

THE ONE HUNDRED-TWENTIETH DAY

CARSON CITY (Monday), June 5, 2023

Senate called to order at 10:20 a.m.

President Anthony presiding.

Roll called.

All present.

Prayer by Senator Scott Hammond.

Our kind and gracious heavenly Father, we, a few of Thy servants, are gathered this morning in this on the last day of this 82nd Session of the Legislature. As we reflect upon the last 119 days, we pray this last day for a few things. Father, we know there are a few ways we can approach this day and, in truth, approach our lives. That is, either we can bring with us a spirit of contention, or we can seek after the spirit which would guide us to be what, in the Scriptures, is described as a peacemaker: someone who seeks after an enlightened state in which we can all find common ground.

I pray for that this morning as we interact with each other throughout this day, that the strife and civil unrest that occurs often throughout our lives, in this nation and throughout the world, be pushed aside as we try to find the ability to be charitable to one another and that charity lead to the ability to be truly peacemakers as we interact with one another. To be true disciples, we need to find that way in which we can peacefully interact and find a way to talk nicely in front of and behind other people's backs, sometimes, about somebody's good qualities and their endeavoring to do right for others.

We may not have all the answers, but if we talk to others, we might be able to find those. I pray this day that this will come to us, that our first thought will be one of true happiness with one another. Father, we pray that we will be able to listen with our hearts to the people who stand opposite of our position on things. Help us to find that inner peace with what we are doing and who we are around.

This prayer this morning, in the Name of Jesus Christ,

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.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Cannizzaro moved that for the remainder of the 82nd Legislative Session, all necessary rules be suspended and that all Assembly bills and resolutions passed or adopted by the Senate be immediately transmitted to the Assembly.

Motion carried.

Senator Cannizzaro moved that Senate Bill No. 438 and Assembly Bills Nos. 28, 41, 45, 139, 140, 147, 158, 192, 195, 203, 232, 257, 260, 277, 279, 286, 346, 399 and 448 be taken from their positions on the General File and placed on the Secretary's Desk.

Motion carried.

Senator Cannizzaro moved that Senate Bill No. 341 be taken from its position on the General File and placed at the bottom of the Senate bills on the General File.

Motion carried.

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 respectfully refused to recede from its action on Senate Bill No. 60, Assembly Amendment No. 721, and requests a conference, and appointed Assemblymen Monroe-Moreno, Cameron Miller and Dickman as a Conference Committee to meet with a like committee of the Senate.

Also, I have the honor to inform your honorable body that the Assembly on this day respectfully refused to recede from its action on Senate Bill No. 283, Assembly Amendment No. 681, and requests a conference, and appointed Assemblymen Peters, Torres and Hafen as a Conference Committee to meet with a like committee of the Senate.

CAROL AIELLO-SALA

Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Senator Cannizzaro moved that Senate Bill No. 263 and Assembly Bills Nos. 58, 386 and 428 be taken from their positions on the General File and placed on the Secretary's Desk.

Motion carried.

By Senator Cannizzaro:

Senate Resolution No. 8—Adopting new Standing Rules of the Senate for the remainder of the 82nd Session of the Legislature.

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, That the following Senate Standing Rules are hereby adopted for the remainder of the 82nd Session of the Legislature as follows:

1. OFFICERS AND EMPLOYEES

DUTIES OF OFFICERS

Rule No. 1. President.

The President shall take the chair and call the Senate to order precisely at the hour appointed for meeting, and if a quorum is present shall cause the Journal of the preceding day to be read. The President shall preserve order and decorum, and in case of any disturbance or disorderly conduct within the Senate Chamber, shall order the Sergeant at Arms to suppress it, and may order the arrest of any person creating any disturbance within the Senate Chamber. The President may speak to points of order in preference to members, rising from the President's seat for that purpose, and shall decide questions of order without debate, subject to an appeal to the Senate by two members, on which appeal no member may speak more than once without leave of the Senate. The President shall sign all acts, addresses and joint resolutions, and all writs, warrants and subpoenas issued by order of the Senate; all of which must be attested by the Secretary. The President has general direction of the Senate Chamber.

Rule No. 2. President pro Tempore and Other Presiding Officers.

1. Except as otherwise provided in subsection 2:

(a) The President pro Tempore has all the power and shall discharge all the duties of the President during his or her absence or inability to discharge the duties of his or her office.

(b) If the President is unwilling to discharge the duties of his or her office, the Senate may, by majority vote of the Senate, call upon the President pro Tempore to serve as the President. Upon such call, the President pro Tempore has all the power and shall discharge all the duties of the President during his or her unwillingness to discharge the duties of his or her office.

(c) In the absence or inability of the President pro Tempore to discharge the duties of the President's office, the Chair of the Standing Committee on Legislative Operations and Elections

shall serve as the presiding officer. In the absence or inability of the Chair, the Vice Chair of the Standing Committee on Legislative Operations and Elections shall serve as the presiding officer. In the absence or inability of the Vice Chair of the Standing Committee on Legislative Operations and Elections, the Senate shall elect one of its members to serve as the presiding officer. A member who is serving as the presiding officer has all the power and shall discharge all the duties of the President until the absence or inability which resulted in the member serving as the presiding officer has ended.

2. When the President pro Tempore or another member is serving as the presiding officer, the President pro Tempore or other member may vote on any question for which he or she is otherwise qualified to vote as a member. If the Senate is equally divided on the question, the President pro Tempore or other member may not give an additional deciding vote or casting vote pursuant to Senate Standing Rule No. 31 or Section 17 of Article 5 of the Nevada Constitution.

Rule No. 3. Secretary.

1. The Secretary of the Senate is elected by the Senate, and shall:

(a) Recruit, interview, select, train and supervise all staff employed to assist with the work of the Senate.

(b) See that these employees perform their respective duties.

(c) Administer the daily business of the Senate, including the provision of staff to its committees.

(d) Adopt such administrative policies as the Secretary deems necessary to carry out the business of the Senate.

(e) Unless otherwise ordered by the Senate, transmit at the end of each working day those bills and resolutions upon which the next action is to be taken by the Assembly.

2. The Secretary is responsible to the Majority Leader.

3. The President and the Secretary are authorized to make any necessary corrections and additions to the final Journal, Daily History and committee minutes of the Senate.

4. In the absence of the Secretary and subject to the discretion of the Majority Leader, the Assistant Secretary shall attest all writs, warrants and subpoenas issued by order of the Senate and certify as to the passage of bills and resolutions; and in the absence of both officers, the Majority Leader shall designate a signatory.

5. The Secretary shall have custody of all bills, resolutions, petitions, papers and other documents, including, without limitation, matters referred to the committees of the Senate.

Rule No. 4. Sergeant at Arms.

The Sergeant at Arms shall:

1. Attend the Senate during its sittings, and execute its commands and all process issued by its authority.

2. Keep the secrets of the Senate.

3. Superintend the upkeep of the Senate's Chamber, private lounge and meeting rooms for committees.

Rule No. 5. Deputy Sergeant at Arms and Assistant Sergeants at Arms.

The Deputy Sergeant at Arms and Assistant Sergeants at Arms shall serve as doorkeepers and shall preserve order in the Senate Chamber and shall assist the Sergeant at Arms. The Deputy Sergeant at Arms and Assistant Sergeants at Arms shall keep the secrets of the Senate. In the event that the Sergeant at Arms is incapacitated or absent for any reason, the Deputy Sergeant at Arms shall serve as the Sergeant at Arms until the incapacity or absence has ended.

Rule No. 6. Continuation of Leadership and Standing Rules of the Senate During the Interim Between Regular Sessions.

1. Except as otherwise provided in subsections 2, 3 and 4, the tenure of the President pro Tempore, Majority Leader and Minority Leader extends during the interim between regular sessions of the Legislature.

2. The President pro Tempore, Majority Leader and Minority Leader for the next succeeding regular session shall perform any duty that is required of that officer by the Standing Rules of the Senate and the Nevada Revised Statutes in the period between the time of their designation after the general election and the organization of the next succeeding regular session.

3. *The Majority Leader and Minority Leader for the next succeeding regular session shall appoint the regular and alternate members to the Committee on Ethics as set forth in Senate Standing Rule No. 23.*

4. *The Majority Leader shall:*

(a) *Determine the start time of the Senate's organizational session.*
 (b) *Refer prefiled bills and resolutions to committee, subject to ratification by a majority vote of the members of the Senate once the Senate is organized and ready for business.*

(c) *Appoint committees during the interim between regular sessions of the Legislature for any proper purpose, including, without limitation, taking testimony, compelling the attendance of witnesses, punishing persons or entities for contempt and reporting findings to the next session of the Legislature.*

5. *The Standing Rules of the Senate set forth herein shall remain in full force and effect throughout the interim between regular sessions of the Legislature and until new Standing Rules of the Senate are adopted as part of the organization of a newly-constituted Senate at the commencement of a session, unless a conflict exists with a rule adopted by the Senate for a special session occurring between regular sessions.*

The next rule is 10.

II. SESSIONS AND MEETINGS

Rule No. 10. *Time of Meeting.*

1. *Except as otherwise provided in subsection 2, the President shall call the Senate to order each day of sitting at 11:00 o'clock a.m., unless the Senate has adjourned to some other hour.*

2. *In the event an emergency occurs during a regular or special session of the Legislature which requires a meeting of the Senate, the Majority Leader shall call the members back to order before the hour to which the Senate has adjourned.*

Rule No. 11. *Call of Senate—Moved by Three Members.*

A Call of the Senate may be moved by three Senators, and if carried by a majority of all present, the Secretary shall call the roll and note the absentees, after which the names of the absentees shall again be called over. The doors shall then be closed and the Sergeant at Arms directed to take into custody all who may be absent without leave, and all Senators so taken into custody shall be presented at the bar of the Senate for such action as to the Senate may seem proper.

Rule No. 12. *Absence—Leave Required.*

No Senator shall absent himself or herself from the service of the Senate without leave, except in case of accident or sickness, and if any Senator or officer shall so absent himself or herself, the per diem of the Senator shall not be allowed to him or her.

Rule No. 13. *Open Meetings.*

1. *Except as provided in the Constitution of the State of Nevada and in subsection 2, all meetings of the Senate and its committees must be open to the public.*

2. *A Senate committee meeting may be closed to consider the character, alleged misconduct, professional competence, or physical or mental health of a person.*

Rule No. 14. *Convening of Senate between Legislative Sessions.*

1. *The Senate may be convened at any time between sessions of the Legislature upon a petition signed by a majority of the members elected to the Senate to consider and take action on any matter that is solely and exclusively within the constitutional or inherent powers of the Senate, including, without limitation, any matter that may be considered and acted on by the Senate pursuant to its plenary and exclusive constitutional powers under Article 4, Section 6 of the Nevada Constitution or pursuant to its inherent powers of institutional self-protection and self-preservation to govern, control and regulate its membership and its internal organization, affairs and management.*

2. *A petition convening the Senate pursuant to this Rule must specify the matter that will be considered or acted on by the Senate, indicate a date for the Senate to convene and be transmitted to the Secretary of the Senate. Upon receipt of one or more substantially similar petitions signed, in the aggregate, by a majority of the members elected to the Senate, the Secretary shall notify all members of the Senate that the Senate will be convened pursuant to this Rule and the date on which the Senate will be convened.*

3. *The Senate hereby finds and declares that:*

(a) *The Nevada Constitution invests each House of the Legislature with certain plenary and exclusive constitutional powers which may be exercised only by that House and which cannot be usurped, infringed or impaired by the other House or by any other branch of Nevada's State Government. (Heller v. Legislature, 120 Nev. 456 (2004); Commission on Ethics v. Hardy, 125 Nev. 285 (2009); Mason's Manual of Legislative Procedure §§ 2-3 & 560-564 (2010) (Mason's Manual))*

(b) Article 4, Section 6 of the Nevada Constitution invests each House with plenary and exclusive constitutional powers to govern, control and regulate its membership and its internal organization, affairs and management, expressly providing that: "Each House shall judge of the qualifications, elections and returns of its own members, choose its own officers (except the President of the Senate), determine the rules of its proceedings and may punish its members for disorderly conduct, and with the concurrence of two thirds of all the members elected, expel a member."

(c) In addition to its plenary and exclusive constitutional powers, each House possesses certain inherent powers of institutional self-protection and self-preservation to govern, control and regulate its membership and its internal organization, affairs and management. (In re Chapman, 166 U.S. 661, 668 (1897); Mason's Manual § 2; Luther S. Cushing, Elements of the Law & Practice of Legislative Assemblies § 533 (1856) (Cushing's Legislative Assemblies))

(d) The inherent powers of each House are considered "so essential to the authority of a legislative assembly, that it cannot well exist without them; and they are consequently entitled to be regarded as belonging to every such assembly as a necessary incident." (Cushing's Legislative Assemblies § 533)

(e) The inherent powers of each House authorize it to take all necessary and proper institutional actions that are "recognized by the common parliamentary law." (Cushing's Legislative Assemblies § 684)

(f) Thus, it is well established that each House is "vested with all the powers and privileges which are necessary and incidental to a free and unobstructed exercise of its appropriate functions. These powers and privileges are derived not from the Constitution; on the contrary, they arise from the very creation of a legislative body, and are founded upon the principle of self-preservation." (Ex parte McCarthy, 29 Cal. 395, 403 (1866))

The next rule is 20.

III. DECORUM AND DEBATE

Rule No. 20. Points of Order.

1. If any Senator, in speaking or otherwise, transgresses the rules of the Senate, the President shall, or any Senator may, call him or her to order. If a Senator is so called to order, he or she shall not proceed without leave of the Senate. If such leave is granted, it must be upon the motion, "That he or she be allowed to proceed in order," and the Senator shall confine himself or herself to the proposal under consideration and avoid personality.

2. Every ruling on points of order made by the President is subject to appeal, and a discussion of a question of order may be allowed only upon the appeal of two Senators. In all cases of appeal, the question must be, "Shall the ruling of the Chair stand as the judgment of the Senate?"

Rule No. 21. Breaches of Decorum.

1. In cases of breaches of decorum or propriety, any Senator, officer or other person is liable to such censure or punishment as the Senate may deem proper.

2. If any Senator is called to order for offensive or indecorous language or conduct, the person calling the Senator to order shall report the offensive or indecorous language or conduct to the presiding officer. No member may be held to answer for any language used on the floor of the Senate if business has intervened before exception to the language was taken.

3. Indecorous conduct or boisterous or unbecoming language is not permitted in the Senate Chamber.

Rule No. 22. Portable Electronic Communication Devices.

1. A person who is within the Senate Chambers shall not engage in a telephone conversation via the use of a portable telephone when the Senate is convened.

2. Before entering the Senate Chambers, any person who possesses a portable electronic communication device that emits an audible alert, such as a ringing or beeping sound, to signal

an incoming message or call, shall turn the audible alert off. A device that contains a nonaudible alert, such as a silent vibration, may be operated in a nonaudible manner within the Senate Chambers.

Rule No. 23. Committee on Ethics; Legislative Ethics.

1. The Committee on Ethics consists of:

(a) Two members of the Senate appointed by the Majority Leader from the majority political party;

(b) One member of the Senate appointed by the Minority Leader from the minority political party; and

(c) Three qualified electors of the State, two of whom are appointed by the Majority Leader and one who is appointed by the Minority Leader, and none of whom is a present member of the Legislature or employed by the State of Nevada.

✦ Not more than four members of the Committee may be members of the same political party.

2. The Majority Leader shall appoint the Chair and Vice Chair of the Committee. The Vice Chair shall serve as the acting Chair if the Chair is unable to serve for any reason during the consideration of a specific proposal.

3. The Majority Leader shall appoint an alternate member with the qualifications set forth in paragraph (a) of subsection 1 and an alternate member with the qualifications set forth in paragraph (c) of subsection 1. The Minority Leader shall appoint an alternate member with the qualifications set forth in paragraph (b) of subsection 1 and an alternate member with the qualifications set forth in paragraph (c) of subsection 1. If a member of the Committee is unable to serve for any reason during the consideration of a specific proposal, the alternate appointed with the qualifications from the same paragraph in subsection 1 shall serve as a member of the Committee during the consideration of the specific proposal.

4. A member of the Committee is disqualified to serve during the consideration of a specific proposal if:

(a) The member is the requester of advice concerning the question of ethics or conflict of interest, or the member is the subject of the complaint concerning the specific question; or

(b) A reasonable person in the member's situation could not exercise independent judgment on the matter in question.

5. The members of the Committee shall perform any duty required in the period between the time of their appointment after the general election and the organization of the next succeeding regular session, or until the Majority Leader or the Minority Leader appoint new members to the Committee, whichever occurs first.

6. The tenure of the members of the Committee shall extend during the interim between regular sessions of the Legislature.

7. The Committee:

(a) May hear requests brought by Senators for advice on specific questions of potential breaches of ethics and conflicts of interest; and

(b) Shall hear complaints brought by Senators and others on specific questions of alleged breaches of ethics and conflicts of interest, including, without limitation, alleged breaches of the Legislative Code of Ethical Standards in the Joint Standing Rules.

8. All proceedings held by the Committee to consider the character, alleged misconduct, professional competence or physical or mental health of any person on matters of ethics or conflicts of interest and all materials related to those proceedings are confidential, unless the person who is the subject of the proceedings requests a public hearing or discloses the content of the proceedings or materials.

9. An individual may file a complaint which alleges a breach of ethics or a conflict of interest, including, without limitation, an alleged breach of the Legislative Code of Ethical Standards in the Joint Standing Rules. If the alleged breach of ethics or conflict of interest involves the conduct of more than one person, separate complaints must be filed regarding each person. A complaint must be:

(a) Made in writing on a form provided by the Legislative Counsel;

(b) Signed and verified under penalty of perjury by the individual making the allegation; and

(c) Filed with the Legislative Counsel who shall review the complaint and any other relevant information and consult with the Chair of the Committee or, if the Chair is the subject of the

complaint, with the Vice Chair, to evaluate whether the Committee has jurisdiction and whether an investigation is warranted in the matter. If it is determined that the Committee:

(1) Does not have jurisdiction or that an investigation is not warranted in the matter, the Legislative Counsel shall send written notice of the determination to the individual who filed the complaint.

(2) Has jurisdiction and an investigation is warranted in the matter, the Legislative Counsel shall send written notice of the determination and a copy of the complaint to the person who is the subject of the complaint.

10. Each Legislator is subject, at all times, to the Legislative Code of Ethical Standards in the Joint Standing Rules and, in addition, must determine whether he or she has a conflict of interest upon any matter in question before the Legislator. In determining whether the Legislator has such a conflict of interest, the Legislator should consider whether the independence of judgment of a reasonable person in his or her situation upon the matter in question would be materially affected by the Legislator's:

- (a) Acceptance of a gift or loan;
- (b) Private economic interest; or
- (c) Commitment to a member of his or her household or immediate family.

➤ In interpreting and applying the provisions of this subsection, it must be presumed that the independence of judgment of a reasonable person in the Legislator's situation would not be materially affected by the Legislator's private economic interest or the Legislator's commitment to a member of his or her household or immediate family where the resulting benefit or detriment accruing to the Legislator, or if the Legislator has a commitment to a member of his or her household or immediate family, accruing to those other persons, is not greater than that accruing to any other member of the general business, profession, occupation or group that is affected by the matter.

11. Except as otherwise provided in subsection 12, if a Legislator knows he or she has a conflict of interest pursuant to subsection 10, the Legislator shall make a disclosure of the conflict of interest on the record in a meeting of a committee or on the floor of the Senate, as applicable. Such a disclosure must be entered:

(a) If the Legislator makes the disclosure in a meeting of a committee, in the minutes for that meeting.

(b) If the Legislator makes the disclosure on the floor of the Senate, in the Journal.

12. If, on one or more prior occasions during the current session of the Legislature, a Legislator has made a general disclosure of a conflict of interest on the record in a meeting of a committee or on the floor of the Senate, the Legislator is not required to make that general disclosure at length again regarding the same conflict of interest if, when the matter in question arises on subsequent occasions, the Legislator makes a reference on the record to the previous disclosure.

13. In determining whether to abstain from voting upon, advocating or opposing a matter concerning which a Legislator has a conflict of interest pursuant to subsection 10, the Legislator should consider whether:

- (a) The conflict impedes his or her independence of judgment; and
- (b) His or her interest is greater than the interests of an entire class of persons similarly situated.

14. The provisions of this Rule do not under any circumstances and regardless of any conflict of interest:

- (a) Prohibit a Legislator from requesting or introducing a legislative measure; or
- (b) Require a Legislator to take any particular action before or while requesting or introducing a legislative measure.

15. If a Legislator who is a member of a committee declares on the record when a vote is to be taken by the committee that he or she will abstain from voting because of the requirements of this Rule, the necessary quorum to act upon and the number of votes necessary to act upon the matter is reduced as though the Legislator abstaining were not a member of the committee.

16. The standards and procedures set forth in this Rule which govern whether and to what extent a Senator has a conflict of interest, should disclose a conflict of interest or should abstain from voting upon, advocating or opposing a matter concerning which the Senator has a conflict

of interest pursuant to subsection 10:

(a) Are exclusive and are the only standards and procedures that apply to Senators with regard to such matters; and

(b) Supersede and preempt all other standards and procedures with regard to such matters, except that this subsection does not exempt any Senators from the Legislative Code of Ethical Standards in the Joint Standing Rules.

17. For purposes of this Rule, "immediate family" means a person who is related to the Legislator by blood, adoption or marriage within the first degree of consanguinity or affinity.

The next rule is 30.

IV. QUORUM, VOTING, ELECTIONS

Rule No. 30. Recorded Vote—Three Required to Call For.

1. A recorded vote must be taken upon final passage of a bill or joint resolution, and in any other case when called for by three members. Every Senator within the bar of the Senate shall vote "yea" or "nay" or record himself or herself as "not voting," unless excused by unanimous vote of the Senate. A Senator who records himself or herself as "not voting" must make a full and complete disclosure of a conflict of interest pursuant to Senate Standing Rule No. 23.

2. The votes and names of those absent or recorded as "not voting" and the names of Senators demanding the recorded vote must be entered in the Journal.

Rule No. 31. President to Decide—Tie Vote.

A question is lost by a tie vote, but when the Senate is equally divided on any question except the passage of a bill or joint resolution, the President may give the deciding vote.

Rule No. 32. Manner of Election—Voting.

1. In all cases of election by the Senate, the vote must be taken viva voce. In other cases, if a vote is to be recorded, it may be taken by oral roll-call or by electronic recording.

2. When a recorded vote is taken, no Senator may:

(a) Vote except when at his or her seat;

(b) Explain his or her vote or discuss the question while the voting is in progress; or

(c) Change his or her vote after the result is announced.

3. The announcement of the result of any vote must not be postponed.

The next rule is 40.

V. LEGISLATIVE BODIES

Rule No. 40. Standing and Select Committees.

1. Except as otherwise provided in Senate Standing Rule No. 23, the Majority Leader shall appoint all standing and select committees and shall determine the majority-minority party composition of all standing and select committees. Appointments to committees shall be made by the Majority Leader for the majority party members and by the Minority Leader for the minority party members. The Majority Leader shall designate the Chair and Vice Chair of all standing and select committees.

2. The Majority Leader shall refer prefiled bills and resolutions to committee, subject to ratification by a majority vote of the Senate once the Senate is organized and ready for business.

3. Except as otherwise provided in subsection 4, the standing and select committees of the Senate and their respective jurisdiction for the reference of bills and resolutions are as follows:

(a) Commerce and Labor, eight members, with jurisdiction over measures affecting primarily titles 52-55 of NRS, and chapters 97-100, 118-119, 119B, 461, 461A, 489, 678A, 678B, 678D, 679A-693A, 694A-697, 711 and 712 of NRS, except measures affecting primarily state and local revenue.

(b) Education, seven members, with jurisdiction over measures affecting primarily chapters 353B, 378-380A, 385-386 and 388-399 of NRS, except measures affecting primarily state and local revenue.

(c) Finance, eight members, with jurisdiction over measures affecting primarily chapters 1A, 387 and 400 of NRS, appropriations, operating and capital budgets, state and federal budget issues and bonding, except measures affecting primarily state and local revenue, and over any measures carrying or requiring appropriations and favorably reported by any other committee.

(d) Government Affairs, five members, with jurisdiction over measures affecting primarily titles 20, 21, 25, 27, 28, 30, 36 and 37 of NRS, and chapters 223-228, 232-233I, 234-237, 238-242, 271, 277-280, 286-289, 353, 353A, 353C-358, 381, 384, 472, 474, 477, 693B, 709, 710

and 720 of NRS, except measures affecting primarily the provisions of the Nevada Administrative Procedure Act that govern the adjudication of contested cases, the Tahoe Regional Planning Compact and the Tahoe Regional Planning Agency, state and local revenue and state and federal budget issues.

(e) Growth and Infrastructure, five members, with jurisdiction over measures affecting primarily title 44 of NRS, and chapters 403-405, 408, 410, 459A, 476, 480-487, 490 and 701-708 of NRS, except measures affecting primarily state and local revenue.

(f) Health and Human Services, five members, with jurisdiction over measures affecting primarily titles 38 and 39 of NRS, chapters 439-442 of NRS, NRS 444.002-444.430 and chapters 446-453C, 454-458A, 460, 583-585 and 678C of NRS, except measures affecting primarily state and local revenue.

(g) Judiciary, eight members, with jurisdiction over measures affecting primarily the provisions of the Nevada Administrative Procedure Act that govern the adjudication of contested cases, titles 2-7, 9, 11-16 and 41 of NRS, and chapters 1, 2-7, 101-104A, 111-117, 119A, 120, 120A, 475, 719, 721 and 722 of NRS, except measures affecting primarily state and local revenue.

(h) Legislative Operations and Elections, five members, with jurisdiction over measures affecting primarily titles 17, 24 and 29 of NRS, chapters 281-285 of NRS, and the operation of the legislative session, except measures affecting primarily state and local revenue.

(i) Natural Resources, five members, with jurisdiction over measures affecting primarily titles 26 and 45-50 of NRS, chapters 383, 407 and 407A of NRS, NRS 444.435-444.650, chapters 444A-445D, 459, 488, 581, 582 and 586-590 of NRS, and the Tahoe Regional Planning Compact and the Tahoe Regional Planning Agency, except measures affecting primarily state and local revenue.

(j) Revenue and Economic Development, five members, with jurisdiction over measures affecting primarily title 32 of NRS, chapters 231, 231A, 237A, 271A-274 and 453D of NRS, and state and local revenue.

4. The Chair of the Standing Committee on Finance may assign any portion of a proposed executive budget to any of the other standing or select committees of the Senate for review. Upon receiving such an assignment the standing or select committee shall complete its review expeditiously and report its findings and any recommendations to the Standing Committee on Finance for its independent evaluation.

Rule No. 41. Appointment of Alternates.

If the Chair or any member of a committee is temporarily unable to perform his or her duties, the Majority Leader shall appoint an alternate of the same political party to serve in the Chair's or the member's place for such time as is determined by the Majority Leader.

Rule No. 42. Committee Expenses.

No committee shall employ assistance or incur any expense, except by permission of the Majority Leader previously obtained.

Rule No. 43. Duties of Committees.

The several committees shall acquaint themselves with the interests of the State specially represented by the committee and shall present such bills and reports as in their judgment will advance the interests and promote the welfare of the people of the State.

Rule No. 44. Reserved.

Rule No. 45. Reserved.

Rule No. 46. Forming Committee of the Whole.

In forming the Committee of the Whole, the Senator who has so moved shall name a Chair to preside. All amendments proposed by the Committee shall be reported by the Chair to the Senate.

Rule No. 47. Rules Applicable to Committee of the Whole.

The Rules of the Senate shall apply to proceedings in Committee of the Whole, except that the previous question shall not be ordered, nor the yeas and nays demanded, but the Committee may limit the number of times that any member may speak, at any stage of proceedings, during its sitting. Messages may be received by the President while the Committee is sitting; in which case the President shall resume the chair and receive the message. After receiving the message, the President shall vacate the chair in favor of the Chair of the Committee.

Rule No. 48. *Motion to Rise Committee of the Whole.*

A motion that the Committee rise shall always be in order, and shall be decided without debate.

Rule No. 49. *Reference to Committee.*

When a motion is made to refer any subject, and different committees are proposed, the subject may be referred to the committee with jurisdiction over the subject as set forth in Senate Standing Rule No. 40, or to a different committee, upon a majority vote of the members present.

Rule No. 50. *Return From Committee.*

1. Any bill or other matter referred to a committee of the Senate must not be withdrawn or ordered taken from the committee for consideration by the Senate, for re-referral, or for any other reason without a majority vote of the Senate, and at least one day's notice of the motion therefor.

2. No such motion is in order:

(a) If the bill to be withdrawn or ordered taken from the committee may no longer be considered by the Senate; or

(b) On the last day of the session, or on the day preceding the last day of the session.

3. This Rule does not take from any committee the rights and duties of committees provided for in Senate Standing Rule No. 43.

Rule No. 51. *Concurrent Referrals.*

When a bill or resolution is referred to two committees, the bill or resolution must go to the first committee named. If the first committee votes to amend the bill or resolution, it must be reprinted with amendments and then returned to the first committee or sent immediately to the next committee. If there is no amendment proposed by the first committee, or if the first committee acts upon the bill or resolution after amendment, the bill or resolution must be sent with the committee recommendation to the Secretary for transmittal to the second committee.

Rule No. 52. *Reserved.*

Rule No. 53. *Committee Rules.*

1. The rules of the Senate, as far as applicable, are the rules of committees of the Senate. Procedure in committees, where not otherwise provided in this Rule, must follow the procedure of the Senate. For matters not included in the rules of the Senate or these rules, Mason's Manual of Legislative Procedure must be followed.

2. A majority of any committee constitutes a quorum for the transaction of business.

3. A meeting of a committee may not be opened without a quorum present.

4. In addition to regularly scheduled meetings of a committee or those called by the Chair of the committee, meetings may be set by a written petition of a majority of the committee and filed with the Chair of the committee.

5. A bill may be passed from a committee only by a majority of the committee membership. A simple majority of those present and voting is sufficient to adopt committee amendments.

6. Subcommittees may be appointed by the Chair of a committee to consider subjects specified by the Chair and shall report back to the committee. If a member of a subcommittee is not a member of the standing or select committee for which the subcommittee is created, the approval of the Majority Leader is required for that member's appointment. If a subcommittee is so appointed, the Chair of the committee shall determine whether the subcommittee shall keep minutes of its meetings. Any minutes required to be kept pursuant to this subsection must comply with the provisions of subsection 12.

7. A committee shall act only when together, and all votes must be taken in the presence of the committee. A member shall not be recorded as voting unless the member was actually present in the committee at the time of the vote. The Chair of the committee must be present when the committee votes to take any final actions on bills or resolutions, but the Chair is not required to vote. In addition to the use of remote-technology systems pursuant to Senate Standing Rule No. 136, upon approval of the Majority Leader, a committee may meet together by video conference or other appropriate remote-technology systems. A member who is actually present in the committee at a posted video conference or other remote location is present and in attendance at the meeting for all purposes. A member who is participating in a committee meeting with all committee members participating through the use of a remote-technology system pursuant to the direction of the Majority Leader shall participate in the committee

meeting from a location other than a committee meeting room. The provisions of this subsection do not prohibit the prefiling of legislative bills and resolutions on behalf of a committee in the manner prescribed by the Legislative Commission.

8. All committee and subcommittee meetings are open to the public, except as otherwise provided in Senate Standing Rule No. 13.

9. Before a Chair of a committee reports a bill or resolution to the Senate, the committee may reconsider its action. A motion to reconsider must be made by any member who voted on the action.

10. The Chair of a committee shall determine the agenda of each meeting of the committee except that a member of the committee may request an item for the agenda by communicating with the Chair at least 4 days before the meeting. A majority of a committee may, by vote, add an item to the agenda of the next regularly scheduled meeting.

11. Secretaries to committees shall give notices of hearings on bills to anyone requesting notices of particular bills.

12. All committees shall keep minutes of meetings. The minutes must cover members present and absent, subjects under discussion, witnesses who appear, committee members' statements concerning legislative intent, action taken by the committee, as well as the vote of individual members on all matters on which a vote is taken. Upon approval of the Chair, any member may submit to the secretary additional remarks to be included in the minutes and records of committee meetings. Upon completion of the minutes, the Chair will review for approval. At the conclusion of the legislative session, the Secretary of the Senate shall deliver all minutes and records of committee meetings in his or her possession to the Research Library of the Legislative Counsel Bureau.

13. In addition to the minutes, the committee secretary shall maintain a record of all bills, including:

- (a) Date bill referred;
- (b) Date bill received;
- (c) Date set for hearing the bill;
- (d) Date or dates bill heard and voted upon; and
- (e) Date report prepared.

14. Each committee secretary shall file the minutes of each meeting with the Secretary of the Senate as soon as practicable after the meeting.

15. All committee minutes and any subcommittee minutes required to be kept pursuant to subsection 6 are open to public inspection upon request and during normal business hours. The official record of the committee meeting is the minutes approved by the Chair.

Rule No. 54. Review of State Agency Programs.

In addition to or concurrent with committee action taken on specific bills and resolutions during a regular session of the Legislature, each standing committee of the Senate is encouraged to plan and conduct a general review of selected programs of state agencies or other areas of public interest within the committee's jurisdiction.

The next rule is 60.

VI. RULES GOVERNING MOTIONS

A. MOTIONS GENERALLY

Rule No. 60. Entertaining.

1. No motion may be debated until it is announced by the President.
2. By consent of the Senate, a motion may be withdrawn before amendment or decision.

Rule No. 61. Precedence of Motions.

When a proposal is under debate no motion shall be received but the following, which shall have precedence in the order named:

1. To adjourn.
2. For a call of the Senate.
3. To recess.
4. To lay on the table.
5. For the previous question.
6. To postpone to a day certain.

7. To refer to committee.
8. To amend.
9. To postpone indefinitely.

➔ The first three motions shall be decided without debate, and a motion to lay on the table without question or debate.

Rule No. 62. When Not Entertained.

1. When a motion to postpone indefinitely has been decided, it must not be again entertained on the same day.
2. When a proposal has been postponed indefinitely, it must not again be introduced during the session unless this Rule is suspended by a majority vote of the Senate.
3. There must be no reconsideration or rescission of a vote on a motion to postpone indefinitely.

B. PARTICULAR MOTIONS

Rule No. 63. To Adjourn.

A motion to adjourn shall always be in order unless a motion to reconsider a final vote on a bill or resolution or any other action is pending. The name of the Senator moving to adjourn, and the time when the motion was made, shall be entered in the Journal.

Rule No. 64. Lay on the Table.

A motion to lay on or take from the table shall be carried by a majority vote.

Rule No. 65. Reserved.

Rule No. 66. To Strike Enacting Clause.

A motion to strike out the enacting clause of a bill has precedence over a motion to refer to committee or to amend. If a motion to strike out the enacting clause of a bill is carried, the bill is rejected.

Rule No. 67. Division of Proposal.

1. Any Senator may call for a division of a proposal.
2. A proposal must be divided if the Senate determines it embraces subjects so distinct that if one subject is taken away, a substantive proposal remains for the decision of the Senate.
3. A motion to strike out and insert must not be divided.

Rule No. 68. To Reconsider—Precedence of.

A motion to reconsider has precedence over every other motion, including a motion to adjourn. A motion to reconsider a final vote on a bill or resolution or any other action shall be in order only on the day on which the final vote or action is taken and the vote on such a motion to reconsider must be taken on the same day.

Rule No. 69. Explanation of Motion.

Whenever a Senator moves to change the usual disposition of a bill or resolution, he or she shall describe the subject of the bill or resolution and state the reasons for requesting the change in the processing of the bill or resolution.

The next rule is 80.

VII. DEBATE

Rule No. 80. Speaking on Proposal.

1. Every Senator who speaks shall, in his or her place, address "Mr. or Madam President," in a courteous manner, and shall confine himself or herself to the proposal before the Senate.
2. No Senator may speak:
 - (a) More than twice during the consideration of any one question on the same day, except for explanation.
 - (b) A second time without leave when others who have not spoken desire the floor.
3. Incidental and subsidiary proposals arising during debate shall not be considered the same proposal.

Rule No. 81. Previous Question.

The previous question shall not be put unless demanded by three Senators, and it shall be in this form: "Shall the main question be put?" When sustained by a majority of Senators present it shall put an end to all debate and bring the Senate to a vote on the proposal or proposals before it, and all incidental proposals arising after the motion was made shall be decided without debate. A person who is speaking on a proposal shall not while he or she has the floor move to put that question.

The next rule is 90.

VIII. CONDUCT OF BUSINESS

A. GENERALLY

Rule No. 90. *Mason's Manual.*

The rules of parliamentary practice contained in Mason's Manual of Legislative Procedure shall govern the Senate in all cases in which they are applicable and in which they are not inconsistent with the standing rules and orders of the Senate, and the Joint Standing Rules of the Senate and Assembly.

Rule No. 91. *Suspension of Rule.*

No standing rule or order of the Senate shall be rescinded or changed without a majority vote of the Senate and one day's notice of the motion therefor; but a rule or order may be temporarily suspended for a special purpose by a majority vote of the members present. When the suspension of a rule is called for, and after due notice from the President no objection is offered, the President can announce the rule suspended and the Senate may proceed accordingly; but this shall not apply to that portion of Senate Standing Rule No. 109 relating to the third reading of bills, which cannot be suspended.

Rule No. 92. *Notices of Bills, Topics and Public Hearings.*

Adequate notice shall be provided to the Legislators and the public by posting information relative to the bills, topics and public hearings which are to come before committees. Notices shall include the date, time, place and agenda, and shall be posted conspicuously in the Legislative Building and shall be made available to the news media. This requirement of notice may be suspended for an emergency by the affirmative vote of a majority of the committee members appointed.

Rule No. 93. *Protest.*

Any Senator, or Senators, may protest against the action of the Senate upon any question, and have such protest entered in the Journal.

Rule No. 94. *Privilege of the Floor.*

1. Except as otherwise provided in subsection 2, to preserve decorum and facilitate the business of the Senate, only the following persons may be present on the floor of the Senate during formal sessions:

- (a) State officers;*
- (b) Officers and members of the Senate;*
- (c) Employees of the Legislative Counsel Bureau;*
- (d) Staff of the Senate; and*
- (e) Members of the Assembly whose presence is required for the transaction of business.*

2. Guests of Senators must be seated in a section of the upper or lower gallery of the Senate Chamber to be specially designated by the Sergeant at Arms. The Majority Leader may specify special occasions when guests may be seated on the floor of the Senate with a Senator.

3. A majority of Senators may authorize the President to have the Senate Chamber cleared of all persons except Senators and officers of the Senate.

4. The Senate Chamber must not be used for any public or private business other than legislative, except by permission of the Senate.

Rule No. 95. *Material Placed on Legislators' Desks.*

1. Only the Sergeant at Arms and officers and employees of the Senate may place papers, letters, notes, pamphlets and other written material upon a Senator's desk. Such material must contain the name of the Legislator requesting the placement of the material on the desk or a designation of the origin of the material.

2. This Rule does not apply to books containing the legislative bills and resolutions, the daily histories and daily journals of the Senate or Assembly, or Legislative Counsel Bureau material.

Rule No. 96. *Reserved.*

Rule No. 97. *Petitions.*

The contents of any petition shall be briefly stated by the President or any Senator presenting it. It shall then lie on the table or be referred, as the President or Senate may direct.

Rule No. 98. *Reserved.*

Rule No. 99. *Peddling, Begging and Soliciting.*

1. Peddling, begging and soliciting are strictly forbidden in the Senate Chambers, and in the lobby, gallery and halls adjacent thereto.

2. No part of the Senate Chambers may be used for, or occupied by, signs or other devices for any kind of advertising.

3. No part of the hallways adjacent to the Senate Chambers may be used for, or occupied by, signs or other devices for any kind of advertising for commercial or personal gain.

Rule No. 100. Reserved.

Rule No. 101. Reserved.

Rule No. 102. Objection to Reading of Paper.

Where the reading of any paper is called for, and is objected to by any Senator, it shall be determined by a vote of the Senate, and without debate.

Rule No. 103. Questions Relating to Priority of Business.

All questions relating to the priority of business shall be decided without debate.

B. BILLS AND RESOLUTIONS

Rule No. 104. Reserved.

Rule No. 105. Reserved.

Rule No. 106. Skeleton Bills.

Skeleton bills may be introduced after the beginning of a session when, in the opinion of the sponsor and the Legislative Counsel, the full drafting of the bill would entail extensive research or be of considerable length. A skeleton bill will be a presentation of ideas or statements of purpose, sufficient in style and expression to enable the Legislature and the committee to which the bill may be referred to consider the substantive merits of the legislation proposed.

Rule No. 107. Information Concerning Bills.

1. Bills introduced may be accompanied by information relative to witnesses and selected persons of departments and agencies who should be considered for committee hearings on the proposed legislation. At the time of or after introduction of a bill, a list of witnesses who are proponents of the bill together with their addresses and telephone numbers may be given to the secretary of the committee to which the bill is referred. This information may be provided by:

- (a) The Senator introducing the bill;
- (b) The person requesting a committee introduction of the bill; or
- (c) The Chair of the committee introducing the bill.

2. The secretary of the committee shall deliver this information to the Chair of the committee to which the bill is referred. Members of the committee may suggest additional names for witnesses.

3. The Legislator may provide an analysis which may describe the intent, purpose, justification and effects of the bill, or any of them.

Rule No. 108. Reserved.

Rule No. 109. Reading of Bills.

1. Every bill must receive three readings before its passage, unless, in case of emergency, this rule is suspended by a two-thirds vote of the Senate. The reading of a bill is by number, sponsor and summary.

2. The first reading of a bill is for information, and if there is opposition to the bill, the question must be, "Shall this bill be rejected?" If there is no opposition to the bill, or if the question to reject is defeated, the bill must then take the usual course.

3. No bill may be referred to committee until once read, nor amended until twice read.

4. The third reading of every bill must be by sections.

Rule No. 110. Second Reading File—Consent Calendar.

1. All bills reported by committee must be placed on a Second Reading File unless recommended for placement on the Consent Calendar.

2. A committee shall not recommend a bill for placement on the Consent Calendar if:

- (a) An amendment of the bill is recommended;
- (b) It contains an appropriation;
- (c) It requires a two-thirds vote of the Senate; or
- (d) It is controversial in nature.

3. A bill recommended for placement on the Consent Calendar must be included in the Daily File listed in the Daily History of the Senate at least 1 calendar day before it may be

considered.

4. A bill must be removed from the Consent Calendar at the request of any Senator, without question or debate. A bill so removed must be immediately placed on the Second Reading File for consideration in the usual order of business.

5. When the Consent Calendar is called:

(a) The bills remaining on the Consent Calendar must be read by number, sponsor and summary, and the vote must be taken on their final passage as a group.

(b) No remarks or questions are in order and the bills remaining on the Consent Calendar must be voted upon without debate.

Rule No. 111. Publications.

1. An appropriate number of copies of all bills and resolutions of general interest must be printed for the use of the Senate and Assembly. Such other matter must be printed as may be ordered by the Senate.

2. Bill books will not be prepared for legislators unless they qualify for and request the service. The service, if approved, will be limited to the provision of one full set of bills, journals, histories and indexes for the Senator's desk in the Senate chamber. Bill books will not be prepared for a Senator for individual committees.

3. A Senator may request the provision of bill book service pursuant to subsection 1 if either:

(a) The Senator has served in the Senate for 10 or more years; or

(b) A physical or medical condition requires the Senator to use the bill books rather than viewing bills on a laptop computer.

4. A request for bill book service must be made to the Majority Leader of the Senate. If the Majority Leader determines that the Senator qualifies for the service, the Majority Leader shall direct the Legislative Counsel Bureau to provide the service.

Rule No. 112. Sponsorship.

1. A Senator may request that his or her name be added as a sponsor of a bill or resolution that is introduced in the Senate if the Senator has submitted to the Secretary of the Senate a statement approving the request signed by the Senator who introduced the bill or resolution, including, without limitation, submission by electronic means. A Senator may make a request to have his or her name added as a sponsor of:

(a) A resolution of the Senate, at any time after the resolution is introduced in the Senate and before the resolution is passed by the Senate.

(b) A bill or a joint or concurrent resolution:

(1) At any time after the bill or resolution is introduced in the Senate and before the bill or resolution is passed out of the Senate to the Assembly; and

(2) At any time after the bill or resolution is returned to the Senate following passage by the Assembly and before the bill or resolution is enrolled.

2. A Senator who is a sponsor of a bill or resolution that is introduced in the Senate may request that his or her name be removed as a sponsor of the bill or resolution. A Senator may make a request to have his or her name removed as a sponsor of:

(a) A resolution of the Senate, at any time after the resolution is introduced in the Senate and before the resolution is passed by the Senate.

(b) A bill or a joint or concurrent resolution:

(1) At any time after the bill or resolution is introduced in the Senate and before the bill or resolution is passed out of the Senate to the Assembly; and

(2) At any time after the bill or resolution is returned to the Senate following passage by the Assembly and before the bill or resolution is enrolled.

➡ In such case, if the Senator is the only sponsor of the bill or resolution, another Senator may request that his or her name be added to the bill or resolution as a sponsor without receiving the approval from the original sponsor.

3. If a Senator makes a request to have his or her name added or removed as a sponsor of a bill or resolution that was introduced in the Senate, the request must be entered in the Journal.

4. If a Senator who is the only sponsor of a bill or resolution that was introduced in the Senate removes his or her name from the bill or resolution while the bill is in the Senate and no other Senator adds his or her name as the sponsor of the bill or resolution at the time of the

request for removal, no further action on the bill or resolution is allowed for that legislative session.

5. Notwithstanding any provision of the Standing Rules of the Senate or the Joint Rules of the Senate and Assembly, if all Senators who are primary sponsors or cosponsors of a bill or resolution remove their names as sponsors of the bill or resolution while the bill or resolution is in the Senate and no other Senator adds his or her name as a sponsor of the bill or resolution, the names of the primary joint sponsor or sponsors and the non-primary joint sponsor or sponsors, if any, must be removed from the bill or resolution without an amendment.

Rule No. 113. Reading of Bills—General File.

1. Upon reading of bills on the Second Reading File, Senate and Assembly bills reported without amendments must be ordered to the General File. Committee amendments reported with bills must be considered upon their second reading and such amendments may be adopted by a majority vote of the members present. Bills so amended must be reprinted, engrossed or reengrossed, and ordered to the General File. The File must be made available to members of the public each day by the Secretary.

2. Any member may move to amend a bill during its reading on the Second Reading File or during its third reading and the motion to amend may be adopted by a majority vote of the members present. Bills so amended on second reading must be treated the same as bills with committee amendments. Any bill so amended upon the General File must be reprinted and engrossed or reengrossed.

3. Committee amendments and all other amendments must be made available to members of the public after the amendments are submitted to the Secretary for processing in order to be considered on the Second Reading File or the General File.

4. An appropriate number of copies of all amended bills must be printed.

Rule No. 114. Referral of Bill With Special Instructions.

A bill may be referred to committee with special instructions to amend at any time before taking the final vote.

Rule No. 115. Reconsideration of Vote on Bill.

1. A vote may be reconsidered on motion of any member.

2. Motions to reconsider a vote upon amendments to any pending proposal and upon a final vote on a bill or resolution may be made and decided at once.

Rule No. 116. Vetoed Bills.

Bills which have passed the Legislature, and forwarded by letter, to the Senate by the Secretary of State or the Governor and which are accompanied by a message of the Governor's disapproval, or veto of the same, shall become a special order and, at which time, the said message shall be read, together with the bill or bills so disposed or vetoed; and the message and bill shall be read without interruption, consecutively, one following the other, and not upon separate occasions; and no such bill or message shall be referred to any committee, or otherwise acted upon, save as provided by rule, custom and law; that is to say, that immediately following such reading the only questions (except as hereinafter stated) which shall be put by the Chair is, "Shall the bill pass, notwithstanding the objections of the Governor?" It shall not be in order, at any time, to vote upon such vetoed bill without the same having first been read; the merits of the bill itself may be debated and the only motions entertained after the Chair has stated the question are a motion for "The previous question," or a motion for "No further consideration" of the vetoed bill.

Rule No. 117. Different Subject Not Admitted as Amendment.

No subject different from that under consideration shall be admitted as an amendment; and no bill or resolution shall be amended by incorporating any irrelevant subject matter or by association or annexing any other bill or resolution pending in the Senate, but a substitute may be offered at any time so long as the original is open to amendment.

Rule No. 118. Joint Resolutions.

1. Joint resolutions must be used to address Congress, or either House thereof, or the President of the United States, or the heads of any of the national departments, or to propose amendments to the State Constitution. A roll call vote must be taken upon final passage of a joint resolution and entered in the Journal.

2. Upon introduction, the reading of a joint resolution is for informational purposes and

referral to committee, unless the joint resolution is rejected or a member moves to immediately consider the joint resolution for final passage. The motion to immediately consider the joint resolution for final passage may be adopted by a majority vote of the Senate.

3. *Committee amendments reported with joint resolutions may be adopted by a majority vote of the members present. Joint resolutions so amended must be reprinted, engrossed or reengrossed, and ordered to the Resolution File.*

4. *Any member may move to amend a joint resolution and the motion to amend may be adopted by a majority vote of the members present. Joint resolutions so amended must be treated the same as joint resolutions with committee amendments. Any joint resolution so amended must be reprinted and engrossed or reengrossed, and ordered to the Resolution File.*

5. *Committee amendments and all other amendments must be available to members of the public after the amendments are submitted to the Secretary for processing in order to be considered for the Resolution File.*

6. *The Secretary shall make the Resolution File available to members of the public each day.*

7. *A joint resolution proposing an amendment to the State Constitution must be entered in the Journal in its entirety.*

8. *An appropriate number of copies of all amended joint resolutions must be printed.*

Rule No. 118.2. *Memorial Resolutions.*

Once the sponsor has moved for the adoption of a memorial resolution, not more than one member from each caucus, and, upon request of a member of the body and the approval of the Majority Leader, one additional member may speak on the resolution.

Rule No. 119. *Certain Resolutions Treated as Motions.*

Except as otherwise provided in Senate Standing Rules Nos. 118 and 118.2, resolutions must be treated as motions in all proceedings of the Senate.

Rule No. 119.2. *Return From the Secretary of State.*

A Senate resolution may be used to request the return from the Secretary of State of an enrolled Senate resolution for further consideration.

C. ORDER OF BUSINESS, SPECIAL ORDERS AND OTHER MATTERS

Rule No. 120. *Order of Business.*

1. *Roll Call.*
2. *Prayer and Pledge of Allegiance to the Flag.*
3. *Reading and Approval of the Journal.*
4. *Reports of Committees.*
5. *Messages from the Governor.*
6. *Messages from the Assembly.*
7. *Communications.*
8. *Waivers and Exemptions.*
9. *Motions, Resolutions and Notices.*
10. *Introduction, First Reading and Reference.*
11. *Consent Calendar.*
12. *Second Reading and Amendment.*
13. *General File and Third Reading.*
14. *Unfinished Business.*
15. *Special Orders of the Day.*
16. *Remarks from the Floor; Introduction of Guests. A Senator may speak under this order of business for a period of not more than 10 minutes.*

Rule No. 121. *Privilege.*

Any Senator may explain a matter personal to himself or herself by leave of the President, but the Senator shall not discuss any pending proposal in such explanation.

Rule No. 122. *Reserved.*

Rule No. 123. *Reserved.*

Rule No. 124. *Preference to Speak.*

When two or more Senators request to speak at the same time the President shall name the one who may first speak—giving preference, when practicable, to the mover or introducer of the subject under consideration.

Rule No. 125. *Special Order of Business.*

The President shall call the Senate to order on the arrival of the time fixed for the consideration of a special order, and announce that the special order is before the Senate, which shall be considered, unless it be postponed by a majority vote of the Senate, and any business before the Senate at the time of the announcement of the special order shall go to Unfinished Business.

Rule No. 126. *Reserved.*

Rule No. 127. *Reserved.*

Rule No. 128. *Seniority Among Senators.*

1. *The Senate shall determine seniority among the Senators as follows:*

- (a) Credit total continuous service in the Senate first;*
- (b) Credit total noncontinuous service in the Senate second;*
- (c) Credit total continuous service in the Assembly third; and*
- (d) Credit total noncontinuous service in the Assembly fourth.*

2. *In every case where there are ties, those ties are broken by alphabetical order.*

Rule No. 129. *Reserved.*

D. CONTESTS OF ELECTIONS

Rule No. 130. *Procedure.*

1. *The Senate shall not dismiss a statement of contest for want of form if any ground of contest is alleged with sufficient certainty to inform the defendant of the charges he or she is required to meet. The following grounds are sufficient, but are not exclusive:*

- (a) That the election board or any member thereof was guilty of malfeasance.*
- (b) That a person who has been declared elected to an office was not at the time of election eligible to that office.*
- (c) That illegal votes were cast and counted for the defendant, which, if taken from the defendant, will reduce the number of legal votes below the number necessary to elect him or her.*
- (d) That the election board, in conducting the election or in canvassing the returns, made errors sufficient to change the result of the election as to any person who has been declared elected.*
- (e) That the defendant has given, or offered to give, to any person a bribe for the purpose of procuring his or her election.*
- (f) That there was a possible malfunction of any voting or counting device.*

2. *The contest must be submitted so far as may be possible upon depositions or by written or oral arguments as the Senate may order. Any party to a contest may take the deposition of any witness at any time after the statement of contest is filed with the Secretary of State and before the contest is finally decided. At least 5 days' notice must be given to the prospective deponent and to the other party. If oral statements are made at any hearing before the Senate or a committee thereof which purport to establish matters of fact, they must be made under oath. Strict rules of evidence do not apply.*

3. *The contestant has the burden of proving that any irregularities shown were of such nature as to establish the probability that the result of the election was changed thereby. After consideration of all the evidence, the Senate shall declare the defendant elected unless the Senate finds from the evidence that a person other than the defendant received the greatest number of legal votes, in which case the Senate shall declare that person elected.*

E. REMOTE-TECHNOLOGY SYSTEMS

Rule No. 131. *Reserved.*

Rule No. 132. *Reserved.*

Rule No. 133. *Reserved.*

Rule No. 134. *Reserved.*

Rule No. 135. *Reserved.*

Rule No. 136. *Authorized Use of Remote-Technology Systems in Exceptional Circumstances.*

1. *As used in this Rule, "remote-technology system" means any system or other means of communication that is:*

- (a) Approved by the Majority Leader and uses any electronic, digital or other similar technology to enable a member of the Senate from a remote location to attend, participate, vote and take any other action in any proceedings of the Senate or the Committee of the Whole even*

though the member is not physically present within the Senate Chambers or at a meeting of the Committee of the Whole.

(b) Approved by the chair of a committee, other than the Committee of the Whole, and uses any electronic, digital or other similar technology to enable a member of the Senate from a remote location to attend, participate, vote and take any other action in any proceedings of the committee even though the member is not physically present at a meeting of the committee.

2. Upon request by a member of the Senate:

(a) Except as otherwise provided in this paragraph, the Majority Leader may authorize the member to use a remote-technology system to attend, participate, vote and take any other action in any proceedings of the Senate or the Committee of the Whole if the Majority Leader determines that exceptional circumstances warrant such use by the member. If the Majority Leader grants such authorization:

(1) It must be entered in the Journal of the Senate.

(2) A member who uses a remote-technology system to attend or participate in a proceeding of the Senate may not vote on any matter on which a vote is taken in that proceeding unless the member is using the remote-technology system to attend or participate in the proceeding from a location in this State.

(b) The chair of a committee, other than the Committee of the Whole, with the approval of the Majority Leader, may authorize the member to use a remote-technology system to attend, participate, vote and take any other action in any proceedings of the committee if the chair and the Majority Leader determine that exceptional circumstances warrant such use by the member. If the chair grants such authorization, it must be entered in the records of the committee.

3. Except as otherwise provided in subparagraph (2) of paragraph (a) of subsection 2, if a member of the Senate uses a remote-technology system to attend, participate, vote and take any other action in any proceedings pursuant to this Rule, the member shall be deemed to be present and in attendance at the proceedings for all purposes.

4. For the purposes of voting in proceedings of:

(a) The Committee of the Whole, the Secretary of the Senate, or an authorized assistant, shall call the roll of each member who is authorized to use a remote-technology system for the proceedings and, in accordance with the procedures of the Senate, cause the member's vote to be entered into the record for the purposes of the records of the Committee of the Whole.

(b) A committee, other than the Committee of the Whole, the committee secretary shall call the roll of each member who is authorized to use a remote-technology system for the proceedings and, in accordance with the procedures of the committee, cause the member's vote to be entered into the record for the purposes of the records of the committee.

5. Except as otherwise provided in subsection 7 of Senate Standing Rule No. 53, this Rule supersedes, takes precedence and controls over any other rule, provision or principle of law to the extent of any conflict with this Rule.

6. The Senate hereby finds and declares that:

(a) The Nevada Constitution invests each House of the Legislature with certain plenary and exclusive constitutional powers which may be exercised only by that House and which cannot be usurped, infringed or impaired by the other House or by any other branch of Nevada's State Government. (*Heller v. Legislature*, 120 Nev. 456 (2004); *Commission on Ethics v. Hardy*, 125 Nev. 285 (2009); *Mason's Manual of Legislative Procedure* §§ 2-3 & 560-564 (2010) (*Mason's Manual*))

(b) Section 6 of Article 4 of the Nevada Constitution invests each House with plenary and exclusive constitutional powers to determine the rules of its proceedings and to govern, control and regulate its membership and its internal organization, affairs and management, expressly providing that: "Each House shall judge of the qualifications, elections and returns of its own members, choose its own officers (except the President of the Senate), determine the rules of its proceedings and may punish its members for disorderly conduct, and with the concurrence of two thirds of all the members elected, expel a member."

(c) In addition to its plenary and exclusive constitutional powers, each House possesses certain inherent powers of institutional self-protection and self-preservation to govern, control and regulate its membership and its internal organization, affairs and management. (*In re Chapman*, 166 U.S. 661, 668 (1897); *Mason's Manual* § 2; Luther S. Cushing, *Elements of the*

Law & Practice of Legislative Assemblies § 533 (1856) (Cushing's Legislative Assemblies))

(d) The inherent powers of each House are considered "so essential to the authority of a legislative assembly, that it cannot well exist without them; and they are consequently entitled to be regarded as belonging to every such assembly as a necessary incident." (Cushing's Legislative Assemblies § 533)

(e) The inherent powers of each House authorize it to take all necessary and proper institutional actions that are "recognized by the common parliamentary law." (Cushing's Legislative Assemblies § 684)

(f) Thus, it is well established that each House is "vested with all the powers and privileges which are necessary and incidental to a free and unobstructed exercise of its appropriate functions. These powers and privileges are derived not from the Constitution; on the contrary, they arise from the very creation of a legislative body, and are founded upon the principle of self-preservation." (Ex parte McCarthy, 29 Cal. 395, 403 (1866))

(g) Under the Nevada Constitution, there are no constitutional provisions establishing a particular method for determining whether a member of either House is present at legislative proceedings.

(h) The United States Supreme Court has held that when there are no constitutional provisions establishing a particular method for determining whether a member of a legislative house is present at legislative proceedings, "it is therefore within the competency of the house to prescribe any method which shall be reasonably certain to ascertain the fact." (United States v. Ballin, 144 U.S. 1, 6 (1892))

(i) The United States Supreme Court has also held that when a legislative house adopts a rule establishing a reasonable method for determining whether a member is present at legislative proceedings, that rule must be given great deference by the courts because:

Neither do the advantages or disadvantages, the wisdom or folly, of such a rule present any matters for judicial consideration. With the courts the question is only one of power. The constitution empowers each house to determine its rules of proceedings. It may not by its rules ignore constitutional restraints or violate fundamental rights, and there should be a reasonable relation between the mode or method of proceeding established by the rule and the result which is sought to be attained. But within these limitations all matters of method are open to the determination of the house, and it is no impeachment of the rule to say that some other way would be better, more accurate, or even more just. It is no objection to the validity of a rule that a different one has been prescribed and in force for a length of time. The power to make rules is not one which once exercised is exhausted. It is a continuous power, always subject to be exercised by the house, and, within the limitations suggested, absolute and beyond the challenge of any other body or tribunal.

(United States v. Ballin, 144 U.S. 1, 5 (1892))

7. The Senate hereby exercises its constitutional and inherent powers and privileges and adopts this Rule to:

(a) Govern, control and regulate its membership and its internal organization, affairs and management;

(b) Ensure its institutional self-protection and self-preservation; and

(c) Establish a reasonable method for determining whether a member of the Senate is present at legislative proceedings during exceptional circumstances.

The next rule is 140.

IX. LEGISLATIVE INVESTIGATIONS

Rule No. 140. Compensation of Witnesses.

Witnesses summoned to appear before the Senate, or any of its committees, shall be compensated as provided by law for witnesses required to attend in the courts of the State of Nevada.

And be it further

RESOLVED, That this resolution becomes effective upon adoption.

Senator Cannizzaro moved the adoption of the resolution.

Remarks by Senators Hansen, Cannizzaro, President Anthony, Senator Seevers Gansert.

SENATOR HANSEN:
Roll call vote, please.

SENATOR CANNIZZARO:
Before we get there—

PRESIDENT ANTHONY:
Senator Hansen?

SENATOR HANSEN:
Roll call vote, please.

SENATOR CANNIZZARO:
No—Mr. President?

PRESIDENT ANTHONY:
Senator Cannizzaro.

SENATOR CANNIZZARO:
Thank you, Mr. President. Point of order. I think that we need some discussion on the motion.

PRESIDENT ANTHONY:
Does anyone want to make any remarks? Senator Cannizzaro.

SENATOR CANNIZZARO:
Senate Resolution No. 8 helps to change some policies and procedures to allow for the Senate to better coordinate with the Assembly and to conform with some of their rules. This ensures that the Legislature is more accessible to the public. This particular resolution, Senate Resolution No. 8, makes changes to certain Senate rules that bring uniformity between the rules of the Senate and the Assembly.

There is Senate Rule No. 3 to clarify that the Secretary of the Senate has custody of all bills, resolutions, petitions, papers and other documents. Senate Rule No. 14 matches Assembly Rule No. 12 to establish procedures for the Senate to exercise its inherent constitutional power to convene in between sessions to consider and take action on a matter that is just within the sole discretion of the Senate, which would include the affairs and management of the Senate and internal organization. Senate Rule No. 22 is added to match Assembly Rule No. 21 to prohibit persons in the chamber from engaging in ongoing telephone conversations on cell phones when convened, and this rule provides that before entering the Senate Chamber, individuals—members of the chamber must put the phone on silent. This mirrors Assembly Rule No. 21. Senate Rule No. 51 is designed to match Assembly Rule No. 43 to establish procedures for concurrent referrals of bills and resolutions to two committees. Senate Rule No. 94 is amended to match Assembly Rule No. 141 to prohibit the Senate Chamber for being used for any public or private business other than legislative activity except by permission of the Senate. Senate Rule No. 99 is amended to match Assembly Rule No. 96 to prohibit peddling, begging and soliciting within the Senate Chamber and in the lobby, gallery and halls adjacent to the chamber. This will further prohibit certain types of advertisements within the chamber.

SENATOR HANSEN:
That may all be great, but we just got this package—a nice, thick package of rules—what, ten minutes ago? So all the things that the Majority Leader just said may be excellent, but I will absolutely vote "no" simply because as we have been doing with our bills, we have been getting all this stuff at the last minute: amendments that we have not seen; rule changes that we have not seen in the waning hours of the session. This is an absolute embarrassment to the citizens of the State of Nevada, the way we have been doing so much of this stuff where it is last minute where we do not even have the bills printed; we do not have the amendments in time. Now, we are

going to be rushing all these, what, 200 bills or more through today on General File, most of which we have not had the opportunity to vet properly.

So this, I know, is just about Senate Resolution No. 8, but I am going to vote "no" and encourage my colleagues to vote "no" as well. The procedure is out of control and is frankly not right when you are making rules that effect more than 3 million human beings. So I am urging my colleagues to vote "no," and I am calling for a roll call on this one.

SENATOR SEEVERS GANSERT:

A copy of this was distributed to our caucus about three weeks ago, and we had some discussions with staff about this. We have not seen it in the chamber, and I guess I need assurances this is the same document that was passed out to us about three weeks ago that Mr. Bucy went over, and we had some questions for legal counsel as well. I know it has been very chaotic because it seems like everything is getting dropped on us, which some things are just getting dropped here. But this was provided to us, a copy, so we could look at it and examine it earlier, but this is the first time we have seen it on the floor.

SENATOR CANNIZZARO:

To my colleague from Senate District 15's question, yes, this is the exact same document that has been distributed for quite some weeks.

PRESIDENT ANTHONY:

Any other remarks?

Senator Hansen, have you requested a roll call vote?

SENATOR HANSEN:

No. I apparently was in error on that, so I do apologize to my colleagues. However, this is the first time I have seen it. It may be just a rising level of frustration. In the last days of the session, that is just one of dozens of amendments that are being piled on top of us, bills we have not seen and so forth. So I will withdraw my request on behalf of the Minority Leader, but I want to make it clear though that there is obviously a mad rush that is inappropriate considering, I do not know, how many Fridays we took off around this place when we should have been here doing our business. Now, we see this ridiculous last-minute crush, and frankly we are not properly doing this process. So I will withdraw my request for a roll call on behalf of the Minority Leader's request.

SENATOR CANNIZZARO:

I did, in fact, share this with my colleague from Senate District 15 and to my colleague from Senate District 14. This was something that we had intended to do. Unfortunately, there was some intervening events in my own personal life that then rendered this to fall towards a lower list. I apologize that we are doing it today, but I was busy bringing a human into the world.

Resolution adopted.

By Senator Cannizzaro:

Senate Resolution No. 9—Expressing appreciation to the staff of the Senate for their service during the 82nd Session of the Nevada Legislature.

WHEREAS, The Senate of the 82nd Session of the Nevada Legislature elected Brendan Bucy to serve as Secretary of the Senate for the first time; and

WHEREAS, The Secretary of the Senate is responsible for employing all of the staff of the Senate, including the Sergeants at Arms, Front Desk Clerks, Administrative Services Staff, Leadership Officers, Legislative Assistants, Committee Managers, Committee Secretaries and Proofreaders; and

WHEREAS, Many of the dedicated members of the staff of the Senate return to work each legislative session, some of whom have retired from other governmental service, bringing a vast amount of knowledge and experience, while others bring talent and expertise from a myriad of diverse backgrounds; and

WHEREAS, Throughout the legislative session, the Secretary and staff of the Senate

meticulously maintained a thorough and accurate record of all of the proceedings of the Senate and its Committees and diligently ensured that all of the needs of the members of the Senate were met; and

WHEREAS, The talented staff who worked for the Senate during the 82nd Session of the Nevada Legislature carried out their responsibilities with ingenuity, enthusiasm and resourcefulness; and

WHEREAS, The exemplary service of the staff of the Senate, their professional attitudes, selfless commitment to excellence and admirable efficiency enabled the Senate to complete a daunting quantity of work within the rigorous scheduling deadlines of the 120-day legislative session; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, That the members of the Senate do hereby express their sincere appreciation to the Secretary of the Senate and all of the outstanding members of the staff of the Senate and commend their dedication, cooperation, excellent work and willingness to serve the State; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to each member of the staff of the Senate; and be it further

RESOLVED, That this resolution becomes effective upon adoption.

Senator Cannizzaro moved the adoption of the resolution.

Remarks by Senators Cannizzaro and SeEVERS Gansert.

SENATOR CANNIZZARO:

I wanted to just express, I think, what is a deep appreciation and gratitude towards our phenomenal staff, who have kept us working this entire legislative session, through late nights, early mornings, afternoons, evenings and I think just about every other place in between. From everyone here at the Front Desk to our Sergeant at Arms, our IT staff, who are working diligently to get us back up and running on the screen today, to everyone in this building who works for the Legislative Counsel Bureau, Legal, Research, Fiscal, Administrative do work every single day to make sure that this building can operate and that we can serve the people of Nevada. Frankly, the 21 of us in this chamber and the 42 of our colleagues in the chamber across the way, as lovely as many of them are, we just cannot do this alone. This is not something that happens without all of you. So I just wanted to express our sincere and heartfelt "thank you."

Even though we might not say it in the day-to-day or every hour, even though there may be many of us who have purchased boxes of thank you cards intended to be distributed out and maybe never made it to your desks, we do think of you on a daily basis and I think overwhelmingly have just a lot of appreciation and gratitude for everything. It has been a wonderful session working with everybody, and like always, I am amazed by your ability to do what you all do every single day. So I just wanted to express a "thank you" and would urge all of my colleagues who I know in their hearts feel exactly the same way to say a huge "thank you" to everyone here with us and everyone who is listening to us online. All the staff who keep us going, you really are the heart and soul of this institution, and we could not do the work without you. So thank you.

SENATOR SEEVERS GANSERT:

I completely concur with the Majority Leader; I like to say that every now and then. We are so grateful for everything that you do, and you know, the last weeks are always really difficult, as are deadlines. You make sure this place works, even when we have technical difficulties, and we have things that do not match up and the agendas are not ready. This is to all of you here, but I am also speaking to our Legal staff for making sure we get the amendments done. And to Fiscal staff who work day and night, I mean, we show up in the morning and all the stuff is balanced and ready to go again. I do not know how they do it, if they have some elves somewhere. I asked one of them. I asked Cathy Crockett the other day, "Who is working on the work session documents because you are here doing this, and you are reading information so we can hear the bills?" Literally, they each are typing the work session documents as we are hearing the bills so that things are ready to go because of the speed at which we have to turn things in this building.

So Legal, Research, Fiscal, our Audit division, just everyone does an amazing job. I mentioned yesterday the people who take care of the building. Those who make sure that we are fed, so our Sergeant at Arms, the team here, and you know, those folks taking pictures and making sure that everyone who appears on this floor has a notion of what this means, how powerful it is here and how important this is. So you help us convey how important this place is and the level of decorum that we require, and how we treat each other respectfully, how we work together, how we try to find common ground. So thank you for being the backbone of this place.

Resolution adopted.

By Committee on Legislative Operations and Elections.

Assembly Concurrent Resolution No. 8—Granting administrative leave to legislative employees in recognition of their service to the 82nd Session of the Nevada Legislature.

WHEREAS, The staff of the Nevada Legislature and the Administrative, Audit, Fiscal Analysis, Legal and Research Divisions of the Legislative Counsel Bureau provide services to the Legislature which are vital to an efficient and productive session of the Nevada Legislature; and

WHEREAS, The additional employees hired specifically for the legislative session also provide essential services with dedication, competence and enthusiasm throughout the long days of the session; and

WHEREAS, Extraordinary demands are routinely placed on legislative employees as a result of the time constraints of the 120-day limitation on the length of the legislative session, and the entire legislative staff has demonstrated their amazing work ethic and ability to overcome obstacles, meet deadlines, assist legislators, exhibit patience, flexibility and dedication; and

WHEREAS, Former Assemblyman Bob Price and Former Senator Debbie Smith had a tradition of introducing legislation to allow the Legislature to recognize the hard work and dedication of legislative employees by granting administrative leave following each legislative session; and

WHEREAS, In keeping with that tradition, the members of the 82nd session of the Nevada Legislature do hereby recognize and express their sincere gratitude for the outstanding effort made by the permanent employees of the Legislature and Legislative Counsel Bureau and by all other employees hired temporarily for the legislative session; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That 5 days of administrative leave are hereby granted to each:

1. Permanent employee of the Legislature and Legislative Counsel Bureau who is employed on the last day of session; and

2. Employee of the Legislature and Legislative Counsel Bureau hired temporarily for the legislative session who:

- (a) Is employed by the Legislature or Legislative Counsel Bureau on the last day of this session; and

- (b) If requested to do so by the employee's supervisor, remains in that employment after the last day of this session until all tasks assigned to the employee during the session are completed; and be it further

RESOLVED, That this resolution becomes effective upon adoption.

Senator Cannizzaro moved the adoption of the resolution.

Remarks by Senators Cannizzaro and SeEVERS Gansert.

SENATOR CANNIZZARO:

Assembly Concurrent Resolution No. 8 grants administrative leave—and I believe it is five days—to staff within the Legislative Council Bureau including Administrative, Legal, Research, Fiscal, and I am sure I am forgetting a few other folks—permanent staff within the Legislature—in recognition of the really long hours and service that is given to this institution, to our very facet of government and to this body each and every day. I think that is probably the

least that we can do around here to say "thank you" in a real way that hopefully gives some time for rest, family and friends and the things that make this life and the things that we do in it so much more enjoyable. It is an opportunity to focus on that which keeps us going in the late hours. So I just—again, a huge "thank you" and hopefully a token of appreciation that will be meaningful and will allow for some rejuvenation to help make sure that, you know, it is not all work and no play amongst our lives. So I just want to again say "thank you" and urge my colleagues' support.

SENATOR SEEVERS GANSERT:

I, too, urge support of Assembly Concurrent Resolution No. 8, I think it is. We do not have it up here, but you know, being able to provide some time to our staff is critical. I think everybody, again, has worked so hard, and going back to the appreciation, everybody deserves some time off after this. We are hoping to make sure things go more smoothly today. I hope you all can get your five days in, make the best of it with your family and friends.

Resolution adopted.

Resolution ordered transmitted to the Assembly.

UNFINISHED BUSINESS

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 38.

The following Assembly amendment was read:

Amendment No. 591.

