or provider of health care to:

(1) Request an exception to a policy excluding coverage for biomarker testing for the diagnosis, treatment, management or ongoing monitoring of cancer; or

(2) Appeal a denial of coverage for such biomarker testing; and

(c) Make the process described in paragraph (b) available on an Internet website maintained by the Department.

3. If the State Plan for Medicaid requires a recipient of Medicaid to obtain prior authorization for a biomarker test described in subsection 1, the State Plan must require a response to a request for such prior authorization:

(a) Within 24 hours after receiving an urgent request; or

(b) Within 72 hours after receiving any other request.

4. The provisions of this section do not require the State Plan for Medicaid to include coverage of biomarker testing:

(a) For screening purposes;

(b) Conducted by a provider of health care for whom the biomarker testing is not within his or her scope of practice, training and experience; or

(c) That has not been determined to be medically necessary by a provider of health care for whom such a determination is within his or her scope of practice, training and experience . [; or

~~(d) Where a more cost-effective test is equally capable of meeting the medical needs of the recipient of Medicaid.]~~

5. As used in this section:

(a) "Biomarker" means a characteristic that is objectively measured and evaluated as an indicator of a normal biological process, a pathogenic process or a pharmacological response to a specific therapeutic intervention and includes, without limitation:

(1) An interaction between a gene and a drug that is being used by or considered for use by the patient;

(2) A mutation or characteristic of a gene; and

(3) The expression of a protein.

(b) "Biomarker testing" means the analysis of the tissue, blood or other biospecimen of a patient for the presentation of a biomarker and includes, without limitation, single-analyte tests, multiplex panel tests and whole genome, whole exome and whole transcriptome sequencing.

(c) "Consensus statement" means a statement aimed at a specific clinical circumstance that is:

(1) Made for the purpose of optimizing the outcomes of clinical care;

(2) Made by an independent, multidisciplinary panel of experts that has established a policy to avoid conflicts of interest;

(3) Based on scientific evidence; and

(4) Made using a transparent methodology and reporting procedure.

(d) "Medically necessary" means health care services or products that a prudent provider of health care would provide to a patient to prevent, diagnose or treat an illness, injury or disease, or any symptoms thereof, that are necessary and:

(1) Provided in accordance with generally accepted standards of medical practice;

(2) ~~[Clinically appropriate with regard to type, frequency, extent, location and duration;~~

~~(3)]~~ Not primarily provided for the convenience of the patient or provider of health care;

~~[(4) Required to improve a specific health condition of a patient or to preserve the existing state of health of the patient; and~~

~~(5) The most clinically appropriate level of health care that may be safely provided to the patient.]~~ ; and

(3) Significant in guiding and informing the provider of health care in providing the most appropriate course of treatment for the patient in order to prevent, delay or lessen the magnitude of an adverse health outcome.

(e) "Nationally recognized clinical practice guidelines" means evidence-based guidelines establishing standards of care that include, without limitation, recommendations intended to optimize care of patients and are:

(1) Informed by a systemic review of evidence and an assessment of the risks and benefits of alternative options for care; and

(2) Developed using a transparent methodology and reporting procedure by an independent organization or society of medical professionals that has established a policy to avoid conflicts of interest.

(f) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 16. NRS 687B.225 is hereby amended to read as follows:

687B.225 1. Except as otherwise provided in NRS 689A.0405, 689A.0412, 689A.0413, 689A.044, 689A.0445, 689B.031, 689B.0313, 689B.0315, 689B.0317, 689B.0374, 689C.1675, 695A.1856, 695B.1912, 695B.1913, 695B.1914, 695B.1925, 695B.1942, 695C.1713, 695C.1735, 695C.1737, 695C.1745, 695C.1751, 695G.170, 695G.171, 695G.1714 and 695G.177, any contract for group, blanket or individual health insurance or any contract by a nonprofit hospital, medical or dental service corporation or

organization for dental care which provides for payment of a certain part of medical or dental care may require the insured or member to obtain prior authorization for that care from the insurer or organization. The insurer or organization shall:

(a) File its procedure for obtaining approval of care pursuant to this section for approval by the Commissioner; and

(b) ~~[Respond]~~ *Unless a shorter time period is prescribed by a specific statute, including, without limitation, sections 17, 19, 20, 22, 23, 24 and 27 of this act, respond* to any request for approval by the insured or member pursuant to this section within 20 days after it receives the request.

2. The procedure for prior authorization may not discriminate among persons licensed to provide the covered care.

Sec. 17. Chapter 689A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Subject to the limitations prescribed by subsection 4, an insurer that issues a policy of health insurance shall include in the policy coverage for medically necessary biomarker testing for the diagnosis, treatment, appropriate management and ongoing monitoring of cancer when such biomarker testing is supported by medical and scientific evidence. Such evidence includes, without limitation:

(a) The labeled indications for a biomarker test or medication that has been approved or cleared by the United States Food and Drug Administration;

(b) The indicated tests for a drug that has been approved by the United States Food and Drug Administration or the warnings and precautions included on the label of such a drug;

(c) A national coverage determination or local coverage determination, as those terms are defined in 42 C.F.R. § 400.202; or

(d) Nationally recognized clinical practice guidelines or consensus statements.

2. An insurer shall:

(a) Provide the coverage required by subsection 1 in a manner that limits disruptions in care and the need for multiple specimens.

(b) Establish a clear and readily accessible process for an insured or provider of health care to:

(1) Request an exception to a policy excluding coverage for biomarker testing for the diagnosis, treatment, management or ongoing monitoring of cancer; or

(2) Appeal a denial of coverage for such biomarker testing; and

(c) Make the process described in paragraph (b) available on an Internet website maintained by the insurer.

3. If an insurer requires an insured to obtain prior authorization for a biomarker test described in subsection 1, the insurer shall respond to a request for such prior authorization:

(a) Within 24 hours after receiving an urgent request; or

(b) Within 72 hours after receiving any other request.

4. The provisions of this section do not require an insurer to provide coverage of biomarker testing:

(a) For screening purposes;

(b) Conducted by a provider of health care for whom the biomarker testing is not within his or her scope of practice, training and experience;

(c) Conducted by a provider of health care or a facility that does not participate in the network plan of the insurer; or

(d) That has not been determined to be medically necessary by a provider of health care for whom such a determination is within his or her scope of practice, training and experience. ~~[; or~~

~~(e) Where a more cost-effective test is equally capable of meeting the medical needs of the insured.]~~

5. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2023, has the legal effect of including the coverage required by this section, and any provision of the policy or renewal which is in conflict with the provisions of this section is void.

6. As used in this section:

(a) "Biomarker" means a characteristic that is objectively measured and evaluated as an indicator of a normal biological process, a pathogenic process or a pharmacological response to a specific therapeutic intervention and includes, without limitation:

(1) An interaction between a gene and a drug that is being used by or considered for use by the patient;

(2) A mutation or characteristic of a gene; and

(3) The expression of a protein.

(b) "Biomarker testing" means the analysis of the tissue, blood or other biospecimen of a patient for the presentation of a biomarker and includes, without limitation, single-analyte tests, multiplex panel tests and whole genome, whole exome and whole transcriptome sequencing.

(c) "Consensus statement" means a statement aimed at a specific clinical circumstance that is:

(1) Made for the purpose of optimizing the outcomes of clinical care;

(2) Made by an independent, multidisciplinary panel of experts that has established a policy to avoid conflicts of interest;

(3) Based on scientific evidence; and

(4) Made using a transparent methodology and reporting procedure.

(d) "Medically necessary" means health care services or products that a prudent provider of health care would provide to a patient to prevent, diagnose or treat an illness, injury or disease, or any symptoms thereof, that are necessary and:

(1) Provided in accordance with generally accepted standards of medical practice;

(2) ~~[Clinically appropriate with regard to type, frequency, extent, location and duration;~~

~~(3)]~~ *Not primarily provided for the convenience of the patient or provider of health care;*

~~[(4) Required to improve a specific health condition of a patient or to preserve the existing state of health of the patient; and~~

~~(5) The most clinically appropriate level of health care that may be safely provided to the patient.]~~ *; and*

(3) Significant in guiding and informing the provider of health care in providing the most appropriate course of treatment for the patient in order to prevent, delay or lessen the magnitude of an adverse health outcome.

(e) "Nationally recognized clinical practice guidelines" means evidence-based guidelines establishing standards of care that include, without limitation, recommendations intended to optimize care of patients and are:

(1) Informed by a systemic review of evidence and an assessment of the risks and benefits of alternative options for care; and

(2) Developed using a transparent methodology and reporting procedure by an independent organization or society of medical professionals that has established a policy to avoid conflicts of interest.

(f) "Network plan" means a policy of health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(g) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 18. NRS 689A.330 is hereby amended to read as follows:

689A.330 If any policy is issued by a domestic insurer for delivery to a person residing in another state, and if the insurance commissioner or corresponding public officer of that other state has informed the Commissioner that the policy is not subject to approval or disapproval by that officer, the Commissioner may by ruling require that the policy meet the standards set forth in NRS 689A.030 to 689A.320, inclusive ~~.]~~ *, and section 17 of this act.*

Sec. 19. Chapter 689B of NRS is hereby amended by adding thereto a new section to read as follows:

1. Subject to the limitations prescribed by subsection 4, an insurer that issues a policy of group health insurance shall include in the policy coverage for medically necessary biomarker testing for the diagnosis, treatment, appropriate management and ongoing monitoring of cancer when such biomarker testing is supported by medical and scientific evidence. Such evidence includes, without limitation:

(a) The labeled indications for a biomarker test or medication that has been approved or cleared by the United States Food and Drug Administration;

(b) The indicated tests for a drug that has been approved by the United States Food and Drug Administration or the warnings and precautions included on the label of such a drug;

(c) A national coverage determination or local coverage determination, as those terms are defined in 42 C.F.R. § 400.202; or

(d) Nationally recognized clinical practice guidelines or consensus statements.

2. An insurer shall:

(a) Provide the coverage required by subsection 1 in a manner that limits disruptions in care and the need for multiple specimens.

(b) Establish a clear and readily accessible process for an insured or provider of health care to:

(1) Request an exception to a policy excluding coverage for biomarker testing for the diagnosis, treatment, management or ongoing monitoring of cancer; or

(2) Appeal a denial of coverage for such biomarker testing; and

(c) Make the process described in paragraph (b) available on an Internet website maintained by the insurer.

3. If an insurer requires an insured to obtain prior authorization for a biomarker test described in subsection 1, the insurer shall respond to a request for such prior authorization:

(a) Within 24 hours after receiving an urgent request; or

(b) Within 72 hours after receiving any other request.

4. The provisions of this section do not require an insurer to provide coverage of biomarker testing:

(a) For screening purposes;

(b) Conducted by a provider of health care for whom the biomarker testing is not within his or her scope of practice, training and experience;

(c) Conducted by a provider of health care or a facility that does not participate in the network plan of the insurer; or

(d) That has not been determined to be medically necessary by a provider of health care for whom such a determination is within his or her scope of practice, training and experience. ~~[; or~~

~~*(e) Where a more cost-effective test is equally capable of meeting the medical needs of the insured.]*~~

5. A policy of group health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2023, has the legal effect of including the coverage required by this section, and any provision of the policy or renewal which is in conflict with the provisions of this section is void.

6. As used in this section:

(a) "Biomarker" means a characteristic that is objectively measured and evaluated as an indicator of a normal biological process, a pathogenic process or a pharmacological response to a specific therapeutic intervention and includes, without limitation:

(1) An interaction between a gene and a drug that is being used by or considered for use by the patient;

(2) A mutation or characteristic of a gene; and

(3) The expression of a protein.

(b) "Biomarker testing" means the analysis of the tissue, blood or other biospecimen of a patient for the presentation of a biomarker and includes, without limitation, single-analyte tests, multiplex panel tests and whole genome, whole exome and whole transcriptome sequencing.

(c) "Consensus statement" means a statement aimed at a specific clinical circumstance that is:

(1) Made for the purpose of optimizing the outcomes of clinical care;

(2) Made by an independent, multidisciplinary panel of experts that has established a policy to avoid conflicts of interest;

(3) Based on scientific evidence; and

(4) Made using a transparent methodology and reporting procedure.

(d) "Medically necessary" means health care services or products that a prudent provider of health care would provide to a patient to prevent, diagnose or treat an illness, injury or disease, or any symptoms thereof, that are necessary and:

(1) Provided in accordance with generally accepted standards of medical practice;

(2) ~~[Clinically appropriate with regard to type, frequency, extent, location and duration;~~

~~(3)]~~ Not primarily provided for the convenience of the patient or provider of health care;

~~[(4) Required to improve a specific health condition of a patient or to preserve the existing state of health of the patient; and~~

~~(5) The most clinically appropriate level of health care that may be safely provided to the patient.]~~ ; and

(3) Significant in guiding and informing the provider of health care in providing the most appropriate course of treatment for the patient in order to prevent, delay or lessen the magnitude of an adverse health outcome.

(e) "Nationally recognized clinical practice guidelines" means evidence-based guidelines establishing standards of care that include, without limitation, recommendations intended to optimize care of patients and are:

(1) Informed by a systemic review of evidence and an assessment of the risks and benefits of alternative options for care; and

(2) Developed using a transparent methodology and reporting procedure by an independent organization or society of medical professionals that has established a policy to avoid conflicts of interest.

(f) "Network plan" means a policy of group health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(g) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 20. Chapter 689C of NRS is hereby amended by adding thereto a new section to read as follows:

1. Subject to the limitations prescribed by subsection 4, a carrier that issues a health benefit plan shall include in the plan coverage for medically necessary biomarker testing for the diagnosis, treatment, appropriate management and ongoing monitoring of cancer when such biomarker testing is supported by medical and scientific evidence. Such evidence includes, without limitation:

(a) The labeled indications for a biomarker test or medication that has been approved or cleared by the United States Food and Drug Administration;

(b) The indicated tests for a drug that has been approved by the United States Food and Drug Administration or the warnings and precautions included on the label of such a drug;

(c) A national coverage determination or local coverage determination, as those terms are defined in 42 C.F.R. § 400.202; or

(d) Nationally recognized clinical practice guidelines or consensus statements.

2. A carrier shall:

(a) Provide the coverage required by subsection 1 in a manner that limits disruptions in care and the need for multiple specimens.

(b) Establish a clear and readily accessible process for an insured or provider of health care to:

(1) Request an exception to a policy excluding coverage for biomarker testing for the diagnosis, treatment, management or ongoing monitoring of cancer; or

(2) Appeal a denial of coverage for such biomarker testing; and

(c) Make the process described in paragraph (b) available on an Internet website maintained by the carrier.

3. If a carrier requires an insured to obtain prior authorization for a biomarker test described in subsection 1, the carrier shall respond to a request for such prior authorization:

(a) Within 24 hours after receiving an urgent request; or

(b) Within 72 hours after receiving any other request.

4. The provisions of this section do not require a carrier to provide coverage of biomarker testing:

(a) For screening purposes;

(b) Conducted by a provider of health care for whom the biomarker testing is not within his or her scope of practice, training and experience;

(c) Conducted by a provider of health care or a facility that is not in the applicable network plan of the carrier; or

(d) That has not been determined to be medically necessary by a provider of health care for whom such a determination is within his or her scope of practice, training and experience. ~~[; or~~

~~*(e) Where a more cost-effective test is equally capable of meeting the medical needs of the insured.*]~~

5. A health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2023, has the legal effect of including the coverage required by this section, and any provision of the plan or renewal which is in conflict with the provisions of this section is void.

6. As used in this section:

(a) "Biomarker" means a characteristic that is objectively measured and evaluated as an indicator of a normal biological process, a pathogenic process or a pharmacological response to a specific therapeutic intervention and includes, without limitation:

(1) An interaction between a gene and a drug that is being used by or considered for use by the patient;

(2) A mutation or characteristic of a gene; and

(3) The expression of a protein.

(b) "Biomarker testing" means the analysis of the tissue, blood or other biospecimen of a patient for the presentation of a biomarker and includes, without limitation, single-analyte tests, multiplex panel tests and whole genome, whole exome and whole transcriptome sequencing.

(c) "Consensus statement" means a statement aimed at a specific clinical circumstance that is:

(1) Made for the purpose of optimizing the outcomes of clinical care;

(2) Made by an independent, multidisciplinary panel of experts that has established a policy to avoid conflicts of interest;

(3) Based on scientific evidence; and

(4) Made using a transparent methodology and reporting procedure.