SUMMARY—Revises provisions relating to offenses against children.
(BDR 15-425)

AN ACT relating to crimes; prohibiting certain employees of or volunteers at a school from contacting or communicating with a pupil under certain circumstances; prohibiting certain employees of or volunteers at a school from engaging in conduct intended to cause or encourage a pupil to engage in sexual conduct, transmit or distribute a sexual image of the pupil or engage in certain other behavior; ~~providing that certain crimes committed against pupils constitute sexual offenses for the purposes of various statutes; providing that certain persons who are convicted of engaging in~~ prohibiting a court from ordering a victim or witness of such conduct ~~are~~ to be subject to ~~various statutory provisions relating to sex offenders;~~ a psychological or psychiatric examination; providing that certain persons who are convicted of engaging in such conduct are subject to various statutory provisions relating to electronic communications devices; revising provisions relating to the licensure and employment of persons convicted of engaging in certain prohibited conduct with pupils; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~Existing law imposes criminal penalties on any person who knowingly contacts or communicates with a child, a person believed to be a child or a person with mental illness with the intent to persuade, lure or transport the child or person to a different location without permission or for certain purposes. (NRS 201.560) Section 2 of this bill defines "person in a position of authority" to mean a person who is 18 years of age or older and who: (1) is or was employed by or volunteering at a public or private school; and (2) has~~

~~had contact with a pupil in the course of performing his or her duties as an employee or volunteer. Unless a greater penalty is provided by statute, section 2 provides that a person in a position of authority is guilty of a category C felony if he or she knowingly contacts or communicates with or attempts to contact or communicate with a pupil who is less than 18 years of age with the intent to persuade, lure or transport the pupil away from certain locations and with the intent to: (1) engage in the commission of a crime punishable as a felony or gross misdemeanor; or (2) cause or encourage the pupil to engage in an unlawful act that, if committed by an adult, would be a felony or gross misdemeanor or facilitate the commission by the person in a position of authority of such an act.]~~

Existing law prohibits certain employees of or volunteers at a school from engaging in sexual conduct with certain pupils. (NRS 201.540) Existing law also prohibits: (1) a person from possessing a visual representation depicting a sexual portrayal or sexual conduct of certain minors; and (2) a minor from using an electronic communication device to transmit or distribute a sexual image of himself or herself to another person. (NRS 200.730, 200.737) Unless a greater penalty is provided by specific statute, section 2 of this bill provides that a person in a position of authority is guilty of a category C felony if he or she knowingly contacts or communicates with or attempts to contact or communicate with a pupil with the intent to: (1) engage in the commission of a crime punishable as a felony or gross misdemeanor; or (2) cause or encourage the pupil to engage in sexual conduct, use an electronic communication device to transmit or distribute a sexual image of himself or herself to the person or facilitate the commission of an unlawful act that, if committed by an adult, would be a felony or gross misdemeanor. Section 2 creates an exemption from the crime prescribed in section 2 if the person in a position of authority: (1) is married to the pupil at the time an act prohibited by section 2 is committed; (2) does not have or did not have contact with the pupil in the course of performing any of his or her duties; or (3) takes certain action upon receipt of an unsolicited sexual image or communication of a sexual nature from a pupil. Section 4 of this bill makes a conforming change to indicate the proper placement of section 2 in the Nevada Revised Statutes.

~~[Section 1 of this bill makes certain penalties which are applicable to a person who commits sexual assault against certain minors and who has previously been convicted of another sexual assault or other sexual offense against a child applicable to a person who commits sexual assault against the same such minors and who has been previously convicted of a violation of section 2.]~~

Existing law makes certain conduct relating to the exhibition or sale to minors of obscene material a misdemeanor offense, unless a greater penalty is provided by specific statute. (NRS 201.265) Section 3 of this bill adds a violation of section 2 to the list of specific statutes in which a greater penalty is provided.

Existing law prohibits a court from ordering the victim of or a witness to

certain sexual offenses to take or submit to a psychological or psychiatric examination. (NRS 50.700) Section 5 of this bill adds a violation of section 2 to the list of sexual offenses to which that prohibition applies.

~~[Existing law: (1) requires a court to include a special sentence of lifetime supervision for any person convicted of certain sexual offenses; and (2) provides certain conditions of lifetime supervision. (NRS 176.0931, 213.1243) Sections 6 and 16 of this bill add a violation of section 2 to the list of sexual offenses that require a special sentence of lifetime supervision and for which conditions of lifetime supervision apply.]~~

~~Existing law: (1) requires that a person convicted of certain sexual offenses undergo a psychosexual evaluation as part of the presentence investigation report prepared by the Division of Parole and Probation of the Department of Public Safety; and (2) prohibits a court from granting probation to or suspending the sentence of a person convicted of certain sexual offenses, unless the person who conducts the evaluation certifies that the person convicted of the sexual offense does not represent a high risk to reoffend. (NRS 176.135, 176A.110) Sections 7 and 8 of this bill add a violation of section 2 to the list of sexual offenses that require a special sentence of lifetime supervision and for which certain conditions of lifetime supervision apply. Existing law similarly requires the Department of Corrections to assess each prisoner who has been convicted of a sexual offense before a scheduled parole hearing to determine the prisoner's risk to reoffend. (NRS 213.1214) Section 17 of this bill adds a violation of section 2 to the list of offenses which require such an assessment.]~~

Existing law requires a court that grants probation to or suspends the sentence of certain persons convicted of an offense that involved the use of a computer, system or network to order, as a condition of probation or suspension, that the person not own or use a computer. (NRS 176A.413) Section 9 of this bill: (1) adds certain violations of section 2 to the list of offenses for which a court is required to issue such an order; and (2) provides that the prohibition on owning or using a computer includes any electronic communication device. Existing law similarly requires the State Board of Parole Commissioners to require that certain persons convicted of an offense that involved the use of a computer, system or network not own or use a computer. (NRS 213.1258) Section 18 of this bill: (1) adds certain violations of section 2 to the list of offenses for which the Board is required to impose this condition of parole; and (2) provides that the prohibition on owning or using a computer includes any electronic communication device.

~~[Existing law requires a court to provide certain documentation to each victim and witness and certain other persons if an offender is convicted of certain sexual offenses. (NRS 178.5698) Section 10 of this bill requires that such documentation be provided to such persons if an offender is convicted of a violation of section 2.]~~

~~Section 11 of this bill makes the provisions of law which prohibit a person convicted of a sexual offense from petitioning a court to seal the records~~

~~relating to such a conviction applicable to a person convicted of a violation of section 2. (NRS 179.245)]~~

Existing law allows a judge to grant an order authorizing the interception of certain communications when the interception may provide evidence of the commission of ~~[a sexual offense against a child.]~~ certain offenses. (NRS 179.460) Section 12 of this bill adds a violation of section 2 to the list of ~~[sexual]~~ offenses ~~[against a child]~~ for which a judge may grant such an order.

~~[Existing law defines the term "sexual offense" for the purpose of requiring persons convicted of certain sexual offenses to be prohibited from certain employment, to register as a sex offender, to comply with certain mandatory conditions of probation or parole and to fulfill certain other requirements. (NRS 118A.335, 176A.410, 179D.095, 179D.097, 179D.441, 213.1099, 213.1245) Section 13 of this bill revises the list of sexual offenses to which these statutory provisions apply to include a violation of section 2.]~~

~~Section 14 of this bill adds a violation of section 2 to the list of offenses used to classify a sex offender as a Tier II offender for the purposes of meeting certain requirements for registration of sex offenders. (NRS 179D.115) Section 15 of this bill makes conforming changes related to numbering changes made in sections 13 and 14.]~~

Sections 19-25 and 33 of this bill authorize the board of trustees of a school district, the governing body of a public or private school and the administrator of a private school to use a substantiated report of a violation of section 2 for purposes of making certain employment decisions and certain other purposes. (NRS 288.150, 388A.515, 388A.5342, 388C.200, 391.033, 391.104, 391.281, 394.155)

Existing law requires the Superintendent of Public Instruction to grant all licenses for teachers and other educational personnel. (NRS 391.033) Section 23 of this bill requires the Superintendent to suspend the application process for an applicant for licensure against whom a substantiated report of a violation of section 2 is made and take certain other actions related to the report.

Existing law authorizes the State Board of Education to suspend or revoke a license issued by the Superintendent if the licensee is convicted of certain ~~[sex]~~ offenses or a substantiated report of certain prohibited conduct is made against the licensee. (NRS 391.330) Section 26 of this bill: (1) adds a violation of section 2 to the list of ~~[sex]~~ offenses for which the State Board may suspend or revoke a license; and (2) authorizes the State Board to suspend or revoke the license of a person against whom a substantiated report of a violation of section 2 is made. Existing law authorizes the State Board to bill an employee for certain expenses related to a disciplinary hearing if the hearing results from a recommendation to revoke or suspend a license based upon certain convictions described in section 26. (NRS 391.355) Section 26.5 of this bill adds a conviction of a violation of section 2 to the list of hearings for which the State Board may bill an employee.

Existing law authorizes the board of trustees of a school district or the governing body of a public school to suspend, dismiss, demote or refuse to employ a teacher or administrator for immorality. (NRS 391.650, 391.750) Existing law also authorizes the superintendent of a school district to suspend a licensed employee who has been charged but not yet convicted of a crime involving immorality. (NRS 391.760) Sections 27 and 28 of this bill add a violation of section 2 to the list of immoral acts for which such action may be taken. Section 28 also provides that a licensed employee who is convicted of a violation of section 2 forfeits all rights of employment after the date of his or her arrest.

Existing law requires an employee of or a volunteer for a school to report certain conduct to an agency which provides child welfare services and to a law enforcement agency. (NRS 392.303) Section 29 of this bill additionally requires an employee of or a volunteer for a school to make such a report for a violation of section 2. Sections 29-32 of this bill make conforming changes relating to the requirement that an employee or a volunteer make such a report. (NRS 392.317, 392.337)

Section 34 of this bill requires the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child to contain the information in any substantiated report of a violation of section 2. (NRS 432.100) Section 36 of this bill requires certain employers to screen employees through the Central Registry to determine whether the person has been the subject of a substantiated report of a violation of section 2. (NRS 433.639) Section 35 of this bill makes a conforming change relating to the inclusion in the Central Registry of information relating to a violation of section 2.

Section 37 of this bill makes the amendatory provisions of sections 1-36 apply to offenses committed on and after October 1, 2023.

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

Section 1. ~~{NRS 200.366 is hereby amended to read as follows:~~
~~200.366 1. A person is guilty of sexual assault if the person:~~
~~— (a) Subjects another person to sexual penetration, or forces another person to make a sexual penetration on themselves or another, or on a beast, against the will of the victim or under conditions in which the perpetrator knows or should know that the victim is mentally or physically incapable of resisting or understanding the nature of the perpetrator's conduct; or~~
~~— (b) Commits a sexual penetration upon a child under the age of 14 years or causes a child under the age of 14 years to make a sexual penetration on themselves or another, or on a beast.~~
~~2. Except as otherwise provided in subsections 3 and 4, a person who commits a sexual assault is guilty of a category A felony and shall be punished:~~
~~— (a) If substantial bodily harm to the victim results from the actions of the defendant committed in connection with or as a part of the sexual assault, by~~

~~imprisonment in the state prison:~~

~~— (1) For life without the possibility of parole; or~~

~~— (2) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 15 years has been served.~~

~~— (b) If no substantial bodily harm to the victim results, by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served.~~

~~— 3. Except as otherwise provided in subsection 4, a person who commits a sexual assault against a child under the age of 16 years is guilty of a category A felony and shall be punished:~~

~~— (a) If the crime results in substantial bodily harm to the child, by imprisonment in the state prison for life without the possibility of parole.~~

~~— (b) Except as otherwise provided in paragraph (c), if the crime does not result in substantial bodily harm to the child, by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 25 years has been served.~~

~~— (c) If the crime is committed against a child under the age of 14 years and does not result in substantial bodily harm to the child, by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 35 years has been served.~~

~~— 4. A person who commits a sexual assault against a child under the age of 16 years and who has been previously convicted of:~~

~~— (a) A sexual assault pursuant to this section or any other sexual offense against a child; or~~

~~— (b) An offense committed in another jurisdiction that, if committed in this State, would constitute a sexual assault pursuant to this section or any other sexual offense against a child,~~

~~— is guilty of a category A felony and shall be punished by imprisonment in the state prison for life without the possibility of parole.~~

~~— 5. The provisions of this section do not apply to a person who is less than 18 years of age and who commits any of the acts described in paragraph (b) of subsection 1 if the person is not more than 2 years older than the person upon whom the act was committed unless:~~

~~— (a) The person committing the act uses force or threatens the use of force; or~~

~~— (b) The person committing the act knows or should know that the victim is mentally or physically incapable of resisting or understanding the nature of the perpetrator's conduct.~~

~~— 6. For the purpose of this section, "other sexual offense against a child" means any act committed by an adult upon a child constituting:~~

~~— (a) Incest pursuant to NRS 201.180;~~

~~— (b) Lewdness with a child pursuant to NRS 201.230;~~

~~— (c) Sado-masochistic abuse pursuant to NRS 201.262; [or]~~

~~— (d) Luring a child using a computer, system or network pursuant to NRS 201.560, if punished as a felony [.] ; or~~

~~—(e) A violation of section 2 of this act. (Deleted by amendment.)~~

Sec. 2. Chapter 201 of NRS is hereby amended by adding thereto a new section to read as follows:

~~1. Except as otherwise provided in subsection 3 and unless a greater penalty is provided by specific statute, a person in a position of authority who knowingly contacts or communicates with or attempts to contact or communicate with a pupil who is less than 18 years of age with the intent to persuade, lure or transport the pupil away from the pupil's home or from any location known to the pupil's parent or guardian or other person legally responsible for the pupil to a place other than where the pupil is located and with the intent to:~~

~~—(a) Engage in the commission of a crime punishable as a felony or gross misdemeanor; or~~

~~—(b) Cause or encourage the pupil to:~~

~~—(1) Engage in an unlawful act that, if committed by an adult, would be a felony or gross misdemeanor; or~~

~~—(2) Facilitate the commission by the person in a position of authority of a crime punishable as a felony or gross misdemeanor,~~

~~↪ is guilty of a category C felony and shall be punished as provided in NRS 193.130.~~

~~—2.1~~ Except as otherwise provided in subsection ~~{3}~~ 2 and unless a greater penalty is provided by specific statute, a person in a position of authority who knowingly contacts or communicates with or attempts to contact or communicate with a pupil with the intent to:

(a) Engage in the commission of a crime punishable as a felony or gross misdemeanor; or

(b) Cause or encourage the pupil to:

(1) Engage in sexual conduct, either in person or through the use of an electronic communication device;

(2) Use an electronic communication device to transmit or distribute a sexual image of himself or herself to the person;

(3) Engage in an unlawful act that, if committed by an adult, would be a felony or gross misdemeanor; or

(4) Facilitate the commission by the person in a position of authority of a crime punishable as a felony or gross misdemeanor,

↪ is guilty of a category C felony and shall be punished as provided in NRS 193.130.

~~{3}~~ 2. The provisions of this section do not apply if the person in a position of authority:

(a) Is married to the pupil at the time an act prohibited by this section is committed;

(b) Does not have or did not have contact with the pupil in the course of performing any of his or her duties; or

(c) Receives from a pupil, by electronic communication device, an unsolicited sexual image or communication of a sexual nature and reports

the image or communication to the principal, administrator or other person in charge of the school at which the person is employed or volunteers as soon as reasonably practicable after receipt of the image or communication.

~~4.4~~ 3. As used in this section:

(a) "Electronic communication device" has the meaning ascribed to it in NRS 200.737.

(b) "Person in a position of authority" means a person who is 18 years of age or older and who:

(1) Is or was an employee at or volunteer for a public school or private school; and

(2) Has had contact with a pupil in the course of performing his or her duties as an employee or volunteer.

(c) "Pupil" means a person who is or was enrolled in or attending a public school or private school.

(d) "Sexual conduct" has the meaning ascribed to it in NRS 201.520 and also includes sexual conduct between two persons who are in different physical locations but who are communicating with each other through the use of an electronic communication device.

(e) "Sexual image" means any visual depiction, including, without limitation, any photograph or video of a pupil simulating or engaging in sexual conduct or of the pupil as the subject of a sexual portrayal.

(f) "Sexual portrayal" has the meaning ascribed to it in NRS 200.700.

Sec. 3. NRS 201.265 is hereby amended to read as follows:

201.265 Except as otherwise provided in NRS 200.720 and 201.2655, and unless a greater penalty is provided pursuant to NRS 201.560 ~~or~~ or section 2 of this act, a person is guilty of a misdemeanor if the person knowingly:

1. Distributes or causes to be distributed to a minor material that is harmful to minors, unless the person is the parent, guardian or spouse of the minor.

2. Exhibits for distribution to an adult in such a manner or location as to allow a minor to view or to have access to examine material that is harmful to minors, unless the person is the parent, guardian or spouse of the minor.

3. Sells to a minor an admission ticket or pass for or otherwise admits a minor for monetary consideration to any presentation of material that is harmful to minors, unless the minor is accompanied by his or her parent, guardian or spouse.

4. Misrepresents that he or she is the parent, guardian or spouse of a minor for the purpose of:

(a) Distributing to the minor material that is harmful to minors; or

(b) Obtaining admission of the minor to any presentation of material that is harmful to minors.

5. Misrepresents his or her age as 18 or over for the purpose of obtaining:

(a) Material that is harmful to minors; or

(b) Admission to any presentation of material that is harmful to minors.

6. Sells or rents motion pictures which contain material that is harmful to minors on the premises of a business establishment open to minors, unless the person creates an area within the establishment for the placement of the motion pictures and any material that advertises the sale or rental of the motion pictures which:

(a) Prevents minors from observing the motion pictures or any material that advertises the sale or rental of the motion pictures; and

(b) Is labeled, in a prominent and conspicuous location, "Adults Only."

Sec. 4. NRS 201.470 is hereby amended to read as follows:

201.470 As used in NRS 201.470 to 201.550, inclusive, *and section 2 of this act*, unless the context otherwise requires, the words and terms defined in NRS 201.480 to 201.530, inclusive, have the meanings ascribed to them in those sections.

Sec. 5. NRS 50.700 is hereby amended to read as follows:

50.700 1. In any criminal or juvenile delinquency action relating to the commission of a sexual offense, a court may not order the victim of or a witness to the sexual offense to take or submit to a psychological or psychiatric examination.

2. The court may exclude the testimony of a licensed psychologist, psychiatrist or clinical social worker who performed a psychological or psychiatric examination on the victim or witness if:

(a) There is a prima facie showing of a compelling need for an additional psychological or psychiatric examination of the victim or witness by a licensed psychologist, psychiatrist or clinical social worker; and

(b) The victim or witness refuses to submit to an additional psychological or psychiatric examination by a licensed psychologist, psychiatrist or clinical social worker.

3. In determining whether there is a prima facie showing of a compelling need for an additional psychological or psychiatric examination of the victim or witness pursuant to subsection 2, the court must consider whether:

(a) There is a reasonable basis for believing that the mental or emotional state of the victim or witness may have affected his or her ability to perceive and relate events relevant to the criminal prosecution; and

(b) Any corroboration of the offense exists beyond the testimony of the victim or witness.

4. If the court determines there is a prima facie showing of a compelling need for an additional psychological or psychiatric examination of the victim or witness, the court shall issue a factual finding that details with particularity the reasons why an additional psychological or psychiatric examination of the victim or witness is warranted.

5. If the court issues a factual finding pursuant to subsection 4 and the victim or witness consents to an additional psychological or psychiatric examination, the court shall set the parameters for the examination consistent with the purpose of determining the ability of the victim or witness to perceive and relate events relevant to the criminal prosecution.

6. As used in this section, "sexual offense" includes, without limitation:
- (a) Sexual assault pursuant to NRS 200.366;
 - (b) Statutory sexual seduction pursuant to NRS 200.368;
 - (c) Battery with intent to commit sexual assault pursuant to NRS 200.400;
 - (d) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation;
 - (e) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive;
 - (f) Incest pursuant to NRS 201.180;
 - (g) Open or gross lewdness pursuant to NRS 201.210;
 - (h) Indecent or obscene exposure pursuant to NRS 201.220;
 - (i) Lewdness with a child pursuant to NRS 201.230;
 - (j) Sexual penetration of a dead human body pursuant to NRS 201.450;
 - (k) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this section;
 - (l) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this section;
 - (m) Luring a child or a person with mental illness pursuant to NRS 201.560;
 - (n) An offense that is found to be sexually motivated pursuant to NRS 175.547 or 207.193;
 - (o) Pandering of a child pursuant to NRS 201.300;
 - (p) *A violation of section 2 of this act;*
 - (q) Any other offense that has an element involving a sexual act or sexual conduct with another person; or
 - ~~{(q)}~~-(r) Any attempt or conspiracy to commit an offense listed in this subsection.

Sec. 6. ~~[NRS 176.0931 is hereby amended to read as follows:~~
~~176.0931 1. If a defendant is convicted of a sexual offense, the court shall include in sentencing, in addition to any other penalties provided by law, a special sentence of lifetime supervision.~~
~~2. The special sentence of lifetime supervision commences after any period of probation or any term of imprisonment and any period of release on parole.~~
~~3. A person sentenced to lifetime supervision may petition the sentencing court or the State Board of Parole Commissioners for release from lifetime supervision. The sentencing court or the Board shall grant a petition for release from a special sentence of lifetime supervision if:~~
~~(a) The person has complied with the requirements of the provisions of NRS 179D.010 to 179D.550, inclusive;~~
~~(b) The person has not been convicted of an offense that poses a threat to~~

~~the safety or well being of others for an interval of at least 10 consecutive years after the person's last conviction or release from incarceration, whichever occurs later; and~~

~~— (c) The person is not likely to pose a threat to the safety of others, as determined by a licensed, clinical professional who has received training in the treatment of sexual offenders, if released from lifetime supervision.~~

~~— 4. A person who is released from lifetime supervision pursuant to the provisions of subsection 3 remains subject to the provisions for registration as a sex offender and to the provisions for community notification, unless the person is otherwise relieved from the operation of those provisions pursuant to the provisions of NRS 179D.010 to 179D.550, inclusive.~~

~~— 5. As used in this section:~~

~~— (a) "Offense that poses a threat to the safety or well being of others" includes, without limitation:~~

~~— (1) An offense that involves:~~

~~— (I) A victim less than 18 years of age;~~

~~— (II) A crime against a child as defined in NRS 179D.0357;~~

~~— (III) sexual offense as defined in NRS 179D.097;~~

~~— (IV) A deadly weapon, explosives or a firearm;~~

~~— (V) The use or threatened use of force or violence;~~

~~— (VI) Physical or mental abuse;~~

~~— (VII) Death or bodily injury;~~

~~— (VIII) An act of domestic violence;~~

~~— (IX) Harassment, stalking, threats of any kind or other similar acts;~~

~~— (X) The forcible or unlawful entry of a home, building, structure, vehicle or other real or personal property; or~~

~~— (XI) The infliction or threatened infliction of damage or injury, in whole or in part, to real or personal property.~~

~~— (2) Any offense listed in subparagraph (1) that is committed in this State or another jurisdiction, including, without limitation, an offense prosecuted in:~~

~~— (I) A tribal court;~~

~~— (II) A court of the United States or the Armed Forces of the United States.~~

~~— (b) "Sexual offense" means:~~

~~— (1) A violation of NRS 200.366, subsection 4 of NRS 200.400, NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS 201.180, 201.230, 201.450, 201.540 or 201.550 or paragraph (a) or (b) of subsection 4 or paragraph (a) or (b) of subsection 5 of NRS 201.560 [;] or section 2 of this act;~~

~~— (2) An attempt to commit an offense listed in subparagraph (1); or~~

~~— (3) An act of murder in the first or second degree, kidnapping in the first or second degree, false imprisonment, burglary or invasion of the home if the act is determined to be sexually motivated at a hearing conducted pursuant to NRS 175.547. (Deleted by amendment.)~~

Sec. 7. ~~[NRS 176.133 is hereby amended to read as follows:~~

~~176.133 As used in NRS 176.133 to 176.161, inclusive, unless the context otherwise requires:~~

~~1. "Person professionally qualified to conduct psychosexual evaluations" means a person who has received training in conducting psychosexual evaluations and is:~~

~~(a) A psychiatrist licensed to practice medicine in this State and certified by the American Board of Psychiatry and Neurology, Inc.;~~

~~(b) A psychologist licensed to practice in this State;~~

~~(c) A social worker holding a master's degree in social work and licensed in this State as a clinical social worker;~~

~~(d) A registered nurse holding a master's degree in the field of psychiatric nursing and licensed to practice professional nursing in this State;~~

~~(e) A marriage and family therapist licensed in this State pursuant to chapter 641A of NRS; or~~

~~(f) A clinical professional counselor licensed in this State pursuant to chapter 641A of NRS.~~

~~2. "Psychosexual evaluation" means an evaluation conducted pursuant to NRS 176.139.~~

~~3. "Sexual offense" means:~~

~~(a) Sexual assault pursuant to NRS 200.366;~~

~~(b) Statutory sexual seduction pursuant to NRS 200.368, if punished as a felony;~~

~~(c) Battery with intent to commit sexual assault pursuant to NRS 200.400;~~

~~(d) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation and is punished as a felony;~~

~~(e) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive;~~

~~(f) Incest pursuant to NRS 201.180;~~

~~(g) Open or gross lewdness pursuant to NRS 201.210, if punished as a felony;~~

~~(h) Indecent or obscene exposure pursuant to NRS 201.220, if punished as a felony;~~

~~(i) Lewdness with a child pursuant to NRS 201.230;~~

~~(j) Sexual penetration of a dead human body pursuant to NRS 201.450;~~

~~(k) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540;~~

~~(l) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550;~~

~~(m) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony;~~

~~(n) A violation of section 2 of this act;~~

~~(o) An attempt to commit an offense listed in paragraphs (a) to [(m),] (n), inclusive, if punished as a felony; or~~

~~[(o)] (p) An offense that is determined to be sexually motivated pursuant~~

~~to NRS 175.547 or 207.193.] (Deleted by amendment.)~~

~~Sec. 8. [NRS 176A.110 is hereby amended to read as follows:~~

~~176A.110 1. The court shall not grant probation to or suspend the sentence of a person convicted of an offense listed in subsection 2 unless:~~

~~— (a) If a psychosexual evaluation of the person is required pursuant to NRS 176.139, the person who conducts the psychosexual evaluation certifies in the report prepared pursuant to NRS 176.139 that the person convicted of the offense does not represent a high risk to reoffend based upon a currently accepted standard of assessment; or~~

~~— (b) If a psychosexual evaluation of the person is not required pursuant to NRS 176.139, a psychologist licensed to practice in this State who is trained to conduct psychosexual evaluations or a psychiatrist licensed to practice medicine in this State who is certified by the American Board of Psychiatry and Neurology, Inc., and is trained to conduct psychosexual evaluations certifies in a written report to the court that the person convicted of the offense does not represent a high risk to reoffend based upon a currently accepted standard of assessment.~~

~~2. This section does not create a right in any person to be certified or to continue to be certified. No person may bring a cause of action against the State, its political subdivisions, or the agencies, boards, commissions, departments, officers or employees of the State or its political subdivisions for not certifying a person pursuant to this section or for refusing to consider a person for certification pursuant to this section.~~

~~3. The provisions of this section apply to a person convicted of any of the following offenses:~~

~~— (a) Attempted sexual assault of a person who is 16 years of age or older pursuant to NRS 200.366.~~

~~— (b) Statutory sexual seduction pursuant to NRS 200.368.~~

~~— (c) Battery with intent to commit sexual assault pursuant to NRS 200.400.~~

~~— (d) Abuse or neglect of a child pursuant to NRS 200.508.~~

~~— (e) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.~~

~~— (f) Incest pursuant to NRS 201.180.~~

~~— (g) Open or gross lewdness pursuant to NRS 201.210.~~

~~— (h) Indecent or obscene exposure pursuant to NRS 201.220.~~

~~— (i) Sexual penetration of a dead human body pursuant to NRS 201.450.~~

~~— (j) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.~~

~~— (k) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.~~

~~— (l) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony.~~

~~— (m) A violation of section 2 of this act.~~

~~— (n) A violation of NRS 207.180.~~

~~— [(n)] (o) An attempt to commit an offense listed in paragraphs (b) to~~

~~[(m)] (n), inclusive.~~

~~[(o)] (p) Coercion or attempted coercion that is determined to be sexually motivated pursuant to NRS 207.193.] (Deleted by amendment.)~~

Sec. 9. NRS 176A.413 is hereby amended to read as follows:

176A.413 1. Except as otherwise provided in subsection 2, if a defendant is convicted of stalking with the use of an Internet or network site, electronic mail, text messaging or any other similar means of communication pursuant to subsection 4 of NRS 200.575, an offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive, ~~for~~ luring a child or a person with mental illness through the use of a computer, system or network pursuant to paragraph (a) or (b) of subsection 4 of NRS 201.560 *or a violation of section 2 of this act which involved the use of an electronic communication device* and the court grants probation or suspends the sentence, the court shall, in addition to any other condition ordered pursuant to NRS 176A.400, order as a condition of probation or suspension that the defendant not own or use a computer, including, without limitation, use electronic mail, a chat room or the Internet.

2. The court is not required to impose a condition of probation or suspension of sentence set forth in subsection 1 if the court finds that:

- (a) The use of a computer by the defendant will assist a law enforcement agency or officer in a criminal investigation;
- (b) The defendant will use the computer to provide technological training concerning technology of which the defendant has a unique knowledge; or
- (c) The use of the computer by the defendant will assist companies that require the use of the specific technological knowledge of the defendant that is unique and is otherwise unavailable to the company.

3. Except as otherwise provided in subsection 1, if a defendant is convicted of an offense that involved the use of a computer, system or network and the court grants probation or suspends the sentence, the court may, in addition to any other condition ordered pursuant to NRS 176A.400, order as a condition of probation or suspension that the defendant not own or use a computer, including, without limitation, use electronic mail, a chat room or the Internet.

4. As used in this section:

(a) "Computer" has the meaning ascribed to it in NRS 205.4735 ~~[-] and includes, without limitation, an electronic communication device.~~

(b) *"Electronic communication device" has the meaning ascribed to it in NRS 200.737.*

(c) "Network" has the meaning ascribed to it in NRS 205.4745.

~~[(c)]~~ (d) "System" has the meaning ascribed to it in NRS 205.476.

~~[(d)]~~ (e) "Text messaging" has the meaning ascribed to it in NRS 200.575.

Sec. 10. ~~[NRS 178.5698 is hereby amended to read as follows:~~

~~178.5698 1. The prosecuting attorney, sheriff or chief of police shall, upon the request of a victim or witness, inform the victim or witness:~~

~~— (a) When the defendant is released from custody at any time before or during the trial, including, without limitation, when the defendant is released pending trial or subject to electronic supervision;~~

~~— (b) If the defendant is so released, the amount of bail required, if any; and~~

~~— (c) Of the final disposition of the criminal case in which the victim or witness was directly involved.~~

~~— 2. A request for information pursuant to subsection 1 must be made:~~

~~— (a) In writing; or~~

~~— (b) By telephone through an automated or computerized system of notification, if such a system is available.~~

~~— 3. If an offender is convicted of a sexual offense or an offense involving the use or threatened use of force or violence against the victim, the court shall provide:~~

~~— (a) To each witness, documentation that includes:~~

~~— (1) A form advising the witness of the right to be notified pursuant to subsection 5;~~

~~— (2) The form that the witness must use to request notification in writing; and~~

~~— (3) The form or procedure that the witness must use to provide a change of address after a request for notification has been submitted.~~

~~— (b) To each person listed in subsection 4, documentation that includes:~~

~~— (1) A form advising the person of the right to be notified pursuant to subsection 5 or 6 and NRS 176.015, 176A.630, 178.4715, 209.392, 209.3923, 209.3925, 209.429, 209.521, 213.010, 213.040, 213.095 and 213.131 or NRS 213.10915;~~

~~— (2) The forms that the person must use to request notification; and~~

~~— (3) The forms or procedures that the person must use to provide a change of address after a request for notification has been submitted.~~

~~— 4. The following persons are entitled to receive documentation pursuant to paragraph (b) of subsection 3:~~

~~— (a) A person against whom the offense is committed;~~

~~— (b) A person who is injured as a direct result of the commission of the offense;~~

~~— (c) If a person listed in paragraph (a) or (b) is under the age of 18 years, each parent or guardian who is not the offender;~~

~~— (d) Each surviving spouse, parent and child of a person who is killed as a direct result of the commission of the offense.~~

~~— (e) A relative of a person listed in paragraphs (a) to (d), inclusive, if the relative requests in writing to be provided with the documentation.~~

~~— 5. Except as otherwise provided in subsection 6, if the offense was a felony and the offender is imprisoned, the warden of the prison shall, if the victim or witness so requests in writing and provides a current address, notify the victim or witness at that address when the offender is released from the prison.~~

~~— 6. If the offender was convicted of a violation of subsection 3 of~~

~~NRS 200.366 or a violation of subsection 1, paragraph (a) of subsection 2 or subparagraph (2) of paragraph (b) of subsection 2 of NRS 200.508, the warden of the prison shall notify:~~

~~— (a) The immediate family of the victim if the immediate family provides their current address;~~

~~— (b) Any member of the victim's family related within the third degree of consanguinity, if the member of the victim's family so requests in writing and provides a current address; and~~

~~— (c) The victim, if the victim will be 18 years of age or older at the time of the release and has provided a current address;~~

~~— before the offender is released from prison.~~

~~7. The warden must not be held responsible for any injury proximately caused by the failure to give any notice required pursuant to this section if no address was provided to the warden or if the address provided is inaccurate or not current.~~

~~8. As used in this section:~~

~~— (a) "Immediate family" means any adult relative of the victim living in the victim's household.~~

~~— (b) "Sexual offense" means:~~

~~— (1) Sexual assault pursuant to NRS 200.366;~~

~~— (2) Statutory sexual seduction pursuant to NRS 200.368;~~

~~— (3) Battery with intent to commit sexual assault pursuant to NRS 200.400;~~

~~— (4) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive;~~

~~— (5) Incest pursuant to NRS 201.180;~~

~~— (6) Open or gross lewdness pursuant to NRS 201.210;~~

~~— (7) Indecent or obscene exposure pursuant to NRS 201.220;~~

~~— (8) Lewdness with a child pursuant to NRS 201.230;~~

~~— (9) Sexual penetration of a dead human body pursuant to NRS 201.450;~~

~~— (10) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540;~~

~~— (11) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550;~~

~~— (12) A violation of section 2 of this act;~~

~~— (13) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony;~~

~~— [(13)] (14) An offense that, pursuant to a specific statute, is determined to be sexually motivated; or~~

~~— [(14)] (15) An attempt to commit an offense listed in this paragraph.]~~

~~(Deleted by amendment.)~~

Sec. 11. ~~[NRS 179.245 is hereby amended to read as follows:~~

~~179.245 1. Except as otherwise provided in subsection 6 and NRS 176.211, 176A.245, 176A.265, 176A.295, 179.247, 179.259, 201.354 and 453.3365, a person may petition the court in which the person was~~

~~convicted for the sealing of all records relating to a conviction of:~~

~~— (a) A category A felony, a crime of violence or residential burglary pursuant to NRS 205.060 after 10 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;~~

~~— (b) Except as otherwise provided in paragraphs (a) and (c), a category B, C or D felony after 5 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;~~

~~— (c) A category E felony after 2 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;~~

~~— (d) Except as otherwise provided in paragraph (c), any gross misdemeanor after 2 years from the date of release from actual custody or discharge from probation, whichever occurs later;~~

~~— (e) A violation of NRS 422.540 to 422.570, inclusive, a violation of NRS 484C.110 or 484C.120 other than a felony, or a battery which constitutes domestic violence pursuant to NRS 33.018 other than a felony, after 7 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later;~~

~~— (f) Except as otherwise provided in paragraph (e), if the offense is punished as a misdemeanor, a battery pursuant to NRS 200.481, harassment pursuant to NRS 200.571, stalking pursuant to NRS 200.575 or a violation of a temporary or extended order for protection, after 2 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later; or~~

~~— (g) Any other misdemeanor after 1 year from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later.~~

~~2. A petition filed pursuant to subsection 1 must:~~

~~— (a) Be accompanied by the petitioner's current, verified records received from the Central Repository for Nevada Records of Criminal History;~~

~~— (b) If the petition references NRS 453.3365, include a certificate of acknowledgment or the disposition of the proceedings for the records to be sealed from all agencies of criminal justice which maintain such records;~~

~~— (c) Include a list of any other public or private agency, company, official or other custodian of records that is reasonably known to the petitioner to have possession of records of the conviction and to whom the order to seal records, if issued, will be directed; and~~

~~— (d) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed, including, without limitation, the:~~

~~— (1) Date of birth of the petitioner;~~

~~— (2) Specific conviction to which the records to be sealed pertain; and~~

~~— (3) Date of arrest relating to the specific conviction to which the records to be sealed pertain.~~

~~3. Upon receiving a petition pursuant to this section, the court shall~~

~~notify the law enforcement agency that arrested the petitioner for the crime and the prosecuting attorney, including, without limitation, the Attorney General, who prosecuted the petitioner for the crime. The prosecuting attorney and any person having relevant evidence may testify and present evidence at any hearing on the petition.~~

~~4. If the prosecuting agency that prosecuted the petitioner for the crime stipulates to the sealing of the records, the court shall apply the presumption set forth in NRS 179.2445 and seal the records. If the prosecuting agency does not stipulate to the sealing of the records or does not file a written objection within 30 days after receiving notification pursuant to subsection 3 and the court makes the findings set forth in subsection 5, the court may order the sealing of the records in accordance with subsection 5 without a hearing. If the court does not order the sealing of the records or the prosecuting agency files a written objection, a hearing on the petition must be conducted. At the hearing, unless an objecting party presents evidence sufficient to rebut the presumption set forth in NRS 179.2445, the court shall apply the presumption and seal the records.~~

~~5. If the court finds that, in the period prescribed in subsection 1, the petitioner has not been charged with any offense for which the charges are pending or convicted of any offense, except for minor moving or standing traffic violations, the court may order sealed all records of the conviction which are in the custody of any agency of criminal justice or any public or private agency, company, official or other custodian of records in the State of Nevada, and may also order all such records of the petitioner returned to the file of the court where the proceeding was commenced from, including, without limitation, the Federal Bureau of Investigation and all other agencies of criminal justice which maintain such records and which are reasonably known by either the petitioner or the court to have possession of such records.~~

~~6. A person may not petition the court to seal records relating to a conviction of:~~

~~(a) A crime against a child;~~

~~(b) A sexual offense;~~

~~(c) Invasion of the home with a deadly weapon pursuant to NRS 205.067;~~

~~(d) A violation of NRS 484C.110 or 484C.120 that is punishable as a felony pursuant to paragraph (c) of subsection 1 of NRS 484C.400;~~

~~(e) A violation of NRS 484C.430;~~

~~(f) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430;~~

~~(g) A violation of NRS 488.410 that is punishable as a felony pursuant to NRS 488.427; or~~

~~(h) A violation of NRS 488.420 or 488.425.~~

~~7. The provisions of paragraph (c) of subsection 1 and paragraph (d) of~~

~~subsection 6 must not be construed to preclude a person from being able to petition the court to seal records relating to a conviction for a violation of NRS 484C.110 or 484C.120 pursuant to this section if the person was found guilty of a violation of NRS 484C.110 or 484C.120 that is punishable pursuant to:~~

~~— (a) Paragraph (b) of subsection 1 of NRS 484C.400; or~~

~~— (b) Paragraph (c) of subsection 1 of NRS 484C.400 but had a judgment of conviction entered against him or her for a violation of paragraph (b) of subsection 1 of NRS 484C.400 because the person participated in the statewide sobriety and drug monitoring program established pursuant to NRS 484C.392.~~

~~— 8. If the court grants a petition for the sealing of records pursuant to this section, upon the request of the person whose records are sealed, the court may order sealed all records of the civil proceeding in which the records were sealed.~~

~~— 9. As used in this section:~~

~~— (a) "Crime against a child" has the meaning ascribed to it in NRS 179D.0357.~~

~~— (b) "Sexual offense" means:~~

~~— (1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.~~

~~— (2) Sexual assault pursuant to NRS 200.366.~~

~~— (3) Statutory sexual seduction pursuant to NRS 200.368, if punishable as a felony.~~

~~— (4) Battery with intent to commit sexual assault pursuant to NRS 200.400.~~

~~— (5) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this paragraph.~~

~~— (6) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence, if the crime of violence is an offense listed in this paragraph.~~

~~— (7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.~~

~~— (8) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.~~

~~— (9) Incest pursuant to NRS 201.180.~~

~~— (10) Open or gross lewdness pursuant to NRS 201.210, if punishable as a felony.~~

~~— (11) Indecent or obscene exposure pursuant to NRS 201.220, if punishable as a felony.~~

~~— (12) Lewdness with a child pursuant to NRS 201.230.~~

~~— (13) Sexual penetration of a dead human body pursuant to~~

~~NRS 201.450.~~

~~(14) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.~~

~~(15) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.~~

~~(16) A violation of section 2 of this act.~~

~~(17) Luring a child or a person with mental illness pursuant to NRS 201.560, if punishable as a felony.~~

~~[(17)] (18) An attempt to commit an offense listed in this paragraph.~~
(Deleted by amendment.)

Sec. 12. NRS 179.460 is hereby amended to read as follows:

179.460 1. The Attorney General or the district attorney of any county may apply to a Supreme Court justice or to a district judge in the county where the interception is to take place for an order authorizing the interception of wire, electronic or oral communications, and the judge may, in accordance with NRS 179.470 to 179.515, inclusive, grant an order authorizing the interception of wire, electronic or oral communications by investigative or law enforcement officers having responsibility for the investigation of the offense as to which the application is made, when the interception may provide evidence of the commission of murder, kidnapping, robbery, extortion, bribery, escape of an offender in the custody of the Department of Corrections, destruction of public property by explosives, a sexual offense against a child, sex trafficking, a violation of NRS 200.463, 200.464 or 200.465, trafficking in persons in violation of NRS 200.467 or 200.468, the commission of any offense which is made a felony by the provisions of chapter 453 or 454 of NRS or a violation of NRS 463.160 or 465.086 ~~[-]~~ or a violation of section 2 of this act.

2. A provider of electronic communication service or a public utility, an officer, employee or agent thereof or another person associated with the provider of electronic communication service or public utility who, pursuant to an order issued pursuant to subsection 1, provides information or otherwise assists an investigative or law enforcement officer in the interception of a wire, electronic or oral communication is immune from any liability relating to any interception made pursuant to the order.

3. As used in this section, "sexual offense against a child" includes any act upon a child constituting:

- (a) Incest pursuant to NRS 201.180;
- (b) Lewdness with a child pursuant to NRS 201.230;
- (c) Sado-masochistic abuse pursuant to NRS 201.262;
- (d) Sexual assault pursuant to NRS 200.366;
- (e) Statutory sexual seduction pursuant to NRS 200.368;
- (f) Open or gross lewdness pursuant to NRS 201.210; or
- (g) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony ~~[-]~~ or
- ~~(h) A violation of section 2 of this act.~~

Sec. 13. ~~[NRS 179D.097 is hereby amended to read as follows:~~

- ~~179D.097 1. "Sexual offense" means any of the following offenses:~~
- ~~(a) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.~~
 - ~~(b) Sexual assault pursuant to NRS 200.366.~~
 - ~~(c) Statutory sexual seduction pursuant to NRS 200.368.~~
 - ~~(d) Battery with intent to commit sexual assault pursuant to subsection 4 of NRS 200.400.~~
 - ~~(e) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this subsection.~~
 - ~~(f) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence, if the crime of violence is an offense listed in this section.~~
 - ~~(g) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.~~
 - ~~(h) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.~~
 - ~~(i) Incest pursuant to NRS 201.180.~~
 - ~~(j) Open or gross lewdness pursuant to NRS 201.210.~~
 - ~~(k) Indecent or obscene exposure pursuant to NRS 201.220.~~
 - ~~(l) Lewdness with a child pursuant to NRS 201.230.~~
 - ~~(m) Sexual penetration of a dead human body pursuant to NRS 201.450.~~
 - ~~(n) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.~~
 - ~~(o) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.~~
 - ~~(p) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony.~~
 - ~~(q) Sex trafficking pursuant to NRS 201.300.~~
 - ~~(r) A violation of section 2 of this act.~~
 - ~~(s) Any other offense that has an element involving a sexual act or sexual conduct with another.~~
 - ~~[(s)] (t) An attempt or conspiracy to commit an offense listed in paragraphs (a) to [(r)], (s), inclusive.~~
 - ~~[(t)] (u) An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193.~~
 - ~~[(u)] (v) An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this subsection. This paragraph includes, without limitation, an offense prosecuted in:~~
 - ~~(1) A tribal court.~~
 - ~~(2) A court of the United States or the Armed Forces of the United States.~~

~~[(v)] (w) An offense of a sexual nature committed in another jurisdiction, whether or not the offense would be an offense listed in this section, if the person who committed the offense resides or has resided or is or has been a student or worker in any jurisdiction in which the person is or has been required by the laws of that jurisdiction to register as a sex offender because of the offense. This paragraph includes, without limitation, an offense prosecuted in:~~

~~—(1) A tribal court;~~

~~—(2) A court of the United States or the Armed Forces of the United States;~~

~~—(3) A court having jurisdiction over juveniles;~~

~~2. Except for the offenses described in paragraphs (n) , [and] (o) and (r) of subsection 1, the term does not include an offense involving consensual sexual conduct if the victim was:~~

~~—(a) An adult, unless the adult was under the custodial authority of the offender at the time of the offense; or~~

~~—(b) At least 13 years of age and the offender was not more than 4 years older than the victim at the time of the commission of the offense.] (Deleted by amendment.)~~

Sec. 14. ~~[NRS 179D.115 is hereby amended to read as follows:~~

~~179D.115 "Tier II offender" means an offender convicted of a crime against a child or a sex offender, other than a Tier III offender, whose crime against a child is punishable by imprisonment for more than 1 year or whose sexual offense:~~

~~1. If committed against [a] :~~

~~—(a) A child, constitutes:~~

~~—[(a)] (1) Luring a child pursuant to NRS 201.560, if punishable as a felony;~~

~~—[(b)] (2) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation;~~

~~—[(c)] (3) An offense involving sex trafficking pursuant to NRS 201.300 or prostitution pursuant to NRS 201.320 or 201.395;~~

~~—[(d)] (4) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive; or~~

~~—[(e)] (5) Any other offense that is comparable to or more severe than the offenses described in 34 U.S.C. § 20911(3) . [;]~~

~~—(b) A pupil, constitutes a violation of section 2 of this act.~~

~~2. Involves an attempt or conspiracy to commit any offense described in subsection 1 . [;]~~

~~3. If committed in another jurisdiction, is an offense that, if committed in this State, would be an offense listed in this section. This subsection includes, without limitation, an offense prosecuted in:~~

~~—(a) A tribal court; or~~

~~—(b) A court of the United States or the Armed Forces of the United States . [; or]~~

~~4. Is committed after the person becomes a Tier I offender if any of the person's sexual offenses constitute an offense punishable by imprisonment for more than 1 year.}] (Deleted by amendment.)~~

Sec. 15. ~~[NRS 179D.495 is hereby amended to read as follows:
179D.495 If a person who is required to register pursuant to NRS 179D.010 to 179D.550, inclusive, has been convicted of an offense described in paragraph [(r)] (s) of subsection 1 of NRS 179D.097, subparagraph (5) of paragraph [(c)] (a) of subsection 1 or subsection 3 of NRS 179D.115 or subsection 7 or 9 of NRS 179D.117, the Central Repository shall determine whether the person is required to register as a Tier I offender, Tier II offender or Tier III offender.}] (Deleted by amendment.)~~

Sec. 16. ~~[NRS 213.107 is hereby amended to read as follows:
213.107 As used in NRS 213.107 to 213.157, inclusive, unless the context otherwise requires:~~

- ~~1. "Board" means the State Board of Parole Commissioners.~~
- ~~2. "Chief" means the Chief Parole and Probation Officer.~~
- ~~3. "Division" means the Division of Parole and Probation of the Department of Public Safety.~~
- ~~4. "Residential confinement" means the confinement of a person convicted of a crime to his or her place of residence under the terms and conditions established by the Board.~~
- ~~5. "Responsivity factors" means characteristics of a person that affect his or her ability to respond favorably or unfavorably to any treatment goals.~~
- ~~6. "Risk and needs assessment" means a validated, standardized actuarial tool that identifies risk factors that increase the likelihood of a person reoffending and factors that, when properly addressed, can reduce the likelihood of a person reoffending.~~
- ~~7. "Sex offender" means any person who has been or is convicted of a sexual offense.~~
- ~~8. "Sexual offense" means:~~
 - ~~(a) A violation of NRS 200.366, subsection 4 of NRS 200.400, NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS 201.180, 201.230, 201.450, 201.540 or 201.550 or paragraph (a) or (b) of subsection 4 or paragraph (a) or (b) of subsection 5 of NRS 201.560 [;] or section 2 of this act;~~
 - ~~(b) An attempt to commit any offense listed in paragraph (a); or~~
 - ~~(c) An act of murder in the first or second degree, kidnapping in the first or second degree, false imprisonment, burglary or invasion of the home if the act is determined to be sexually motivated at a hearing conducted pursuant to NRS 175.547.~~
- ~~9. "Standards" means the objective standards for granting or revoking parole or probation which are adopted by the Board or the Chief.}] (Deleted by amendment.)~~

Sec. 17. ~~[NRS 213.1214 is hereby amended to read as follows:~~

~~213.1214 1. The Department of Corrections shall assess each prisoner who has been convicted of a sexual offense to determine the prisoner's risk to reoffend in a sexual manner using a currently accepted standard of assessment. The completed assessment must include, without limitation, a determination of the prisoner's level of risk to reoffend in a sexual manner, including, without limitation, whether the prisoner is a high risk to reoffend in a sexual manner for the purposes of subsection 3 of NRS 213.1215. The Director shall ensure a completed assessment is provided to the Board before, but not sooner than 120 days before, a scheduled parole hearing.~~

~~2. The Director shall:~~

~~(a) Ensure that any employee of the Department who completes an assessment pursuant to subsection 1 is properly trained to assess the risk of an offender to reoffend in a sexual manner.~~

~~(b) Establish a procedure to:~~

~~(1) Ensure the accuracy of each completed assessment provided to the Board; and~~

~~(2) Correct any error occurring in a completed assessment provided to the Board.~~

~~3. This section does not create a right in any prisoner to be assessed or reassessed more frequently than the prisoner's regularly scheduled parole hearings or under a current or previous standard of assessment and does not restrict the Department from conducting additional assessments of a prisoner if such assessments may assist the Board in determining whether parole should be granted or continued. No cause of action may be brought against the State, its political subdivisions, or the agencies, boards, commissions, departments, officers or employees of the State or its political subdivisions for assessing, not assessing or considering or relying on an assessment of a prisoner, if such decisions or actions are made or conducted in compliance with the procedures set forth in this section.~~

~~4. The Board shall consider an assessment prepared pursuant to this section before determining whether to grant or revoke the parole of a person convicted of a sexual offense.~~

~~5. The Board may adopt by regulation the manner in which the Board will consider an assessment prepared pursuant to this section in conjunction with the standards adopted by the Board pursuant to NRS 213.10885.~~

~~6. As used in this section:~~

~~(a) "Director" means the Director of the Department of Corrections.~~

~~(b) "Reoffend in a sexual manner" means to commit a sexual offense.~~

~~(c) "Sex offender" means a person who, after July 1, 1956, is or has been:~~

~~(1) Convicted of a sexual offense; or~~

~~(2) Adjudicated delinquent or found guilty by a court having jurisdiction over juveniles of a sexual offense listed in subparagraph [(20)] (21) of paragraph (d).~~

~~➤ The term includes, but is not limited to, a sexually violent predator or a nonresident sex offender who is a student or worker within this State.~~

~~— (d) "Sexual offense" means any of the following offenses:~~

~~— (1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.~~

~~— (2) Sexual assault pursuant to NRS 200.366.~~

~~— (3) Statutory sexual seduction pursuant to NRS 200.368.~~

~~— (4) Battery with intent to commit sexual assault pursuant to NRS 200.400.~~

~~— (5) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this paragraph.~~

~~— (6) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this paragraph.~~

~~— (7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.~~

~~— (8) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.~~

~~— (9) Incest pursuant to NRS 201.180.~~

~~— (10) Open or gross lewdness pursuant to NRS 201.210.~~

~~— (11) Indecent or obscene exposure pursuant to NRS 201.220.~~

~~— (12) Lewdness with a child pursuant to NRS 201.230.~~

~~— (13) Sexual penetration of a dead human body pursuant to NRS 201.450.~~

~~— (14) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.~~

~~— (15) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.~~

~~— (16) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony.~~

~~— (17) A violation of section 2 of this act.~~

~~— (18) An attempt or conspiracy to commit an offense listed in subparagraphs (1) to [(16)], (17), inclusive.~~

~~— [(18)] (19) An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193.~~

~~— [(19)] (20) An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this paragraph. This subparagraph includes, but is not limited to, an offense prosecuted in:~~

~~— (I) A tribal court.~~

~~— (II) A court of the United States or the Armed Forces of the United States.~~

~~— [(20)] (21) An offense of a sexual nature committed in another jurisdiction, whether or not the offense would be an offense listed in this~~

~~paragraph, if the person who committed the offense resides or has resided or is or has been a student or worker in any jurisdiction in which the person is or has been required by the laws of that jurisdiction to register as a sex offender because of the offense. This subparagraph includes, but is not limited to, an offense prosecuted in:~~

~~—— (I) A tribal court.~~

~~—— (II) A court of the United States or the Armed Forces of the United States.~~

~~—— (III) A court having jurisdiction over juveniles.~~

~~→ Except for the offenses described in subparagraphs (14) , [and] (15) [,] and 17, the term does not include an offense involving consensual sexual conduct if the victim was an adult, unless the adult was under the custodial authority of the offender at the time of the offense, or if the victim was at least 13 years of age and the offender was not more than 4 years older than the victim at the time of the commission of the offense.] (Deleted by amendment.)~~

Sec. 18. NRS 213.1258 is hereby amended to read as follows:

213.1258 1. Except as otherwise provided in subsection 2, if the Board releases on parole a prisoner convicted of stalking with the use of an Internet or network site, electronic mail, text messaging or any other similar means of communication pursuant to subsection 4 of NRS 200.575, an offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive, ~~for~~ luring a child or a person with mental illness through the use of a computer, system or network pursuant to paragraph (a) or (b) of subsection 4 of NRS 201.560 ~~for~~ *or a violation of section 2 of this act which involved the use of an electronic communication device*, the Board shall, in addition to any other condition of parole, require as a condition of parole that the parolee not own or use a computer, including, without limitation, use electronic mail, a chat room or the Internet.

2. The Board is not required to impose a condition of parole set forth in subsection 1 if the Board finds that:

(a) The use of a computer by the parolee will assist a law enforcement agency or officer in a criminal investigation;

(b) The parolee will use the computer to provide technological training concerning technology of which the defendant has a unique knowledge; or

(c) The use of the computer by the parolee will assist companies that require the use of the specific technological knowledge of the parolee that is unique and is otherwise unavailable to the company.

3. Except as otherwise provided in subsection 1, if the Board releases on parole a prisoner convicted of an offense that involved the use of a computer, system or network, the Board may, in addition to any other condition of parole, require as a condition of parole that the parolee not own or use a computer, including, without limitation, use electronic mail, a chat room or the Internet.

4. As used in this section:

(a) "Computer" has the meaning ascribed to it in NRS 205.4735 ~~[-]~~ and includes, without limitation, an electronic communication device.

(b) "Electronic communication device" has the meaning ascribed to it in NRS 200.737.

(c) "Network" has the meaning ascribed to it in NRS 205.4745.

~~[(e)]~~ (d) "System" has the meaning ascribed to it in NRS 205.476.

~~[(d)]~~ (e) "Text messaging" has the meaning ascribed to it in NRS 200.575.

Sec. 19. NRS 288.150 is hereby amended to read as follows:

288.150 1. Except as otherwise provided in subsection 6 and NRS 354.6241, every local government employer shall negotiate in good faith through one or more representatives of its own choosing concerning the mandatory subjects of bargaining set forth in subsection 2 with the designated representatives of the recognized employee organization, if any, for each appropriate bargaining unit among its employees. If either party so requests, agreements reached must be reduced to writing.

2. The scope of mandatory bargaining is limited to:

- (a) Salary or wage rates or other forms of direct monetary compensation.
- (b) Sick leave.
- (c) Vacation leave.
- (d) Holidays.
- (e) Other paid or nonpaid leaves of absence.
- (f) Insurance benefits.
- (g) Total hours of work required of an employee on each workday or workweek.
- (h) Total number of days' work required of an employee in a work year.
- (i) Except as otherwise provided in subsections 8 and 11, discharge and disciplinary procedures.
- (j) Recognition clause.
- (k) The method used to classify employees in the bargaining unit.
- (l) Deduction of dues for the recognized employee organization.
- (m) Protection of employees in the bargaining unit from discrimination because of participation in recognized employee organizations consistent with the provisions of this chapter.
- (n) No-strike provisions consistent with the provisions of this chapter.
- (o) Grievance and arbitration procedures for resolution of disputes relating to interpretation or application of collective bargaining agreements.
- (p) General savings clauses.
- (q) Duration of collective bargaining agreements.
- (r) Safety of the employee.
- (s) Teacher preparation time.
- (t) Materials and supplies for classrooms.
- (u) Except as otherwise provided in subsections 9 and 11, the policies for the transfer and reassignment of teachers.
- (v) Procedures for reduction in workforce consistent with the provisions

of this chapter.

(w) Procedures consistent with the provisions of subsection 6 for the reopening of collective bargaining agreements for additional, further, new or supplementary negotiations during periods of fiscal emergency.

3. Those subject matters which are not within the scope of mandatory bargaining and which are reserved to the local government employer without negotiation include:

(a) Except as otherwise provided in paragraph (u) of subsection 2, the right to hire, direct, assign or transfer an employee, but excluding the right to assign or transfer an employee as a form of discipline.

(b) The right to reduce in force or lay off any employee because of lack of work or lack of money, subject to paragraph (v) of subsection 2.

(c) The right to determine:

(1) Appropriate staffing levels and work performance standards, except for safety considerations;

(2) The content of the workday, including without limitation workload factors, except for safety considerations;

(3) The quality and quantity of services to be offered to the public; and

(4) The means and methods of offering those services.

(d) Safety of the public.

4. The provisions of NRS 245.063, 268.4069 and 391.1605 are not subject to negotiations with an employee organization. Any provision of a collective bargaining agreement negotiated pursuant to this chapter which differs from or conflicts in any way with the provisions of NRS 245.063, 268.4069 or 391.1605 is unenforceable and void.

5. If the local government employer is a school district, any money appropriated by the State to carry out increases in salaries or benefits for the employees of the school district is subject to negotiations with an employee organization.

6. Notwithstanding the provisions of any collective bargaining agreement negotiated pursuant to this chapter, a local government employer is entitled to:

(a) Reopen a collective bargaining agreement for additional, further, new or supplementary negotiations relating to compensation or monetary benefits during a period of fiscal emergency. Negotiations must begin not later than 21 days after the local government employer notifies the employee organization that a fiscal emergency exists. For the purposes of this section, a fiscal emergency shall be deemed to exist:

(1) If the amount of revenue received by the general fund of the local government employer during the last preceding fiscal year from all sources, except any nonrecurring source, declined by 5 percent or more from the amount of revenue received by the general fund from all sources, except any nonrecurring source, during the next preceding fiscal year, as reflected in the reports of the annual audits conducted for those fiscal years for the local government employer pursuant to NRS 354.624; or

(2) If the local government employer has budgeted an unreserved ending fund balance in its general fund for the current fiscal year in an amount equal to 4 percent or less of the actual expenditures from the general fund for the last preceding fiscal year, and the local government employer has provided a written explanation of the budgeted ending fund balance to the Department of Taxation that includes the reason for the ending fund balance and the manner in which the local government employer plans to increase the ending fund balance.

(b) Take whatever actions may be necessary to carry out its responsibilities in situations of emergency such as a riot, military action, natural disaster or civil disorder. Those actions may include the suspension of any collective bargaining agreement for the duration of the emergency.

➡ Any action taken under the provisions of this subsection must not be construed as a failure to negotiate in good faith.

7. The provisions of this chapter, including without limitation the provisions of this section, recognize and declare the ultimate right and responsibility of the local government employer to manage its operation in the most efficient manner consistent with the best interests of all its citizens, its taxpayers and its employees.

8. If the sponsor of a charter school reconstitutes the governing body of a charter school pursuant to NRS 388A.330, the new governing body may terminate the employment of any teachers or other employees of the charter school, and any provision of any agreement negotiated pursuant to this chapter that provides otherwise is unenforceable and void.

9. The board of trustees of a school district in which a school is designated as a turnaround school pursuant to NRS 388G.400 or the principal of such a school, as applicable, may take any action authorized pursuant to NRS 388G.400, including, without limitation:

(a) Reassigning any member of the staff of such a school; or

(b) If the staff member of another public school consents, reassigning that member of the staff of the other public school to such a school.

10. Any provision of an agreement negotiated pursuant to this chapter which differs from or conflicts in any way with the provisions of subsection 9 or imposes consequences on the board of trustees of a school district or the principal of a school for taking any action authorized pursuant to subsection 9 is unenforceable and void.

11. The board of trustees of a school district or the governing body of a charter school or university school for profoundly gifted pupils may use a substantiated report of the abuse or neglect of a child or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 or *section 2 of this act* obtained from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 or an equivalent registry maintained by a governmental agency in another jurisdiction for the purposes authorized by NRS 388A.515, 388C.200, 391.033, 391.104 or 391.281, as applicable. Such purposes may include,

without limitation, making a determination concerning the assignment, discipline or termination of an employee. Any provision of any agreement negotiated pursuant to this chapter which conflicts with the provisions of this subsection is unenforceable and void.

12. This section does not preclude, but this chapter does not require, the local government employer to negotiate subject matters enumerated in subsection 3 which are outside the scope of mandatory bargaining. The local government employer shall discuss subject matters outside the scope of mandatory bargaining but it is not required to negotiate those matters.

13. Contract provisions presently existing in signed and ratified agreements as of May 15, 1975, at 12 p.m. remain negotiable.

14. As used in this section, "abuse or neglect of a child" has the meaning ascribed to it in NRS 392.281.

Sec. 20. NRS 388A.515 is hereby amended to read as follows:

388A.515 1. Each applicant for employment with and employee at a charter school, except a licensed teacher or other person licensed by the Superintendent of Public Instruction, and, except as otherwise provided in NRS 388A.516, each volunteer at a charter school who is likely to have unsupervised contact with pupils, must, before beginning his or her employment or service as a volunteer and at least once every 5 years thereafter, submit to the governing body of the charter school:

(a) A complete set of the applicant's, employee's or volunteer's fingerprints and written permission authorizing the governing body to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant, or employee or volunteer and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant, employee or volunteer; and

(b) Written authorization for the governing body to obtain any information concerning the applicant, employee or volunteer that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant, employee or volunteer has resided within the immediately preceding 5 years.

2. In conducting an investigation into the background of an applicant, employee or volunteer, the governing body of a charter school may cooperate with any appropriate law enforcement agency to obtain information relating to the background of the applicant, employee or volunteer, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant, employee or volunteer.

3. If the information obtained by the governing body pursuant to subsection 1 or 2 or subsection 5 of NRS 388A.516 indicates that the applicant, employee or volunteer has not been convicted of a crime listed in NRS 388A.5342, the governing body of the charter school may employ the

applicant or employee or accept the volunteer, as applicable.

4. If the information obtained by the governing body pursuant to subsection 1 or 2 or subsection 5 of NRS 388A.516 indicates that the applicant, employee or volunteer has been convicted of a crime listed in NRS 388A.5342, and the governing body of the charter school does not disqualify the applicant or employee from employment or the volunteer from serving as a volunteer on the basis of that information, the governing body shall, upon the written authorization of the applicant, employee or volunteer, forward a copy of the information to the Superintendent of Public Instruction. If the applicant, employee or volunteer refuses to provide his or her written authorization to forward a copy of the information pursuant to this subsection, the charter school shall not employ the applicant or employee or accept the volunteer, as applicable.

5. Not later than 15 days after receiving the information obtained by the governing body pursuant to subsection 1 or 2 or subsection 5 of NRS 388A.516, the Superintendent of Public Instruction or the Superintendent's designee shall review the information to determine whether the conviction of the applicant, employee or volunteer is related or unrelated to the position with the charter school for which the applicant has applied or in which the employee is employed or the volunteer wishes to serve. The applicant, employee or volunteer shall, upon the request of the Superintendent of Public Instruction or the Superintendent's designee, provide any further information that the Superintendent or the designee determines is necessary to make the determination. If the governing body of the charter school desires to employ the applicant or employee or accept the volunteer, the governing body shall, upon the request of the Superintendent of Public Instruction or the Superintendent's designee, provide any further information that the Superintendent or the designee determines is necessary to make the determination. The Superintendent of Public Instruction or the Superintendent's designee shall provide written notice of the determination to the applicant, employee or volunteer and to the governing body of the charter school.

6. If the Superintendent of Public Instruction or the Superintendent's designee determines that the conviction of the applicant, employee or volunteer is related to the position with the charter school for which the applicant has applied or in which the employee is employed or the volunteer wishes to serve, the governing body of the charter school shall not employ the applicant or employee or accept the volunteer, as applicable. If the Superintendent of Public Instruction or the Superintendent's designee determines that the conviction of the applicant, employee or volunteer is unrelated to the position with the charter school for which the applicant has applied or in which the employee is employed or the volunteer wishes to serve, the governing body of the charter school may employ the applicant or employee for that position or accept the volunteer, as applicable.

7. The governing body of a charter school may use a substantiated report

of the abuse or neglect of a child, as defined in NRS 392.281, or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 *or section 2 of this act* obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:

(a) In making determinations concerning assignments, requiring retraining, imposing discipline, hiring, accepting a volunteer or termination; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

8. The governing body of a charter school:

(a) May accept gifts, grants and donations to carry out the provisions of this section and NRS 388A.516.

(b) May not be held liable for damages resulting from any action of the governing body authorized by subsection 2 or 7 or NRS 388A.516.

Sec. 21. NRS 388A.5342 is hereby amended to read as follows:

388A.5342 The governing body of a charter school shall terminate the employment of any teacher or administrator who is employed by the charter school but is not licensed pursuant to chapter 391 of NRS upon his or her conviction of a:

1. Felony or crime involving moral turpitude; ~~for~~

2. Sex offense pursuant to NRS 200.366, 200.368, 201.190, 201.220, 201.230, 201.540 or 201.560 ~~;~~ *or*

3. *Violation of section 2 of this act.*

Sec. 22. NRS 388C.200 is hereby amended to read as follows:

388C.200 1. Except as otherwise provided in NRS 388C.205, each applicant for employment with and employee at a university school for profoundly gifted pupils, except a licensed teacher or other person licensed by the Superintendent of Public Instruction, and each volunteer at a university school for profoundly gifted pupils who is likely to have unsupervised contact with pupils, must, before beginning his or her employment or service as a volunteer and at least once every 5 years thereafter, submit to the governing body of the university school:

(a) A complete set of his or her fingerprints and written permission authorizing the governing body to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant, employee or volunteer and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant, employee or volunteer; and

(b) Written authorization for the governing body to obtain any information concerning the applicant, employee or volunteer that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant, employee or volunteer has resided within the immediately preceding 5 years.

2. In conducting an investigation into the background of an applicant, employee or volunteer, the governing body of a university school for profoundly gifted pupils may cooperate with any appropriate law enforcement agency to obtain information relating to the background of the applicant, employee or volunteer, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant, employee or volunteer.

3. If the information obtained by the governing body pursuant to subsection 1 or 2 or subsection 5 of NRS 388C.205 indicates that the applicant, employee or volunteer has not been convicted of a felony or an offense involving moral turpitude, the governing body of the university school for profoundly gifted pupils may employ the applicant or employee or accept the volunteer, as applicable.

4. If the information obtained by the governing body pursuant to subsection 1 or 2 or subsection 5 of NRS 388C.205 indicates that the applicant, employee or volunteer has been convicted of a felony or an offense involving moral turpitude and the governing body of the university school for profoundly gifted pupils does not disqualify the applicant or employee from employment or the volunteer from serving as a volunteer on the basis of that report, the governing body shall, upon the written authorization of the applicant, employee or volunteer forward a copy of the information to the Superintendent of Public Instruction. If the applicant, employee or volunteer refuses to provide his or her written authorization to forward a copy of the report pursuant to this subsection, the university school shall not employ the applicant or employee or accept the volunteer, as applicable.

5. The Superintendent of Public Instruction or the Superintendent's designee shall promptly review the information to determine whether the conviction of the applicant, employee or volunteer is related or unrelated to the position with the university school for profoundly gifted pupils for which the applicant has applied or in which the employee is employed or the volunteer wishes to serve. The applicant, employee or volunteer shall, upon the request of the Superintendent of Public Instruction or the Superintendent's designee, provide any further information that the Superintendent or the designee determines is necessary to make the determination. If the governing body of the university school desires to employ the applicant or employee or accept the volunteer, the governing body shall, upon the request of the Superintendent of Public Instruction or the Superintendent's designee, provide any further information that the Superintendent or the designee determines is necessary to make the determination. The Superintendent of Public Instruction or the Superintendent's designee shall provide written notice of the determination to the applicant, employee or volunteer and to the governing body of the university school.

6. If the Superintendent of Public Instruction or the Superintendent's designee determines that the conviction of the applicant, employee or

volunteer is related to the position with the university school for profoundly gifted pupils for which the applicant has applied or in which the employee is employed or the volunteer wishes to serve, the governing body of the university school shall not employ the applicant or employee or accept the volunteer, as applicable. If the Superintendent of Public Instruction or the Superintendent's designee determines that the conviction of the applicant, employee or volunteer is unrelated to the position with the university school for which the applicant has applied or in which the employee is employed or the volunteer wishes to serve, the governing body of the university school may employ the applicant or employee for that position or accept the volunteer, as applicable.

7. The governing body of a university school for profoundly gifted pupils may use a substantiated report of the abuse or neglect of a child, as defined in NRS 392.281, or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 or *section 2 of this act* obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:

(a) In making determinations concerning assignments, requiring retraining, imposing discipline, hiring, accepting a volunteer or termination; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

8. The governing body of a university school for profoundly gifted pupils:

(a) May accept any gifts, grants and donations to carry out the provisions of this section and NRS 388C.205.

(b) May not be held liable for damages resulting from any action of the governing body authorized by subsection 2 or 7 or NRS 388C.205.

Sec. 23. NRS 391.033 is hereby amended to read as follows:

391.033 1. All licenses for teachers and other educational personnel are granted by the Superintendent of Public Instruction pursuant to regulations adopted by the Commission and as otherwise provided by law.

2. An application for the issuance of a license must include the social security number of the applicant.

3. Every applicant for a license must submit with his or her application:

(a) A complete set of his or her fingerprints and written permission authorizing the Superintendent to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its initial report on the criminal history of the applicant and for reports thereafter upon renewal of the license pursuant to subsection 8 of NRS 179A.075, and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant; and

(b) Written authorization for the Superintendent to obtain any information concerning the applicant that may be available from the Statewide Central Registry and any equivalent registry maintained by a governmental entity in

a jurisdiction in which the applicant has resided within the immediately preceding 5 years.

4. In conducting an investigation into the background of an applicant for a license, the Superintendent may cooperate with any appropriate law enforcement agency to obtain information relating to the criminal history of the applicant, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant.

5. The Superintendent may issue a provisional license pending receipt of the reports of the Federal Bureau of Investigation and the Central Repository for Nevada Records of Criminal History if the Superintendent determines that the applicant is otherwise qualified.

6. Except as otherwise provided in subsection 8, a license must be issued to, or renewed for, as applicable, an applicant if:

(a) The Superintendent determines that the applicant is qualified;

(b) The information obtained by the Superintendent pursuant to subsections 3 and 4:

(1) Does not indicate that the applicant has been convicted of a felony or any offense involving moral turpitude or indicates that the applicant has been convicted of a felony or an offense involving moral turpitude but the Superintendent determines that the conviction is unrelated to the position within the county school district or charter school for which the applicant applied or for which he or she is currently employed, as applicable;

(2) Does not indicate that there has been a substantiated report of abuse or neglect of a child, as defined in NRS 432B.020, or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 *or section 2 of this act* made against the applicant in any state; and

(3) Does not indicate that the applicant has a warrant for his or her arrest; and

(c) For initial licensure, the applicant submits the statement required pursuant to NRS 391.034.

7. If, pursuant to subparagraph (2) of paragraph (b) of subsection 6, the information indicates that a substantiated report has been made against the applicant in any state, the Superintendent shall:

(a) Suspend the application process;

(b) Notify the applicant of the substantiated report; and

(c) Provide the applicant an opportunity to rebut the substantiated report.

8. The Superintendent may deny an application for a license pursuant to this section if:

(a) A report on the criminal history of the applicant from the Federal Bureau of Investigation or the Central Repository for Nevada Records of Criminal History indicates that the applicant has been arrested for or charged with a sexual offense involving a minor or pupil, including, without limitation, any attempt, solicitation or conspiracy to commit such an offense; and

(b) The Superintendent provides to the applicant:

- (1) Written notice of his or her intent to deny the application; and
- (2) An opportunity for the applicant to have a hearing.

9. To request a hearing pursuant to subsection 8, an applicant must submit a written request to the Superintendent within 15 days after receipt of the notice by the applicant. Such a hearing must be conducted in accordance with regulations adopted by the State Board. If no request for a hearing is filed within that time, the Superintendent may deny the license.

10. If the Superintendent denies an application for a license pursuant to this section, the Superintendent must, within 15 days after the date on which the application is denied, provide notice of the denial to the school district or charter school that employs the applicant if the applicant is employed by a school district or charter school. Such a notice must not state the reasons for denial.

11. The Department shall:

- (a) Maintain a list of the names of persons whose applications for a license are denied due to conviction of a sexual offense involving a minor;
- (b) Update the list maintained pursuant to paragraph (a) monthly; and
- (c) Provide this list to the board of trustees of a school district or the governing body of a charter school upon request.

12. The Superintendent shall forward all information obtained from an investigation of an applicant pursuant to subsections 3 and 4 to the board of trustees of a school district, the governing body of a charter school or university school for profoundly gifted pupils or the administrator of a private school where the applicant is employed or seeking employment. Except as otherwise provided in this section, any information shared with the board of trustees of a school district, the governing body of a charter school or university school for profoundly gifted pupils or the administrator of a private school is confidential and must not be disclosed to any person other than the applicant. The board of trustees, governing body or administrator, as applicable, may use a substantiated report of the abuse or neglect of a child, as defined in NRS 392.281, or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 or *section 2 of this act* obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:

- (a) In making determinations concerning assignments, requiring retraining, imposing discipline, hiring or termination; and
- (b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

13. The Superintendent, the board of trustees of a school district, the governing body of a charter school or university school for profoundly gifted pupils or the administrator of a private school may not be held liable for damages resulting from any action of the Superintendent, board of trustees, governing body or administrator, as applicable, authorized by subsection 4 or 12.

14. The Superintendent may enter into reciprocal agreements with

appropriate officials of other countries concerning the licensing of teachers.

15. As used in this section, "sexual offense" has the meaning ascribed to it in NRS 179D.097.

Sec. 24. NRS 391.104 is hereby amended to read as follows:

391.104 1. Except as otherwise provided in NRS 391.105, each applicant for employment pursuant to NRS 391.100 or employee, except a teacher or other person licensed by the Superintendent of Public Instruction, or volunteer who is likely to have unsupervised contact with pupils, must, before beginning his or her employment or service as a volunteer and at least once every 5 years thereafter, submit to the school district:

(a) A full set of the applicant's, employee's or volunteer's fingerprints and written permission authorizing the school district to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant, employee or volunteer and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant, employee or volunteer; and

(b) Written authorization for the board of trustees of the school district to obtain any information concerning the applicant, employee or volunteer that may be available from the Statewide Central Registry and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant, employee or volunteer has resided within the immediately preceding 5 years.

2. In conducting an investigation into the background of an applicant, employee or volunteer, a school district may cooperate with any appropriate law enforcement agency to obtain information relating to the criminal history of the applicant, employee or volunteer, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant, employee or volunteer.

3. The board of trustees of a school district may use a substantiated report of the abuse or neglect of a child, as defined in NRS 392.281, or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 *or section 2 of this act* obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:

(a) When making determinations concerning assignments, requiring retraining, imposing discipline, hiring, accepting a volunteer or termination; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

4. Except as otherwise provided in subsection 5, the board of trustees of a school district shall not require a licensed teacher or other person licensed by the Superintendent of Public Instruction pursuant to NRS 391.033 who has taken a leave of absence from employment authorized by the school district, including, without limitation:

(a) Sick leave;

(b) Sabbatical leave;

- (c) Personal leave;
- (d) Leave for attendance at a regular or special session of the Legislature of this State if the employee is a member thereof;
- (e) Maternity leave; and
- (f) Leave permitted by the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq.,
➔ to submit a set of his or her fingerprints as a condition of return to or continued employment with the school district if the employee is in good standing when the employee began the leave.

5. A board of trustees of a school district may ask the Superintendent of Public Instruction to require a person licensed by the Superintendent of Public Instruction pursuant to NRS 391.033 who has taken a leave of absence from employment authorized by the school district to submit a set of his or her fingerprints as a condition of return to or continued employment with the school district if the board of trustees has probable cause to believe that the person has committed a felony or an offense involving moral turpitude during the period of his or her leave of absence.

6. The board of trustees of a school district:

- (a) May accept any gifts, grants and donations to carry out the provisions of subsections 1 and 2 and NRS 391.105.
- (b) May not be held liable for damages resulting from any action of the board of trustees authorized by subsection 2 or 3 or NRS 391.105.

Sec. 25. NRS 391.281 is hereby amended to read as follows:

391.281 1. Each applicant for employment or appointment pursuant to this section or employee, except a teacher or other person licensed by the Superintendent of Public Instruction, must, before beginning his or her employment or appointment and at least once every 5 years thereafter, submit to the school district:

(a) A full set of the applicant's or employee's fingerprints and written permission authorizing the school district to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant or employee and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant or employee.

(b) Written authorization for the board of trustees of the school district to obtain any information concerning the applicant or employee that may be available from the Statewide Central Registry and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant or employee has resided within the immediately preceding 5 years.

2. In conducting an investigation into the background of an applicant or employee, a school district may cooperate with any appropriate law enforcement agency to obtain information relating to the criminal history of the applicant or employee, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant or employee.

3. The board of trustees of a school district may use a substantiated report of the abuse or neglect of a child, as defined in NRS 392.281, or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 or *section 2 of this act* obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:

(a) In making determinations concerning assignments, requiring retraining, imposing discipline, hiring or termination; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

4. The board of trustees of a school district:

(a) May accept any gifts, grants and donations to carry out the provisions of subsections 1 and 2.

(b) May not be held liable for damages resulting from any action of the board of trustees authorized by subsection 2 or 3.

5. The board of trustees of a school district may employ or appoint persons to serve as school police officers. If the board of trustees of a school district employs or appoints persons to serve as school police officers, the board of trustees shall employ a law enforcement officer to serve as the chief of school police who is supervised by the superintendent of schools of the school district. The chief of school police shall supervise each person appointed or employed by the board of trustees as a school police officer, including any school police officer that provides services to a charter school pursuant to a contract entered into with the board of trustees pursuant to NRS 388A.384. In addition, persons who provide police services pursuant to subsection 6 or 7 shall be deemed school police officers.

6. The board of trustees of a school district in a county that has a metropolitan police department created pursuant to chapter 280 of NRS may contract with the metropolitan police department for the provision and supervision of police services in the public schools within the jurisdiction of the metropolitan police department and on property therein that is owned by the school district and on property therein that is owned or occupied by a charter school if the board of trustees has entered into a contract with the charter school for the provision of school police officers pursuant to NRS 388A.384. If a contract is entered into pursuant to this subsection, the contract must make provision for the transfer of each school police officer employed by the board of trustees to the metropolitan police department. If the board of trustees of a school district contracts with a metropolitan police department pursuant to this subsection, the board of trustees shall, if applicable, cooperate with appropriate local law enforcement agencies within the school district for the provision and supervision of police services in the public schools within the school district, including, without limitation, any charter school with which the school district has entered into a contract for the provision of school police officers pursuant to NRS 388A.384, and on property owned by the school district and, if applicable, the property owned or occupied by the charter school, but outside the jurisdiction of the

metropolitan police department.

7. The board of trustees of a school district in a county that does not have a metropolitan police department created pursuant to chapter 280 of NRS may contract with the sheriff of that county for the provision of police services in the public schools within the school district, including, without limitation, in any charter school with which the board of trustees has entered into a contract for the provision of school police officers pursuant to NRS 388A.384, and on property therein that is owned by the school district and, if applicable, the property owned or occupied by the charter school.

8. The board of trustees of a school district shall ensure that each school police officer receives training in the prevention of suicide before beginning his or her service as a school police officer.

Sec. 26. NRS 391.330 is hereby amended to read as follows:

391.330 1. The State Board may suspend or revoke the license of any teacher, administrator or other licensed employee, or may issue a letter of reprimand to any teacher, administrator or other licensed employee, after notice and an opportunity for hearing have been provided pursuant to NRS 391.322 and 391.323, for:

- (a) Unprofessional conduct.
- (b) Immorality, as defined in NRS 391.650.
- (c) Evident unfitness for service.
- (d) Physical or mental incapacity which renders the teacher, administrator or other licensed employee unfit for service.
- (e) Conviction of a felony or crime involving moral turpitude.
- (f) Conviction of a sex offense under NRS 200.366, 200.368, 201.190, 201.220, 201.230, 201.540 or 201.560 ~~for section 2 of this act~~ in which a pupil enrolled in a school of a county school district was the victim.

(g) Conviction of a violation of section 2 of this act.

~~(h)~~ (h) Knowingly advocating the overthrow of the Federal Government or of the State of Nevada by force, violence or unlawful means.

~~(i)~~ (i) Persistent defiance of or refusal to obey the regulations of the State Board, the Commission or the Superintendent of Public Instruction, defining and governing the duties of teachers, administrators and other licensed employees.

~~(j)~~ (j) Breaches in the security or confidentiality of the questions and answers of the examinations that are administered pursuant to NRS 390.105 and the college and career readiness assessment administered pursuant to NRS 390.610.

~~(k)~~ (k) Intentional failure to observe and carry out the requirements of a plan to ensure the security of examinations and assessments adopted pursuant to NRS 390.270 or 390.275.

~~(l)~~ (l) An intentional violation of NRS 388.497 or 388.499.

~~(m)~~ (m) Knowingly and willfully failing to comply with the provisions of NRS 388.1351.

~~(n)~~ (n) A substantiated report of abuse or neglect of a child, as defined

in NRS 432B.020, or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 *or section 2 of this act* made against the applicant in any state.

2. The State Board shall adopt regulations governing the process by which a letter of reprimand may be issued to a teacher, administrator or other licensed employee pursuant to this section, including, without limitation, regulations concerning the time period during which a letter of reprimand will remain on the record of the teacher, administrator or other licensed employee.

3. A teacher, administrator or other licensed employee whose license is suspended pursuant to this section:

(a) May apply to reinstate his or her license after the period of suspension, as determined by the State Board, is completed; and

(b) If he or she applies to reinstate his or her license pursuant to paragraph (a), shall:

(1) Submit a new application for licensure to the Department; and

(2) Pay the appropriate fee for licensure.

4. A teacher, administrator or other licensed employee whose license is revoked may not apply to reinstate his or her license and the Department shall not grant a new license to such a person.

Sec. 26.5. NRS 391.355 is hereby amended to read as follows:

391.355 1. The State Board shall adopt rules of procedure for the conduct of hearings conducted pursuant to NRS 391.323.

2. The rules of procedure must provide for boards of trustees of school districts, governing bodies of charter schools or the Superintendent of Public Instruction or the Superintendent's designee to bring charges, when cause exists.

3. The rules of procedure must provide that:

(a) The licensed employee, board of trustees of a school district, governing body of a charter school and Superintendent are entitled to be heard, to be represented by an attorney and to call witnesses in their behalf.

(b) The hearing officer selected pursuant to NRS 391.322 is entitled to be reimbursed for his or her reasonable actual expenses.

(c) If requested by the hearing officer selected pursuant to NRS 391.322, an official transcript must be made.

(d) Except as otherwise provided in paragraph (e), the State Board, licensed employee and the Department, board of trustees of a school district or governing body of a charter school which initiated the complaint resulting in the hearing are equally responsible for the expense of and compensation for the hearing officer selected pursuant to NRS 391.322 and the expense of the official transcript. The State Board may bill the licensed employee or the Department, board of trustees of a school district or governing body of a charter school which initiated the complaint resulting in the hearing for their percentage of any expenses incurred pursuant to this paragraph.

(e) If the hearing results from a recommendation to revoke or suspend a license based upon a conviction which is a ground for the suspension or

revocation of a license pursuant to paragraph (e) ~~or~~ (f) or (g) of subsection 1 of NRS 391.330, the licensed employee is fully responsible for the expense of and compensation for the hearing officer selected pursuant to NRS 391.322 and the expense of the official transcript. The State Board may bill the licensed employee for such expenses.

4. A hearing officer selected pursuant to NRS 391.322 shall, upon the request of a party, issue subpoenas to compel the attendance of witnesses and the production of books, records, documents or other pertinent information to be used as evidence in hearings conducted pursuant to NRS 391.323.

Sec. 27. NRS 391.650 is hereby amended to read as follows:

391.650 As used in NRS 391.650 to 391.826, inclusive, unless the context otherwise requires:

1. "Administrator" means any employee who holds a license as an administrator and who is employed in that capacity by a school district.

2. "Board" means the board of trustees of the school district in which a licensed employee affected by NRS 391.650 to 391.826, inclusive, is employed.

3. "Demotion" means demotion of an administrator to a position of lesser rank, responsibility or pay and does not include transfer or reassignment for purposes of an administrative reorganization.

4. "Immorality" means:

(a) An act forbidden by NRS 200.366, 200.368, 200.400, 200.508, 201.180, 201.190, 201.210, 201.220, 201.230, 201.265, 201.540, 201.560, 207.260, 453.316 to 453.336, inclusive, except an act forbidden by NRS 453.337, 453.338, 453.3385 to 453.3405, inclusive, 453.560 or 453.562; or

(b) An act forbidden by NRS 201.540 *or section 2 of this act* or any other sexual conduct or attempted sexual conduct with a pupil enrolled in an elementary or secondary school. As used in this paragraph, "sexual conduct" has the meaning ascribed to it in NRS 201.520.

5. "Postprobationary employee" means an administrator or a teacher who has completed the probationary period as provided in NRS 391.820 and has been given notice of reemployment. The term does not include a person who is deemed to be a probationary employee pursuant to NRS 391.730.

6. "Probationary employee" means:

(a) An administrator or a teacher who is employed for the period set forth in NRS 391.820; and

(b) A person who is deemed to be a probationary employee pursuant to NRS 391.730.

7. "Superintendent" means the superintendent of a school district or a person designated by the board or superintendent to act as superintendent during the absence of the superintendent.

8. "Teacher" means a licensed employee the majority of whose working time is devoted to the rendering of direct educational service to pupils of a school district.

Sec. 28. NRS 391.760 is hereby amended to read as follows:

391.760 1. If a superintendent has reason to believe that cause exists for the dismissal of a licensed employee and the superintendent is of the opinion that the immediate suspension of the employee is necessary in the best interests of the pupils in the district, the superintendent may suspend the employee without notice and without a hearing. Within 10 days after the suspension becomes effective, the superintendent shall begin proceedings pursuant to NRS 391.680 to 391.800, inclusive, to carry out the employee's dismissal. The employee is entitled to continue to receive his or her salary and other benefits after the suspension becomes effective until the date on which the dismissal proceedings are commenced.

2. Notwithstanding the provisions of NRS 391.750, a superintendent may suspend a licensed employee who has been officially charged but not yet convicted of a felony or a crime involving moral turpitude or immorality. If the charge is dismissed or if the employee is found not guilty, the employee must be reinstated with back pay, plus interest, and normal seniority. The superintendent shall notify the employee in writing of the suspension. Within 10 days after the date on which the employee receives such notice, the superintendent shall provide the employee with the opportunity for an informal hearing to address the circumstances relating to the charges and any other circumstances relating to the suspension. The superintendent shall issue a written decision concerning the continuation of the suspension based on the information presented at the hearing. The employee is entitled to continue to receive his or her salary and other benefits after the suspension becomes effective until the date on which the superintendent issues the written decision. The superintendent may recommend that an employee who has been charged with a felony or a crime involving immorality be dismissed for another ground set forth in NRS 391.750.

3. If sufficient grounds for dismissal are not found to exist at the conclusion of the proceedings conducted pursuant to subsection 1 or 2, the employee must be reinstated with full compensation, plus interest.

4. A licensed employee who furnishes to the school district a bond or other form of security which is acceptable to the board as a guarantee that the employee will repay any amounts paid to him or her pursuant to this subsection as salary during a period of suspension is entitled to continue to receive his or her salary from the date on which the dismissal proceedings are commenced until the decision of the board or the report of the hearing officer, if the report is final and binding. The board shall not unreasonably refuse to accept a form of security other than a bond. An employee who receives a salary pursuant to this subsection shall repay it if the employee is dismissed or not reemployed as a result of a decision of the board or a report of a hearing officer.

5. A licensed employee who is convicted of a crime which requires registration pursuant to NRS 179D.010 to 179D.550, inclusive, or is convicted of an act forbidden by NRS 200.508, 201.190, 201.265, 201.540,

201.560 or 207.260 *or section 2 of this act* forfeits all rights of employment from the date of his or her arrest.

6. A licensed employee who is convicted of any crime and who is sentenced to and serves any sentence of imprisonment forfeits all rights of employment from the date of his or her arrest or the date on which his or her employment terminated, whichever is later.

7. A licensed employee who is charged with a felony or a crime involving immorality or moral turpitude and who waives his or her right to a speedy trial while suspended may receive no more than 12 months of back pay and seniority upon reinstatement if the employee is found not guilty or the charges are dismissed, unless proceedings have been begun to dismiss the employee upon one of the other grounds set forth in NRS 391.750.

8. A superintendent may discipline a licensed employee by suspending the employee with loss of pay at any time after a hearing has been held which affords the due process provided for in this chapter. The grounds for suspension are the same as the grounds contained in NRS 391.750. An employee may be suspended more than once during the employee's contract year, but the total number of days of suspension may not exceed 20 in 1 contract year. Unless circumstances require otherwise, the suspensions must be progressively longer.

9. A licensed employee may be suspended pursuant to this section and admonished pursuant to NRS 391.755 for the same conduct.

Sec. 29. NRS 392.303 is hereby amended to read as follows:

392.303 1. In addition to the reporting required by NRS 432B.220, if, in his or her capacity as an employee of or volunteer for a public school or private school, such an employee or volunteer knows or has reasonable cause to believe that a child has been subjected to:

(a) Abuse or neglect, sexual conduct in violation of NRS 201.540 , ~~for~~ luring in violation of NRS 201.560 by another employee of or volunteer for a public school or private school ~~or~~ *or a violation of section 2 of this act by another employee of or volunteer for a public or private school*, the employee or volunteer who has such knowledge or reasonable cause to believe shall report the abuse or neglect, sexual conduct , ~~or~~ luring *or other violation* to the agency which provides child welfare services in the county in which the school is located and a law enforcement agency.

(b) Corporal punishment in violation of NRS 392.4633 or 394.366 by another employee of or volunteer for a public school or private school, the employee or volunteer who has such knowledge or reasonable cause to believe shall report the corporal punishment to the agency which provides child welfare services in the county in which the school is located.

2. A report pursuant to subsection 1 must be made as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the child has been subjected to abuse or neglect or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 ~~or~~ *or section 2 of this act*.

3. If a law enforcement agency that receives a report pursuant to paragraph (a) of subsection 1 concludes that there is not probable cause to believe that the person allegedly responsible for the abuse or neglect or who allegedly violated NRS 201.540 or 201.560 *or section 2 of this act* committed the act of which he or she is accused, the law enforcement agency shall notify the agency which provides child welfare services of that determination.

4. If a school police officer receives a report pursuant to this section of an offense that is punishable as a category A felony, the school police officer shall notify the local law enforcement agency that has jurisdiction over the school.

5. A law enforcement agency, other than a school police officer, shall notify a school police officer, if such an officer is employed in the school district, if the law enforcement agency receives a report pursuant to this section of an offense that is punishable as a felony and:

(a) Allegedly occurred:

(1) On the property of a public school for which the board of trustees of the school district has employed or appointed school police officers;

(2) At an activity sponsored by such a school; or

(3) On a school bus while the school bus was being used by such a school for an official school-related purpose; or

(b) Was allegedly committed by a person who the law enforcement agency has reasonable cause to believe is an employee or volunteer of such a school.

6. An agency which provides child welfare services shall assess all allegations contained in any report made pursuant to this section and, if the agency deems appropriate, assign the matter for investigation.

7. Nothing in NRS 392.275 to 392.365, inclusive, shall be construed to prohibit an agency which provides child welfare services and a law enforcement agency from undertaking simultaneous investigations of the abuse or neglect of a child or a violation of NRS 201.540 or 201.560 ~~or~~ *section 2 of this act*.

Sec. 30. NRS 392.317 is hereby amended to read as follows:

392.317 Except as otherwise provided in NRS 392.317 to 392.337, inclusive, and in addition to information provided pursuant to NRS 392.337, information maintained by an agency which provides child welfare services pursuant to NRS 392.275 to 392.365, inclusive, may, at the discretion of the agency which provides child welfare services, be made available only to:

1. The child who is the subject of the report, the parent or guardian of the child and an attorney for the child or the parent or guardian of the child, if the identity of the person responsible for reporting the abuse or neglect of the child or the violation of NRS 201.540, 201.560, 392.4633 or 394.366 *or section 2 of this act* to a public agency and the identity of any child witness are kept confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child who is the subject of the

report;

2. A physician, if the physician has before him or her a child who the physician has reasonable cause to believe has been abused or neglected or subject to a violation of NRS 201.540, 201.560, 392.4633 or 394.366 ~~or~~ *or section 2 of this act*;

3. An agency, including, without limitation, an agency in another jurisdiction, responsible for or authorized to undertake the care or treatment or supervision of the child or investigate the allegations in the report;

4. A district attorney or other law enforcement officer who requires the information in connection with an investigation or prosecution of the conduct alleged in the report;

5. A court, other than a juvenile court, for in camera inspection only, unless the court determines that public disclosure of the information is necessary for the determination of an issue before it;

6. A person engaged in bona fide research or an audit, but information identifying the subjects of a report must not be made available to the person;

7. A grand jury upon its determination that access to these records and the information is necessary in the conduct of its official business;

8. A federal, state or local governmental entity, or an agency of such an entity, or a juvenile court, that needs access to the information to carry out its legal responsibilities to protect children from abuse and neglect and violations of NRS 201.540, 201.560, 392.4633 or 394.366 *or section 2 of this act* or similar statutes in another jurisdiction;

9. A person or an organization that has entered into a written agreement with an agency which provides child welfare services to provide assessments or services and that has been trained to make such assessments or provide such services;

10. A team organized pursuant to NRS 432B.405 to review the death of a child;

11. Upon written consent of the parent, any officer of this State or a city or county thereof or Legislator authorized by the agency or department having jurisdiction or by the Legislature, acting within its jurisdiction, to investigate the activities or programs of an agency which provides child welfare services if:

(a) The identity of the person making the report is kept confidential; and

(b) The officer, Legislator or a member of the family of the officer or Legislator is not the person alleged to have engaged in the conduct described in the report;

12. The Division of Parole and Probation of the Department of Public Safety for use pursuant to NRS 176.135 in making a presentence investigation and report to the district court or pursuant to NRS 176.151 in making a general investigation and report;

13. A public school, private school, school district or governing body of a charter school or private school in this State or any other jurisdiction that employs a person named in the report, allows such a person to serve as a

volunteer or is considering employing such a person or accepting such a person as a volunteer;

14. The school attended by the child who is the subject of the report and the board of trustees of the school district in which the school is located or the governing body of the school, as applicable;

15. An employer in accordance with subsection 3 of NRS 432.100; and

16. The Committee to Review Suicide Fatalities created by NRS 439.5104.

Sec. 31. NRS 392.325 is hereby amended to read as follows:

392.325 1. An agency which provides child welfare services investigating a report made pursuant to NRS 392.303 shall, upon request, provide to a person named in the report as allegedly causing the abuse or neglect of a child or violating the provisions of NRS 201.540, 201.560, 392.4633 or 394.366 ~~the~~ *or section 2 of this act*:

(a) A copy of:

(1) Any statement made in writing to an investigator for the agency by the person; or

(2) Any recording made by the agency of any statement made orally to an investigator for the agency by the person; or

(b) A written summary of the allegations made against the person. The summary must not identify the person who made the report, any child witnesses to the allegations contained in the report or any collateral sources and reporting parties.

2. A person may authorize the release of information maintained by an agency which provides child welfare services pursuant to NRS 392.275 to 392.365, inclusive, about himself or herself, but may not waive the confidentiality of such information concerning any other person.

3. An agency which provides child welfare services may provide a summary of the outcome of an investigation of the allegations in a report made pursuant to NRS 392.303 to the person who made the report.

Sec. 32. NRS 392.337 is hereby amended to read as follows:

392.337 1. An agency which provides child welfare services investigating a report made pursuant to NRS 392.303 shall, upon completing the investigation, notify the parent or guardian of the child who is the subject of the report of the disposition assigned to the report pursuant to NRS 392.339.

2. If the report is substantiated, the agency shall:

(a) Forward the report to the Department of Education, the board of trustees of the school district in which the school is located or the governing body of the charter school or private school, as applicable, the appropriate local law enforcement agency within the county and the district attorney's office within the county for further investigation.

(b) Provide written notification to the person who is named in the report as allegedly causing the abuse or neglect of the child or violating NRS 201.540, 201.560, 392.4633 or 394.366 *or section 2 of this act* which includes

statements indicating that:

(1) The report made against the person has been substantiated and the agency which provides child welfare services intends to place the person's name in the Central Registry pursuant to paragraph (a); and

(2) The person may request an administrative appeal of the substantiation of the report and the agency's intention to place the person's name in the Central Registry by submitting a written request to the agency which provides child welfare services within the time required by NRS 392.345.

(c) After the conclusion of any administrative appeal pursuant to NRS 392.345 or the expiration of the time period prescribed by that section for requesting an administrative appeal, whichever is later, report to the Central Registry:

(1) Identifying and demographic information on the child who is the subject of the report, the parents of the child, any other person responsible for the welfare of the child and the person allegedly responsible for the conduct alleged in the report;

(2) The facts of the alleged conduct, including the date and type of alleged conduct, a description of the alleged conduct, the severity of any injuries and, if applicable, any information concerning the death of the child; and

(3) The disposition of the case.

(d) Provide to the parent or guardian of the child who is the subject of the report:

(1) A written summary of the outcome of the investigation of the allegations in the report which must not identify the person who made the report, any child witnesses to the allegations in the report or any collateral sources and reporting parties; and

(2) A summary of any disciplinary action taken against the person who is named in the report as allegedly causing the abuse or neglect of the child or violating NRS 201.540, 201.560, 392.4633 or 394.366 *or section 2 of this act* which is known by the agency, including, without limitation, whether the name of such person will be placed in the Central Registry.

3. A parent or guardian who receives information pursuant to paragraph (d) of subsection 2 may disclose the information to an attorney for the child who is the subject of the report or the parent or guardian of the child.

Sec. 33. NRS 394.155 is hereby amended to read as follows:

394.155 1. Except as otherwise provided in NRS 394.157, each applicant for employment with or employee at a private school, except a licensed teacher or other person licensed by the Superintendent of Public Instruction, or volunteer at a private school who is likely to have unsupervised contact with pupils, must, before beginning his or her employment or service as a volunteer and at least once every 5 years thereafter, submit to the administrator of the private school:

(a) A complete set of the applicant's, employee's or volunteer's fingerprints and written permission authorizing the administrator to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant, employee or volunteer and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant, employee or volunteer; and

(b) Written authorization for the administrator to obtain any information concerning the applicant, employee or volunteer that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant, employee or volunteer has resided within the immediately preceding 5 years.

2. The administrator of the private school shall:

(a) Submit the fingerprints of the applicant to the Central Repository for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the administrator deems necessary; and

(b) Request any information that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant, employee or volunteer has resided within the immediately preceding 5 years.

3. In conducting an investigation into the criminal history of an applicant, employee or volunteer, the administrator of a private school may cooperate with any appropriate law enforcement agency to obtain information relating to the criminal history of the applicant, employee or volunteer, including, without limitation, any record of warrants or applications for protective orders.

4. The administrator or governing body of a private school may use a substantiated report of the abuse or neglect of a child, as defined in NRS 392.281, or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 or *section 2 of this act* obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:

(a) In making determinations concerning assignments, requiring retraining, imposing discipline, hiring, accepting a volunteer or termination; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

5. The administrator or governing body of a private school may not be held liable for damages resulting from taking any action authorized by subsection 3 or 4 or NRS 394.157.

Sec. 34. NRS 432.100 is hereby amended to read as follows:

432.100 1. There is hereby established a Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child.

This Central Registry must be maintained by the Division.

2. The Central Registry must contain:

(a) The information in any substantiated report of child abuse or neglect made pursuant to NRS 392.303 or 432B.220;

(b) The information in any substantiated report of a violation of NRS 201.540, 201.560, 392.4633 or 394.366 or *section 2 of this act* made pursuant to NRS 392.303;

(c) Statistical information on the protective services provided in this State; and

(d) Any other information which the Division determines to be in furtherance of NRS 392.275 to 392.365, inclusive, 432.097 to 432.130, inclusive, and 432B.010 to 432B.400, inclusive.

3. The Division may release information contained in the Central Registry to an employer if:

(a) The person who is the subject of a background investigation by the employer provides written authorization for the release of the information; and

(b) Either:

(1) The employer is required by law to conduct the background investigation of the person for employment purposes; or

(2) The person who is the subject of the background investigation could, in the course of his or her employment, have regular and substantial contact with children or regular and substantial contact with elderly persons who require assistance or care from other persons,

↳ but only to the extent necessary to inform the employer whether the person who is the subject of the background investigation has been found to have abused or neglected a child.

4. Except as otherwise provided in this section or by specific statute, information in the Central Registry may be accessed only by:

(a) An employee of the Division;

(b) An agency which provides child welfare services;

(c) An employee of the Division of Public and Behavioral Health of the Department who is obtaining information in accordance with NRS 432A.170; and

(d) With the approval of the Administrator, an employee or contractor of any other state or local governmental agency responsible for the welfare of children who requests access to the information and who demonstrates to the satisfaction of the Administrator a bona fide need to access the information. Any approval or denial of a request submitted in accordance with this paragraph is at the sole discretion of the Administrator.

Sec. 35. NRS 432.120 is hereby amended to read as follows:

432.120 1. Information contained in the Central Registry must not be released unless the right of the applicant to the information is confirmed, the information concerning the report of abuse or neglect of the child or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 or *section 2 of this*

act has been reported pursuant to NRS 392.337 or 432B.310, as applicable, the released information discloses the disposition of the case and, if the information is being provided pursuant to subsection 3 of NRS 432.100, the person who is the subject of the background investigation provides written authorization for the release of the information.

2. The information contained in the Central Registry concerning cases in which a report of abuse or neglect of a child has been substantiated by an agency which provides child welfare services must be deleted from the Central Registry not later than 10 years after the child who is the subject of the report reaches the age of 18 years.

3. The Division shall not release information from the Central Registry regarding a report of child abuse or neglect made pursuant to NRS 392.303 or 432B.220 that received a disposition other than substantiated to any person or entity except for an agency which provides child welfare services.

4. The Division shall adopt regulations to carry out the provisions of this section.

Sec. 36. NRS 433.639 is hereby amended to read as follows:

433.639 1. Not later than 3 days after employing a person to provide or supervise the provision of peer recovery support services in a position where the person has regular and substantial contact with minors or retaining a person as an independent contractor to provide or supervise the provision of peer recovery support services in such a position and every 5 years thereafter, an employer, or person or entity who retained the independent contractor, shall:

(a) Obtain from the employee or independent contractor written authorization for the release of any information that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100; and

(b) Complete a child abuse and neglect screening through the Central Registry to determine whether there has been a substantiated report of child abuse or neglect or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 *or section 2 of this act* made against the person.

2. Except as otherwise provided in any regulations adopted pursuant to subsection 4, upon receiving information pursuant to subsection 1 from the Central Registry or from any other source that an employee or independent contractor described in subsection 1 has, within the immediately preceding 5 years, had a substantiated report of child abuse or neglect or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 *or section 2 of this act* made against him or her, the employer or person or entity who retained the independent contractor shall terminate the employment or contract of the employee or independent contractor, as applicable, after allowing the employee or independent contractor time to correct the information as required pursuant to subsection 3.

3. If an employee or independent contractor described in subsection 1 believes that the information provided to the employer or person or entity

who retained the independent contractor pursuant to subsection 2 is incorrect, the employee or independent contractor must inform the employer, person or entity immediately. The employer, person or entity shall give any such employee or independent contractor 30 days to correct the information.

4. The Division, in consultation with each agency which provides child welfare services, may establish by regulation a process by which it may review evidence upon request to determine whether an employee or independent contractor described in subsection 1 who has, within the immediately preceding 5 years, had a substantiated report of child abuse or neglect or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 *or section 2 of this act* made against him or her may continue to provide or supervise the provision of peer recovery support services and have regular and substantial contact with minors despite the report. Any such review must be conducted in a manner which does not discriminate against a person in violation of 42 U.S.C. §§ 2000e et seq.

5. If a process for review is established pursuant to subsection 4, an employee or independent contractor described in subsection 1 may request such a review in the manner established by the Division. Any determination made by the Division is final for purposes of judicial review.

6. During any period in which an employee or independent contractor seeks to correct information pursuant to subsection 3 or requests a review of information pursuant to subsection 5, it is within the discretion of the employer or person or entity who retained the independent contractor whether to allow the employee or independent contractor to continue to work for the employer, person or entity, as applicable, except that the employee or independent contractor shall not have regular and substantial contact with minors without supervision during such a period.

7. The Division shall adopt regulations to establish civil penalties to be imposed against any person or entity that fails to comply with the requirements of this section.

8. As used in this section, "agency which provides child welfare services" has the meaning ascribed to it in NRS 424.011.

Sec. 37. The amendatory provisions of sections 1 to 36, inclusive, of this act apply to offenses committed on or after October 1, 2023.

Senator Scheible moved that the Senate concur in Assembly Amendment No. 591 to Senate Bill No. 38.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 78.

The following Assembly amendment was read:

Amendment No. 684.

SUMMARY—Makes various changes relating to property. (BDR 10-623)

AN ACT relating to property; establishing and revising various definitions relating to property; establishing provisions relating to fees charged by

landlords to prospective tenants; prohibiting landlords from transferring, selling, assigning or reporting to certain agencies information concerning amounts owed by tenants to landlords; establishing provisions relating to circumstances under which a landlord changes his or her agent, broker or property management company; requiring a rental agreement to include separate appendices that contain certain information; making it unlawful for a landlord or certain other persons to charge a tenant certain fees; making various changes relating to fees, fines, deposits and costs paid by tenants; requiring rental agreements to include a grace period for the late payment of rent; requiring a tenant to be served with advance notice of increases in certain fees, fines and costs; revising provisions relating to agents of attorneys who serve certain notices relating to evictions; revising provisions relating to representation in small claim actions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a landlord and a tenant to perform certain obligations with respect to a lease of real property. (NRS 118A.240-118A.300) As part of a lease of real property, a landlord may require a tenant to pay a security deposit, defined as a payment, deposit, fee or charge used by the landlord to: (1) remedy a default in the payment of rent by the tenant; (2) repair damage to the premises other than normal wear; and (3) clean the dwelling unit. (NRS 118A.240, 118A.242) Section 5 of this bill defines the term "security deposit" to mean a deposit made in cash or by any other acceptable manner to a landlord for any of the following purposes: (1) remedying any default of the tenant in the payment of periodic rent, including, without limitation, the cost of any fee for the late payment of rent; (2) repairing damage to the premises caused by the tenant other than normal wear; and (3) cleaning the unit. Section 28 of this bill repeals the existing definition of "security deposit."

Existing law requires a landlord to return a security deposit, or any remaining portion thereof, within 30 days after the termination of the tenancy and makes the landlord liable for certain amounts for failing to return the security deposit within this period. (NRS 118A.242) Section 15 of this bill requires a landlord to deliver an itemized, written accounting of the disposition of the security deposit or surety bond, or a combination thereof in certain circumstances; (2) prescribes how delivery of the itemized, written accounting must be effectuated by the landlord; and (3) makes the landlord liable for certain amounts for failing to deliver the itemized, written accounting. Section 15 also provides that in any action relating to an amount claimed of a security deposit for repairing damage to the premises caused by the tenant, the landlord has the burden of proving: (1) that the damage to the premises occurred during the tenancy; and (2) the actual costs of repair.

Existing law defines "normal wear" as deterioration which occurs without negligence, carelessness or abuse of the premises, equipment or chattels by the tenant, a member of the household of the tenant or another person on the

premises with the consent of the tenant. (NRS 118A.110) Section 11 of this bill revises the definition of "normal wear" to mean expected deterioration which occurs during the course of a tenancy from the normal use of the premises by such persons.

Existing law requires written rental agreements to contain certain provisions, including, without limitation, provisions concerning : (1) the amount of rent and the manner and time of its payment ~~[-]~~ ; and (2) fees which are required and the purposes for which they are required. (NRS 118A.200) Existing law authorizes a landlord to charge a reasonable fee for the late payment of rent. (NRS 118A.210) Section 12 of this bill ~~[additionally]~~ requires such rental agreements to include a grace period for the late payment of rent. Section 13 of this bill prohibits a landlord from charging the fee for the late payment of rent until the expiration of the grace period set forth in the rental agreement. Section 4 of this bill defines the term "grace period" for such purposes. Section 12 also ~~[requires certain information relating to fees, fines and costs to be: (1) disclosed in writing to the tenant before he or she enters into a written rental agreement or otherwise begins the tenancy; and (2) printed clearly and conspicuously on the first page of the written rental agreement or clearly and conspicuously disclosed within the addenda to the written rental agreement, if applicable, that must be signed by the landlord or his or her agent and the tenant or his or her agent.]~~ : (1) requires a written rental agreement to include a separate appendix that contains an explanation of each fee that may be charged during the term of the rental agreement and the purpose for which the fee may be charged; and (2) makes it unlawful for a landlord or other person authorized to enter into a rental agreement on his or her behalf to charge a tenant a fee in an amount or for any purpose that is not set forth in the appendix. Finally, section 12 requires a written rental agreement to also include a separate appendix that contains an explanation of the rights of the tenant pursuant to federal and state law and local ordinances.

Existing law places certain prohibitions on rental agreements. (NRS 118A.220) Section 14 of this bill prohibits rental agreements from requiring tenants to pay any fee, fine or cost except those which are: (1) authorized by statute; or (2) actual and reasonable. Sections 12, 19-21 and 24 of this bill make conforming changes relating to the limitations on fees, fines and costs.

Section 7 of this bill authorizes a landlord to charge a fee for the eviction of a tenant. ~~[Additionally, section] Section 6 of this bill [- (1) authorizes] requires a landlord [to charge a single fee to every prospective tenant] who [intends to occupy one dwelling unit; and (2) prohibits a landlord from charging a] collects from a prospective tenant any fee to apply to rent a dwelling unit to refund the fee if the landlord: (1) rents the dwelling unit to ~~[other]~~ a different prospective ~~[tenants who submit applications for occupancy of the same dwelling unit unless the initial application or applications, as applicable, for that dwelling unit have been denied.]~~ tenant;~~

and (2) does not conduct the activity for which the fee was collected. Section 6 further prohibits a landlord from collecting an application fee, a fee to obtain a credit report or a fee to obtain a background check for a minor who is a member of the household of the prospective tenant.

Section 8 of this bill prohibits a landlord from transferring, selling, assigning or reporting to certain agencies any amount owed by the tenant, unless the landlord first delivers to the tenant an itemized, written accounting of all outstanding amounts owed by the tenant. Section 8.5 of this bill requires any action for the enforcement of any provision of a rental agreement to be brought: (1) not later than 2 years after the termination of the tenancy; and (2) as a small claims action, if certain jurisdictional limits apply to the amount owed by the tenant.

Section 9 of this bill provides that if a landlord changes his or her agent, broker or property management company, the landlord or the new agent, broker or company is required to send certain information to the tenant within 10 business days after the change.

Existing law prohibits a landlord from increasing the rent of a tenant unless the tenant is served with advance notice of the increase. (NRS 118A.300) Section 18 of this bill similarly prohibits a landlord from increasing certain fees, fines and costs charged to the tenant unless the tenant is served with advance notice of the increase.

Existing law provides that if a tenant's failure to perform basic obligations can be remedied by cleaning and the tenant fails to comply with a request to remedy such failure in a timely manner, the landlord may enter the dwelling unit, cause the work to be done and bill the tenant. (NRS 118A.440) Section 22 of this bill deletes this provision of existing law.

Existing law requires a tenant to be served with certain notices relating to evictions. Existing law also provides that certain notices may be served by an agent of an attorney who is licensed in this State if: (1) the attorney has been retained by the landlord in certain actions; and (2) the agent is acting at the direction and under the direct supervision of the attorney. (NRS 40.280) In addition to the existing requirements concerning such agents, section 25 of this bill prohibits the agent from being employed as a property manager in this State.

Existing law authorizes a nongovernmental legal or commercial entity to be represented by its director, officer or employee in an action in small claims court. (NRS 73.012) Similarly, section 26 of this bill authorizes a landlord to be represented by his or her agent in a small claims action.

Section 26.5 of this bill provides that the amendatory provisions of this bill do not apply to a tenant of a dwelling unit that is a manufactured home, or on the premises of a manufactured home lot or a manufactured home park.

Finally, section 27 of this bill provides that a rental agreement entered into before the effective date of this bill is binding upon the parties and may be enforced on or after that date, regardless of whether the provisions of the rental agreement conflict with the amendatory provisions of this bill.

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

Section 1. NRS 118.101 is hereby amended to read as follows:

118.101 1. A person may not refuse to:

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

(1) The person with the disability pays for the modifications; and

(2) The modifications are necessary to ensure that the person with the disability may use and enjoy the dwelling; or

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

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

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

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

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

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

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

5. As used in this section, "security deposit" has the meaning ascribed to it in ~~[NRS 118A.240.]~~ section 5 of this act.

Sec. 2. Chapter 118A of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 9, inclusive, of this act.

Sec. 3. (Deleted by amendment.)

Sec. 4. *"Grace period" means a period of time, not less than 3 days, during which rent can be paid late by a tenant.*

Sec. 5. *"Security deposit" means a deposit paid in cash, by check or by any other acceptable manner to a landlord for any of the following purposes:*

1. *Remedying any default of the tenant in the payment of periodic rent, including, without limitation, the cost of any fee for the late payment of rent.*

2. *Repairing damage to the premises caused by the tenant other than normal wear.*

3. *Cleaning the dwelling unit.*

Sec. 6. 1. A landlord ~~may charge a single fee for the submission of a rental application by every prospective tenant who intends to occupy one dwelling unit. If a landlord has charged a fee for the submission of a rental application from a prospective tenant or multiple prospective tenants that intend to occupy one dwelling unit, the landlord may not charge other prospective tenants a fee for the submission of a rental application for the same dwelling unit unless the initial application or applications, as applicable, for that dwelling unit have been denied.~~

~~2. The fee described in subsection 1 must not exceed the direct and actual costs of the landlord in processing the application, including, without limitation, reasonable personnel and administrative costs.~~ who collects from a prospective tenant any fee to apply to rent a dwelling unit, including, without limitation, an application fee, a fee to obtain a credit report or a fee to obtain a background check, shall refund the fee to the prospective tenant if the landlord:

(a) Rents the dwelling unit to a different prospective tenant; and
(b) Does not conduct the activity for which the fee was collected, including, without limitation, processing the application or obtaining a credit report or background check of the prospective tenant.

2. A landlord shall not collect an application fee, a fee to obtain a credit report or a fee to obtain a background check for a minor who is a member of the household of the prospective tenant.

3. As used in this section:

(a) "Household" means an association of persons who live in the same home or dwelling and who are related by blood, adoption, marriage or domestic partnership.

(b) "Minor" means a person who is under 18 years of age.

Sec. 7. A landlord may charge a tenant a fee for the eviction of the tenant. The amount of the fee must not exceed the direct and actual costs of the landlord associated with the action for eviction.

Sec. 8. 1. A landlord may not transfer, sell, assign or report to a collection agency or credit reporting agency any amount owed by the tenant to the landlord, unless the landlord delivers to the tenant an itemized, written accounting of all outstanding amounts owed by the tenant at least 30 days in advance of transferring, selling, assigning or reporting the amount owed to a collection agency or credit reporting agency.

2. An itemized, written accounting required by subsection 1 must contain a disclosure which states that if the outstanding amounts are not paid within 30 days, the landlord will transfer, sell, assign or report the outstanding amount to a collection agency or credit reporting agency.

3. The delivery of the itemized, written accounting must be effectuated by the landlord by:

(a) Personally handing the itemized, written accounting to the tenant at the place where rent is paid by the tenant; or

(b) Mailing the itemized, written accounting to the tenant at the present

address of the tenant, if known, or the last known address of the tenant, if the present address of the tenant is unknown.

Sec. 8.5. 1. Any action for the enforcement of any provision of a rental agreement must be commenced not later than 2 years after the termination of the tenancy, as established by the rental agreement.

2. If the amount owed by the tenant does not exceed the jurisdictional limit set forth in chapter 73 of NRS, the landlord must bring a small claims action.

Sec. 9. Within 10 business days after the landlord changes his or her agent, broker or property management company, the landlord or the new agent, broker or company shall provide written notification to the tenant which must contain:

1. The name, address and telephone number of the new agent, broker or company; and

2. A statement that the security deposit of the tenant was transferred, in its entirety without deductions, to the new entity and that no additional security deposit is required to be paid by the tenant.

Sec. 10. NRS 118A.020 is hereby amended to read as follows:

118A.020 As used in this chapter, unless the context otherwise requires, the terms defined in NRS 118A.030 to 118A.175, inclusive, and sections 4 and 5 of this act have the meanings ascribed to them in those sections.

Sec. 11. NRS 118A.110 is hereby amended to read as follows:

118A.110 1. "Normal wear" means ~~that~~ the expected deterioration which occurs ~~[without negligence, carelessness or abuse]~~ during the course of a tenancy from the normal use of the premises ~~[, equipment or chattels]~~ by the tenant, a household member of the ~~tenant's household~~ tenant or other person on the premises with the ~~tenant's~~ consent ~~[,]~~ of the tenant.

2. The term does not include damage to the premises which results from the neglect or abuse of the premises by the tenant, a household member of the tenant or other person on the premises.

Sec. 12. NRS 118A.200 is hereby amended to read as follows:

118A.200 1. Any written agreement for the use and occupancy of a dwelling unit or premises must be signed by the landlord or his or her agent and the tenant or his or her agent.

2. The landlord shall provide one copy of any written agreement described in subsection 1 to the tenant free of cost at the time the agreement is executed and, upon request of the tenant, provide additional copies of any such agreement to the tenant within a reasonable time. The landlord may charge a reasonable fee for providing the additional copies.

3. Any written rental agreement must contain, but is not limited to, provisions relating to the following subjects:

(a) Duration of the agreement.

(b) Amount of rent and the manner and time of its payment ~~[,]~~, including, without limitation:

(1) The duration of the grace period.

(2) *The fee for the late payment of rent.*

(c) Occupancy by children or pets.

(d) Services included with the dwelling rental.

(e) ~~{Fees}~~ *Subject to the limitations set forth in NRS 118A.220, fees, fines and costs which are ~~{required}~~ to be paid by the tenant and the purposes for which they are required.*

(f) Deposits which are required and the conditions for their refund ~~{-}~~, as applicable.

(g) ~~{Charges which may be required for late or partial payment of rent or for return of any dishonored check.~~

~~{(h)}~~ Inspection rights of the landlord.

~~{(i)}~~ (h) A listing of persons or numbers of persons who are to occupy the dwelling.

~~{(j)}~~ (i) Respective responsibilities of the landlord and the tenant as to the payment of utility charges.

~~{(k)}~~ (j) A signed record of the inventory and condition of the premises under the exclusive custody and control of the tenant.

~~{(l)}~~ (k) A summary of the provisions of NRS 202.470.

~~{(m)}~~ (l) Information regarding the procedure pursuant to which a tenant may report to the appropriate authorities:

(1) A nuisance.

(2) A violation of a building, safety or health code or regulation.

~~{(n)}~~ (m) Information regarding the right of the tenant to engage in the display of the flag of the United States, as set forth in NRS 118A.325.

(n) A separate appendix that contains a clear and concise explanation of each fee that may be charged during the term of the rental agreement and the purpose for which the fee may be charged. The appendix must state with specificity:

(1) For each fee that is variable, that the cost to be paid by the tenant is the actual cost incurred and that no additional fee will be added unless the fee is for a charge incurred by the tenant, including, without limitation, a late fee; and

(2) For each fee that is fixed or provided by a third-party vendor, the current amount of the fee.

(o) A separate appendix that contains a clear and concise explanation of the rights of the tenant pursuant to federal and state laws and local ordinances.

4. In addition to the provisions required by subsection 3, any written rental agreement for a single-family residence which is not signed by an authorized agent of the landlord who at the time of signing holds a permit to engage in property management pursuant to chapter 645 of NRS must contain a disclosure at the top of the first page of the agreement, in a font size at least two times larger than any other font size in the agreement, which states that:

(a) There are rebuttable presumptions in NRS 205.0813 and 205.0817 that

the tenant does not have lawful occupancy of the dwelling unless the agreement:

(1) Is notarized or is signed by an authorized agent of the landlord who at the time of signing holds a permit to engage in property management pursuant to chapter 645 of NRS; and

(2) Includes the current address and telephone number of the landlord or his or her authorized representative; and

(b) The agreement is valid and enforceable against the landlord and the tenant regardless of whether the agreement:

(1) Is notarized or is signed by an authorized agent of the landlord who at the time of signing holds a permit to engage in property management pursuant to chapter 645 of NRS; or

(2) Includes the current address and telephone number of the landlord or his or her authorized representative.

5. ~~The range of all fees, fines and costs, known or reasonably known, and the purpose for which they are required and the range of totals must be~~

~~(a) Disclosed in writing to the tenant before he or she enters into a written rental agreement or otherwise commences the tenancy; and~~

~~(b) Clearly and conspicuously printed on the first page of the written rental agreement or clearly and conspicuously disclosed within the addenda to the rental agreement, if applicable, that must be signed by the landlord or his or her agent and the tenant or his or her agent.~~

~~6.~~ The absence of a written agreement raises a disputable presumption that:

(a) There are no restrictions on occupancy by children or pets.

(b) Maintenance and waste removal services are provided without charge to the tenant.

(c) ~~No charges for partial or late payments of rent or for dishonored checks are paid by the tenant.~~ *There is no fee for the late payment of rent.*

(d) Other than normal wear, the premises will be returned in the same condition as when the tenancy began.

6. ~~7.~~ It is unlawful for a landlord or any person authorized to enter into a rental agreement on his or her behalf to use any written agreement which does not conform to the provisions of this section, and any provision in an agreement which contravenes the provisions of this section is void.

7. *It is unlawful for a landlord or any person authorized to enter into a rental agreement on his or her behalf to charge a tenant a fee in an amount or for any purpose that is not set forth in the appendix to the rental agreement that is required pursuant to paragraph (n) of subsection 3.*

8. As used in this section, "single-family residence" means a structure that is comprised of not more than four units. The term does not include a manufactured home as defined in NRS 118B.015.

Sec. 13. NRS 118A.210 is hereby amended to read as follows:

118A.210 1. Rent is payable without demand or notice at the time and place agreed upon by the parties.

2. Unless the rental agreement establishes a definite term, the tenancy is from week to week in the case of a tenant who pays weekly rent and in all other cases the tenancy is from month to month.

3. In the absence of an agreement, either written or oral:

(a) Rent is payable at the beginning of the tenancy; and
(b) Rent for the use and occupancy of a dwelling is the fair rental value for the use and occupancy.

4. A landlord may charge a reasonable late fee for the late payment of rent as set forth in the rental agreement, but:

(a) In a tenancy that is longer than week to week, no late fee may be charged or imposed until at least 3 calendar days after the date that rent is due;

(b) Such a late fee must not exceed 5 percent of the amount of the periodic rent; ~~and~~

(c) *Such a late fee must not be charged until the expiration of the grace period set forth in the rental agreement; and*

(d) The maximum amount of the late fee must not be increased based upon a late fee that was previously imposed.

Sec. 14. NRS 118A.220 is hereby amended to read as follows:

118A.220 1. A rental agreement shall not provide that the tenant:

(a) Agrees to waive or forego rights or remedies afforded by this chapter;
(b) Authorizes any person to confess judgment on any claim arising out of the rental agreement;

(c) Agrees to pay ~~the~~ :

(1) *The* landlord's attorney's fees, except that the agreement may provide that reasonable attorney's fees may be awarded to the prevailing party in the event of court action; *or*

(2) *Any fee, fine or cost, except those which are:*

(I) *Expressly authorized by statute; or*

(II) *Actual and reasonable;*

(d) Agrees to the exculpation or limitation of any liability of the landlord arising under law or to indemnify the landlord for that liability or the costs connected therewith if the liability is based upon an act or omission of the landlord or any agent or employee of the landlord; or

(e) Agrees to give the landlord a different notice of termination than that required to be given by the landlord to the tenant.

2. Any provision prohibited by subsection 1 is void as contrary to public policy and the tenant may recover any actual damages incurred through the inclusion of the prohibited provision.

Sec. 15. NRS 118A.242 is hereby amended to read as follows:

118A.242 1. The landlord may not demand or receive a security deposit or a surety bond, or a combination thereof, including the last month's rent, whose total amount or value exceeds 3 months' periodic rent.

2. In lieu of paying all or part of the security deposit required by the landlord, a tenant may, if the landlord consents, purchase a surety bond to

secure the tenant's obligation to the landlord under the rental agreement to:

- (a) Remedy any default of the tenant in the payment of rent.
- (b) Repair damages to the premises other than normal wear and tear.
- (c) Clean the dwelling unit.

3. The landlord:

(a) Is not required to accept a surety bond purchased by the tenant in lieu of paying all or part of the security deposit; and

(b) May not require a tenant to purchase a surety bond in lieu of paying all or part of the security deposit.

4. Upon termination of the tenancy by either party for any reason, the landlord may claim of the security deposit or surety bond, or a combination thereof, only such amounts as are reasonably necessary to ~~remedy~~ :

(a) *Remedy* any default of the tenant in the payment of rent ~~to repair~~

;

(b) *Repair* damages to the premises caused by the tenant other than normal wear ~~and to pay the reasonable costs of cleaning the premises~~ ; and

(c) *Clean the premises.*

5. The landlord shall ~~provide~~ *deliver to* the tenant ~~with~~ an itemized, written accounting of the disposition of the security deposit or surety bond, or a combination thereof, and return any remaining portion of the security deposit to the tenant ~~no~~ not later than 30 days after the termination of the tenancy by handing it to the tenant personally at the place where the rent is paid, or by mailing it to the tenant at the tenant's present address or, if that address is unknown, at the tenant's last known address.

~~{5. If a tenant disputes an item contained in an itemized written accounting received from a landlord pursuant to subsection 4, the tenant may send a written response disputing the item to the surety. If the tenant sends the written response within 30 days after receiving the itemized written accounting, the surety shall not report the claim of the landlord to a credit reporting agency unless the surety obtains a judgment against the tenant.}~~

6. *The delivery of the itemized, written accounting must be effectuated by the landlord by:*

(a) *Personally handing the itemized, written accounting to the tenant at the place where rent is paid by the tenant; or*

(b) *Mailing the itemized, written accounting to the tenant at the present address of the tenant, if known, or the last known address of the tenant, if the present address of the tenant is unknown.*

7. If the landlord fails or refuses to *deliver the itemized, written accounting or* return the remainder of a security deposit within 30 days after the end of a tenancy, the landlord is liable to the tenant for damages :

(a) In an amount equal to the entire security deposit; and

(b) For a sum to be fixed by the court of not more than the amount of the entire security deposit.

~~{7.}~~ 8. In determining the sum, if any, to be awarded under paragraph (b) of subsection ~~{6.}~~ 7, the court shall consider:

- (a) Whether the landlord acted in good faith;
- (b) The course of conduct between the landlord and the tenant; and
- (c) The degree of harm to the tenant caused by the landlord's conduct.

~~{8. Except for an agreement which provides for a nonrefundable charge for cleaning, in a reasonable amount, no}~~

9. *In any action relating to an amount claimed of a security deposit or surety bond, or a combination thereof, by a landlord for repairing damage to the premises caused by the tenant other than normal wear, the landlord has the burden of proving:*

(a) That the damage to the premises occurred during the tenancy of the tenant; and

(b) The actual costs of repair.

10. A rental agreement ~~{may}~~ must not contain any provision characterizing any security deposit under this section as nonrefundable or any provision waiving or modifying a tenant's rights under this section. Any such provision is void as contrary to public policy.

~~{9.}~~ 11. The claim of a tenant to a security deposit to which the tenant is entitled under this chapter takes precedence over the claim of any creditor of the landlord.

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. NRS 118A.300 is hereby amended to read as follows:

118A.300 The landlord may not increase ~~{the}~~ :

1. *The rent payable by a tenant unless the landlord serves the tenant with a written notice, ~~{60}~~ at least 60 days or, in the case of any periodic tenancy of less than 1 month, ~~{30}~~ at least 30 days in advance of the first rental payment to be increased, advising the tenant of the increase.*

2. *Any fee, fine or cost required to be paid by the tenant, unless the landlord serves the tenant with a written notice:*

(a) At least 60 days in advance of the first payment to be increased, if the tenancy is from month to month; or

(b) At least 30 days in advance of the first payment to be increased, if the tenancy is from week to week.

Sec. 19. NRS 118A.355 is hereby amended to read as follows:

118A.355 1. Except as otherwise provided in this chapter, if a landlord fails to maintain a dwelling unit in a habitable condition as required by this chapter, the tenant shall deliver a written notice to the landlord specifying each failure by the landlord to maintain the dwelling unit in a habitable condition and requesting that the landlord remedy the failures. If a failure is remediable and the landlord adequately remedies the failure or uses his or her best efforts to remedy the failure within 14 days after receipt of the notice, the tenant may not proceed under this section. If the landlord fails to remedy a material failure to maintain the dwelling unit in a habitable condition or to make a reasonable effort to do so within the prescribed time, the tenant may:

(a) Terminate the rental agreement immediately.

(b) Recover actual damages.

(c) Apply to the court for such relief as the court deems proper under the circumstances.

(d) Withhold any rent that becomes due without incurring ~~late fees, charges for notice or~~ any ~~other charge or~~ fee, *fine or cost* authorized by ~~this chapter or~~ the rental agreement until the landlord has remedied, or has attempted in good faith to remedy, the failure.

2. The tenant may not proceed under this section:

(a) For a condition caused by the tenant's own deliberate or negligent act or omission or that of a member of his or her household or other person on the premises with his or her consent; or

(b) If the landlord's inability to adequately remedy the failure or use his or her best efforts to remedy the failure within 14 days is due to the tenant's refusal to allow lawful access to the dwelling unit as required by the rental agreement or this chapter.

3. If the rental agreement is terminated, the landlord shall return all prepaid rent and any security deposit recoverable by the tenant under this chapter.

4. A tenant may not proceed under this section unless the tenant has given notice as required by subsection 1, except that the tenant may, without giving that notice:

(a) Recover damages under paragraph (b) of subsection 1 if the landlord:

(1) Admits to the court that the landlord had knowledge of the condition constituting the failure to maintain the dwelling in a habitable condition; or

(2) Has received written notice of that condition from a governmental agency authorized to inspect for violations of building, housing or health codes.

(b) Withhold rent under paragraph (d) of subsection 1 if the landlord:

(1) Has received written notice of the condition constituting the failure to maintain the dwelling in a habitable condition from a governmental agency authorized to inspect for violations of building, housing or health codes; and

(2) Fails to remedy or attempt in good faith to remedy the failure within the time prescribed in the written notice of that condition from the governmental agency.

5. Justice courts shall establish by local rule a mechanism by which tenants may deposit rent withheld under paragraph (d) of subsection 1 into an escrow account maintained or approved by the court. A tenant does not have a defense to an eviction under paragraph (d) of subsection 1 unless the tenant has deposited the withheld rent into an escrow account pursuant to this subsection.

Sec. 20. NRS 118A.370 is hereby amended to read as follows:

118A.370 If the landlord fails to deliver possession of the dwelling unit to the tenant as provided in this chapter, rent abates until possession is delivered as required, and the tenant may:

1. Terminate the rental agreement upon at least 5 days' written notice to the landlord and upon termination the landlord shall return all prepaid rent, any security deposit recoverable under this chapter ~~{-}~~ and any ~~{payment, other fee, fine, cost or deposit {-} fee or charge to secure the execution of}~~ required under the rental agreement ~~{-or}~~ to be paid by the tenant before his or her possession of the premises.

2. Demand performance of the rental agreement by the landlord and, if the tenant elects, maintain an action for possession of the dwelling unit against the landlord or any person wrongfully in possession and recover the actual damages sustained. If the landlord has exercised due diligence to evict the holdover tenant or remedy the condition keeping the new tenant from taking possession, the landlord is not liable for damages . ~~{-or}~~

3. Pursue any other remedies to which the tenant is entitled, including the right to recover any actual damages suffered.

Sec. 21. NRS 118A.380 is hereby amended to read as follows:

118A.380 1. If the landlord is required by the rental agreement or this chapter to supply heat, air-conditioning, running water, hot water, electricity, gas, a functioning door lock or another essential item or service and the landlord willfully or negligently fails to do so, causing the premises to become unfit for habitation, the tenant shall give written notice to the landlord specifying the breach. If the landlord does not adequately remedy the breach, or use his or her best efforts to remedy the breach within 48 hours, except a Saturday, Sunday or legal holiday, after it is received by the landlord, the tenant may, in addition to any other remedy:

(a) Procure reasonable amounts of such essential items or services during the landlord's noncompliance and deduct their actual and reasonable cost from the rent;

(b) Recover actual damages, including damages based upon the lack of use of the premises or the diminution of the fair rental value of the dwelling unit;

(c) Withhold any rent that becomes due during the landlord's noncompliance without incurring ~~{late fees, charges for notice or}~~ any ~~{other charge or}~~ fee , *fine or cost* authorized by ~~{this chapter or}~~ the rental agreement, until the landlord has attempted in good faith to restore the essential items or services; or

(d) Procure other housing which is comparable during the landlord's noncompliance, and the rent for the original premises fully abates during this period. The tenant may recover the actual and reasonable cost of that other housing which is in excess of the amount of rent which is abated.

2. If the tenant proceeds under this section, the tenant may not proceed under NRS 118A.350 and 118A.360 as to that breach.

3. The rights of the tenant under this section do not arise until the tenant has given written notice as required by subsection 1, except that the tenant may, without having given that notice:

(a) Recover damages as authorized under paragraph (b) of subsection 1 if

the landlord:

(1) Admits to the court that the landlord had knowledge of the lack of such essential items or services; or

(2) Has received written notice of the uninhabitable condition caused by such a lack from a governmental agency authorized to inspect for violations of building, housing or health codes.

(b) Withhold rent under paragraph (c) of subsection 1 if the landlord:

(1) Has received written notice of the condition constituting the breach from a governmental agency authorized to inspect for violations of building, housing or health codes; and

(2) Fails to remedy or attempt in good faith to remedy the breach within the time prescribed in the written notice of that condition from the governmental agency.

4. The rights of the tenant under paragraph (c) of subsection 1 do not arise unless the tenant is current in the payment of rent at the time of giving written notice pursuant to subsection 1.

5. If such a condition was caused by the deliberate or negligent act or omission of the tenant, a member of his or her household or other person on the premises with his or her consent, the tenant has no rights under this section.

Sec. 22. NRS 118A.440 is hereby amended to read as follows:

118A.440 If the tenant's failure to perform basic obligations under this chapter can be remedied by repair ~~to~~ or replacement of a damaged item, ~~for cleaning,~~ and the tenant fails to use his or her best efforts to comply within 14 days after written notice by the landlord specifying the breach and requesting that the tenant remedy it within that period of time or more promptly if conditions require in case of emergency, the landlord may enter the dwelling unit and cause the work to be done in a workmanlike manner and submit the itemized bill for the actual and reasonable cost, or the fair and reasonable value of the work. The itemized bill must be paid as rent on the next date periodic rent is due, or if the rental agreement has terminated, may be submitted to the tenant for immediate payment or deducted from the security deposit.

Sec. 23. (Deleted by amendment.)

Sec. 24. NRS 40.253 is hereby amended to read as follows:

40.253 1. Except as otherwise provided in subsection 12, in addition to the remedy provided in NRS 40.2512 and 40.290 to 40.420, inclusive, when the tenant of any dwelling, apartment, mobile home or recreational vehicle with periodic rent reserved by the month or any shorter period is in default in payment of the rent, the landlord or the landlord's agent may cause to be served a notice in writing, requiring in the alternative the payment of the rent or the surrender of the premises:

(a) Before the close of business on the seventh judicial day following the day of service; or

(b) If the landlord chooses not to proceed in the manner set forth in

paragraph (a) and the rent is reserved by a period of 1 week or less and the tenancy has not continued for more than 45 days, at or before noon of the fourth full day following the day of service.

➡ As used in this subsection, "day of service" means the day the landlord or the landlord's agent personally delivers the notice to the tenant. If personal service was not so delivered, the "day of service" means the day the notice is delivered, after posting and mailing pursuant to subsection 2, to the sheriff or constable for service if the request for service is made before noon. If the request for service by the sheriff or constable is made after noon, the "day of service" shall be deemed to be the day next following the day that the request is made for service by the sheriff or constable.

2. A landlord or the landlord's agent who serves a notice to a tenant pursuant to paragraph (b) of subsection 1 shall attempt to deliver the notice in person in the manner set forth in subsection 2 of NRS 40.2542. If the notice cannot be delivered in person, the landlord or the landlord's agent:

(a) Shall post a copy of the notice in a conspicuous place on the premises and mail the notice by overnight mail; and

(b) After the notice has been posted and mailed, may deliver the notice to the sheriff or constable for service in the manner set forth in subsection 1 of NRS 40.280. The sheriff or constable shall not accept the notice for service unless it is accompanied by written evidence, signed by the tenant when the tenant took possession of the premises, that the landlord or the landlord's agent informed the tenant of the provisions of this section which set forth the lawful procedures for eviction from a short-term tenancy. Upon acceptance, the sheriff or constable shall serve the notice within 48 hours after the request for service was made by the landlord or the landlord's agent.

3. A notice served pursuant to subsection 1 or 2 must:

(a) Identify the court that has jurisdiction over the matter; and

(b) Advise the tenant:

(1) Of the tenant's right to contest the matter by filing, within the time specified in subsection 1 for the payment of the rent or surrender of the premises, an affidavit with the court that has jurisdiction over the matter stating that the tenant has tendered payment or is not in default in the payment of the rent;

(2) That if the court determines that the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant, directing the sheriff or constable of the county to post the order in a conspicuous place on the premises not later than 24 hours after the order is received by the sheriff or constable. The sheriff or constable shall remove the tenant not earlier than 24 hours but not later than 36 hours after the posting of the order; and

(3) That, pursuant to NRS 118A.390, a tenant may seek relief if a landlord unlawfully removes the tenant from the premises or excludes the tenant by blocking or attempting to block the tenant's entry upon the premises or willfully interrupts or causes or permits the interruption of an

essential service required by the rental agreement or chapter 118A of NRS.

4. If the tenant files such an affidavit at or before the time stated in the notice, the landlord or the landlord's agent, after receipt of a file-stamped copy of the affidavit which was filed, shall not provide for the nonadmittance of the tenant to the premises by locking or otherwise.

5. Upon noncompliance with the notice:

(a) The landlord or the landlord's agent may apply by affidavit of complaint for eviction to the justice court of the township in which the dwelling, apartment, mobile home or recreational vehicle are located or to the district court of the county in which the dwelling, apartment, mobile home or recreational vehicle are located, whichever has jurisdiction over the matter. The court may thereupon issue an order directing the sheriff or constable of the county to post the order in a conspicuous place on the premises not later than 24 hours after the order is received by the sheriff or constable. The sheriff or constable shall remove the tenant not earlier than 24 hours but not later than 36 hours after the posting of the order. The affidavit must state or contain:

(1) The date the tenancy commenced.

(2) The amount of periodic rent reserved.

(3) The amounts of any cleaning, security or rent deposits paid in advance, in excess of the first month's rent, by the tenant.

(4) The date the rental payments became delinquent.

(5) The length of time the tenant has remained in possession without paying rent.

(6) The amount of rent claimed due and delinquent.

(7) A statement that the written notice was served on the tenant in accordance with NRS 40.280.

(8) A copy of the written notice served on the tenant.

(9) A copy of the signed written rental agreement, if any.

(b) Except when the tenant has timely filed the affidavit described in subsection 3 and a file-stamped copy of it has been received by the landlord or the landlord's agent, and except when the landlord is prohibited pursuant to NRS 118A.480, the landlord or the landlord's agent may, in a peaceable manner, provide for the nonadmittance of the tenant to the premises by locking or otherwise.

6. Upon the filing by the tenant of the affidavit permitted in subsection 3, regardless of the information contained in the affidavit, and the filing by the landlord of the affidavit permitted by subsection 5, the justice court or the district court shall hold a hearing, after service of notice of the hearing upon the parties, to determine the truthfulness and sufficiency of any affidavit or notice provided for in this section. If the court determines that there is no legal defense as to the alleged unlawful detainer and the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant. If the court determines that there is a legal defense as to the alleged unlawful detainer,

the court shall refuse to grant either party any relief, and, except as otherwise provided in this subsection, shall require that any further proceedings be conducted pursuant to NRS 40.290 to 40.420, inclusive. The issuance of a summary order for removal of the tenant does not preclude an action by the tenant for any damages or other relief to which the tenant may be entitled. If the alleged unlawful detainer was based upon subsection 5 of NRS 40.2514, the refusal by the court to grant relief does not preclude the landlord thereafter from pursuing an action for unlawful detainer in accordance with NRS 40.251.

7. The tenant may, upon payment of the appropriate fees relating to the filing and service of a motion, file a motion with the court, on a form provided by the clerk of the court, to dispute the amount of the costs, if any, claimed by the landlord pursuant to NRS 118A.460 for the inventory, moving and storage of personal property left on the premises. The motion must be filed within 20 days after the summary order for removal of the tenant or the abandonment of the premises by the tenant, or within 20 days after:

- (a) The tenant has vacated or been removed from the premises; and
- (b) A copy of those charges has been requested by or provided to the tenant,
➡ whichever is later.

8. Upon the filing of a motion pursuant to subsection 7, the court shall schedule a hearing on the motion. The hearing must be held within 10 days after the filing of the motion. The court shall affix the date of the hearing to the motion and order a copy served upon the landlord by the sheriff, constable or other process server. At the hearing, the court may:

- (a) Determine the costs, if any, claimed by the landlord pursuant to NRS 118A.460 and any accumulating daily costs; and
- (b) Order the release of the tenant's property upon the payment of the charges determined to be due or if no charges are determined to be due.

9. The tenant may, upon payment of the appropriate fees relating to the filing and service of a motion, file a motion with the court on a form provided by the clerk of court to dispute the reasonableness of the actions of a landlord pursuant to subsection 3 of NRS 118A.460. The motion must be filed within 5 days after the tenant has vacated or been removed from the premises. Upon the filing of a motion pursuant to this subsection, the court shall schedule a hearing on the motion. The hearing must be held within 5 days after the filing of the motion. The court shall affix the date of the hearing to the motion and order a copy served upon the landlord by the sheriff, constable or other process server. At the hearing, the court may:

- (a) Order the landlord to allow the retrieval of the tenant's essential personal effects at the date and time and for a period necessary for the retrieval, as determined by the court; and
 - (b) Award damages in an amount not greater than \$2,500.
10. In determining the amount of damages, if any, to be awarded under

paragraph (b) of subsection 9, the court shall consider:

- (a) Whether the landlord acted in good faith;
- (b) The course of conduct between the landlord and the tenant; and
- (c) The degree of harm to the tenant caused by the landlord's conduct.

11. A landlord shall not refuse to accept rent from a tenant that is submitted after the landlord or the landlord's agent has served or had served a notice pursuant to subsection 1 if the refusal is based on the fact that the tenant has not paid collection fees, attorney's fees or other costs other than rent, a reasonable ~~{charge}~~ fee for late ~~{payments}~~ payment of rent ~~{or dishonored checks,}~~ or a security deposit. As used in this subsection, "security deposit" has the meaning ascribed to it in ~~{NRS 118A.240,}~~ *section 5 of this act*.

12. Except as otherwise provided in NRS 118A.315, this section does not apply to:

(a) The tenant of a mobile home lot in a mobile home park or to the tenant of a recreational vehicle lot in an area of a mobile home park in this State other than an area designated as a recreational vehicle lot pursuant to the provisions of subsection 8 of NRS 40.215.

(b) A tenant who provides proof to the landlord that he or she is a federal worker, tribal worker, state worker or household member of such a worker during a shutdown.

13. As used in this section, "close of business" means the close of business of the court that has jurisdiction over the matter.

Sec. 25. NRS 40.280 is hereby amended to read as follows:

40.280 1. Except as otherwise provided in NRS 40.253 and 40.2542, the notices required by NRS 40.251 to 40.260, inclusive, must be served by the sheriff, a constable, a person who is licensed as a process server pursuant to chapter 648 of NRS or the agent of an attorney licensed to practice in this State:

(a) By delivering a copy to the tenant personally.

(b) If the tenant is absent from the tenant's place of residence or from the tenant's usual place of business, by leaving a copy with a person of suitable age and discretion at either place and mailing a copy to the tenant at the tenant's place of residence or place of business.

(c) If the place of residence or business cannot be ascertained, or a person of suitable age or discretion cannot be found there, by posting a copy in a conspicuous place on the leased property, delivering a copy to a person there residing, if the person can be found, and mailing a copy to the tenant at the place where the leased property is situated.

2. The notices required by NRS 40.230, 40.240 and 40.414 must be served upon an unlawful or unauthorized occupant:

(a) Except as otherwise provided in this paragraph and paragraph (b), by delivering a copy to the unlawful or unauthorized occupant personally, in the presence of a witness. If service is accomplished by the sheriff, constable or a person who is licensed as a process server pursuant to chapter 648 of NRS,

the presence of a witness is not required.

(b) If the unlawful or unauthorized occupant is absent from the real property, by leaving a copy with a person of suitable age and discretion at the property and mailing a copy to the unlawful or unauthorized occupant at the place where the property is situated. If the occupant is unknown, the notice must be addressed to "Current Occupant."

(c) If a person of suitable age or discretion cannot be found at the real property, by posting a copy in a conspicuous place on the property and mailing a copy to the unlawful or unauthorized occupant at the place where the property is situated. If the occupant is unknown, the notice must be addressed to "Current Occupant."

3. Service upon a subtenant may be made in the same manner as provided in subsection 1.

4. Proof of service of any notice required by NRS 40.230 to 40.260, inclusive, must be filed with the court before:

(a) An order for removal of a tenant is issued pursuant to NRS 40.253 or 40.254;

(b) An order for removal of an unlawful or unauthorized occupant is issued pursuant to NRS 40.414;

(c) A writ of restitution is issued pursuant to NRS 40.290 to 40.420, inclusive; or

(d) An order for removal of a commercial tenant pursuant to NRS 40.2542.

5. Proof of service of notice pursuant to NRS 40.230 to 40.260, inclusive, that must be filed before the court may issue an order or writ filed pursuant to paragraph (a), (b) or (c) of subsection 4 must consist of:

(a) Except as otherwise provided in paragraph (b):

(1) If the notice was served pursuant to subsection 1, a written statement, endorsed by the person who served the notice, stating the date and manner of service. The statement must also include the number of the badge or license of the person who served the notice. If the notice was served by the agent of an attorney licensed in this State, the statement must be accompanied by a declaration, signed by the attorney and bearing the license number of the attorney, stating that the attorney:

(I) Was retained by the landlord in an action pursuant to NRS 40.230 to 40.420, inclusive;

(II) Reviewed the date and manner of service by the agent; and

(III) Believes to the best of his or her knowledge that such service complies with the requirements of this section.