(d) "Medically necessary" means health care services or products that a prudent provider of health care would provide to a patient to prevent, diagnose or treat an illness, injury or disease, or any symptoms thereof, that are necessary and:

(1) Provided in accordance with generally accepted standards of medical practice;

(2) ~~[Clinically appropriate with regard to type, frequency, extent, location and duration;~~

~~(3)]~~ Not primarily provided for the convenience of the patient or provider of health care;

~~[(4) Required to improve a specific health condition of a patient or to preserve the existing state of health of the patient; and~~

~~(5) The most clinically appropriate level of health care that may be safely provided to the patient.]~~ ; and

(3) Significant in guiding and informing the provider of health care in providing the most appropriate course of treatment for the patient in order to prevent, delay or lessen the magnitude of an adverse health outcome.

(e) "Nationally recognized clinical practice guidelines" means evidence-based guidelines establishing standards of care that include, without limitation, recommendations intended to optimize care of patients and are:

(1) Informed by a systemic review of evidence and an assessment of the risks and benefits of alternative options for care; and

(2) Developed using a transparent methodology and reporting procedure by an independent organization or society of medical professionals that has established a policy to avoid conflicts of interest.

(f) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 21. NRS 689C.425 is hereby amended to read as follows:

689C.425 A voluntary purchasing group and any contract issued to such a group pursuant to NRS 689C.360 to 689C.600, inclusive, are subject to the provisions of NRS 689C.015 to 689C.355, inclusive, *and section 20 of this act,* to the extent applicable and not in conflict with the express provisions of NRS 687B.408 and 689C.360 to 689C.600, inclusive.

Sec. 22. Chapter 695A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Subject to the limitations prescribed by subsection 4, a society that issues a benefit contract shall include in the contract coverage for medically necessary biomarker testing for the diagnosis, treatment, appropriate management and ongoing monitoring of cancer when such biomarker testing is supported by medical and scientific evidence. Such evidence includes, without limitation:

(a) The labeled indications for a biomarker test or medication that has been approved or cleared by the United States Food and Drug Administration;

(b) The indicated tests for a drug that has been approved by the United States Food and Drug Administration or the warnings and precautions included on the label of such a drug;

(c) A national coverage determination or local coverage determination, as those terms are defined in 42 C.F.R. § 400.202; or

(d) Nationally recognized clinical practice guidelines or consensus statements.

2. A society shall:

(a) Provide the coverage required by subsection 1 in a manner that limits disruptions in care and the need for multiple specimens.

(b) Establish a clear and readily accessible process for an insured or provider of health care to:

(1) Request an exception to a policy excluding coverage for biomarker testing for the diagnosis, treatment, management or ongoing monitoring of cancer; or

(2) Appeal a denial of coverage for such biomarker testing; and

(c) Make the process described in paragraph (b) available on an Internet website maintained by the society.

3. If a society requires an insured to obtain prior authorization for a biomarker test described in subsection 1, the society shall respond to a request for such prior authorization:

(a) Within 24 hours after receiving an urgent request; or

(b) Within 72 hours after receiving any other request.

4. The provisions of this section do not require a society to provide coverage of biomarker testing:

(a) For screening purposes;

(b) Conducted by a provider of health care for whom the biomarker testing is not within his or her scope of practice, training and experience;

(c) Conducted by a provider of health care or a facility that does not participate in the network plan of the society; or

(d) That has not been determined to be medically necessary by a provider of health care for whom such a determination is within his or her scope of practice, training and experience. ~~[; or~~

~~*(e) Where a more cost-effective test is equally capable of meeting the medical needs of the insured.]*~~

5. A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2023, has the legal effect of including the coverage required by this section, and any provision of the benefit contract or renewal which is in conflict with the provisions of this section is void.

6. As used in this section:

(a) "Biomarker" means a characteristic that is objectively measured and evaluated as an indicator of a normal biological process, a pathogenic process or a pharmacological response to a specific therapeutic intervention and includes, without limitation:

(1) An interaction between a gene and a drug that is being used by or considered for use by the patient;

(2) A gene mutation or characteristic; and

(3) The expression of a protein.

(b) "Biomarker testing" means the analysis of the tissue, blood or other biospecimen of a patient for the presentation of a biomarker and includes, without limitation, single-analyte tests, multiplex panel tests and whole genome, whole exome and whole transcriptome sequencing.

(c) "Consensus statement" means a statement aimed at a specific clinical circumstance that is:

(1) Made for the purpose of optimizing the outcomes of clinical care;

(2) Made by an independent, multidisciplinary panel of experts that has established a policy to avoid conflicts of interest;

(3) Based on scientific evidence; and

(4) Made using a transparent methodology and reporting procedure.

(d) "Medically necessary" means health care services or products that a prudent provider of health care would provide to a patient to prevent, diagnose or treat an illness, injury or disease, or any symptoms thereof, that are necessary and:

(1) Provided in accordance with generally accepted standards of medical practice;

(2) ~~[Clinically appropriate with regard to type, frequency, extent, location and duration;~~

~~(3)]~~ *Not primarily provided for the convenience of the patient or provider of health care;*

~~[(4) Required to improve a specific health condition of a patient or to preserve the existing state of health of the patient; and~~

~~(5) The most clinically appropriate level of health care that may be safely provided to the patient.]~~ *; and*

(3) Significant in guiding and informing the provider of health care in providing the most appropriate course of treatment for the patient in order to prevent, delay or lessen the magnitude of an adverse health outcome.

(e) "Nationally recognized clinical practice guidelines" means evidence-based guidelines establishing standards of care that include, without limitation, recommendations intended to optimize care of patients and are:

(1) Informed by a systemic review of evidence and an assessment of the risks and benefits of alternative options for care; and

(2) Developed using a transparent methodology and reporting procedure by an independent organization or society of medical professionals that has established a policy to avoid conflicts of interest.

(f) "Network plan" means a benefit contract offered by a society under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the society. The term does not include an arrangement for the financing of premiums.

(g) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 23. Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:

1. Subject to the limitations prescribed by subsection 4, a hospital or medical service corporation that issues a policy of health insurance shall include in the policy coverage for medically necessary biomarker testing for the diagnosis, treatment, appropriate management and ongoing monitoring of cancer when such biomarker testing is supported by medical and scientific evidence. Such evidence includes, without limitation:

(a) The labeled indications for a biomarker test or medication that has been approved or cleared by the United States Food and Drug Administration;

(b) The indicated tests for a drug that has been approved by the United States Food and Drug Administration or the warnings and precautions included on the label of such a drug;

(c) A national coverage determination or local coverage determination, as those terms are defined in 42 C.F.R. § 400.202; or

(d) Nationally recognized clinical practice guidelines or consensus statements.

2. A hospital or medical service corporation shall:

(a) Provide the coverage required by subsection 1 in a manner that limits disruptions in care and the need for multiple specimens.

(b) Establish a clear and readily accessible process for an insured or provider of health care to:

(1) Request an exception to a policy excluding coverage for biomarker testing for the diagnosis, treatment, management or ongoing monitoring of cancer; or

(2) Appeal a denial of coverage for such biomarker testing; and

(c) Make the process described in paragraph (b) available on an Internet website maintained by the hospital or medical service corporation.

3. If a hospital or medical service corporation requires an insured to obtain prior authorization for a biomarker test described in subsection 1, the hospital or medical service corporation shall respond to a request for such prior authorization:

(a) Within 24 hours after receiving an urgent request; or

(b) Within 72 hours after receiving any other request.

4. The provisions of this section do not require a hospital or medical service corporation to provide coverage of biomarker testing:

(a) For screening purposes;

(b) Conducted by a provider of health care for whom the biomarker testing is not within his or her scope of practice, training and experience;

(c) Conducted by a provider of health care or a facility that does not participate in the network plan of the hospital or medical service corporation; or

(d) That has not been determined to be medically necessary by a provider of health care for whom such a determination is within his or her scope of practice, training and experience . ~~[; or~~

~~*(e) Where a more cost-effective test is equally capable of meeting the medical needs of the insured.]*~~

5. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2023, has the legal effect of including the coverage required by this section, and any provision of the policy or renewal which is in conflict with the provisions of this section is void.

6. As used in this section:

(a) "Biomarker" means a characteristic that is objectively measured and evaluated as an indicator of a normal biological process, a pathogenic process or a pharmacological response to a specific therapeutic intervention and includes, without limitation:

(1) An interaction between a gene and a drug that is being used by or considered for use by the patient;

(2) A mutation or characteristic of a gene; and

(3) The expression of a protein.

(b) "Biomarker testing" means the analysis of the tissue, blood or other biospecimen of a patient for the presentation of a biomarker and includes, without limitation, single-analyte tests, multiplex panel tests and whole genome, whole exome and whole transcriptome sequencing.

(c) "Consensus statement" means a statement aimed at a specific clinical circumstance that is:

(1) Made for the purpose of optimizing the outcomes of clinical care;

(2) Made by an independent, multidisciplinary panel of experts that has established a policy to avoid conflicts of interest;

(3) Based on scientific evidence; and

(4) Made using a transparent methodology and reporting procedure.

(d) "Medically necessary" means health care services or products that a prudent provider of health care would provide to a patient to prevent, diagnose or treat an illness, injury or disease, or any symptoms thereof, that are necessary and:

(1) Provided in accordance with generally accepted standards of medical practice;

(2) ~~*[Clinically appropriate with regard to type, frequency, extent, location and duration;*~~

~~*(3)]*~~ *Not primarily provided for the convenience of the patient or provider of health care;*

~~*[(4) Required to improve a specific health condition of a patient or to preserve the existing state of health of the patient; and*~~

~~*(5) The most clinically appropriate level of health care that may be safely provided to the patient.]*~~ *; and*

(3) Significant in guiding and informing the provider of health care in providing the most appropriate course of treatment for the patient in order to prevent, delay or lessen the magnitude of an adverse health outcome.

(e) "Nationally recognized clinical practice guidelines" means evidence-based guidelines establishing standards of care that include, without limitation, recommendations intended to optimize care of patients and are:

(1) Informed by a systemic review of evidence and an assessment of the risks and benefits of alternative options for care; and

(2) Developed using a transparent methodology and reporting procedure by an independent organization or society of medical professionals that has established a policy to avoid conflicts of interest.

(f) "Network plan" means a policy of health insurance offered by a hospital or medical service corporation under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the hospital or medical service corporation. The term does not include an arrangement for the financing of premiums.

(g) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 24. Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:

1. Subject to the limitations prescribed by subsection 4, a health maintenance organization that issues a health care plan shall include in the plan coverage for medically necessary biomarker testing for the diagnosis,

treatment, appropriate management and ongoing monitoring of cancer when such biomarker testing is supported by medical and scientific evidence. Such evidence includes, without limitation:

(a) The labeled indications for a biomarker test or medication that has been approved or cleared by the United States Food and Drug Administration;

(b) The indicated tests for a drug that has been approved by the United States Food and Drug Administration or the warnings and precautions included on the label of such a drug;

(c) A national coverage determination or local coverage determination, as those terms are defined in 42 C.F.R. § 400.202; or

(d) Nationally recognized clinical practice guidelines or consensus statements.

2. A health maintenance organization shall:

(a) Provide the coverage required by subsection 1 in a manner that limits disruptions in care and the need for multiple specimens.

(b) Establish a clear and readily accessible process for an enrollee or provider of health care to:

(1) Request an exception to a policy excluding coverage for biomarker testing for the diagnosis, treatment, management or ongoing monitoring of cancer; or

(2) Appeal a denial of coverage for such biomarker testing; and

(c) Make the process described in paragraph (b) available on an Internet website maintained by the health maintenance organization.

3. If a health maintenance organization requires an enrollee to obtain prior authorization for a biomarker test described in subsection 1, the health maintenance organization shall respond to a request for such prior authorization:

(a) Within 24 hours after receiving an urgent request; or

(b) Within 72 hours after receiving any other request.

4. The provisions of this section do not require a health maintenance organization to provide coverage of biomarker testing:

(a) For screening purposes;

(b) Conducted by a provider of health care for whom the biomarker testing is not within his or her scope of practice, training and experience;

(c) Conducted by a provider of health care or a facility that does not participate in the network plan of the health maintenance organization; or

(d) That has not been determined to be medically necessary by a provider of health care for whom such a determination is within his or her scope of practice, training and experience . ~~[; or~~

~~(e) Where a more cost effective test is equally capable of meeting the medical needs of the enrollee.]~~

5. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2023, has the legal effect of including the coverage required by this section, and any

provision of the plan or renewal which is in conflict with the provisions of this section is void.

6. As used in this section:

(a) "Biomarker" means a characteristic that is objectively measured and evaluated as an indicator of a normal biological process, a pathogenic process or a pharmacological response to a specific therapeutic intervention and includes, without limitation:

(1) An interaction between a gene and a drug that is being used by or considered for use by the patient;

(2) A mutation or characteristic of a gene; and

(3) The expression of a protein.

(b) "Biomarker testing" means the analysis of the tissue, blood or other biospecimen of a patient for the presentation of a biomarker and includes, without limitation, single-analyte tests, multiplex panel tests and whole genome, whole exome and whole transcriptome sequencing.

(c) "Consensus statement" means a statement aimed at a specific clinical circumstance that is:

(1) Made for the purpose of optimizing the outcomes of clinical care;

(2) Made by an independent, multidisciplinary panel of experts that has established a policy to avoid conflicts of interest;

(3) Based on scientific evidence; and

(4) Made using a transparent methodology and reporting procedure.

(d) "Medically necessary" means health care services or products that a prudent provider of health care would provide to a patient to prevent, diagnose or treat an illness, injury or disease, or any symptoms thereof, that are necessary and:

(1) Provided in accordance with generally accepted standards of medical practice;

(2) ~~[Clinically appropriate with regard to type, frequency, extent, location and duration;~~

~~(3)]~~ Not primarily provided for the convenience of the patient or provider of health care;

~~[(4) Required to improve a specific health condition of a patient or to preserve the existing state of health of the patient; and~~

~~(5) The most clinically appropriate level of health care that may be safely provided to the patient.]~~ ; and

(3) Significant in guiding and informing the provider of health care in providing the most appropriate course of treatment for the patient in order to prevent, delay or lessen the magnitude of an adverse health outcome.

(e) "Nationally recognized clinical practice guidelines" means evidence-based guidelines establishing standards of care that include, without limitation, recommendations intended to optimize care of patients and are:

(1) Informed by a systemic review of evidence and an assessment of the risks and benefits of alternative options for care; and

(2) Developed using a transparent methodology and reporting procedure by an independent organization or society of medical professionals that has established a policy to avoid conflicts of interest.

(f) "Network plan" means a health care plan offered by a health maintenance organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the health maintenance organization. The term does not include an arrangement for the financing of premiums.

(g) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 25. NRS 695C.050 is hereby amended to read as follows:

695C.050 1. Except as otherwise provided in this chapter or in specific provisions of this title, the provisions of this title are not applicable to any health maintenance organization granted a certificate of authority under this chapter. This provision does not apply to an insurer licensed and regulated pursuant to this title except with respect to its activities as a health maintenance organization authorized and regulated pursuant to this chapter.

2. Solicitation of enrollees by a health maintenance organization granted a certificate of authority, or its representatives, must not be construed to violate any provision of law relating to solicitation or advertising by practitioners of a healing art.

3. Any health maintenance organization authorized under this chapter shall not be deemed to be practicing medicine and is exempt from the provisions of chapter 630 of NRS.

4. The provisions of NRS 695C.110, 695C.125, 695C.1691, 695C.1693, 695C.170, 695C.1703, 695C.1705, 695C.1709 to 695C.173, inclusive, 695C.1733, 695C.17335, 695C.1734, 695C.1751, 695C.1755, 695C.1759, 695C.176 to 695C.200, inclusive, and 695C.265 do not apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

5. The provisions of NRS 695C.1694 to 695C.1698, inclusive, 695C.1701, 695C.1708, 695C.1728, 695C.1731, 695C.17333, 695C.17345, 695C.17347, 695C.1735, 695C.1737, 695C.1743, 695C.1745 and 695C.1757 *and section 24 of this act* apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid.