(2) If the notice was served pursuant to paragraph (a) of subsection 2, an affidavit or declaration signed by the tenant or the unlawful or unauthorized occupant, as applicable, and a witness, signed under penalty of perjury by the server, acknowledging that the tenant or occupant received the notice on a specified date.

(3) If the notice was served pursuant to paragraph (b) or (c) of

subsection 2, an affidavit or declaration signed under penalty of perjury by the person who served the notice, stating the date and manner of service and accompanied by a confirmation of delivery or certificate of mailing issued by the United States Postal Service or confirmation of actual delivery by a private postal service.

(b) For a short-term tenancy, if service of the notice was not delivered in person:

(1) A certificate of mailing issued by the United States Postal Service or by a private postal service to the landlord or the landlord's agent; or

(2) The endorsement of a sheriff or constable stating the:

(I) Time and date the request for service was made by the landlord or the landlord's agent;

(II) Time, date and manner of the service; and

(III) Fees paid for the service.

6. Proof of service of notice pursuant to NRS 40.230 to 40.260, inclusive, that must be filed before the court may issue an order filed pursuant to paragraph (d) of subsection 4 must consist of:

(a) Except as otherwise provided in paragraphs (b) and (c):

(1) If the notice was served pursuant to subsection 2 of NRS 40.2542, an affidavit or declaration signed by the tenant or the unlawful or unauthorized occupant, and a witness, as applicable, signed under penalty of perjury by the server, acknowledging that the tenant or occupant received the notice on a specified date.

(2) If the notice was served pursuant to paragraph (b) or (c) of subsection 1, an affidavit or declaration signed under penalty of perjury by the person who served the notice, stating the date and manner of service and accompanied by a confirmation of delivery or certificate of mailing issued by the United States Postal Service or confirmation of actual delivery by a private postal service.

(b) If the notice was served by a sheriff, a constable or a person who is licensed as a process server pursuant to chapter 648 of NRS, a written statement, endorsed by the person who served the notice, stating the date and manner of service. The statement must also include the number of the badge or license of the person who served the notice.

(c) For a short-term tenancy, if service of the notice was not delivered in person:

(1) A certificate of mailing issued by the United States Postal Service or by a private postal service to the landlord or the landlord's agent; or

(2) The endorsement of a sheriff or constable stating the:

(I) Time and date the request for service was made by the landlord or the landlord's agent;

(II) Time, date and manner of the service; and

(III) Fees paid for the service.

7. For the purpose of this section, an agent of an attorney licensed in this State shall only serve notice pursuant to subsection 1 if:

(a) The landlord has retained the attorney in an action pursuant to NRS 40.230 to 40.420, inclusive; ~~and~~

(b) The agent is acting at the direction and under the direct supervision of the attorney ~~}; and~~

(c) *The agent is not employed as the property manager of any premises in this State.*

Sec. 26. NRS 73.012 is hereby amended to read as follows:

73.012 1. A corporation, partnership, business trust, estate, trust, association or any other nongovernmental legal or commercial entity may be represented by its director, officer or employee in an action mentioned or covered by this chapter.

2. *A landlord may be represented by his or her agent in an action mentioned or covered by this chapter.*

Sec. 26.5. 1. The amendatory provisions of this act do not apply to the tenant of a dwelling that is a manufactured home or on the premises of a manufactured home lot or a manufactured home park.

2. As used in this section:

(a) "Dwelling" has the meaning ascribed to it in 118A.080.

(b) "Manufactured home" has the meaning ascribed to it in NRS 118B.015.

(c) "Manufactured home lot" has the meaning ascribed to it in NRS 118B.016.

(d) "Manufactured home park" has the meaning ascribed to it in NRS 118B.017.

(e) "Tenant" has the meaning ascribed to it in NRS 118A.170.

Sec. 27. Any rental agreement between a landlord and tenant entered into before the effective date of this act is binding upon the parties to the agreement and may be enforced on or after the effective date of this act, regardless of whether any provision of the rental agreement conflicts with the amendatory provisions of this act.

Sec. 28. NRS 118A.240 is hereby repealed.

Sec. 29. This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTION

118A.240 "Security deposit" defined.

1. Any payment, deposit, fee or charge that is to be used for any of the following purposes is a "security deposit" and is governed by the provisions of this section and NRS 118A.242 and 118A.244:

(a) Remediating any default of the tenant in the payments of rent.

(b) Repairing damages to the premises other than normal wear caused by the tenant.

(c) Cleaning the dwelling unit.

2. "Security deposit" does not include:

(a) Any payment, deposit or fee to secure an option to purchase the premises; or

(b) Any payment to a corporation qualified under the laws of this State as

a surety, guarantor or obligator for a premium paid to secure a surety bond or a similar bond, guarantee or insurance coverage for purposes of securing a tenant's obligations to a landlord as described in NRS 118A.242.

Senator Spearman moved that the Senate concur in Assembly Amendment No. 684 to Senate Bill No. 78.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 103.

The following Assembly amendment was read:

Amendment No. 899.

SUMMARY—Revises provisions governing the Nevada Sentencing Commission within the Department of Sentencing Policy. (BDR 14-308)

AN ACT relating to criminal justice; revising the membership, powers and duties of the Nevada Sentencing Commission; establishing the Subcommittee on Misdemeanors of the Sentencing Commission; prescribing the membership, powers and duties of the Subcommittee; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Nevada Sentencing Commission within the Department of Sentencing Policy, prescribes the membership of the Sentencing Commission and sets forth various powers and duties of the Sentencing Commission. (NRS 176.0133, 176.0134) Section 2 of this bill revises the membership of the Sentencing Commission to remove a member appointed by the Governor and add: (1) a member who is an attorney and whose practice primarily consists of representing criminal defendants in a county whose population is less than 55,000 (currently counties other than Clark and Washoe Counties and Carson City); (2) a member who is a district attorney; (3) a member who is a representative of the Central Repository for Nevada Records of Criminal History; and (4) a member who is a faculty member ~~fin~~ of the Nevada System of Higher Education ~~fr~~ who teaches criminal justice. Section 2 also: (1) prescribes certain additional requirements relating to members of the Sentencing Commission who are district attorneys; and (2) authorizes the Sentencing Commission to establish working groups, task forces and similar entities to assist in its work.

Section 3 of this bill removes certain specific requirements relating to recommendations of the Sentencing Commission. Section 3 also removes requirements that the Sentencing Commission: (1) provide certain training regarding sentencing; (2) act as a sentencing policy resource for this State; and (3) propose and recommend statutory sentencing guidelines. Section 1.9 of this bill makes a conforming change relating to the duties of the Sentencing Commission.

Section 1.5 of this bill creates the Subcommittee on Misdemeanors of the Sentencing Commission and sets forth its membership and duties. Section 1.7 of this bill authorizes the Chair of the Subcommittee to appoint

working groups to aid in the work of the Subcommittee. Section 1.7 provides that all information and materials received or prepared by a working group are confidential. Section 4.5 of this bill makes a conforming change relating to the information and materials made confidential pursuant to section 1.7. Section 1.3 of this bill defines the term "subcommittee" for purposes of the provisions of sections 1.5 and 1.7. Section 1.8 of this bill makes a conforming change to indicate the proper placement of sections 1.3-1.7 in the Nevada Revised Statutes.

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

Section 1. Chapter 176 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3, 1.5 and 1.7 of this act.

Sec. 1.3. *"Subcommittee" means the Subcommittee on Misdemeanors of the Sentencing Commission.*

Sec. 1.5. 1. *There is hereby created the Subcommittee on Misdemeanors of the Sentencing Commission, consisting of members appointed by the Chair of the Sentencing Commission, who must include, without limitation:*

(a) One member who has expertise in:

(1) Policies and practices regarding misdemeanor sentencing implemented in this State and other states; and

(2) Administrative assessments, fines and fees related to the criminal justice system in this State and other states;

(b) One member who is a city attorney;

(c) One member who is an attorney, experienced in defending criminal actions; and

(d) One member who serves as a court administrator for a justice or municipal court.

2. *The Chair of the Sentencing Commission shall designate one of the members of the Subcommittee to serve as the Chair of the Subcommittee.*

3. *The Subcommittee shall meet at the times and places specified by a call of the Chair. A majority of the members of the Subcommittee constitutes a quorum, and a quorum may exercise all the power or authority conferred on the Subcommittee. Members of the Subcommittee shall serve without compensation.*

4. *The Subcommittee shall:*

(a) Study existing laws, policies and practices relating to misdemeanor offenses in this State and other states, including, without limitation, the sentences imposed for misdemeanor offenses in this State and other states; and

(b) Submit a biennial report describing the findings, conclusions and recommendations of the subcommittee to the Sentencing Commission.

Sec. 1.7. 1. *The Chair of the Subcommittee may appoint working groups composed of persons with subject matter expertise, including, without limitation, representations of criminal justice agencies in this State to aid in*

the work of the Subcommittee.

2. The Chair of the Subcommittee may appoint any person the Chair deems appropriate to serve on a working group, which may include, without limitation, representatives of criminal justice agencies within this State.

3. All information and materials received or prepared by a working group are confidential and not public record for purposes of chapter 239 of NRS.

4. The members of a working group serve without compensation.

Sec. 1.8. NRS 176.01313 is hereby amended to read as follows:

176.01313 As used in NRS 176.0131 to 176.014, inclusive, and sections 1.3, 1.5 and 1.7 of this act, unless the context otherwise requires, the words and terms defined in NRS 176.01315, 176.01317 and 176.0132 and section 1.3 of this act have the meanings ascribed to them in those sections.

Sec. 1.9. NRS 176.01327 is hereby amended to read as follows:

176.01327 The Executive Director appointed pursuant to NRS 176.01323 shall:

1. Oversee all of the functions of the Department.
2. Serve as Executive Secretary of the Sentencing Commission without additional compensation.
3. Report to the Sentencing Commission on sentencing and related issues regarding the functions of the Department and provide such information to the Sentencing Commission as requested.
4. Assist the Sentencing Commission in determining necessary and appropriate recommendations to assist in carrying out the responsibilities of the Department.
5. Establish the budget for the Department.
6. Facilitate the collection and aggregation of data from the courts, Department of Corrections, Division of Parole and Probation of the Department of Public Safety and any other agency of criminal justice.
7. Identify variables or sets of data concerning criminal justice that are not currently collected or shared across agencies of criminal justice within this State.
8. Assist in preparing and submitting the comprehensive report required to be prepared by the Sentencing Commission pursuant to subsection ~~{11}~~ 5 of NRS 176.0134.
9. Assist the Sentencing Commission in carrying out its duties pursuant to subsections 2 and 3 of NRS 176.01347 relating to the calculation of the costs avoided by this State for the immediately preceding fiscal year because of the enactment of chapter 633, Statutes of Nevada 2019, and in preparing a report containing the projected amount of such costs for the next biennium and recommendations for the reinvestment of the amount of the costs.
10. Take any other actions necessary to carry out the powers and duties of the Sentencing Commission pursuant to NRS 176.0131 to 176.014, inclusive.

Sec. 2. NRS 176.0133 is hereby amended to read as follows:

176.0133 1. The Nevada Sentencing Commission is hereby created within the Department. The Sentencing Commission consists of:

(a) One member ~~{appointed by the Governor,}~~ *who is an attorney and whose practice primarily consists of representing criminal defendants in a county whose population is less than 55,000, appointed by the Executive Director of the Department of Indigent Defense Services or his or her designee;*

(b) One member who is a justice of the Supreme Court of Nevada or a retired justice of the Supreme Court of Nevada, appointed by the Chief Justice of the Supreme Court of Nevada;

(c) Two members who are judges appointed by the Chief Justice of the Supreme Court of Nevada;

(d) One member who is a representative of the Administrative Office of the Courts appointed by the Chief Justice of the Supreme Court of Nevada;

(e) The Director of the Department of Corrections;

(f) One member who is a representative of the Office of the Attorney General, appointed by the Attorney General;

(g) ~~{One member who is a district attorney,}~~ *Two members appointed by the governing body of the Nevada District Attorneys Association ~~{,}~~, one of whom must be a district attorney in a county whose population is 100,000 or more and one of whom must be a district attorney in a county whose population is less than 100,000;*

(h) One member who is a representative of the Office of the Clark County Public Defender, appointed by the head of the Office of the Clark County Public Defender;

(i) One member who is a representative of the Office of the Washoe County Public Defender, appointed by the head of the Office of the Washoe County Public Defender;

(j) One member who is an attorney in private practice, experienced in defending criminal actions, appointed by the governing body of the State Bar of Nevada;

(k) One member who has been a victim of a crime or is a representative of an organization supporting the rights of victims of crime, appointed by the Governor;

(l) One member who is a member of the State Board of Parole Commissioners, appointed by the State Board of Parole Commissioners;

(m) One member who is a representative of the Division of Parole and Probation of the Department of Public Safety, appointed by the Governor;

(n) One member who is a representative of the Nevada Sheriffs' and Chiefs' Association, appointed by the Nevada Sheriffs' and Chiefs' Association;

(o) One member who is a representative of the Las Vegas Metropolitan Police Department, appointed by the Sheriff of Clark County;

(p) One member who is a representative of the Division of Public and Behavioral Health of the Department of Health and Human Services;

(q) One member who is a representative of an organization that advocates on behalf of inmates, appointed by the Governor;

(r) Two members who are Senators, one of whom is appointed by the Majority Leader of the Senate and one of whom is appointed by the Minority Leader of the Senate;

(s) Two members who are members of the Assembly, one of whom is appointed by the Speaker of the Assembly and one of whom is appointed by the Minority Leader of the Assembly;

(t) The Director of the Department of Employment, Training and Rehabilitation; ~~and~~

(u) One member who is a representative of an organization that works with offenders upon release from incarceration to assist in reentry into the community appointed by the Chair of the Legislative Commission ~~[-]~~ ;

(v) *One member who is a representative of the Central Repository for Nevada Records of Criminal History, appointed by the Director of the Department of Public Safety; and*

(w) *One member who is a faculty member of the ~~University of Nevada, Las Vegas, or the University of Nevada, Reno,~~ Higher Education who teaches criminal justice, appointed by the Governor.*

2. The Executive Director shall serve as the Executive Secretary of the Sentencing Commission.

3. If any organization listed in subsection 1 ceases to exist, the appointment required pursuant to that subsection must be made by the association's successor in interest, or, if there is no successor in interest, by the Governor.

4. Each appointed member serves a term of 2 years. Members may be reappointed for additional terms of 2 years in the same manner as the original appointments. Any vacancy occurring in the membership of the Sentencing Commission must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

5. The Legislators who are members of the Sentencing Commission are entitled to receive the salary provided for a majority of the members of the Legislature during the first 60 days of the preceding session for each day's attendance at a meeting of the Sentencing Commission.

6. At the first regular meeting of each odd-numbered year, the members of the Sentencing Commission shall elect a Chair by majority vote who shall serve until the next Chair is elected.

7. The Sentencing Commission shall:

(a) Hold its first meeting on or before September 1 of each odd-numbered year; and

(b) Meet at least once every 3 months and may meet at such further times as deemed necessary by the Chair.

8. A member of the Sentencing Commission may designate a nonvoting alternate to attend a meeting in his or her place.

9. A majority of the members of the Sentencing Commission constitutes

a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the Sentencing Commission. A nonvoting alternate designated by a member pursuant to subsection 8 who attends a meeting of the Sentencing Commission for which the alternate is designated shall be deemed to be a member of the Sentencing Commission for the purpose of determining whether a quorum exists.

10. While engaged in the business of the Sentencing Commission, to the extent of legislative appropriation, each member of the Sentencing Commission is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

11. *The Sentencing Commission may establish such working groups, task forces and similar entities from within or outside its membership as necessary to address specific issues or otherwise to assist in its work.*

Sec. 3. NRS 176.0134 is hereby amended to read as follows:

176.0134 The Sentencing Commission shall:

1. ~~{Advise the Legislature on proposed legislation and make recommendations with respect to all matters relating to the elements of this State's system of criminal justice which affect the sentences imposed for felonies and gross misdemeanors.~~

~~—2.}~~ Evaluate *and study* the effectiveness and fiscal impact of various policies and practices regarding sentencing which are employed in this State and other states, including, without limitation, the use of plea bargaining, probation, programs of enhanced supervision, programs of regimental discipline, imprisonment, sentencing recommendations, mandatory and minimum sentencing, mandatory sentencing for crimes involving the possession, manufacture and distribution of controlled substances, enhanced penalties for habitual criminals, parole, credits against sentences, residential confinement and alternatives to incarceration.

~~{3.}~~ 2. Recommend changes in the structure of sentencing in this State which ~~{, to}~~ :

(a) *Are consistent with the public policy set forth in NRS 176.0131; and*

(b) *To the extent practicable and with consideration for their fiscal impact, incorporate general objectives and goals for sentencing .* ~~{, including, without limitation, the following:~~

~~—(a) Offenders must receive sentences that increase in direct proportion to the severity of their crimes and their histories of criminality.~~

~~—(b) Offenders who have extensive histories of criminality or who have exhibited a propensity to commit crimes of a predatory or violent nature must receive sentences which reflect the need to ensure the safety and protection of the public and which allow for the imprisonment for life of such offenders.~~

~~—(c) Offenders who have committed offenses that do not include acts of violence and who have limited histories of criminality must receive sentences which reflect the need to conserve scarce economic resources through the use of various alternatives to traditional forms of incarceration.~~

~~—(d) Offenders with similar histories of criminality who are convicted of similar crimes must receive sentences that are generally similar.~~

~~—(e) Offenders sentenced to imprisonment must receive sentences which do not confuse or mislead the public as to the actual time those offenders must serve while incarcerated or before being released from confinement or supervision.~~

~~—(f) Offenders must not receive disparate sentences based upon factors such as race, gender or economic status.~~

~~—(g) Offenders must receive sentences which are based upon the specific circumstances and facts of their offenses, including the nature of the offense and any aggravating factors, the savagery of the offense, as evidenced by the extent of any injury to the victim, and the degree of criminal sophistication demonstrated by the offender's acts before, during and after commission of the offense.~~

~~—4.}~~ 3. Facilitate the development and maintenance of a statewide sentencing database in collaboration with state and local agencies, using existing databases or resources where appropriate.

~~{5. Provide training regarding sentencing and related issues, policies and practices, and act as a sentencing policy resource for this State.~~

~~—6. Evaluate the impact of pretrial, sentencing diversion, incarceration and postrelease supervision programs.~~

~~—7. Identify potential areas of sentencing disparity related to race, gender and economic status.~~

~~—8. Propose and recommend statutory sentencing guidelines, based on reasonable offense and offender characteristics which aim to preserve judicial discretion and provide for individualized sentencing, for the use of the district courts. If such guidelines are enacted by the Legislature, the Sentencing Commission shall review and propose any recommended changes.~~

~~—9. Evaluate whether sentencing guidelines recommended pursuant to subsection 8 should be mandatory and if judicial findings should be required for any departures from the sentencing guidelines.~~

~~—10.}~~ 4. Provide recommendations and advice to the Executive Director concerning the administration of the Department, including, without limitation:

(a) Receiving reports from the Executive Director and providing advice to the Executive Director concerning measures to be taken by the Department to ensure compliance with the duties of the Sentencing Commission.

(b) Reviewing information from the Department regarding sentencing of offenders in this State.

(c) Requesting any audit, investigation or review the Sentencing Commission deems necessary to carry out the duties of the Sentencing Commission.

(d) Coordinating with the Executive Director regarding the procedures for the identification and collection of data concerning the sentencing of

offenders in this State.

(e) Advising the Executive Director concerning any required reports and reviewing drafts of such reports.

(f) Making recommendations to the Executive Director concerning the budget for the Department, improvements to the criminal justice system and legislation related to the duties of the Sentencing Commission.

(g) Providing advice and recommendations to the Executive Director on any other matter.

~~{11.}~~ 5. For each regular session of the Legislature, with the assistance of the Department, prepare a comprehensive report including the Sentencing Commission's:

(a) Recommended changes pertaining to sentencing;

(b) Findings;

(c) Recommendations for proposed legislation;

(d) Identification of outcomes resulting from the enactment of chapter 633, Statutes of Nevada 2019, that were tracked and assessed as required pursuant to paragraphs (a), (b) and (c) of subsection 1 of NRS 176.01343;

(e) Identification of trends observed after the enactment of chapter 633, Statutes of Nevada 2019, that were tracked and assessed as required pursuant to paragraph (d) of subsection 1 of NRS 176.01343;

(f) Identification of gaps in the State's data tracking capabilities related to the criminal justice system and recommendations for filling any such gaps as required pursuant to paragraph (e) of subsection 1 of NRS 176.01343;

(g) Recommendations for improvements, changes and budgetary adjustments; and

(h) Additional recommendations for future legislation and policy options to enhance public safety and control corrections costs.

~~{12.}~~ 6. Submit the report prepared pursuant to subsection ~~{11.}~~ 5 not later than January 15 of each odd-numbered year to:

(a) The Office of the Governor;

(b) The Director of the Legislative Counsel Bureau for distribution to the Legislature; and

(c) The Chief Justice of the Nevada Supreme Court.

Sec. 4. (Deleted by amendment.)

Sec. 4.5. 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. 5. 1. This section becomes effective on passage and approval.

2. Sections 1 to 4.5, inclusive, of this act become effective:

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

(b) On July 1, 2023, for all other purposes.

Senator Scheible moved that the Senate concur in Assembly Amendment No. 899 to Senate Bill No. 103.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 235.

The following Assembly amendment was read:

Amendment No. 658.

SUMMARY—Revises provisions relating to pretrial release. (BDR 14-310)

AN ACT relating to criminal procedure; revising provisions relating to pretrial release hearings; authorizing a court to impose additional conditions of release on a person under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

In general, existing law requires a court to hold a pretrial release hearing to determine the custody status of a person within 48 hours after the person has

been taken into custody. However, existing law authorizes a court to continue such a pretrial release hearing if good cause is shown by a party. (NRS 178.4849) Section ~~1.1~~ 1.2 of this bill instead authorizes the court to continue a pretrial release hearing: (1) at the request of either party or the court and for good cause shown; or (2) upon stipulation of the parties. Section ~~1.1~~ 1.2 also : (1) prescribes certain requirements relating to the scheduling of a pretrial release hearing continued by the court ~~1.1~~ : (2) authorizes the prosecuting attorney, the defendant and the defendant's attorney to appear at a pretrial release hearing by any means of remote communication; and (3) authorizes a magistrate who presides over a pretrial release hearing to do so by means of remote communication.

Section 1 of this bill authorizes a district attorney and any attorney employed by a district attorney to prosecute a person in a county other than the county by which the district attorney is employed for the limited purpose of conducting a pretrial release hearing. Section 1 also provides that a public defender and the State Public Defender may, pursuant to an interlocal agreement, authorize the public defender, State Public Defender or any other attorney employed by the public defender or State Public Defender to provide for the representation of a defendant in a pretrial release hearing in any county. Finally, section 1 authorizes: (1) a district attorney, assistant district attorney, deputy district attorney or other attorney employed by a district attorney to receive a stipend for being available on a weekend or holiday to serve as the prosecuting attorney in a pretrial release hearing or for serving as the prosecuting attorney in any such pretrial release hearing conducted on a weekend or holiday; and (2) a public defender, the State Public Defender or any other attorney employed by the public defender or State Public Defender to receive a stipend for being available on a weekend or holiday to represent a defendant in a pretrial release hearing or for representing a defendant in any such pretrial release hearing conducted on a weekend or holiday.

Existing law provides that, with certain exceptions, in criminal cases the jurisdiction of a justice of the peace extends to the limits of the county of the justice of the peace. (NRS 4.370) Section 1.7 of this bill authorizes a justice of the peace, pursuant to an interlocal agreement, to conduct a pretrial release hearing in a municipal court.

Existing law sets forth the powers and duties of municipal courts. (NRS 5.050) Section 1.9 of this bill authorizes a municipal judge, pursuant to an interlocal agreement, to conduct a pretrial release hearing in a justice court.

Existing law provides that a court may only impose bail or a condition of release, or both, on a person if the imposition is the least restrictive means necessary to protect the safety of the community or to ensure the appearance of the person in court. Under existing law, if a person fails to comply with a condition of release imposed by the court, the court may, after providing the person with notice and an opportunity for a hearing: (1) deem such conduct

contempt; (2) increase the amount of bail; or (3) revoke bail and remand the person into custody. (NRS 178.4851) Section 1.5 of this bill authorizes the court to impose on a person who fails to comply with a condition of release such additional conditions of release as the court deems necessary to protect the safety of the community or to ensure the person will appear at the times and places ordered by the court.

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

Section 1. Chapter 178 of NRS is hereby amended by adding thereto a new section to read as follows:

Notwithstanding any other provision of law:

1. A district attorney, assistant district attorney, deputy district attorney or other attorney employed by a district attorney may:

(a) Be deputized to prosecute a person in a county other than the county by which the attorney is employed for the limited purpose of serving as the prosecuting attorney in a pretrial release hearing required by NRS 178.4849. An assistant district attorney, deputy district attorney or other attorney employed by a district attorney must receive the approval of the district attorney of the county in which the attorney is employed before serving as the prosecuting attorney in a pretrial release hearing in a county other than the county by which the attorney is employed.

(b) Receive a stipend for being available on a weekend or holiday to serve as the prosecuting attorney in a pretrial release hearing required by NRS 178.4849 or for serving as the prosecuting attorney in any such pretrial release hearing conducted on a weekend or holiday.

2. A public defender and the State Public Defender may, pursuant to an interlocal agreement, authorize the public defender, State Public Defender or any other attorney employed by the public defender or State Public Defender to provide for the representation of a defendant in a pretrial release hearing required by NRS 178.4849 in any county.

3. A public defender, the State Public Defender or any other attorney employed by the public defender or State Public Defender may receive a stipend for being available on a weekend or holiday to represent a defendant in a pretrial release hearing required by NRS 178.4849 or for representing a defendant in any such pretrial release hearing conducted on a weekend or holiday.

~~{Section 1.}~~ Sec. 1.2. NRS 178.4849 is hereby amended to read as follows:

178.4849 1. Except as otherwise provided in ~~{this section}~~ subsection 2 and NRS 178.484 and 178.4847, a court shall, within 48 hours after a person has been taken into custody, hold a pretrial release hearing, in open court or by means of remote communication, to determine the custody status of the person.

2. The court may continue a pretrial release hearing ~~{may be continued}~~ :

(a) At the request of either party or the court and for good cause shown.

~~[A pretrial release hearing so continued must be placed on the next regularly scheduled calendar of the court.]~~

(b) Upon stipulation of the parties. The court shall schedule a hearing continued pursuant to this paragraph for the date specified by stipulation.

3. A stipulation made pursuant to subsection 2 may be:

(a) An oral stipulation; or

(b) A written stipulation communicated by mail, by electronic mail, via the Internet or by other electronic means.

~~{2.}~~ 4. The prosecuting attorney, the defendant and the defendant's attorney may appear at a pretrial release hearing by means of remote communication. An appearance by means of remote communication must be treated in the same manner as an appearance in person.

5. A magistrate who presides over a pretrial release hearing may do so by means of remote communication.

6. As used in this section ~~[, "remote"]~~ :

(a) "Magistrate" means a judicial officer who presides over a pretrial release hearing.

(b) "Remote communication" means communication through telephone or videoconferencing.

Sec. 1.5. NRS 178.4851 is hereby amended to read as follows:

178.4851 1. Except as otherwise provided in subsection 4, the court shall only impose bail or a condition of release, or both, on a person as it deems to be the least restrictive means necessary to protect the safety of the community or to ensure that the person will appear at all times and places ordered by the court, with regard to the factors set forth in NRS 178.4853 and 178.498. Such conditions of release may include, without limitation:

(a) Requiring the person to remain in this State or a certain county within this State;

(b) Prohibiting the person from contacting or attempting to contact a specific person or from causing or attempting to cause another person to contact that person on the person's behalf;

(c) Prohibiting the person from entering a certain geographic area;

(d) Prohibiting the person from possessing a firearm during the pendency of the case; or

(e) Prohibiting the person from engaging in specific conduct that may be harmful to the person's own health, safety, or welfare, or the health, safety, or welfare of another person.

2. A prosecuting attorney may request that a court impose bail or a condition of release, or both, on a person. If the request includes the imposition of bail, the prosecuting attorney must prove by clear and convincing evidence that the imposition of bail is necessary to protect the safety of the community or to ensure that the person will appear at all times and places ordered by the court, with regard to the factors set forth in NRS 178.4853 and 178.498.

3. If a court imposes bail or any condition of release, or both, other than

release on recognizance with no other conditions of release, the court shall make findings of fact for such a determination and state its reasoning on the record, and, if the determination includes the imposition of a condition of release, the findings of fact must include why the condition of release constitutes the least restrictive means necessary to protect the safety of the community or to ensure that the person will appear at the times and places ordered by the court.

4. A person arrested for murder of the first degree may be admitted to bail unless the proof is evident or the presumption great by any competent court or magistrate authorized by law to do so in the exercise of discretion, giving due weight to the evidence and to the nature and circumstances of the offense.

5. The person must sign a document before the person's release stating that:

(a) The person will appear at all times and places as ordered by the court releasing the person and as ordered by any court before which the charge is subsequently heard;

(b) The person will comply with the other conditions which have been imposed by the court and are stated in the document;

(c) If the person fails to appear when so ordered and is taken into custody outside of this State, the person waives all rights relating to extradition proceedings; and

(d) The person understands that any court of competent jurisdiction may revoke the order of release without bail and may order the person into custody or require the person to furnish bail or otherwise ensure the protection of the safety of the community or the person's appearance, if applicable.

6. The document signed pursuant to subsection 5 must be filed with the clerk of the court of competent jurisdiction and becomes effective upon the signature of the person to be released.

7. If a person fails to comply with a condition of release imposed pursuant to this section, the court may, after providing the person with reasonable notice and an opportunity for a hearing:

(a) Deem such conduct a contempt pursuant to NRS 22.010;

(b) *Impose such additional conditions of release as the court deems necessary to protect the safety of the community or to ensure the person will appear at the times and places ordered by the court;*

(c) Increase the amount of bail pursuant to NRS 178.499, if applicable; or

~~[(c)]~~ (d) Revoke bail and remand the person into custody.

8. If a person fails to appear as ordered by the court and a jurisdiction incurs any costs in returning a person to the jurisdiction to stand trial, the person failing to appear is responsible for paying those costs as restitution.

9. An order issued pursuant to this section that imposes a condition on a person must include a provision ordering a law enforcement officer to arrest the person if the law enforcement officer has probable cause to believe that

the person has violated a condition of release.

10. Nothing in this section shall be construed to require a court to receive the request of a prosecuting attorney before imposing a condition of release.

Sec. 1.7. 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 NRS 176A.250 or, if the justice court has not established a program pursuant to NRS 176A.280, to a program established 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) For a person located outside of the township of the justice of the peace.

(b) Pursuant to an interlocal agreement, in a municipal court.

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. 1.9. 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 NRS 176A.250 or, if the municipal court has not established a program pursuant to NRS 176A.280, to a program established 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.

6. A municipal judge may, pursuant to an interlocal agreement, conduct a pretrial release hearing in a justice court.

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

Senator Scheible moved that the Senate concur in Assembly Amendment No. 658 to Senate Bill No. 235.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 262.

The following Assembly amendment was read:

Amendment No. 697.

SUMMARY—Revises the qualifications for membership on certain town advisory councils and boards. (BDR 21-857)

AN ACT relating to towns; eliminating the requirement that a member of a citizens' advisory council of a town or ~~for~~ certain town advisory ~~board~~ boards be a qualified elector; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that in a county having a population of less than 100,000 (currently all counties other than Clark and Washoe Counties) which has not elected to accept the provisions of the Unincorporated Town

Government Law (NRS 269.500-269.625), the board of county commissioners may, under certain circumstances, by ordinance create a citizens' advisory council to act in an advisory and liaison capacity with respect to governing the affairs of an unincorporated town. (NRS 269.011, 269.024, 269.0242) Any such citizens' advisory council must consist of not fewer than three nor more than five members, each of whom must be a resident and qualified elector in the town. (NRS 269.0242) Section 1 of this bill eliminates the requirement that a member of such a citizens' advisory council be a qualified elector. Section 1 further requires that a member of such a citizens' advisory council be: (1) a resident of the town; and (2) a citizen of the United States or lawfully entitled to reside in the United States.

Existing law provides that the Unincorporated Town Government Law applies in a county having a population of 100,000 or more (currently Clark and Washoe Counties) and in any other county in which the board of county commissioners has adopted by ordinance, the Unincorporated Town Government Law. (NRS 269.530) Pursuant to the Unincorporated Town Government Law, the board of county commissioners must provide for a town advisory board in an ordinance which establishes an unincorporated town. Such a town advisory board must consist of three or five qualified electors who are residents of the unincorporated town. (NRS 269.576, 269.577) ~~[Sections]~~ Existing law further authorizes the board of county commissioners of any county, by resolution, to designate one or more town services to be within the power of a town advisory board to manage. (NRS 269.580) If the board of county commissioners has not made such a designation, sections 2 and 3 of this bill eliminate the requirement that a member of such a town advisory board be a qualified elector. Instead, sections 2 and 3 require that a member of such a town advisory board be: (1) a resident of the unincorporated town; and (2) a citizen of the United States or lawfully entitled to reside in the United States.

Section 4 of this bill makes a conforming change to revise the declaration of candidacy that must be filed by a candidate for the ~~office~~ position of a town advisory board ~~if the members of the town advisory board are not required to be qualified electors pursuant to sections 2 and 3 because the board of county commissioners has not designated one or more services to be within the power of the town advisory board to manage.~~

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

Section 1. NRS 269.0242 is hereby amended to read as follows:

269.0242 Any ordinance enacted pursuant to NRS 269.024 must include provisions in substance as follows:

1. The citizens' advisory council must consist of not fewer than three nor more than five members.

2. Each member of the advisory council must be ~~an~~ :

(a) A resident ~~and qualified elector in~~ of the town ~~an~~; and
(b) A citizen of the United States or lawfully entitled to reside in the

United States.

3. The members of the advisory council must be appointed by the board of county commissioners from a list of a number of qualified persons, equal in number to the number of positions on the advisory council which are to be filled, elected at an informal election. Notice of the election must be posted in accordance with NRS 241.020. The election must be held in the town in November of the year of the general election.

4. The list of names of the persons elected must be presented to the board of county commissioners at their first meeting in December of the year of the general election. The persons appointed to the advisory council shall serve their respective terms at the pleasure of the board.

5. The members of the advisory council first appointed by the board of county commissioners shall serve until the 1st Monday in January following the next general election, and thereafter the terms of office of the members of the advisory council are for 2 years and begin on the 1st Monday in January following each general election.

6. The advisory council shall assist the board of county commissioners in governing the town by acting as liaison between the residents of the town and the board. The advisory council and the board shall cooperate to inform each other of all matters of interest to the town and its residents. The advisory council shall not expend or contract any town money for any purpose.

7. The members of the advisory council shall serve without compensation.

Sec. 2. NRS 269.576 is hereby amended to read as follows:

269.576 1. Except as appointment may be deferred pursuant to NRS 269.563, the board of county commissioners of any county whose population is 700,000 or more shall, in each ordinance which establishes an unincorporated town pursuant to NRS 269.500 to 269.625, inclusive, provide for:

(a) Except as otherwise provided in subsection ~~[7.]~~ 8, appointment by the board of county commissioners or the election by the registered voters of the unincorporated town of three or five ~~{qualified electors who are residents of the unincorporated town}~~ persons to serve as the town advisory board. If the ordinance provides for appointment by the board of county commissioners, in making such appointments, the board of county commissioners shall consider:

(1) The results of any poll conducted by the town advisory board; and

(2) Any application submitted to the board of county commissioners by persons who desire to be appointed to the town advisory board in response to an announcement made by the town advisory board.

(b) A term of 2 years for members of the town advisory board.

(c) Election of a chair from among the members of the town advisory board for a term of 2 years, and, if a vacancy occurs in the office of chair, for the election of a chair from among the members for the remainder of the unexpired term. The ordinance must also provide that a chair is not eligible to

succeed himself or herself for a term of office as chair.

2. Each member of a town advisory board described in subsection 1 must be:

(a) If the board of county commissioners has, pursuant to NRS 269.580, designated one or more of the services enumerated in NRS 269.575 as properly within the power of the town advisory board to manage:

(1) A resident of the unincorporated town; and

(2) A qualified elector.

(b) If the board of county commissioners has not, pursuant to NRS 269.580, designated one or more of the services enumerated in NRS 269.575 as properly within the power of the town advisory board to manage:

(1) A resident of the unincorporated town; and

(2) A citizen of the United States or lawfully entitled to reside in the United States.

3. Except as otherwise provided in subsection ~~[7.]~~ 8, the members of a town advisory board serve at the pleasure of the board of county commissioners.

~~[3.]~~ 4. If a vacancy occurs on the town advisory board, the board of county commissioners shall appoint a new member to serve out the remainder of the unexpired term of the member.

~~[4.]~~ 5. The board of county commissioners shall provide notice of the expiration of the term of a member of and any vacancy on a town advisory board to the residents of the unincorporated town by mail, newsletter or newspaper at least 30 days before the expiration of the term or filling the vacancy.

~~[5.]~~ 6. The duties of the town advisory board are to:

(a) Assist the board of county commissioners in governing the unincorporated town by acting as liaison between the residents of the town and the board of county commissioners; and

(b) Advise the board of county commissioners on matters of importance to the unincorporated town and its residents.

~~[6.]~~ 7. The board of county commissioners may provide by ordinance for compensation for the members of the town advisory board.

~~[7.]~~ 8. If an unincorporated town is established in a county whose population is 700,000 or more and is located 25 miles or more from an incorporated city whose population is 500,000 or more:

(a) The board of county commissioners shall by ordinance provide for the election by the registered voters of the unincorporated town of three or five ~~[qualified electors who are residents of the unincorporated town]~~ persons to serve as the town advisory board. If there are fewer ~~[qualified electors who are]~~ residents of the unincorporated town who file for election to the town advisory board than there are seats on the town advisory board, the board of county commissioners shall appoint as many new members as are necessary to fill the seats left vacant after the election.

(b) The members of the town advisory board of the unincorporated town do not serve at the pleasure of and may not be removed by the board of county commissioners.

9. Each member of a town advisory board described in subsection 8 must be:

(a) If the board of county commissioners has, pursuant to NRS 269.580, designated one or more of the services enumerated in NRS 269.575 as properly within the power of the town advisory board to manage:

(1) A resident of the unincorporated town; and

(2) A qualified elector.

(b) If the board of county commissioners has not, pursuant to NRS 269.580, designated one or more of the services enumerated in NRS 269.575 as properly within the power of the town advisory board to manage:

(1) A resident of the unincorporated town; and

(2) A citizen of the United States or lawfully entitled to reside in the United States.

Sec. 3. NRS 269.577 is hereby amended to read as follows:

269.577 1. The board of county commissioners of any county whose population is less than 700,000 shall, in each ordinance which establishes an unincorporated town pursuant to NRS 269.500 to 269.625, inclusive, provide for:

(a) The appointment by the board of county commissioners or the election by the people of three or five ~~{qualified electors who are residents of the unincorporated town}~~ persons to serve as the town advisory board.

(b) The removal of a member of the town advisory board if the board of county commissioners finds that the removal of the member is in the best interest of the residents of the unincorporated town.

(c) The appointment by the board of county commissioners of a member to serve the unexpired term of a member of the town advisory board removed pursuant to the provisions of paragraph (b) or whose position otherwise becomes vacant.

2. Each member of a town advisory board must be:

(a) If the board of county commissioners has, pursuant to NRS 269.580, designated one or more of the services enumerated in NRS 269.575 as properly within the power of the town advisory board to manage:

(1) A resident of the unincorporated town; and

(2) A qualified elector.

(b) If the board of county commissioners has not, pursuant to NRS 269.580, designated one or more of the services enumerated in NRS 269.575 as properly within the power of the town advisory board to manage:

(1) A resident of the unincorporated town; and

(2) A citizen of the United States or lawfully entitled to reside in the United States.

3. The board of county commissioners may provide by ordinance for compensation for the members of the town advisory board.

~~3.~~ 4. The duties of the town advisory board are to:

(a) Assist the board of county commissioners in governing the unincorporated town by acting as liaison between the residents of the town and the board of county commissioners; and

(b) Advise the board of county commissioners on matters of importance to the unincorporated town and its residents.

Sec. 4. 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~~ Except as otherwise provided in paragraph (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

(c) For ~~the office~~ the position of town advisory board ~~if the board of county commissioners has not, pursuant to NRS 269.580, designated one or more of the services enumerated in NRS 269.575 as properly within the power of the town advisory board to manage:~~

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~~ position 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~~ town to which the ~~office~~ position 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~~ position; that my telephone number is, and the address at which I receive mail, if different than my residence, is; ~~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~~ position 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~~ position; 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~~ position; 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 or position, as applicable, 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. 5. This act becomes effective upon passage and approval.

Senator Flores moved that the Senate concur in Assembly Amendment No. 697 to Senate Bill No. 262.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 305.

The following Assembly amendments were read:

Amendment No. 854.

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

AN ACT relating to employment; creating the Board of Trustees of the Nevada Employee Savings Trust; prescribing the membership, powers, duties and limitations of the Board; authorizing the Board to create the Nevada Employee Savings Trust Program; prescribing certain required attributes of the Program; creating the Nevada Employee Savings Trust Administrative Fund and specifying the sources and uses of money deposited therein; creating the Nevada Employee Savings Trust and prescribing the manner of its administration; providing for the confidentiality of certain information; providing civil immunity to certain persons and entities in connection with the Program; making certain persons fiduciaries with respect to participants in the Program; prohibiting certain persons from engaging in certain financial transactions in connection with the Program; requiring the preparation and submission of certain annual reports; making an appropriation to the Office of the State Treasurer for costs related to the administration of the Program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

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

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

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

Section 22 of this bill provides that an act or undertaking of the Board does not constitute a debt of the State of Nevada, or any political subdivision

thereof, or a pledge of the full faith and credit of the State of Nevada, or of any political subdivision thereof, and is payable solely from the assets controlled by the Board. Section 22 also prohibits the Board from imposing any obligations on the State or pledging the credit of the State.

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

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

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

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

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

Section 28 of this bill provides a grant of immunity from civil liability to covered employers for the consequences of various decisions made by employees or the Board in connection with the Program, including, for example, an employee's decision to participate in or opt out of the Program,

an investment decision made by the participant or the Board or a loss, failure to realize a gain or other adverse consequence incurred by a person as a result of participating in the Program. Section 28 also provides that a covered employer or other employer must not be deemed to be a fiduciary in relation to the Program.

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

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

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

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

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

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

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

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

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

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

Sec. 4. *"Board" means the Board of Trustees of the Nevada Employee*

Savings Trust created by section 19 of this act.

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

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

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

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

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

3. The term does not include:

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

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

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

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

1. Employs more than five persons in this State;

2. Has been in business for at least 36 months; and

3. Has not maintained a tax-favored retirement plan for its employees or has not done so in an effective form and operation at any time within the current calendar year or 3 immediately preceding calendar years.

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

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

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

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

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

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

an account balance in an Individual Retirement Account established or maintained through the Program.

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

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

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

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

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

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

2. *The Board consists of:*

(a) The State Treasurer or the designee of the State Treasurer;

(b) The Lieutenant Governor or the designee of the Lieutenant Governor;

(c) One member, appointed by the Governor, who represents employers;

(d) One member, appointed by the Governor, who is a representative of an association that represents employees;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. *Determine, without limitation, the:*

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

(b) *Default contribution rate; and*

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

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

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

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

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

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

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

2. *The Board may enter into an intergovernmental agreement or contract*

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

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

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

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

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

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

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

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

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

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

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

7. The Board shall determine the rules and procedures for withdrawals,

distributions, transfers and rollovers of Individual Retirement Accounts and for the designation of Individual Retirement Account beneficiaries.

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

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

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

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

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

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

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

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

(g) A statement that:

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

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

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

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

(a) Making contributions to the covered employee's Individual Retirement

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

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

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

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

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

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

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

2. The Board shall administer the Administrative Fund.

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

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

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

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

(d) Earnings on money in the Administrative Fund.

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

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

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

(b) Enter into long-term procurement contracts with one or more financial providers if the Board determines that the fee structure of a contract allows

or assists the Program to minimize or avoid the need to borrow money pursuant to paragraph (a) or to rely upon general assets of the State.

2. Money borrowed pursuant to subsection 1 must:

- (a) Be borrowed in the name of the Program and Board only;
- (b) Be repaid solely from the revenues of the Program; and
- (c) Not be repaid unless the money was offered contingent upon the promise of such repayment.

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

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

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

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

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

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

6. The Board, in consultation with such third-party professional investment advisers, managers or consultants as it may retain, shall select the underlying investments of each investment fund. Such underlying investments may include, without limitation, shares of mutual funds and exchange-traded funds, publicly traded equity and fixed-income securities and other investments available for investment by the Trust. An investment

fund may not invest in any bond, debt instrument or other security issued by the State.

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

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

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

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

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

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

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

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

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

information.

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

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

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

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

- (a) Have no responsibility for compliance by persons with the conditions and other provisions of the Internal Revenue Code that determine which persons are eligible to make tax-favored contributions to Individual Retirement Accounts, in what amount and in what time frame and manner;
- (b) Have no duty, responsibility or liability to any party for the payment of any benefits through the Program, regardless of whether sufficient money is available through the Program to pay such benefits;
- (c) Do not and shall not guarantee any interest rate or other rate of return on or investment performance of any contribution or account balance; and
- (d) Are not and shall not be liable or responsible for any loss, deficiency, failure to realize any gain or any other adverse consequences, including, without limitation, any adverse tax consequences or loss of favorable tax treatment, public assistance or other benefits, incurred by any person as a result of participating in the Program.

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

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

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

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

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

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

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

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

2. Not later than August 1 of each year, the Board shall submit to the Governor, the State Controller and the Director of the Legislative Counsel Bureau for transmittal to the Legislature or, if the Legislature is not in session, to the Legislative Commission, an audited financial report, prepared in accordance with generally accepted accounting principles, detailing the activities, operations and receipts and expenditures of the Board, Program and Trust during the immediately preceding calendar year. The report must also include projected activities of the Program for the current calendar year.

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

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

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

239.010 1. Except as otherwise provided in this section and

NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056,

459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, *section 27 of this act*, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is

copyrighted solely because it is copyrighted.

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

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

(a) The public record:

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

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

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

(1) Give access to proprietary software; or

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

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

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

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

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

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

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

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

3. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20,

2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

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

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

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

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

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

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

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

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

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

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

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

Amendment No. 863.

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

AN ACT relating to employment; creating the Board of Trustees of the Nevada Employee Savings Trust; prescribing the membership, powers, duties and limitations of the Board; authorizing the Board to create the Nevada Employee Savings Trust Program; prescribing certain required attributes of the Program; creating the Nevada Employee Savings Trust Administrative Fund and specifying the sources and uses of money deposited therein; creating the Nevada Employee Savings Trust and prescribing the manner of its administration; providing for the confidentiality of certain information; providing civil immunity to certain persons and entities in connection with the Program; making certain persons fiduciaries with respect to participants in the Program; prohibiting certain persons from engaging in certain financial transactions in connection with the Program; requiring the preparation and submission of certain annual reports; making an appropriation to the Office of the State Treasurer for costs related to the administration of the Program; requiring the Board to conduct a study on the feasibility of including independent contractors in the Program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

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

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

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

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

Section 23 of this bill establishes certain attributes that the Board must

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

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

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

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

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

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

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

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

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

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

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

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

Section 36.5 of this bill requires the Board to: (1) conduct a study on the feasibility of including independent contractors in the Program; and (2) submit a report of the findings of the study to the Director of the Legislative Counsel Bureau for transmittal to the 83rd Session of the Nevada Legislature.

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

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

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

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

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

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

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

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

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

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

3. The term does not include:

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

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

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

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

1. Employs more than five persons in this State;

2. Has been in business for at least 36 months; and

3. Has not maintained a tax-favored retirement plan for its employees or has not done so in an effective form and operation at any time within the current calendar year or 3 immediately preceding calendar years.

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

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

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

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

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

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

maintained through the Program.

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

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

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

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

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

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

2. The Board consists of:

(a) The State Treasurer or the designee of the State Treasurer;

(b) The Lieutenant Governor or the designee of the Lieutenant Governor;

(c) One member, appointed by the Governor, who represents employers;

~~(d) One member, appointed by the Governor, who is a representative of an association that represents employees;~~

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

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

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

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

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

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

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

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

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

(a) The per diem allowance and travel expenses provided for state officers

and employees generally; and

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

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

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

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

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

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

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

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

4. Determine, without limitation, the:

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

(b) Default contribution rate; and

(c) Process for automatic escalation of participant contributions;

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

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

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

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

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

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

2. The Board may enter into an intergovernmental agreement or contract to obtain outreach, technical assistance or compliance services with any

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

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

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

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

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

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

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

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

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

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

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

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

for the designation of Individual Retirement Account beneficiaries.

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

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

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

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

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

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

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

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

(g) A statement that:

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

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

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

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

(a) Making contributions to the covered employee's Individual Retirement Account established or maintained through the Program, including, without

limitation, a description of the default contribution rate, any automatic escalation rate or frequency and the covered employee's right to elect to make no contribution or to change the contribution rate;

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

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

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

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

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

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

2. The Board shall administer the Administrative Fund.

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

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

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

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

(d) Earnings on money in the Administrative Fund.

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

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

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

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

pursuant to paragraph (a) or to rely upon general assets of the State.

2. Money borrowed pursuant to subsection 1 must:

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

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

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

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

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

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

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

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

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

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

the State.

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

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

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

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

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

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

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

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

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

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

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

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

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

- (a) Have no responsibility for compliance by persons with the conditions and other provisions of the Internal Revenue Code that determine which persons are eligible to make tax-favored contributions to Individual Retirement Accounts, in what amount and in what time frame and manner;
- (b) Have no duty, responsibility or liability to any party for the payment of any benefits through the Program, regardless of whether sufficient money is available through the Program to pay such benefits;
- (c) Do not and shall not guarantee any interest rate or other rate of return on or investment performance of any contribution or account balance; and
- (d) Are not and shall not be liable or responsible for any loss, deficiency, failure to realize any gain or any other adverse consequences, including, without limitation, any adverse tax consequences or loss of favorable tax treatment, public assistance or other benefits, incurred by any person as a result of participating in the Program.

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

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

2. Each fiduciary shall discharge its duties with respect to the Program

solely in the interests of covered employees and with the care, skill, prudence and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with those matters would use in the conduct of an enterprise of like character and aims.

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

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

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

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

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

2. Not later than August 1 of each year, the Board shall submit to the Governor, the State Controller and the Director of the Legislative Counsel Bureau for transmittal to the Legislature or, if the Legislature is not in session, to the Legislative Commission, an audited financial report, prepared in accordance with generally accepted accounting principles, detailing the activities, operations and receipts and expenditures of the Board, Program and Trust during the immediately preceding calendar year. The report must also include projected activities of the Program for the current calendar year.

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

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

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

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293,

62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790,

467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, *section 27 of this act*, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

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

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

(a) The public record:

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

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

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

(1) Give access to proprietary software; or

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

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

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

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

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

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

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

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

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

money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

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

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

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

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

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

Sec. 36.5. 1. The Board of Trustees of the Nevada Employee Savings Trust created by section 19 of this act shall conduct a study on the feasibility of including independent contractors in the Nevada Employee Savings Trust Program established pursuant to section 20 of this act.

2. Not later than December 31, 2024, the Board shall prepare and submit a report of the findings of the study conducted pursuant to subsection 1 to the Director of the Legislative Counsel Bureau for transmittal to the 83rd Session of the Nevada Legislature.

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

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

2. ~~{Section}~~ Sections 34.5 and 36.5 of this act ~~{becomes}~~ become

effective on July 1, 2023.

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

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

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

Senator Flores moved that the Senate concur in Assembly Amendments Nos. 863 and 854 to Senate Bill No. 305.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 314.

The following Assembly amendment was read:

Amendment No. 597.

SUMMARY—Revises provisions relating to energy storage systems. (BDR 58-60)

AN ACT relating to energy; revising a definition relating to certain renewable energy facilities; revising provisions governing the establishment by the Public Utilities Commission of Nevada of biennial targets for the procurement of energy storage systems by certain electric utilities; requiring the Commission to reevaluate the existing biennial targets; eliminating an obsolete provision relating to the establishment of such targets; establishing requirements for the installation of electrochemical energy storage systems; ~~authorizing a person who provides a program of training on the installation of electrochemical energy storage systems to request that the Joint Interim Standing Committee on Growth and Infrastructure review the program;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Public Utilities Commission of Nevada to: (1) determine, on or before October 1, 2018, whether it is in the public interest to establish by regulation biennial targets for the procurement of energy storage systems by certain electric utilities; and (2) if the Commission determines that it is in the public interest to establish such targets, adopt regulations establishing biennial targets for the procurement of energy storage systems by certain electric utilities. (NRS 704.795, 704.796) Existing regulations, with certain exceptions, establish progressively larger targets for the procurement of energy storage systems by certain electric utilities, culminating in a requirement that certain electric utilities procure energy storage systems capable of storing not less than 1,000 megawatts of electric power by December 31, 2030. Existing regulations also require the Commission to review the existing biennial energy storage targets when it reviews the resource plan submitted by an electric utility and determine whether the targets should be altered. (Section 10 of LCB File No. R106-19) Section 1.5 of this bill requires that the Commission establish biennial targets that deliver the greatest benefits to the customers of the electric utility in

relation to the costs of the procurement of energy storage systems. Section 6 of this bill repeals the obsolete provision that requires the Commission to determine whether to adopt regulations to establish the biennial targets by October 1, 2018, given that those regulations have been adopted. Section 2 of this bill makes a conforming change relating to the repeal of this obsolete provision.

Section 3 of this bill prohibits a person from installing an electrochemical energy storage system unless the person holds a valid license in the classification required to perform such work and, except under certain limited circumstances, for installations occurring on property other than a residential property after July 1, 2025, ensures that the installation: (1) is performed by or under the direct supervision of a person who holds a certificate demonstrating the successful completion of the Energy Storage and Microgrid Training and Certification program; and (2) conforms to certain standards regarding the installation of signage in connection with such systems. ~~[Section 3 authorizes a person who provides a program of training on the installation of electrochemical energy storage systems to request that the Joint Interim Standing Committee on Growth and Infrastructure review the program. Section 3 requires the Committee to include in its interim report a recommendation to authorize persons certified under such a program to perform or supervise the installation of an electrochemical energy storage system under certain circumstances if the Committee makes certain findings regarding the program.]~~ Section 4 of this bill provides that a violation of the provisions of section 3 is grounds for disciplinary action by the State Contractors' Board.

Section 1 of this bill revises the definition of "facility for the storage of energy from renewable generation."

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

Section 1. NRS 701A.327 is hereby amended to read as follows:

701A.327 1. "Facility for the storage of energy from renewable generation" means a facility that is constructed or installed for the ~~{sole}~~ purpose of storing electric energy received from a facility for the generation of electricity from renewable energy for release at a later time, including, without limitation, a facility that is designed to use energy storage technology.

2. The term does not include a facility that is located on a residential property.

Sec. 1.5. NRS 704.796 is hereby amended to read as follows:

704.796 ~~[If, pursuant to NRS 704.795, the Commission determines that it is in the public interest to establish by regulation targets for the procurement of energy storage systems by an electric utility, the]~~

1. The Commission shall adopt regulations:

~~{1.}~~ (a) Establishing biennial targets for the procurement of energy storage systems by ~~{the}~~ an electric utility;

~~{2.}~~ (b) Setting forth the points of interconnection on the electric grid for the implementation of energy storage systems;

~~{3.}~~ (c) Establishing that an energy storage system may be owned by the electric utility or any other person;

~~{4.}~~ (d) Establishing requirements for the filing by the electric utility of annual or biennial plans to meet biennial targets for the procurement and implementation of energy storage systems;

~~{5.}~~ (e) Prescribing a procedure by which the Commission must, at least once every 3 years, reevaluate the biennial targets for the procurement of energy storage systems by the electric utility;

~~{6.}~~ (f) Establishing a procedure by which an electric utility may obtain a waiver or deferral of the biennial targets for the procurement of energy storage systems if the electric utility is not able to identify energy storage systems that provide benefits to customers of the utility that exceed the costs of energy storage systems; and

~~{7.}~~ (g) Requiring the electric utility to include such information as the Commission may require in each plan submitted by the electric utility pursuant to NRS 704.741.

2. *The Commission shall establish biennial targets pursuant to subsection 1 that deliver the greatest benefits to the customers of the electric utility in relation to the costs of the procurement of energy storage systems. In calculating the benefits and costs of the procurement of energy storage systems, the Commission shall consider all known and measurable benefits and costs, including, without limitation:*

(a) A reduction in the need for the additional generation of electricity by the electric utility during periods of peak demand;

(b) A reduction in line losses of the electric utility;

(c) The benefits and costs related to ancillary services of the electric utility;

(d) Avoided costs to the electric utility for additional generation, transmission and generation capacity;

(e) The benefits arising from a reduction of greenhouse gas emissions and the emission of other air pollutants;

(f) The benefits and costs to the electric utility related to voltage support;

(g) The benefits of diversifying the types of resources used for the generation of electricity;

(h) The administrative costs incurred by the electric utility;

(i) The cost to the electric utility of the integration of energy storage systems into the transmission and distribution grid; and

(j) The cost of the energy storage systems.

Sec. 2. NRS 704.797 is hereby amended to read as follows:

704.797 1. ~~{If the Commission adopts regulations pursuant to NRS 704.796 to establish biennial targets for the procurement of energy storage systems by an electric utility, to}~~ To meet the targets set forth in ~~{those}~~ the regulations ~~{, the}~~ adopted pursuant to NRS 704.796, an electric

utility may procure energy storage systems that are either centralized or distributed and either owned by the utility or by any other person, as prescribed by regulation of the Commission.

2. Electric energy storage systems procured by an electric utility to meet ~~any~~ the biennial targets for the procurement of energy storage systems established by regulation pursuant to NRS 704.796 must:

- (a) Reduce peak demand for electricity;
- (b) Avoid or defer investment by the electric utility in assets for the generation, transmission and distribution of electricity;
- (c) Improve the reliability of the operation of the transmission or distribution grid;
- (d) Reduce the emission of greenhouse gases or other air pollutants; or
- (e) Integrate renewable energy into the electric grid.

Sec. 3. Chapter 624 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A person shall not install an electrochemical energy storage system in this State unless he or she:*

(a) Holds a valid license in the classification required to perform such work issued pursuant to this chapter and the regulations of the Board;

(b) If the installation is for a property other than a residential property and is performed on or after July 1, 2025, and except as otherwise provided in subsection 2, ensures that the installation:

(1) Is performed by or under the direct supervision of a person who holds a certificate demonstrating the successful completion of the Energy Storage and Microgrid Training and Certification program (ESAMTAC); and

(2) Conforms to any standards regarding the installation of signage in connection with such systems as contained in the Standard for the Installation of Stationary Energy Storage Systems, NFPA 855, in the form most recently published by the National Fire Protection Association.

2. The provisions of paragraph (b) of subsection 1 do not apply to work on an electrochemical energy storage system which is performed under a warranty by an employee of the manufacturer of the electrochemical energy storage system.

3. ~~3. A person who provides a program of training on the installation of electrochemical energy storage systems other than the Energy Storage and Microgrid Training and Certification program may request that the Joint Interim Standing Committee on Growth and Infrastructure review the program of training on the installation of electrochemical energy storage systems provided by the person. The Joint Interim Standing Committee on Growth and Infrastructure shall include in its report on the activities of the Committee prepared pursuant to NRS 218E.330 a recommendation to amend this section to authorize the installation of an electrochemical energy storage system pursuant to paragraph (b) of subsection 1 by or under the direct supervision of a person who holds a certificate demonstrating the successful~~

~~completion of such a program if the Committee finds that the program:~~

~~— (a) Is available to all qualified applicants who wish to participate at a reasonable price;~~

~~— (b) Provides satisfactory training on the safe installation of the types of electrochemical energy storage systems that are available on the market; and~~

~~— (c) Complies with federal law.~~

~~4.7~~ As used in this section:

(a) "Electrochemical energy storage system" means a commercially available technology that is capable of receiving electric energy and storing that energy by electrochemical means in order to produce and deliver electricity at a later time.

(b) "Residential property" means:

(1) Improved real estate that consists of not more than four residential units; or

(2) A single-family residential unit, including, without limitation, a condominium, townhouse or home within a subdivision, if the unit is sold, leased or otherwise conveyed unit by unit, regardless of whether the unit is part of a larger building or parcel that consists of more than four units.

Sec. 4. NRS 624.3016 is hereby amended to read as follows:

624.3016 The following acts or omissions, among others, constitute cause for disciplinary action under NRS 624.300:

1. Any fraudulent or deceitful act committed in the capacity of a contractor, including, without limitation, misrepresentation or the omission of a material fact.

2. A conviction of a violation of NRS 624.730, or a conviction in this State or any other jurisdiction of a felony relating to the practice of a contractor or a crime involving moral turpitude.

3. Knowingly making a false statement in or relating to the recording of a notice of lien pursuant to the provisions of NRS 108.226.

4. Failure to give a notice required by NRS 108.227, 108.245, 108.246 or 624.520.

5. Failure to comply with NRS 624.920, 624.930, 624.935 or 624.940 or any regulations of the Board governing contracts for work concerning residential pools and spas.

6. Failure to comply with NRS 624.860 to 624.875, inclusive, or any regulations of the Board governing contracts for work concerning residential photovoltaic systems used to produce electricity.

7. Failure to comply with NRS 624.600.

8. Misrepresentation or the omission of a material fact, or the commission of any other fraudulent or deceitful act, to obtain a license.

9. Failure to pay an assessment required pursuant to NRS 624.470.

10. Failure to file a certified payroll report that is required for a contract for a public work.

11. Knowingly submitting false information in an application for qualification or a certified payroll report that is required for a contract for a

public work.

12. Failure to notify the Board of a conviction or entry of a plea of guilty, guilty but mentally ill or nolo contendere pursuant to NRS 624.266.

13. Failure to provide a builder's warranty as required by NRS 624.602 or to respond reasonably to a claim made under a builder's warranty.

14. *Failure to comply with section 3 of this act.*

Sec. 5. NRS 624.800 is hereby amended to read as follows:

624.800 For any violation of the provisions of NRS 624.005 to 624.750, inclusive, *and section 3 of this act* that is punishable as a misdemeanor, an indictment must be found, or an information or complaint filed, within 2 years after the commission of the offense.

Sec. 6. NRS 704.795 is hereby repealed.

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

2. Sections 3, 4 and 5 of this act become effective:

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

(b) On October 1, 2023, for all other purposes.

3. Sections 1.5 and 2 of this act become effective on July 1, 2024.

4. Section 1 of this act expires by limitation on June 30, 2049.

TEXT OF REPEALED SECTION

704.795 Commission required to determine whether targets for the procurement of energy storage systems by electric utility is in public interest; required factors to consider; calculation of benefits and costs.

1. On or before October 1, 2018, the Commission shall determine whether it is in the public interest to establish by regulation biennial targets for the procurement of energy storage systems by an electric utility.

2. In making the determination required by subsection 1, the Commission shall consider:

(a) Whether the procurement of energy storage systems by an electric utility will achieve the following purposes:

(1) The integration of renewable energy resources which generate electricity on an intermittent basis into the transmission and distribution grid of the electric utility.

(2) The improvement of the reliability of the systems for the transmission and distribution of electricity.

(3) The increased use of renewable energy resources to generate electricity.

(4) The reduction of the need for the additional generation of electricity during periods of peak demand.

(5) The avoidance or deferral of investment by the electric utility in generation, transmission and distribution of electricity.

(6) The replacement of ancillary services provided by facilities using fossil fuels with ancillary services provided by the use of energy storage

systems.

(7) The reduction of greenhouse gas emissions.

(b) The interconnection of energy storage systems at each point of the electric grid, including, without limitation, in the transmission and distribution of electricity and at the site of the customer.

3. For the purposes of subsection 1, the Commission shall determine that the establishment of targets for the procurement of energy storage systems by an electric utility is in the public interest if the benefits to customers of the electric utility exceed the costs of the procurement of energy storage systems. In calculating the benefits and costs of the procurement of energy storage systems, the Commission shall consider all known and measurable benefits and costs, including, without limitation:

(a) A reduction in the need for the additional generation of electricity during periods of peak demand;

(b) A reduction in line losses;

(c) The benefits and costs related to ancillary services;

(d) Avoided costs for additional generation, transmission and generation capacity;

(e) The benefits arising from a reduction of greenhouse gas emissions and the emission of other air pollutants;

(f) The benefits and costs related to voltage support;

(g) The benefits of diversifying the types of resources used for the generation of electricity;

(h) The administrative costs incurred by the electric utility;

(i) The cost to the electric utility of the integration of energy storage systems into the transmission and distribution grid; and

(j) The cost of energy storage systems.

Senator Harris moved that the Senate concur in Assembly Amendment No. 597 to Senate Bill No. 314.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 335.

The following Assembly amendments were read:

Amendment No. 660.

SUMMARY—Revises provisions regarding real property. (BDR 3-883)

AN ACT relating to property; authorizing tenants subject to certain actions for summary eviction [proceedings] to assert certain affirmative defenses relating to request that the court stay the action until a decision concerning an application for rental assistance is made and establishing procedures relating thereto; requiring a landlord to accept payment of rent from a tenant and rental assistance on behalf of a tenant under certain circumstances; authorizing a justice court to establish a diversion program for certain tenants subject to an action for summary eviction; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~Existing law provides for a summary eviction procedure when the tenant of any dwelling, apartment, mobile home, recreational vehicle or commercial premises defaults in the payment of rent. (NRS 40.253) Section 9 of this bill defines the term "designated eviction proceeding" to include certain proceedings relating to the eviction of certain tenants who have defaulted in the payment of rent. Section 9 authorizes a tenant to claim as an affirmative defense to a designated eviction proceeding that: (1) the tenant has a pending application for rental assistance; or (2) the landlord of the tenant refused to participate in the application process for rental assistance or accept rental assistance provided on behalf of the tenant. Section 9 requires the court to stay the proceedings upon the assertion of such an affirmative defense for a period not to exceed 60 days unless the landlord receives an exemption. Section 9 also authorizes the landlord to file a motion to rebut the affirmative defense. If such a motion is filed by a landlord, section 9 authorizes the court to: (1) hold a hearing; or (2) maintain the stay of the proceedings for a period not to exceed 60 days. Section 9 also requires the court to: (1) dismiss the proceedings for eviction upon the granting of the application for rental assistance and receipt of the rental assistance by the landlord under certain circumstances; or (2) deny the eviction if the tenant proves the claim that the landlord refused to participate in the application for rental assistance or accept rental assistance on behalf of the tenant. The court is authorized to award damages if an eviction is denied for such refusal. In determining the amount of damages, if any, to award to the tenant, section 9 requires the court to consider the degree of harm caused to the tenant by the refusal of the landlord to participate in the application process for rental assistance or accept the rental assistance on behalf of the tenant.~~ In general, existing law provides for a summary eviction procedure when a tenant defaults in the payment of rent. (NRS 40.253) Section 9 of this bill authorizes a tenant who has been served with a notice to pay rent or surrender the premises to request that the court stay an action for summary eviction based on a default in the payment of rent until a decision concerning an application for rental assistance is made. Section 9 establishes the procedure for a tenant to request such a stay and criteria for the issuance of a stay. If the court issues such a stay, section 9 authorizes a landlord to file a motion to lift the stay under certain circumstances. If an application for rental assistance is granted in an amount that will allow the tenant in an action that has been stayed to cure the default, section 9 requires the landlord to accept payment of rent from the tenant and rental assistance on behalf of the tenant. If the application for rental assistance is denied or granted in an amount that will not allow the tenant in an action that has been stayed to cure the default, section 9 requires the court to proceed with the action for summary eviction in accordance with the requirements prescribed by existing law. Section 21.2 of this bill makes a conforming change relating to the submission of an affidavit pursuant to section 9.

In general, existing law provides for a summary eviction procedure when a tenant neglects or fails to perform a condition or covenant of a lease or agreement. (NRS 40.254) Section 9.2 of this bill authorizes a tenant who has been served with a notice to surrender the premises to request that the court stay an action for summary eviction based on neglect or failure to perform a condition or covenant of the lease or agreement until a decision concerning an application for rental assistance is made. Section 9.2 establishes the procedure for a tenant to request such a stay and criteria for the issuance of a stay. Among other requirements, section 9.2 requires the tenant to submit proof that: (1) the tenant was in default on the payment when the landlord initiated the action for summary eviction; and (2) the condition or covenant of the lease or agreement that the tenant allegedly neglected or failed to perform is not material to the lease or agreement. If the court issues such a stay, section 9.2 authorizes a landlord to file a motion to lift the stay under certain circumstances. When any stay issued by the court is lifted, section 9.2 requires the court to proceed with the action for summary eviction in accordance with the requirements prescribed by existing law. If an application for rental assistance is granted in an amount that will allow the tenant to cure the default, section 9.2 requires the landlord to accept payment of rent from the tenant and rental assistance on behalf of the tenant. Section 21.4 makes a conforming change relating to the submission of an affidavit pursuant to section 9.2.

Sections 9.1 and 9.3 of this bill create a similar process that becomes effective if and only if Assembly Bill No. 340 of this session is enacted by the Legislature and approved by the Governor.

Section 9.5 of this bill authorizes a justice court to establish a diversion program to which it may assign an eligible tenant subject to an action for summary eviction. Section 9.5 sets forth factors the court may consider in determining whether a tenant is eligible for assignment to such a diversion program. If the court assigns a tenant to such a diversion program, section 9.5 requires the court to: (1) stay the pending action for summary eviction for not more than 60 days; and (2) if the tenant pays the landlord the rent that is in default or surrenders the premises before the expiration of the stay, dismiss the action.

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

Section 1. Chapter 40 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 9.5, 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. 1. ~~{In any designated eviction proceeding, the}~~ A tenant who has been served with a notice pursuant to subsection 1 of NRS 40.253 may ~~{claim as an affirmative defense}~~ request that ~~{-~~

~~(a) The tenant has a pending}~~ the court stay any action for summary eviction initiated by the landlord against the tenant pursuant to subsection 5 of NRS 40.253 until a decision concerning an application for rental assistance ~~{; or~~

~~(b) The landlord has refused to-~~

~~(1) Participate in the application process for rental assistance; or~~

~~(2) Accept rental assistance on behalf of the tenant.}~~ is made.

2. To ~~{assert the affirmative defense described in}~~ request a stay pursuant to subsection 1, a tenant must:

(a) ~~{Have submitted}~~ File, within the time specified in subsection 1 of NRS 40.253 for the payment of rent or surrender of the premises, an affidavit with the court that has jurisdiction over the matter stating that the tenant has a pending application for rental assistance ; ~~{before the date on which the landlord filed the complaint on which the designated eviction proceeding is based;}~~ and

(b) Provide proof to the court of the date on which the application for rental assistance was submitted.

3. If ~~{an affirmative defense described in subsection 1 is asserted by the tenant;~~

~~(a) Except as otherwise provided in subsection 8,}~~ the court determines that an affidavit filed pursuant to subsection 2 is accompanied by sufficient proof, the court shall stay ~~{the designated}~~ any action for summary eviction ~~{proceeding}~~ initiated by the landlord against the tenant pursuant to subsection 5 of NRS 40.253 until the applicable time described in subsection ~~{5 or 6; and~~

~~(b) The landlord may file a motion to rebut the affirmative defense by the tenant.}~~ 4.

4. If ~~{a landlord files the motion described in subsection 3, the court may}~~

~~(a) Hold a hearing on the motion; or~~

~~(b) Maintain the stay until the applicable time described in subsection 5 or 6.~~

~~5. Except as otherwise provided in subsection 6, if the affirmative defense asserted was that described in-~~

~~(a) Paragraph (a) of subsection 1,}~~ the court grants a stay pursuant to subsection 3, the stay ~~{of the designated eviction proceeding}~~ must be maintained by the court until such time as ~~{the}~~ ;

~~(a) The application for rental assistance is no longer pending or a determination is made on the pending application for rental assistance~~ ~~{, and, except as otherwise provided in subsection 11, if the application for rental assistance is granted, the court must dismiss the designated eviction proceeding at the time that the rental assistance is received by the landlord.}~~

; or

~~(b) [Paragraph (b) of subsection 1, the stay of the designated eviction proceeding must be maintained by the court until such time as the tenant proves the validity of the claim, in which case the court:~~

~~—(1) Must deny the eviction; and~~

~~—(2) May award damages to the tenant.~~

~~—6.] The court grants a motion filed pursuant to subsection 5.~~

~~5. A landlord may file a motion to lift a stay [of a designated eviction proceeding must not exceed 60 days.~~

~~7. In determining the amount of damages to award a tenant] issued pursuant to subsection [5, the court shall consider the degree of harm caused to the tenant by the refusal of the landlord to:~~

~~—(a) Participate in the application process for rental assistance; or~~

~~—(b) Accept rental assistance on behalf of the tenant.~~

~~—8.] 3.~~

~~6. The court may grant a [landlord an exemption from the requirement to stay a designated eviction proceeding] motion filed pursuant to [this section] subsection 5 if [it], at a hearing conducted on the motion, the court finds that:~~

~~(a) [The landlord:~~

~~—(1) Provides written notice to the tenant of the exemption sought at the same time that notice relating to the designated eviction proceeding is served upon the tenant; and~~

~~—(2) Files a motion with the court for an exemption from the requirement to stay the designated eviction proceeding; and~~

~~—(b) The court finds:~~

~~—(1) That there is a pending designated eviction proceeding; and~~

~~—(2)] Evidence exists that the landlord faces a realistic threat of the foreclosure of the premises if the landlord is not able to evict the tenant.~~

~~—9.] , including, without limitation, evidence that:~~

~~(1) The property is subject to a lien, including, without limitation, a tax lien or lien for charges relating to utilities; or~~

~~(2) The landlord has missed three or more consecutive mortgage payments;~~

~~(b) The application for rental assistance was submitted in bad faith; or~~

~~(c) It is unlikely that:~~

~~(1) The application for rental assistance will be granted; or~~

~~(2) The tenant will be able to cure the default in the payment of rent, regardless of whether the application for rental assistance is granted.~~

~~7. If a tenant in bad faith submits an application for rental assistance, [for asserts the affirmative defense described in paragraph (a) of subsection 1 in bad faith], the landlord may, in a separate cause of action, recover damages from the tenant.~~

~~[10.] 8. If a landlord in bad faith files a motion [for an exemption] pursuant to subsection [8.] 5, the tenant may, in a separate cause of action,~~

recover from the landlord an amount equal to damages, 1 month's rent or \$1,000, whichever is greater, reasonable attorney's fees and costs of court.