Sec. 26. NRS 695C.330 is hereby amended to read as follows:

695C.330 1. The Commissioner may suspend or revoke any certificate of authority issued to a health maintenance organization pursuant to the

provisions of this chapter if the Commissioner finds that any of the following conditions exist:

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

(b) The health maintenance organization issues evidence of coverage or uses a schedule of charges for health care services which do not comply with the requirements of NRS 695C.1691 to 695C.200, inclusive, *and section 24 of this act* or 695C.207;

(c) The health care plan does not furnish comprehensive health care services as provided for in NRS 695C.060;

(d) The Commissioner certifies that the health maintenance organization:

(1) Does not meet the requirements of subsection 1 of NRS 695C.080; or

(2) Is unable to fulfill its obligations to furnish health care services as required under its health care plan;

(e) The health maintenance organization is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees;

(f) The health maintenance organization has failed to put into effect a mechanism affording the enrollees an opportunity to participate in matters relating to the content of programs pursuant to NRS 695C.110;

(g) The health maintenance organization has failed to put into effect the system required by NRS 695C.260 for:

(1) Resolving complaints in a manner reasonably to dispose of valid complaints; and

(2) Conducting external reviews of adverse determinations that comply with the provisions of NRS 695G.241 to 695G.310, inclusive;

(h) The health maintenance organization or any person on its behalf has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive or unfair manner;

(i) The continued operation of the health maintenance organization would be hazardous to its enrollees or creditors or to the general public;

(j) The health maintenance organization fails to provide the coverage required by NRS 695C.1691; or

(k) The health maintenance organization has otherwise failed to comply substantially with the provisions of this chapter.

2. A certificate of authority must be suspended or revoked only after compliance with the requirements of NRS 695C.340.

3. If the certificate of authority of a health maintenance organization is suspended, the health maintenance organization shall not, during the period of that suspension, enroll any additional groups or new individual contracts,

unless those groups or persons were contracted for before the date of suspension.

4. If the certificate of authority of a health maintenance organization is revoked, the organization shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs and shall conduct no further business except as may be essential to the orderly conclusion of the affairs of the organization. It shall engage in no further advertising or solicitation of any kind. The Commissioner may, by written order, permit such further operation of the organization as the Commissioner may find to be in the best interest of enrollees to the end that enrollees are afforded the greatest practical opportunity to obtain continuing coverage for health care.

Sec. 27. Chapter 695G of NRS is hereby amended by adding thereto a new section to read as follows:

1. Subject to the limitations prescribed by subsection 4, a managed care organization that issues a health care plan shall include in the plan coverage for medically necessary biomarker testing for the diagnosis, treatment, appropriate management and ongoing monitoring of cancer when such biomarker testing is supported by medical and scientific evidence. Such evidence includes, without limitation:

(a) The labeled indications for a biomarker test or medication that has been approved or cleared by the United States Food and Drug Administration;

(b) The indicated tests for a drug that has been approved by the United States Food and Drug Administration or the warnings and precautions included on the label of such a drug;

(c) A national coverage determination or local coverage determination, as those terms are defined in 42 C.F.R. § 400.202; or

(d) Nationally recognized clinical practice guidelines or consensus statements.

2. A managed care organization shall:

(a) Provide the coverage required by subsection 1 in a manner that limits disruptions in care and the need for multiple specimens.

(b) Establish a clear and readily accessible process for an insured or provider of health care to:

(1) Request an exception to a policy excluding coverage for biomarker testing for the diagnosis, treatment, management or ongoing monitoring of cancer; or

(2) Appeal a denial of coverage for such biomarker testing; and

(c) Make the process described in paragraph (b) available on an Internet website maintained by the managed care organization.

3. If a managed care organization requires an insured to obtain prior authorization for a biomarker test described in subsection 1, the managed care organization shall respond to a request for such prior authorization:

(a) Within 24 hours after receiving an urgent request; or

(b) Within 72 hours after receiving any other request.

4. The provisions of this section do not require a managed care organization to provide coverage of biomarker testing:

(a) For screening purposes;

(b) Conducted by a provider of health care for whom the biomarker testing is not within his or her scope of practice, training and experience;

(c) Conducted by a provider of health care or a facility that does not participate in the network plan of the managed care organization; or

(d) That has not been determined to be medically necessary by a provider of health care for whom such a determination is within his or her scope of practice, training and experience. ~~[; or~~

~~(e) Where a more cost-effective test is equally capable of meeting the medical needs of the insured.]~~

5. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2023, has the legal effect of including the coverage required by this section, and any provision of the plan or renewal which is in conflict with the provisions of this section is void.

6. As used in this section:

(a) "Biomarker" means a characteristic that is objectively measured and evaluated as an indicator of a normal biological process, a pathogenic process or a pharmacological response to a specific therapeutic intervention and includes, without limitation:

(1) An interaction between a gene and a drug that is being used by or considered for use by the patient;

(2) A mutation or characteristic of a gene; and

(3) The expression of a protein.

(b) "Biomarker testing" means the analysis of the tissue, blood or other biospecimen of a patient for the presentation of a biomarker and includes, without limitation, single-analyte tests, multiplex panel tests and whole genome, whole exome and whole transcriptome sequencing.

(c) "Consensus statement" means a statement aimed at a specific clinical circumstance that is:

(1) Made for the purpose of optimizing the outcomes of clinical care;

(2) Made by an independent, multidisciplinary panel of experts that has established a policy to avoid conflicts of interest;

(3) Based on scientific evidence; and

(4) Made using a transparent methodology and reporting procedure.

(d) "Medically necessary" means health care services or products that a prudent provider of health care would provide to a patient to prevent, diagnose or treat an illness, injury or disease, or any symptoms thereof, that are necessary and:

(1) Provided in accordance with generally accepted standards of medical practice;

(2) ~~[Clinically appropriate with regard to type, frequency, extent, location and duration;~~

~~*(3)]*~~ *Not primarily provided for the convenience of the patient or provider of health care;*

~~*[(4) Required to improve a specific health condition of a patient or to preserve the existing state of health of the patient; and*~~

~~*(5) The most clinically appropriate level of health care that may be safely provided to the patient.]*~~ *; and*

(3) Significant in guiding and informing the provider of health care in providing the most appropriate course of treatment for the patient in order to prevent, delay or lessen the magnitude of an adverse health outcome.

(e) "Nationally recognized clinical practice guidelines" means evidence-based guidelines establishing standards of care that include, without limitation, recommendations intended to optimize care of patients and are:

(1) Informed by a systemic review of evidence and an assessment of the risks and benefits of alternative options for care; and

(2) Developed using a transparent methodology and reporting procedure by an independent organization or society of medical professionals that has established a policy to avoid conflicts of interest.

(f) "Network plan" means a health care plan offered by a managed care organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the managed care organization. The term does not include an arrangement for the financing of premiums.

(g) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 28. (Deleted by amendment.)

Sec. 28.5. 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 the sum of $325,000 for the cost of contracting with a qualified person to determine the cost-effectiveness of providing coverage for biomarker testing under Medicaid for the diagnosis, treatment, management or ongoing monitoring of diseases or conditions other than cancer.

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

3. Expenditure of $325,000 not appropriated from the State General Fund or State Highway Fund is hereby authorized during Fiscal Year 2023-2024 and Fiscal Year 2024-2025 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.

4. As used in this section:

(a) "Biomarker" means a characteristic that is objectively measured and evaluated as an indicator of a normal biological process, a pathogenic process or a pharmacological response to a specific therapeutic intervention and includes, without limitation:

(1) An interaction between a gene and a drug that is being used by or considered for use by the patient;

(2) A mutation or characteristic of a gene; and

(3) The expression of a protein.

(b) "Biomarker testing" means the analysis of the tissue, blood or other biospecimen of a patient for the presentation of a biomarker and includes, without limitation, single-analyte tests, multiplex panel tests and whole genome, whole exome and whole transcriptome sequencing.

Sec. 29. (Deleted by amendment.)

Sec. 29.5. 1. During the 2023-2024 interim, the Joint Interim Standing Committee on Health and Human Services, in coordination with the Department of Health and Human Services, shall study the cost-effectiveness of biomarker testing, including, without limitation, the cost-effectiveness of biomarker testing:

(a) For the diagnosis, treatment, management or ongoing monitoring of specific diseases or conditions; and

(b) To screen for specific diseases or conditions or traits associated with specific diseases or conditions.

2. The Joint Interim Standing Committee on Health and Human Services shall submit a report of the results of the study, including any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmission to the 83rd Session of the Nevada Legislature.

3. As used in this section:

(a) "Biomarker" means a characteristic that is objectively measured and evaluated as an indicator of a normal biological process, a pathogenic process or a pharmacological response to a specific therapeutic intervention and includes, without limitation:

(1) An interaction between a gene and a drug that is being used by or considered for use by the patient;

(2) A mutation or characteristic of a gene; and

(3) The expression of a protein.

(b) "Biomarker testing" means the analysis of the tissue, blood or other biospecimen of a patient for the presentation of a biomarker and includes, without limitation, single-analyte tests, multiplex panel tests and whole genome, whole exome and whole transcriptome sequencing.

Sec. 30. 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. 31. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 10, inclusive, 12, and 28 to 29.5, inclusive, of this act become effective on July 1, 2023.

3. Sections 11, 13 to 27, inclusive, and 30 of this act become effective:

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

(b) On October 1, 2023, for all other purposes.

Senator Cannizzaro moved the adoption of the amendment.

Remarks by Senator Cannizzaro.

Amendment No. 961 to Assembly Bill No. 155 makes changes to language and adds in language in several sections which says, "significant in guiding and informing the provider of health care in providing the most appropriate course of treatment for the patient in order to prevent, delay or lessen the magnitude of an adverse health outcome."

Amendment adopted.

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

Assembly Bill No. 160.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 957.

SUMMARY—Revises provisions governing the sealing of certain criminal records. (BDR 14-634)

AN ACT relating to criminal records; providing for the automatic sealing of criminal records relating to certain convictions of a person and certain charges against a person; authorizing the Records, Communications and Compliance Division of the Department of Public Safety and the Administrative Office of the Courts to adopt any rules or regulations, as applicable, necessary for the automatic sealing of criminal records; requiring the Administrative Office of the Courts to submit annual reports to the Legislature and adopt certain other rules; creating the Advisory Task Force on Automatic Record Sealing and establishing the duties of the Task Force; requiring the Task Force to submit certain reports to the Administrative Office of the Courts and the Legislature; expanding the circumstances in which there is a rebuttable presumption that criminal records should be sealed; revising provisions relating to a petition to seal criminal records relating to certain charges brought against a person; applying provisions relating to records that have been sealed pursuant to certain provisions of law to records that are sealed after a court finds that a person was wrongfully convicted of a felony and enters a certificate of innocence; authorizing the Central Repository for Nevada Records of Criminal History and its employees to inquire into and inspect certain sealed records relating to a violation or alleged violation of the prohibition against certain persons owning or possessing a firearm; making appropriations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes certain procedures pursuant to which a person is authorized to petition a court for the sealing of criminal records relating to: (1) convictions for certain offenses; (2) charges against a person that were

Legislative Counsel's Digest:

Existing law establishes certain procedures pursuant to which a person is authorized to petition a court for the sealing of criminal records relating to: (1) convictions for certain offenses; (2) charges against a person that were dismissed or declined for prosecution or for which the person was acquitted; (3) a conviction which has been set aside; and (4) a conviction for an offense that has been decriminalized. Existing law: (1) establishes certain requirements concerning the amount of time that must elapse after a person was convicted or charged before the records relating to the conviction or charge are eligible to be sealed through the filing of such a petition; and (2) sets forth the circumstances under which a court is authorized or required to grant the petition. (NRS 179.245, 179.255, 179.271)

Section 1.3 of this bill requires the Records, Communications and Compliance Division of the Department of Public Safety, not later than January 1, 2027, to develop and implement a process to identify each: (1) conviction of a person and each charge against a person that becomes an eligible conviction and eligible charge; and (2) agency of criminal justice or public or private company, agency, officer or other custodian of records that may reasonably be identified as having possession of records relating to an eligible conviction or eligible charge. Section 1.3 defines "eligible conviction" and "eligible charge" to mean, in general, certain convictions of or charges against a person after January 1, 2027, if the records relating to the conviction or charge are eligible to be sealed pursuant to the provisions of existing law governing the sealing of records. After the development and implementation of the process of identifying eligible convictions and eligible charges, section 1.3 requires the Division to, each month: (1) identify and compile a list of each conviction or charge that has become an eligible conviction or eligible charge in the immediately preceding month and each person or governmental entity identified as having possession of records relating to those eligible convictions and eligible charges; and (2) transmit the list to the Administrative Office of the Courts to recommend the sealing of the records relating to a listed eligible conviction or eligible charge.

Section 1.3 requires the Administrative Office of the Courts, not later than January 1, 2027, to develop and implement a process to review such a list received from the Division and to transmit to every court having jurisdiction each conviction of a person or charge against a person that has become an eligible conviction or eligible charge. Section 1.3 also requires the Administrative Office of the Courts, upon receiving such a list from the Division, to confirm each eligible conviction and eligible charge and notify every court having jurisdiction over the sealing of each eligible conviction or eligible charge. Section 1.3 requires a court that receives such a notification from the Administrative Office of the Courts to then provide notice to the

appropriate prosecuting attorney or agency and authorizes the prosecuting attorney or agency to object to the sealing of the records relating to each listed eligible conviction or eligible charge. Section 1.3 further establishes the circumstances in which the court may order the records to be sealed. Section 5 of this bill requires the order to be sent to the persons and governmental entities named in the order, who are then required to seal records relating to the eligible conviction or eligible charge. Section 1.3 also: (1) authorizes the Division and the Administrative Office of the Courts to adopt any rules or regulations, as applicable, that are necessary to carry out the provisions of section 1.3; and (2) requires the Administrative Office of the Courts to submit certain annual reports to the Legislature beginning on January 31, 2028.

Existing law provides, in general, that there is a rebuttable presumption that certain records of a person should be sealed if the person petitions the court for the sealing of such records and satisfies all statutory requirements. (NRS 179.2445) Section 3.5 of this bill provides that there is also a rebuttable presumption that certain records of a person should be sealed if a court receives a list of confirmed eligible convictions or charges from the Administrative Office of the Courts pursuant to section 1.3 and the records relate to such confirmed eligible convictions or charges. Sections 3.7 and 3.9 of this bill make conforming changes to reflect the change in section 3.5.

Existing law provides that if a court seals certain records of a person, certain civil rights of the person are restored. Existing law requires the person to be given documentation demonstrating that fact. If the documentation is lost, damaged or destroyed, the person is authorized to request that a court issue an order to restore his or her civil rights. (NRS 179.285) Section 6 of this bill makes a technical, nonsubstantive change to existing law by reorganizing the language in existing law. Section 6.5 of this bill provides for the restoration of civil rights if the records of a person are sealed pursuant to section 1.3. However, under section 6.5, the person is not required to be given documentation demonstrating that fact. Instead, section 6.5 authorizes a person who was not given documentation of the restoration of his or her civil rights to request that a court issue an order in the same manner as a person whose documentation is lost, damaged or destroyed.

Section 7 of this bill authorizes a person who is the subject of records that are sealed pursuant to section 1.3 to petition a court to allow for the inspection of the records. Section 8 of this bill authorizes certain other governmental entities to inspect such records under certain circumstances. Section 7.5 of this bill authorizes the Central Repository for Nevada Records of Criminal History and its employees to inspect certain sealed records relating to a violation or alleged violation of the prohibition against certain persons owning or possessing a firearm. (NRS 202.360)

Sections 5-7 of this bill also apply provisions relating to records that have been sealed pursuant to certain provisions of law to records that are sealed after a court finds that a person was wrongfully convicted of a felony and enters a certificate of innocence.

If a person is arrested and the charges against the person are dismissed or declined for prosecution or the person is acquitted of the charges, existing law authorizes the person to petition a court for the sealing of all records relating to the arrest and the proceedings leading to the dismissal, declination or acquittal. (NRS 179.255) Section 4 of this bill authorizes a person against whom multiple charges were brought, consisting of both charges for which the person was convicted and charges which were disposed of by dismissal, declination or acquittal, to petition for the sealing of those portions of the records relating to the arrest of the person and the subsequent proceedings that relate to the charges which were disposed of by dismissal, declination or acquittal.

Section 2 of this bill provides that it is the public policy of this State to enhance and modernize the sharing of information between agencies of criminal justice by having records shared in a timely manner in accordance with statutory requirements.

Section 1.7 of this bill creates the Advisory Task Force on Automatic Record Sealing and establishes requirements concerning the membership of the Task Force. Section 1.7 establishes the general duties of the Task Force, including reviewing the current petition-based process for the sealing of records and identifying the ways in which the process can be streamlined to simplify the process for petitioners. Section 1.7 also requires the Task Force to prepare and submit a report to the Administrative Office of the Courts and the Legislature: (1) on or before July 1, 2024, that sets forth the initial activities and findings of the Task Force; (2) on or before July 1, 2025, that sets forth the activities, findings and initial recommendations of the Task Force; and (3) on or before July 1, 2026, that sets forth the final activities, findings and recommendations of the Task Force to support the implementation of the automatic sealing of records of criminal history. Section 8.3 of this bill requires the Administrative Office of the Courts, before January 1, 2025, to adopt rules to streamline the process for filing a petition for the sealing of records, as recommended by the Task Force.

Sections 2-3.3 of this bill make conforming changes to indicate the proper placement of sections 1.3 and 1.7 in the Nevada Revised Statutes.

Section 8.1 of this bill makes an appropriation from the State General Fund to the Department of Public Safety for the technology costs associated with complying with the provisions of section 1.3. Section 8.15 of this bill makes an appropriation from the State General Fund to the Department for the provision of support to the Task Force, including for the administrative costs of supporting the Task Force. ~~[and employing or contracting with persons to perform certain functions.]~~ Section 8.2 of this bill makes an appropriation from the State General Fund to the Interim Finance Committee for allocation to the Department for employing or contracting with persons to perform certain functions and, to the extent that money from the appropriation is available, for the Department to award of grants of money to criminal justice agencies to

support technology or system upgrades for the purpose of complying with the provisions of section 1.3.

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

Section 1. Chapter 179 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 and 1.7 of this act.

Sec. 1.3. *1. Not later than January 1, 2027, the Division shall develop and implement a process to identify, based on data maintained in the records of the Division, each:*

(a) Conviction of a person that becomes an eligible conviction;

(b) Charge against a person that becomes an eligible charge; and

(c) Agency of criminal justice or public or private company, agency, officer and other custodian of records that may reasonably be identified as having possession of records relating to a conviction or charge that becomes an eligible conviction or eligible charge.

2. After the development and implementation of the process described in subsection 1, the Division shall, each month:

(a) Identify each:

(1) Conviction of a person or charge against a person that has become an eligible conviction or eligible charge in the immediately preceding month; and

(2) Agency of criminal justice or public or private company, agency, officer or other custodian of records that may reasonably be identified as having possession of records relating to an eligible conviction or eligible charge identified pursuant to subparagraph (1);

(b) Compile a list of each eligible conviction, eligible charge and person or governmental entity identified pursuant to paragraph (a); and

(c) Transmit the list compiled pursuant to paragraph (b) to the Administrative Office of the Courts to recommend the sealing of records relating to an eligible conviction or eligible charge identified on the list.

3. Not later than January 1, 2027, the Administrative Office of the Courts shall develop and implement a process to review the list received from the Division pursuant to paragraph (c) of subsection 2 and transmit to every court having jurisdiction each:

(a) Conviction of a person that has become an eligible conviction; and

(b) Charge against a person that has become an eligible charge.

4. Upon receiving a list transmitted by the Division pursuant to paragraph (c) of subsection 2, the Administrative Office of the Courts shall confirm each eligible conviction and eligible charge and, not later than 30 business days after receiving the list from the Division, notify every court having jurisdiction over the sealing of records relating to each confirmed eligible conviction and eligible charge to order the sealing of such records.

5. A court that receives notification from the Administrative Office of the Courts pursuant to subsection 4 shall, not later than 15 calendar days after

receiving such notification, provide notice to the appropriate prosecuting attorney or agency. The prosecuting attorney or agency may object to the sealing of such records not later than 30 calendar days after receiving notice from the court.

6. If, not later than 30 calendar days after receiving notice from the court pursuant to subsection 5, a prosecuting attorney or agency:

(a) Stipulates to the sealing of the records, the court shall apply the presumption set forth in NRS 179.2445 and order the sealing of the records.

(b) Does not stipulate to the sealing of the records, the court shall apply the presumption set forth in NRS 179.2445 and order the sealing of the records without a hearing. Each person or governmental entity identified on the list as having possession of records relating to an eligible conviction or eligible charge to which the order applies must be named in the order.

(c) Objects to the sealing of the records, the court may conduct a hearing on the matter. At the hearing, unless an objecting party presents evidence sufficient to rebut the presumption set forth in NRS 179.2445, the court shall apply the presumption and order the sealing of the records.

7. The Division and the Administrative Office of the Courts shall take such actions as are necessary to ensure public awareness of the provisions of this section. Such actions may include, without limitation, the posting of appropriate information on an Internet website maintained by the Division or the Administrative Office of the Courts or the conducting of a public awareness campaign.

8. The Division and the Administrative Office of the Courts may adopt any rules or regulations, as applicable, that are necessary to carry out the provisions of this section, including, without limitation, rules or regulations concerning:

(a) Contracting with any vendors to update any necessary technology; and

(b) Applying for any grants available to carry out the provisions of this section.

9. The provisions of this section do not prohibit a person from petitioning the court for the sealing of any eligible records in accordance with any other applicable provision of law.

10. If a person believes that his or her records have been sealed, the person may make a written request to the appropriate court to confirm that his or her records have been sealed and review such records.

11. On or before January 31, 2028, and each year thereafter, the Administrative Office of the Courts shall submit a report to the Director of the Legislative Counsel Bureau for transmittal to Legislature that sets forth, to the extent possible, the number of records that were identified to be eligible for sealing and the number of records that were ordered to be sealed during the previous calendar year.

12. As used in this section:

(a) "Division" means the Records, Communications and Compliance Division of the Department of Public Safety.

(b) "Eligible charge" means any charge against a person on or after January 1, 2027, if the records relating to the charge are eligible to be sealed pursuant to ~~[paragraph (c) or (g) of]~~ subsection 1 of NRS ~~[179.245]~~ 179.255 for a drug-related ~~[conviction,]~~ charge that is punishable as a category E felony or a misdemeanor, including, without limitation, a ~~[conviction]~~ charge pursuant to paragraph (a) of subsection 2 of NRS 453.336, subsection 4 or 5 of NRS 453.336, subsection 2 of NRS 453.3393 or NRS 453.560 or 454.351.

(c) "Eligible conviction" means any conviction of a person on or after January 1, 2027, if the records relating to the conviction are eligible to be sealed pursuant to paragraph (c) or (g) of subsection 1 of NRS 179.245 for a drug-related conviction, including, without limitation, a conviction pursuant to paragraph (a) of subsection 2 of NRS 453.336, subsection 4 or 5 of NRS 453.336, subsection 2 of NRS 453.3393 or NRS 453.560 or 454.351, and the person has not been, in the time period prescribed in the applicable provision, charged with any offense for which the charges are pending or convicted of any offense, except for minor moving or standing traffic violations.

Sec. 1.7. *1. The Advisory Task Force on Automatic Record Sealing is hereby created. The Task Force consists of:*

(a) Fifteen members appointed by the Legislative Commission from recommendations submitted by the applicable participating entities consisting of:

(1) One member who is a representative of the Administrative Office of the Courts;

(2) One member who is a representative of the Nevada Supreme Court or his or her designee;

(3) One member who is a representative of a district court;

(4) One member who is a representative of a justice court;

(5) One member who is a representative of a municipal court;

(6) One member who is a representative of a district attorney's office;

(7) One member who is a representative of the Office of the Attorney General;

(8) One member who is a representative of the Office of the Clark County Public Defender or the Office of the Washoe County Public Defender or who is an attorney in private practice and experienced in defending criminal actions;

(9) One member who is a representative of an urban law enforcement agency;

(10) One member who is a representative of a rural law enforcement agency;

(11) One member who is a representative of the Division of Parole and Probation of the Department of Public Safety;

(12) One member who is a representative of the Department of Corrections;

(13) One member who is a representative of the Records, Communications and Compliance Division of the Department of Public Safety; and

(14) Two members who are representatives from nonprofit organizations focused on issues relating to criminal justice;

(b) One member of the Senate who is appointed by the Majority Leader of the Senate; and

(c) One member of the Assembly who is appointed by the Speaker of the Assembly.

2. When appointing members to the Task Force pursuant to paragraph (a) of subsection 1, the Legislative Commission shall ensure that all regions of this State are represented.

3. At the first meeting of the Task Force, the members shall elect a Chair and Vice Chair by a majority vote.

4. The Department of Public Safety shall provide the Task Force with such staff as is necessary for the Task Force to carry out its duties pursuant to this section.

5. The members of the Task Force serve without compensation or per diem allowance. If sufficient money is available, a member of the Task Force may, upon written request, receive reimbursement for travel expenses provided for state officers and employees generally while engaged in the business of the Task Force.

6. The Task Force:

(a) Shall:

(1) Review the current petition-based process for the sealing of records and identify the ways in which the process can be streamlined to simplify the process for petitioners;

(2) Conduct research on methods to implement the provisions of section 1.3 of this act, including, without limitation, necessary technology and system upgrades within the criminal justice system of this State;

(3) Identify and assess any technology and system gaps, necessary infrastructure and policy constraints to support the implementation of the automatic sealing of records;

(4) Develop a timeline for implementation that includes benchmarks to implement the provisions of section 1.3 of this act; and

(5) Recommend approaches to improve the ability of this State to expand future provisions concerning the automatic sealing of records, including, without limitation, the feasibility of retroactively sealing eligible charges and convictions; and

(b) May consider, in its discretion, any other matters submitted by a member of the Task Force.

7. The Department of Public Safety may:

(a) Enter into a contract with a consultant or vendor to perform the research necessary for the Task Force to carry out its duties; and

(b) Apply for and accept any gift, donation, bequest, grant or other source of money to assist the Task Force in carrying out its duties.

8. The Task Force shall:

(a) On or before July 1, 2024, prepare and submit a report to the Administrative Office of the Courts and the Director of the Legislative Counsel Bureau, for transmittal to the Legislature, that sets forth the initial activities and findings of the Task Force, including, without limitation, the ways in which the petition-based process for the sealing of records can be streamlined;

(b) On or before July 1, 2025, prepare and submit a report to the Administrative Office of the Courts and the Director of the Legislative Counsel Bureau, for transmittal to the Legislature, that sets forth the activities, findings and initial recommendations of the Task Force; and

(c) On or before July 1, 2026, prepare and submit a report to the Administrative Office of the Courts and the Director of the Legislative Counsel Bureau, for transmittal to the Legislature, that sets forth the final activities, findings and recommendations of the Task Force to support the implementation of the automatic sealing of records.

9. The meetings of the Task Force are closed to the public and are not subject to the provisions of chapter 241 of NRS.

Sec. 2. NRS 179.2405 is hereby amended to read as follows:

179.2405 The Legislature hereby declares that the public policy of this State is to ~~[favor]~~ *:*

1. Favor the giving of second chances to offenders who are rehabilitated and the sealing of the records of such persons in accordance with NRS 179.2405 to 179.301, inclusive ~~[.]~~ *, and section 1.7 of this act; and*

2. Enhance and modernize the sharing of information between agencies of criminal justice by having records shared in a timely manner in accordance with statutory requirements.

Sec. 2.3. NRS 179.2405 is hereby amended to read as follows:

179.2405 The Legislature hereby declares that the public policy of this State is to:

1. Favor the giving of second chances to offenders who are rehabilitated and the sealing of the records of such persons in accordance with NRS 179.2405 to 179.301, inclusive, and ~~[section]~~ *sections 1.3 and* 1.7 of this act; and

2. Enhance and modernize the sharing of information between agencies of criminal justice by having records shared in a timely manner in accordance with statutory requirements.

Sec. 2.7. NRS 179.2405 is hereby amended to read as follows:

179.2405 The Legislature hereby declares that the public policy of this State is to:

1. Favor the giving of second chances to offenders who are rehabilitated and the sealing of the records of such persons in accordance with NRS 179.2405 to 179.301, inclusive, and ~~[sections]~~ *section* 1.3 ~~[and 1.7]~~ of this act; and

2. Enhance and modernize the sharing of information between agencies of criminal justice by having records shared in a timely manner in accordance with statutory requirements.

Sec. 3. NRS 179.241 is hereby amended to read as follows:

179.241 As used in NRS 179.2405 to 179.301, inclusive, *and section 1.7 of this act*, unless the context otherwise requires, the words and terms defined in NRS 179.242, 179.243 and 179.244 have the meanings ascribed to them in those sections.

Sec. 3.1. NRS 179.241 is hereby amended to read as follows:

179.241 As used in NRS 179.2405 to 179.301, inclusive, and ~~[section]~~ *sections 1.3 and* 1.7 of this act, unless the context otherwise requires, the words and terms defined in NRS 179.242, 179.243 and 179.244 have the meanings ascribed to them in those sections.

Sec. 3.3. NRS 179.241 is hereby amended to read as follows:

179.241 As used in NRS 179.2405 to 179.301, inclusive, and ~~[sections]~~ *section* 1.3 ~~[and 1.7]~~ of this act, unless the context otherwise requires, the words and terms defined in NRS 179.242, 179.243 and 179.244 have the meanings ascribed to them in those sections.

Sec. 3.5. NRS 179.2445 is hereby amended to read as follows:

179.2445 1. Except as otherwise provided in subsection 2, upon the ~~[filing]~~ *:*

(a) Filing of a petition for the sealing of records pursuant to NRS 179.245, 179.247, 179.255, 179.259 or 179.2595, there is a rebuttable presumption that the records should be sealed if the applicant satisfies all statutory requirements for the sealing of the records.

(b) Receipt by a court of the list of confirmed eligible convictions or eligible charges from the Administrative Office of the Courts pursuant to section 1.3 of this act, there is a rebuttable presumption that the records relating to the confirmed eligible convictions or eligible charges should be sealed.

2. The presumption set forth in *paragraph (a) of* subsection 1 does not apply to a defendant who is given a dishonorable discharge from probation pursuant to NRS 176A.850 and applies to the court for the sealing of records relating to the conviction.

Sec. 3.7. NRS 179.245 is hereby amended to read as follows:

179.245 1. Except as otherwise provided in subsection 6 and NRS 176.211, 176A.245, 176A.265, 176A.295, 179.247, 179.259, 201.354 and 453.3365, a person may petition the court in which the person was convicted for the sealing of all records relating to a conviction of:

(a) A category A felony, a crime of violence or residential burglary pursuant to NRS 205.060 after 10 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(b) Except as otherwise provided in paragraphs (a) and (e), a category B, C or D felony after 5 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(c) A category E felony after 2 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(d) Except as otherwise provided in paragraph (e), any gross misdemeanor after 2 years from the date of release from actual custody or discharge from probation, whichever occurs later;

(e) A violation of NRS 422.540 to 422.570, inclusive, a violation of NRS 484C.110 or 484C.120 other than a felony, or a battery which constitutes domestic violence pursuant to NRS 33.018 other than a felony, after 7 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later;

(f) Except as otherwise provided in paragraph (e), if the offense is punished as a misdemeanor, a battery pursuant to NRS 200.481, harassment pursuant to NRS 200.571, stalking pursuant to NRS 200.575 or a violation of a temporary or extended order for protection, after 2 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later; or

(g) Any other misdemeanor after 1 year from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later.

2. A petition filed pursuant to subsection 1 must:

(a) Be accompanied by the petitioner's current, verified records received from the Central Repository for Nevada Records of Criminal History;

(b) If the petition references NRS 453.3365, include a certificate of acknowledgment or the disposition of the proceedings for the records to be sealed from all agencies of criminal justice which maintain such records;

(c) Include a list of any other public or private agency, company, official or other custodian of records that is reasonably known to the petitioner to have possession of records of the conviction and to whom the order to seal records, if issued, will be directed; and

(d) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed, including, without limitation, the:

(1) Date of birth of the petitioner;

(2) Specific conviction to which the records to be sealed pertain; and

(3) Date of arrest relating to the specific conviction to which the records to be sealed pertain.

3. Upon receiving a petition pursuant to this section, the court shall notify the law enforcement agency that arrested the petitioner for the crime and the prosecuting attorney, including, without limitation, the Attorney General, who prosecuted the petitioner for the crime. The prosecuting attorney and any person having relevant evidence may testify and present evidence at any hearing on the petition.

4. If the prosecuting agency that prosecuted the petitioner for the crime stipulates to the sealing of the records, the court shall apply the presumption set forth in *paragraph (a) of subsection 1 of* NRS 179.2445 and seal the

records. If the prosecuting agency does not stipulate to the sealing of the records or does not file a written objection within 30 days after receiving notification pursuant to subsection 3 and the court makes the findings set forth in subsection 5, the court may order the sealing of the records in accordance with subsection 5 without a hearing. If the court does not order the sealing of the records or the prosecuting agency files a written objection, a hearing on the petition must be conducted. At the hearing, unless an objecting party presents evidence sufficient to rebut the presumption set forth in *paragraph (a) of subsection 1 of* NRS 179.2445, the court shall apply the presumption and seal the records.