~~{11. The provisions of paragraph (a) of subsection 5 which require the}~~

9. If the application for rental assistance is:

(a) Granted in an amount that, together with any other available funds, will allow the tenant to cure the default in the payment of rent:

(1) The landlord must accept payment of rent from the tenant and rental assistance on behalf of the tenant; and

(2) The court ~~to~~ must dismiss ~~the designated~~ any action for summary eviction ~~proceeding do not apply if the rental assistance received~~ initiated by the landlord ~~does not cure the default of the tenant.~~

~~12. This section does not apply to any proceeding for eviction relating to:~~

~~(a) A commercial premises; or~~

~~(b) An unlawful detainer pursuant to subsection 4 of NRS 40.2514 or 40.255.~~

~~13. against the tenant pursuant to subsection 5 of NRS 40.253.~~

(b) Denied, or granted in amount that, together with any other available funds, will not allow the tenant to cure the default in the payment of rent, the court shall:

(1) Issue an order lifting the stay; and

(2) Hold a hearing in accordance with the requirements prescribed by subsection 6 of NRS 40.253.

10. For purposes of subsection ~~5,~~ 4, an application for rental assistance is no longer pending if the application is not actively being pursued by the tenant, including, without limitation, by providing in a timely manner any information or documentation requested by the person or entity to whom the application was submitted.

~~{14. Any person or entity to whom a tenant submits a rental assistance application shall use its best efforts to notify the tenant, landlord and court of any determination made on a pending application for rental assistance as soon as reasonably practicable after making the determination.~~

~~15.} 11. As used in this section:~~

(a) ~~"Designated eviction proceeding" means~~

~~(1) A proceeding for summary eviction where the tenant has defaulted in the payment of rent;~~

~~(2) A proceeding for eviction for unlawful detainer pursuant to NRS 40.2512; or~~

~~(3) A proceeding for eviction relating to paragraph (a) of subsection 1 of NRS 118B.200.~~

~~(b)}~~ "Pending application for rental assistance" means an application for rental assistance submitted in good faith by a tenant. The term includes, without limitation, an application which is inactive due to any technical difficulty on the part of the tenant in the filing of the application for rental assistance ~~that is outside of the control of the tenant.~~ The term does not

include an application for rental assistance that was started by the tenant but is not actively being pursued by the tenant.

~~[(c)]~~ (b) "Rental assistance" includes, without limitation, federal, state or local funds ~~+~~

~~— (1) Provided,~~ provided by a governmental entity ~~+~~ and

~~[(2) Administered]~~ administered for the purpose of paying any amount of delinquent rent. The term does not include rental assistance provided pursuant to the provisions of 42 U.S.C. § 1437f.

Sec. 9.1. 1. A tenant against whom a landlord files an affidavit of complaint for summary eviction pursuant to subsection 3 of section 2 of Assembly Bill No. 340 of this session may request that the court stay the pending action for summary eviction until a decision concerning an application for rental assistance is made.

2. To request a stay pursuant to subsection 1, a tenant must:

(a) File the written answer required by subsection 6 of section 2 of Assembly Bill No. 340 of this session with the court that has jurisdiction over the matter within the time specified by subsection 6 of section 2 of Assembly Bill No. 340 of this session and include in the answer:

(1) A statement that the tenant has a pending application for rental assistance; and

(2) A request that the court stay the pending action for summary eviction; and

(b) Provide proof to the court of the date on which the application for rental assistance was submitted.

3. If the court determines that a written answer filed pursuant to subsection 6 of section 2 of Assembly Bill No. 340 of this session is accompanied by sufficient proof, the court shall stay the pending action for summary eviction until the applicable time described in subsection 4.

4. If the court grants a stay pursuant to subsection 3, the stay must be maintained by the court until such time as:

(a) The application for rental assistance is no longer pending or a determination is made on the pending application for rental assistance; or

(b) The court grants a motion filed pursuant to subsection 5.

5. A landlord may file a motion to lift a stay issued pursuant to subsection 3.

6. The court may grant a motion filed pursuant to subsection 5 if, at a hearing conducted on the motion, the court finds that:

(a) Evidence exists that the landlord faces a realistic threat of the foreclosure of the premises if the landlord is not able to evict the tenant, including, without limitation, evidence that:

(1) The property is subject to a lien, including, without limitation, a tax lien or lien for charges relating to utilities; or

(2) The landlord has missed three or more consecutive mortgage payments;

(b) The application for rental assistance was submitted in bad faith; or

(c) It is unlikely that:

(1) The application for rental assistance will be granted; or

(2) The tenant will be able to cure the default in the payment of rent, regardless of whether the application for rental assistance is granted.

7. If a tenant in bad faith submits an application for rental assistance, the landlord may, in a separate cause of action, recover damages from the tenant.

8. If a landlord in bad faith files a motion pursuant to subsection 5, the tenant may, in a separate cause of action, recover from the landlord an amount equal to damages, 1 month's rent or \$1,000, whichever is greater, reasonable attorney's fees and costs of court.

9. If the application for rental assistance is:

(a) Granted in an amount that, together with any other available funds, will allow the tenant to cure the default in the payment of rent:

(1) The landlord must accept payment of rent from the tenant and rental assistance on behalf of the tenant; and

(2) The court must dismiss the pending action for summary eviction.

(b) Denied, or granted in amount that, together with any other available funds, will not allow the tenant to cure the default in the payment of rent, the court shall:

(1) Issue an order lifting the stay; and

(2) Hold a hearing in accordance with the requirements prescribed by subsection 7 of Assembly Bill No. 340 of this session.

10. For the purposes of subsection 4, an application for rental assistance is no longer pending if the application is not actively being pursued by the tenant, including, without limitation, by providing in a timely manner any information or documentation requested by the person or entity to whom the application was submitted.

11. As used in this section:

(a) "Pending application for rental assistance" means an application for rental assistance submitted in good faith by a tenant. The term includes, without limitation, an application which is inactive due to any technical difficulty on the part of the tenant in the filing of the application for rental assistance that is outside of the control of the tenant. The term does not include an application for rental assistance that was started by the tenant but is not actively being pursued by the tenant.

(b) "Rental assistance" includes, without limitation, federal, state or local funds provided by a governmental entity and administered for the purpose of paying any amount of delinquent rent. The term does not include rental assistance provided pursuant to the provisions of 42 U.S.C. § 1437f.

Sec. 9.2. 1. A tenant who has been served with a notice pursuant to NRS 40.2516 may request that the court stay any action for summary eviction initiated by the landlord against the tenant pursuant to NRS 40.254 until a decision concerning an application for rental assistance is made.

2. To request a stay pursuant to subsection 1, a tenant must:

(a) File, within the time specified in NRS 40.2516, an affidavit with the court that has jurisdiction over the matter stating that the tenant has a pending application for rental assistance that was submitted before the date on which the tenant was served with the notice described in subsection 1;

(b) Provide proof to the court that:

(1) The tenant:

(I) Was in default on the payment of rent when the notice described in subsection 1 was served; and

(II) Submitted the application for rental assistance before the notice described in subsection 1 was served; and

(2) The condition or covenant of the lease or agreement that the tenant allegedly neglected or failed to perform is not material to the lease or agreement. For the purposes of this subparagraph, timely payment of rent is not material to the lease or agreement.

3. If the court determines that an affidavit filed pursuant to subsection 2 is accompanied by sufficient proof, the court may stay any action for summary eviction initiated by the landlord against the tenant pursuant to NRS 40.254.

4. If the court grants a stay pursuant to subsection 3, the stay must be maintained by the court until such time as:

(a) The application for rental assistance is no longer pending or a determination is made on the pending application for rental assistance; or

(b) The court grants a motion filed pursuant to subsection 6.

5. When a stay issued pursuant to subsection 3 is lifted, the action for summary eviction must proceed in accordance with the requirements prescribed by NRS 40.254.

6. A landlord may file a motion to lift a stay issued pursuant to subsection 3.

7. The court may grant a motion filed pursuant to subsection 6 if, at a hearing conducted on the motion, the court finds that:

(a) Evidence exists that the landlord faces a realistic threat of the foreclosure of the premises if the landlord is not able to evict the tenant, including, without limitation, evidence that:

(1) The property is subject to a lien, including, without limitation, a tax lien or lien for charges relating to utilities; or

(2) The landlord has missed three or more consecutive mortgage payments;

(b) The application for rental assistance was submitted in bad faith; or

(c) It is unlikely that:

(1) The application for rental assistance will be granted; or

(2) The tenant will be able to cure the default in the payment of rent, regardless of whether the application for rental assistance is granted.

8. If a tenant in bad faith submits an application for rental assistance, the landlord may, in a separate cause of action, recover damages from the tenant.

9. If a landlord in bad faith files a motion pursuant to subsection 6, the tenant may, in a separate cause of action, recover from the landlord an amount equal to damages, 1 month's rent or \$1,000, whichever is greater, reasonable attorney's fees and costs of court.

10. If the application for rental assistance is granted in an amount that, together with any other available funds, will allow the tenant to cure the default in the payment of rent, the landlord must accept payment of rent from the tenant and rental assistance on behalf of the tenant.

11. For the purposes of subsection 4, an application for rental assistance is no longer pending if the application is not actively being pursued by the tenant, including, without limitation, by providing in a timely manner any information or documentation requested by the person or entity to whom the application was submitted.

12. As used in this section:

(a) "Pending application for rental assistance" means an application for rental assistance submitted in good faith by a tenant. The term includes, without limitation, an application which is inactive due to any technical difficulty on the part of the tenant in the filing of the application for rental assistance that is outside of the control of the tenant. The term does not include an application for rental assistance that was started by the tenant but is not actively being pursued by the tenant.

(b) "Rental assistance" includes, without limitation, federal, state or local funds provided by a governmental entity and administered for the purpose of paying any amount of delinquent rent. The term does not include rental assistance provided pursuant to the provisions of 42 U.S.C. § 1437f.

Sec. 9.3. 1. A tenant against whom a landlord files an affidavit of complaint for summary eviction pursuant to subsection 3 of section 6.5 of Assembly Bill No. 340 of this session may request that the court stay the pending action for summary eviction until a decision concerning an application for rental assistance is made.

2. To request a stay pursuant to subsection 1, a tenant must:

(a) File the written answer required by subsection 6 of section 6.5 of Assembly Bill No. 340 of this session with the court that has jurisdiction over the matter within the time specified by subsection 6 of section 6.5 of Assembly Bill No. 340 of this session and include in the answer:

(1) A statement that the tenant has a pending application for rental assistance; and

(2) A request that the court stay the pending action for summary eviction; and

(b) Provide proof to the court that:

(1) The tenant:

(I) Was in default on the payment of rent when the landlord filed the affidavit of complaint for summary eviction; and

(II) Submitted the application for rental assistance before the landlord filed the affidavit of complaint for summary eviction; and

(2) The condition or covenant of the lease or agreement that the tenant allegedly neglected or failed to perform is not material to the lease or agreement. For the purposes of this subparagraph, timely payment of rent is not material to the lease or agreement.

3. If the court determines that a written answer filed pursuant to subsection 6 of section 6.5 of Assembly Bill No. 340 of this session is accompanied by sufficient proof, the court may stay any action for summary eviction initiated by the landlord against the tenant pursuant to section 6.5 of Assembly Bill No. 340 of this session.

4. If the court grants a stay pursuant to subsection 3, the stay must be maintained by the court until such time as:

(a) The application for rental assistance is no longer pending or a determination is made on the pending application for rental assistance; or

(b) The court grants a motion filed pursuant to subsection 6.

5. When a stay issued pursuant to subsection 3 is lifted, the action for summary eviction must proceed in accordance with the requirements prescribed by section 6.5 of Assembly Bill No. 340 of this session.

6. A landlord may file a motion to lift a stay issued pursuant to subsection 3.

7. The court may grant a motion filed pursuant to subsection 6 if, at a hearing conducted on the motion, the court finds that:

(a) Evidence exists that the landlord faces a realistic threat of the foreclosure of the premises if the landlord is not able to evict the tenant, including, without limitation, evidence that:

(1) The property is subject to a lien, including, without limitation, a tax lien or lien for charges relating to utilities; or

(2) The landlord has missed three or more consecutive mortgage payments;

(b) The application for rental assistance was submitted in bad faith; or

(c) It is unlikely that:

(1) The application for rental assistance will be granted; or

(2) The tenant will be able to cure the default in the payment of rent, regardless of whether the application for rental assistance is granted.

8. If a tenant in bad faith submits an application for rental assistance, the landlord may, in a separate cause of action, recover damages from the tenant.

9. If a landlord in bad faith files a motion pursuant to subsection 6, the tenant may, in a separate cause of action, recover from the landlord an amount equal to damages, 1 month's rent or \$1,000, whichever is greater, reasonable attorney's fees and costs of court.

10. If the application for rental assistance is granted in an amount that, together with any other available funds, will allow the tenant to cure the default in the payment of rent, the landlord must accept payment of rent from the tenant and rental assistance on behalf of the tenant.

11. For the purposes of subsection 4, an application for rental assistance

is no longer pending if the application is not actively being pursued by the tenant, including, without limitation, by providing in a timely manner any information or documentation requested by the person or entity to whom the application was submitted.

12. As used in this section:

(a) "Pending application for rental assistance" means an application for rental assistance submitted in good faith by a tenant. The term includes, without limitation, an application which is inactive due to any technical difficulty on the part of the tenant in the filing of the application for rental assistance that is outside of the control of the tenant. The term does not include an application for rental assistance that was started by the tenant but is not actively being pursued by the tenant.

(b) "Rental assistance" includes, without limitation, federal, state or local funds provided by a governmental entity and administered for the purpose of paying any amount of delinquent rent. The term does not include rental assistance provided pursuant to the provisions of 42 U.S.C. § 1437f.

Sec. 9.5. 1. A justice court may establish a diversion program to which it may assign an eligible tenant whose landlord applies by affidavit of complaint for eviction of the tenant pursuant to NRS 40.253.

2. To determine whether a tenant is eligible for a diversion program established pursuant to subsection 1, the court may consider, without limitation, whether the tenant is eligible for any programs that are designed to provide:

- (a) Social services which assist tenants in paying delinquent rent; and
- (b) Wrap-around services.

3. If the court assigns a tenant to a diversion program established pursuant to subsection 1, the court shall:

(a) Stay the pending action for summary eviction for not more than 60 days after the date on which the tenant files an affidavit permitted in subsection 3 of NRS 40.253; and

(b) If the tenant pays to the landlord the amount of rent that is in default or surrenders the premises before the expiration of the stay, dismiss the pending action for summary eviction.

4. As used in this section, "wrap-around services" means services provided to a tenant that assist the tenant in avoiding future summary eviction actions.

- Sec. 10. (Deleted by amendment.)
- Sec. 11. (Deleted by amendment.)
- Sec. 12. (Deleted by amendment.)
- Sec. 13. (Deleted by amendment.)
- Sec. 14. (Deleted by amendment.)
- Sec. 15. (Deleted by amendment.)
- Sec. 16. (Deleted by amendment.)
- Sec. 17. (Deleted by amendment.)
- Sec. 18. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

Sec. 20. (Deleted by amendment.)

Sec. 21. (Deleted by amendment.)

Sec. 21.2. NRS 40.253 is hereby amended to read as follows:

40.253 1. Except as otherwise provided in subsection 12, in addition to the remedy provided in NRS 40.2512 and 40.290 to 40.420, inclusive, when the tenant of any dwelling, apartment, mobile home or recreational vehicle with periodic rent reserved by the month or any shorter period is in default in payment of the rent, the landlord or the landlord's agent may cause to be served a notice in writing, requiring in the alternative the payment of the rent or the surrender of the premises:

(a) Before the close of business on the seventh judicial day following the day of service; or

(b) If the landlord chooses not to proceed in the manner set forth in paragraph (a) and the rent is reserved by a period of 1 week or less and the tenancy has not continued for more than 45 days, at or before noon of the fourth full day following the day of service.

➡ As used in this subsection, "day of service" means the day the landlord or the landlord's agent personally delivers the notice to the tenant. If personal service was not so delivered, the "day of service" means the day the notice is delivered, after posting and mailing pursuant to subsection 2, to the sheriff or constable for service if the request for service is made before noon. If the request for service by the sheriff or constable is made after noon, the "day of service" shall be deemed to be the day next following the day that the request is made for service by the sheriff or constable.

2. A landlord or the landlord's agent who serves a notice to a tenant pursuant to paragraph (b) of subsection 1 shall attempt to deliver the notice in person in the manner set forth in subsection 2 of NRS 40.2542. If the notice cannot be delivered in person, the landlord or the landlord's agent:

(a) Shall post a copy of the notice in a conspicuous place on the premises and mail the notice by overnight mail; and

(b) After the notice has been posted and mailed, may deliver the notice to the sheriff or constable for service in the manner set forth in subsection 1 of NRS 40.280. The sheriff or constable shall not accept the notice for service unless it is accompanied by written evidence, signed by the tenant when the tenant took possession of the premises, that the landlord or the landlord's agent informed the tenant of the provisions of this section which set forth the lawful procedures for eviction from a short-term tenancy. Upon acceptance, the sheriff or constable shall serve the notice within 48 hours after the request for service was made by the landlord or the landlord's agent.

3. A notice served pursuant to subsection 1 or 2 must:

(a) Identify the court that has jurisdiction over the matter; and

(b) Advise the tenant:

(1) Of the tenant's right to ~~contest~~ contest;

(I) Contest the matter by filing, within the time specified in

subsection 1 for the payment of the rent or surrender of the premises, an affidavit with the court that has jurisdiction over the matter stating that the tenant has tendered payment or is not in default in the payment of the rent; or

(II) Request that the court stay any action for summary eviction initiated by the landlord against the tenant using the procedure prescribed by section 9 of this act;

(2) That if the court determines that the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant, directing the sheriff or constable of the county to post the order in a conspicuous place on the premises not later than 24 hours after the order is received by the sheriff or constable. The sheriff or constable shall remove the tenant not earlier than 24 hours but not later than 36 hours after the posting of the order; and

(3) That, pursuant to NRS 118A.390, a tenant may seek relief if a landlord unlawfully removes the tenant from the premises or excludes the tenant by blocking or attempting to block the tenant's entry upon the premises or willfully interrupts or causes or permits the interruption of an essential service required by the rental agreement or chapter 118A of NRS.

4. If the tenant files such an affidavit at or before the time stated in the notice, the landlord or the landlord's agent, after receipt of a file-stamped copy of the affidavit which was filed, shall not provide for the nonadmittance of the tenant to the premises by locking or otherwise.

5. Upon noncompliance with the notice:

(a) The landlord or the landlord's agent may apply by affidavit of complaint for eviction to the justice court of the township in which the dwelling, apartment, mobile home or recreational vehicle are located or to the district court of the county in which the dwelling, apartment, mobile home or recreational vehicle are located, whichever has jurisdiction over the matter. The court may thereupon issue an order directing the sheriff or constable of the county to post the order in a conspicuous place on the premises not later than 24 hours after the order is received by the sheriff or constable. The sheriff or constable shall remove the tenant not earlier than 24 hours but not later than 36 hours after the posting of the order. The affidavit must state or contain:

(1) The date the tenancy commenced.

(2) The amount of periodic rent reserved.

(3) The amounts of any cleaning, security or rent deposits paid in advance, in excess of the first month's rent, by the tenant.

(4) The date the rental payments became delinquent.

(5) The length of time the tenant has remained in possession without paying rent.

(6) The amount of rent claimed due and delinquent.

(7) A statement that the written notice was served on the tenant in accordance with NRS 40.280.

(8) A copy of the written notice served on the tenant.

(9) A copy of the signed written rental agreement, if any.

(b) Except when the tenant has timely filed the affidavit described in subsection 3 and a file-stamped copy of it has been received by the landlord or the landlord's agent, and except when the landlord is prohibited pursuant to NRS 118A.480, the landlord or the landlord's agent may, in a peaceable manner, provide for the nonadmittance of the tenant to the premises by locking or otherwise.

6. Upon the filing by the tenant of the affidavit permitted in subsection 3, regardless of the information contained in the affidavit, and the filing by the landlord of the affidavit permitted by subsection 5, the justice court or the district court shall hold a hearing, after service of notice of the hearing upon the parties, to determine the truthfulness and sufficiency of any affidavit or notice provided for in this section. If the court determines that there is no legal defense as to the alleged unlawful detainer and the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant. If the court determines that there is a legal defense as to the alleged unlawful detainer, the court shall refuse to grant either party any relief, and, except as otherwise provided in this subsection, shall require that any further proceedings be conducted pursuant to NRS 40.290 to 40.420, inclusive. The issuance of a summary order for removal of the tenant does not preclude an action by the tenant for any damages or other relief to which the tenant may be entitled. If the alleged unlawful detainer was based upon subsection 5 of NRS 40.2514, the refusal by the court to grant relief does not preclude the landlord thereafter from pursuing an action for unlawful detainer in accordance with NRS 40.251.

7. The tenant may, upon payment of the appropriate fees relating to the filing and service of a motion, file a motion with the court, on a form provided by the clerk of the court, to dispute the amount of the costs, if any, claimed by the landlord pursuant to NRS 118A.460 for the inventory, moving and storage of personal property left on the premises. The motion must be filed within 20 days after the summary order for removal of the tenant or the abandonment of the premises by the tenant, or within 20 days after:

(a) The tenant has vacated or been removed from the premises; and

(b) A copy of those charges has been requested by or provided to the tenant,

☛ whichever is later.

8. Upon the filing of a motion pursuant to subsection 7, the court shall schedule a hearing on the motion. The hearing must be held within 10 days after the filing of the motion. The court shall affix the date of the hearing to the motion and order a copy served upon the landlord by the sheriff, constable or other process server. At the hearing, the court may:

(a) Determine the costs, if any, claimed by the landlord pursuant to NRS 118A.460 and any accumulating daily costs; and

(b) Order the release of the tenant's property upon the payment of the charges determined to be due or if no charges are determined to be due.

9. The tenant may, upon payment of the appropriate fees relating to the filing and service of a motion, file a motion with the court on a form provided by the clerk of court to dispute the reasonableness of the actions of a landlord pursuant to subsection 3 of NRS 118A.460. The motion must be filed within 5 days after the tenant has vacated or been removed from the premises. Upon the filing of a motion pursuant to this subsection, the court shall schedule a hearing on the motion. The hearing must be held within 5 days after the filing of the motion. The court shall affix the date of the hearing to the motion and order a copy served upon the landlord by the sheriff, constable or other process server. At the hearing, the court may:

(a) Order the landlord to allow the retrieval of the tenant's essential personal effects at the date and time and for a period necessary for the retrieval, as determined by the court; and

(b) Award damages in an amount not greater than \$2,500.

10. In determining the amount of damages, if any, to be awarded under paragraph (b) of subsection 9, the court shall consider:

(a) Whether the landlord acted in good faith;

(b) The course of conduct between the landlord and the tenant; and

(c) The degree of harm to the tenant caused by the landlord's conduct.

11. A landlord shall not refuse to accept rent from a tenant that is submitted after the landlord or the landlord's agent has served or had served a notice pursuant to subsection 1 if the refusal is based on the fact that the tenant has not paid collection fees, attorney's fees or other costs other than rent, a reasonable charge for late payments of rent or dishonored checks, or a security deposit. As used in this subsection, "security deposit" has the meaning ascribed to it in NRS 118A.240.

12. Except as otherwise provided in NRS 118A.315, this section does not apply to:

(a) The tenant of a mobile home lot in a mobile home park or to the tenant of a recreational vehicle lot in an area of a mobile home park in this State other than an area designated as a recreational vehicle lot pursuant to the provisions of subsection 8 of NRS 40.215.

(b) A tenant who provides proof to the landlord that he or she is a federal worker, tribal worker, state worker or household member of such a worker during a shutdown.

13. As used in this section, "close of business" means the close of business of the court that has jurisdiction over the matter.

Sec. 21.4. NRS 40.254 is hereby amended to read as follows:

40.254 1. Except as otherwise provided by specific statute, in addition to the remedy provided in NRS 40.290 to 40.420, inclusive, when the tenant of a dwelling unit, part of a low-rent housing program operated by a public housing authority, a mobile home or a recreational vehicle is guilty of an unlawful detainer pursuant to NRS 40.250, 40.251, 40.2514 or 40.2516, the

landlord or the landlord's agent may utilize the summary procedures for eviction as provided in NRS 40.253 except that written notice to surrender the premises must:

(a) Be given to the tenant in accordance with the provisions of NRS 40.280;

(b) Advise the tenant of the court that has jurisdiction over the matter; and

(c) Advise the tenant of the tenant's right to:

(1) Contest the notice by filing before the court's close of business on the fifth judicial day after the day of service of the notice an affidavit with the court that has jurisdiction over the matter stating the reasons why the tenant is not guilty of an unlawful detainer; ~~for~~

(2) Request that the court stay any action for summary eviction initiated by the landlord against the tenant using the procedure prescribed by section 9.2 of this act; or

(3) Request that the court stay the execution of the order for removal of the tenant or order providing for nonadmittance of the tenant for a period not exceeding 10 days pursuant to subsection 2 of NRS 70.010, stating the reasons why such a stay is warranted.

2. The affidavit of the landlord or the landlord's agent submitted to the justice court or the district court must state or contain:

(a) The date when the tenancy commenced, the term of the tenancy and, if any, a copy of the rental agreement. If the rental agreement has been lost or destroyed, the landlord or the landlord's agent may attach an affidavit or declaration, signed under penalty of perjury, stating such loss or destruction.

(b) The date when the tenancy or rental agreement allegedly terminated.

(c) The date when written notice to surrender was given to the tenant pursuant to the provisions of NRS 40.251, 40.2514 or 40.2516, together with any facts supporting the notice.

(d) The date when the written notice was given, a copy of the notice and a statement that notice was served in accordance with NRS 40.280 and, if applicable, a copy of the notice of change of ownership served on the tenant pursuant to NRS 40.255 if the property has been purchased as a residential foreclosure.

(e) A statement that the claim for relief was authorized by law.

3. If the tenant is found guilty of unlawful detainer as a result of the tenant's violation of any of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, the landlord is entitled to be awarded any reasonable attorney's fees incurred by the landlord or the landlord's agent as a result of a hearing, if any, held pursuant to subsection 6 of NRS 40.253 wherein the tenant contested the eviction.

Sec. 22. The amendatory provisions of this act apply to an action for summary eviction which accrues on or after ~~October 1, 2023,~~ the effective date of this act.

Sec. 23. (Deleted by amendment.)

Sec. 24. 1. This section and sections 1 to 8, inclusive, 9.5 to 21,

inclusive, 22 and 23 of this act become effective upon passage and approval.

2. Sections 9, 9.2, 21.2 and 21.4 of this act become effective upon passage and approval if, and only if, Assembly Bill No. 340 of this session is not enacted by the Legislature and approved by the Governor.

3. Sections 9.1 and 9.3 of this act become effective upon passage and approval if, and only if, Assembly Bill No. 340 of this session is enacted by the Legislature and approved by the Governor.

Amendment No. 764.

SUMMARY—Revises provisions regarding real property. (BDR 3-883)

AN ACT relating to property; authorizing tenants subject to certain actions for summary eviction to request that the court stay the action until a decision concerning an application for rental assistance is made and establishing procedures relating thereto; requiring a landlord to accept payment of rent from a tenant and rental assistance on behalf of a tenant under certain circumstances; authorizing a justice court to establish a diversion program for certain tenants subject to an action for summary eviction; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

In general, existing law provides for a summary eviction procedure when a tenant defaults in the payment of rent. (NRS 40.253) Section 9 of this bill authorizes a tenant who has been served with a notice to pay rent or surrender the premises to request that the court stay an action for summary eviction based on a default in the payment of rent until a decision concerning an application for rental assistance is made. Section 9 establishes the procedure for a tenant to request such a stay and criteria for the issuance of a stay. If the court issues such a stay, section 9 : (1) authorizes a landlord to file a motion to lift the stay under certain circumstances ~~to~~ ; and (2) requires that the stay expire not later than 60 days after it is issued. If an application for rental assistance is granted in an amount that will allow the tenant in an action that has been stayed to cure the default, section 9 requires the landlord to accept payment of rent from the tenant and rental assistance on behalf of the tenant. If the application for rental assistance is denied or granted in an amount that will not allow the tenant in an action that has been stayed to cure the default, section 9 requires the court to proceed with the action for summary eviction in accordance with the requirements prescribed by existing law. Section 21.2 of this bill makes a conforming change relating to the submission of an affidavit pursuant to section 9. Section 9.1 of this bill creates a similar process that becomes effective if and only if Assembly Bill No. 340 of this session is enacted by the Legislature and approved by the Governor.

In general, existing law provides for a summary eviction procedure when a tenant neglects or fails to perform a condition or covenant of a lease or agreement. (NRS 40.254) Section ~~19.2 of this bill authorizes a tenant who has been served with a notice to surrender the premises to request that the court stay an action for summary eviction based on neglect or failure to perform a~~

~~condition or covenant of the lease or agreement until a decision concerning an application for rental assistance is made. Section 9.2 establishes the procedure for a tenant to request such a stay and criteria for the issuance of a stay. Among other requirements, section 9.2 requires the tenant to submit proof that: (1) the tenant was in default on the payment when the landlord initiated the action for summary eviction; and (2) the condition or covenant of the lease or agreement that the tenant allegedly neglected or failed to perform is not material to the lease or agreement. If the court issues such a stay, section 9.2 authorizes a landlord to file a motion to lift the stay under certain circumstances. When any stay issued by the court is lifted, section 9.2 requires the court to proceed with the action for summary eviction in accordance with the requirements prescribed by existing law. If an application for rental assistance is granted in an amount that will allow the tenant to cure the default, section 9.2 requires the landlord to accept payment of rent from the tenant and rental assistance on behalf of the tenant. Section 21.4 makes a conforming change relating to the submission of an affidavit pursuant to section 9.2.~~

~~Sections 9.1 and 9.3}~~ 9.7 of this bill requires a court to dismiss an action for summary eviction based on neglect or failure to perform a condition or covenant of a lease or agreement if the court finds that the affidavit of complaint for summary eviction was filed by the landlord in bad faith or as a pretext for evicting a tenant who is in default in the payment of rent. Section 21.4 of this bill {create} creates a similar {process} requirement that becomes effective if and only if Assembly Bill No. 340 of this session is not enacted by the Legislature and approved by the Governor.

Section 9.5 of this bill authorizes a justice court to establish a diversion program to which it may assign an eligible tenant subject to an action for summary eviction. Section 9.5 sets forth factors the court may consider in determining whether a tenant is eligible for assignment to such a diversion program. If the court assigns a tenant to such a diversion program, section 9.5 requires the court to: (1) stay the pending action for summary eviction for not more than 60 days; and (2) if the tenant pays the landlord the rent that is in default or surrenders the premises before the expiration of the stay, dismiss the action.

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

Section 1. Chapter 40 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to ~~9.5,~~ 9.7, 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. 1. A tenant who has been served with a notice pursuant to subsection 1 of NRS 40.253 may request that the court stay any action for summary eviction initiated by the landlord against the tenant pursuant to subsection 5 of NRS 40.253 until a decision concerning an application for rental assistance is made.

2. To request a stay pursuant to subsection 1, a tenant must:

(a) File, within the time specified in subsection 1 of NRS 40.253 for the payment of rent or surrender of the premises, an affidavit with the court that has jurisdiction over the matter stating that the tenant has a pending application for rental assistance; and

(b) Provide proof to the court of the date on which the application for rental assistance was submitted.

3. If the court determines that an affidavit filed pursuant to subsection 2 is accompanied by sufficient proof, the court shall stay any action for summary eviction initiated by the landlord against the tenant pursuant to subsection 5 of NRS 40.253 until the applicable time described in subsection 4.

4. If the court grants a stay pursuant to subsection 3, the stay must be maintained by the court until ~~such time as:~~ not later than the earliest of:

(a) The date on which the application for rental assistance is no longer pending or a determination is made on the pending application for rental assistance; ~~or~~

(b) The date on which the court grants a motion filed pursuant to subsection 5 ~~4~~; or

(c) Sixty days after the date on which the stay is granted.

5. A landlord may file a motion to lift a stay issued pursuant to subsection 3.

6. The court may grant a motion filed pursuant to subsection 5 if, at a hearing conducted on the motion, the court finds that:

(a) Evidence exists that the landlord faces a realistic threat of the foreclosure of the premises if the landlord is not able to evict the tenant, including, without limitation, evidence that:

(1) The property is subject to a lien, including, without limitation, a tax lien or lien for charges relating to utilities; or

(2) The landlord has missed three or more consecutive mortgage payments;

(b) The application for rental assistance was submitted in bad faith; or

(c) It is unlikely that:

(1) The application for rental assistance will be granted; or

(2) The tenant will be able to cure the default in the payment of rent, regardless of whether the application for rental assistance is granted.

7. If a tenant in bad faith submits an application for rental assistance, the landlord may, in a separate cause of action, recover damages from the tenant.

8. If a landlord in bad faith files a motion pursuant to subsection 5, the

tenant may, in a separate cause of action, recover from the landlord an amount equal to damages, 1 month's rent or \$1,000, whichever is greater, reasonable attorney's fees and costs of court.

9. If the application for rental assistance is:

(a) Granted in an amount that, together with any other available funds, will allow the tenant to cure the default in the payment of rent:

(1) The landlord must accept payment of rent from the tenant and rental assistance on behalf of the tenant; and

(2) The court must dismiss any action for summary eviction initiated by the landlord against the tenant pursuant to subsection 5 of NRS 40.253.

(b) Denied, or granted in amount that, together with any other available funds, will not allow the tenant to cure the default in the payment of rent, the court shall:

(1) Issue an order lifting the stay; and

(2) Hold a hearing in accordance with the requirements prescribed by subsection 6 of NRS 40.253.

10. For purposes of subsection 4, an application for rental assistance is no longer pending if the application is not actively being pursued by the tenant, including, without limitation, by providing in a timely manner any information or documentation requested by the person or entity to whom the application was submitted.

11. As used in this section:

(a) "Pending application for rental assistance" means an application for rental assistance submitted in good faith by a tenant. The term includes, without limitation, an application which is inactive due to any technical difficulty on the part of the tenant in the filing of the application for rental assistance that is outside of the control of the tenant. The term does not include an application for rental assistance that was started by the tenant but is not actively being pursued by the tenant.

(b) "Rental assistance" includes, without limitation, federal, state or local funds provided by a governmental entity and administered for the purpose of paying any amount of delinquent rent. The term does not include rental assistance provided pursuant to the provisions of 42 U.S.C. § 1437f.

Sec. 9.1. 1. A tenant against whom a landlord files an affidavit of complaint for summary eviction pursuant to subsection 3 of section 2 of Assembly Bill No. 340 of this session may request that the court stay the pending action for summary eviction until a decision concerning an application for rental assistance is made.

2. To request a stay pursuant to subsection 1, a tenant must:

(a) File the written answer required by subsection 6 of section 2 of Assembly Bill No. 340 of this session with the court that has jurisdiction over the matter within the time specified by subsection 6 of section 2 of Assembly Bill No. 340 of this session and include in the answer:

(1) A statement that the tenant has a pending application for rental assistance; and

(2) A request that the court stay the pending action for summary eviction; and

(b) Provide proof to the court of the date on which the application for rental assistance was submitted.

3. If the court determines that a written answer filed pursuant to subsection 6 of section 2 of Assembly Bill No. 340 of this session is accompanied by sufficient proof, the court shall stay the pending action for summary eviction until the applicable time described in subsection 4.

4. If the court grants a stay pursuant to subsection 3, the stay must be maintained by the court until ~~(such time as)~~ not later than the earliest of:

(a) The date on which the application for rental assistance is no longer pending or a determination is made on the pending application for rental assistance; ~~or~~

(b) The date on which the court grants a motion filed pursuant to subsection 5 ~~+~~; or

(c) Sixty days after the date on which the stay is granted.

5. A landlord may file a motion to lift a stay issued pursuant to subsection 3.

6. The court may grant a motion filed pursuant to subsection 5 if, at a hearing conducted on the motion, the court finds that:

(a) Evidence exists that the landlord faces a realistic threat of the foreclosure of the premises if the landlord is not able to evict the tenant, including, without limitation, evidence that:

(1) The property is subject to a lien, including, without limitation, a tax lien or lien for charges relating to utilities; or

(2) The landlord has missed three or more consecutive mortgage payments;

(b) The application for rental assistance was submitted in bad faith; or

(c) It is unlikely that:

(1) The application for rental assistance will be granted; or

(2) The tenant will be able to cure the default in the payment of rent, regardless of whether the application for rental assistance is granted.

7. If a tenant in bad faith submits an application for rental assistance, the landlord may, in a separate cause of action, recover damages from the tenant.

8. If a landlord in bad faith files a motion pursuant to subsection 5, the tenant may, in a separate cause of action, recover from the landlord an amount equal to damages, 1 month's rent or \$1,000, whichever is greater, reasonable attorney's fees and costs of court.

9. If the application for rental assistance is:

(a) Granted in an amount that, together with any other available funds, will allow the tenant to cure the default in the payment of rent:

(1) The landlord must accept payment of rent from the tenant and rental assistance on behalf of the tenant; and

(2) The court must dismiss the pending action for summary eviction.

(b) Denied, or granted in amount that, together with any other available funds, will not allow the tenant to cure the default in the payment of rent, the court shall:

(1) Issue an order lifting the stay; and

(2) Hold a hearing in accordance with the requirements prescribed by subsection 7 of Assembly Bill No. 340 of this session.

10. For the purposes of subsection 4, an application for rental assistance is no longer pending if the application is not actively being pursued by the tenant, including, without limitation, by providing in a timely manner any information or documentation requested by the person or entity to whom the application was submitted.

11. As used in this section:

(a) "Pending application for rental assistance" means an application for rental assistance submitted in good faith by a tenant. The term includes, without limitation, an application which is inactive due to any technical difficulty on the part of the tenant in the filing of the application for rental assistance that is outside of the control of the tenant. The term does not include an application for rental assistance that was started by the tenant but is not actively being pursued by the tenant.

(b) "Rental assistance" includes, without limitation, federal, state or local funds provided by a governmental entity and administered for the purpose of paying any amount of delinquent rent. The term does not include rental assistance provided pursuant to the provisions of 42 U.S.C. § 1437f.

~~Sec. 9.2. 1. A tenant who has been served with a notice pursuant to NRS 40.2516 may request that the court stay any action for summary eviction initiated by the landlord against the tenant pursuant to NRS 40.254 until a decision concerning an application for rental assistance is made.~~

~~2. To request a stay pursuant to subsection 1, a tenant must:~~

~~(a) File, within the time specified in NRS 40.2516, an affidavit with the court that has jurisdiction over the matter stating that the tenant has a pending application for rental assistance that was submitted before the date on which the tenant was served with the notice described in subsection 1;~~

~~(b) Provide proof to the court that:~~

~~(1) The tenant:~~

~~(I) Was in default on the payment of rent when the notice described in subsection 1 was served; and~~

~~(II) Submitted the application for rental assistance before the notice described in subsection 1 was served; and~~

~~(2) The condition or covenant of the lease or agreement that the tenant allegedly neglected or failed to perform is not material to the lease or agreement. For the purposes of this subparagraph, timely payment of rent is not material to the lease or agreement.~~

~~3. If the court determines that an affidavit filed pursuant to subsection 2 is accompanied by sufficient proof, the court may stay any action for summary eviction initiated by the landlord against the tenant pursuant to~~

~~NRS 40.254.~~

~~4. If the court grants a stay pursuant to subsection 3, the stay must be maintained by the court until such time as:~~

~~(a) The application for rental assistance is no longer pending or a determination is made on the pending application for rental assistance; or~~

~~(b) The court grants a motion filed pursuant to subsection 6.~~

~~5. When a stay issued pursuant to subsection 3 is lifted, the action for summary eviction must proceed in accordance with the requirements prescribed by NRS 40.254.~~

~~6. A landlord may file a motion to lift a stay issued pursuant to subsection 3.~~

~~7. The court may grant a motion filed pursuant to subsection 6 if, at a hearing conducted on the motion, the court finds that:~~

~~(a) Evidence exists that the landlord faces a realistic threat of the foreclosure of the premises if the landlord is not able to evict the tenant, including, without limitation, evidence that:~~

~~(1) The property is subject to a lien, including, without limitation, a tax lien or lien for charges relating to utilities; or~~

~~(2) The landlord has missed three or more consecutive mortgage payments;~~

~~(b) The application for rental assistance was submitted in bad faith; or~~

~~(c) It is unlikely that:~~

~~(1) The application for rental assistance will be granted; or~~

~~(2) The tenant will be able to cure the default in the payment of rent, regardless of whether the application for rental assistance is granted.~~

~~8. If a tenant in bad faith submits an application for rental assistance, the landlord may, in a separate cause of action, recover damages from the tenant.~~

~~9. If a landlord in bad faith files a motion pursuant to subsection 6, the tenant may, in a separate cause of action, recover from the landlord an amount equal to damages, 1 month's rent or \$1,000, whichever is greater, reasonable attorney's fees and costs of court.~~

~~10. If the application for rental assistance is granted in an amount that, together with any other available funds, will allow the tenant to cure the default in the payment of rent, the landlord must accept payment of rent from the tenant and rental assistance on behalf of the tenant.~~

~~11. For the purposes of subsection 4, an application for rental assistance is no longer pending if the application is not actively being pursued by the tenant, including, without limitation, by providing in a timely manner any information or documentation requested by the person or entity to whom the application was submitted.~~

~~12. As used in this section:~~

~~(a) "Pending application for rental assistance" means an application for rental assistance submitted in good faith by a tenant. The term includes, without limitation, an application which is inactive due to any technical~~

~~difficulty on the part of the tenant in the filing of the application for rental assistance that is outside of the control of the tenant. The term does not include an application for rental assistance that was started by the tenant but is not actively being pursued by the tenant.~~

~~— (b) "Rental assistance" includes, without limitation, federal, state or local funds provided by a governmental entity and administered for the purpose of paying any amount of delinquent rent. The term does not include rental assistance provided pursuant to the provisions of 42 U.S.C. § 1437f.]~~
(Deleted by amendment.)

Sec. 9.3. ~~{1. A tenant against whom a landlord files an affidavit of complaint for summary eviction pursuant to subsection 3 of section 6.5 of Assembly Bill No. 340 of this session may request that the court stay the pending action for summary eviction until a decision concerning an application for rental assistance is made.~~

~~— 2. To request a stay pursuant to subsection 1, a tenant must:~~

~~— (a) File the written answer required by subsection 6 of section 6.5 of Assembly Bill No. 340 of this session with the court that has jurisdiction over the matter within the time specified by subsection 6 of section 6.5 of Assembly Bill No. 340 of this session and include in the answer:~~

~~— (1) A statement that the tenant has a pending application for rental assistance; and~~

~~— (2) A request that the court stay the pending action for summary eviction; and~~

~~— (b) Provide proof to the court that:~~

~~— (1) The tenant:~~

~~— (I) Was in default on the payment of rent when the landlord filed the affidavit of complaint for summary eviction; and~~

~~— (II) Submitted the application for rental assistance before the landlord filed the affidavit of complaint for summary eviction; and~~

~~— (2) The condition or covenant of the lease or agreement that the tenant allegedly neglected or failed to perform is not material to the lease or agreement. For the purposes of this subparagraph, timely payment of rent is not material to the lease or agreement.~~

~~— 3. If the court determines that a written answer filed pursuant to subsection 6 of section 6.5 of Assembly Bill No. 340 of this session is accompanied by sufficient proof, the court may stay any action for summary eviction initiated by the landlord against the tenant pursuant to section 6.5 of Assembly Bill No. 340 of this session.~~

~~— 4. If the court grants a stay pursuant to subsection 3, the stay must be maintained by the court until such time as:~~

~~— (a) The application for rental assistance is no longer pending or a determination is made on the pending application for rental assistance; or~~

~~— (b) The court grants a motion filed pursuant to subsection 6.~~

~~— 5. When a stay issued pursuant to subsection 3 is lifted, the action for summary eviction must proceed in accordance with the requirements~~

~~prescribed by section 6.5 of Assembly Bill No. 340 of this session.~~

~~6. A landlord may file a motion to lift a stay issued pursuant to subsection 3.~~

~~7. The court may grant a motion filed pursuant to subsection 6 if, at a hearing conducted on the motion, the court finds that:~~

~~(a) Evidence exists that the landlord faces a realistic threat of the foreclosure of the premises if the landlord is not able to evict the tenant, including, without limitation, evidence that:~~

~~(1) The property is subject to a lien, including, without limitation, a tax lien or lien for charges relating to utilities; or~~

~~(2) The landlord has missed three or more consecutive mortgage payments;~~

~~(b) The application for rental assistance was submitted in bad faith; or~~

~~(c) It is unlikely that:~~

~~(1) The application for rental assistance will be granted; or~~

~~(2) The tenant will be able to cure the default in the payment of rent, regardless of whether the application for rental assistance is granted.~~

~~8. If a tenant in bad faith submits an application for rental assistance, the landlord may, in a separate cause of action, recover damages from the tenant.~~

~~9. If a landlord in bad faith files a motion pursuant to subsection 6, the tenant may, in a separate cause of action, recover from the landlord an amount equal to damages, 1 month's rent or \$1,000, whichever is greater, reasonable attorney's fees and costs of court.~~

~~10. If the application for rental assistance is granted in an amount that, together with any other available funds, will allow the tenant to cure the default in the payment of rent, the landlord must accept payment of rent from the tenant and rental assistance on behalf of the tenant.~~

~~11. For the purposes of subsection 4, an application for rental assistance is no longer pending if the application is not actively being pursued by the tenant, including, without limitation, by providing in a timely manner any information or documentation requested by the person or entity to whom the application was submitted.~~

~~12. As used in this section:~~

~~(a) "Pending application for rental assistance" means an application for rental assistance submitted in good faith by a tenant. The term includes, without limitation, an application which is inactive due to any technical difficulty on the part of the tenant in the filing of the application for rental assistance that is outside of the control of the tenant. The term does not include an application for rental assistance that was started by the tenant but is not actively being pursued by the tenant.~~

~~(b) "Rental assistance" includes, without limitation, federal, state or local funds provided by a governmental entity and administered for the purpose of paying any amount of delinquent rent. The term does not include rental assistance provided pursuant to the provisions of 42 U.S.C. § 1437f.]~~

(Deleted by amendment.)

Sec. 9.5. 1. *A justice court may establish a diversion program to which it may assign an eligible tenant whose landlord applies by affidavit of complaint for eviction of the tenant pursuant to NRS 40.253.*

2. *To determine whether a tenant is eligible for a diversion program established pursuant to subsection 1, the court may consider, without limitation, whether the tenant is eligible for any programs that are designed to provide:*

- (a) Social services which assist tenants in paying delinquent rent; and*
- (b) Wrap-around services.*

3. *If the court assigns a tenant to a diversion program established pursuant to subsection 1, the court shall:*

(a) Stay the pending action for summary eviction for not more than 60 days after the date on which the tenant files an affidavit permitted in subsection 3 of NRS 40.253; and

(b) If the tenant pays to the landlord the amount of rent that is in default or surrenders the premises before the expiration of the stay, dismiss the pending action for summary eviction.

4. *As used in this section, "wrap-around services" means services provided to a tenant that assist the tenant in avoiding future summary eviction actions.*

Sec. 9.7. *If the court finds that an affidavit of complaint for summary eviction filed pursuant to subsection 3 of section 6.5 of Assembly Bill No. 340 of this session was filed in bad faith or as a pretext for evicting a tenant who is in default in the payment of rent, the court must dismiss the proceeding.*

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

Sec. 20. (Deleted by amendment.)

Sec. 21. (Deleted by amendment.)

Sec. 21.2. NRS 40.253 is hereby amended to read as follows:

40.253 1. Except as otherwise provided in subsection 12, in addition to the remedy provided in NRS 40.2512 and 40.290 to 40.420, inclusive, when the tenant of any dwelling, apartment, mobile home or recreational vehicle with periodic rent reserved by the month or any shorter period is in default in payment of the rent, the landlord or the landlord's agent may cause to be served a notice in writing, requiring in the alternative the payment of the rent or the surrender of the premises:

(a) Before the close of business on the seventh judicial day following the day of service; or

(b) If the landlord chooses not to proceed in the manner set forth in paragraph (a) and the rent is reserved by a period of 1 week or less and the tenancy has not continued for more than 45 days, at or before noon of the fourth full day following the day of service.

➔ As used in this subsection, "day of service" means the day the landlord or the landlord's agent personally delivers the notice to the tenant. If personal service was not so delivered, the "day of service" means the day the notice is delivered, after posting and mailing pursuant to subsection 2, to the sheriff or constable for service if the request for service is made before noon. If the request for service by the sheriff or constable is made after noon, the "day of service" shall be deemed to be the day next following the day that the request is made for service by the sheriff or constable.

2. A landlord or the landlord's agent who serves a notice to a tenant pursuant to paragraph (b) of subsection 1 shall attempt to deliver the notice in person in the manner set forth in subsection 2 of NRS 40.2542. If the notice cannot be delivered in person, the landlord or the landlord's agent:

(a) Shall post a copy of the notice in a conspicuous place on the premises and mail the notice by overnight mail; and

(b) After the notice has been posted and mailed, may deliver the notice to the sheriff or constable for service in the manner set forth in subsection 1 of NRS 40.280. The sheriff or constable shall not accept the notice for service unless it is accompanied by written evidence, signed by the tenant when the tenant took possession of the premises, that the landlord or the landlord's agent informed the tenant of the provisions of this section which set forth the lawful procedures for eviction from a short-term tenancy. Upon acceptance, the sheriff or constable shall serve the notice within 48 hours after the request for service was made by the landlord or the landlord's agent.

3. A notice served pursuant to subsection 1 or 2 must:

(a) Identify the court that has jurisdiction over the matter; and

(b) Advise the tenant:

(1) Of the tenant's right to ~~contest~~ *contest* :

(I) Contest the matter by filing, within the time specified in subsection 1 for the payment of the rent or surrender of the premises, an affidavit with the court that has jurisdiction over the matter stating that the tenant has tendered payment or is not in default in the payment of the rent; or

(II) Request that the court stay any action for summary eviction initiated by the landlord against the tenant using the procedure prescribed by section 9 of this act;

(2) That if the court determines that the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant, directing the sheriff or constable of the county to post the order in a conspicuous place on the premises not later than 24 hours after the order is received by the sheriff or

constable. The sheriff or constable shall remove the tenant not earlier than 24 hours but not later than 36 hours after the posting of the order; and

(3) That, pursuant to NRS 118A.390, a tenant may seek relief if a landlord unlawfully removes the tenant from the premises or excludes the tenant by blocking or attempting to block the tenant's entry upon the premises or willfully interrupts or causes or permits the interruption of an essential service required by the rental agreement or chapter 118A of NRS.

4. If the tenant files such an affidavit at or before the time stated in the notice, the landlord or the landlord's agent, after receipt of a file-stamped copy of the affidavit which was filed, shall not provide for the nonadmittance of the tenant to the premises by locking or otherwise.

5. Upon noncompliance with the notice:

(a) The landlord or the landlord's agent may apply by affidavit of complaint for eviction to the justice court of the township in which the dwelling, apartment, mobile home or recreational vehicle are located or to the district court of the county in which the dwelling, apartment, mobile home or recreational vehicle are located, whichever has jurisdiction over the matter. The court may thereupon issue an order directing the sheriff or constable of the county to post the order in a conspicuous place on the premises not later than 24 hours after the order is received by the sheriff or constable. The sheriff or constable shall remove the tenant not earlier than 24 hours but not later than 36 hours after the posting of the order. The affidavit must state or contain:

(1) The date the tenancy commenced.

(2) The amount of periodic rent reserved.

(3) The amounts of any cleaning, security or rent deposits paid in advance, in excess of the first month's rent, by the tenant.

(4) The date the rental payments became delinquent.

(5) The length of time the tenant has remained in possession without paying rent.

(6) The amount of rent claimed due and delinquent.

(7) A statement that the written notice was served on the tenant in accordance with NRS 40.280.

(8) A copy of the written notice served on the tenant.

(9) A copy of the signed written rental agreement, if any.

(b) Except when the tenant has timely filed the affidavit described in subsection 3 and a file-stamped copy of it has been received by the landlord or the landlord's agent, and except when the landlord is prohibited pursuant to NRS 118A.480, the landlord or the landlord's agent may, in a peaceable manner, provide for the nonadmittance of the tenant to the premises by locking or otherwise.

6. Upon the filing by the tenant of the affidavit permitted in subsection 3, regardless of the information contained in the affidavit, and the filing by the landlord of the affidavit permitted by subsection 5, the justice court or the district court shall hold a hearing, after service of notice of the hearing upon

the parties, to determine the truthfulness and sufficiency of any affidavit or notice provided for in this section. If the court determines that there is no legal defense as to the alleged unlawful detainer and the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant. If the court determines that there is a legal defense as to the alleged unlawful detainer, the court shall refuse to grant either party any relief, and, except as otherwise provided in this subsection, shall require that any further proceedings be conducted pursuant to NRS 40.290 to 40.420, inclusive. The issuance of a summary order for removal of the tenant does not preclude an action by the tenant for any damages or other relief to which the tenant may be entitled. If the alleged unlawful detainer was based upon subsection 5 of NRS 40.2514, the refusal by the court to grant relief does not preclude the landlord thereafter from pursuing an action for unlawful detainer in accordance with NRS 40.251.

7. The tenant may, upon payment of the appropriate fees relating to the filing and service of a motion, file a motion with the court, on a form provided by the clerk of the court, to dispute the amount of the costs, if any, claimed by the landlord pursuant to NRS 118A.460 for the inventory, moving and storage of personal property left on the premises. The motion must be filed within 20 days after the summary order for removal of the tenant or the abandonment of the premises by the tenant, or within 20 days after:

(a) The tenant has vacated or been removed from the premises; and

(b) A copy of those charges has been requested by or provided to the tenant,

↪ whichever is later.

8. Upon the filing of a motion pursuant to subsection 7, the court shall schedule a hearing on the motion. The hearing must be held within 10 days after the filing of the motion. The court shall affix the date of the hearing to the motion and order a copy served upon the landlord by the sheriff, constable or other process server. At the hearing, the court may:

(a) Determine the costs, if any, claimed by the landlord pursuant to NRS 118A.460 and any accumulating daily costs; and

(b) Order the release of the tenant's property upon the payment of the charges determined to be due or if no charges are determined to be due.

9. The tenant may, upon payment of the appropriate fees relating to the filing and service of a motion, file a motion with the court on a form provided by the clerk of court to dispute the reasonableness of the actions of a landlord pursuant to subsection 3 of NRS 118A.460. The motion must be filed within 5 days after the tenant has vacated or been removed from the premises. Upon the filing of a motion pursuant to this subsection, the court shall schedule a hearing on the motion. The hearing must be held within 5 days after the filing of the motion. The court shall affix the date of the hearing to the motion and order a copy served upon the landlord by the

sheriff, constable or other process server. At the hearing, the court may:

(a) Order the landlord to allow the retrieval of the tenant's essential personal effects at the date and time and for a period necessary for the retrieval, as determined by the court; and

(b) Award damages in an amount not greater than \$2,500.

10. In determining the amount of damages, if any, to be awarded under paragraph (b) of subsection 9, the court shall consider:

(a) Whether the landlord acted in good faith;

(b) The course of conduct between the landlord and the tenant; and

(c) The degree of harm to the tenant caused by the landlord's conduct.

11. A landlord shall not refuse to accept rent from a tenant that is submitted after the landlord or the landlord's agent has served or had served a notice pursuant to subsection 1 if the refusal is based on the fact that the tenant has not paid collection fees, attorney's fees or other costs other than rent, a reasonable charge for late payments of rent or dishonored checks, or a security deposit. As used in this subsection, "security deposit" has the meaning ascribed to it in NRS 118A.240.

12. Except as otherwise provided in NRS 118A.315, this section does not apply to:

(a) The tenant of a mobile home lot in a mobile home park or to the tenant of a recreational vehicle lot in an area of a mobile home park in this State other than an area designated as a recreational vehicle lot pursuant to the provisions of subsection 8 of NRS 40.215.

(b) A tenant who provides proof to the landlord that he or she is a federal worker, tribal worker, state worker or household member of such a worker during a shutdown.

13. As used in this section, "close of business" means the close of business of the court that has jurisdiction over the matter.

Sec. 21.4. NRS 40.254 is hereby amended to read as follows:

40.254 1. Except as otherwise provided by specific statute, in addition to the remedy provided in NRS 40.290 to 40.420, inclusive, when the tenant of a dwelling unit, part of a low-rent housing program operated by a public housing authority, a mobile home or a recreational vehicle is guilty of an unlawful detainer pursuant to NRS 40.250, 40.251, 40.2514 or 40.2516, the landlord or the landlord's agent may utilize the summary procedures for eviction as provided in NRS 40.253 except that written notice to surrender the premises must:

(a) Be given to the tenant in accordance with the provisions of NRS 40.280;

(b) Advise the tenant of the court that has jurisdiction over the matter; and

(c) Advise the tenant of the tenant's right to:

(1) Contest the notice by filing before the court's close of business on the fifth judicial day after the day of service of the notice an affidavit with the court that has jurisdiction over the matter stating the reasons why the tenant is not guilty of an unlawful detainer; or

(2) ~~Request that the court stay any action for summary eviction initiated by the landlord against the tenant using the procedure prescribed by section 9.2 of this act; or~~

~~(3)~~ Request that the court stay the execution of the order for removal of the tenant or order providing for nonadmittance of the tenant for a period not exceeding 10 days pursuant to subsection 2 of NRS 70.010, stating the reasons why such a stay is warranted.

2. The affidavit of the landlord or the landlord's agent submitted to the justice court or the district court must state or contain:

(a) The date when the tenancy commenced, the term of the tenancy and, if any, a copy of the rental agreement. If the rental agreement has been lost or destroyed, the landlord or the landlord's agent may attach an affidavit or declaration, signed under penalty of perjury, stating such loss or destruction.

(b) The date when the tenancy or rental agreement allegedly terminated.

(c) The date when written notice to surrender was given to the tenant pursuant to the provisions of NRS 40.251, 40.2514 or 40.2516, together with any facts supporting the notice.

(d) The date when the written notice was given, a copy of the notice and a statement that notice was served in accordance with NRS 40.280 and, if applicable, a copy of the notice of change of ownership served on the tenant pursuant to NRS 40.255 if the property has been purchased as a residential foreclosure.

(e) A statement that the claim for relief was authorized by law.

3. If the court finds that the affidavit of the landlord or the landlord's agent was submitted in bad faith or as a pretext for evicting a tenant who is in default in the payment of rent, the court must dismiss the proceeding.

4. If the tenant is found guilty of unlawful detainer as a result of the tenant's violation of any of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, the landlord is entitled to be awarded any reasonable attorney's fees incurred by the landlord or the landlord's agent as a result of a hearing, if any, held pursuant to subsection 6 of NRS 40.253 wherein the tenant contested the eviction.

Sec. 22. The amendatory provisions of this act apply to an action for summary eviction which accrues on or after the effective date of this act.

Sec. 23. (Deleted by amendment.)

Sec. 24. 1. This section and sections 1 to 8, inclusive, 9.2, 9.3, 9.5, 10 to 21, inclusive, 22 and 23 of this act become effective upon passage and approval.

2. Sections 9, ~~9.2,~~ 21.2 and 21.4 of this act become effective upon passage and approval if, and only if, Assembly Bill No. 340 of this session is not enacted by the Legislature and approved by the Governor.

3. Sections 9.1 and ~~9.3,~~ 9.7 of this act become effective upon passage and approval if, and only if, Assembly Bill No. 340 of this session is enacted by the Legislature and approved by the Governor.

4. Sections 9, 9.1, 9.7, 21.2 and 21.4 expire by limitation on June 30,

2025.

Senator Scheible moved that the Senate concur in Assembly Amendments Nos. 660, 764 to Senate Bill No. 335.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 348.

The following Assembly amendment was read:

Amendment No. 654.

SUMMARY—Revises provisions relating to health facilities. (BDR 40-51)

AN ACT relating to health care; requiring written approval to close certain hospitals or convert such a hospital into a different type of health facility; requiring certain facilities that provide emergency medical services to provide certain notice to patients; establishing and increasing certain civil penalties; requiring an off-campus location of a hospital that provides emergency medical services or an independent center for emergency medical care to include certain information on a claim for reimbursement or payment; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a person to obtain the written approval of the: (1) Director of the Department of Health and Human Services before making certain capital expenditures for construction of a new health facility under certain circumstances; or (2) the Chief Medical Officer before operating or undertaking any expenditure for the operation of a new medical helicopter within 150 miles from the base of an existing medical helicopter. (NRS 439A.100, 439A.104) Section 2 of this bill similarly requires a person to obtain the written approval of the Director before closing a hospital in a county whose population is 100,000 or more (currently Clark and Washoe Counties) or converting such a hospital into a different type of health facility. Sections 2 and 7-9 of this bill provide that such approval is a condition to: (1) the issuance or renewal of a license for certain health facilities converted from a hospital; and (2) certain amendments to such a license. Sections 5 and 10 of this bill authorize the Department and the Division of Public and Behavioral Health of the Department to impose certain civil penalties and take certain other disciplinary action against a person who closes a hospital in a county whose population is 100,000 or more or converts a hospital in such a county to a different type of health facility without written approval in violation of section 2.

Existing law requires: (1) a hospital to notify the Department of any merger, acquisition or similar transaction involving the hospital; and (2) a physician group practice or a person who owns all or substantially all of a physician group practice to notify the Department of certain similar transactions under certain circumstances. (NRS 439A.126) Section 4 of this bill authorizes the Department to impose an administrative penalty against a

~~hospital, [a physician group practice or person who owns all or substantially all of a physician group practice]~~ that fails to provide timely notice of the information required by existing law. Section 4 also requires the Department to notify the Board of Medical Examiners or the State Board of Osteopathic Medicine, as appropriate, if a physician group practice or a person who owns all or substantially all of a physician group practice fails to provide such timely notice. Upon receiving notice of such failure from the Department, sections 10.7 and 11.5 of this bill require those boards to proceed as if a complaint had been filed. If, after conducting an investigation and a hearing, the Board of Medical Examiners or the State Board of Osteopathic Medicine determines that a physician group practice or a person who owns all or substantially all of a physician group practice has failed to provide timely notice to the Department of a transaction for which notice is required, sections 10.7 and 11.5 authorize the respective board to impose an administrative penalty.

Existing law requires each off-campus location of a hospital to obtain and use on all claims for reimbursement or payment a national provider identifier that is distinct from the national provider identifier used by the main campus and any other off-campus location of the hospital. (NRS 449.1818) Section 10.3 of this bill clarifies that the off-campus location: (1) is required to include the national provider identifier on each claim for reimbursement or payment; and (2) may additionally include on such a claim the national provider identifier for the main campus of the hospital. Section 10.3 also requires an independent center for emergency medical care to include its national provider identifier on all claims for reimbursement or payment.

Among other sanctions, existing law authorizes the Division of Public and Behavioral Health to impose against a hospital that fails to obtain a national provider identifier for an off-campus location that is distinct from the national provider identifier used by the main campus and any other off-campus location of the hospital an administrative penalty of not more than \$5,000 for each day of such failure, together with interest. (NRS 449.163) Section 10.2 of this bill doubles the amount of the administrative penalty that the Division is authorized to impose for such failure.

Existing law provides every patient of a medical facility, including ~~an independent center for emergency medical care or~~ a hospital, with the right to receive certain information about the condition and care of the patient and the cost of such care. (NRS 449A.106) ~~Section~~ If an off-campus location of a hospital provides emergency medical services, section 10.5 of this bill requires ~~[an independent center for emergency medical care]~~ the off-campus location to : (1) post conspicuous notice that the ~~[independent center for emergency care]~~ off-campus location is an emergency medical facility and will charge patients for an emergency room visit ~~[. If an off-campus location of a hospital provides emergency medical services, section 10.5 requires the off-campus location to]~~ ; and (2) provide each patient with ~~[. (1)]~~ certain

notice concerning the rights of the patient upon registration ~~1. and (2)~~
Section 10.5 also requires such an off-campus location to provide each patient with a more detailed notice concerning billing and payment after the patient is found not to have an emergency medical condition or after the emergency medical condition of the patient has been stabilized, as applicable.

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

Section 1. Chapter 439A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. *Except as otherwise provided in this section, no person may close a hospital in a county whose population is 100,000 or more or convert a*

hospital in such a county into a different type of health facility without first applying for and obtaining the written approval of the Director or the designee of the Director. The Division of Public and Behavioral Health of the Department shall not issue a new license or alter an existing license for conversion to a different type of health facility unless the Director or the designee of the Director has issued such an approval.

2. *The Director may adopt regulations which prescribe the process to apply for written approval pursuant to this section.*

3. *An applicant must provide any information requested by the Director or the designee of the Director for consideration of an application, which must include, without limitation, information related to:*

(a) The location of the hospital;

(b) The ownership structure of the hospital;

(c) Whether the closure or conversion is likely to benefit any other health facility in the same geographic area as the hospital in which any person with an ownership interest in the hospital also has an ownership interest;

(d) An explanation of the need for the closure or conversion;

(e) Data regarding the population served by the hospital in the 24 months immediately preceding the application; and

(f) The manner in which and the locations where the population served by the hospital will be able to obtain the health services that were provided by the hospital during the 24 months following the closure or conversion of the hospital.

4. *The Director or the designee of the Director shall not approve an application submitted pursuant to subsection 1 without considering the information required to be submitted pursuant to subsection 3.*

5. *The decision of the Director or the designee of the Director pursuant to this section is a final decision for the purposes of judicial review.*

6. *The provisions of this section do not apply to any person who ceases to operate hospitals in this State.*

Sec. 3. (Deleted by amendment.)

Sec. 4. NRS 439A.126 is hereby amended to read as follows:

439A.126 1. A hospital shall notify the Department of any merger,

acquisition or joint venture with any entity, including, without limitation, a physician group practice, to which the hospital is a party or any contract for the management of the hospital not later than 60 days after the finalization of the transaction or execution of the contract for management, as applicable.

2. A physician group practice or a person who owns all or substantially all of a physician group practice shall notify the Department of a transaction described in subsection 3 to which the physician group practice or person, as applicable, is a party or any contract for the management of the physician group practice not later than 60 days after the finalization of the transaction or execution of the contract for management, as applicable, if:

(a) The physician group practices that are parties to the transaction or contract for management or that are owned by those parties represent at least 20 percent of the physicians who practice any specialty in a primary service area; and

(b) The physician group practice represents the largest number of physicians of any physician group practice that is a party to or owned by a party to the transaction or contract for management.

3. Notice must be provided pursuant to subsection 2 for any:

(a) Merger of, consolidation of or other affiliation between physician group practices, persons who own physician group practices or any combination thereof;

(b) The acquisition of all or substantially all of the properties and assets of a physician group practice;

(c) The acquisition of all or substantially all of the capital stock, membership interests or other equity interests of a physician group practice;

(d) The employment of all or substantially all of the physicians in a physician group practice; or

(e) The acquisition of an insolvent physician group practice.

4. Notice pursuant to subsection 1 or 2 must be provided in the form prescribed by the Department and must include, without limitation:

(a) The name of each party to the transaction or contract for management, as applicable;

(b) A description of the nature of the proposed relationship of the parties to the transaction or contract for management, as applicable;

(c) The names and any specialties of each physician who is a party or employed by or affiliated with a physician group practice that is a party to or is owned by a party to the transaction or contract for management, as applicable;

(d) The name and address of each business entity that will provide health services after the transaction or contract for management, as applicable;

(e) A description of the health services to be provided at each location of a business entity described in paragraph (d); and

(f) The primary service area to be served by each location of a business entity described in paragraph (d).

5. The Department shall:

(a) Post the information contained in the notices provided pursuant to subsections 1 and 2 on an Internet website maintained by the Department; and

(b) Annually prepare a report regarding market transactions and concentration in health care based on the information in the notices and post the report on an Internet website maintained by the Department.

6. ~~If a hospital, a physician group practice or a person who owns all or substantially all of a physician group practice~~ fails to provide timely notice to the Department pursuant to subsection 1 ~~for 2, as applicable,~~ and the failure was not caused by excusable neglect, technical problems or other extenuating circumstances, the Department may impose against the hospital ~~physician group practice or person who owns all or substantially all of a physician group practice~~ an administrative penalty of not more than \$5,000 for each day of such failure.

7. If a physician group practice or a person who owns all or substantially all of a physician group practice fails to provide timely notice to the Department pursuant to subsection 2 and the failure was not caused by excusable neglect, technical problems or other extenuating circumstances, the Department shall notify the Board of Medical Examiners or the State Board of Osteopathic Medicine, or both, as applicable, of such failure.

8. Any money collected as administrative penalties pursuant to this section must be accounted for separately and used by the Department to carry out the provisions of NRS 439A.111 to 439A.126, inclusive, or for any other purpose authorized by the Legislature.

~~8.~~ 9. As used in this section:

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

(b) "Primary service area" means an area comprising the smallest number of zip codes from which the hospital or physician group practice draws at least 75 percent of patients.

Sec. 5. NRS 439A.310 is hereby amended to read as follows:

439A.310 1. Except as otherwise provided in subsection 2, any person who violates any of the provisions of this chapter is liable to the State for a civil penalty of:

(a) Where the provision violated governs the licensing of a project which is required to be approved pursuant to NRS 439A.100 ~~or section 2 of this act,~~ not more than 10 percent of the proposed expenditure for the project.

(b) Where any other provision is violated, not more than \$20,000 for each violation.

2. The Department shall not impose a penalty under this section if it applies for injunctive relief to prevent the same violation.

Sec. 6. (Deleted by amendment.)

Sec. 7. NRS 449.080 is hereby amended to read as follows:

449.080 1. If, after investigation, the Division finds that the:

(a) Applicant is in full compliance with the provisions of NRS 449.029 to 449.2428, inclusive;

(b) Applicant is in substantial compliance with the standards and regulations adopted by the Board;

(c) Applicant, if he or she has undertaken a project for which approval is required pursuant to NRS 439A.100 ~~[-]~~ or *section 2 of this act*, has obtained the approval of the Director of the Department of Health and Human Services; and

(d) Facility conforms to the applicable zoning regulations,
→ the Division shall issue the license to the applicant.

2. Any investigation of an applicant for a license to provide community-based living arrangement services conducted pursuant to subsection 1 must include, without limitation, an inspection of any building operated by the applicant in which the applicant proposes to provide community-based living arrangement services.

3. A license applies only to the person to whom it is issued, is valid only for the premises described in the license and is not transferable.

Sec. 8. NRS 449.087 is hereby amended to read as follows:

449.087 1. A licensee must obtain the approval of the Division to amend his or her license to operate a facility before the addition of any of the following services:

(a) The intensive care of newborn babies.

(b) The treatment of burns.

(c) The transplant of organs.

(d) The performance of open-heart surgery.

(e) A center for the treatment of trauma.

2. The Division shall approve an application to amend a license to allow a facility to provide any of the services described in subsection 1 if:

(a) The applicant satisfies the requirements contained in NRS 449.080;

(b) The Division determines on the basis of the standards adopted by the Board pursuant to subsection 4 that there are an adequate number of cases in the community to be served to support amending the license to add the service; and

(c) The Division determines that the applicant satisfies any other standards adopted by the Board pursuant to subsection 4.

3. The Division may revoke its approval if the licensee fails to maintain substantial compliance with the standards adopted by the Board pursuant to subsection 4 for the provision of such services, or with any conditions included in the written approval of the Director issued pursuant to the provisions of NRS 439A.100 ~~[-]~~ or *section 2 of this act*.

4. The Board shall:

(a) Adopt standards which have been adopted by appropriate national organizations to be used by the Division in determining whether there are an adequate number of cases in the community to be served to support amending the license of a licensee to add a service pursuant to this section;

and

(b) Adopt such other standards as it deems necessary for determining whether to approve the provision of services pursuant to this section.

Sec. 9. 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, 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, 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 section 2 of this act; 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. 10. NRS 449.160 is hereby amended to read as follows:

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

(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410 or 449.029 to 449.245, inclusive, or 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 section 2 of this act or as provided in any regulation adopted pursuant to NRS 449.001 to 449.430, inclusive, and 449.435 to 449.531, inclusive, and chapter 449A of NRS if such approval is required ~~to~~, *including, without limitation, the closure or conversion of any hospital in a county whose population is 100,000 or more that is owned by the licensee without approval pursuant to section 2 of this act.*

(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. 10.2. 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, 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~~ *Except where a greater penalty is authorized by subsection 2, 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 an off-campus location of a hospital fails to obtain a national provider identifier that is distinct from the national provider identifier used by the main campus and any other off-campus location of the hospital in violation of NRS 449.1818, the Division may impose against the hospital an administrative penalty of not more than \$10,000 for each day of such failure, together with interest thereon at a rate not to exceed 10 percent per annum, in addition to any other action authorized by this chapter.*

3. If the facility fails to pay any administrative penalty imposed pursuant to paragraph (d) of subsection 1, ~~or~~ *or subsection 2*, 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.

~~3.1~~ 4. The Division may require any facility that violates any provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, or any condition, standard or regulation adopted by the Board to make any improvements necessary to correct the violation.