5. If the court finds that, in the period prescribed in subsection 1, the petitioner has not been charged with any offense for which the charges are pending or convicted of any offense, except for minor moving or standing traffic violations, the court may order sealed all records of the conviction which are in the custody of any agency of criminal justice or any public or private agency, company, official or other custodian of records in the State of Nevada, and may also order all such records of the petitioner returned to the file of the court where the proceeding was commenced from, including, without limitation, the Federal Bureau of Investigation and all other agencies of criminal justice which maintain such records and which are reasonably known by either the petitioner or the court to have possession of such records.

6. A person may not petition the court to seal records relating to a conviction of:

(a) A crime against a child;

(b) A sexual offense;

(c) Invasion of the home with a deadly weapon pursuant to NRS 205.067;

(d) A violation of NRS 484C.110 or 484C.120 that is punishable as a felony pursuant to paragraph (c) of subsection 1 of NRS 484C.400;

(e) A violation of NRS 484C.430;

(f) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430;

(g) A violation of NRS 488.410 that is punishable as a felony pursuant to NRS 488.427; or

(h) A violation of NRS 488.420 or 488.425.

7. The provisions of paragraph (e) of subsection 1 and paragraph (d) of subsection 6 must not be construed to preclude a person from being able to petition the court to seal records relating to a conviction for a violation of NRS 484C.110 or 484C.120 pursuant to this section if the person was found guilty of a violation of NRS 484C.110 or 484C.120 that is punishable pursuant to:

(a) Paragraph (b) of subsection 1 of NRS 484C.400; or

(b) Paragraph (c) of subsection 1 of NRS 484C.400 but had a judgment of conviction entered against him or her for a violation of paragraph (b) of

subsection 1 of NRS 484C.400 because the person participated in the statewide sobriety and drug monitoring program established pursuant to NRS 484C.392.

8. If the court grants a petition for the sealing of records pursuant to this section, upon the request of the person whose records are sealed, the court may order sealed all records of the civil proceeding in which the records were sealed.

9. As used in this section:

(a) "Crime against a child" has the meaning ascribed to it in NRS 179D.0357.

(b) "Sexual offense" means:

(1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

(2) Sexual assault pursuant to NRS 200.366.

(3) Statutory sexual seduction pursuant to NRS 200.368, if punishable as a felony.

(4) Battery with intent to commit sexual assault pursuant to NRS 200.400.

(5) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this paragraph.

(6) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence, if the crime of violence is an offense listed in this paragraph.

(7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

(8) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(9) Incest pursuant to NRS 201.180.

(10) Open or gross lewdness pursuant to NRS 201.210, if punishable as a felony.

(11) Indecent or obscene exposure pursuant to NRS 201.220, if punishable as a felony.

(12) Lewdness with a child pursuant to NRS 201.230.

(13) Sexual penetration of a dead human body pursuant to NRS 201.450.

(14) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.

(15) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.

(16) Luring a child or a person with mental illness pursuant to NRS 201.560, if punishable as a felony.

(17) An attempt to commit an offense listed in this paragraph.

Sec. 3.9. NRS 179.247 is hereby amended to read as follows:

179.247 1. If a person has been convicted of any offense listed in subsection 2, the person may petition the court in which he or she was convicted or, if the person wishes to file more than one petition and would otherwise need to file a petition in more than one court, the district court, for an order:

(a) Vacating the judgment; and

(b) Sealing all documents, papers and exhibits in the person's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order.

2. A person may file a petition pursuant to subsection 1 if the person was convicted of:

(a) A violation of NRS 201.353 or 201.354, for engaging in prostitution or solicitation for prostitution, provided that the person was not alleged to be a customer of a prostitute;

(b) A crime under the laws of this State, other than a crime of violence; or

(c) A violation of a county, city or town ordinance, for loitering for the purpose of solicitation or prostitution.

3. A petition filed pursuant to subsection 1 must satisfy the requirements of NRS 179.245.

4. The court may grant a petition filed pursuant to subsection 1 if:

(a) The petitioner was convicted of a violation of an offense described in subsection 2;

(b) The participation of the petitioner in the offense was the result of the petitioner having been a victim of:

(1) Trafficking in persons as described in the Trafficking Victims Protection Act of 2000, 22 U.S.C. §§ 7101 et seq.; or

(2) Involuntary servitude as described in NRS 200.463 or 200.4631; and

(c) The petitioner files a petition pursuant to subsection 1 with due diligence after the petitioner has ceased being a victim of trafficking or involuntary servitude or has sought services for victims of such trafficking or involuntary servitude.

5. Before the court decides whether to grant a petition filed pursuant to subsection 1, the court shall:

(a) Notify the Central Repository for Nevada Records of Criminal History, the Office of the Attorney General and each office of the district attorney and law enforcement agency in the county in which the petitioner was convicted and allow the prosecuting attorney who prosecuted the petitioner for the crime and any person to testify and present evidence on behalf of any such entity; and

(b) Take into consideration any reasonable concerns for the safety of the defendant, family members of the defendant or other victims that may be jeopardized by the granting of the petition.

6. If the prosecuting agency that prosecuted the petitioner for the crime stipulates to vacating the judgment of the petitioner and sealing all documents, papers and exhibits related to the case, the court shall apply the presumption set forth in *paragraph (a) of subsection 1 of* NRS 179.2445, vacate the judgment and seal all documents, papers and exhibits related to the case. If the prosecuting agency does not stipulate to vacating the judgment of the petitioner and sealing all documents, papers and exhibits related to the case or does not file a written objection within 30 days after receiving notification pursuant to subsection 5 and the court makes the findings set forth in subsection 4, the court may vacate the judgment and seal all documents, papers and exhibits in accordance with subsection 7 without a hearing. If the court does not order the sealing of the records or the prosecuting agency files a written objection, a hearing on the petition must be conducted. At the hearing, unless an objecting party presents evidence sufficient to rebut the presumption set forth in *paragraph (a) of subsection 1 of* NRS 179.2445, the court shall vacate the judgment, apply the presumption and seal all documents, papers and exhibits related to the case.

7. If the court grants a petition filed pursuant to subsection 1, the court shall:

(a) Vacate the judgment and dismiss the accusatory pleading; and

(b) Order sealed all documents, papers and exhibits in the petitioner's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order.

8. If a petition filed pursuant to subsection 1 does not satisfy the requirements of NRS 179.245 or the court determines that the petition is otherwise deficient with respect to the sealing of the petitioner's record, the court may enter an order to vacate the judgment and dismiss the accusatory pleading if the petitioner satisfies all requirements necessary for the judgment to be vacated.

9. If the court enters an order pursuant to subsection 8, the court shall also order sealed the records of the petitioner which relate to the judgment being vacated in accordance with paragraph (b) of subsection 7, regardless of whether any records relating to other convictions are ineligible for sealing either by operation of law or because of a deficiency in the petition.

Sec. 4. NRS 179.255 is hereby amended to read as follows:

179.255 1. If a person has been arrested for alleged criminal conduct and the charges are dismissed, the prosecuting attorney having jurisdiction declined prosecution of the charges or such person is acquitted of the charges, the person may petition:

(a) The court in which the charges were dismissed, at any time after the date the charges were dismissed;

(b) The court having jurisdiction in which the charges were declined for prosecution:

(1) Any time after the applicable statute of limitations has run;

(2) Any time 8 years after the arrest; or

(3) Pursuant to a stipulation between the parties; or

(c) The court in which the acquittal was entered, at any time after the date of the acquittal,

➥ for the sealing of all records relating to the arrest and the proceedings leading to the dismissal, declination or acquittal. *If a person has been arrested for alleged criminal conduct and multiple charges were brought against the person, consisting of both charges for which the person was convicted and charges which were disposed of by dismissal, declination or acquittal, a petition filed pursuant to this subsection may request the sealing of those portions of the records relating to the arrest and the subsequent proceedings that relate to the charges which were disposed of by dismissal, declination or acquittal.*

2. If the conviction of a person is set aside pursuant to NRS 458A.240, the person may petition the court that set aside the conviction, at any time after the conviction has been set aside, for the sealing of all records relating to the setting aside of the conviction.

3. A petition filed pursuant to subsection 1 or 2 must:

(a) Be accompanied by the petitioner's current, verified records received from the Central Repository for Nevada Records of Criminal History;

(b) Except as otherwise provided in paragraph (c), include the disposition of the proceedings for the records to be sealed;

(c) If the petition references NRS 453.3365, include a certificate of acknowledgment or the disposition of the proceedings for the records to be sealed from all agencies of criminal justice which maintain such records;

(d) Include a list of any other public or private agency, company, official and other custodian of records that is reasonably known to the petitioner to have possession of records of the arrest and of the proceedings leading to the dismissal, declination or acquittal and to whom the order to seal records, if issued, will be directed; and

(e) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed, including, without limitation, the:

(1) Date of birth of the petitioner;

(2) Specific charges that were dismissed or of which the petitioner was acquitted; and

(3) Date of arrest relating to the specific charges that were dismissed or of which the petitioner was acquitted.

4. Upon receiving a petition pursuant to subsection 1, the court shall notify the law enforcement agency that arrested the petitioner for the crime and:

(a) If the charges were dismissed, declined for prosecution or the acquittal was entered in a district court or justice court, the prosecuting attorney for the county; or

(b) If the charges were dismissed, declined for prosecution or the acquittal was entered in a municipal court, the prosecuting attorney for the city.

➥ The prosecuting attorney and any person having relevant evidence may testify and present evidence at any hearing on the petition.

5. Upon receiving a petition pursuant to subsection 2, the court shall notify:

(a) If the conviction was set aside in a district court or justice court, the prosecuting attorney for the county; or

(b) If the conviction was set aside in a municipal court, the prosecuting attorney for the city.

➥ The prosecuting attorney and any person having relevant evidence may testify and present evidence at any hearing on the petition.

6. If the prosecuting agency that prosecuted or declined to prosecute the petitioner for the crime stipulates to the sealing of the records, the court shall apply the presumption set forth in *paragraph (a) of subsection 1 of* NRS 179.2445 and seal the records. If the prosecuting agency does not stipulate to the sealing of the records or does not file a written objection within 30 days after receiving notification pursuant to subsection 4 or 5 and the court makes the findings set forth in subsection 7 or 8, as applicable, the court may order the sealing of the records in accordance with subsection 7 or 8, as applicable, without a hearing. If the court does not order the sealing of the records or the prosecuting agency files a written objection, a hearing on the petition must be conducted. At the hearing, unless an objecting party presents evidence sufficient to rebut the presumption set forth in *paragraph (a) of subsection 1 of* NRS 179.2445, the court shall apply the presumption and seal the records.

7. If the court finds:

(a) That there has been an acquittal and there is no evidence that further action will be brought against the person, the court shall order sealed all records of the arrest and of the proceedings leading to the acquittal which are in the custody of any agency of criminal justice or any public or private company, agency, official or other custodian of records in the State of Nevada; or

(b) That prosecution was declined or that the charges were dismissed and there is no evidence that further action will be brought against the person, the court may order sealed all records of the arrest and of the proceedings leading to the declination or dismissal which are in the custody of any agency of criminal justice or any public or private company, agency, official or other custodian of records in the State of Nevada.

8. If the court finds that the conviction of the petitioner was set aside pursuant to NRS 458A.240, the court may order sealed all records relating to the setting aside of the conviction which are in the custody of any agency of criminal justice or any public or private company, agency, official or other custodian of records in the State of Nevada.

9. If the prosecuting attorney having jurisdiction previously declined prosecution of the charges and the records of the arrest have been sealed pursuant to subsection 7, the prosecuting attorney may subsequently file the

charges at any time before the running of the statute of limitations for those charges. If such charges are filed with the court, the court shall order the inspection of the records without the prosecuting attorney having to petition the court pursuant to NRS 179.295.

Sec. 5. NRS 179.275 is hereby amended to read as follows:

179.275 Where the court orders the sealing of a record pursuant to NRS 34.970, *41.910,* 174.034, 176.211, 176A.245, 176A.265, 176A.295, 179.245, 179.247, 179.255, 179.259, 179.2595, 179.271, 201.354 or 453.3365 ~~[,]~~ *or section 1.3 of this act,* a copy of the order must be sent to:

1. The Central Repository for Nevada Records of Criminal History; and

2. Each agency of criminal justice and each public or private company, agency, official or other custodian of records named in the order, and that person shall seal the records in his or her custody which relate to the matters contained in the order, shall advise the court of compliance and shall then seal the order.

Sec. 6. NRS 179.285 is hereby amended to read as follows:

179.285 Except as otherwise provided in NRS 179.301:

1. If the court orders a record sealed pursuant to NRS 34.970, *41.910,* 174.034, 176.211, 176A.245, 176A.265, 176A.295, 179.245, 179.247, 179.255, 179.259, 179.2595, 179.271, 201.354 or 453.3365:

(a) All proceedings recounted in the record are deemed never to have occurred, and the person to whom the order pertains may properly answer accordingly to any inquiry, including, without limitation, an inquiry relating to an application for employment, concerning the arrest, conviction, dismissal or acquittal and the events and proceedings relating to the arrest, conviction, dismissal or acquittal.

(b) The person is immediately restored to the following civil rights if the person's civil rights previously have not been restored:

(1) The right to vote;

(2) The right to hold office; and

(3) The right to serve on a jury.

2. Upon the sealing of the person's records, a person who is restored to his or her civil rights pursuant to subsection 1 must be given:

(a) An official document which demonstrates that the person has been restored to the civil rights set forth in paragraph (b) of subsection 1; and

(b) A written notice informing the person that he or she has not been restored to the right to bear arms, unless the person has received a pardon and the pardon does not restrict his or her right to bear arms.

3. ~~[A]~~ *If a* person ~~[who]~~ has had his or her records sealed in this State or any other state and ~~[whose]~~ *was not given* official documentation of the restoration of civil rights *or if that documentation* is lost, damaged or destroyed , *the person* may file a written request with a court of competent jurisdiction to restore his or her civil rights pursuant to this section. Upon verification that the person has had his or her records sealed, the court shall issue an order

restoring the person to the civil rights to vote, to hold office and to serve on a jury. A person must not be required to pay a fee to receive such an order.

4. A person who has had his or her records sealed in this State or any other state may present official documentation that the person has been restored to his or her civil rights or a court order restoring civil rights as proof that the person has been restored to the right to vote, to hold office and to serve as a juror.

Sec. 6.5. NRS 179.285 is hereby amended to read as follows:

179.285 Except as otherwise provided in NRS 179.301:

1. If the court orders a record sealed pursuant to NRS 34.970, 41.910, 174.034, 176.211, 176A.245, 176A.265, 176A.295, 179.245, 179.247, 179.255, 179.259, 179.2595, 179.271, 201.354 or 453.3365 ~~[.]~~ *or section 1.3 of this act:*

(a) All proceedings recounted in the record are deemed never to have occurred, and the person to whom the order pertains may properly answer accordingly to any inquiry, including, without limitation, an inquiry relating to an application for employment, concerning the arrest, conviction, dismissal or acquittal and the events and proceedings relating to the arrest, conviction, dismissal or acquittal.

(b) The person is immediately restored to the following civil rights if the person's civil rights previously have not been restored:

(1) The right to vote;

(2) The right to hold office; and

(3) The right to serve on a jury.

2. Upon the sealing of the person's records, *except if the person's records were sealed pursuant to section 1.3 of this act,* a person who is restored to his or her civil rights pursuant to subsection 1 must be given:

(a) An official document which demonstrates that the person has been restored to the civil rights set forth in paragraph (b) of subsection 1; and

(b) A written notice informing the person that he or she has not been restored to the right to bear arms, unless the person has received a pardon and the pardon does not restrict his or her right to bear arms.

3. If a person has had his or her records sealed in this State or any other state and was not given official documentation of the restoration of civil rights or if that documentation is lost, damaged or destroyed, the person may file a written request with a court of competent jurisdiction to restore his or her civil rights pursuant to this section. Upon verification that the person has had his or her records sealed, the court shall issue an order restoring the person to the civil rights to vote, to hold office and to serve on a jury. A person must not be required to pay a fee to receive such an order.

4. A person who has had his or her records sealed in this State or any other state may present official documentation that the person has been restored to his or her civil rights or a court order restoring civil rights as proof that the person has been restored to the right to vote, to hold office and to serve as a juror.

Sec. 7. NRS 179.295 is hereby amended to read as follows:

179.295 1. The person who is the subject of the records that are sealed pursuant to NRS 34.970, *41.910,* 174.034, 176.211, 176A.245, 176A.265, 176A.295, 179.245, 179.247, 179.255, 179.259, 179.2595, 179.271, 201.354 or 453.3365 *or section 1.3 of this act* may petition the court that ordered the records sealed to permit inspection of the records by a person named in the petition, and the court may order such inspection. Except as otherwise provided in this section, subsection 9 of NRS 179.255 and NRS 179.259 and 179.301, the court may not order the inspection of the records under any other circumstances.

2. If a person has been arrested, the charges have been dismissed and the records of the arrest have been sealed, the court may order the inspection of the records by a prosecuting attorney upon a showing that as a result of newly discovered evidence, the person has been arrested for the same or a similar offense and that there is sufficient evidence reasonably to conclude that the person will stand trial for the offense.

3. The court may, upon the application of a prosecuting attorney or an attorney representing a defendant in a criminal action, order an inspection of such records for the purpose of obtaining information relating to persons who were involved in the incident recorded.

4. This section does not prohibit a court from considering a proceeding for which records have been sealed pursuant to NRS 174.034, 176.211, 176A.245, 176A.265, 176A.295, 179.245, 179.247, 179.255, 179.259, 179.2595, 179.271, 201.354 or 453.3365 *or section 1.3 of this act* in determining whether to grant a petition pursuant to NRS 176.211, 176A.245, 176A.265, 176A.295, 179.245, 179.255, 179.259, 179.2595 or 453.3365 for a conviction of another offense.

Sec. 7.5. NRS 179.301 is hereby amended to read as follows:

179.301 1. The Nevada Gaming Control Board and the Nevada Gaming Commission and their employees, agents and representatives may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255, if the event or conviction was related to gaming, to determine the suitability or qualifications of any person to hold a state gaming license, manufacturer's, seller's or distributor's license or registration as a gaming employee pursuant to chapter 463 of NRS. Events and convictions, if any, which are the subject of an order sealing records:

(a) May form the basis for recommendation, denial or revocation of those licenses.

(b) Must not form the basis for denial or rejection of a gaming work permit unless the event or conviction relates to the applicant's suitability or qualifications to hold the work permit.

2. The Division of Insurance of the Department of Business and Industry and its employees may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255, if the event or conviction was related to insurance, to determine the suitability or qualifications of any person to hold a license,

certification or authorization issued in accordance with title 57 of NRS. Events and convictions, if any, which are the subject of an order sealing records may form the basis for recommendation, denial or revocation of those licenses, certifications and authorizations.

3. A prosecuting attorney may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255 if:

(a) The records relate to a violation or alleged violation of NRS 202.485; and

(b) The person who is the subject of the records has been arrested or issued a citation for violating NRS 202.485.

4. The Central Repository for Nevada Records of Criminal History and its employees may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255 that constitute information relating to ~~[sexual]~~ *:*

(a) Sexual offenses, and may notify employers of the information in accordance with federal laws and regulations.

(b) A violation or alleged violation of NRS 202.360.

5. Records which have been sealed pursuant to NRS 179.245 or 179.255 and which are retained in the statewide registry established pursuant to NRS 179B.200 may be inspected pursuant to chapter 179B of NRS by an officer or employee of the Central Repository for Nevada Records of Criminal History or a law enforcement officer in the regular course of his or her duties.

6. The State Board of Pardons Commissioners and its agents and representatives may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255 if the person who is the subject of the records has applied for a pardon from the Board.

7. As used in this section:

(a) "Information relating to sexual offenses" means information contained in or concerning a record relating in any way to a sexual offense.

(b) "Sexual offense" has the meaning ascribed to it in NRS 179A.073.

Sec. 8. NRS 179.301 is hereby amended to read as follows:

179.301 1. The Nevada Gaming Control Board and the Nevada Gaming Commission and their employees, agents and representatives may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255, *or section 1.3 of this act,* if the event or conviction was related to gaming, to determine the suitability or qualifications of any person to hold a state gaming license, manufacturer's, seller's or distributor's license or registration as a gaming employee pursuant to chapter 463 of NRS. Events and convictions, if any, which are the subject of an order sealing records:

(a) May form the basis for recommendation, denial or revocation of those licenses.

(b) Must not form the basis for denial or rejection of a gaming work permit unless the event or conviction relates to the applicant's suitability or qualifications to hold the work permit.

2. The Division of Insurance of the Department of Business and Industry and its employees may inquire into and inspect any records sealed pursuant to

NRS 179.245 or 179.255, *or section 1.3 of this act*, if the event or conviction was related to insurance, to determine the suitability or qualifications of any person to hold a license, certification or authorization issued in accordance with title 57 of NRS. Events and convictions, if any, which are the subject of an order sealing records may form the basis for recommendation, denial or revocation of those licenses, certifications and authorizations.

3. A prosecuting attorney may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255 *or section 1.3 of this act* if:

(a) The records relate to a violation or alleged violation of NRS 202.485; and

(b) The person who is the subject of the records has been arrested or issued a citation for violating NRS 202.485.

4. The Central Repository for Nevada Records of Criminal History and its employees may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255 *or section 1.3 of this act* that constitute information relating to:

(a) Sexual offenses, and may notify employers of the information in accordance with federal laws and regulations.

(b) A violation or alleged violation of NRS 202.360.

5. Records which have been sealed pursuant to NRS 179.245 or 179.255 *or section 1.3 of this act* and which are retained in the statewide registry established pursuant to NRS 179B.200 may be inspected pursuant to chapter 179B of NRS by an officer or employee of the Central Repository for Nevada Records of Criminal History or a law enforcement officer in the regular course of his or her duties.

6. The State Board of Pardons Commissioners and its agents and representatives may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255 *or section 1.3 of this act* if the person who is the subject of the records has applied for a pardon from the Board.

7. As used in this section:

(a) "Information relating to sexual offenses" means information contained in or concerning a record relating in any way to a sexual offense.

(b) "Sexual offense" has the meaning ascribed to it in NRS 179A.073.

Sec. 8.1. There is hereby appropriated from the State General Fund to the Department of Public Safety the sum of $1,000,000 for the technology costs associated with complying with the provisions of section 1.3 of this act.

Sec. 8.15. There is hereby appropriated from the State General Fund to the Department of Public Safety the sum of $500,000 for the provision of support to the Advisory Task Force on Automatic Record Sealing pursuant to section 1.7 of this act, including, without limitation, for the administrative costs of supporting the Task Force_. ~~[and employing or contracting with persons to perform the functions described in paragraph (a) of subsection 6 of section 1.7 of this act.]~~

Sec. 8.2. There is hereby appropriated from the State General Fund to the Interim Finance Committee the sum of $1,000,000 for allocation to the

Department of Public Safety for ~~[the]~~ employing or contracting with persons to perform the functions described in paragraph (a) of subsection 6 of section 1.7 of this act. To the extent that money appropriated pursuant to this section is available, the Department may award ~~[of]~~ grants of money to criminal justice agencies to support technology or system upgrades for the purpose of complying with the provisions of section 1.3 of this act.

Sec. 8.25. Any remaining balance of the appropriations made by sections 8.1, 8.15 and 8.2 of this act 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. 8.3. 1. Before January 1, 2025, the Administrative Office of the Courts shall adopt rules to streamline the process for filing a petition for the sealing of records of criminal history, as recommended by the Advisory Task Force on Automatic Record Sealing pursuant to section 1.7 of this act, including, without limitation, rules regarding:

(a) A standard order for the sealing of records of criminal history to be used by all courts having jurisdiction over the sealing of records of criminal history;

(b) The authority for a petitioner to file a request for the sealing of records of criminal history with one court; and

(c) Any other changes that will expedite or simplify the process for petitioners to seal records of criminal history.

2. As used in this section, "record of criminal history" has the meaning ascribed to it in NRS 179A.070.

Sec. 8.7. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 9. 1. This section and sections 1, 2, 3, 4, 6, 7.5, 8.3 and 8.7 of this act become effective upon passage and approval.

2. Sections 8.1 to 8.25, inclusive, of this act become effective on July 1, 2023.

3. Section 1.3 of this act becomes effective:

(a) Upon passage and approval for the purpose of:

(1) The Division developing and implementing the process required pursuant to subsection 1 of that section;

(2) The Administrative Office of the Courts developing and implementing the process required pursuant to subsection 3 of that section; and

(3) The Division and the Administrative Office of the Courts adopting any rules or regulations, as applicable, and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, ~~[2026,]~~ 2027, for all other purposes.

4. Section 1.7 of this act becomes effective upon passage and approval and expires by limitation on June 30, 2027.

5. Sections 3.5, 3.7, 3.9, 5, 6.5, 7 and 8 of this act become effective on January 1, ~~[2026.]~~ 2027.

6. Sections 2.3 and 3.1 of this act become effective on January 1, ~~[2026,]~~ 2027, and expire by limitation on June 30, ~~[2026.]~~ 2027.

7. Sections 2.7 and 3.3 of this act become effective on July 1, ~~[2026.]~~ 2027.

8. As used in this section, "Division" means the Records, Communications and Compliance Division of the Department of Public Safety.

Senator Cannizzaro moved the adoption of the amendment.

Remarks by Senator Cannizzaro.

Amendment No. 957 to Assembly Bill No. 160 makes changes to sections 8.15 and 8.12, deletes language in section 8.15, changes the effective date in section 9 to 2027 instead of 2026, and requires that the appropriation contained in the bill to the Department of Public Safety is for "employing or contracting with persons to perform the functions described in paragraph (a) of subsection 6 of section 1.7 of this act." To the extent money is appropriated and is available in that section, the Department may award grants of money to criminal justice agencies.

Amendment adopted.

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

Assembly Bill No. 245.

Bill read second time and ordered to third reading.

Assembly Bill No. 322.

Bill read second time and ordered to third reading.

Assembly Bill No. 468.

Bill read second time and ordered to third reading.

Assembly Bill No. 482.

Bill read second time and ordered to third reading.

Assembly Bill No. 483.

Bill read second time and ordered to third reading.

Assembly Bill No. 487.

Bill read second time and ordered to third reading.

Assembly Bill No. 488.

Bill read second time and ordered to third reading.

Assembly Bill No. 489.

Bill read second time and ordered to third reading.

Assembly Bill No. 491.

Bill read second time and ordered to third reading.

Assembly Bill No. 494.

Bill read second time and ordered to third reading.

Assembly Bill No. 506.
Bill read second time and ordered to third reading.

Assembly Bill No. 507.
Bill read second time and ordered to third reading.

Assembly Bill No. 524.
Bill read second time and ordered to third reading.

Assembly Bill No. 526.
Bill read second time and ordered to third reading.

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

Senate in recess at 9:54 p.m.

SENATE IN SESSION

At 11:44 p.m.
President Anthony presiding.
Quorum present.

REPORTS OF COMMITTEE

Mr. President:

Your Committee on Finance, to which were referred Assembly Bills Nos. 28, 45, 139, 156, 252, 258, 261, 266, 279, 283, 290, 321, 328, 332, 434, 346, 348, 396, 441, 518, 525, 527 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 referred Senate Bills Nos. 263, 341, 375, 510; Assembly Bills Nos. 58, 386, 428, 519, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Finance, to which was re-referred Assembly Bill No. 239, 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 was re-referred Senate Bill No. 438, 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 Assembly Bills Nos. 50, 286, 378, 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*

Mr. President:

Your Committee on Legislative Operations and Elections, to which was referred Assembly Bill No. 243, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAMES OHRENSCHALL, *Chair*

SECOND READING AND AMENDMENT

Senate Bill No. 263.
Bill read second time and ordered to third reading.

Senate Bill No. 341.
Bill read second time and ordered to third reading.

Senate Bill No. 375.
Bill read second time and ordered to third reading.

Senate Bill No. 510.
Bill read second time and ordered to third reading.

Assembly Bill No. 28.
Bill read second time and ordered to third reading.

Assembly Bill No. 45.
Bill read second time and ordered to third reading.

Assembly Bill No. 58.
Bill read second time and ordered to third reading.

Assembly Bill No. 139.
Bill read second time and ordered to third reading.

Assembly Bill No. 156.
Bill read second time and ordered to third reading.

Assembly Bill No. 243.
Bill read second time and ordered to third reading.

Assembly Bill No. 252.
Bill read second time and ordered to third reading.

Assembly Bill No. 258.
Bill read second time and ordered to third reading.

Assembly Bill No. 261.
Bill read second time and ordered to third reading.

Assembly Bill No. 266.
Bill read second time and ordered to third reading.

Assembly Bill No. 279.
Bill read second time and ordered to third reading.

Assembly Bill No. 283.
Bill read second time and ordered to third reading.

Assembly Bill No. 290.
Bill read second time and ordered to third reading.

Assembly Bill No. 321.
Bill read second time and ordered to third reading.

Assembly Bill No. 328.
Bill read second time and ordered to third reading.

Assembly Bill No. 332.
Bill read second time and ordered to third reading.

Assembly Bill No. 346.
Bill read second time and ordered to third reading.

Assembly Bill No. 348.
Bill read second time and ordered to third reading.

Assembly Bill No. 386.
Bill read second time and ordered to third reading.

Assembly Bill No. 396.
Bill read second time and ordered to third reading.

Assembly Bill No. 428.
Bill read second time and ordered to third reading.

Assembly Bill No. 434.
Bill read second time and ordered to third reading.

Assembly Bill No. 441.
Bill read second time and ordered to third reading.

Assembly Bill No. 518.
Bill read second time and ordered to third reading.

Assembly Bill No. 519.
Bill read second time and ordered to third reading.

Assembly Bill No. 525.
Bill read second time and ordered to third reading.

Assembly Bill No. 527.
Bill read second time and ordered to third reading.

Assembly Bill No. 484.
Bill read second time and ordered to third reading.

Senator Cannizzaro moved that the Senate take a brief recess.
Motion carried.

Senate in recess at 12:01 a.m.

SENATE IN SESSION

At 12:12 a.m.
President Anthony presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Cannizzaro moved that Assembly Concurrent Resolution No. 8 be taken from the Resolution File and placed on the Resolution File for the next legislative day.

Motion carried.

Senator Cannizzaro moved that Assembly Bills Nos. 15, 16, 41, 72, 77, 140, 148, 192, 195, 203, 232, 239, 246, 257, 260, 277, 281, 286, 292, 299, 304, 310, 345, 375, 376, 378, 389, 404, 443, 448, 452, 454, 457, 461, 462, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 485, 486, 492, 493, 495, 496, 500, 502, 503, 504, 505, 508, 509, 510, 511, 512 and 517 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 10.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 960.

SUMMARY—Revises provisions related to the Nevada State Infrastructure Bank. (BDR 35-358)

AN ACT relating to the Nevada State Infrastructure Bank; requiring the Bank to keep confidential certain information; removing the Bank from the Department of Transportation and placing the Bank in the Office of the State Treasurer; expanding the types of projects for which the Bank may provide loans and other financial assistance; revising provisions relating to the Board of Directors of the Bank; ~~[making an appropriation;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Nevada State Infrastructure Bank within the Department of Transportation, the purpose of which is to provide loans and other financial assistance to qualified borrowers for the development, construction, repair, improvement, operation, maintenance, decommissioning and ownership of certain transportation facilities, utility infrastructure, water and wastewater infrastructure, renewable energy infrastructure, recycling and sustainability infrastructure, digital infrastructure, social infrastructure and other infrastructure related to economic development. (NRS 408.111, 408.55048-408.55088) Under existing law, the Bank is administered by and operates under the direction of a Board of Directors. (NRS 408.55069)

Sections 1.3, 9.3 and 10 of this bill authorize the Bank to provide loans and other financial assistance for K-12 school facilities in counties with a population of less than 100,000. Section 11.5 of this bill provides that, for the purpose of providing a loan or other financial assistance: (1) the anticipated useful life of a K-12 school facility must not be deemed to be longer than 50 years; and (2) the Bank may offer a school district a rate of interest on a loan of 0 percent under certain circumstances. Section 9.7 of this bill adds

workforce housing to the types of social infrastructure projects for which the Bank is authorized to provide loans and other financial assistance. ~~[Section 16.5 of this bill makes an appropriation to the Nevada State Infrastructure Bank Fund to provide loans and other financial assistance for eligible projects for K-12 school facilities or workforce housing.]~~ Sections 9.3, 9.5, 11.3 and 11.7 of this bill make conforming changes to ensure the administration of loans or other financial assistance for K-12 school facilities are consistent with provisions of existing law governing other loans or financial assistance provided by the Bank.

Sections 1.7 and 15 of this bill require the Bank to keep confidential certain information which is submitted or disclosed to the Bank, except under certain circumstances. Section 10 authorizes the Board of Directors to hold a closed meeting or to close a portion of a meeting to receive, examine or consider information which the Bank is required to keep confidential. Section 16 of this bill makes a conforming change to reflect that the Board of Directors is authorized to hold such closed meetings. Sections 9, 12 and 13 of this bill make conforming changes to indicate the proper placement of sections 1.3 and 1.7 in the Nevada Revised Statutes.