~~4.1~~ 5. Any money collected as administrative penalties pursuant to paragraph (d) of subsection 1 or subsection 2 must be accounted for separately and used to administer and carry out the provisions of NRS 449.001 to 449.430, inclusive, 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. 10.3. NRS 449.1818 is hereby amended to read as follows:

449.1818 1. Each off-campus location of a hospital ~~(must)~~ shall obtain and use and include on all claims for reimbursement or payment for health care services provided at the location a national provider identifier that is distinct from the national provider identifier used by the main campus and any other off-campus location of the hospital. If the off-campus location includes the national provider identifier on such a claim, the off-campus location may also include on the claim the national provider identifier used by the main campus of the hospital. If the off-campus location includes both the national provider identifier used by the off-campus location and the national provider identifier used by the main campus on a claim, the claim must clearly identify which national provider identifier corresponds to the off-campus location and which national provider identifier corresponds to the main campus.

2. An independent center for emergency medical care shall include on all claims for reimbursement or payment for health care services provided at the independent center for emergency medical care the national provider identifier used by the independent center for emergency medical care.

3. As used in this section:

(a) "National provider identifier" means the standard, unique health identifier for health care providers that is issued by the national provider system in accordance with 45 C.F.R. Part 162.

(b) "Off-campus location" means a facility:

(1) With operations that are directly or indirectly owned or controlled by, in whole or in part, a hospital or which is affiliated with a hospital, regardless of whether it is operated by the same governing body as the hospital;

(2) That is located more than 250 yards from the main campus of the hospital;

(3) That provides services which are organizationally and functionally integrated with the hospital; and

(4) That is an outpatient facility providing ambulatory surgery, urgent

care or emergency room services.

Sec. 10.5. Chapter 449A of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~An independent center for emergency medical care~~ off-campus location shall post conspicuously in each location where patients are admitted and registered a sign, in not less than 24 point boldface type, which states in English and Spanish:

NOTICE

This is an emergency medical facility that treats emergency medical conditions. You will be charged for a visit to an emergency room and not for a visit to an urgent care center.

2. An off-campus location shall provide to each patient of the emergency department of the off-campus location and any adult accompanying such a patient who is less than 18 years of age immediately upon registration a written statement in substantially the following form:

PATIENT INFORMATION

This is an emergency medical facility that treats emergency medical conditions. You will be charged for a visit to an emergency room and not for a visit to an urgent care center.

We will screen and treat you regardless of your ability to pay.

You have the right to ask questions regarding your treatment options and costs.

You have the right to receive prompt and reasonable responses to such questions and requests.

You have the right to reject treatment.

~~*However, we encourage you to defer your questions until after we screen you for an emergency medical condition.*~~

This is not a complete statement of patient information or rights. You will receive a more comprehensive statement after the completion of a medical screening examination that does not reveal an emergency medical condition or after your emergency medical condition has been stabilized.

3. To the extent practicable, a written statement provided pursuant to subsection 2 must be in the language requested by the patient or the adult accompanying the patient, as applicable.

4. After the completion of an appropriate medical screening examination of a patient of the emergency department of the off-campus location that does not reveal an emergency medical condition or after stabilizing the emergency medical condition of such a patient, an off-campus location shall provide the patient and, if the patient, is less than 18 years of age, any adult accompanying the patient, with written notice of:

(a) The policies of the off-campus location concerning the acceptance of patients enrolled in Medicaid and Medicare;

(b) The networks of third parties in which the off-campus location participates;

(c) The possibility that the patient may be billed separately by providers of health care at the off-campus location;

(d) The maximum price for emergency medical services that the off-campus location commonly provides; and

(e) Any additional fees that the off-campus location charges.

~~4.4.~~ 5. As used in this section:

~~(a) "Independent center for emergency medical care" has the meaning ascribed to it in NRS 449.013.~~

~~(b)~~ "Network" means a defined set of providers of health care who are under contract with a third party to provide health care services to persons covered by the third party.

~~(c)~~ (b) "Off-campus location" means a facility:

(1) With operations that are directly or indirectly owned or controlled by, in whole or in part, a hospital or which is affiliated with a hospital, regardless of whether it is operated by the same governing body as the hospital;

(2) That is located more than 250 yards from the main campus of the hospital;

(3) That provides services which are organizationally and functionally integrated with the hospital; and

(4) That is an outpatient facility providing emergency room services.

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

Sec. 10.7. Chapter 630 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this subsection, if the Board receives notice from the Department of Health and Human Services pursuant to NRS 439A.126 that a physician group practice or a person who owns all or substantially all of a physician group practice has failed to provide timely notice to the Department of a transaction described in subsection 3 of NRS 439A.126, the Board must proceed as if a complaint had been filed against the physician group practice or person, as applicable. If the report concerns a physician group practice that consists of physicians licensed pursuant to this chapter and osteopathic physicians licensed pursuant to chapter 633 of NRS, the Board shall consult with the State Board of Osteopathic Medicine to ensure that either the Board or the State Board of Osteopathic Medicine, but not both, investigates the notice.

2. If, after conducting an investigation and a hearing in accordance with the provisions of this chapter, the Board determines that a physician group practice or a person who owns all or substantially all of a physician group practice has failed to provide timely notice to the Department of Health and Human Services of a transaction described in subsection 3 of NRS 439A.126, the Board may impose an administrative penalty of not more than \$5,000 for each day of such failure.

3. As used in this section, "physician group practice" has the meaning ascribed to it in NRS 439A.126.

Sec. 11. (Deleted by amendment.)

Sec. 11.5. Chapter 633 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this subsection, if the Board receives notice from the Department of Health and Human Services pursuant to NRS 439A.126 that a physician group practice or a person who owns all or substantially all of a physician group practice has failed to provide timely notice to the Department of a transaction described in subsection 3 of NRS 439A.126, the Board must proceed as if a complaint had been filed against the physician group practice or person, as applicable. If the report concerns a physician group practice that consists of osteopathic physicians licensed pursuant to this chapter and physicians licensed pursuant to chapter 630 of NRS, the Board shall consult with the Board of Medical Examiners to ensure that either the Board or the Board of Medical Examiners, but not both, investigates the notice.

2. If, after conducting an investigation and a hearing in accordance with the provisions of this chapter, the Board determines that a physician group practice or a person who owns all or substantially all of a physician group practice has failed to provide timely notice to the Department of Health and Human Services of a transaction described in subsection 3 of NRS 439A.126, the Board may impose an administrative penalty of not more than \$5,000 for each day of such failure.

3. As used in this section, "physician group practice" has the meaning ascribed to it in NRS 439A.126.

Sec. 12. 1. This section becomes effective upon passage and approval.

2. Sections 1 to ~~11.1~~ 11.5, inclusive, of this act become effective:

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

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

Senator Doñate moved that the Senate concur in Assembly Amendment No. 654 to Senate Bill No. 348.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 378.

The following Assembly amendment was read:

Amendment No. 636.

SUMMARY—Revises provisions relating to common-interest communities. (BDR 10-1059)

AN ACT relating to common-interest communities; revising the type of documents that are required to be made available on the Internet website or within the electronic portal that is required to be established and maintained

by certain unit-owners' associations; setting forth certain requirements for an Internet website or electronic portal that provides the ability for a unit's owner to make certain payments electronically; revising requirements concerning the provision of certain notices by an association; ~~authorizing an association to purchase a unit in a common interest community at a foreclosure sale;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each association of a common-interest community that contains 150 or more units to establish and maintain a secure Internet website or electronic portal and make available on the website or within the electronic portal any documents relating to the association. Existing law also requires the Internet website or online portal to provide units' owners with the ability to pay assessments electronically. (NRS 116.31069) Section 4 of this bill revises those requirements to: (1) require only certain specified documents concerning the association to be made available on the Internet website or within the electronic portal; and (2) eliminate the requirement that the Internet website or electronic portal provide units' owners the ability to pay assessments electronically. Instead, section 1 of this bill authorizes such an Internet website or electronic portal to provide units' owners with the ability to pay obligations electronically if certain requirements are met, including, without limitation, the requirement that the association maintains certain insurance and that the executive board of the association makes a determination that providing units' owners the ability to make such payments is in the best interest of the association. 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, in general, any notice required to be given to a units' owner by an association and any communication from or other information provided by the association to be delivered to the mailing or electronic mail address designated by the unit's owner, unless the unit's owner has opted out of receiving electronic communications or has not designated an electronic mail address. (NRS 116.31068) Section 3 of this bill eliminates those requirements for notice with respect to communications from and other information provided by the association and instead requires, with certain exceptions, such notices to be delivered to the electronic mail address that a unit's owner designates. Section 3 sets forth the manner in which an association is required to deliver such notices to a unit's owner who has opted out of receiving electronic notices or who has not designated an electronic mail address at which to receive notices.

~~Existing law provides that a unit owners' association has a lien on a unit in a common interest community for certain assessments and charges imposed on the unit's owner from the time the assessment or charge becomes due and establishes the process for the foreclosure of such liens, including the sale of the unit. (NRS 116.310312, 116.3116 116.31168) Existing law prohibits various persons from purchasing the unit at the foreclosure sale,~~

~~including the person conducting the sale and any person who was involved in the process of foreclosing the association's lien. (NRS 116.31164) Section 5 of this bill authorizes an association to purchase a unit at a sale for the foreclosure of its lien by a credit bid up to the amount of the unpaid assessments and any permitted costs, fees and expenses incident to the enforcement of the lien.]~~

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

Section 1. Chapter 116 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *An Internet website or electronic portal established and maintained by an association pursuant to NRS 116.31069 may provide units' owners with the ability to pay obligations electronically only if:*

(a) *The association, or if the association has contracted with a payment processor, the payment processor, maintains a policy of cybersecurity insurance in a minimum aggregate amount of \$5,000,000 that provides coverage for potential losses associated with the unauthorized acquisition of personal information provided to process payments through the Internet website or electronic portal, including, without limitation, losses caused by identity theft.*

(b) *For an association that has contracted with a payment processor who maintains a policy of cybersecurity insurance described in paragraph (a), the association must maintain its own policy of cybersecurity insurance in a minimum aggregate amount of:*

(1) For an association that contains 150 units or less, \$250,000;

(2) For an association that contains more than 150 units and not more than 250 units, \$500,000; and

(3) For an association that contains 250 units or more, \$1,000,000.

(c) *The Internet website or electronic portal allows the association or payment processor to suspend the ability of a unit's owner to make a payment through the Internet website or electronic portal concerning any past due obligation that has been assigned to a third party for collection.*

(d) *The association or payment processor complies with the requirements of NRS 603A.010 to 603A.290, inclusive, with respect to any personal information collected through the Internet website or online portal.*

(e) *The executive board of the association has conducted an evaluation of the costs and benefits of providing units' owners the ability to pay obligations through the Internet website or electronic portal, including, without limitation, the cost of the cybersecurity insurance required by this section and the potential impact on units' owners in the association, and has determined that providing units' owners the ability to make such payments through the Internet website or electronic portal is in the best interest of the association.*

2. *Nothing in this section requires a third party who has been assigned a past due obligation for collection to provide the debtor with the ability to pay*

the past due obligation through an Internet website or electronic portal.

3. *As used in this section:*

(a) *"Cybersecurity insurance" means insurance that provides coverage for losses arising out of or relating to data breaches, unauthorized intrusions into an information system, computer viruses, ransomware, identity theft and similar exposures.*

(b) *"Obligation" has the meaning ascribed to it in NRS 116.310313.*

(c) *"Payment processor" means a person with whom an association has contracted to process payments made through an Internet website or electronic portal established and maintained by an association pursuant to NRS 116.31069 on behalf of the association.*

(d) *"Personal information" has the meaning ascribed to it in NRS 603A.040.*

Sec. 2. NRS 116.1203 is hereby amended to read as follows:

116.1203 1. Except as otherwise provided in subsections 2 and 3, if a planned community contains no more than 12 units and is not subject to any developmental rights, it is subject only to NRS 116.1106 and 116.1107 unless the declaration provides that this entire chapter is applicable.

2. The provisions of NRS 116.12065 and the definitions set forth in NRS 116.005 to 116.095, inclusive, to the extent that the definitions are necessary to construe any of those provisions, apply to a residential planned community containing more than 6 units.

3. Except for NRS 116.3104, 116.31043, 116.31046 and 116.31138, the provisions of NRS 116.3101 to 116.350, inclusive, *and section 1 of this act* and the definitions set forth in NRS 116.005 to 116.095, inclusive, to the extent that such definitions are necessary in construing any of those provisions, apply to a residential planned community containing more than 6 units.

Sec. 3. NRS 116.31068 is hereby amended to read as follows:

116.31068 1. Except as otherwise provided in ~~{subsection 3 and unless a unit's owner opts out of receiving electronic communications or has not designated an electronic mail address,}~~ subsections 2, 3 and 6, an association shall deliver any notice required to be given by the association under this chapter ~~{and any communication from or other information provided by the association}~~ to the ~~{mailing or}~~ electronic mail ~~{addresses}~~ address a unit's owner designates.

2. Except as otherwise provided in subsection ~~{3,}~~ 6, if a unit's owner has opted out of receiving electronic ~~{communications, or has not designated an electronic mail address to which a notice, communication or other information can be delivered,}~~ notices, the association may deliver notices ~~{communications and other information}~~ by:

(a) Hand delivery to each unit's owner;

(b) Hand delivery, United States mail, postage paid, or commercially reasonable delivery service to the mailing address of each unit; or

(c) Any other method reasonably calculated to provide notice to the unit's

owner.

~~{2.}~~ 3. *Except as otherwise provided in subsection 6, if a unit's owner has not opted out of receiving electronic notices, but has not designated an electronic mail address at which to receive notices pursuant to this section, the association may deliver any notice required to be given pursuant to this chapter by:*

(a) *Electronic means, including, without limitation, by electronic mail to an electronic mail address that a unit's owner has provided to the association but has not designated as the electronic mail address at which to receive notices pursuant to this section; or*

(b) *Any of the methods specified in subsection 2.*

4. *A unit's owner is entitled to designate only one electronic mail address at which to receive notices pursuant to this section.*

5. *The ineffectiveness of a good faith effort to deliver notice by an authorized means does not invalidate action taken at or without a meeting.*

~~{3.}~~ 6. *The provisions of this section do not apply:*

(a) *To a notice required to be given pursuant to NRS 116.3116 to 116.31168, inclusive; or*

(b) *If any other provision of this chapter specifies the manner in which a notice ~~{, communication or other information}~~ must be given by an association.*

Sec. 4. NRS 116.31069 is hereby amended to read as follows:

116.31069 1. Each association of a common-interest community that contains 150 or more units shall establish and maintain a secure Internet website or electronic portal that may be accessed by any unit's owner. The association shall make available on the website or within the electronic portal ~~{any}~~ *the following* documents relating to the common-interest community or the association : ~~{, including, without limitation:}~~

(a) The governing documents;

(b) ~~{The most recent copy of the declaration of covenants, conditions and restrictions;}~~

~~{(c)}~~ The annual budget of the association and any proposed budgets; *and*

~~{(d)}~~ (c) The notices and agendas for any upcoming meetings of the association . ~~{, and}~~

~~{(e)}~~ ~~Any other documents required to be posted by law or regulation.~~

2. ~~{The Internet website or electronic portal established and maintained pursuant to subsection 1 must provide units' owners with the ability to pay assessments electronically.}~~

~~{3.}~~ Each association of a common-interest community that contains fewer than 150 units may, and is encouraged to, establish and maintain a secure Internet website or electronic portal pursuant to subsection 1.

Sec. 5. ~~{NRS 116.31164 is hereby amended to read as follows:}~~

~~116.31164 1. The sale must be conducted in accordance with the provisions of this section.~~

~~2. If the holder of the security interest described in paragraph (b) of~~

~~subsection 2 of NRS 116.3116 satisfies the amount of the association's lien that is prior to its security interest not later than 5 days before the date of sale, the sale may not occur unless a record of such satisfaction is recorded in the office of the county recorder of the county in which the unit is located not later than 2 days before the date of sale.~~

~~3. The sale must be made between the hours of 9 a.m. and 5 p.m. and:~~

~~(a) If the unit is located in a county whose population is less than 100,000, at the courthouse in the county in which the unit is located;~~

~~(b) If the unit is located in a county whose population is 100,000 or more, at the public location in the county designated by the governing body of the county to conduct a sale of real property pursuant to NRS 107.080.~~

~~4. The sale may be conducted by the association, its agent or attorney, or a title insurance company or escrow agent licensed to do business in this State.~~

~~5. The association or other person conducting the sale may from time to time postpone the sale by such advertisement and notice as it considers reasonable or, without further advertisement or notice, by proclamation made to the persons assembled at the time and place previously set and advertised for the sale, except that:~~

~~(a) If the sale is postponed by oral proclamation, the sale must be postponed to a later date at the same time and location; and~~

~~(b) If such a date has been postponed by oral proclamation three times, any new sale information must be provided by notice as provided in NRS 116.311635.~~

~~6. On the day of sale, at the time and place specified in the notice, the person conducting the sale:~~

~~(a) Shall state to the persons assembled for the sale whether or not the holder of the security interest described in paragraph (b) of subsection 2 of NRS 116.3116 has satisfied the amount of the association's lien that is prior to that first security interest pursuant to subsection 3 of NRS 116.3116.~~

~~(b) Except as otherwise provided in subsection 7, may sell the unit at public auction to the highest cash bidder.~~

~~7. [The] Except as otherwise provided in subsection 8, the following persons may not purchase the unit:~~

~~(a) Any person who was involved in the process of foreclosing the association's lien pursuant to NRS 116.3116 to 116.31168, inclusive, including, without limitation:~~

~~(1) Any person who exercised discretion in any decision relating to the foreclosure of the lien and any person employed by such a person;~~

~~(2) A collection agency used by the association to collect an obligation relating to the unit;~~

~~(3) A community manager of the association and any of his or her assistants;~~

~~(4) A member of the executive board of the association; or~~

~~(5) An attorney who provided representation to any of the parties with~~

regard to the foreclosure of the lien;

~~— (b) Any person who is related by blood, adoption, marriage or domestic partnership within the third degree of consanguinity or affinity to a person set forth in paragraph (a); or~~

~~— (c) The person conducting the sale or any entity in which that person holds an interest.~~

~~— 8. Notwithstanding any provision of the governing documents or any agreement to the contrary, the association may purchase the unit and hold, lease, mortgage or convey it. The association may purchase by a credit bid up to the amount of the unpaid assessments and any permitted costs, fees and expenses incident to the enforcement of the lien.~~

~~— 9. After the sale, the person conducting the sale shall:~~

~~— (a) Comply with the provisions of subsection 2 of NRS 116.31166; and~~

~~— (b) Apply the proceeds of the sale for the following purposes in the following order:~~

~~— (1) The reasonable expenses of sale;~~

~~— (2) The reasonable expenses of securing possession before sale, holding, maintaining, and preparing the unit for sale, including payment of taxes and other governmental charges, premiums on hazard and liability insurance, and, to the extent provided for by the declaration, reasonable attorney's fees and other legal expenses incurred by the association;~~

~~— (3) Satisfaction of the association's lien;~~

~~— (4) Satisfaction in the order of priority of any subordinate claim of record; and~~

~~— (5) Remittance of any excess to the unit's owner.} (Deleted by amendment.)~~

Sec. 6. This act becomes effective upon passage and approval.

Senator Scheible moved that the Senate concur in Assembly Amendment No. 636 to Senate Bill No. 378.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 389.

The following Assembly amendment was read:

Amendment No. 900.

SUMMARY—Revises provisions relating to crimes. (BDR ~~{15-133}~~ 16-133)

AN ACT relating to crimes; ~~[revising provisions governing crimes relating to facilitating sex trafficking];~~ requiring the preparation and submission of a comprehensive biennial report concerning human trafficking in this State; revising certain requirements for compensation from the Fund for the Compensation of Victims of Crime; revising provisions governing the Contingency Account for Victims of Human Trafficking; renaming the Account; making an appropriation; ~~[providing penalties];~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~Existing law provides that a person commits the crime of facilitating sex trafficking if the person: (1) facilitates, arranges, provides or pays for the transportation of a person to or within this State with the intent of inducing that person to engage in unlawful sexual conduct or prostitution or, if that person is a child, certain acts relating to pornography involving minors; (2) sells travel services that facilitate the travel of another person to this State with the knowledge that the other person is traveling to this State for the purpose of engaging in sexual conduct with a victim of sex trafficking, soliciting a child who is a victim of sex trafficking or engaging in certain acts relating to pornography involving minors; or (3) travels to or within this State by any means with the intent of engaging in sexual conduct with a victim of sex trafficking with the knowledge that the victim has been induced to engage in sexual conduct or prostitution or engaging in certain acts relating to pornography involving minors. A person who commits the crime of facilitating sex trafficking is guilty of a category B felony and is subject to certain minimum and maximum terms of imprisonment depending on whether the victim is an adult or child. (NRS 201.301)~~

~~Sections 1-3 of this bill provide that a person who commits the crime of facilitating sex trafficking is subject to the same penalties that apply under existing law for committing the crime against a child if the person commits the crime against a peace officer who is posing as a child or a person who is assisting in an investigation on behalf of a peace officer by posing as a child. Sections 3.5 and 7 of this bill make conforming changes to provisions of existing law that contain references to the crime of facilitating sex trafficking of a child to reflect the changes made in sections 1-3.~~

Existing law requires the payment of compensation from the Fund for the Compensation of Victims of Crime to certain victims of criminal acts and requires an application for such compensation from the Fund to be filed not later than 24 months after the injury or death for which compensation is claimed. (NRS 217.100, 217.180, 217.260) Section 5 of this bill creates an exception to this time limit by authorizing a person who is a victim of sex trafficking or facilitating sex trafficking to file an application for compensation from the Fund not later than 60 months after the injury or death for which compensation is claimed.

Existing law creates the Contingency Account for Victims of Human Trafficking in the State General Fund and requires the Director of the Department of Health and Human Services to administer the Contingency Account. (NRS 217.530) Existing law requires a recipient of an allocation of money from the Contingency Account to use the money only for establishing or providing programs or services to victims of human trafficking. (NRS 217.540) Section 6.2 of this bill renames the Contingency Account for Victims of Human Trafficking as the Account for Victims of Human Trafficking. Section 6.5 of this bill specifies that a recipient of an allocation of money from the ~~Contingency~~ Account may use the money for

establishing pilot programs for alternatives to law enforcement response to victims of human trafficking. Section 7.5 of this bill makes an appropriation to the ~~[Contingency] Account, [for Victims of Human Trafficking created by NRS 217.530.]~~ Sections 6.1, 6.2 and 8.5 of this bill make conforming changes relating to the renaming of the Account.

Existing law establishes the Center for the Analysis of Crime Statistics within the Department of Criminal Justice at the University of Nevada, Las Vegas. (NRS 396.792) Section 4 of this bill requires certain entities and agencies to submit certain information biennially to the Center and requires the Center to prepare and submit a comprehensive biennial report on human trafficking in this State. Section 6 of this bill makes a conforming change to indicate the proper placement of section 4 in the Nevada Revised Statutes.

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

Section 1. ~~[NRS 201.295 is hereby amended to read as follows:
201.295 As used in NRS 201.295 to 201.440, inclusive, unless the context otherwise requires:
1. "Adult" means a person 18 years of age or older;
2. "Adult posing as a child" means an adult who is:
(a) A peace officer who is posing as a child; or
(b) A person who is assisting in an investigation on behalf of a peace officer by posing as a child.
3. "Child" means a person less than 18 years of age;
[3.] 4. "Induce" means to persuade, encourage, inveigle or entice.
[4.] 5. "Peace officer" means any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.
6. "Prostitute" means a male or female person who for a fee, monetary consideration or other thing of value engages in sexual intercourse, oral genital contact or any touching of the sexual organs or other intimate parts of a person for the purpose of arousing or gratifying the sexual desire of either person;
[5.] 7. "Prostitution" means engaging in sexual conduct with another person in return for a fee, monetary consideration or other thing of value.
[6.] 8. "Sexual conduct" means any of the acts enumerated in subsection [4]
[7.] 6.
9. "Transports" means to transport or cause to be transported, by any means of conveyance, into, through or across this State, or to aid or assist in obtaining such transportation.] (Deleted by amendment.)~~

Sec. 2. ~~[NRS 201.301 is hereby amended to read as follows:
201.301 1. A person is guilty of facilitating sex trafficking if the person:
(a) Facilitates, arranges, provides or pays for the transportation of a person to or within this State with the intent of:~~

~~— (1) Inducing the person to engage in prostitution in violation of subparagraph (1), (2) or (3) of paragraph (a) of subsection 2 of NRS 201.300;~~

~~— (2) Inducing the person to enter any place within this State in which prostitution is practiced, encouraged or allowed for the purpose of sexual conduct or prostitution in violation of subparagraph (1), (2) or (3) of paragraph (a) of subsection 2 of NRS 201.300; or~~

~~— (3) If the person is a child, using the person for any act that is prohibited by NRS 200.710 or 200.720 [;] or, if the person is an adult posing as a child, using the person for any act that would be prohibited by NRS 200.710 or 200.720 if the person actually were a child;~~

~~— (b) Sells travel services that facilitate the travel of another person to this State with the knowledge that the other person is traveling to this State for the purpose of:~~

~~— (1) Engaging in sexual conduct with a person who has been induced to engage in sexual conduct or prostitution in violation of subparagraph (1), (2) or (3) of paragraph (a) of subsection 2 of NRS 201.300;~~

~~— (2) Soliciting a child or an adult posing as a child who has been induced to engage in sexual conduct or prostitution in violation of subparagraph (1), (2) or (3) of paragraph (a) of subsection 2 of NRS 201.300;~~
~~or~~

~~— (3) Engaging in any act involving a child that is prohibited by NRS 200.710 or 200.720 [;] or, if the person is an adult posing as a child, engaging in any act that would be prohibited by NRS 200.710 or 200.720 if the person actually were a child; or~~

~~— (c) Travels to or within this State by any means with the intent of engaging in:~~

~~— (1) Sexual conduct with a person who has been induced to engage in sexual conduct or prostitution in violation of subparagraph (1), (2) or (3) of paragraph (a) of subsection 2 of NRS 201.300, with the knowledge that such a person has been induced to engage in such sexual conduct or prostitution;~~
~~or~~

~~— (2) Any act involving a child that is prohibited by NRS 200.710 or 200.720 [;] or, if the person is an adult posing as a child, any act that would be prohibited by NRS 200.710 or 200.720 if the person actually were a child.~~

~~— 2. A person who is found guilty of facilitating sex trafficking is guilty of a category B felony and:~~

~~— (a) [If] Except as otherwise provided in paragraph (b), if the victim is [18 years of age or older,] an adult, shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.~~

~~— (b) If the victim is [less than 18 years of age,] a child or an adult posing as a child, shall be punished by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 10 years.] (Deleted by amendment.)~~

Sec. 3. ~~[NRS 201.352 is hereby amended to read as follows:~~

~~201.352 1. If a person is convicted of a violation of subsection 2 of NRS 201.300, subsection 1 of NRS 201.301, NRS 201.320 or 201.395, the victim of the violation is a child or an adult posing as a child when the offense is committed and physical force or violence or the immediate threat of physical force or violence is used upon the child [,] or an adult posing as a child, the court may, in addition to the term of imprisonment prescribed by statute for the offense and any fine imposed pursuant to subsection 2, impose a fine of not more than \$500,000.~~

~~2. If a person is convicted of a violation of subsection 2 of NRS 201.300, subsection 1 of NRS 201.301, NRS 201.320 or 201.395, the victim of the offense is a child or an adult posing as a child when the offense is committed and the offense also involves a conspiracy to commit a violation of subsection 2 of NRS 201.300, subsection 1 of NRS 201.301, NRS 201.320 or 201.395, the court may, in addition to the punishment prescribed by statute for the offense of a provision of subsection 2 of NRS 201.300, subsection 1 of NRS 201.301, NRS 201.320 or 201.395 and any fine imposed pursuant to subsection 1, impose a fine of not more than \$500,000.~~

~~3. The provisions of subsections 1 and 2 do not create a separate offense but provide an additional penalty for the primary offense, the imposition of which is contingent upon the finding of the prescribed fact. (Deleted by amendment.)~~

Sec. 3.5. ~~{NRS 201.354 is hereby amended to read as follows:~~

~~201.354 1. It is unlawful for a customer to engage in prostitution or solicitation therefor, except in a licensed house of prostitution.~~

~~2. Any person who violates subsection 1 by soliciting for prostitution:~~

~~(a) A child; or~~

~~(b) [A peace officer who is posing as a child; or~~

~~(c) A person who is assisting in an investigation on behalf of a peace officer by] an adult posing as a child;~~

~~is guilty of soliciting a child for prostitution.~~

~~3. Except as otherwise provided in subsection 5, a person who violates this section:~~

~~(a) For a first offense, is guilty of a misdemeanor and shall be punished as provided in NRS 193.150, and by a fine of not less than \$400.~~

~~(b) For a second offense, is guilty of a gross misdemeanor and shall be punished as provided in NRS 193.140, and by a fine of not less than \$800.~~

~~(c) For a third or subsequent offense, is guilty of a gross misdemeanor and shall be punished as provided in NRS 193.140, and by a fine of not less than \$1,200.~~

~~4. In addition to any other penalty imposed, the court shall order a person who violates subsection 1 to pay a civil penalty of not less than \$200 per offense. The civil penalty must be paid to the district attorney or city attorney of the jurisdiction in which the violation occurred. If the civil penalty imposed pursuant to this subsection:~~

~~(a) Is not within the person's present ability to pay, in lieu of paying the~~

~~penalty, the court may allow the person to perform community service for a reasonable number of hours, the value of which would be commensurate with the civil penalty.~~

~~—(b) Is not entirely within the person's present ability to pay, in lieu of paying the entire civil penalty, the court may allow the person to perform community service for a reasonable number of hours, the value of which would be commensurate with the amount of the reduction of the civil penalty.~~

~~—5. A person who [violates this section] is guilty of soliciting a child for prostitution pursuant to subsection 2 by soliciting for prostitution a child [for prostitution:] or an adult posing as a child:~~

~~—(a) For a first offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130, and by a fine of not more than \$5,000.~~

~~—(b) For a second offense, is guilty of a category C felony and shall be punished as provided in NRS 193.130.~~

~~—(c) For a third or subsequent offense, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and maximum term of not more than 6 years, and may be further punished by a fine of not more than \$15,000. The court shall not grant probation to or suspend the sentence of a person punished pursuant to this paragraph.~~

~~—6. Any civil penalty collected by a district attorney or city attorney pursuant to subsection 4 must be deposited in the county or city treasury, as applicable, to be used for:~~

~~—(a) The enforcement of this section; and~~

~~—(b) Programs of treatment for persons who solicit prostitution which are certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.~~

~~→ Not less than 50 percent of the money deposited in the county or city treasury, as applicable, pursuant to this subsection must be used for the enforcement of this section.~~

~~—7. If a person who violates subsection 1 is ordered pursuant to NRS 4.373 or 5.055 to participate in a program for the treatment of persons who solicit prostitution, upon fulfillment of the terms and conditions of the program, the court may discharge the person and dismiss the proceedings against the person. If the court discharges the person and dismisses the proceedings against the person, a nonpublic record of the discharge and dismissal must be transmitted to and retained by the Division of Parole and Probation of the Department of Public Safety solely for the use of the courts in determining whether, in later proceedings, the person qualifies under this section for participation in a program of treatment for persons who solicit prostitution. Except as otherwise provided in this subsection, discharge and dismissal under this subsection is without adjudication of guilt and is not a conviction for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private~~

~~purpose, but is a conviction for the purpose of additional penalties imposed for a second or subsequent conviction or the setting of bail. Discharge and dismissal restores the person discharged, in the contemplation of the law, to the status occupied before the proceedings. The person may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge the proceedings in response to an inquiry made of the person for any purpose. Discharge and dismissal under this subsection may occur only once with respect to any person. A professional licensing board may consider a proceeding under this subsection in determining suitability for a license or liability to discipline for misconduct. Such a board is entitled for those purposes to a truthful answer from the applicant or licensee concerning any such proceeding with respect to the applicant or licensee.~~

~~8. Except as limited by subsection 9, if a person is discharged and the proceedings against the person are dismissed pursuant to subsection 7, the court shall, without a hearing, order sealed all documents, papers and exhibits in that person's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order. The court shall cause a copy of the order to be sent to each agency or officer named in the order. Each such agency or officer shall notify the court in writing of its compliance with the order.~~

~~9. A professional licensing board is entitled, for the purpose of determining suitability for a license or liability to discipline for misconduct, to inspect and to copy from a record sealed pursuant to this section.] (Deleted by amendment.)~~

Sec. 4. Chapter 217 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *On or before July 1 of each even-numbered year, each entity designated pursuant to subsection 3 shall, except as otherwise provided in subsection 2, submit to the Center for the Analysis of Crime Statistics established by NRS 396.792:*

- (a) *The annual operating budget of the entity;*
- (b) *A copy of any written policy adopted by the entity concerning:*
 - (1) *The ~~identification of victims~~ manner in which the entity determines whether a person is a victim of human trafficking;*
 - (2) *Referrals to resources for victims of human trafficking; and*
 - (3) *The detention or citation of victims of human trafficking;*
- (c) *Information concerning the delivery of services for victims of human trafficking, which must include, without limitation:*
 - (1) *A description of the services that were provided by the entity during the immediately preceding biennium;*
 - (2) *A description of the efforts made by the entity during the immediately preceding biennium to locate victims in need of such services and provide such services to those victims;*

(3) The number of victims served by the entity during the immediately preceding biennium; and

(4) The number of victims who were:

(I) Served by the entity during the immediately preceding biennium; and

(II) Arrested or issued a citation during the immediately preceding biennium for conduct related to human trafficking; ~~and~~

(d) The age, gender and race of each:

(1) Victim of human trafficking to whom the entity provided services during the immediately preceding biennium;

(2) Person alleged to have committed the crime of human trafficking against a victim described in subparagraph (1);

(e) The zip code of:

(1) The residence of each person described in paragraph (d);

(2) The location at which any arrest relating to a person described in paragraph (d) occurred; and

(f) Policy recommendations for decreasing human trafficking in this State.

2. The requirements prescribed by subsection 1 do not apply to any written policy, the disclosure of which would, in the determination of the adopting entity, compromise, jeopardize or otherwise threaten the safety or privacy of victims of human trafficking.

3. The following entities shall submit the information required by subsection 1 to the Center:

(a) The State of Nevada Human Trafficking Coalition;

(b) The Nevada Coalition to Prevent the Commercial Sexual Exploitation of Children;

(c) The Nevada Policy Council on Human Trafficking, or its successor organization;

(d) Each local human trafficking task force;

(e) Each recipient of an allocation of money from the ~~Contingency~~ Account; and

(f) Any other entity designated by the Chair of the Joint Interim Standing Committee on the Judiciary on or before January 1 of an even-numbered year.

4. On or before July 1 of each even-numbered year, each law enforcement agency in this State shall submit to the Center the number of arrests made or citations issued by the agency for a violation of NRS 201.353 or 201.354 or conduct related to human trafficking during the immediately preceding biennium and the disposition of those cases.

5. On or before July 1 of each odd-numbered year, the Center shall:

(a) Compile the information submitted pursuant to subsections 1 and 4 and prepare a comprehensive report concerning human trafficking in this State; and

(b) Submit the report to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Judiciary.

6. As used in this section:

(a) ~~["Contingency Account"]~~ "Account" means the ~~["Contingency"]~~ Account for Victims of Human Trafficking created by NRS 217.530.

(b) "Local human trafficking task force" includes, without limitation:

(1) The Northern Nevada Human Trafficking Task Force, or its successor organization; and

(2) The Southern Nevada Human Trafficking Task Force, or its successor organization.

(c) "Nevada Coalition to Prevent the Commercial Sexual Exploitation of Children" means the Nevada Coalition to Prevent the Commercial Sexual Exploitation of Children established by the Governor pursuant to Executive Order 2016-14, issued on May 31, 2016.

(d) "State of Nevada Human Trafficking Coalition" means the State of Nevada Human Trafficking Coalition formed pursuant to NRS 217.098.

Sec. 5. NRS 217.100 is hereby amended to read as follows:

217.100 1. Except as otherwise provided in subsection 5, any person eligible for compensation under the provisions of NRS 217.010 to 217.270, inclusive, may apply to the Director for such compensation not later than 24 months after the injury or death for which compensation is claimed ~~[-] or,~~ for a person who is a victim of sex trafficking or facilitating sex trafficking, not later than 60 months after the injury or death for which compensation is claimed, unless waived by the Director or a person designated by the Director for good cause shown, and the personal injury or death was the result of an incident or offense that was reported to the police within 5 days of its occurrence or, if the incident or offense could not reasonably have been reported within that period, within 5 days of the time when a report could reasonably have been made.

2. An order for the payment of compensation must not be made unless the application is made within the time set forth in subsection 1.

3. Where the person entitled to make application is:

(a) A minor, the application may be made on his or her behalf by a parent or guardian.

(b) Mentally incapacitated, the application may be made on his or her behalf by a parent, guardian or other person authorized to administer his or her estate.

4. The applicant must submit with his or her application the reports, if reasonably available, from all physicians who, at the time of or subsequent to the victim's injury or death, treated or examined the victim in relation to the injury for which compensation is claimed.

5. The limitations upon payment of compensation established in subsection 1 do not apply to a minor who is sexually abused or who is involved in the production of pornography. Such a minor must apply for compensation before reaching 21 years of age.

6. As used in this section:

(a) "Facilitating sex trafficking" means a violation of NRS 201.301.

(b) *"Sex trafficking" means a violation of subsection 2 of NRS 201.300.*

Sec. 6. NRS 217.500 is hereby amended to read as follows:

217.500 As used in NRS 217.500 to 217.540, inclusive, *and section 4 of this act*, unless the context otherwise requires, the words and terms defined in NRS 217.510 and 217.520 have the meanings ascribed to them in those sections.

Sec. 6.1. NRS 217.510 is hereby amended to read as follows:

217.510 ~~["Contingency Account"]~~ *"Account"* means the ~~["Contingency"]~~ Account for Victims of Human Trafficking created by NRS 217.530.

Sec. 6.2. NRS 217.530 is hereby amended to read as follows:

217.530 1. The ~~["Contingency"]~~ Account for Victims of Human Trafficking is hereby created in the State General Fund.

2. The Director of the Department of Health and Human Services shall administer the ~~["Contingency"]~~ Account. The money in the ~~["Contingency"]~~ Account:

(a) Must be expended only for the purposes of:

(1) Establishing or providing programs or services to victims of human trafficking; and

(2) Fundraising for the direct benefit of the ~~["Contingency"]~~ Account. The total amount of money expended pursuant to this subparagraph in any fiscal year must not exceed \$10,000 or 10 percent of the amount of money in the ~~["Contingency"]~~ Account at the beginning of that fiscal year, whichever is less.

(b) Is hereby authorized for expenditure as a continuing appropriation for these purposes.

3. The Director may apply for and accept gifts, grants and donations or other sources of money for deposit in the ~~["Contingency"]~~ Account.

4. The interest and income earned on the money in the ~~["Contingency"]~~ Account, after deducting any applicable charges, must be credited to the ~~["Contingency"]~~ Account.

5. Any money remaining in the ~~["Contingency"]~~ Account at the end of a fiscal year does not revert to the State General Fund, and the balance in the ~~["Contingency"]~~ Account must be carried forward to the next fiscal year.

Sec. 6.5. NRS 217.540 is hereby amended to read as follows:

217.540 1. A nonprofit organization or any agency or political subdivision of this State may apply to the Director of the Department of Health and Human Services for an allocation of money from the ~~["Contingency"]~~ Account.

2. ~~["Except as otherwise provided in this subsection, the"]~~ The Grants Management Advisory Committee created by NRS 232.383 shall review applications received by the Director pursuant to subsection 1 and make recommendations to the Director concerning allocations of money from the ~~["Contingency"]~~ Account to applicants. ~~["If the Director, in his or her discretion, determines that an emergency exists and an allocation of money from the Contingency Account is needed immediately, the Director may make an"]~~

allocation of money from the Contingency Account pursuant to this section without the review of the application or the making of recommendations by the Grants Management Advisory Committee.]

3. The Director may make allocations of money from the ~~Contingency~~ Account to applicants and may place such conditions on the acceptance of such an allocation as the Director determines are necessary, including, without limitation, requiring the recipient of an allocation to submit periodic reports concerning the recipient's use of the allocation.

4. The recipient of an allocation of money from the ~~Contingency~~ Account may use the money only for the purposes of establishing or providing programs or services to victims of human trafficking ~~[-]~~ , *including, without limitation, establishing pilot programs for alternatives to law enforcement response to victims of human trafficking.*

Sec. 7. ~~NRS 432C.150 is hereby amended to read as follows:~~

~~432C.150 1. Information maintained by an agency which provides child welfare services must be maintained by the agency which provides child welfare services as required by federal law as a condition of the allocation of federal money to this State.~~

~~2. Except as otherwise provided in this section, information maintained by an agency which provides child welfare services may, at the discretion of the agency which provides child welfare services, be made available only to:~~

~~(a) A physician, if the physician has before him or her a child who the physician has reasonable cause to believe is a commercially sexually exploited child;~~

~~(b) A person authorized to place a child in protective custody, if the person has before him or her a child who the person has reasonable cause to believe is a commercially sexually exploited child and the person requires the information to determine whether to place the child in protective custody;~~

~~(c) An agency, including, without limitation, an agency in another jurisdiction, responsible for or authorized to undertake the care, treatment or supervision of:~~

~~—(1) The child; or~~

~~—(2) The person responsible for the welfare of the child;~~

~~(d) A district attorney or other law enforcement officer who requires the information in connection with an investigation or prosecution of the commercial sexual exploitation of a child;~~

~~(e) A court other than a juvenile court, for in camera inspection only, unless the court determines that public disclosure of the information is necessary for the determination of an issue before it;~~

~~(f) A person engaged in bona fide research or an audit, but information identifying the subjects of a report must not be made available to the person;~~

~~(g) The attorney and the guardian ad litem of the child, if the information is reasonably necessary to promote the safety, permanency and well-being of the child;~~

~~(h) Except as otherwise provided in subsection 4, a federal, state or local~~

~~governmental entity, or an agency of such an entity, or a juvenile court, that needs access to the information to carry out its legal responsibilities to protect children from commercial sexual exploitation;~~

~~—(i) A person or an organization that has entered into a written agreement with an agency which provides child welfare services to provide assessments or services and that has been trained to make such assessments or provide such services;~~

~~—(j) A parent or legal guardian of the child and an attorney of a parent or guardian of the child, if the identity of the person responsible for reporting the commercial sexual exploitation of the child to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child and is limited to information concerning that parent or guardian;~~

~~—(k) The persons or agent of the persons who are the subject of a report, if the information is reasonably necessary to promote the safety, permanency and well-being of the child and is limited to information concerning those persons; or~~

~~—(l) Any person who is required pursuant to NRS 432B.220 to make a report to an agency which provides child welfare services or to a law enforcement agency.~~

~~—3. Before releasing any information maintained by an agency which provides child welfare services pursuant to this section, an agency which provides child welfare services shall take whatever precautions it determines are reasonably necessary to protect the identity and safety of any person who reports that a child is a commercially sexually exploited child and to protect any other person if the agency which provides child welfare services reasonably believes that disclosure of the information would cause a specific and material harm to an investigation of the alleged commercial sexual exploitation of a child or the life or safety of any person.~~

~~—4. An agency which provides child welfare services shall not provide information maintained by the agency which provides child welfare services to a juvenile court only to facilitate a determination by the court related to the adjudication of a child who is accused of:~~

~~—(a) Sex trafficking a child in violation of NRS 201.300; or~~

~~—(b) Facilitating sex trafficking of a child or an adult posing as a child, as defined in NRS 201.295, in violation of NRS 201.301.~~

~~—5. The provisions of this section must not be construed to require an agency which provides child welfare services to disclose information maintained by the agency which provides child welfare services if, after consultation with the attorney who represents the agency, the agency determines that such disclosure would cause a specific and material harm to a criminal investigation.~~

~~—6. If an agency which provides child welfare services receives any information that is deemed confidential by law, the agency which provides child welfare services shall maintain the confidentiality of the information as~~

~~prescribed by applicable law.~~

~~7. Pursuant to this section, a person may authorize the release of information maintained by an agency which provides child welfare services about himself or herself, but may not waive the confidentiality of such information concerning any other person.~~

~~8. Except as otherwise provided in this subsection, any person who is provided with information maintained by an agency which provides child welfare services and who further disseminates the information or makes the information public is guilty of a gross misdemeanor. This subsection does not apply to a district attorney or other law enforcement officer who uses the information solely for the purpose of initiating legal proceedings against any person alleged to be the perpetrator of the commercial sexual exploitation of a child.~~

~~9. An agency which provides child welfare services may charge a fee for processing costs reasonably necessary to prepare information maintained by the agency which provides child welfare services for release pursuant to this section.~~

~~10. An agency which provides child welfare services shall adopt rules, policies or regulations to carry out the provisions of this section.~~

~~11. As used in this section, "parent" has the meaning ascribed to it in NRS 432B.080.] (Deleted by amendment.)~~

Sec. 7.5. There is hereby appropriated from the State General Fund to the Contingency Account for Victims of Human Trafficking created by NRS 217.530 the sum of \$1,000,000.

Sec. 8. 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. 8.5. The Legislative Counsel shall:

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

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

Sec. 9. 1. This section and section 7.5 of this act become effective upon passage and approval.

2. Sections 1 to 7, inclusive, ~~and~~ 8 and 8.5 of this act become effective on July 1, 2023.

Senator Dondero Loop moved that the Senate concur in Assembly Amendment No. 900 to Senate Bill No. 389.

Motion carried by a constitutional majority.
Bill ordered enrolled.

SPECIAL ORDERS OF THE DAY
VETO MESSAGES OF THE GOVERNOR

The hour of 11:15 a.m. having arrived, vetoed Senate Bills Nos. 20, 133, 148, 169, 210, 251, 299, 302, 340, 404, 429, 433 of the 82nd Session were considered.

Vetoed Senate Bill No. 20 of the 82nd Session.
Bill read.
Governor's message stating his objections read.

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

May 31, 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 20 of the 82nd Legislative Session

Dear Leader Cannizzaro:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Senate Bill 20 ("SB 20"), which is titled as follows:

AN ACT relating to counties; revising provisions relating to the process for filling a vacancy in the office of county commissioner; and providing other matters properly relating thereto.

SB 20 is a general overreach intended to upset the established balance between Nevada's county commissions and the Executive Branch's appointment authority. SB 20 is presumably intended to provide a county commission with the power to effectively select its own representative to complete the term of a departing member. SB 20 ignores decades of well-established law requiring the Governor—as the primary appointing authority empowered by the Constitution—to select and appoint a suitable candidate from the same political party as the outgoing member.

Current law, as written, provides sufficient checks and balances to deter malfeasance from the Executive Branch during the process of filling vacancies on county commissions.

In short, SB 20 does little more than encroach on the discretion and authority of the Executive Branch. As such, I cannot support it.

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

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

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

Senator Cannizzaro moved no further consideration of vetoed Senate Bill No. 20.

Motion carried.

Vetoed Senate Bill No. 133 of the 82nd Session.

Bill read.

Governor's message stating his objections read.

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

June 1, 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 133 of the 82nd Legislative Session

Dear Leader Cannizzaro:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Senate Bill 133 ("SB 133"), which is titled as follows:

AN ACT relating to elections; prohibiting a person from creating or serving in a false slate of presidential electors or conspiring to create or serve in a false slate of presidential electors; prohibiting the State or a local government from appointing to public office or employing a person convicted of such an offense; providing penalties; and providing other matters properly relating thereto.

I believe ensuring the sanctity and security of our elections is paramount to maintaining public confidence in both our electoral processes and in elected officials. There should be strict punishments for those seeking to undermine that confidence, including those engaged in schemes to present slates of false electors.

That said, it is difficult to fathom how the penalty for being engaged in such a scheme should be harsher—in terms of time-served and by requiring a permanent relinquishment of certain unrelated employment rights—than the penalty for high-level fentanyl traffickers, certain domestic violence perpetrators, and even some of the most extreme and violent actors on January 6.

Because SB 133 does nothing to ensure the security of our elections and merely provides disproportionately harsh penalties for an, admittedly, terrible crime, I cannot support it.

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

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

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

Senator Cannizzaro moved no further consideration of vetoed Senate Bill No. 133.

Motion carried.

Vetoed Senate Bill No. 148 of the 82nd Session.

Bill read.

Governor's message stating his objections read.

MESSAGES FROM THE GOVERNOR

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

June 1, 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 148 of the 82nd Legislative Session

Dear Leader Cannizzaro:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Senate Bill 148 ("SB 148"), which is titled as follows:

AN ACT relating to education; prohibiting a local school precinct from employing or otherwise procuring the services of certain personnel for a school; revising provisions relating to the selection of certain personnel by the principal of a local school precinct; providing that the superintendent of a large school district is responsible for making certain personnel decisions; authorizing certain uses of a year-end balance by a local school precinct under certain circumstances; and providing other matters properly relating thereto.

SB 148 is presumably intended to increase a school precinct's dependence on collectively bargained staff by eliminating those precincts' ability to contract those services to approved District vendors. It is already a time-consuming process to complete important maintenance tasks in certain school districts. This bill would further increase delays, potentially requiring schools to wait years for basic services to be improved.

Since this bill decreases a school district's ability to efficiently maneuver through maintenance issues, I cannot support it.

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

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

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

Senator Cannizzaro moved no further consideration of vetoed Senate Bill No. 148.

Motion carried.

Vetoed Senate Bill No. 169 of the 82nd Session.

Bill read.

Governor's message stating his objections read.

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

May 31, 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 169 of the 82nd Legislative Session

Dear Leader Cannizzaro:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Senate Bill 169 ("SB 169"), which is titled as follows:

AN ACT relating to land use planning; requiring certain local governments to include a heat mitigation element in master plans; and providing other matters properly relating thereto.

SB 169 is well-intended insofar as it aims to address the difficulties associated with living in high-heat communities. However, there is no data definitively supporting the proposition that development is causing rising temperatures in either Washoe County or Clark County. In fact, several of the heat-mitigation measures contained in this bill are already being implemented by local governments, meaning this bill will only serve to increase requirements—and related costs—for future development.

In short, since SB 169 creates significantly more red-tape for master-planned projects in two of Nevada's fastest growing counties, I cannot support it.

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

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

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

Senator Cannizzaro moved no further consideration of vetoed Senate Bill No. 169.

Motion carried.

Vetoed Senate Bill No. 210 of the 82nd Session.

Bill read.

Governor's message stating his objections read.

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

May 31, 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 210 of the 82nd Legislative Session

Dear Majority Leader Cannizzaro:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Senate Bill 210 ("SB 210"), which is titled as follows:

AN ACT relating to governmental administration; declaring that the public policy of the State of Nevada includes that persons appointed to certain public bodies by the Governor should reflect the diversity of the State; requiring certain public bodies to submit lists of qualified persons to the Governor to fill vacancies on a board, commission or similar body within 60 days after the vacancy occurs; revising the manner in which the Chair and Vice Chair of the Sunset Subcommittee of the Legislative Commission are selected; modifying reporting requirements by certain licensing boards and other regulatory bodies concerning the criminal histories of certain applicants; and providing other matters properly relating thereto.

SB 210 is well-intentioned in that it aims for all our state's boards and commissions to have a diverse make-up which represents the diversity of the State. It is invaluable to have a diverse blend of backgrounds and viewpoints on these boards and commissions.

However, SB 210's mandate is overly restrictive on the Executive Branch's ability to appoint board and commission members at its discretion. There are long-standing vacancies on many boards and commissions. The Executive Branch should not have any greater limitations in appointing members to those agencies so that those agencies can continue to effectively, and quickly, serve the people of the State of Nevada.

In short, SB 210 is a direct encroachment on the Executive Branch's authority to appoint members to boards and commissions as it sees fit. As such, I cannot support it.

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

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

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

Senator Cannizzaro moved no further consideration of vetoed Senate Bill No. 210.

Motion carried.

Vetoed Senate Bill No. 251 of the 82nd Session.

Bill read.

Governor's message stating his objections read.

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

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 Majority Leader Cannizzaro:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Senate Bill 251 ("SB 251"), which is titled as follows:

AN ACT relating to school districts; revising provisions governing the authority of a large school district to negotiate certain conditions of employment; revising provisions governing mandatory subjects of collective bargaining relevant to school districts; and providing other matters properly relating thereto.

SB 251 requires that local school precincts—individual schools—hire collectively-bargained for teachers and staff from a large school district if that district experiences a reduction in force or other "surplus" staffing situation. This bill would significantly restrict principals and leaders in local school precincts from hiring the individuals they believe best meet the qualifications and needs of their respective schools. Additionally, SB 251 is far too rigid in its treatment of "surplus" professionals and would require a one-size-fits-all statutory scheme that lacks the flexibility, and related potential for finding party-specific solutions, inherent in the collective-bargaining process.

Since this bill misguidedly restricts a local school precinct from hiring its chosen educational and support staff and does nothing to ensure better learning outcomes in Nevada's classrooms, I cannot support it.

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

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

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

Senator Cannizzaro moved no further consideration of vetoed Senate Bill No. 251.

Vetoed Senate Bill No. 299 of the 82nd Session.

Bill read.

Governor's message stating his objections read.

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

June 1, 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 299 of the 82nd Legislative Session

Dear Leader Cannizzaro:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Senate Bill 299 ("SB 299"), which is titled as follows:

AN ACT relating to public works; eliminating certain exemptions from prevailing wage requirements relating to railroad companies or monorails; and providing other matters properly relating thereto.

SB 299 is admirably intended at ensuring certain of those employed on public works projects are paid a sufficient wage for their labor. However, though this bill includes a provision to require such wages on Railroad projects, this provision will be irrelevant to Railroads since Railroad entities are already regulated—and required to pay prevailing wages—by the Federal Railroad Administration. As such, this bill's burden will primarily fall on a few parties seeking to develop new, innovative monorail projects in our State.

Since this bill is aimed at increasing construction related costs and burdens for those seeking to develop infrastructure in Nevada, I cannot support it.

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

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

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

Senator Cannizzaro moved no further consideration of vetoed Senate Bill No. 299.

Motion carried.

Vetoed Senate Bill No. 302 of the 82nd Session.

Bill read.

Governor's message stating his objections read.

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

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 forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Senate Bill 302 ("SB 302"), which is titled as follows:

AN ACT relating to health care; prohibiting health care licensing boards from taking certain action against a provider of health care or certain other persons for providing or assisting in the provision of gender-affirming health care services; prohibiting the Governor from surrendering, or issuing an arrest warrant for, a person who is charged in

another state with a criminal violation related to gender-affirming health care services; prohibiting state agencies, local governments and members of the judiciary from assisting in certain investigations and proceedings initiated in other states related to gender-affirming health care services; requiring certain health care licensing boards to examine the feasibility of reciprocal licensure for health care providers who provide gender-affirming health care services in other states; and providing other matters properly relating thereto.

SB 302 inhibits the Executive Branch's ability to be certain that all gender-affirming care related to minors comports with State law. It also decreases the Executive Branch's authority to ensure the highest public health and child safety standards for Nevadans. As such, I cannot support it.

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

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

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

Senator Cannizzaro moved no further consideration of vetoed Senate Bill No. 302.

Motion carried.

Vetoed Senate Bill No. 340 of the 82nd Session.

Bill read.

Governor's message stating his objections read.

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

June 1, 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 340 of the 82nd Legislative Session

Dear Leader Cannizzaro:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Senate Bill 340 ("SB 340"), which is titled as follows:

AN ACT relating to education; requiring the board of trustees of a school district and the State Public Charter School Authority to submit to the Superintendent of Public Instruction plans for the provision of summer school to certain pupils; requiring the submission to certain entities of certain reports relating to such plans for the provision of summer school; and providing other matters properly relating thereto.

SB 340 is well-intentioned in that it aims to ensure children who need additional schooling in the summer have access to transportation and meals during their schooling. That said, SB 340's requirement that school districts and charter schools submit a plan for summer school 2023, well after those plans have been completed, makes little sense. Moreover, this bill provides no funding to cover or offset the cost-burden of providing transportation and food during these summer sessions. While most school districts have funding available for this summer through

ESSER, SB 340, as written, would impose significant costs on local school districts in 2024.

Since SB 340 merely requires that summer school—and any accompanying transportation or meals—are provided, without providing any mechanism to ensure local school districts have sufficient funds to pay these costs, I cannot support it.

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

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

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

Senator Cannizzaro moved no further consideration of vetoed Senate Bill No. 340.

Motion carried.

Vetoed Senate Bill No. 404 of the 82nd Session.

Bill read.

Governor's message stating his objections read.

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

June 1, 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 404 of the 82nd Legislative Session

Dear Leader Cannizzaro:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Senate Bill 404 ("SB 404"), which is titled as follows:

AN ACT relating to elections; revising provisions relating to the challenge of a person applying to vote; authorizing a county or city clerk to order that the count of returns for early voting begin on or after the first day of early voting; and providing other matters properly relating thereto.

SB 404 is a bad bill. As I have stated, voting is one of our most important and sacred rights as Americans and Nevadans. We need to make it easier to vote while also making it harder to cheat. Though these are likely unintended consequences, SB 404 leads to a few definitive ends: 1) it weakens residency requirements; 2) it restricts a voter's ability to challenge another voter's eligibility; and 3) it promotes a continuing lack of transparency.

First, by allowing numerous forms of non-governmental identification, this bill would potentially allow voters who no longer reside at a previous address to vote without sufficient proof the voter indeed resides at the location provided in their identification. Additionally, by restricting voter eligibility challenges, SB 404 would serve to decrease confidence in elections by limiting the mechanisms by which voters themselves can prevent fraudulent voting. Finally, by continuing to allow early votes to be counted before election day, thereby potentially allowing for certain of those results to be disseminated before election day, we continue to foster

a system which not only allows for manipulation, but may well also influence voter behavior and undermine the validity of the final results.

My bill, SB 405, would have addressed these issues. We would have enhanced election integrity by requiring some form of government identification to vote – this is basic common sense. After all, we already unquestionably require all citizens to carry identification to drive, buy age-restricted items, get a hotel room, board a plane, open a bank account, apply for Medicaid or Social Security, etcetera [*sic*].

Moreover, after the slow-return embarrassment we experienced in our last few elections, SB 405 would have ended universal mail-in ballots and required that all votes be cast by the time polls close on election day. Anyone and everyone who wants or needs a mail-in ballot can and should have the right to request and receive one, but they should not automatically be sent to every voter at an exorbitant cost to the State each election cycle.

That said, it is imperative that all early voting be conducted in a manner that maintains the confidentiality of votes counted until *after* election day. Any potential breach of this standard will only serve to discourage voters from going to the polls to exercise their right to vote.

Finally, SB 405 would have ended ballot harvesting. Though ballot harvesting was a felony prior to the pandemic, now it is considered common practice. My bill would have required that the individuals helping registered voters vote are reported, identified, and limited in the number of ballots they can collect.

These common sense reforms would have increased our election security and, thereby, public confidence in our election process. Since this bill does nothing to address those concerns, I cannot support it.

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

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

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

Senator Cannizzaro moved no further consideration of vetoed Senate Bill No. 404.

Motion carried.

Vetoed Senate Bill No. 429 of the 82nd Session.

Bill read.

Governor's message stating his objections read.

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

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 Majority Leader Cannizzaro:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Senate Bill 429 ("SB 429"), which is titled as follows:

AN ACT relating to economic development; requiring certain new or expanding businesses to provide certain paid family and medical leave to employees in order to qualify for a partial abatement of certain taxes; and providing other matters properly relating thereto.

SB 429 is purportedly an economic development bill and was presented as such. However, the bill inequitably applies a unique precondition to a narrowly tailored group of businesses who are pursuing Nevada performance-based tax abatements (i.e., Governor's Office of Economic Development applicants) and who employ 50 or more persons to also provide paid Family and Medical Leave Act ("FMLA") on-top of Nevada's existing paid leave measures. *See NRS 608.0197*, all Nevada businesses with 50 or more employees are already required to provide employees with paid leave.

SB 429 does not outline caps, does not cover how this would be regulated (given that it's set to last indefinitely), and does not explain or provide guidance regarding procedures applied to this specific set of businesses in the event of a merger, acquisition, or bankruptcy.

Furthermore, SB 429 has been presented as a "tie-in" opportunity to Federal IRS Sect. 45S, an opt-in tax credit program for employers to explore and offer paid FMLA to employees. This federal program expires in December 2025, leaving the State with a requirement that is no longer federally mandated.

With future economic headwinds a mere certainty, whether in this biennium or subsequent ones, this bill works against Nevada's already challenging market position in striving to attract diverse industries through economic development.

Nevada is in constant competition to bring good paying jobs to the State and SB 429 would place Nevada at a severe disadvantage in its work to bring desirable businesses within its borders to provide quality career opportunities to Nevadans and to diversify State tax revenues.

My commitment has been and will continue to be maintaining a streamlined and non-overly regulated State Government structure to ensure Nevada remains open for business.

Adding additional preconditions to abatements that would require abated companies to endure a significant year-over-year increase in payroll expenditures compared to other markets of interest would signal worldwide that Nevada is not open for business. Given market conditions, at this time, it is best that my administration and my office of Economic Development have all the tools that prior administrations have had at their disposal.

In times of economic uncertainty, strictly codified regulatory constrictions which remove options and add various preconditions create a situation where Nevada becomes less competitive without an opportunity to adapt quickly.

Since SB 429 reduces our competitiveness in attracting talented hiring candidates as related to peer-states, I cannot support it.

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

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

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

Senator Cannizzaro moved no further consideration of vetoed Senate Bill No. 429.

Motion carried.

Vetoed Senate Bill No. 433 of the 82nd Session.

Bill read.

Governor's message stating his objections read.

MESSAGES FROM THE GOVERNOR

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

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 Majority Leader Cannizzaro:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Senate Bill 433 ("SB 433"), which is titled as follows:

AN ACT relating to prevailing wages; revising provisions governing the payment of prevailing wages; and providing other matters properly relating thereto.

SB 433 delegates a disproportionate amount of authority to the Labor Commissioner. Many of these decisions—specifically, those involving public works projects—are more appropriately decided by the counties and cities who receive the most immediate input into the implementation of such policies. Nevadans, and the counties and cities in the Silver State, deserve to decide how various public works projects will be implemented - specifically those localities' decisions regarding the prevailing wage.

Since the State of Nevada and our cities and counties should be empowered with all necessary authority to control their local wage rates, I cannot support this bill.

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

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

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

Senator Cannizzaro moved no further consideration of vetoed Senate Bill No. 433.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 375.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 985.

SUMMARY—Makes an appropriation to the Nevada System of Higher Education for a grant program to expand undergraduate and graduate nursing programs at institutions within the System. (BDR S-917)

AN ACT making an appropriation to the Nevada System of Higher Education for a grant program to expand undergraduate and graduate nursing programs at institutions within the System; and providing other matters properly relating thereto.

WHEREAS, The United States is projected to experience a shortage of registered nurses that is expected to intensify in coming years as the demand for health care services grows, particularly as the "Baby Boomer" generation ages; and

WHEREAS, Nursing schools across the United States are struggling to expand capacity to meet the rising demand for care; and

WHEREAS, In 2018, the American Journal of Medical Quality published an article titled "United States Registered Nurse Workforce Report Card and Shortage Forecast: A Revisit" that predicts an increasing shortage of registered nurses across the country through the year 2030; and

WHEREAS, The COVID-19 pandemic exacerbated the shortage of nurses, and ongoing issues related to insufficient staffing are raising the stress level of nurses, impacting job satisfaction and resulting in many nurses leaving the profession; and

WHEREAS, The Nevada Hospital Association has reported that this State is short more than 7,500 nurses; and

WHEREAS, This State and its health care system are vulnerable when hospital beds and health care services are threatened due to the nursing shortage in the State; and

WHEREAS, The shortage of nurses in this State will continue to grow absent a concerted effort by policy makers to increase the number of registered nurses; and

WHEREAS, Increasing the number of nurses in this State will require targeted investments in nursing programs within the Nevada System of Higher Education; and

WHEREAS, Targeted funding for public nursing programs can help to address the shortage of faculty, clinical instructors and preceptors in nursing programs within the Nevada System of Higher Education; and

WHEREAS, Additional funding can address inadequate equipment and resources in nursing programs within the Nevada System of Higher Education which is necessary to increase the capacity of such programs; now, therefore,

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

Section 1. 1. There is hereby appropriated from the State General Fund to the Nevada System of Higher Education for a grant program to expand undergraduate and graduate nursing programs at institutions within the Nevada System of Higher Education the following sums:

For the Fiscal Year 2023-2024	~~(\$17,537,645)~~	\$10,000,000
For the Fiscal Year 2024-2025	~~(\$18,471,520)~~	\$10,000,000

2. The Board of Regents of the University of Nevada shall develop and

implement a grant program to award grants from the money appropriated by subsection 1 to institutions within the Nevada System of Higher Education to expand the undergraduate and graduate nursing programs at such institutions.

3. The grants awarded pursuant to subsection 2:

(a) May be used only for operating costs associated with expanding undergraduate and graduate nursing programs at the institution receiving the grant, including, without limitation, costs related to faculty, staff and equipment; and

(b) Must not be used for capital expenditures, including, without limitation, the construction of new facilities.

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

Sec. 2. This act becomes effective upon passage and approval.

Senator Dondero Loop moved the adoption of the amendment.

Remarks by Senator Dondero Loop.

Senate Amendment No. 985 to Senate Bill No. 375 revises section 1, which decreases the General Fund appropriations to the Nevada System of Higher Education (NSHE) from \$17,537,645 to \$10,000,000 in Fiscal Year (FY) 2024 and from \$18,471,520 to \$10,000,000 in FY 2025 for a grant program to extend the undergraduate and graduate nursing programs at institutions within NSHE.

Amendment adopted.

Bill read third time.

Remarks by Senator Seevers Gansert.

Senate Bill No. 375, as amended, provides General Fund appropriations of \$10 million in each of the next two FYs to NSHE to expand undergraduate and graduate nursing programs at the public institutions within the State.

Roll call on Senate Bill No. 375:

YEAS—21.

NAYS—None.

Senate Bill No. 375 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.

The following amendment was proposed by the Committee on Finance:

Amendment No. 959.

SUMMARY—Revises provisions relating to homelessness.

(BDR 38-1027)

AN ACT relating to public welfare; revising provisions governing the duties of a reinvestment advisory committee; revising provisions governing contracts entered into by the Department of Health and Human Services for the operation of a Medicaid managed care program; requiring ~~Continuum of Care~~ the Department to establish ~~a fiscal working group; requiring the transmission of a portion of the proceeds of the license fee for certain gaming licensees to the Continuum of Care in this State;~~ the Fiscal Advisory Committee for a Flexible Continuum of Care Plan; making appropriations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Health and Human Services, to the extent that money is available, to: (1) establish a Medicaid managed care program to provide health care services to recipients of Medicaid in all geographic areas of this State; and (2) conduct a statewide procurement process to select health maintenance organizations to provide the health care services. (NRS 422.273) Sections 2 and 3 of this bill require each contract entered into by the Department with a health maintenance organization to provide such services to include a requirement for the health maintenance organization to reinvest a percentage of the annual profits of the health maintenance organization in programs and initiatives to address homelessness and to provide sustainable medication and prescription services, alcohol or drug intervention or rehabilitation services and emergency and supportive housing in the local communities in which the health maintenance organization operates.

Existing law establishes a reinvestment advisory committee in each county of this State whose population is 700,000 or more (currently only Clark County) and prescribes the duties of a reinvestment advisory committee, which includes reviewing, making recommendations and reporting to the Legislature and Director of the Department concerning the reinvestment of funds by a health maintenance organization that provides health care services through managed care to recipients of Medicaid in the communities served by those organizations. (NRS 422.185, 422.205) Section 1 of this bill revises the duties of the reinvestment advisory committee such that the recommendations and reports of the advisory committee are required to concern the reinvestment of funds by managed care organizations to address homelessness and to provide sustainable medication and prescription services, alcohol or drug intervention or rehabilitation services, and emergency and supportive housing, in conformance with the amendatory provisions of sections 2 and 3.

Existing federal law establishes a Continuum of Care Program to provide funding for efforts by nonprofit providers, states, and local governments to quickly rehouse homeless individuals and families. (42 U.S.C. 11381 et seq.; 24 C.F.R. Part 578) Federal law requires representatives from relevant organizations to establish a Continuum of Care for a geographic area to carry

out certain responsibilities and to establish a board to act on behalf of the Continuum. (24 C.F.R. 578.5) ~~Existing law of this State establishes a monthly licensee fee for certain gaming licensees which is based upon the gross revenue of the licensee. (NRS 463.370) Sections 3.3 and 3.7 of this bill require a portion of the proceeds of the gaming licensee fee which is imposed on gross revenue which exceeds \$134,000 per calendar month to be transmitted to the Continuums of Care in this State, in proportion to the population served by each Continuum of Care, to direct the use of such money.~~ Section 3.3 ~~of this bill:~~ (1) ~~establishes requirements for the membership of such a fiscal working group;~~ (2) ~~sets forth the purposes for which the fiscal working group is required to direct the use of the money from the proceeds of the gaming licensee fee;~~ requires the Department to establish the Fiscal Advisory Committee for a Flexible Continuum of Care Plan; (2) authorizes the Department to make grants of money to the Advisory Committee to fund certain services; and (3) requires the ~~fiscal working group~~ Advisory Committee to prepare an annual report. Section 3.3 requires a city whose population is 150,000 or more but less than 500,000 ~~which is in the service area of a Continuum of Care, which includes a city whose population is 500,000 or more~~ to transmit not less than \$2,000,000 to the ~~Continuum of Care~~ Department each fiscal year ~~to be used~~ for allocation to the Advisory Committee to fund programs to address homelessness ~~in the service area of the Continuum of Care in which the city is located.~~ Section 3.3 ~~authorizes a Continuum of Care~~ requires the Department to assist the Advisory Committee to enter into service agreements with federally-qualified health centers.

Sections 7.1-7.9 of this bill make appropriations to the Department for allocation to the Advisory Committee to carry out the provisions of section 3.3.

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

Section 1. NRS 422.205 is hereby amended to read as follows:

422.205 1. A reinvestment advisory committee shall:

(a) Solicit and review reports from the Division and Medicaid managed care organizations concerning the reinvestment of funds by those Medicaid managed care organizations in the communities served by the Medicaid managed care organizations.

(b) Report to the Division and Medicaid managed care organizations concerning initiatives of local governments in the county to address homelessness ~~and to provide sustainable medication and prescription drug services, alcohol or drug intervention or rehabilitation services, and emergency and supportive housing . issues and social determinants of health.~~

(c) Make recommendations based on the reports reviewed pursuant to paragraph (a) to the Division and Medicaid managed care organizations concerning the reinvestment of funds by those Medicaid managed care

organizations in the communities served by the Medicaid managed care organizations. Those recommendations must include, without limitation, recommendations for the use of such funds for the purposes of:

(1) Developing innovative partnerships with community development organizations and providers of housing services; and

(2) Supporting the initiatives of local governments in the county to address homelessness ~~[,] and to provide sustainable medication and prescription drug services, alcohol or drug intervention or rehabilitation services, and emergency and supportive housing . [issues and social determinants of health.]~~

2. On or before December 31 of each year, a reinvestment advisory committee shall:

(a) Compile a report concerning:

(1) The uses of funds reinvested by Medicaid managed care organizations in the communities served by those Medicaid managed care organizations, including, without limitation, efforts to address homelessness ~~[, disparities in health care and social determinants of health;]~~ *and to provide sustainable medication and prescription drug services, alcohol or drug intervention or rehabilitation services, and emergency and supportive housing;* and

(2) The activities of the reinvestment advisory committee during the calendar year, including, without limitation, the recommendations made by the reinvestment advisory committee pursuant to paragraph (c) of subsection 1.

(b) Submit the report to:

(1) The Director of the Legislative Counsel Bureau for transmittal to:

(I) In odd-numbered years, the Joint Interim Standing Committee on Health and Human Services; and

(II) In even-numbered years, the next regular session of the Legislature.

(2) The Director of the Department.

3. As used in this section, "Medicaid managed care organization" means a managed care organization that provides health care services to recipients of Medicaid who reside in the county for which a reinvestment advisory committee is established.

Sec. 2. NRS 422.273 is hereby amended to read as follows:

422.273 1. For any Medicaid managed care program established in the State of Nevada, the Department shall contract only with a health maintenance organization that has:

(a) Negotiated in good faith with a federally-qualified health center to provide health care services for the health maintenance organization;

(b) Negotiated in good faith with the University Medical Center of Southern Nevada to provide inpatient and ambulatory services to recipients of Medicaid; and

(c) Negotiated in good faith with the University of Nevada School of

Medicine to provide health care services to recipients of Medicaid.

↪ Nothing in this section shall be construed as exempting a federally-qualified health center, the University Medical Center of Southern Nevada or the University of Nevada School of Medicine from the requirements for contracting with the health maintenance organization.

2. During the development and implementation of any Medicaid managed care program, the Department shall cooperate with the University of Nevada School of Medicine by assisting in the provision of an adequate and diverse group of patients upon which the school may base its educational programs.

3. The University of Nevada School of Medicine may establish a nonprofit organization to assist in any research necessary for the development of a Medicaid managed care program, receive and accept gifts, grants and donations to support such a program and assist in establishing educational services about the program for recipients of Medicaid.

4. For the purpose of contracting with a Medicaid managed care program pursuant to this section, a health maintenance organization is exempt from the provisions of NRS 695C.123.

5. The provisions of this section apply to any managed care organization, including a health maintenance organization, that provides health care services to recipients of Medicaid under the State Plan for Medicaid or the Children's Health Insurance Program pursuant to a contract with the Division. Such a managed care organization or health maintenance organization is not required to establish a system for conducting external reviews of adverse determinations in accordance with chapter 695B, 695C or 695G of NRS. This subsection does not exempt such a managed care organization or health maintenance organization for services provided pursuant to any other contract.

6. *Each contract entered into by the Department with a health maintenance organization to provide health care services to recipients of Medicaid in all geographic areas of this State shall include a requirement for the health maintenance organization to reinvest a percentage of the annual profits of the health maintenance organization in programs and initiatives to address homelessness and to provide sustainable medication and prescription drug services, alcohol or drug intervention or rehabilitation services, and emergency and supportive housing in the local communities in which the health maintenance organization operates.*

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

(a) "Federally-qualified health center" has the meaning ascribed to it in 42U.S.C. § 1396d(1)(2)(B).

(b) "Health maintenance organization" has the meaning ascribed to it in NRS 695C.030.

(c) "Managed care organization" has the meaning ascribed to it in NRS 695G.050.

Sec. 3. NRS 422.273 is hereby amended to read as follows:

422.273 1. To the extent that money is available, the Department shall:

(a) Establish a Medicaid managed care program to provide health care services to recipients of Medicaid in all geographic areas of this State. The program is not required to provide services to recipients of Medicaid who are aged, blind or disabled pursuant to Title XVI of the Social Security Act, 42 U.S.C. §§ 1381 et seq.

(b) Conduct a statewide procurement process to select health maintenance organizations to provide the services described in paragraph (a).

2. For any Medicaid managed care program established in the State of Nevada, the Department shall contract only with a health maintenance organization that has:

(a) Negotiated in good faith with a federally-qualified health center to provide health care services for the health maintenance organization;

(b) Negotiated in good faith with the University Medical Center of Southern Nevada to provide inpatient and ambulatory services to recipients of Medicaid;

(c) Negotiated in good faith with the University of Nevada School of Medicine to provide health care services to recipients of Medicaid; and

(d) Complied with the provisions of subsection 2 of NRS 695K.220.

➡ Nothing in this section shall be construed as exempting a federally-qualified health center, the University Medical Center of Southern Nevada or the University of Nevada School of Medicine from the requirements for contracting with the health maintenance organization.

3. During the development and implementation of any Medicaid managed care program, the Department shall cooperate with the University of Nevada School of Medicine by assisting in the provision of an adequate and diverse group of patients upon which the school may base its educational programs.

4. The University of Nevada School of Medicine may establish a nonprofit organization to assist in any research necessary for the development of a Medicaid managed care program, receive and accept gifts, grants and donations to support such a program and assist in establishing educational services about the program for recipients of Medicaid.

5. For the purpose of contracting with a Medicaid managed care program pursuant to this section, a health maintenance organization is exempt from the provisions of NRS 695C.123.

6. To the extent that money is available, a Medicaid managed care program must include, without limitation, a state-directed payment arrangement established in accordance with 42 C.F.R. § 438.6(c) to require a Medicaid managed care organization to reimburse a critical access hospital and any federally-qualified health center or rural health clinic affiliated with a critical access hospital for covered services at a rate that is equal to or greater than the rate received by the critical access hospital, federally-qualified health center or rural health clinic, as applicable, for services provided to recipients of Medicaid on a fee-for-service basis.

7. The provisions of this section apply to any managed care organization, including a health maintenance organization, that provides health care services to recipients of Medicaid under the State Plan for Medicaid or the Children's Health Insurance Program pursuant to a contract with the Division. Such a managed care organization or health maintenance organization is not required to establish a system for conducting external reviews of adverse determinations in accordance with chapter 695B, 695C or 695G of NRS. This subsection does not exempt such a managed care organization or health maintenance organization for services provided pursuant to any other contract.

8. *Each contract entered into by the Department with a health maintenance organization to provide the services described in paragraph (a) of subsection 1 shall include a requirement for the health maintenance organization to reinvest a percentage of the annual profits of the health maintenance organization in programs and initiatives to address homelessness and to provide sustainable medication and prescription drug services, alcohol or drug intervention or rehabilitation services, and emergency and supportive housing in the local communities in which the health maintenance organization operates.*

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

(a) "Critical access hospital" means a hospital which has been certified as a critical access hospital by the Secretary of Health and Human Services pursuant to 42 U.S.C. § 1395i-4(e).

(b) "Federally-qualified health center" has the meaning ascribed to it in 42 U.S.C. § 1396d(l)(2)(B).

(c) "Health maintenance organization" has the meaning ascribed to it in NRS 695C.030.

(d) "Managed care organization" has the meaning ascribed to it in NRS 695G.050.

(e) "Rural health clinic" has the meaning ascribed to it in 42 C.F.R. §-405.2401.

Sec. 3.3. Chapter 439 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~Each~~ The Department shall establish the Fiscal Advisory Committee for a Flexible Continuum of Care ~~in this State shall establish a fiscal working group to consist of not more than seven~~ Plan which consists of the following members appointed by the ~~governing board of the Continuum of Care and which must include:~~ Director of the Department:

(a) A representative from ~~each~~ the largest incorporated city in the service area of ~~the~~ each Continuum of Care ~~for, if there are more than three incorporated cities within the service area of the Continuum of Care, a representative from each of the three largest incorporated cities in the service area of the Continuum of Care;~~ in this State, who must also reside in the service area of the Continuum of Care in which the city he or she represents is located;

(b) A person who represents a county ~~[within the service area of the Continuum of Care,]~~ in this State;

(c) A person who represents law enforcement ; ~~[in the service area of the Continuum of Care,]~~

(d) A person selected from a list of nominees provided by the Nevada Resort Association ; ~~[who resides in the service area of the Continuum of Care,]~~ and

(e) A representative of a nonprofit organization that provides services to persons who are homeless . ~~[in the service area of the Continuum of Care.]~~

2. ~~[The fiscal working group established pursuant to this section shall direct the use of any money allocated to the Continuum of Care pursuant to NRS 463.320. The money transmitted to the Continuum of Care pursuant to NRS 463.320 must be used exclusively.]~~ To the extent practicable, each member appointed pursuant to paragraphs (a), (b), (c) and (e) of subsection 1 must be selected from a list of nominees provided by a Continuum of Care in this State. Except as otherwise provided in this subsection and subsection 1, each Continuum of Care in this State shall submit a list of nominees to fill any vacancy on the Advisory Committee. Each member appointed pursuant to paragraph (a) of subsection 1 must be selected from a list of nominees provided by the Continuum of Care whose service area includes the city which the member represents.

3. Each member of the Advisory Committee serves a term of 2 years. Members may be reappointed for additional terms of 2 years in the same manner as the original appointments. Any vacancy occurring in the membership of the Advisory Committee must be filled in the same manner as the original appointment.

4. The members of the Advisory Committee serve without compensation but are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

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

6. A member of the Advisory Committee who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation to prepare for and attend meetings of the Advisory Committee and perform any work necessary to carry out the duties of the Advisory Committee in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Advisory Committee to:

(a) Make up the time he or she is absent from work to carry out his or her duties as a member of the Advisory Committee; or

(b) Take annual leave or compensatory time for the absence.

7. At its first meeting and annually thereafter, the Advisory Committee

shall elect a Chair from among its members.

8. To the extent that funding is available for that purpose, and upon application by the Advisory Committee in such form as the Department may require, the Department may make grants to the Advisory Committee to fund:

(a) Services for persons released from prison or a county, city or town jail or detention facility including, without limitation, sustainable medication and prescription drug services, alcohol or drug intervention or rehabilitation services, and emergency and supportive housing.

(b) Services for persons leaving emergency shelters, including, without limitation, sustainable medication and prescription drug services, alcohol or drug intervention or rehabilitation services, and emergency and supportive housing.

(c) Services for persons leaving acute care settings, mental health care facilities, drug and alcohol rehabilitation facilities, or transitional housing.

(d) Emergency and supportive housing services, including, without limitation, the acquisition and rehabilitation of properties suitable for conversion to supportive housing.

~~{3. A fiscal working group created by a Continuum of Care which has a service area that includes a city whose population is 500,000 or more shall:~~

~~—(a) From the money allocated to the Continuum of Care pursuant to NRS 463.220:~~

~~—(1) In Fiscal Year 2023-2024, direct not less than \$9,000,000 to such a city to be used for programs to address homelessness in the city; and~~

~~—(2) In each fiscal year after Fiscal Year 2023-2024, direct not less than \$2,500,000 to such a city to be used for programs to address homelessness in the city;~~

~~4. 9. A city in [the service area of a Continuum of Care described in subsection 3] this State whose population is 150,000 or more but less than 500,000 shall transmit to the [Continuum of Care] Department not less than \$2,000,000 each fiscal year from money available for that purpose [to be used] for allocation to the Advisory Committee to fund programs to address homelessness in the service area of the Continuum of Care.~~

~~5. A Continuum of Care may} in which the city is located.~~

10. The Department shall assist the Advisory Committee to enter into an agreement with a federally-qualified health center to provide services described in paragraphs (a), (b) and (c) of subsection ~~{2.} 8.~~

~~{6.} 11. On or before September 30 of each year, [each fiscal working group] the Advisory Committee shall submit to the governing board of the Continuum of Care, the Department and the Interim Finance Committee a report detailing the use of [the] any grant of money [allocated to the Continuum of Care pursuant to NRS 463.220] received from the Department pursuant to subsection 8 and the status of any programs or services funded using such money.~~

~~{7.} 12. Any grant of money [allocated to a Continuum of Care pursuant to NRS 463.220] made to the Advisory Committee and any funding allocated~~

by ~~[a fiscal working group]~~ the Advisory Committee to any person must not supplant, replace, offset or otherwise reduce funding for programs to address homelessness.

~~10.~~ 13. As used in this section, "Continuum of Care" has the meaning ascribed to it in 24 C.F.R. § 578.3.

Sec. 3.7. ~~[NRS 463.320 is hereby amended to read as follows:~~

~~463.320 1. All gaming license fees imposed by the provisions of NRS 463.370, 463.373 to 463.383, inclusive, and 463.3855 must be collected and disposed of as provided in this section.~~

~~2. All state gaming license fees and penalties must be collected by the Commission and paid over immediately to the State Treasurer to be disposed of as follows:~~

~~(a) Except as otherwise provided in paragraphs (c) , [and] (d) [,] and (e), all state gaming license fees and penalties other than the license fees imposed by the provisions of NRS 463.380 must be deposited for credit to the State General Fund.~~

~~(b) All state gaming license fees imposed by the provisions of NRS 463.380 must, after deduction of costs of administration and collection, be divided equally among the various counties and transmitted to the respective county treasurers. Such fees, except as otherwise provided in this section, must be deposited by the county treasurer in the county general fund and be expended for county purposes. If the board of county commissioners desires to apportion and allocate all or a portion of such fees to one or more cities or towns within the county, the board of county commissioners shall, annually, before the preparation of the city or town budget or budgets as required by chapter 354 of NRS, adopt a resolution so apportioning and allocating a percentage of such fees anticipated to be received during the coming fiscal year to such city or cities or town or towns for the next fiscal year commencing July 1. After the adoption of the resolution, the percentage so apportioned and allocated must be converted to a dollar figure and included in the city or town budget or budgets as an estimated receipt for the next fiscal year. Quarterly, upon receipt of the money from the State, the county treasurer shall deposit an amount of money equal to the percentage so apportioned and allocated to the credit of the city or town fund to be used for city or town purposes, and the balance remaining must be deposited in the county general fund and must be expended for county purposes.~~

~~(c) One twenty fifth of the license fee imposed by the provisions of NRS 463.370 on gross revenue which exceeds \$134,000 per calendar month that is paid pursuant to subsection 2 of NRS 464.045 by persons licensed to conduct off track pari mutuel wagering must, after the deduction of costs of administration and collection, be allocated pro rata among the counties in this State whose population is less than 100,000 in which on track pari mutuel wagering is conducted. The allocation must be based upon the amounts paid from each such county pursuant to subsection 2 of NRS 466.125 and transmitted to the respective county treasurers. Money received by a county~~

~~treasurer pursuant to this paragraph must be deposited in the county general fund and expended to augment any stakes, purses or rewards which are offered with respect to horse races conducted in that county by a state fair association, agricultural society or county fair and recreation board.~~

~~— (d) Ten percent of the amount of the license fee imposed by the provisions of NRS 463.370 that is paid pursuant to subsection 2 of NRS 464.045 by persons licensed to conduct off track pari mutuel wagering which exceeds \$5,036,938 per calendar year must, after the deduction of costs of administration and collection, be allocated pro rata among the counties in this State whose population is less than 100,000 in which on track pari mutuel wagering is conducted. The allocation must be based upon the amounts paid from each such county pursuant to subsection 2 of NRS 466.125 and must be transmitted to the respective county treasurers as provided in this paragraph. On March 1 of each year, the Board shall calculate the amount of money to be allocated to the respective county treasurers and notify the State Treasurer of the appropriate amount of each allocation. The State Treasurer shall transfer the money to the respective county treasurers. Money received by a county treasurer pursuant to this paragraph must be deposited in the county general fund and expended to augment any stakes, purses or rewards which are offered with respect to horse races conducted in that county by a state fair association, agricultural society or county fair and recreation board.~~

~~— (e) Fifteen hundredths of the license fee imposed by the provisions of NRS 463.370 on gross revenue which exceeds \$134,000 per calendar month must, after the deduction of costs of administration and collection, be transmitted to the Continuum of Care in this State in proportion to the population of the service area of each Continuum of Care. (Deleted by amendment.)~~

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 7.1. There is hereby appropriated from the State General Fund to the Department of Health and Human Services the sum of \$17,000,000:

1. For allocation to Fiscal Advisory Committee for a Flexible Continuum of Care Plan established pursuant to section 3.3 of this act to fund the services described in subsection 8 of section 3.3 of this act; or

2. To satisfy matching requirements for federal grants to fund the services described in subsection 8 of section 3.3 of this act.

Sec. 7.3. There is hereby appropriated from the State General Fund to the Department of Health and Human Services the sum of \$1,000,000 for allocation to the Fiscal Advisory Committee for a Flexible Continuum of Care Plan established pursuant to section 3.3 of this act to match an equal amount of money provided by local governments in the service area of the Northern Nevada Continuum of Care to fund the services described in subsection 8 of section 3.3 of this act in the service area of the Northern

Nevada Continuum of Care.

Sec. 7.5. There is hereby appropriated from the State General Fund to the Department of Health and Human Services the sum of \$1,000,000 for allocation to the Fiscal Advisory Committee for a Flexible Continuum of Care Plan established pursuant to section 3.3 of this act to match an equal amount of money provided by local governments in the service area of the Rural Nevada Continuum of Care to fund the services described in subsection 8 of section 3.3 of this act in the service area of the Rural Nevada Continuum of Care.

Sec. 7.7. Any remaining balance of the appropriations made by sections 7.1, 7.3 and 7.5 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. 7.9. 1. There is hereby appropriated from the State General Fund to the Department of Health and Human Services for allocation to the Fiscal Advisory Committee for a Flexible Continuum of Care Plan established pursuant to section 3.3 of this act to address homelessness in the city of Las Vegas the following sums:

For the Fiscal Year 2023-2024\$9,000,000

For the Fiscal Year 2024-2025\$1,000,000

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

Sec. 8. The amendatory provisions of sections 1, 2 and 3 of this act do not apply during the current term of any agreement entered into between the Department of Health and Human Services and a health maintenance organization pursuant to NRS 422.273 before January 1, 2024, but do apply to any extension or renewal of such an agreement and to any agreement entered into between the Department of Health and Human Services and a health maintenance organization pursuant to NRS 422.273 on or after January 1, 2024.

Sec. 9. (Deleted by amendment.)

Sec. 10. 1. This section becomes effective upon passage and approval.

2. Sections 3.3, ~~and~~ 3.7 and 7.1 to 7.9, inclusive, of this ~~bill~~ act become effective on July 1, 2023.

3. Sections 1, 2 and 8 of this act become effective on January 1, 2024.

4. Section 3 of this act becomes effective on January 1, 2026.

5. Sections 4 to 7, inclusive, and 9 of this act ~~becomes~~ becomes effective on July 1, 2027.

6. The amendatory provisions of section 2 of this act expire by limitation on December 31, 2025.

Senator Dondero Loop moved the adoption of the amendment.

Remarks by Senator Dondero Loop.

Senate Amendment No. 959 to Senate Bill No. 400, as amended, requires the Department of Health and Human Services (DHHS) to establish the Fiscal Advisory Committee for a flexible continuum of care plan, authorizes the Department to make grants of money to the Advisory Committee to fund certain services and requires the Advisory Committee to prepare the annual report. The amendment additionally provides for appropriations to DHHS to carry out the provisions of the bill.

Amendment adopted.

Bill read third time.

Remarks by Senators Neal and Seevers Gansert.

SENATOR NEAL:

Senate Bill No. 400, as amended, requires a contract under DHHS in order to basically create homelessness programs.

SENATOR SEEVERS GANSERT:

I appreciate that we have the amendment now on this bill. This was the one that we stopped on because we needed to figure out what the final draft looked like. When I look at the last pages of the bill, sections 7.1 and 7.9—and actually quite a few of these sections have substantial money in them. We have been working hard across the State, especially in Southern Nevada, on homelessness with tens of millions, if not hundreds of millions, of dollars going into programs. I recognize this is some more money to do it, but I am concerned at this time about adding some more money into that. I think we need to look at what we have and need to continue to work within some of the programs that we currently have in use.

SENATOR NEAL:

I just wanted to stand up and add a little more context. Senate Bill No. 400 actually continues to layer on top of the Continuum of Care (CoC) that is actually funded through federal dollars, and it creates a flexible CoC, which also includes the rurals and the southern part of the county. The idea is to create this flexible CoC that comes across services in order to get folks off the street, provide them services and wraparound care. That includes the rural consortium, the Reno-Washoe consortium and the southern.

Roll call on Senate Bill No. 400:

YEAS—13.

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

Senate Bill No. 400 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 419.

Bill read third time.

The following amendment was proposed by the Committee on Finance:
Amendment No. 955.

SUMMARY—Makes revisions relating to public health. (BDR 40-748)

AN ACT relating to public health; requiring the adoption of a framework for the electronic transmittal, maintenance and exchange of certain health information; requiring governmental entities, health care providers, insurers and insurance administrators to maintain, transmit and exchange health information electronically; authorizing the imposition of certain discipline against a health care provider, insurer or insurance administrator that fails to comply with that requirement; ~~removing authorization to establish a statewide~~ authorizing the Director of the Department of Health and Human Services to contract with multiple health information ~~exchanges~~ exchanges to perform certain functions; clarifying that certain persons are immune from certain criminal and civil liability for transmitting, accessing, utilizing or disclosing electronic health records in accordance with existing law; establishing and prescribing the duties of ~~the Chief Data Officer of the Nevada Innovation Hub, the Nevada Innovation Hub and~~ the Medicaid Outreach Advisory Committee; ~~authorizing a business to receive a partial abatement of certain taxes under certain conditions;~~ requiring the ~~establishment~~ provision of ~~certain programs to make health~~ certain coverage ~~more accessible to certain persons;~~ under the Children's Health Insurance Program; requiring the Joint Interim Standing Committee on Health and Human Services to conduct certain studies; ~~requiring the Department of Health and Human Services to evaluate certain issues and take certain actions relating to its workforce;~~ making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Director of the Department of Health and Human Services to adopt regulations governing health information exchanges and the transmittal, ownership, management, use and confidentiality of electronic health records. (NRS 439.587, 439.589) Section 6 of this bill requires the Director to prescribe by regulation a framework for the electronic maintenance, transmittal and exchange of electronic health records, prescriptions and health-related information. Section 6 requires that framework to establish standards for networks and technologies to be used to maintain, transmit and exchange health information, including standards that require: (1) the ability for patients to access and forward their records; and (2) the interoperability of such networks and technologies. Section 60 of this bill requires the Director to convene an advisory group to advise the Director in the adoption of those standards. With certain exceptions, sections 6, 28, 29, 45 and 63 of this bill require all governmental entities, health care providers, insurers, pharmacy benefit managers and other insurance administrators to maintain, transmit and exchange health information electronically in accordance with those standards and other provisions governing electronic health records, beginning on: (1) July 1, 2024, for

hospitals and large physician group practices; ~~and~~ (2) July 1, 2025, for governmental entities, other large health care providers, ~~practices~~, insurers, pharmacy benefit managers and other insurance administrators. ~~[Section 57 of this bill appropriates money to award grants to certain providers of health care and health care facilities for the purposes of complying with that requirement.]~~; and (3) January 1, 2030, for small physician group practices and other small health care practices. Sections 2 and 6 of this bill provide that a health care provider, insurer, pharmacy benefit manager or other insurance administrator that fails to comply with that requirement is not guilty of a misdemeanor. Instead, section 1 of this bill requires the Department to 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 9, 17, 45, 47, 50 and 53 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 requires the Department to notify the relevant regulatory body if a health care provider, insurer, pharmacy benefit manager or other insurance administrator that was previously out of compliance with the requirement to maintain, transmit and exchange health information electronically comes into compliance with that requirement. Section 4 of this bill removes duplicative requirements concerning the adoption of regulations governing electronic health records. ~~[Section 4.5 of this bill removes authorization for the Director to establish a statewide health information exchange, beginning on July 1, 2025.]~~ Sections ~~[2-4, 5, 8, 10-14, 16,]~~ 2-5, 10-16, 44, 46, 48, 51, 52, 55 and 56 of this bill make conforming changes to indicate the proper placement of sections 1, 9, 47 and 50 in the Nevada Revised Statutes.

Existing law authorizes the Director 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 4 authorizes the Director to contract with multiple health information exchanges to perform those functions.

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 6.5 of this bill requires such consent to be affirmative.

Existing law provides that a health care provider who with reasonable care relies upon an apparently genuine electronic health record accessed from a health information exchange to make a decision concerning the provision of health care to a patient is immune from civil or criminal liability for the decision if: (1) the electronic health record is inaccurate; (2) the inaccuracy was not caused by the health care provider; (3) the inaccuracy resulted in an inappropriate health care decision; and (4) the health care decision was appropriate based upon the information contained in the inaccurate electronic

health record. (NRS 439.593) Section 7 of this bill expands this immunity from liability to also apply to any health care provider who transmits, accesses, utilizes or discloses an apparently genuine electronic health record or provides such an electronic health record to a patient.

Existing law provides that providing information to an electronic health record in accordance with existing law is not an unfair trade practice. (NRS 439.595) Section 8 of this bill additionally provides that transmitting, accessing, utilizing or disclosing an electronic health record in accordance with existing law is not an unfair trade practice.

~~{Sections 22-24 of this bill establish the Nevada Innovation Hub within the Department of Health and Human Services. Section 23 of this bill creates the position of Chief Data Officer to: (1) serve as the executive head of the Hub; (2) advise public health agencies regarding best practices for creating and maintaining data; and (3) coordinate planning concerning data analytics and transparency for the Department. Section 24 of this bill requires the Hub to: (1) obtain information relating to public health from public health agencies and other persons and entities; and (2) establish and maintain a program to collect, analyze, exchange and make available such information. Sections 24 and 27 of this bill provide for the confidentiality of personally identifiable information maintained by the Hub and information maintained by the Hub for which disclosure is prohibited by state or federal law. Section 25 of this bill makes a conforming change to indicate the proper placement of sections 22-24 in the Nevada Revised Statutes.~~

~~Existing law authorizes the Office of Economic Development to approve an abatement or partial abatement of certain property taxes, business taxes and sales and use taxes in certain circumstances. (NRS 274.310-274.330, 360.750-360.754) Section 31 of this bill authorizes a person who intends to locate or expand a business in the health care industry in this State to apply to the Office for a partial abatement of: (1) local sales and use taxes imposed on the purchase of tangible personal property used to provide health care or conduct scientific research; (2) certain property taxes imposed on the business; and (3) the excise tax on wages paid to employees performing services directly related to addressing critical medical and scientific needs, as defined by regulations adopted by the Office. Section 31 requires the Office to grant such an application if: (1) the applicant enters into an agreement authorizing the Office to conduct audits of the applicant and to remain in business in this State for a certain period of time; and (2) the Office finds that the business meets certain requirements relating to wages and benefits for employees and economic activity in this State. Additionally, if the applicant is requesting a partial abatement of certain taxes imposed for the benefit of public schools, section 31 requires the applicant to obtain the approval of a supermajority of the Board of Economic Development. Section 31 requires the Office, when authorizing abatements, to prioritize businesses that will serve certain underserved populations. Sections 35-37 of this bill establish the duration and amount of the abatements. Sections 18-20, 30 and 32-34 of~~

~~this bill make various changes so that a partial abatement granted pursuant to section 31 is treated in the same manner as other similar abatements authorized by law.~~

~~Existing law authorizes a person who maintains or intends to locate a business in this State to apply to the Office for an abatement on certain taxes imposed on eligible machinery or equipment used by the business. (NRS 374.357) Section 38 of this bill provides that equipment used for medical treatment is not eligible machinery or equipment for that purpose, thereby authorizing a business to obtain an abatement for certain taxes imposed on such equipment pursuant to sections 31 and 35-37.]~~

With certain exceptions, existing federal and state law prohibits a person or governmental entity from providing a public benefit to an alien who is not legally present in the United States, except where a state law affirmatively provides for such eligibility. (8 U.S.C. § 1621; NRS 422.065, 422A.085) Section 39 of this bill requires the Director to provide coverage under Medicaid for persons who qualify for the federal Deferred Action for Childhood Arrivals Program and meet all requirements to be eligible for Medicaid, except for the requirements governing immigration status. Section 39 also requires the Director to establish programs apply to the Federal Government for authority to provide coverage under the Children's Health Insurance Program for [- (1) persons under 27 years of age who are not eligible for Medicaid because of their immigration status; and (2)] prenatal, labor and delivery [and postpartum] care for [mothers] persons who are not eligible for Medicaid because of their immigration status. Section 57 of this bill makes an appropriation for the purpose of providing such coverage. Section [43 of this bill removes the requirement that a person who is not a citizen or national of the United States must be a qualified alien under federal law to receive Medicaid.] 39 requires the Department to submit a biennial report to the Legislature concerning the implementation and impacts of such coverage. Section 26 of this bill makes a conforming change to indicate the proper placement of section 39 in the Nevada Revised Statutes.

Under existing law, the Division of Welfare and Supportive Services of the Department administers provisions concerning applications for Medicaid and the Children's Health Insurance Program. (NRS 422A.3351, 422A.336) Section 41 of this bill creates the Medicaid Outreach Advisory Committee within the Division. Section 42 of this bill requires the Advisory Committee to: (1) advise the Department, the Division of Health Care Financing and Policy of the Department and the Division of Welfare and Supportive Services concerning outreach to, and maximizing enrollment in Medicaid and the Children's Health Insurance Program of, members of marginalized or underserved communities; and (2) ~~annually~~ post a report of the activities of the Advisory Committee on the Internet ~~[-]~~ on or before July 1 of each even-numbered year.

~~[Existing law establishes the Silver State Health Insurance Exchange to~~

~~facilitate the purchase of subsidized health plans by certain small employers and natural persons who are citizens of the United States or otherwise lawfully present in the United States. (Chapter 695I of NRS) Section 54.3 of this bill requires Executive Director of the Exchange, in collaboration with the Director of the Department of Health and Human Services, to apply for a federal waiver to authorize any natural person to purchase a qualified health plan on the Exchange, regardless of his or her immigration status, if the natural person otherwise qualifies to purchase such a plan on the Exchange. Section 54.6 of this bill makes a conforming change to indicate that the waiver authorizes natural persons who are not lawfully present in the United States to purchase such qualified health plans.]~~

Section 58 of this bill requires the Joint Interim Standing Committee on Health and Human Services to study, during the 2023-2024 interim, the feasibility of including in the State Plan for Medicaid coverage of digital health products and the procedures for and costs of providing such coverage. Section 58.5 of this bill requires the Joint Interim Standing Committee to study, during the 2023-2024 interim: (1) the feasibility of and necessary steps for creating a natural persons index for this State; ~~and~~ (2) procedures governing data registries and ways to streamline the collection of data and reduce the burden of reporting requirements applicable to providers of health care. ~~[. Section 59 of this bill requires the Department of Health and Human Services, during the 2023-2024 interim, to: (1) evaluate the workforce of the Department to determine whether adding, eliminating or revising the salary for any position within the Department would increase the effectiveness or efficiency of the operations of the Department; and (2) take any action recommended by the evaluation which does not require legislation unless the Director determines that the action is not feasible or advisable. Section 59 also requires the Department to submit to the Legislature a report concerning the evaluation and actions resulting from the evaluation.];~~ (3) the feasibility of including in the State Plan for Medicaid enhanced rates of reimbursement for providers of health care in medically underserved areas and rural areas; (4) methods for increasing the amount of biotechnological and medical research conducted in this State; and (5) the feasibility of including in the State Plan for Medicaid a program to provide services through managed care to recipients of Medicaid who are aged, blind or disabled.

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. 2. NRS 439.580 is hereby amended to read as follows:

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

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

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

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

↪ *is guilty of a misdemeanor.*

Sec. 3. NRS 439.581 is hereby amended to read as follows:

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

Sec. 4. NRS 439.587 is hereby amended to read as follows:

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

~~—(a) Ensure that a health information exchange complies with the~~

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

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

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

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

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

2. The Director may establish or contract with ~~[not more than]~~ one 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 ~~[]~~ , *and section 1 of this act.*

Sec. 4.5. ~~[NRS 439.587 is hereby amended to read as follows:~~

~~—439.587 1. The Director is the state authority for health information technology.~~

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

~~—3.] The Director may enter into contracts, apply for and accept available gifts, grants and donations, and adopt such regulations as are necessary to carry out the provisions of NRS 439.581 to 439.595, inclusive, and section 1 of this act.] (Deleted by amendment.)~~

Sec. 5. NRS 439.588 is hereby amended to read as follows:

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

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

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

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

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

6. The Director may impose an administrative fine against a health information exchange which operates in this State without holding a certification in an amount established by the Director by regulation. The Director shall afford a health information exchange so fined an opportunity for a hearing pursuant to the provisions of NRS 233B.121.

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

Sec. 6. NRS 439.589 is hereby amended to read as follows:

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

(a) *Establish standards* ~~for~~

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

(1) *That require:*

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

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

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

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

~~[(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, ~~and 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.*

~~18.7~~ 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. 6.5. 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 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 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 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. 7. NRS 439.593 is hereby amended to read as follows:

439.593 A health care provider who with reasonable care *transmits, accesses, utilizes, discloses, relies upon or provides to a patient* an apparently genuine electronic health record accessed ~~from a health information exchange to make a decision concerning the provision of health care to a patient~~ in accordance with NRS 439.581 to 439.595, inclusive, ~~and section 1 of this act,~~ and the regulations adopted pursuant thereto is immune from civil or criminal liability for ~~the~~ any decision concerning the provision of health care to the patient and any civil or criminal liability resulting from the provision of the record to a patient if:

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

Sec. 8. NRS 439.595 is hereby amended to read as follows:

439.595 Providing information to , *transmitting, accessing, utilizing or disclosing* an electronic health record or participating in a health information exchange in accordance with NRS 439.581 to 439.595, inclusive, ~~and section 1 of this act,~~ does not constitute an unfair trade practice pursuant to chapter 598A or 686A of NRS.

Sec. 9. Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *If the Division receives notification from the Department of Health and Human Services pursuant to section 1 of this act that 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. 10. NRS 449.029 is hereby amended to read as follows:

449.029 As used in NRS 449.029 to 449.240, inclusive, *and section 9 of this act*, unless the context otherwise requires, "medical facility" has the meaning ascribed to it in NRS 449.0151 and includes a program of hospice care described in NRS 449.196.

Sec. 11. NRS 449.0301 is hereby amended to read as follows:

449.0301 The provisions of NRS 449.029 to 449.2428, inclusive, *and section 9 of this act* do not apply to:

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

2. Foster homes as defined in NRS 424.014.

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

Sec. 12. NRS 449.0302 is hereby amended to read as follows:

449.0302 1. The Board shall adopt:

(a) Licensing standards for each class of medical facility or facility for the dependent covered by NRS 449.029 to 449.2428, inclusive, *and section 9 of this act* and for programs of hospice care.

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

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

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

(e) Regulations that prescribe the specific types of discrimination

prohibited by NRS 449.101.

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

(g) Any other regulations as it deems necessary or convenient to carry out the provisions of NRS 449.029 to 449.2428, inclusive ~~to~~ , *and section 9 of this act.*

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

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

(b) Residential facilities for groups,

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

3. The Board shall adopt separate regulations for:

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

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

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

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

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

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

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

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

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

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

(2) Includes a plan, which has been prepared under the supervision of a

registered nurse or licensed pharmacist, for emergency intervention if an adverse condition results.

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

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

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

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

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

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

(2) Contain a sleeping area or bedroom; and

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

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

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

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

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

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

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

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

(7) The facility is operated in such a manner as to foster a culture that

provides a high-quality environment for the residents, their families, the staff, any volunteers and the community at large.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13. As used in this section, "living unit" means an individual private accommodation designated for a resident within the facility.

Sec. 13. NRS 449.160 is hereby amended to read as follows:

449.160 1. The Division may deny an application for a license or may suspend or revoke any license issued under the provisions of NRS 449.029 to 449.2428, inclusive, *and section 9 of this act* upon any of the following grounds:

(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410 or 449.029 to 449.245, inclusive, *and section 9 of this act*, or of any other law of this State or of the standards, rules and regulations adopted thereunder.

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

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

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

(e) Failure of the applicant to obtain written approval from the Director of the Department of Health and Human Services as required by NRS 439A.100 or as provided in any regulation adopted pursuant to NRS 449.001 to 449.430, inclusive, *and section 9 of this act*, and 449.435 to 449.531, inclusive, and chapter 449A of NRS if such approval is required.

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

(g) Violation of the provisions of NRS 458.112.

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 14. NRS 449.163 is hereby amended to read as follows:

449.163 1. In addition to the payment of the amount required by NRS 449.0308, if a medical facility, facility for the dependent or facility which is required by the regulations adopted by the Board pursuant to

NRS 449.0303 to be licensed violates any provision related to its licensure, including any provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, *and section 9 of this act* or any condition, standard or regulation adopted by the Board, the Division, in accordance with the regulations adopted pursuant to NRS 449.165, may:

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

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

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

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

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

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

(2) Improvements are made to correct the violation.

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

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

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

3. The Division may require any facility that violates any provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, *and section 9 of this act* or any condition, standard or regulation adopted by the Board to make any improvements necessary to correct the violation.

4. Any money collected as administrative penalties pursuant to paragraph (d) of subsection 1 must be accounted for separately and used to administer and carry out the provisions of NRS 449.001 to 449.430, inclusive, *and section 9 of this act*, 449.435 to 449.531, inclusive, and chapter 449A of NRS to protect the health, safety, well-being and property of the patients and residents of facilities in accordance with applicable state and federal standards or for any other purpose authorized by the Legislature.

Sec. 15. (Deleted by amendment.)

Sec. 16. NRS 449.240 is hereby amended to read as follows:

449.240 The district attorney of the county in which the facility is located shall, upon application by the Division, institute and conduct the prosecution of any action for violation of any provisions of NRS 449.029 to 449.245, inclusive ~~[-]~~, *and section 9 of this act*.

Sec. 17. Chapter 450B of NRS is hereby amended by adding thereto a new section to read as follows:

1. *If the health authority receives notification from the Department of Health and Human Services pursuant to section 1 of this act that 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. 18. ~~[NRS 218D.355 is hereby amended to read as follows:~~

~~218D.355 1. Except as otherwise provided in NRS 360.753, 360.754, 360.893 and 360.965 [,] and section 31 of this act, any state legislation enacted on or after July 1, 2012, which authorizes or requires the Office of Economic Development to approve any abatement of taxes or increases the amount of any abatement of taxes which the Office is authorized or required to approve;~~

~~(a) Expires by limitation 10 years after the effective date of that legislation;~~

~~(b) Does not apply to:~~

~~(1) Any taxes imposed pursuant to NRS 374.110 and 374.111 or 374.190 and 374.191; or~~

~~(2) Any entity that receives:~~

~~(I) Any funding from a governmental entity, other than any private activity bonds as defined in 26 U.S.C. § 141; or~~

~~(II) Any real or personal property from a governmental entity at no cost or at a reduced cost;~~

~~(c) Requires each recipient of the abatement to submit to the Department of Taxation, on or before the last day of each even-numbered year, a report on whether the recipient is in compliance with the terms of the abatement. The Department of Taxation shall establish a form for the report and may adopt such regulations as it determines to be appropriate to carry out this paragraph. The report must include, without limitation:~~

~~(1) The date the recipient commenced operation in this State;~~

~~(2) The number of employees actually employed by the recipient and the average hourly wage of those employees;~~

~~(3) An accounting of any fees paid by the recipient to the State and to local governmental entities;~~

~~(4) An accounting of the property taxes paid by the recipient and the amount of those taxes that would have been due if not for the abatement;~~

~~(5) An accounting of the sales and use taxes paid by the recipient and the amount of those taxes that would have been due if not for the abatement;~~

~~(6) An accounting of the total capital investment made in connection~~

with the project to which the abatement applies; and

~~— (7) An accounting of the total investment in personal property made in connection with the project to which the abatement applies.~~

~~— 2. On or before January 15 of each odd-numbered year, the Department of Taxation shall:~~

~~— (a) Based upon the information submitted to the Department of Taxation pursuant to paragraph (c) of subsection 1, prepare a written report of its findings regarding whether the costs of the abatement exceed the benefits of the abatement; and~~

~~— (b) Submit the report to the Director for transmittal to the Legislature.]~~
(Deleted by amendment.)

Sec. 19. ~~[NRS 231.0685 is hereby amended to read as follows:~~

~~— 231.0685 The Office shall, on or before January 15 of each odd-numbered year, prepare and submit to the Director of the Legislative Counsel Bureau for transmission to the Legislature a report concerning the abatements from taxation that the Office approved pursuant to NRS 274.310, 274.320, 274.330, 360.750, 360.752, 360.753 or 360.754 [.] or section 31 of this act. The report must set forth, for each abatement from taxation that the Office approved during the fiscal years which are 3 fiscal years and 6 fiscal years immediately preceding the submission of the report:~~

~~— 1. The dollar amount of the abatement;~~

~~— 2. The location of the business for which the abatement was approved;~~

~~— 3. The value of infrastructure included as an incentive for the business;~~

~~— 4. If applicable, the number of employees that the business for which the abatement was approved employs or will employ;~~

~~— 5. Whether the business for which the abatement was approved is a new business or an existing business;~~

~~— 6. The economic sector in which the business operates, the number of primary jobs related to the business, the average wage paid to employees of the business and the assessed values of personal property and real property of the business;~~

~~— 7. Any information concerning whether the business for which the abatement was approved participates or has participated in a program of workforce development, as defined in NRS 231.146, implemented by the Executive Director; and~~

~~— 8. Any other information that the Office determines to be useful.]~~
(Deleted by amendment.)

Sec. 20. ~~[NRS 231A.170 is hereby amended to read as follows:~~

~~— 231A.170 1. For the purpose of NRS 231A.110, a qualified active low income community business is limited to those businesses meeting the Small Business Administration size eligibility standards established in 13 C.F.R. §§ 121.101 to 201, inclusive, at the time the qualified low income community investment is made. A business must be considered a qualified active low income community business for the duration of the qualified community development entity's investment in, or loan to, the business if the~~

entity reasonably expects, at the time it makes the investment or loan, that the business will continue to satisfy the requirements for being a qualified active low income community business, other than the Small Business Administration size standards, throughout the entire period of the investment or loan.

~~2. Except as otherwise provided in this subsection, the businesses limited by this section do not include any business that derives or projects to derive 15 percent or more of its annual revenue from the rental or sale of real estate. This exclusion does not apply to a business that is controlled by, or under common control with, another business if the second business:~~

~~— (a) Does not derive or project to derive 15 percent or more of its annual revenue from the rental or sale of real estate; and~~

~~— (b) Is the primary tenant of the real estate leased from the first business.~~

~~3. Except as otherwise provided in subsection 4, the following businesses are not qualified active low income community businesses:~~

~~— (a) A business that has received an abatement from taxation pursuant to NRS 274.310, 274.320, 274.330, 360.750, 360.753 or 360.754 [.] or section 31 of this act.~~

~~— (b) An entity that has liability for insurance premium tax on a premium tax report filed pursuant to NRS 680B.030.~~

~~— (c) A business engaged in banking or lending.~~

~~— (d) A massage parlor.~~

~~— (e) A bath house.~~

~~— (f) A tanning salon.~~

~~— (g) A country club.~~

~~— (h) A business operating under a nonrestricted license for gaming issued pursuant to NRS 462.170.~~

~~— (i) A liquor store.~~

~~— (j) A golf course.~~

~~4. A business that has received an abatement from taxation pursuant to NRS 274.310, 274.320, 274.330, 360.750, 360.753 or 360.754 or section 31 of this act is a qualified active low income community business if the business elects to waive the abatement and provides written notice of the waiver of the abatement to the Office of Economic Development not later than the due date of the first payment of any tax which would be abated if the abatement became effective. If the business provides the written notice to the Office of Economic Development:~~

~~— (a) Within the period required by this subsection:~~

~~— (1) Any agreement entered into by the business and the Office of Economic Development pursuant to NRS 274.310, 274.320, 274.330, 360.750, 360.753 or 360.754 or section 31 of this act is void; and~~

~~— (2) The Office of Economic Development must forward a copy of the written notice to the Department and each governmental entity or official to whom a copy of the certificate of eligibility for the abatement was forwarded.~~

~~— (b) After the period required by this subsection has expired, the Office of~~

~~Economic Development must provide written notice to the Department and the business that the abatement has not been waived and the business is not a qualified active low income community business.] (Deleted by amendment.)~~

Sec. 21. ~~[Chapter 232 of NRS is hereby amended by adding thereto the provisions set forth as sections 22, 23 and 24 of this act.] (Deleted by amendment.)~~

Sec. 22. ~~[As used in this section and sections 23 and 24 of this act, unless the context otherwise requires, "Hub" means the Nevada Innovation Hub established by section 23 of this act.] (Deleted by amendment.)~~

Sec. 23. ~~[1. The Nevada Innovation Hub is hereby established within the Department.~~

~~2. The Director shall appoint the Chief Data Officer to serve as the executive head of the Hub. The Chief Data Officer is in the unclassified service of the State and serves at the pleasure of the Director.~~

~~3. The Chief Data Officer shall:~~

~~(a) Oversee the operations of the Hub;~~

~~(b) Advise the Department, the divisions of the Department and county, city and district boards of health and health departments regarding best practices concerning the creation and maintenance of data; and~~

~~(c) Coordinate planning concerning data analytics and transparency for the Department.~~

~~4. The Department shall provide any additional personnel, facilities, equipment and supplies required by the Hub to carry out the provisions of this section and section 24 of this act.] (Deleted by amendment.)~~

Sec. 24. ~~[1. The Hub shall:~~

~~(a) Obtain information relating to public health from:~~

~~(1) The Department and its divisions;~~

~~(2) County, city and district boards of health and health departments;~~
~~and~~

~~(3) Persons and entities who provide such information pursuant to subsection 2.~~

~~(b) Establish and maintain a program to:~~

~~(1) Collect, analyze and exchange the information described in paragraph (a); and~~

~~(2) Make the information described in paragraph (a) available to state agencies, political subdivisions of this State, educational institutions, researchers, nongovernmental organizations and the general public in accordance with the regulations adopted pursuant to paragraph (c).~~

~~(c) Adopt regulations prescribing:~~

~~(1) The information that must be submitted to the Hub by the Department, its divisions and county, city and district boards of health and health departments;~~

~~(2) The procedure for submitting information to the Hub; and~~

~~(3) Procedures by which state agencies, political subdivisions of this State, educational institutions, researchers, nongovernmental organizations~~

~~and the general public may request the information described in paragraph (a).~~

~~— (d) Establish policies to protect the privacy of the information described in paragraph (a) in accordance with all applicable state and federal law.~~

~~— (e) Maintain the security of the information described in paragraph (a).~~

~~— (f) Conduct operational and procedural audits of the Department and its divisions.~~

~~— (g) Perform financial planning for and design and implement projects to improve the efficiency of the Department and its divisions.~~

~~— (h) Advise and assist the Department and its divisions to identify and implement procedures to continuously improve processes.~~

~~— (i) Perform any other duties assigned by the Director or the Chief Data Officer appointed pursuant to section 23 of this act.~~

~~— 2. The Hub may accept information relating to public health from any person or entity.~~

~~— 3. Except as otherwise provided in this subsection, the Department, a division thereof and a county, city or district board of health or health department shall submit to the Hub any information required by the regulations adopted pursuant to paragraph (c) of subsection 1 using the procedures prescribed by those regulations and provide any technical assistance necessary to facilitate the sharing of such information. The Department, a division thereof, or a county, city or district board of health or health department is not required to submit such information if the submission of the information may compromise an ongoing criminal or civil investigation.~~

~~— 4. The Hub shall not:~~

~~— (a) Make information available where prohibited by federal or state law;~~

~~or~~

~~— (b) Make personally identifiable information available to an educational institution, researcher, nongovernmental organization or the general public. Such information in the possession of the Hub is confidential and is not a public record.~~

~~— 5. The Hub shall be deemed the agent of any person or entity when sharing information submitted to the Hub in accordance with this section.~~

~~— 6. The sharing of information by the Hub with any agency or political subdivision of this State does not constitute a disclosure of the information for any purpose.} (Deleted by amendment.)~~

Sec. 25. ~~{NRS 232.290 is hereby amended to read as follows:~~

~~232.290 As used in NRS 232.290 to 232.4983, inclusive, and sections 22, 23 and 24 of this act, unless the context requires otherwise:~~

~~— 1. "Department" means the Department of Health and Human Services.~~

~~— 2. "Director" means the Director of the Department.} (Deleted by amendment.)~~

Sec. 26. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

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

- (1) The Administrator of the Aging and Disability Services Division;
- (2) The Administrator of the Division of Welfare and Supportive Services;
- (3) The Administrator of the Division of Child and Family Services;
- (4) The Administrator of the Division of Health Care Financing and Policy; and
- (5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, *and section 39 of this act*, 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

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

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

- (1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;
- (2) Set forth priorities for the provision of those services;
- (3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;
- (4) Identify the sources of funding for services provided by the Department and the allocation of that funding;
- (5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and
- (6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to

their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

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

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

Sec. 27. ~~[NRS 239.010 is hereby amended to read as follows:~~

~~239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.2355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.890, 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, 388.250, 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,
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 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,
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 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,
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 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480,
 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536,
 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550,
 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, and
 section 24 of this act, sections 35, 38 and 41 of chapter 478, Statutes of
 Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and
 unless otherwise declared by law to be confidential, all public books and
 public records of a governmental entity must be open at all times during
 office hours to inspection by any person, and may be fully copied or an
 abstract or memorandum may be prepared from those public books and~~

~~public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.~~

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

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

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

~~(a) The public record:~~

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

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

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

~~(1) Give access to proprietary software; or~~

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

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

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

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

Sec. 28. NRS 287.010 is hereby amended to read as follows:

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

(a) Adopt and carry into effect a system of group life, accident or health insurance, or any combination thereof, for the benefit of its officers and

employees, and the dependents of officers and employees who elect to accept the insurance and who, where necessary, have authorized the governing body to make deductions from their compensation for the payment of premiums on the insurance.

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

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

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

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

3. In any county in which a legal services organization exists, the governing body of the county, or of any school district, municipal

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

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

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

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

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

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

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

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

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

Sec. 29. NRS 287.04335 is hereby amended to read as follows:

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

Sec. 30. ~~NRS 353.207 is hereby amended to read as follows:~~

~~353.207 1. The Chief shall:~~

~~(a) Require the Office of Economic Development and the Office of Energy each periodically to conduct an analysis of the relative costs and benefits of each incentive for economic development previously approved by the respective office and in effect during the immediately preceding 2 fiscal~~

~~years, including, without limitation, any abatement of taxes approved by the Office of Economic Development pursuant to NRS 274.310, 274.320, 274.330, 360.750, 360.752, 360.753, 360.754, 360.890, 360.950, 361.0687, 374.357 or 701A.210, or section 31 of this act, to assist the Governor and the Legislature in determining whether the economic benefits of the incentive have accomplished the purposes of the statute pursuant to which the incentive was approved and warrant additional incentives of that kind;~~

~~—(b) Require each office to report in writing to the Chief the results of the analysis conducted by the office pursuant to paragraph (a); and~~

~~—(c) Establish a schedule for performing and reporting the results of the analysis required by paragraph (a) which ensures that the results of the analysis reported by each office are included in the proposed budget prepared pursuant to NRS 353.205, as required by that section.~~

~~2. Each report prepared for the Chief pursuant to this section is a public record and is open to inspection pursuant to the provisions of NRS 239.010.] (Deleted by amendment.)~~

Sec. 31. ~~[Chapter 360 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. A person who intends to locate or expand a business in the industry of health care in this State may apply to the Office of Economic Development pursuant to this section for a partial abatement of one or more of:~~

~~—(a) The local sales and use taxes imposed on the purchase of eligible machinery, equipment and supplies, as defined in section 37 of this act.~~

~~—(b) The taxes imposed on the business pursuant to chapter 361 of NRS.~~

~~—(c) The taxes imposed pursuant to chapter 363B of NRS on the wages paid by the business to employees of the business who perform services directly related to addressing a critical medical or scientific need, as defined by regulation of the Office of Economic Development.~~

~~2. Notwithstanding the provisions of any law to the contrary and except as otherwise provided in subsection 3, the Office of Economic Development shall approve an application for a partial abatement if the Office makes the following determinations:~~

~~—(a) Not later than 1 year after the date on which the application was received by the Office, the applicant has executed an agreement with the Office which:~~

~~—(1) Complies with the requirements of NRS 360.755;~~

~~—(2) States the date on which the abatement becomes effective, as agreed to by the applicant and the Office, which must not be earlier than the date on which the Office received the application and not later than 1 year after the date on which the Office approves the application;~~

~~—(3) States that the business will, after the date on which a certificate of eligibility for the partial abatement is issued pursuant to subsection 4, continue in operation in this State for a period specified by the Office, which must be not less than 5 years, and will continue to meet the eligibility requirements set forth in this subsection; and~~

~~— (4) Binds any successor in interest of the applicant for the specified period;~~

~~— (b) The business is registered pursuant to the laws of this State or the applicant commits to obtaining a valid business license and all other permits required by the county, city or town in which the business operates;~~

~~— (c) The average hourly wage that will be paid by the business to its employees in this State during the period of partial abatement is not less than 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year;~~

~~— (d) The business will, by the eighth calendar quarter following the calendar quarter in which the abatement becomes effective, offer a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees, and the health care benefits the business offers to its employees in this State will meet the minimum requirements for health care benefits established by the Office;~~

~~— (e) The business offers all employees at least 10 days of paid leave each calendar year, which may be used by employees of the business in accordance with a policy adopted by the business;~~

~~— (f) The business will make a new capital investment of at least \$3,000,000 in this State within 1 year after receiving a certificate of eligibility for a partial abatement;~~

~~— (g) The business engages in qualified research in the field of health care or provides health care services in this State; and~~

~~— (h) If the application is for the partial abatement of the taxes imposed by the Local School Support Tax Law, the application has been approved by a vote of at least two thirds of the members of the Board of Economic Development created by NRS 231.033.~~

~~— 3. The Office of Economic Development:~~

~~— (a) In considering applications submitted pursuant to this section, shall prioritize applications which propose to serve rural areas, areas with a high ratio of patients to physicians and areas otherwise underserved by providers of health care;~~

~~— (b) Shall approve or deny an application submitted pursuant to this section and notify the applicant of its decision not later than 45 days after receiving the application;~~

~~— (c) Must not:~~

~~— (1) Consider an application for a partial abatement unless the Office has requested a letter of acknowledgment of the request for the partial abatement from any affected county, school district, city or town and has complied with the requirements of NRS 360.757; or~~

~~— (2) Approve a partial abatement for any applicant for a period of more than 10 years.~~

~~— 4. If the Office of Economic Development approves an application for a partial abatement pursuant to this section, the Office shall immediately~~

~~forward a certificate of eligibility for the partial abatement to:~~

~~—(a) The Department;~~

~~—(b) The Nevada Tax Commission; and~~

~~—(c) If the partial abatement is from personal property taxes, the appropriate county treasurer.~~

~~—5. An applicant for a partial abatement pursuant to this section or an existing business whose partial abatement is in effect shall, upon the request of the Executive Director of the Office of Economic Development, furnish the Executive Director with copies of all records necessary to verify that the applicant meets the requirements of subsection 2.~~

~~—6. If an applicant for a partial abatement pursuant to this section fails to execute the agreement described in paragraph (a) of subsection 2 within 1 year after the date on which the application was received by the Office, the applicant must not be approved for a partial abatement pursuant to this section unless the applicant submits a new application.~~

~~—7. If a business whose partial abatement has been approved pursuant to this section and whose partial abatement is in effect ceases:~~

~~—(a) To meet the requirements set forth in subsection 2; or~~

~~—(b) Operation before the time specified in the agreement described in paragraph (a) of subsection 2,~~

~~— the business shall repay to the Department the amount of the partial abatement that was allowed pursuant to this section before the failure of the business to comply, unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the partial abatement required to be repaid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.~~

~~—8. The Office of Economic Development may adopt such regulations as the Office determines to be necessary to carry out the provisions of this section.~~

~~—9. The Nevada Tax Commission may adopt such regulations as the Commission determines are necessary to carry out the provisions of this section.~~

~~—10. An applicant for a partial abatement who is aggrieved by a final decision of the Office of Economic Development may petition a court of competent jurisdiction to review the decision in the manner provided in chapter 233B of NRS.~~

~~—11. As used in this section:~~

~~—(a) "Local sales and use taxes" means any taxes imposed on the gross receipts of any retailer from the sale of tangible personal property sold at retail, or stored, used or otherwise consumed, in any political subdivision of~~

~~this State, except the taxes imposed by the Sales and Use Tax Act.~~

~~—(b) "Qualified research" has the meaning ascribed to it in 26 U.S.C. § 41(d). (Deleted by amendment.)~~

~~Sec. 32. [NRS 360.755 is hereby amended to read as follows:~~

~~360.755 1. If the Office of Economic Development approves an application by a business for an abatement of taxes pursuant to NRS 360.950 or a partial abatement pursuant to NRS 360.750, 360.752, 360.753, 360.754 or 360.890, or section 31 of this act, the agreement with the Office must provide that the business:~~

~~—(a) Agrees to allow the Department to conduct audits of the business to determine whether the business is in full compliance with the requirements for the abatement or partial abatement; and~~

~~—(b) Consents to the disclosure of the audit reports in the manner set forth in this section.~~

~~2. If the Department conducts an audit of the business to determine whether the business is in full compliance with the requirements for the abatement or partial abatement, the Department shall, upon request, provide the audit report to the Office of Economic Development.~~

~~3. Until the business has exhausted all appeals to the Department and the Nevada Tax Commission relating to the audit, the information contained in the audit report provided to the Office of Economic Development:~~

~~—(a) Is confidential proprietary information of the business;~~

~~—(b) Is not a public record; and~~

~~—(c) Must not be disclosed to any person who is not an officer or employee of the Office of Economic Development unless the business consents to the disclosure.~~

~~4. After the business has exhausted all appeals to the Department and the Nevada Tax Commission relating to the audit:~~

~~—(a) The audit report provided to the Office of Economic Development is a public record; and~~

~~—(b) Upon request by any person, the Executive Director of the Office of Economic Development shall disclose the audit report to the person who made the request, except for any information in the audit report that is protected from disclosure pursuant to subsection 5.~~

~~5. Before the Executive Director of the Office of Economic Development discloses the audit report to the public, the business may submit a request to the Executive Director to protect from disclosure any information in the audit report which, under generally accepted business practices, would be considered a trade secret or other confidential proprietary information of the business. After consulting with the business, the Executive Director shall determine whether to protect the information from disclosure. The decision of the Executive Director is final and is not subject to judicial review. If the Executive Director determines to protect the information from disclosure, the protected information:~~

~~—(a) Is confidential proprietary information of the business;~~

~~—(b) Is not a public record;~~
~~—(c) Must be redacted by the Executive Director from any audit report that is disclosed to the public; and~~
~~—(d) Must not be disclosed to any person who is not an officer or employee of the Office of Economic Development unless the business consents to the disclosure.] (Deleted by amendment.)~~

Sec. 33. ~~[NRS 360.757 is hereby amended to read as follows:~~
~~360.757 1. The Office of Economic Development shall not take any action on an application for any abatement of taxes pursuant to NRS 274.310, 274.320, 274.330, 360.750, 360.753 or 360.754 or section 31 of this act or any other specific statute unless the Office:~~
~~—(a) Takes that action at a public meeting conducted for that purpose; and~~
~~—(b) At least 30 days before the meeting, provides notice of the application to:~~

~~—(1) The governing body of the county, the board of trustees of the school district and the governing body of the city or town, if any, in which the pertinent business is or will be located;~~

~~—(2) The governing body of any other political subdivision that could be affected by the abatement; and~~

~~—(3) The general public;~~

~~2. The notice required by this section must set forth the date, time and location of the meeting at which the Office of Economic Development will consider the application;~~

~~3. The Office of Economic Development shall adopt regulations relating to the notice required by this section.] (Deleted by amendment.)~~

Sec. 34. ~~[NRS 360.7575 is hereby amended to read as follows:~~
~~360.7575 1. If the Office of Economic Development approves an application for an abatement of sales and use taxes pursuant to NRS 360.950 or a partial abatement of any sales and use taxes pursuant to NRS 274.310, 274.320, 274.330, 360.750, 360.753, 360.754 or 360.890, or section 31 of this act, the Department shall issue to the business a document certifying the abatement or partial abatement which can be presented to retailers at the time of purchase. The document must clearly state that the business is not required to pay sales and use taxes or the rate of sales and use tax that the business is required to pay;~~

~~2. If the Department has issued to a business a document pursuant to subsection 1 and the business pays an amount of sales and use taxes for which the business was entitled to an abatement because the business fails to present the document, the business may apply to the Department for a refund of the amount of sales and use tax paid for which the business was entitled to an abatement. If the Department has issued to a business a document pursuant to subsection 1 and the failure of the business to present the document results in the business paying the full amount of sales and use tax on 50 percent or more of the purchases for which the business was eligible for the abatement, the Department shall impose on the business a penalty~~

~~equal to 10 percent of the total amount of the abatement. The Department shall distribute the proceeds of any penalty imposed pursuant to this subsection to each local government affected by a refund issued pursuant to this subsection in proportion to the amount of the refunds for which the affected local government is responsible.~~

~~3. If, after submitting an application for an abatement of sales and use taxes pursuant to NRS 360.950 or a partial abatement of any sales and use taxes pursuant to NRS 360.750, 360.753, 360.754 or 360.890 or section 31 of this act and before receiving the document issued pursuant to subsection 1, a business pays an amount of sales and use tax for which the business is entitled to an abatement, the business may apply to the Department for a refund of the amount of sales and use tax which the applicant paid for which the business is entitled to an abatement.~~

~~4. Notwithstanding any other provision of law, no interest is allowed on a refund made pursuant to subsection 2 or 3. (Deleted by amendment.)~~

Sec. 35. ~~[Chapter 361 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. A person who intends to locate or expand a business in the industry of health care in this State may, pursuant to section 31 of this act, apply to the Office of Economic Development for a partial abatement from the taxes imposed by this chapter.~~

~~2. If a partial abatement from the taxes imposed by this chapter on personal property located at the business is approved by the Office of Economic Development pursuant to section 31 of this act:~~

~~(a) The partial abatement must:~~

~~(1) Be for a duration of 10 years but not more than 20 years; and~~

~~(2) Equal 50 percent of the taxes imposed on the real property of the business each year pursuant to this chapter and 50 percent of the taxes imposed on the personal property of the business that is eligible machinery, equipment and supplies; and~~

~~(3) Be administered and carried out in the manner set forth in section 31 of this act.~~

~~(b) The Executive Director of the Office of Economic Development shall notify the county assessor of each county in which the business is located of the approval of the partial abatement, including, without limitation, the duration and percentage of the partial abatement that the Office granted. The Executive Director shall, on or before April 15 of each year, advise the county assessor of each county in which a business qualifies for a partial abatement during the current fiscal year as to whether the business is still eligible for the partial abatement in the next succeeding fiscal year.~~

~~3. As used in this section:~~

~~(a) "Eligible machinery, equipment and supplies" means machinery, equipment and supplies necessary to and specifically related to qualified research. The term does not include vehicles, buildings or the structural components of buildings.~~

~~(b) "Qualified research" has the meaning ascribed to it in 26 U.S.C. § 41(d). (Deleted by amendment.)~~

Sec. 36. ~~[Chapter 363B of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. An employer that qualifies pursuant to the provisions of section 31 of this act is entitled to an abatement of the amount of tax otherwise due pursuant to NRS 363B.110.~~

~~2. The abatement must:~~

~~(a) Be for a duration of 10 years; and~~

~~(b) Equal the amount of tax otherwise due pursuant to NRS 363B.110 on the wages of employees of the business who perform services directly related to addressing a critical medical or scientific need, as defined by regulations adopted by the Office of Economic Development pursuant to section 31 of this act.~~

~~3. If a partial abatement from the taxes otherwise due pursuant to NRS 363B.110 is approved by the Office of Economic Development pursuant to NRS 360.750, the partial abatement must be administered and carried out in the manner set forth in NRS 360.750. (Deleted by amendment.)~~

Sec. 37. ~~[Chapter 374 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. A person who intends to locate or expand a business in the industry of health care in this State may, pursuant to section 31 of this act, apply to the Office of Economic Development for a partial abatement from the taxes imposed by this chapter on the gross receipts from the sale, and the storage, use or other consumption, of eligible machinery, equipment and supplies for use at the business which has been approved for a partial abatement pursuant to section 31 of this act.~~

~~2. If an application for a partial abatement is approved:~~

~~(a) The business is eligible for an abatement from the tax imposed by this chapter for a period of 10 years.~~

~~(b) The abatement must be administered and carried out in the manner set forth in section 31 of this act.~~

~~3. As used in this section:~~

~~(a) "Eligible machinery, equipment and supplies" means machinery, equipment and supplies necessary to and specifically related to qualified research. The term does not include vehicles, buildings or the structural components of buildings.~~

~~(b) "Qualified research" has the meaning ascribed to it in 26 U.S.C. § 41(d). (Deleted by amendment.)~~

Sec. 38. ~~[NRS 374.357 is hereby amended to read as follows:~~

~~374.357 1. A person who maintains a business or intends to locate a business in this State may, pursuant to NRS 360.750, apply to the Office of Economic Development for an abatement from the taxes imposed by this chapter on the gross receipts from the sale, and the storage, use or other consumption, of eligible machinery or equipment for use by a business which~~

has been approved for an abatement pursuant to NRS 360.750.

~~2. If an application for an abatement is approved pursuant to NRS 360.750:~~

~~(a) The taxpayer is eligible for an abatement from the tax imposed by this chapter for not more than 2 years;~~

~~(b) The abatement must be administered and carried out in the manner set forth in NRS 360.750.~~

~~3. As used in this section, unless the context otherwise requires, "eligible machinery or equipment" means machinery or equipment for which a deduction is authorized pursuant to 26 U.S.C. § 179. The term does not include:~~

~~(a) Buildings or the structural components of buildings;~~

~~(b) Equipment used by a public utility;~~

~~(c) [Equipment used for medical treatment;~~

~~(d)] Machinery or equipment used in mining; or~~

~~[(c)] (d) Machinery or equipment used in gaming.] (Deleted by amendment.)~~

Sec. 39. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Legislature hereby finds and declares that it is the public policy of this State that each resident of this State who otherwise qualifies for enrollment in Medicaid, regardless of his or her immigration or citizenship status, is eligible to receive the benefits provided for by subsection 2.*

2. *The Director shall:*

~~(a) Establish a program to provide coverage, to the same extent as coverage provided under Medicaid, to persons who:~~

~~(1) Are less than 27 years of age;~~

~~(2) Are not eligible for coverage under the State Plan for Medicaid because of their immigration status; and~~

~~(3) Would otherwise be eligible for Medicaid;~~

~~(b) Apply to the Secretary of Health and Human Services for any waiver, amendment of the State Plan for Medicaid or other federal authority necessary to provide coverage under Medicaid for persons who:~~

~~(1) Qualify for the federal Deferred Action for Childhood Arrivals Program established by the memorandum of the Secretary of Homeland Security issued on June 15, 2012; and~~

~~(2) Meet the requirements to be eligible for Medicaid, except for requirements concerning immigration status;~~

~~(c) Apply]~~ apply to the Secretary of Health and Human Services for any federal authority necessary to provide coverage under the Children's Health Insurance Program for the costs of prenatal care and labor and delivery for persons who:

~~[(1)]~~ (a) Are not eligible for coverage under the State Plan for Medicaid because of their immigration status; and

~~[(2)]~~ (b) Would otherwise be eligible for Medicaid.

~~[(d) Establish a program to provide coverage, to the same extent as coverage provided under Medicaid, for postpartum care for persons who~~

~~(1) Are not eligible for coverage under the State Plan for Medicaid because of their immigration status; and~~

~~(2) Would otherwise be eligible for Medicaid.]~~

3. The Department shall:

(a) Cooperate with the Federal Government in obtaining any federal authority pursuant to ~~paragraph (b) or (c) of~~ subsection 2;

(b) If the Federal Government provides the authority necessary to provide the coverage described in ~~paragraphs (b) and (c) of~~ subsection 2, take any measures necessary to provide such coverage; and

(c) Implement the provisions of ~~paragraphs (b) and (c) of~~ subsection 2 only to the extent authorized by the Federal Government.

4. On or before July 1 of each even-numbered year, the Department shall:

(a) Compile a report of the following information for each of the 2 immediately preceding fiscal years:

(1) The number of recipients of coverage provided pursuant to subsection 2 by region and county;

(2) The demographics of the recipients described in subparagraph (1), including, without limitation, race, ethnicity, primary language, gender identity or expression and age;

(3) An overview of the categories of services received by the recipients described in subparagraph (1), including, without limitation, primary care and specialty care;

(4) An estimate of the costs saved through the provision of coverage pursuant to subsection 2, including, without limitation, costs saved through:

(I) Avoiding visits to an emergency room; and

(II) Federal financial participation; and

(5) Any other data relevant to guide or provide information concerning the implementation of the provisions of this section;

(b) Submit the report to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Health and Human Services; and

(c) Post the report on an Internet website maintained by the Department.

Sec. 40. Chapter 422A of NRS is hereby amended by adding thereto the provisions set forth as sections 41 and 42 of this act.

Sec. 41. 1. The Medicaid Outreach Advisory Committee is hereby established within the Division of Welfare and Supportive Services.

2. The Advisory Committee consists of such members as are appointed by the Administrator. The members appointed by the Administrator must be persons with experience conducting outreach to persons described in subsection 1 of section 42 of this act.

3. Except as otherwise provided in this section, the members of the Advisory Committee must be appointed to terms of 4 years. The terms must

be staggered in such a manner that, to the extent possible, the terms of one-half of the members will expire every 2 years. The initial members of the Advisory Committee shall, at the first meeting of the board after their appointment, draw lots to determine which members will initially serve terms of 2 years and which will serve terms of 4 years. A member of the Advisory Committee may be reappointed.

4. A vacancy in the membership of the Advisory Committee must be filled in the same manner as the initial appointment.

5. The members of the Advisory Committee serve without compensation and are not entitled to the per diem and travel expenses provided for state officers and employees generally.

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

7. The Division shall provide such administrative support to the Advisory Committee as is necessary to carry out the duties of the Advisory Committee.

8. The Advisory Committee shall:

(a) Annually elect a Chair from among its members; and

(b) Meet at least once every 3 months at the times and places specified by a call of the Chair and may meet at such further times as deemed necessary by the Chair.

9. A majority of the voting members of the Advisory Committee constitutes a quorum for the transaction of business, and the affirmative vote of a majority of the members of the Advisory Committee is required to take action.

Sec. 42. 1. The Medicaid Outreach Advisory Committee created by section 41 of this act shall advise the Department, the Division of Health Care Financing and Policy and the Division of Welfare and Supportive Services concerning outreach to, and maximizing enrollment in Medicaid and the Children's Health Insurance Program of, members of marginalized or underserved communities, including, without limitation:

(a) Racial and ethnic minorities;

(b) Persons who reside in rural areas;

(c) Persons with disabilities;

(d) Persons with mental illness;

(e) Persons with substance use disorders;

(f) Persons experiencing homelessness; and

(g) Parents or guardians of children who are persons described in paragraphs (a) to (f), inclusive.

2. ~~[The]~~ On or before July 1 of each even-numbered year, the Advisory Committee shall ~~annually~~ compile a report of its activities during the immediately preceding biennium and post the report on an Internet website maintained by the Division.

Sec. 43. ~~[NRS 422A.372 is hereby amended to read as follows:~~

~~422A.372 1. The Department shall provide public assistance pursuant to:~~

~~(a) The program established to provide Temporary Assistance for Needy Families; or~~

~~(b) [Medicaid; or~~

~~(c)] Any program for which a grant has been provided to this State pursuant to 42 U.S.C. §§ 1397 et seq.,~~

~~to a qualified person who is not a citizen or national of the United States who complies with the requirements established by the Department pursuant to federal law and this chapter for the receipt of benefits pursuant to that program.~~

~~2. A person who is not a citizen or national of the United States is considered "qualified" for the purposes of subsection 1 if the person meets the requirements of 8 U.S.C. § 1641(b). (Deleted by amendment.)~~

Sec. 44. NRS 603A.100 is hereby amended to read as follows:

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

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

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

Sec. 45. NRS 629.051 is hereby amended to read as follows:

629.051 1. Except as otherwise provided in this section and in regulations adopted by the State Board of Health pursuant to NRS 652.135 with regard to the records of a medical laboratory and unless a longer period is provided by federal law, each custodian of health care records shall retain the health care records of patients as part of the regularly maintained records of the custodian for 5 years after their receipt or production. Health care records may be retained in written form, or by microfilm or any other recognized form of size reduction, including, without limitation, microfiche, computer disc, magnetic tape and optical disc, which does not adversely affect their use for the purposes of NRS 629.061. Health care records ~~[may]~~ :

(a) *Must, except as otherwise provided in subsections 5 and 6 of NRS 439.589, be created, maintained, transmitted and exchanged electronically as required by subsection 4 of NRS 439.589; and*

(b) *May be created, authenticated and stored in a ~~[computer system]~~*

health information exchange which meets the requirements of NRS 439.581 to 439.595, inclusive, *and section 1 of this act*, and the regulations adopted pursuant thereto.

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

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

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

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

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

7. A custodian of health care records shall not destroy the health care records of a person who is less than 23 years of age on the date of the proposed destruction of the records. The health care records of a person who has attained the age of 23 years may be destroyed in accordance with this section for those records which have been retained for at least 5 years or for any longer period provided by federal law.

8. *If a health care licensing board receives notification from the Department of Health and Human Services pursuant to section 1 of this act that 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. 46. NRS 654.190 is hereby amended to read as follows:

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

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

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

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

(d) Aids or abets any person in the violation of any of the provisions of NRS 449.029 to 449.2428, inclusive, *and section 9 of this act*, as those provisions pertain to a facility for skilled nursing, facility for intermediate care or residential facility for groups.

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

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

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

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

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

5. The expiration of a license by operation of law or by order or decision

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

Sec. 47. Chapter 680A of NRS is hereby amended by adding thereto a new section to read as follows:

1. *If the Commissioner receives notification from the Department of Health and Human Services pursuant to section 1 of this act that 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. 48. NRS 680A.095 is hereby amended to read as follows:

680A.095 1. Except as otherwise provided in subsection 3, an insurer which is not authorized to transact insurance in this State may not transact reinsurance with a domestic insurer in this State, by mail or otherwise, unless the insurer holds a certificate of authority as a reinsurer in accordance with the provisions of NRS 680A.010 to 680A.150, inclusive, 680A.160 to 680A.280, inclusive, *and section 47 of this act*, 680A.320 and 680A.330.

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

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

Sec. 49. (Deleted by amendment.)

Sec. 50. Chapter 683A of NRS is hereby amended by adding thereto a new section to read as follows:

1. *If the Commissioner receives notification from the Department of Health and Human Services pursuant to section 1 of this act that 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. 51. NRS 683A.3683 is hereby amended to read as follows:

683A.3683 A producer of limited lines travel insurance and each travel retailer, or employee or authorized representative of a travel retailer, who offers or disseminates travel insurance under the license of a producer of limited lines travel insurance shall be subject to the provisions of

NRS 683A.451 to 683A.520, inclusive, and section 50 of this act and chapter 686A of NRS.

Sec. 52. NRS 692A.270 is hereby amended to read as follows:

692A.270 The provisions of NRS 683A.321, 683A.331, 683A.341, 683A.400, 683A.451 to 683A.490, inclusive, and section 50 of this act and 683A.520 apply to title insurers, title agents and escrow officers.

Sec. 53. Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:

1. *If the Commissioner receives notification from the Department of Health and Human Services pursuant to section 1 of this act that 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. 54. (Deleted by amendment.)

Sec. 54.3. ~~[Chapter 695I of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. The Legislature hereby finds and declares that it is the public policy of this State that each natural person who otherwise qualifies to purchase a qualified health plan on the Exchange, regardless of his or her immigration or citizenship status, is eligible to receive the benefits of purchasing a qualified health plan on the Exchange.~~

~~2. The Executive Director, in collaboration with the Director of the Department of Health and Human Services, shall apply to the Secretary of Health and Human Services for a waiver pursuant to 42 U.S.C. § 18052 to authorize any natural person to purchase a qualified health plan on the Exchange, regardless of his or her immigration status, if the natural person would otherwise be a qualified individual.] (Deleted by amendment.)~~

Sec. 54.6. ~~[NRS 695I.210 is hereby amended to read as follows:~~

~~695I.210 1. The Exchange shall:~~

~~—(a) Create and administer a health insurance exchange;~~

~~—(b) Facilitate the purchase and sale of qualified health plans consistent with established patterns of care within the State;~~

~~—(c) Provide for the establishment of a program to assist qualified small employers in Nevada in facilitating the enrollment of their employees in qualified health plans offered in the small group market;~~

~~—(d) Except as otherwise authorized by a waiver obtained pursuant to NRS 695I.505 [.] or section 54.3 of this act, make only qualified health plans available to qualified individuals and qualified small employers; and~~

~~—(e) Unless the Federal Act is repealed or is held to be unconstitutional or otherwise invalid or unlawful, perform all duties that are required of the~~

~~Exchange to implement the requirements of the Federal Act.~~

~~2. The Exchange may:~~

~~(a) Enter into contracts with any person, including, without limitation, a local government, a political subdivision of a local government and a governmental agency, to assist in carrying out the duties and powers of the Exchange or the Board; and~~

~~(b) Apply for and accept any gift, donation, bequest, grant or other source of money to carry out the duties and powers of the Exchange or the Board.~~

~~3. The Exchange is subject to the provisions of chapter 333 of NRS.]~~
(Deleted by amendment.)