Section 10: (1) provides that the State Treasurer or his or her designee serves as the Chair of the Board of Directors and removes the requirement that the Board of Directors annually elect a Chair; (2) revises the membership of the Board of Directors; and (3) prohibits a member of the Legislature from being appointed to the Board of Directors.

Sections 2 and 10 of this bill remove the Bank from the Department of Transportation and establish the Bank within the Office of the State Treasurer. Sections 3-8 of this bill make conforming changes to reflect that the Bank is no longer within the Department. Sections 11 and 14 of this bill make conforming changes relating to the staffing of the Bank.

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

Section 1. Chapter 408 of NRS is hereby amended by adding thereto ~~[a new section to read]~~ the provisions set forth as ~~[follows:]~~ sections 1.3 and 1.7 of this act.

Sec. 1.3. *"K-12 school facility" means buildings and related assets, in a county whose population is less than 100,000, that are used primarily for educational instruction of pupils in kindergarten or in any grades 1 to 12, inclusive, and activities that directly support instruction. The term does not include facilities that are not used for educational instruction, including, without limitation, stand-alone athletic facilities, auditoriums and administrative buildings.*

Sec. 1.7. *1. Except as otherwise provided in subsections 2 and 3, the Bank shall keep confidential any information that is required to be submitted or disclosed to the Bank:*

(a) In an application for a loan or other financial assistance and which has not already been made public or is not otherwise publicly available, other than:

(1) The amount of the loan or other financial assistance being sought;

(2) The name of each person in any submission or disclosure;

(3) The basis for the loan or other financial assistance being sought;

(4) The terms or proposed terms of the loan or other financial assistance being sought;

(5) Any information asserted in the submission or disclosure that is, or which the Bank asserts to be, necessary or relevant to the decision of the Bank to grant or deny the loan or other financial assistance; and

(6) The amount of the loan or other financial assistance granted; or

(b) Which the Bank is required to keep confidential pursuant to federal law.

2. The Bank shall disclose the information set forth in subsection 1:

(a) Upon the lawful order of a court of competent jurisdiction;

(b) To any person upon the request of the person who is the subject of the information;

(c) Upon the completion of the loan or other financial assistance, excluding any proprietary information; or

(d) In the course of the necessary administration of this chapter.

3. The Bank may disclose the information set forth in subsection 1 to an authorized agent of an agency of the United States Government, a state, a political subdivision of a state, a foreign government or a political subdivision of a foreign government which finances infrastructure projects.

4. A person seeking an order of a court of competent jurisdiction for the disclosure of information described in subsection 1 must submit a motion in writing to the court requesting the information. At least 10 days before submitting the motion, the person must provide notice to the Bank, the Attorney General and all persons who may be affected by the disclosure of the information. The notice must:

(a) Include, without limitation, a copy of the motion and all documents in support of the motion that are to be filed with the court; and

(b) Be delivered in person or by certified mail to the last known address of each person to whom notice must be provided.

5. As used in this section:

(a) "Confidential business information" means any information relating to the amount or source of any income, profits, losses or expenditures of a person, including, without limitation, data relating to cost or price submitted to the Bank in support of a proposal. The term does not include the amount of a bid or proposal.

(b) "Proprietary information" means any trade secret or confidential business information that is contained in a proposal submitted to the Bank.

Sec. 2. NRS 408.111 is hereby amended to read as follows:

408.111 1. The Department consists of a Director, three Deputy Directors, a Chief Engineer and the following:

(a) Administrative Division.
(b) Operations Division.
(c) Engineering Division.
(d) Planning Division.
~~[(e) Nevada State Infrastructure Bank.]~~

2. The head of a Division is an assistant director. Assistant directors are in the unclassified service of the State.

Sec. 3. NRS 408.116 is hereby amended to read as follows:

408.116 ~~[Except as otherwise provided in NRS 408.55048 to 408.55088, inclusive:]~~

1. All legal notices, writs, service and process issued or ordered by a court of competent jurisdiction wherein the Department is named as a defendant must be personally served upon both the Director and the Chair of the Board or, in the absence of the Director and the Chair of the Board, the process must be served personally upon both the Secretary of State and one of the Deputy Directors.

2. All legal actions brought and defended by the Department must be in the name of the State of Nevada on relation of its Department.

3. This section is not a consent on the part of the Department to be sued.

Sec. 4. NRS 408.131 is hereby amended to read as follows:

408.131 ~~[Except as otherwise provided in NRS 408.55048 to 408.55088, inclusive, the]~~ *The* Board shall:

1. Consider, at its meetings, all questions relating to the general policy of the Department and transact such business as properly comes before it.

2. Receive and consider, at such time as the Board selects, an annual report by the Director.

3. Except as otherwise provided in NRS 408.203, act for the Department in all matters relating to recommendations, reports and such other matters as the Board finds advisable to submit to the Legislature.

4. Maintain a record of all proceedings of the Board.

5. Execute or approve all instruments and documents in the name of the State or the Department necessary to carry out the provisions of this chapter.

6. Except as otherwise provided in NRS 408.389, delegate to the Director such authority as it deems necessary under the provisions of this chapter.

7. Act by resolution, vote or order entered in its records.

Sec. 5. NRS 408.172 is hereby amended to read as follows:

408.172 1. Subject to the approval of the Board, the Attorney General shall, immediately upon request by the Board, appoint an attorney at law as the Chief Counsel of the Department, and such assistant attorneys as are necessary. Attorneys so appointed are deputy attorneys general.

2. ~~[Except as otherwise provided in NRS 408.55048 to 408.55088, inclusive, the]~~ *The* Chief Counsel shall act as the attorney and legal adviser of the Department in all actions, proceedings, hearings and all matters relating to the Department and to the powers and duties of its officers.

3. Under the direction of or in the absence of the Chief Counsel, the assistant attorneys may perform any duty required or permitted by law to be performed by the Chief Counsel.

4. The Chief Counsel and assistant attorneys are in the unclassified service of the State.

5. ~~[Except as otherwise provided in NRS 408.55048 to 408.55088, inclusive, all]~~ *All* contracts, instruments and documents executed by the Department must be first approved and endorsed as to legality and form by the Chief Counsel.

Sec. 6. NRS 408.175 is hereby amended to read as follows:

408.175 1. The Director shall:

(a) Appoint one Deputy Director who in the absence, inability or failure of the Director has full authority to perform any duty required or permitted by law to be performed by the Director.

(b) Appoint one Deputy Director for southern Nevada whose principal office must be located in an urban area in southern Nevada.

(c) Appoint one Deputy Director with full authority to perform any duty required or allowed by law to be performed by the Director to implement, manage, oversee and enforce any environmental program of the Department.

(d) ~~[Except as otherwise provided in NRS 408.55071, employ]~~ *Employ* such engineers, engineering and technical assistants, clerks and other personnel as in the Director's judgment may be necessary to the proper conduct of the Department and to carry out the provisions of this chapter.

2. Except as otherwise provided in NRS 284.143, the Deputy Directors shall devote their entire time and attention to the business of the office and shall not pursue any other business or occupation or hold any other office of profit.

3. The Director may delegate such authority as may be necessary for the Deputy Director appointed pursuant to paragraph (b) of subsection 1 to carry out his or her duties.

Sec. 7. NRS 408.215 is hereby amended to read as follows:

408.215 1. The Director has charge of all the records of the Department, keeping records of all proceedings pertaining to the Department and keeping on file information, plans, specifications, estimates, statistics and records prepared by the Department, ~~[except as otherwise provided in NRS 408.55048 to 408.55088, inclusive, and]~~ except those financial statements described in NRS 408.333 and the financial or proprietary information described in paragraph (c) of subsection 6 of NRS 408.3886, which must not become matters of public record.

2. The Director may photograph, film, place an image of on microfilm, save as an image in an electronic recordkeeping system or dispose of the records of the Department referred to in subsection 1 as provided in NRS 239.051, 239.080 and 239.085.

3. The Director shall maintain an index or record of deeds or other references of title or interests in and to all lands or interests in land owned or acquired by the Department.

4. The Director shall adopt such regulations as may be necessary to carry out and enforce the provisions of this chapter.

Sec. 8. NRS 408.389 is hereby amended to read as follows:

408.389 1. Except as otherwise provided in subsection 2 , ~~[and NRS 408.55048 to 408.55088, inclusive,]~~ the Department shall not purchase any equipment which exceeds $50,000, unless the purchase is first approved by the Board.

2. Before the Board may approve the purchase of any mobile equipment which exceeds $50,000, the Department shall:

(a) Prepare and present to the Board an analysis of the costs and benefits, including, without limitation, all related personnel costs, that are associated with:

(1) Purchasing, operating and maintaining the same item of equipment;

(2) Leasing, operating and maintaining the same item of mobile equipment; or

(3) Contracting for the performance of the work which would have been performed using the mobile equipment; and

(b) Justify the need for the purchase based on that analysis.

3. The Board shall not:

(a) Delegate to the Director its authority to approve purchases of equipment pursuant to subsection 1; or

(b) Approve any purchase of mobile equipment which exceeds $50,000 and for which the Department is unable to provide justification pursuant to subsection 2.

Sec. 9. NRS 408.55048 is hereby amended to read as follows:

408.55048 As used in NRS 408.55048 to 408.55088, inclusive, *and sections 1.3 and 1.7 of this act,* unless the context otherwise requires, the words and terms defined in NRS 408.55049 to 408.550685, inclusive, *and section 1.3 of this act,* have the meanings ascribed to them in those sections.

Sec. 9.3. NRS 408.55053 is hereby amended to read as follows:

408.55053 "Eligible project" means the development, construction, repair, improvement, operation, maintenance, decommissioning or ownership of a transportation facility, utility infrastructure, water and wastewater infrastructure, renewable energy infrastructure, recycling and sustainability infrastructure, digital infrastructure, *K-12 school facility,* social infrastructure and other infrastructure related to economic development.

Sec. 9.5. NRS 408.550615 is hereby amended to read as follows:

408.550615 "Other infrastructure related to economic development" means infrastructure that:

1. Supports a public purpose while promoting economic development for a local, regional or state purpose; and

2. Is not a transportation facility, utility infrastructure, water and wastewater infrastructure, renewable energy infrastructure, recycling and sustainability infrastructure, digital infrastructure *, K-12 school facility* or social infrastructure.

Sec. 9.7. NRS 408.550647 is hereby amended to read as follows:

408.550647 "Social infrastructure" means any infrastructure which:

1. Is used or useful for the construction, development and maintenance of facilities and systems that support social services, including, without limitation, those services related to health care, education, affordable housing, *workforce housing,* homelessness and food security; and

2. Augments existing services, including, without limitation, the services provided pursuant to chapters 319 and 387 of NRS.

Sec. 10. NRS 408.55069 is hereby amended to read as follows:

408.55069 1. The Nevada State Infrastructure Bank is hereby created within the ~~[Department.]~~ *Office of the State Treasurer.*

2. The purpose of the Bank is to provide loans and other financial assistance to qualified borrowers for the development, construction, repair, improvement, operation, maintenance, decommissioning and ownership of transportation facilities, utility infrastructure, water and wastewater infrastructure, renewable energy infrastructure, recycling and sustainability infrastructure, digital infrastructure, *K-12 school facilities,* social infrastructure and other infrastructure related to economic development as necessary for public purposes.

3. The Bank is administered by and operates under the direction of a Board of Directors consisting of:

(a) ~~[The Director of the Department of Transportation or his or her designee;~~

~~(b)]~~ The State Treasurer or his or her designee ~~[;]~~ *, who shall serve as Chair of the Board of Directors;*

(b) The following members appointed by the State Treasurer:

(1) One member who has knowledge, skill and experience in banking; and

(2) One member who represents the interests of rural Nevada;

(c) ~~[The Director of]~~ *The following members appointed by* the ~~[Department of Business and Industry or his or her designee;]~~ *Majority Leader of the Senate:*

(1) One member who has knowledge, skill and experience relating to transportation infrastructure;

(2) One member who has knowledge, skill and experience relating to water infrastructure; and

(3) One member who represents the interests of K-12 public education, selected after consulting with one or more organizations that represent teachers;

(d) ~~[The Executive Director of]~~ *The following members appointed by* the ~~[Office of Economic Development or his or her designee;]~~ *Speaker of the Assembly:*

(1) One member who has knowledge, skill and experience relating to public utility infrastructure; and

(2) One member who represents the interests of Native Americans, selected after consulting with Indian tribes and tribal organizations; and

(e) ~~[The Director of the Office of Energy or his or her designee; and~~

~~(f) Two representatives of the general public, at least one of whom must reside in a county whose population is 700,000 or more, appointed by the Governor.]~~ *One member who represents the interests of organized labor within the building trades, appointed by the Legislative Commission.*

4. Each member of the Board of Directors who is appointed pursuant to subsection 3 serves at the pleasure of the appointing authority. *A person must not be appointed to the Board of Directors if he or she is currently serving as a Legislator.*

5. A vacancy on the Board of Directors in an appointed position must be filled by the appointing authority in the same manner as the original appointment.

6. The Board of Directors shall elect annually from among its members ~~[a Chair and]~~ a Vice Chair.

7. ~~[Four]~~ *Five* members of the Board of Directors constitute a quorum for the transaction of business, and the affirmative vote of at least ~~[four]~~ *five* members of the Board of Directors is required to take action.

8. The members of the Board of Directors are public officers and are subject to all applicable provisions of law, including, without limitation, the provisions of chapter 281A of NRS.

9. A meeting of the Board of Directors must be conducted in accordance with the provisions of chapter 241 of NRS ~~[.]~~ *, except that the Board of Directors may hold a closed meeting or close a portion of a meeting to receive, examine or consider information which the Bank is required to keep confidential pursuant to section 1.7 of this act.*

10. Each member of the Board of Directors who is not otherwise an officer or employee of this State is entitled:

(a) To receive $100 for each full day of attending a meeting of the Board of Directors; and

(b) While engaged in the business of the Board of Directors, to receive the per diem allowance and travel expenses provided for state officers and employees generally. The per diem allowance and travel expenses provided to a member of the Board of Directors who is an officer or employee of this State or a political subdivision of this State must be paid by the state agency or political subdivision that employs him or her.

11. A member of the Board of Directors who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation so that he or she may prepare

for and attend meetings of the Board of Directors and perform any work necessary to carry out the duties of the Board of Directors in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Board of Directors to:

(a) Make up the time the member is absent from work to carry out his or her duties as a member of the Board of Directors; or

(b) Take annual leave or compensatory time for the absence.

Sec. 11. NRS 408.55071 is hereby amended to read as follows:

408.55071 1. The Board of Directors may:

(a) Make, and from time to time amend and repeal, bylaws not inconsistent with NRS 408.55048 to 408.55088, inclusive, *and sections 1.3 and 1.7 of this act*, to carry into effect the powers and purposes of NRS 408.55048 to 408.55088, inclusive ~~[.]~~ *, and sections 1.3 and 1.7 of this act.*

(b) Sue and be sued in the name of the Bank.

(c) Have a seal and alter the same at the pleasure of the Board of Directors, but the failure to affix the seal does not affect the validity of an instrument executed on behalf of the Bank.

(d) Make loans to qualified borrowers to finance all or part of the eligible costs of a qualified project.

(e) Provide qualified borrowers with other financial assistance necessary to defray all or part of the eligible costs of a qualified project.

(f) Acquire, hold and sell loan obligations at such prices and in such a manner as the Board of Directors deems advisable.

(g) Enter into contracts, arrangements and agreements with qualified borrowers and other persons and execute and deliver all financing agreements and other instruments necessary or convenient to carry out the powers and duties of the Board of Directors.

(h) Enter into agreements with a department, agency or instrumentality of the United States or governmental unit of this State or another state for the purpose of providing for the financing of qualified projects.

(i) Establish:

(1) Policies and procedures to govern the selection of qualified projects and the issuance and administration of loans and other financial assistance provided by the Bank; and

(2) Fiscal controls and accounting procedures to ensure proper accounting and reporting by the Bank and qualified borrowers.

(j) Acquire, by purchase, lease, donation or other lawful means, real or personal property and any interest therein.

(k) Sell, convey, pledge, lease, exchange, transfer and dispose of all or any part of the property and assets of the Bank.

(l) Procure insurance, guarantees, letters of credit and other forms of collateral or security or credit support for the payment of bonds or other securities issued by the Bank and the payment of premiums or fees on such

insurance, guarantees, letters of credit and other forms of collateral or security or credit support.

(m) Collect or authorize the trustee under any trust indenture that secures any bonds or other securities issued by the Bank to collect amounts due from a qualified borrower under any loan obligation owned by the Bank, including, without limitation, taking any lawful action required to obtain payment of any sums in default.

(n) Unless restricted by the terms of an agreement with the holders of bonds or other securities issued by the Bank, consent to any modification of the terms of any loan obligations owned by the Bank, including, without limitation, the rate of interest, period of repayment and payment of any installment of principal or interest.

(o) Borrow money through the issuance of bonds and other securities as provided in NRS 408.55048 to 408.55088, inclusive ~~[.]~~ *, and sections 1.3 and 1.7 of this act.*

(p) Incur expenses to obtain accounting, management, legal or financial consulting and other professional services necessary to the operations of the Bank.

(q) To the extent that money is available from public or private sources of administrative costs, pay any costs incurred for the administration of the operations of the Bank.

(r) Establish advisory committees, which may include persons from the private sector with civil engineering, banking and financial expertise.

(s) Procure insurance against losses in connection with the Bank's property, assets or activities, including, without limitation, insurance against liability for any act of the Bank or its employees or agents, or establish cash reserves to enable the Bank to act as a self-insurer against such losses.

(t) Impose and collect fees and charges in connection with the activities of the Bank.

(u) Apply for, receive and accept from any source aid grants or contributions of money, property, labor or other things of value to be used to carry out the statutory purposes and powers of the Bank.

(v) Enter into contracts, arrangements or agreements for the servicing and processing of financial agreements.

(w) Accept and hold, with payment of interest, money deposited with the Bank.

(x) Request technical advice, support and assistance ~~[from the divisions of the Department.]~~ *pursuant to NRS 408.55088.*

(y) Do all other things necessary or convenient to exercise any power granted or reasonably implied by NRS 408.55048 to 408.55088, inclusive ~~[.]~~ *, and sections 1.3 and 1.7 of this act.*

2. Except as otherwise provided in NRS 408.55048 to 408.55088, inclusive, *and sections 1.3 and 1.7 of this act,* the Bank may exercise any fiscal power granted to the Bank in NRS 408.55048 to 408.55088, inclusive, *and sections 1.3 and 1.7 of this act* without the review or approval of any other

department, division or agency of the State or any political subdivision thereof, except for the Board of Directors.

3. In exercising the powers and performing the functions set forth in NRS 408.55048 to 408.55088, inclusive, *and sections 1.3 and 1.7 of this act*, the members of the Board of Directors:

(a) Must act in a commercially reasonable manner and in the interests of this State. For the purposes of this paragraph, the interests of this State include, without limitation, the public welfare and economy of this State and the long-term and short-term interests of this State.

(b) May, unless a member of the Board of Directors has knowledge concerning a matter in question that would cause reliance thereon to be unwarranted, rely on information, opinions, reports, books of account or statements, including, without limitation, financial statements and other financial data, that are prepared or presented by:

(1) One or more members of the Board of Directors or officers or employees of the Bank reasonably believed to be reliable and competent in the matters prepared or presented;

(2) Counsel, public accountants, financial advisers, valuation advisers, investment bankers, engineers, architects or other persons as to matters reasonably believed to be within the professional or expert competence of the preparer or presenter; or

(3) A committee on which the director or officer relying thereon does not serve, as to matters within the designated authority of the committee and matters on which the committee is reasonably believed to merit confidence.

4. This section does not authorize the Bank to be or conduct business as a:

(a) Bank or trust company within the jurisdiction of chapters 657 to 671, inclusive, of NRS or under the control of an agency of the United States or this State; or

(b) Bank, banker or dealer in securities within the meaning of, or subject to the provisions of, any securities, securities exchange or securities dealers' laws of the United States or of this State.

5. The Bank must, before accepting a deposit from any person or governmental unit, provide a notice to the depositor stating that the deposit is not insured by the Federal Deposit Insurance Corporation.

6. The provisions of titles 55 and 57 of NRS do not apply to the Bank.

Sec. 11.3. NRS 408.55073 is hereby amended to read as follows:

408.55073 1. The Nevada State Infrastructure Bank Fund is hereby created as an enterprise fund. The Fund is a continuing fund without reversion.

2. The Fund is administered by the Board of Directors.

3. The Board of Directors may establish accounts and subaccounts within the Fund and shall ensure that accounting for the Fund is performed in accordance with all applicable laws and regulations governing the use of funds.

4. Except as otherwise provided in subsection 7, all money received by the Bank pursuant to NRS 408.55048 to 408.55088, inclusive, *and sections 1.3 and 1.7 of this act* must be deposited in the Fund.

5. The Bank may accept for deposit into the Fund:

(a) Any money appropriated by the Legislature or authorized for allocation by the Interim Finance Committee;

(b) Federal funds made available to the State;

(c) Gifts, grants, donations and contributions from a governmental unit, private entity or any other source;

(d) Any money paid or credited to the Bank, by contract or otherwise, including, without limitation:

(1) Payment of principal and interest on a loan or other financial assistance provided to a qualified borrower by the Bank; and

(2) Interest earned from the investment or reinvestment of the Bank's money pursuant to NRS 408.55076;

(e) Proceeds from the issuance of bonds or other securities pursuant to NRS 408.55071; and

(f) Any other lawful source of money that is made available to the Bank and is not already dedicated for another purpose.

6. The Bank shall comply with all applicable federal laws governing the use of federal funds, including, without limitation, statutes and regulations governing:

(a) Any conditions or limitations on expenditures;

(b) Reporting; and

(c) The commingling of federal funds.

7. Earnings on balances in any federal accounts must be credited and invested in accordance with federal law. Earnings on any state and local accounts must be deposited in the Fund to the credit of the account that generates the earnings.

8. Money in the Fund may be used only:

(a) For the capitalization of the Bank; and

(b) To carry out the statutory purposes and powers of the Bank.

9. A local government may use money from any source that is made available to the local government for the purposes of developing, constructing, repairing, improving, operating, maintaining, decommissioning or owning a transportation facility, utility infrastructure, water and wastewater infrastructure, renewable energy infrastructure, recycling and sustainability infrastructure, digital infrastructure, *K-12 school facility,* social infrastructure or other infrastructure related to economic development or for any other purpose set forth in NRS 408.55048 to 408.55088, inclusive, *and sections 1.3 and 1.7 of this act* to make a gift, grant, donation or contribution to the Bank or to satisfy any obligation owed by the local government to the Bank, including, without limitation, payments of principal and interest.

Sec. 11.5. NRS 408.55074 is hereby amended to read as follows:

408.55074 1. A qualified borrower that wishes to obtain a loan or other financial assistance from the Bank to develop, construct, repair, improve, operate, maintain, decommission or own an eligible project must apply to the Bank in the manner prescribed by the Bank.

2. The Executive Director shall:

(a) Review each application and determine whether the application is for an eligible project; and

(b) At the request of the Board of Directors, submit information to the Board of Directors concerning any eligible project.

3. The Board of Directors shall, from time to time, designate qualified projects from among the eligible projects. The Board of Directors may give preference to an eligible project that has demonstrated local financial support.

4. The Bank may provide a loan and other financial assistance to a qualified borrower to pay for all or part of the eligible costs of a qualified project. The term of the loan or other financial assistance may not exceed the anticipated useful life of the qualified project. A loan or other financial assistance may be provided in anticipation of reimbursement for or direct payment of all or part of the eligible costs of a qualified project. *For purposes of this subsection, the anticipated useful life of a K-12 school facility must not be deemed to be longer than 50 years.*

5. The Bank shall determine the form and content of a loan application, financing agreement or loan obligation, including, without limitation:

(a) The period for repayment and the rate or rates of interest on a loan; and

(b) Any nonfinancial provisions included in a financing statement or loan obligation, including, without limitation, terms and conditions relating to the regulation and supervision of a qualified project.

➥ Such form and content must substantially conform with the documents typically used for such transactions.

6. The terms and conditions set forth in a financing agreement or loan obligation for a loan or other financial assistance provided by the Bank using money from a federal account must comply with all applicable federal requirements.

7. If a loan is made to a school district, the Bank may fix the rate of interest of the loan at 0 percent if the school district demonstrates to the Board of Directors that the school district has financial constraints that would not allow the school district to repay a loan with a rate of interest fixed according to the standards otherwise used by the Bank.

Sec. 11.7. NRS 408.55079 is hereby amended to read as follows:

408.55079 1. Except as otherwise provided in this section, if a qualified borrower that has obtained a loan or other financial assistance from the Bank fails to remit in full any amount due to the Bank on the date on which the amount is due under the terms of any note or other loan obligation given to the Bank by the qualified borrower, the Bank shall notify the appropriate state agencies or officers, including, without limitation, the State Controller, who shall withhold all or a portion of any state money or other money administered by the State and its agencies, boards and instrumentalities that is allotted or appropriated to the qualified borrower and apply an amount necessary to the payment of the amount due.

2. This section does not authorize the State or an agency, board or instrumentality thereof, or the State Controller, to withhold any money allocated or appropriated to a qualified borrower if to do so would violate the terms of:

(a) An appropriation by the Legislature;

(b) Any federal law;

(c) A contract to which the State is a party;

(d) A contract to which a governmental unit or qualified borrower is a party; ~~[or]~~

(e) A judgment of a court that is binding upon the State ~~[.]~~ *; or*

(f) The provisions of NRS 387.121 to 387.12468, inclusive, governing apportionments and allowances from the State Education Fund.

Sec. 12. NRS 408.55081 is hereby amended to read as follows:

408.55081 The Board of Directors and any member thereof, and any officer, employee, agent or committee member of the Bank is not liable in a civil action for any act performed on behalf of the Bank in good faith and within the scope of their duties or the exercise of their authority pursuant to NRS 408.55048 to 408.55088, inclusive ~~[.]~~ *, and sections 1.3 and 1.7 of this act.*

Sec. 13. NRS 408.55086 is hereby amended to read as follows:

408.55086 1. To the extent possible, the provisions of NRS 408.55048 to 408.55088, inclusive, *and sections 1.3 and 1.7 of this act* are intended to supplement other statutory provisions governing the development, construction, repair, improvement, maintenance, decommissioning, operation and ownership of transportation facilities, utility infrastructure, water and wastewater infrastructure, renewable energy infrastructure, recycling and sustainability infrastructure, digital infrastructure, *K-12 school facilities,* social infrastructure or other infrastructure related to economic development and the issuance of bonds and other securities by this State or a political subdivision thereof, and such other provisions must be given effect to the extent that those provisions do not conflict with the provisions of NRS 408.55048 to 408.55088, inclusive ~~[.]~~ *, and sections 1.3 and 1.7 of this act.* If there is a conflict between such other provisions and the provisions of NRS 408.55048 to 408.55088, inclusive, *and sections 1.3 and 1.7 of this act,* the provisions of NRS 408.55048 to 408.55088, inclusive, *and section 1.3 and 1.7 of this act* control.

2. The provisions of NRS 338.013 to 338.090, inclusive, apply to any contract for construction work on a qualified project if all or part of the costs of the qualified project are paid for using a loan or other financial assistance from the Bank. The Bank, the qualified borrower, any contractor who is awarded a contract or enters into an agreement to perform construction work on the qualified project, and any subcontractor who performs any portion of the construction work shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if a public body had undertaken the qualified project or had awarded the contract.

Sec. 14. NRS 408.55088 is hereby amended to read as follows:

408.55088 Any division of the Department of Transportation, the Department of Business and Industry, the Office of Economic Development, the State Department of Conservation and Natural Resources, ~~[the Office of the State Treasurer,]~~ the Office of Energy or any other governmental unit may, to the extent that money is available for that purpose, provide technical advice, support and assistance to the Bank ~~[.]~~ *, including, without limitation, the Board of Directors.*

Sec. 15. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115,

408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, *and section 1.7 of this act*, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from

those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

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

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

(a) The public record:

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

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

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

(1) Give access to proprietary software; or

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

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

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

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

Sec. 16. NRS 241.016 is hereby amended to read as follows:

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

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

(a) The Legislature of the State of Nevada.

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

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

3. Any provision of law, including, without limitation, NRS 91.270, 219A.210, 228.495, 239C.140, 239C.420, 241.028, 281A.350, 281A.690, 281A.735, 281A.760, 284.3629, 286.150, 287.0415, 287.04345, 287.338, 288.220, 288.590, 289.387, 295.121, 315.98425, 360.247, 388.261, 388.385, 388A.495, 388C.150, 388D.355, 388G.710, 388G.730, 392.147, 392.466, 392.467, 392.4671, 394.1699, 396.1415, 396.3295, *408.55069*, 414.270, 422.405, 433.534, 435.610, 442.774, 463.110, 480.545, 622.320, 622.340, 630.311, 630.336, 631.3635, 639.050, 642.518, 642.557, 686B.170, 696B.550, 703.196 and 706.1725, which:

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

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

➥ prevails over the general provisions of this chapter.

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

Sec. 16.5. ~~[1. There is hereby appropriated from the State General Fund to the Nevada State Infrastructure Bank Fund created by NRS 408.55073, as amended by section 11.3 of this act, the sum of $50,000,000 for providing loans and other financial assistance to qualified borrowers for eligible projects for K-12 school facilities and workforce housing.~~

~~2. In selecting eligible projects for workforce housing to receive a loan or other financial assistance from the appropriation made by subsection 1, the Nevada State Infrastructure Bank shall give preference to eligible projects for workforce housing in connection with which the qualified borrower has partnered with a person who has committed to making a new capital investment in this State of at least $1,000,000,000.~~

~~3. As used in this section "K-12 school facility" has the meaning ascribed to it in section 1.3 of this act.]~~ (Deleted by amendment.)

Sec. 17. This act becomes effective on July 1, 2023.

Senator Dondero Loop moved the adoption of the amendment.

Remarks by Senator Dondero Loop.

Amendment No. 960 to Senate Bill No. 10, as amended, removes section 16.5, which has the effect of eliminating an appropriation of $50 million from the State General Fund to the State Infrastructure Bank.

Amendment adopted.

Bill read third time.

Remarks by Senator Doñate.

Senate Bill No. 10 revises provisions relating to the Nevada State Infrastructure Bank.

Roll call on Senate Bill No. 10:
YEAS—16.
NAYS—Buck, Hansen, Krasner, Stone, Titus—5.

Senate Bill No. 10 having received a constitutional majority, Mr. President declared it passed, as amended.
Bill ordered transmitted to the Assembly.

Senate Bill No. 400.
Bill read third time.
Remarks by Senators Flores and Seevers Gansert.

SENATOR FLORES:
Senate Bill No. 400 revises provisions relating to homelessness.

SENATOR SEEVERS GANSERT:
I do not see the amendment we originally had. I know it has been amended, but I do not remember seeing the final amendment. Because this process has been chaotic today, I want to make sure there is an understanding of what this bill is. Could we take a one-minute recess so we can look at it?

Senator Seevers Gansert moved that the Senate take a brief recess.
Motion carried.

Senate in recess at 12:16 a.m.

SENATE IN SESSION

At 12:29 a.m.
President Anthony presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Cannizzaro moved that Senate Bills Nos. 400, 419, 438, 490 and 506 be taken from their positions on the General File and placed on the General File for the next legislative day.
Motion carried.

REMARKS FROM THE FLOOR

Remarks by Senators Seevers Gansert and Cannizzaro.

SENATOR SEEVERS GANSERT:
I want to thank our staff for working so hard and diligently today to try and get all of this straight. We have had all kinds of finance hearings and meetings behind the bar and so forth, and I know it is extremely complex. I appreciate the time we are now taking to ensure we have amendments on the bills, which are required before we vote on them, and to make sure we have an opportunity to review those. I do want to thank staff because I know it has been a crazy day, and we are all trying to work together to find what we have in common and the things that we can move forward on.

SENATOR CANNIZZARO:
I want to thank my colleague from Senate District 15 for recognizing what we all recognize and maybe do not say out loud enough. We want to say thank you to everyone. I know it is a late night. There have been many late nights, and we want to thank you for all of your really hard work

in helping us to get to where we need to be. So, we just want to say thank you to all of the staff that keeps us up and running every single day and especially on these late nights. So, thank you.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Assembly Bills Nos. 49 and 305.

Senator Cannizzaro moved that the Senate adjourn until Monday, June 5, 2023, at 9:30 a.m.

Motion carried.

Senate adjourned at 12:31 a.m.

Approved: STAVROS ANTHONY
President of the Senate

Attest: BRENDAN BUCY
Secretary of the Senate