Sec. 55. NRS 719.200 is hereby amended to read as follows:

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

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

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

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

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

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

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

Sec. 56. NRS 720.140 is hereby amended to read as follows:

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

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

Sec. 57. 1. There is hereby appropriated from the State General Fund to the Division of Health Care Financing and Policy of the Department of Health and Human Services for the purposes of providing the coverage under the Children's Health Insurance Program required by section 39 of this act ~~the sum of \$3,000,000 for the purpose of awarding grants to providers of health care and facilities licensed pursuant to chapter 449 of NRS for the purposes of complying with the requirements of subsection 4 of NRS 439.589, as amended by section 6 of this act, and paragraph (a) of~~

~~subsection 1 of NRS 629.051, as amended by section 45 of this act. To receive such a grant, a provider of health care or facility must:~~

~~— (a) Have a staff of less than 50 persons or work for an entity that has a staff of less than 50 persons, as applicable; or~~

~~— (b) Be located in a county whose population is less than 100,000, a health professional shortage area or an area with a medically underserved population in this State, or work in such a county or area, as applicable.]~~
following sums:

For the Fiscal Year 2023-2024 \$224,927

For the Fiscal Year 2024-2025 \$1,485,480

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

~~3. As used in this section:~~

~~— (a) "Area with a medically underserved population" means an area designated as such by the United States Secretary of Health and Human Services pursuant to 42 U.S.C. § 254c; and~~

~~— (b) "Health professional shortage area" means a geographic area designated as such by the United States Secretary of Health and Human Services pursuant to 42 U.S.C. § 254c; and~~

~~— (c) "Provider of health care" has the meaning ascribe to it in NRS 629.031, respectively.~~

Sec. 58. 1. During the 2023-2024 interim, the Joint Interim Standing Committee on Health and Human Services shall study:

(a) The feasibility of including in the State Plan for Medicaid coverage of digital health products, including, without limitation:

- (1) Remote patient monitoring;
- (2) Health products that use artificial intelligence;
- (3) Digital therapeutics; and
- (4) Health information technology;

(b) Procedures for providing the coverage described in paragraph (a), including, without limitation, procedures and criteria for determining whether a digital health product is suitable for coverage;

(c) Any waivers of federal law necessary to obtain federal financial participation in the provision of the coverage described in paragraph (a); and

(d) The estimated potential costs of providing the coverage described in paragraph (a).

2. On or before February 1, 2025, the Joint Interim Standing Committee on Health and Human Services shall submit a report of its findings and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmittal to the 83rd Session of the Legislature.

3. As used in this section, "digital therapeutic" means a product, device, Internet application or other technology that uses software primarily to prevent, manage or treat a medical condition, disease or disorder.

Sec. 58.5. 1. During the 2023-2024 interim, the Joint Interim Standing Committee on Health and Human Services shall study:

(a) The feasibility of creating a natural persons index for this State and the steps necessary to create such an index. The study must include, without limitation, an analysis of the capabilities of providers of health care in this State concerning the exchange of health information.

(b) Procedures governing data registries and ways to streamline the collection of data and reduce the burden of reporting requirements applicable to providers of health care to improve collaboration between providers of health care and public health agencies in this State.

(c) The feasibility of including in the State Plan for Medicaid an enhanced rate of reimbursement for providers of health care who provide services in medically underserved areas and rural areas of this State. The study must include, without limitation, a specific determination of the feasibility of including in the State Plan an enhanced rate of reimbursement for such providers for whom at least half of their patients are enrolled in Medicare and Medicaid.

(d) Methods for increasing the amount of biotechnological and medical research conducted in this State and fostering an environment in this State conducive to the development of patents for and the commercialization of medical and biotechnological products. Methods considered by the study must include, without limitation:

(1) Tax abatements for small and medium-sized medical and biotechnology companies that start in or relocate to this State;

(2) Matching tax credits for investments in new medical and biotechnology companies;

(3) The development of a public-private partnership to establish a program to foster the growth of new medical and biotechnology companies;

(4) Tax incentives for research, development and capital investment in health care and biotechnology; and

(5) Sustainable funding models to support:

(I) The continued advancement of the medical sciences; and

(II) Programs for developing the health care workforce that are aimed at improving outcomes for patients.

(e) The feasibility of including in the State Plan for Medicaid a program to provide services through managed care to recipients of Medicaid who are aged, blind or disabled.

2. The study described in paragraph (e) of subsection 1 must include,

without limitation, the consideration at a public meeting of the Committee of the feasibility of including in the State Plan for Medicaid a program described in that paragraph.

3. On or before February 1, 2025, the Joint Interim Standing Committee on Health and Human Services shall submit a report of its findings and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmittal to the 83rd Session of the Legislature.

~~3.4~~ 4. As used in this section:

(a) "Data registry" includes, without limitation:

(1) The system for the reporting of information on sickle cell disease and its variants established pursuant to NRS 439.4976.

(2) The system for the reporting of information on lupus and its variants established pursuant to NRS 439.4929.

(3) The system for the reporting of information on cancer and other neoplasms established pursuant to NRS 457.230.

(b) "Medically underserved area" means an area designated as:

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

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

(c) "Natural persons index" means a database of health information concerning natural persons who reside in this State to be used by providers of health care and public health agencies in this State to maintain and access accurate health information concerning such natural persons.

~~(c)~~ (d) "Provider of health care" means:

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

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

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

~~Sec. 59. [1. During the 2023-2024 Interim, the Department of Health and Human Services shall:~~

~~—(a) Evaluate the workforce of the Department, including, without limitation, each division thereof, and determine, for each position, whether adding, eliminating, reclassifying or revising the salary for any position within the Department would increase the effectiveness or efficiency of the operations of the Department and its divisions; and~~

~~—(b) Take any action recommended by the evaluation conducted pursuant to paragraph (a) that does not require legislation unless the Director of the Department determines that such action is not feasible or advisable.~~

~~2. On or before February 1, 2025, the Department of Health and Human Services shall submit to the Director of the Legislative Counsel Bureau for transmittal to the 83rd Session of the Legislature a report of:~~

~~(a) The results of the evaluation conducted pursuant to paragraph (a) of subsection 1;~~

~~(b) Any action taken pursuant to paragraph (b) of subsection 1;~~

~~(c) Any action recommended by the evaluation conducted pursuant to paragraph (a) of subsection 1 which requires legislation and the legislation that would be required to carry out the recommendation; and~~

~~(d) Any action recommended by the evaluation conducted pursuant to paragraph (a) of subsection 1 which the Director of the Department determined pursuant to paragraph (b) of subsection 1 to be infeasible or inadvisable, and the reasons for that determination.} (Deleted by amendment.)~~

Sec. 60. 1. On or before July 1, 2023, the Director of the Department shall convene an advisory group to advise the Director of the Department in the adoption of regulations pursuant to NRS 439.589, as amended by section 6 of this act. The advisory group shall consist of:

(a) The following ex officio members:

(1) The Director of the Department;

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

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

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

(5) The Commissioner of Insurance;

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

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

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

(b) The following members appointed by the Director:

(1) Representatives of third parties, as defined in NRS 439.589, as amended by section 6 of this act, that provide health coverage in this State;

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

(3) Representatives of consumers of health care;

(4) Representatives of labor organizations;

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

(6) Professionals in the field of health information technology ~~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 Department on the development and implementation of the regulations adopted pursuant to NRS 439.589, as amended by section 6 of this act.

9. The Department shall:

(a) On or before August 1, 2024, present at a meeting of the Joint Interim Standing Committee on Health and Human Services concerning the progress of the Department in developing and implementing the regulations adopted pursuant to NRS 439.589, as amended by section 6 of this act; and

(b) On or before December 31, 2024, submit to the Director of the Legislative Counsel Bureau for transmittal to the 83rd Regular Session of the Legislature a report concerning the progress of the Department in developing and implementing the regulations adopted pursuant to NRS 439.589, as amended by section 6 of this act.

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

Sec. 61. (Deleted by amendment.)

Sec. 62. ~~1. Notwithstanding the amendatory provisions of section 4.5~~

~~of this act, if the Director of the Department of Health and Human Services has contracted with a health information exchange to serve as the statewide health information exchange pursuant to subsection 2 of NRS 439.587, as that section exists on June 30, 2025, and that contract is effective on July 1, 2025, the contract remains valid until the expiration of the contract but may not be renewed.~~

~~2. As used in this section, "health information exchange" has the meaning ascribed to it in NRS 439.584.~~ (Deleted by amendment.)

Sec. 63. 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 6 of this act, on or before July 1, 2024.

2. Notwithstanding the amendatory provisions of sections 1, 6, 9 ~~and~~, 17, 28, 29, 45, 47, 50 and 53 of this act ~~[, persons]~~:

(a) Persons and entities subject to the provisions of subsection 4 of NRS 439.589, as amended by section 6 of this act, other than ~~[hospitals and physician group practices],~~ 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 6 of this act, until January 1, 2030.

~~[2.]~~ 3. As used in this section:

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

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

~~[(b)]~~ (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. 64. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 65. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 66. ~~[The Legislature hereby finds that each abatement provided by this act from any ad valorem tax on property or excise tax on the sale, storage, use or other consumption of tangible personal property sold at retail:~~

~~1. Will achieve a bona fide social or economic purpose and the benefits of the abatement are expected to exceed any adverse effect of the abatement on the provision of services to the public by the State or a local government that would otherwise receive revenue from the tax from which the abatement would be granted; and~~

~~2. Will not impair adversely the ability of the State or a local government to pay, when due, all interest and principal on any outstanding bonds or any~~

~~other obligations for which revenue from the tax from which the abatement would be granted was pledged.~~ (Deleted by amendment.)

Sec. 67. 1. This section and sections 6.5, 7 and 8 of this act become effective upon passage and approval.

2. Sections 18, 19, 20, 30 to 38, inclusive, 40, 41, 42, 57 to 60, inclusive, 64 and 66 of this act become effective on July 1, 2023.

3. Sections 21 to 27, inclusive, 39, 43, 54.3, 54.6 and 61 of this act become effective:

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

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

4. Sections 1 to 4, inclusive, 5, 6, 9 to 16, inclusive, 44, 45, 46, 55, 56 and 63 of this act become effective:

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

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

5. Sections 17, 28, 29, 47 to 54, inclusive, and 65 of this act become effective:

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

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

6. Sections 4.5 and 62 of this act become effective on July 1, 2025.

7. Sections 31 to 38, inclusive, of this act expire by limitation on July 1, 2053.

8. Section 60 of this act expires by limitation on January 1, 2025.

Senator Dondero Loop moved the adoption of the amendment.

Remarks by Senator Dondero Loop.

Senate Amendment No. 955 to Senate Bill No. 419 revises provisions related to the exchange of health information, removes provisions related to the Nevada innovation hub, removes provisions related to coverage of the deferred action for childhood arrivals programs as well as postpartum coverage for persons who are ineligible for Medicaid due to their immigration status, and provides a General Fund appropriation to the Division of Health Care Financing and Policy totaling \$224,927 in Fiscal Year (FY) 2024 and \$1,485,480 in FY 2025 to carry out the provisions of the bill.

Amendment adopted.

Bill read third time.

Remarks by Senator Doñate.

Senate Bill No. 419 makes various provisions concerning public health. Among other items, the bill requires the Department of Health and Human Services to prescribe a framework for the standards of electronic maintenance and exchange of health records. It provides for Medicaid coverage and access to other health insurance for pregnant moms, regardless of immigration status, and requires certain studies and evaluations to be completed during the 2023–2024 interim.

The only comment that I have to make for this is I want to quickly thank our Majority Leader

and our Chair of Senate Finance for being patient with me throughout this process. Nevadans have been hoping for their hope back, and now I hope it happens before the midnight deadline. I bless this piece of legislation, and I ask my colleagues to vote in favor.

Roll call on Senate Bill No. 419:

YEAS—15.

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

Senate Bill No. 419 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 454.

Bill read third time.

Remarks by Senator Nguyen.

Senate Bill No. 454 makes a one-time General Fund appropriation to the Office of the Governor for items such as a new commercial kitchen.

Roll call on Senate Bill No. 454:

YEAS—21.

NAYS—None.

Senate Bill No. 454 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 490.

Bill read third time.

Remarks by Senator Dondero Loop.

Senate Bill No. 490, as amended, provides \$8 million of General Fund appropriations to the Nevada Gaming Control Board and \$5.5 million of General Fund appropriations to the Interim Finance Committee for the continuation of the replacement of the Board's information technology systems. Additionally, Senate Bill No. 490 provides \$1,731,841 of General Fund appropriations to the Nevada Gaming Control Board for computer hardware, software, subscriptions, licenses and equipment and related employee training.

Roll call on Senate Bill No. 490:

YEAS—21.

NAYS—None.

Senate Bill No. 490 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 505.

Bill read third time.

Remarks by Senator Cannizzaro.

Senate Bill No. 505 makes an appropriation to the Office of Energy in order to implement energy-reduction plans and carbon-emissions plans for vehicles and buildings in the State.

Roll call on Senate Bill No. 505:

YEAS—13.

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

Senate Bill No. 505 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 506.

Bill read third time.

Remarks by Senator Harris.

Senate Bill No. 506, as amended, provides that fees collected by the Central Repository for Nevada Records of Criminal History must also be used for any other purpose authorized by the Legislature and any balance of such money remaining at the end of the Fiscal Year reverts to the State General Fund.

Roll call on Senate Bill No. 506:

YEAS—21.

NAYS—None.

Senate Bill No. 506 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 510.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 987.

SUMMARY—Makes appropriations for the implementation of certain collective bargaining agreements. (BDR S-1227)

AN ACT relating to public employees; making appropriations for the implementation of certain collective bargaining agreements; and providing other matters properly relating thereto.

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

Section 1. 1. There is hereby appropriated from the State General Fund to the Office of Finance in the Office of the Governor the sum of ~~[\$9,812,804]~~ \$12,269,308 for the costs of implementing ~~(the)~~ all provisions of the collective bargaining agreement covering personnel represented by the bargaining units established in paragraphs (a), (e) and (f) of subsection 1 of NRS 288.515 ~~for~~, except those costs for which the 82nd Session of the Nevada Legislature appropriated or authorized the expenditure of money in another act this session that was approved by the Governor.

2. There is hereby appropriated from the State Highway Fund to the Office of Finance in the Office of the Governor the sum of \$2,022,496 for the costs of implementing all provisions of the collective bargaining agreement covering personnel represented by the bargaining units established in paragraphs (a), (e) and (f) of subsection 1 of NRS 288.515, except those costs for which the 82nd Session of the Nevada Legislature appropriated or authorized the expenditure of money in another act this session that was approved by the Governor.

Sec. 2. 1. There is hereby appropriated from the State General Fund to

the Office of Finance in the Office of the Governor the sum of ~~[\$8,586,982]~~ \$4,644,028 for the costs of implementing ~~the~~ all provisions of the collective bargaining agreement covering personnel represented by the bargaining unit established in paragraph (g) of subsection 1 of NRS 288.515 ~~[-]~~, except those costs for which the 82nd Session of the Nevada Legislature appropriated or authorized the expenditure of money in another act this session that was approved by the Governor.

2. There is hereby appropriated from the State Highway Fund to the Office of Finance in the Office of the Governor the sum of \$4,806,954 for the costs of implementing all provisions of the collective bargaining agreement covering personnel represented by the bargaining units established in paragraph (g) of subsection 1 of NRS 288.515, except those costs for which the 82nd Session of the Nevada Legislature appropriated or authorized the expenditure of money in another act this session that was approved by the Governor.

Sec. 3. ~~[3.]~~ 1. There is hereby appropriated from the State General Fund to the Office of Finance in the Office of the Governor the sum of ~~[\$1,418,178]~~ \$1,304,025 for the costs of implementing ~~the~~ all provisions of the collective bargaining agreement covering personnel represented by the bargaining unit established in paragraph (h) of subsection 1 of NRS 288.515 ~~[-]~~, except those costs for which the 82nd Session of the Nevada Legislature appropriated or authorized the expenditure of money in another act this session that was approved by the Governor.

2. There is hereby appropriated from the State Highway Fund to the Office of Finance in the Office of the Governor the sum of \$262,153 for the costs of implementing all provisions of the collective bargaining agreement covering personnel represented by the bargaining unit established in paragraph (h) of subsection 1 of NRS 288.515, except those costs for which the 82nd Session of the Nevada Legislature appropriated or authorized the expenditure of money in another act this session that was approved by the Governor.

Sec. 4. ~~[4.]~~ 1. There is hereby appropriated from the State General Fund to the Office of Finance in the Office of the Governor the sum of ~~[\$41,885,983]~~ \$45,531,463 for the costs of implementing ~~the~~ all provisions of the collective bargaining agreement covering personnel represented by the bargaining unit established in paragraph (i) of subsection 1 of NRS 288.515 ~~[-]~~, except those costs for which the 82nd Session of the Nevada Legislature appropriated or authorized the expenditure of money in another act this session that was approved by the Governor.

2. Expenditure of \$5,275,000 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 Office of Finance in the Office of the Governor for the same purpose ~~[-]~~ as set forth in subsection 1.

Sec. 5. ~~[5.]~~ There is hereby appropriated from the State General Fund to

the Office of Finance in the Office of the Governor the sum of ~~[\$287,488]~~ \$413,488 for the costs of implementing ~~the~~ all provisions of the collective bargaining agreement covering personnel represented by the bargaining unit established in paragraph (k) of subsection 1 of NRS 288.515 ~~it~~ except those costs for which the 82nd Session of the Nevada Legislature appropriated or authorized the expenditure of money in another act this session that was approved by the Governor.

Sec. 6. ~~[6.]~~ Any remaining balance of the appropriations made by ~~this section~~ sections 1 to 5, inclusive, 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]~~ fund from which it was appropriated on or before September 19, 2025.

~~[Sec. 2.]~~ Sec. 7. This act becomes effective on July 1, 2023.

Senator Dondero Loop moved the adoption of the amendment.

Remarks by Senator Dondero Loop.

Senate Amendment No. 987 to Senate Bill No. 510 makes appropriations for the implementation of certain collective bargaining agreements.

Amendment adopted.

Bill read third time.

Remarks by Senator Harris.

Senate Bill No. 510, as amended, makes an appropriation of \$64,162,312 in General Fund appropriations, a \$7,091,603 Highway Fund appropriation and authorizes \$5,275,000 in expenditure authority to the Office of Finance in the Office of the Governor to implement certain collective bargaining agreements.

Roll call on Senate Bill No. 510:

YEAS—21.

NAYS—None.

Senate Bill No. 510 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 511.

Bill read third time.

Remarks by Senators Cannizzaro and Seevers Gansert.

SENATOR CANNIZZARO:

Senate Bill No. 511 is the Appropriations Act. It makes various appropriations to state government.

SENATOR SEEVERS GANSERT:

We still have concerns about the balancing of the budgets, so we will be opposed.

Roll call on Senate Bill No. 511:

YEAS—13.

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

Senate Bill No. 511 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Cannizzaro moved that Senate Bill No. 341 be taken from its position on the General File and placed on the Secretary's Desk.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 7.

Bill read third time.

The following amendment was proposed by Senator Doñate:

Amendment No. 968.

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; ~~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; 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 1.06 of this bill authorizes the Director to contract with multiple health information exchanges to perform those functions. Section 1.06 also removes a requirement that the Director encourage the use of health information exchanges.

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 ~~, [(1)] 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.

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 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.

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 transmittal of electronic health records, prescriptions, health-related information, electronic signatures and requirements for electronic equivalents of written entries or written approvals in accordance with federal law;~~

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

~~—(e) Prescribe by regulation, in consultation with the State Board of Pharmacy, standards for the electronic transmission of prior authorizations~~

~~for prescription medication using a health information exchange.]~~

2. The Director may establish or contract with ~~[not more than]~~ one 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, *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 ~~for~~

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

(1) That require:

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

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

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

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

~~—(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 ~~for~~ ;

(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 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:

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 care records ~~may~~ :

(a) Must, except as otherwise provided in subsections 5 and 6 of NRS 439.589, be created, maintained, transmitted and exchanged electronically as required by subsection 4 of NRS 439.589; and

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

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

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

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

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

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

7. A custodian of health care records shall not destroy the health care records of a person who is less than 23 years of age on the date of the proposed destruction of the records. The health care records of a person who has attained the age of 23 years may be destroyed in accordance with this section for those records which have been retained for at least 5 years or for any longer period provided by federal law.

8. *If a health care licensing board receives notification from the Department of Health and Human Services pursuant to section 1 of this act that 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 subsection 4 of NRS 439.589, as amended by section 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 2.1, 2.2 and 2.35~~ 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 1.09, 1.1 and 1.2 of this act become effective upon passage and approval.

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

3. Sections 1 to 1.08, inclusive, 1.3 to 2.45, inclusive, 2.8 and 3 of this

act become effective:

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

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

Senator Doñate moved the adoption of the amendment.

Remarks by Senator Doñate.

This amendment aligns Assembly Bill No. 7 with Senate Bill No. 419.

Amendment adopted.

Bill read third time.

Remarks by Senator Doñate.

This bill relates to interoperability.

Roll call on Assembly Bill No. 7:

YEAS—14.

NAYS—Buck, Goicoechea, Hammond, Hansen, Krasner, Stone, Titus—7.

Assembly Bill No. 7 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 15.

Bill read third time.

Remarks by Senator Harris.

Assembly Bill No. 15 allows for increases in the annual base salary of district judges every six years based upon the accumulated percentage increase in the salaries of the classified employees of this State.

Roll call on Assembly Bill No. 15:

YEAS—19.

NAYS—Buck, Titus—2.

Assembly Bill No. 15 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 16.

Bill read third time.

Remarks by Senator Harris.

Assembly Bill No. 16, as amended, allows for increases in the annual base salary of Justices of the Nevada Supreme Court and Justices of the Nevada Court of Appeals every six years based on the cumulative percentage increase in the salaries of the classified employees of the State. The bill includes a General Fund appropriation to the state judicial elected office officials' budget of \$86,113 in Fiscal Year 2025 to fund salary increases for three judges of the Nevada Supreme Court effective January 1, 2025.

Roll call on Assembly Bill No. 16:

YEAS—18.

NAYS—Buck, Stone, Titus—3.

Assembly Bill No. 16 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 37.

Bill read third time.

Remarks by Senator Seevers Gansert.

Assembly Bill No. 37, as amended, authorizes the Board of Regents of the University of Nevada to establish the Behavioral Health Workforce Development Center of Nevada. It prescribes the structure and duties of the center. The bill, as amended, authorizes the Board of Regents to accept, receive, invest, disburse and account for money received for the purposes related to the center and requires the center to provide annual reports concerning the activities of the center.

Assembly Bill No. 37, as amended, provides General Fund appropriations in Fiscal Years 2024 and 2025 to the Nevada System of Higher Education associated with the establishment of the center at the University of Nevada, Las Vegas.

Thank you. I urge your support. During the interim, the behavioral health folks from the University of Nevada, Reno, and University of Nevada, Las Vegas, worked diligently to try to figure out how we can increase the pipeline. This is a long-term solution, so I appreciate the support.

Roll call on Assembly Bill No. 37:

YEAS—21.

NAYS—None.

Assembly Bill No. 37 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 50.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 986.

SUMMARY—Revises provisions relating to the prosecution of certain crimes. (BDR 15-429)

AN ACT relating to crimes; revising provisions relating to the prosecution of certain crimes; making an appropriation to be used for the prosecution of retail crime; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the crime of organized retail theft, which is defined as committing, either alone or with any other person or persons, a series of thefts of retail merchandise against one or more merchants, either on the premises of a merchant or through the use of an Internet or network site, with the intent to: (1) return the merchandise to the merchant for value; or (2) resell, trade or barter the merchandise for value in any manner. (NRS 205.08345) Section 1 of this bill authorizes the Attorney General to investigate and prosecute the crime of organized retail theft and any other crime committed in the course of committing organized retail theft.

Existing law also prohibits a person from selling, displaying or advertising,

or possessing with the intent to sell, goods that have an unauthorized or counterfeit label or trademark. (NRS 205.210) Section 2 of this bill authorizes the Attorney General to investigate and prosecute such a crime and any other crime that is committed in the course of committing such a crime.

Additionally, existing law provides that it is a crime for a person, in the course of an enterprise or occupation, knowingly and with the intent to defraud, to engage in an act, practice or course of business or employ a device, scheme or artifice which operates or would operate as a fraud or deceit upon a person by means of a false representation or omission of a material fact that: (1) the person knows to be false or omitted; (2) the person intends another to rely on; and (3) results in a loss to any person who relied on the false representation or omission, in at least two transactions that have the same or similar pattern, intents, results, accomplices, victims or methods of commission, or are otherwise interrelated by distinguishing characteristics and are not isolated incidents within 4 years and in which the aggregate loss or intended loss is more than \$1,200. (NRS 205.377) Section 3 of this bill authorizes the Attorney General to investigate and prosecute such a crime and any other crime committed in the course of committing such a crime.

Section 3.5 of this bill makes an appropriation to the Office of the Attorney General to be used for personnel, operating, travel and information technology expenses relating to the prosecution of retail crime.

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

Section 1. NRS 205.08345 is hereby amended to read as follows:

205.08345 1. A person who knowingly participates directly or indirectly in or engages in conduct with the intent to further an organized retail theft is guilty of a category B felony and shall be punished by imprisonment in the state prison for:

(a) If the aggregated value of the property or services involved in all thefts committed in the organized retail theft in this State during a period of 120 days is at least \$3,500 but less than \$10,000, a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than \$10,000.

(b) If the aggregated value of the property or services involved in all thefts committed in the organized retail theft in this State during a period of 120 days is \$10,000 or more, a minimum term of not less than 2 years and a maximum term of not more than 15 years, and by a fine of not more than \$20,000.

2. In addition to any other penalty, the court shall order a person who violates this section to pay restitution.

3. For the purposes of this section, in determining the aggregated value of the property or services involved in all thefts committed in the organized retail theft in this State during a period of 120 days:

(a) The amount involved in a single theft shall be deemed to be the highest

value, by any reasonable standard, of the property or services which are obtained; and

(b) The amounts involved in all thefts committed by all participants in the organized retail theft must be aggregated.

4. In any prosecution for a violation of this section, the violation shall be deemed to have been committed and may be prosecuted in any jurisdiction in this State in which any theft committed by any participant in the organized retail theft was committed, regardless of whether the defendant was ever physically present in that jurisdiction.

5. *The Attorney General may investigate and prosecute a violation of this section and any other statute violated in the course of committing a violation of this section.*

6. As used in this section:

(a) "Internet or network site" has the meaning ascribed to it in NRS 205.4744.

(b) "Merchant" has the meaning ascribed to it in NRS 597.850.

(c) "Organized retail theft" means committing, either alone or with any other person or persons, a series of thefts of retail merchandise against one or more merchants, either on the premises of a merchant or through the use of an Internet or network site, in this State with the intent to:

(1) Return the merchandise to the merchant for value; or

(2) Resell, trade or barter the merchandise for value in any manner, including, without limitation, through the use of an Internet or network site.

Sec. 2. NRS 205.210 is hereby amended to read as follows:

205.210 1. A person shall not knowingly sell, display or advertise, or have in his or her possession with intent to sell, any goods, wares, merchandise, mixture, preparation or compound having affixed thereto any label, trademark, term, design, device or form of advertisement lawfully filed for record in the Office of the Secretary of State by any person, corporation, association or union, or the exclusive right to the use of which is guaranteed to the person, corporation, association or union under the laws of the United States, if the label, trademark, term, design, device or form of advertisement has been used or affixed thereto without the written authority of the person, corporation, association or union, or having affixed thereto any forged or counterfeit representation, likeness, similitude, copy or imitation thereof.

2. Except as otherwise provided in subsection 3, a violation of the provisions of subsection 1 is a misdemeanor.

3. A violation of the provisions of subsection 1 is:

(a) A category E felony if:

(1) The person committing the violation has been previously convicted one time for a violation of the provisions of subsection 1; or

(2) The goods, wares, merchandise, mixture, preparation or compound with respect to which the person violated the provisions of subsection 1:

(I) Consists of at least 100 but less than 1,000 salable units; or

(II) Has a retail value of at least \$1,000 but less than \$10,000.

(b) A category D felony if:

(1) The person committing the violation has been previously convicted two or more times for a violation of the provisions of subsection 1; or

(2) The goods, wares, merchandise, mixture, preparation or compound with respect to which the person violated the provisions of subsection 1:

(I) Consists of at least 1,000 salable units; or

(II) Has a retail value of at least \$10,000.

4. For the purposes of this section, in accordance with the provisions of NRS 47.230, it may be reasonably inferred that a person intends to sell goods, wares, merchandise, a mixture, a preparation or a compound if the person knowingly possesses at least 26 salable units of the goods, wares, merchandise, mixture, preparation or compound.

5. *The Attorney General may investigate and prosecute a violation of this section and any other statute violated in the course of committing a violation of this section.*

6. As used in this section, "retail value" means:

(a) If the item that is identified by a label, trademark, term, design, device or form of advertisement in violation of subsection 1 is a component of a finished product with multiple components, the price at which the person in violation of subsection 1 regularly sells the finished product; or

(b) For any other item that is identified by a label, trademark, term, design, device or form of advertisement in violation of subsection 1, the price at which the person in violation of subsection 1 regularly sells the item.

Sec. 3. NRS 205.377 is hereby amended to read as follows:

205.377 1. A person shall not, in the course of an enterprise or occupation, knowingly and with the intent to defraud, engage in an act, practice or course of business or employ a device, scheme or artifice which operates or would operate as a fraud or deceit upon a person by means of a false representation or omission of a material fact that:

(a) The person knows to be false or omitted;

(b) The person intends another to rely on; and

(c) Results in a loss to any person who relied on the false representation or omission,

➡ in at least two transactions that have the same or similar pattern, intents, results, accomplices, victims or methods of commission, or are otherwise interrelated by distinguishing characteristics and are not isolated incidents within 4 years and in which the aggregate loss or intended loss is more than \$1,200.

2. Each act which violates subsection 1 constitutes a separate offense.

3. A person who violates subsection 1 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years, and may be further punished by a fine of not more than \$10,000.

4. In addition to any other penalty, the court shall order a person who

violates subsection 1 to pay restitution.

5. A violation of this section constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.

6. *The Attorney General may investigate and prosecute a violation of this section and any other statute violated in the course of committing a violation of this section.*

7. As used in this section, "enterprise" has the meaning ascribed to it in NRS 207.380.

Sec. 3.5. 1. There is hereby appropriated from the State General Fund to the Office of the Attorney General to be used for personnel, operating, travel and information technology expenses relating to the prosecution of retail crime the following sums:

For the Fiscal Year 2023-2024~~[\$112,244]~~ \$125,731

For the Fiscal Year 2024-2025~~[\$139,945]~~ \$157,832

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

Sec. 4. This act becomes effective on July 1, 2023.

Senator Dondero Loop moved the adoption of the amendment.

Remarks by Senator Dondero Loop.

Amendment No. 986 to Assembly Bill No. 50 revises the General Fund appropriation of the Office of the Attorney General to \$1,125,731 in Fiscal Year (FY) 2024 and \$157,832 in FY 2025 for personnel, operating, travel and information technology expenses relating to the prosecution of retail crime.

Amendment adopted.

Bill read third time.

Remarks by Senator Stone.

Assembly Bill No. 50 authorizes the Attorney General to investigate and prosecute organized retail theft; selling, displaying or advertising goods that have unauthorized or counterfeit label or trademarks; and certain crimes related to fraud and false representation or omission. The Attorney General may also investigate and prosecute any other crime committed in the course of committing such crimes.

Lastly, the bill makes an appropriation from the State General Fund to the Office of the Attorney General to be used for personnel, operating, travel and information technology relating to the prosecution of retail crime.

Roll call on Assembly Bill No. 50:

YEAS—20.

NAYS—Titus.

Assembly Bill No. 50 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 72.

Bill read third time.

Remarks by Senator Flores.

Assembly Bill No. 72 creates the Advisory Committee on the Safety and Well-Being of Public School Staff within Nevada's Department of Education. The Committee must review and investigate and make recommendations concerning issues related to the safety and well-being of public school staff and the consistent implementation of student discipline by June 30, 2025.

Roll call on Assembly Bill No. 72:

YEAS—21.

NAYS—None.

Assembly Bill No. 72 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 77.

Bill read third time.

Remarks by Senator Seevers Gansert.

Assembly Bill No. 77 in its second reprint creates the Office of Entrepreneurship within the Governor's Office of Economic Development. The General Fund has appropriations of roughly \$249,000 in the first year and \$269,000 in the second year to support the positions and associated costs within the Governor's Office of Economic Development relating to the bill.

Roll call on Assembly Bill No. 77:

YEAS—18.

NAYS—Hansen, Stone, Titus—3.

Assembly Bill No. 77 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 84.

Bill read third time.

Remarks by Senator Titus.

Assembly Bill No. 84 revises requirements for the issuance of certain annual permits for entering, camping and boating in State Parks and Recreational Areas.

Roll call on Assembly Bill No. 84:

YEAS—21.

NAYS—None.

Assembly Bill No. 84 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 119.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 963.

SUMMARY—Creates the Vulnerable Adult Fatality Review Committee. (BDR 38-311)

AN ACT relating to adult maltreatment; creating the Vulnerable Adult Fatality Review Committee; providing for the review of deaths resulting from or relating to adult maltreatment; requiring the Committee to develop certain reports and perform certain other duties relating to the investigation and prevention of adult maltreatment; providing access for the Committee to certain documents; ~~requiring the Unit for the Investigation and Prosecution of Crimes Against Older Persons or Vulnerable Persons in the Office of the Attorney General to compile certain reports;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law makes it a crime to abuse, neglect, isolate, abandon or exploit an older person or a vulnerable person. (NRS 200.5099) Section 3 of this bill defines the term "adult maltreatment" to refer to such crimes. Sections 4-7 of this bill define certain other terms. Section 8 of this bill creates the Vulnerable Adult Fatality Review Committee within the Department of Health and Human Services and prescribes the membership of the Committee. Section 8 also prescribes certain rules governing the operation of the Committee. Section 8 immunizes the members, employees, agents and consultants of the Committee from civil liability for acts performed in good faith and within the scope of duties of the Committee. Section 8 authorizes the Director of the Department to: (1) apply for and accept gifts, grants and donations to support the activities of the Committee; and (2) adopt regulations governing the activities of the Committee.

Section 9 of this bill requires the Committee to review each death in this State that is known or suspected to have been caused by or be related to adult maltreatment and is referred to the Committee by certain governmental entities or relatives of the decedent. Section 9 additionally authorizes the Committee to review any other death that the Committee reasonably believes may have been caused by or related to adult maltreatment. Section 10 of this bill prescribes other duties of the Committee relating to the investigation and prevention of adult maltreatment. Section 10 requires the Committee to: (1) biennially publish on an Internet website maintained by the Department a report that consists of data concerning adult maltreatment in this State; and (2) annually submit to the Legislature a separate report containing certain information and recommendations about adult maltreatment. Section 10 requires a representative of the Committee or the Aging and Disability Services Division of the Department to biennially present such information and recommendations at a meeting of the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs. Section 11 of this bill authorizes the Committee to take certain measures necessary to perform its duties, including consulting with experts and other interested persons and entering into contracts. Section 12 of this bill entitles the Committee to

access certain records it determines necessary to perform its duties and authorizes the Committee to petition the district court for a subpoena to compel the production of such records. Section 12 also provides that information acquired by and records of the Committee are confidential and not subject to subpoena, discovery or introduction into evidence in any civil or criminal proceeding. Sections 12 and 14 of this bill provide that such records are not public records. Sections 12 and 15 of this bill provide that meetings of the Committee are closed to the public.

Existing law creates in the Office of the Attorney General the Unit for the Investigation and Prosecution of Crimes Against Older Persons or Vulnerable Persons. (NRS 228.265) Existing law authorizes the Unit to investigate and prosecute deaths resulting from adult maltreatment. (NRS 228.270) Section 10 ~~[requires the Committee to refer a case of suspected adult maltreatment to the Unit for investigation and prosecution where appropriate.]~~ authorizes the Attorney General to review any cases referred to the Committee to determine the need for further investigation. Section 12 authorizes the Committee to meet and share information with the Unit and certain entities that investigate domestic violence. ~~[Section 13 of this bill requires the Unit to compile a report of the outcome of and findings regarding each case referred by the Committee to the Unit.]~~

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

Section 1. Chapter 427A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 12, inclusive, of this act.

Sec. 2. *As used in sections 2 to 12, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Adult maltreatment" means the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person in violation of NRS 200.5099.*

Sec. 4. *"Committee" means the Vulnerable Adult Fatality Review Committee established by section 8 of this act.*

Sec. 5. *"Facility or service provider" means:*

1. *Any facility or other entity licensed or certified pursuant to chapter 435 or 449 of NRS.*

2. *A provider of emergency medical services.*

3. *A facility for long-term rehabilitation.*

4. *Any unlicensed establishment that provides food, shelter, assistance and limited supervision to an older person or a vulnerable person.*

Sec. 6. *"Older person" has the meaning ascribed to it in NRS 228.255.*

Sec. 7. *"Vulnerable person" has the meaning ascribed to it in NRS 228.262.*

Sec. 8. 1. *The Vulnerable Adult Fatality Review Committee is hereby established within the Department.*

2. *The Director shall appoint to the Committee:*

(a) One member who is a licensed social worker who is actively providing services to clients in this State who are vulnerable persons;

(b) One member who is an attorney and is:

(1) Licensed to practice law in this State; and

(2) Employed by the Office of the Attorney General; and

(c) At least 4 but not more than 10 members who:

(1) Are providers of health care, representatives of nonprofit organizations whose work is related to adult maltreatment, issues of older persons or issues of vulnerable persons, representatives of agencies involved in vital statistics and law enforcement and other persons ~~(interested in adult maltreatment or the welfare of older persons and vulnerable persons);~~ the Director determines to be appropriate for membership on the Committee; and

(2) Represent the racial, ethnic, linguistic and geographic diversity of this State.

3. The members of the Committee serve:

(a) At the pleasure of the Director; and

(b) Without compensation but are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

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

5. A member of the Committee who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation to prepare for and attend meetings of the Committee and perform any work necessary to carry out the duties of the Committee in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Committee to:

(a) Make up the time he or she is absent from work to carry out his or her duties as a member of the Committee; or

(b) Take annual leave or compensatory time for the absence.

6. At the first meeting of the Committee and annually thereafter:

(a) The Director shall appoint a Chair of the Committee;

(b) The Committee shall elect a Secretary from among its members; and

(c) The Committee shall adopt rules for its own management and government.

7. The Committee shall meet at least twice each year and may meet at such further times as determined necessary by the Chair.

8. A member of the Committee or an employee, agent or consultant of the Committee is not liable in a civil action for any act performed in good faith and within the scope of the duties of the Committee. For the purposes of this subsection, any act which violates a provision of law concerning the privacy of information shall be deemed to be outside the scope of the duties of the

Committee.

9. The Director may:

(a) Apply for and accept gifts, grants or donations from any source for the purpose of carrying out the provisions of sections 2 to 12, inclusive, of this act; and

(b) Adopt any regulations necessary to carry out the provisions of sections 2 to 12, inclusive, of this act.

Sec. 9. 1. The Committee:

(a) Shall review each death in this State that is known or suspected to have been caused by or be related to adult maltreatment and is referred to the Committee by the Division, a law enforcement agency or an adult related to the decedent within the third degree of consanguinity; and

(b) May, within the limits of available resources, review any other death that the Committee reasonably believes may have been caused by or related to adult maltreatment.

2. A review pursuant to subsection 1 must include, without limitation, and to the extent that such records exist, a review of relevant medical records, death certificates, records of an autopsy, records created by a facility or provider, records of the Division, records of a social services agency, mental health records and records of a law enforcement agency described in section 12 of this act.

Sec. 10. 1. In addition to conducting reviews pursuant to section 9 of this act, the Committee shall:

(a) Within the limits of available resources:

(1) Cross-reference databases maintained by the Division with databases maintained by coroners and medical examiners in this State to identify deaths that may have been caused by or related to adult maltreatment and review such deaths in accordance with section 9 of this act.

(2) Review incidents and trends in adult maltreatment in this State.

(3) Identify and review disparities in the incidence of adult maltreatment in this State by analyzing:

(I) The race, ethnicity and age of persons who experience adult maltreatment;

(II) The geographic region of the residence of persons who experience adult maltreatment; and

(III) Any other variables identified by the Committee.

~~(b) Refer a case of suspected adult maltreatment to the Unit for the Investigation and Prosecution of Crimes Against Older Persons or Vulnerable Persons in the Office of the Attorney General created by NRS 228.265 for further investigation and prosecution where appropriate.~~

~~(c)~~ Based on the reviews conducted pursuant to paragraph (a) and section 9 of this act, develop findings and recommendations to prevent adult maltreatment and address the needs of victims of adult maltreatment.

~~(d)~~ (c) Disseminate the findings and recommendations developed

pursuant to paragraph ~~((c))~~ (b) to the Division, providers of health care, agencies and organizations that provide social services, facilities or service providers, law enforcement agencies, organizations that provide services to victims of adult maltreatment, other ~~interested~~ persons and entities the Committee determines to be appropriate and the public.

~~((c))~~ (d) On or before December 31 of each even-numbered year, compile and publish on an Internet website maintained by the Department a report that consists of data concerning adult maltreatment in this State during the immediately preceding 24 months. Such data must be aggregated and presented in a manner that does not allow for the identification of any person.

~~((d))~~ (e) On or before December 31 of each year:

(1) Develop, in collaboration with the Division, a report that includes, without limitation:

(I) A description of the deaths resulting from adult maltreatment and other incidents of adult maltreatment reviewed pursuant to paragraph (a) of subsection 1 and section 9 of this act, respectively, during the immediately preceding 12 months, provided in a manner that does not allow for the identification of any person;

(II) A summary of the disparities identified and reviewed pursuant to subparagraph (3) of paragraph (a) of subsection 1;

(III) Plans for corrective action to reduce adult maltreatment in this State; and

(IV) Recommendations for any legislation or other changes to policy to reduce adult maltreatment or otherwise improve the well-being of older persons and vulnerable persons in this State; and

(2) Submit the report developed pursuant to subparagraph (1) to the Director of the Legislative Counsel Bureau for transmittal to:

(I) For a report submitted on or before December 31 of an odd-numbered year, the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs created by NRS 218E.750; and

(II) For a report submitted on or before December 31 of an even-numbered year, the next regular session of the Legislature.

2. The Committee may, within the limits of available resources:

(a) Conduct any other research into issues relating to adult maltreatment or the well-being of older persons and vulnerable persons in this State;

(b) Promote changes in policy in the public and private sectors to reduce adult maltreatment or address the effects of adult maltreatment;

(c) Take measures to improve the services provided to victims of adult maltreatment, including, without limitation, identifying gaps in services provided to victims of adult maltreatment and reducing barriers to service for victims of adult maltreatment; and

(d) Engage in activities to increase public awareness regarding adult maltreatment.

3. On or before August 1 of each odd-numbered year, a representative of

the Committee or the Division shall present the findings, plans for corrective action and recommendations for changes to policy contained in the reports developed pursuant to paragraph ~~((d))~~ (e) of subsection 1 for the immediately preceding 2 years at a meeting of the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs created by NRS 218E.750.

4. Within the limits of available resources, the Attorney General may review any case referred to or reviewed by the Committee to determine the need for further investigation of the case.

Sec. 11. The Committee may take any action necessary to carry out its duties, including, without limitation:

1. Consulting with experts and other interested persons to ensure the data collected is of the highest quality;

2. Entering into a contract or other agreement with any person or entity, including, without limitation, a college or university, to:

(a) Assist the Committee with its organization and meetings;

(b) Collect, analyze and disseminate information; or

(c) Assist in carrying out any other duty of the Committee;

3. Establishing subcommittees consisting of members of the Committee; and

4. Employing such persons as it deems necessary to carry out its duties.

Sec. 12. 1. The Committee is entitled to access to:

(a) All final investigative information of law enforcement agencies regarding a death that may have been caused by or related to adult maltreatment or other incident of adult maltreatment being investigated by the Committee for which the investigation by the law enforcement agency has been closed;

(b) Any autopsy and coroner's investigative records relating to a death of an older person or a vulnerable person that may have been caused by or related to adult maltreatment;

(c) Any medical or mental health records of a decedent or other victim of adult maltreatment;

(d) Any records of the Division or any other agency which has provided services to a decedent or other victim of adult maltreatment; and

(e) Any other records determined by the Committee to be necessary to perform its duties, except for records of a law enforcement agency not described in paragraph (a).

2. The Committee may, if appropriate, meet and share information with:

(a) A multidisciplinary team to review the death of the victim of a crime that constitutes domestic violence organized or sponsored pursuant to NRS 217.475;

(b) The Committee on Domestic Violence appointed pursuant to NRS 228.470; or

(c) The Unit for the Investigation and Prosecution of Crimes Against Older Persons or Vulnerable Persons in the Office of the Attorney General created by NRS 228.265.

3. The Committee may petition the district court for the issuance of, and the district court may issue, a subpoena to compel the production of any books, records or papers described in subsection 1 that are relevant to the cause of any death or incident of adult maltreatment being investigated by the Committee. Except as otherwise provided in NRS 239.0115, any books, records or papers received by the Committee pursuant to a subpoena issued pursuant to this subsection shall be deemed confidential and privileged and not subject to disclosure.

4. The Committee may use data collected concerning a death that is known or suspected to have been caused by or be related to adult maltreatment for the purpose of research or to prevent future adult maltreatment if the data is aggregated and does not allow for the identification of any person.

5. Except as otherwise provided in this section, information acquired by, and the records of, the Committee are confidential, are not public records, must not be disclosed and are not subject to subpoena, discovery or introduction into evidence in any civil or criminal proceeding. The disclosure of information or records to the Committee does not make such information or records confidential with respect to the person or entity that disclosed the records if the information or records are not otherwise confidential.

6. The meetings of the Committee are closed to the public.

Sec. 13. ~~[NRS 228.270 is hereby amended to read as follows:~~
~~228.270 1. The Unit may investigate and prosecute any alleged abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person in violation of NRS 200.5099 or 200.50995 and any failure to report such a violation pursuant to NRS 200.5093.~~
~~(a) At the request of the district attorney of the county in which the violation occurred;~~
~~(b) If the district attorney of the county in which the violation occurred fails, neglects or refuses to prosecute the violation; or~~
~~(c) Jointly with the district attorney of the county in which the violation occurred.~~
~~2. The Unit may organize or sponsor one or more multidisciplinary teams to review any allegations of abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person or the death of an older person or vulnerable person that is alleged to be from abuse, neglect, isolation or abandonment. A multidisciplinary team may include, without limitation, the following members:~~
~~(a) A representative of the Unit;~~
~~(b) Any law enforcement agency that is involved with the case under review;~~
~~(c) The district attorney's office in the county where the case is under review;~~
~~(d) The Aging and Disability Services Division of the Department of Health and Human Services or the county's office of protective services, if~~

~~one exists in the county where the case is under review;~~

~~— (e) A representative of the coroner's office; and~~

~~— (f) Any other medical professional or financial professional that the Attorney General deems appropriate for the review.~~

~~3. Each organization represented on a multidisciplinary team may share with other members of the team information in its possession concerning the older person or vulnerable person who is the subject of the review or any person who was in contact with the older person or vulnerable person and any other information deemed by the organization to be pertinent to the review. Any information shared by an organization with other members of a team is confidential.~~

~~4. The organizing or sponsoring of a multidisciplinary team pursuant to subsection 2 does not grant the Unit supervisory authority over, or restrict or impair the statutory authority of, any state or local agency responsible for the investigation or prosecution of allegations of abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person or the death of an older person or vulnerable person that is alleged to be the result of abuse, neglect, isolation or abandonment.~~

~~5. On or before February 1 of each year, the Unit shall:~~

~~— (a) Compile a report of the outcome of and findings regarding each case referred to the Unit by the Vulnerable Adult Fatality Review Committee pursuant to section 10 of this act; and~~

~~— (b) Submit the report to the Director of the Legislative Counsel Bureau for transmittal to:~~

~~— (1) In odd numbered years, the next regular session of the Legislature; and~~

~~— (2) In even numbered years, the Joint Interim Standing Committee on the Judiciary.] (Deleted by amendment.)~~

Sec. 14. 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 12 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. 15. NRS 241.016 is hereby amended to read as follows:

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

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

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

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

3. Any provision of law, including, without limitation, NRS 91.270, 219A.210, 228.495, 239C.140, 239C.420, 241.028, 281A.350, 281A.690, 281A.735, 281A.760, 284.3629, 286.150, 287.0415, 287.04345, 287.338, 288.220, 288.590, 289.387, 295.121, 315.98425, 360.247, 388.261, 388.385, 388A.495, 388C.150, 388D.355, 388G.710, 388G.730, 392.147, 392.466, 392.467, 392.4671, 394.1699, 396.1415, 396.3295, 414.270, 422.405, 433.534, 435.610, 442.774, 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, *and section 12 of this act*, 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. Notwithstanding the provisions of paragraphs ~~((e))~~ (d) and ~~((f))~~ (e) of subsection 1 of section 10 of this act, the first reports required by those paragraphs must be published on an Internet website maintained by the Department of Health and Human Services or submitted to the Director of the Legislative Counsel Bureau on or before December 31, 2026.

Sec. 16.5. The amendatory provisions of this act apply only to a contract entered into between the Department of Health and Human Services and a district attorney on or after July 1, 2023.

Sec. 17. 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. 18. This act becomes effective on July 1, 2023.

Senator Dondero Loop moved the adoption of the amendment.

Remarks by Senator Dondero Loop.

Amendment No. 963 to Assembly Bill No. 119 creates the Vulnerable Adult Fatality Review Committee.

Amendment adopted.

Bill read third time.

Remarks by Senator Nguyen.

Assembly Bill No. 119 creates the Vulnerable Adult Fatality Review Committee to review deaths resulting from or related to adult maltreatment.

Roll call on Assembly Bill No. 119:

YEAS—16.

NAYS—Buck, Goicoechea, Hansen, Stone, Titus—5.

Assembly Bill No. 119 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 125.

Bill read third time.

Remarks by Senator Seevers Gansert.

Assembly Bill No. 125, as amended, requires the Department of Public Safety's tribal liaison to maintain ongoing communications relating to missing or murdered indigenous persons between the Department and certain other entities, authorizes the Department to accept and submit information concerning the missing person into the National Crime Information Center, requires certain law enforcement persons in the State that receive information relating to missing indigenous persons to notify certain other entities, and provides General Fund appropriations for these purposes. I urge your support. Thank you.

Roll call on Assembly Bill No. 125:

YEAS—21.

NAYS—None.

Assembly Bill No. 125 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 128.

Bill read third time.

Remarks by Senator Neal.

Assembly Bill No. 128 makes an appropriation of \$250,000 for the State Outdoor Education and Recreation Grant Program Account, which basically wants kids to go out and play.

Roll call on Assembly Bill No. 128:

YEAS—21.

NAYS—None.

Assembly Bill No. 128 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 137.

Bill read third time.

Remarks by Senator Titus.

Assembly Bill No. 137, as amended, revises provisions relating to fetal alcohol spectrum disorders.

Roll call on Assembly Bill No. 137:

YEAS—21.

NAYS—None.

Assembly Bill No. 137 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 138.

Bill read third time.

Remarks by Senator Nguyen.

Assembly Bill No. 138 requires Medicaid to cover services to include behavioral health services.

Roll call on Assembly Bill No. 138:

YEAS—21.

NAYS—None.

Assembly Bill No. 138 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 148.

Bill read third time.

Remarks by Senator Scheible.

Assembly Bill No. 148 revises provisions of child welfare and mental health proceedings, among other things.

Roll call on Assembly Bill No. 148:

YEAS—19.

NAYS—Krasner, Ohrenschall—2.

Assembly Bill No. 148 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 150.

Bill read third time.

Remarks by Senator Seevers Gansert.

Assembly Bill No. 150, as amended, revises residency requirements for students who are members or descendants of an Indian tribe or nation and meet certain requirements to be eligible for a waiver of registration fees, laboratory fees and other mandatory fees assessed by the Board of Regents at the University of Nevada. The bill, as amended, requires a waiver to equal the full amount of registration fees, laboratory fees and any other mandatory fees assessed against the student for that semester. It makes conforming changes to reflect the prohibition against the Board of Regents assessing tuition charges on students who have been granted a waiver.

Having worked with the University of Nevada, Reno, one of our several institutions, the number of individuals who are descendants of Indian tribes or nations are very few. Any way we can help them financially to attend higher education is extremely important. I urge your support.

Roll call on Assembly Bill No. 150:

YEAS—21.

NAYS—None.

Assembly Bill No. 150 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 155.

Bill read third time.

Remarks by Senator Nguyen.

Assembly Bill No. 155, as amended, requires certain public and private health insurance plans to cover medically necessary biomarker testing for diagnosis, treatment, management and monitoring of cancer when such testing is supported by medical and scientific evidence.

Roll call on Assembly Bill No. 155:

YEAS—21.

NAYS—None.

Assembly Bill No. 155 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 156.

Bill read third time.

Remarks by Senator Stone.

Assembly Bill No. 156 sets forth various provisions regarding the treatment of substance-use disorders among other items. The bill requires certain health care providers to counsel and provide information to a patient diagnosed with opioid-use disorder concerning evidence-based treatments, including medication-assisted treatment. Upon request, a provider must offer to prescribe each treatment or refer a patient to an authorized provider. Further, the State Board of Pharmacy must establish a protocol allowing a registered pharmacist to access a patient for an opioid-use disorder and to prescribe and dispense a drug for medication-assisted treatment. Health insurers must cover certain drugs and reimburse a pharmacist's services as established by the protocol at a rate equal to or similar to those provided by other health care practitioners.

The bill also allows the Division of Public and Behavioral Health of the Department of Health and Human Services to accept certain funds to bulk-purchase opioid antagonists and requires providers who treat alcohol or other substance-use disorders to prioritize treatment of certain patients if the treatment is in whole or in part publicly funded. It requires the Department of Corrections and certain local jurisdictions that maintain a jail or detention facility to study during the 2023–2024 interim issues related to medication-assisted treatment for incarcerated individuals with an opioid-use disorder, clarifies that a pharmacist or pharmacy may provide certain services regarding assessing a patient, authorizes a pharmacist who registers with the Board to prescribe a drug for medication-assisted treatment, and requires Medicaid to reimburse certain services at a rate equal to that provided to a physician, physician's assistant or advanced practice nurse, regardless of whether the services are directly reimbursed through managed care organizations.

Roll call on Assembly Bill No. 156:

YEAS—21.

NAYS—None.

Assembly Bill No. 156 having received a constitutional majority,
Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 160.

Bill read third time.

Remarks by Senator Nguyen.

Assembly Bill No. 160, as amended, provides a process for the automatic sealing of eligible criminal records. The bill also creates an advisory task force on the automatic records sealing. The task force must submit a report to the administrative office of the courts and the Legislature by July 1, 2024, and sets forth the initial activities and findings of that task force. The relevant sections do not become effective until January 1, 2027.

Roll call on Assembly Bill No. 160:

YEAS—15.

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

Assembly Bill No. 160 having received a constitutional majority,
Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 201.

Bill read third time.

Remarks by Senator Doñate.

Assembly Bill No. 201 establishes provisions relating to children's mental health.

Roll call on Assembly Bill No. 201:

YEAS—13.

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

Assembly Bill No. 201 having received a constitutional majority,
Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Mr. President announced that Senate Bills Nos. 454, 490, 505, 506 and 511
would be immediately transmitted to the Assembly.

Assembly Bill No. 208.

Bill read third time.

Remarks by Senator Scheible.

Assembly Bill No. 208, as amended, requires the Department of Health and Human Services to apply for a home and community-based services waiver to include structured family caregiving for recipients of Medicaid suffering from dementia and includes various requirements relating to the submitted waiver. Assembly Bill No. 208 makes General Fund appropriations totaling \$151,062 to the Division of Health Care Financing and Policy and authorizes expenditures of \$309,163 for costs relating to including such structured family caregiving as medical assistance under Medicaid. It also authorizes expenditures of \$650,160 and appropriates \$72,240 from the State General Fund to the Division of Welfare and Supportive Services for costs relating to systems modifications to implement the provisions of this act.

Roll call on Assembly Bill No. 208:

YEAS—21.

NAYS—None.

Assembly Bill No. 208 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 216.

Bill read third time.

Remarks by Senator Goicoechea.

Assembly Bill No. 216, as amended, repeals, reenacts, reorganizes travel insurance to align with the Travel Insurance Model Act; addresses authorized and prohibited practices; defines travel administrators.

Roll call on Assembly Bill No. 216:

YEAS—21.

NAYS—None.

Assembly Bill No. 216 having received a two-thirds majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 224.

Bill read third time.

Remarks by Senator Nguyen.

Assembly Bill No. 224 authorizes collective bargaining between state professional employees and professional employees inclusive of the Nevada System of Higher Education.

Roll call on Assembly Bill No. 224:

YEAS—13.

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

Assembly Bill No. 224 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 237.

Bill read third time.

Remarks by Senator Titus.

Assembly Bill No. 237, as amended, makes an appropriation in authorized expenditures for certain purposes related to health care.

Roll call on Assembly Bill No. 237:

YEAS—17.

NAYS—Buck, Hansen, Krasner, Stone—4.

Assembly Bill No. 237 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 239.

Bill read third time.

Remarks by Senator Neal.

Assembly Bill No. 239 creates the Merit Award Account, revises provisions to the Medical Laboratory Advisory Committee and changes provisions relating to the Credit Union Advisory Council.

Roll call on Assembly Bill No. 239:

YEAS—21.

NAYS—None.

Assembly Bill No. 239 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly

Assembly Bill No. 243.

Bill read third time.

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

Amendment No. 976.

Legislative Counsel's Digest:

Existing law establishes various legislative interim committees that are created or authorized to conduct studies or investigations or perform other legislative business during the interim between legislative sessions, and existing law provides for the appointment or designation of chairs and vice chairs of such interim committees. (Chapter 218E of NRS, NRS 232B.210-232B.250) Existing law also contains provisions that apply exclusively to such interim committees without applying to any session committees. (NRS 218E.105-218E.140)

~~[Under the term limit provisions of the Nevada Constitution, Legislators are subject to limitations on the number of years that they may serve in each House of the Legislature. (Nev. Const. Art. 4, §§ 3, 4) Section 2 of this bill amends the statutory provisions that apply to interim committees in order to provide, with certain exceptions, that if a Legislator is serving the final term in his or her current House under the term limit provisions, the Legislator is not eligible for the position of chair or vice chair of an interim committee during the legislative interim period that: (1) begins immediately after~~

~~adjournment sine die of the last regular session in which the Legislator is eligible to serve in his or her current House; and (2) ends at the expiration of the Legislator's current term of office in that House. However, section 2 contains an exception for the position of Chair or Vice Chair of the Legislative Commission. Sections 3, 7, 8, 11-14 and 49 of this bill make conforming changes.]~~

Under existing common-law principles of parliamentary law, the chair of a committee serves as the presiding officer of the committee and may take, direct or require any necessary and reasonable actions to carry out the committee's management, government, budget, meetings and proceedings, subject to the laws and rules governing the committee. In addition, if a vacancy occurs in the position of chair, or if the chair is prohibited or disqualified from participating or acting on a particular matter for any reason or is absent, disabled or otherwise unavailable or unable to carry out the position for any reason, the vice chair of the committee serves as the acting chair, with all the powers, privileges and immunities of the position of chair, until the vacancy is filled or the chair is eligible, available or able to carry out the position again, as applicable. (*Mason's Manual of Legislative Procedure* §§ 575-579, 608-611 (2020); Luther S. Cushing, *Elements of the Law & Practice of Legislative Assemblies* §§ 287, 308, 313, 314, 1910 (1856); *Hicks v. Long Branch Comm'n*, 55 A. 250, 250-51 (N.J. 1903)) To assist interim committees in conducting their legislative business consistently with existing common-law principles of parliamentary law, sections 4-6 of this bill codify those existing common-law principles into the statutory provisions that apply to interim committees. (*Welfare Div. v. Maynard*, 84 Nev. 525, 529 (1968) ("A statutory enactment can be simply a legislative pronouncement of already existing law."); *State Gaming Comm'n v. Southwest Sec.*, 108 Nev. 379, 383-84 (1992))

Existing law: (1) establishes Joint Interim Standing Committees of the Legislature that may evaluate and review issues within the jurisdiction of the corresponding standing committees from the preceding regular session of the Legislature, exercise certain investigative powers and, under certain circumstances, conduct studies directed by the Legislature or the Legislative Commission; (2) provides for the appointment of regular members and ~~alternative~~ alternate members to each Joint Interim Standing Committee; and (3) requires the Legislative Commission to select a Chair and a Vice Chair for each Joint Interim Standing Committee. (NRS 218E.320, 218E.330)

Sections 8-10 of this bill clarify and revise various requirements governing the Joint Interim Standing Committees. Section 8 of this bill renames the Joint Interim Standing Committee on Natural Resources as the Joint Interim Standing Committee on Natural Resources and Public Lands. Sections 1, 15-17, 43 and 47.5 of this bill make conforming changes. Section 8 additionally requires the appointing authorities to appoint the committee members for each Joint Interim Standing Committee, along with the

Chairs and Vice Chairs, not later than August 31 following the adjournment of each regular session. Section 8 also clarifies the length of the terms that the committee members and the Chairs and Vice Chairs serve while qualified.

Section 9 of this bill authorizes the Joint Interim Standing Committees to begin holding their meetings on September 1 after the adjournment of each regular session, instead of November 1 under existing law. Section 9 provides that if a regular member cannot attend a meeting of the Committee, an alternate member must ~~[, to the extent practicable,]~~ be of the same political party as the regular member, and section 9 clarifies that, when acting in place of a regular member, an alternate member has all the powers, privileges and immunities of a regular member.

Existing law requires that any recommended legislation proposed by a Joint Interim Standing Committee must be approved by a majority of the members of the Senate and a majority of the members of the Assembly serving on the Committee. (NRS 218E.325) Section 9 changes this requirement by providing that any recommended legislation proposed by a Committee must be approved by a vote in favor of such legislation by at least five members of the eight-member Committee, regardless of their House.

Existing law requires the Joint Interim Standing Committee on Legislative Operations and Elections to evaluate and review issues relating to governmental purchasing. (NRS 218E.330) Section 10 of this bill transfers such duties to the Joint Interim Standing Committee on Government Affairs. Section 44 of this bill makes a conforming change to require that the biennial report on recommendations for legislation relating to government purchasing be submitted to the Joint Interim Standing Committee on Government Affairs.

Existing law creates the Subcommittee on Public Lands of the Joint Interim Standing Committee on Natural Resources and prescribes the Subcommittee's powers and duties. (NRS 218E.500-218E.525, NRS 321.7355) Sections 15-17, 43 and 51 of this bill eliminate the Subcommittee and transfer its powers and duties to the renamed Joint Interim Standing Committee on Natural Resources ~~[,]~~ and Public Lands. Section 16 of this bill requires the renamed Joint Interim Standing Committee on Natural Resources and Public Lands to hold at least three meetings during each legislative interim where the primary physical location of the meeting is located in a different county for each such meeting other than Clark County, Washoe County or Carson City. However, section 16 does not prohibit the use of authorized remote-technology systems for each such meeting, including when necessary to connect the primary physical location of the meeting to additional physical locations for the meeting in Clark County, Washoe County or Carson City.

Existing law creates: (1) the Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System; and (2) the Legislative Committee on Senior Citizens,

Veterans and Adults With Special Needs. (NRS 218E.550-218E.570, 218E.745-218E.760) Sections 18 and 19 of this bill revise the membership, organization and operations of each Legislative Committee.

Existing law creates the Sunset Subcommittee of the Legislative Commission. (NRS 232B.210-232B.250) Sections 33-40 of this bill: (1) rename the Sunset Subcommittee as the Sunset Committee of the Legislature; and (2) revise the membership, organization and operations of the Sunset Committee.

Existing law authorizes Joint Interim Standing Committees and other interim committees to request the drafting of a certain number of legislative measures for each regular session. (NRS 218D.160) Section 1 of this bill revises the number of such requests that may be made by ~~it: (1) the Joint Interim Standing Committee on Health and Human Services; (2) the Joint Interim Standing Committee on the Judiciary; (3) the Joint Interim Standing Committee on Natural Resources; and (4) the~~ Sunset Committee of the Legislature.

Existing law requires the Joint Interim Standing Committee on Health and Human Services to review certain regulations that are proposed or adopted by certain licensing boards and that are related to health care. (NRS 439B.225) Section 51 of this bill repeals the requirement that the Joint Interim Standing Committee on Health and Human Services review such regulations. Sections 41 and 42 of this bill make conforming changes to eliminate the requirement that such regulations be submitted to the Joint Interim Standing Committee on Health and Human Services.

Existing law requires a teacher who wishes to serve on the Nevada State Teacher Recruitment and Retention Advisory Task Force to submit an application to the Joint Interim Standing Committee on Education on or before January 15 of an even-numbered year. (NRS 391.494) Section 46 of this bill moves the due date of the application from January 15 of an even-numbered year to December 1 of an odd-numbered year.

Existing law requires various reports, documents and other information to be compiled by state or local governmental agencies and then reported to certain legislative committees or staff. (NRS 193.309, 209.192, 209.461, 209.4818, 332.215, 388.887, 449.242) Sections 29-32, 44, 45 and 47 of this bill revise those reporting requirements.

Under existing law, the Nevada Lobbying Disclosure and Regulation Act (Lobbying Act) prohibits, with certain exceptions, Legislators, legislative officers and legislative staff members from knowingly or willfully soliciting or accepting any gift from a lobbyist, whether or not the Legislature is in a regular or special session. (NRS 218H.060, 218H.090, 218H.930) Under existing exceptions to the gift prohibitions, if Legislators or members of their households receive anything of value from a lobbyist to undertake or attend any educational or informational meetings, events or trips, such meetings, events or trips are excluded from the term "gift" under the Lobbying Act, but the Legislators are required to report the educational or informational

meetings, events or trips on their financial disclosure statements under the Nevada Financial Disclosure Act (Financial Disclosure Act). (NRS 218H.045, 218H.060, 281.5583, 281.571)

Sections 20-27 of this bill create exceptions for legislative committee investigative meetings, events or trips. Section 22 of this bill defines a "legislative committee investigative meeting, event or trip" to include any meetings, events or trips that the chair of a legislative committee authorizes as official meetings, events or trips of the committee in order for the members of the committee and legislative staff members to investigate or otherwise receive any education or information on matters that are pertinent to the committee's legislative business or possible future legislative action. Based on the exceptions in sections 24 and 26 of this bill, such legislative committee investigative meetings, events or trips are not required to be reported on financial disclosure statements under the Financial Disclosure Act. (NRS 281.5583, 281.5585)

Sections 24 and 26 also make the existing exceptions for educational or informational meetings, events or trips applicable to: (1) legislative officers, such as the Secretary of the Senate and the Chief Clerk of the Assembly; and (2) legislative staff members but only if such staff members have the approval of their chief administrative supervisors to undertake or attend the educational or informational meetings, events or trips. Because the Financial Disclosure Act applies to legislative officers, such as the Secretary of the Senate and the Chief Clerk of the Assembly, and to certain senior staff members of the Legislative Counsel Bureau, such as the Director and the chiefs of the divisions, they are required to report the educational or informational meetings, events or trips on financial disclosure statements. By contrast, if rank-and-file legislative staff members have the approval of their chief administrative supervisors to undertake or attend any educational or informational meetings, events or trips, they are not required to report the educational or informational meetings, events or trips on financial disclosure statements, unless they qualify as a public officer or candidate or a member of a public officer's or candidate's household for the purposes of the Financial Disclosure Act. (NRS 281.005, 281.558, 281.5583, 281.5587)

Section 1 of Assembly Bill No. 243 First Reprint is hereby amended as follows:

Section 1. NRS 218D.160 is hereby amended to read as follows:

218D.160 1. The Chair of the Legislative Commission may request the drafting of not more than 10 legislative measures before the first day of a regular session, with the approval of the Legislative Commission, which relate to the affairs of the Legislature or its employees, including legislative measures requested by the legislative staff.

2. The Chair of the Interim Finance Committee may request the drafting of not more than 10 legislative measures before the first day of a regular session, with the approval of the Committee, which relate to matters within the scope of the Committee.

3. Except as otherwise provided by a specific statute, joint rule or concurrent resolution:

(a) ~~{Except as otherwise provided in paragraphs (b), (c) and (d), a}~~ A Joint Interim Standing Committee may request the drafting of not more than 10 legislative measures which relate to matters within the scope of the Committee ~~{~~

~~{(b) The} , unless another provision in this subsection authorizes a different number of requests for a specific Joint Interim Standing Committee.~~

~~{(b) In addition to the number of requests authorized pursuant to paragraph (a), the Joint Interim Standing Committee on Health and Human Services may also request the drafting of not more than {15} 5 legislative measures {which relate to matters within the scope of the Committee, at least 5 of which must relate to matters} relating to child welfare.~~

~~{(c) {The} , unless another provision in this subsection authorizes a different number of requests for a specific Joint Interim Standing Committee.~~

~~{(b)} In addition to the number of requests authorized pursuant to paragraph (a), the Joint Interim Standing Committee on the Judiciary may also request the drafting of not more {15} than 5 legislative measures {which relate to matters within the scope of the Committee, at least 5 of which must relate to matters relating to child welfare and not more than 5 legislative measures} relating to juvenile justice.~~

~~{(d) {The} In addition to the number of requests authorized pursuant to paragraph (a), the Joint Interim Standing Committee on Natural Resources and Public Lands may also request the drafting of not more than {14} 4 legislative measures {which relate to matters within the scope of the Committee, at least 4 of which must relate to matters} relating to public lands . {based on the recommendations for legislation submitted by the Subcommittee on Public Lands pursuant to NRS 218E.525.}~~

~~{(e) }~~ Any legislative committee created by a statute, other than the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs created by NRS 218E.750 , the Sunset Committee of the Legislature created by NRS 232B.210 or an interim legislative committee, may request the drafting of not more than 10 legislative measures which relate to matters within the scope of the committee.

~~{(f) }~~ The Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs created by NRS 218E.750 may request the drafting of not more than 6 legislative measures which relate to matters within the scope of the Committee.

~~{(g) }~~ The Sunset Committee of the Legislature created by NRS 232B.210 may request the drafting of not more than 5 legislative measures which relate to matters within the scope of the Committee, except that the Committee may request the drafting of additional legislative measures if the Legislative Commission approves each additional request by a majority vote.

~~{(f) }~~ (h) Any committee or subcommittee established by an order of the

Legislative Commission pursuant to NRS 218E.200 may request the drafting of not more than 5 legislative measures which relate to matters within the scope of the study or investigation, except that such a committee or subcommittee may request the drafting of additional legislative measures if the Legislative Commission approves each additional request by a majority vote.

~~[(h)-(g)]~~ (i) Any other committee established by the Legislature which conducts an interim legislative study or investigation may request the drafting of not more than 5 legislative measures which relate to matters within the scope of the study or investigation.

↪ The requests authorized pursuant to this subsection must be submitted to the Legislative Counsel on or before September 1 preceding a regular session unless the Legislative Commission authorizes submitting a request after that date.

4. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel.

Section 2 of Assembly Bill No. 243 First Reprint is hereby amended as follows:

Sec. 2. ~~[Chapter 218E of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~—1. Except as otherwise provided in this section, if at the expiration of a Legislator's current term of office, the Legislator will be prohibited from serving again in his or her current House because of the limitations on the number of years of service pursuant to Section 3 or 4 of Article 4 of the Nevada Constitution, as applicable, the Legislator is not eligible to be appointed, designated or selected as the chair or vice chair of a committee, or serve in either position, during the legislative interim period that:~~

~~—(a) Begins immediately after adjournment sine die of the last regular session in which the Legislator is eligible to serve in his or her current House; and~~

~~—(b) Ends at the expiration of the Legislator's current term of office in that House.~~

~~—2. The provisions of this section apply to a Legislator whether or not the Legislator is eligible to serve in or becomes a candidate for a seat in the other House during his or her current term of office, except that the provisions of this section do not apply to a Legislator who is appointed to fill a vacancy in the other House before the expiration of his or her current term of office.~~

~~—3. The provisions of this section do not apply to the position of Chair or Vice Chair of the Legislative Commission.] (Deleted by amendment.)~~

Section 3 of Assembly Bill No. 243 First Reprint is hereby amended as follows:

Sec. 3. ~~[NRS 218E.105 is hereby amended to read as follows:~~

~~—218E.105 As used in NRS 218E.105 to 218E.140, inclusive, and section 2 of this act, unless the context otherwise requires, the words and~~

~~terms defined in NRS 218E.110, 218E.115 and 218E.120 have the meanings ascribed to them in those sections.~~ (Deleted by amendment.)

Section 5 of Assembly Bill No. 243 First Reprint is hereby amended as follows:

Sec. 5. NRS 218E.125 is hereby amended to read as follows:

218E.125 1. The provisions of NRS 218E.105 to 218E.140, inclusive, ~~and section 2 of this act,~~ are intended to supplement the other provisions of this chapter and any other ~~law~~ laws or rules governing the legislative proceedings of a committee, *including, without limitation, any applicable principles of parliamentary law*, and the provisions of NRS 218E.105 to 218E.140, inclusive, ~~and section 2 of this act,~~ do not limit the application of such other ~~provisions~~ legal authorities.

2. The powers, privileges and immunities granted by the provisions of NRS 218E.105 to 218E.140, inclusive, ~~and section 2 of this act,~~ are in addition to any other powers, privileges and immunities recognized by ~~law~~, *any other laws or rules, including, without limitation, any applicable principles of parliamentary law*, and all such powers, privileges and immunities are cumulative, so that the application or attempted application of any one does not bar the application or attempted application of any other.

Section 6 of Assembly Bill No. 243 First Reprint is hereby amended as follows:

Sec. 6. NRS 218E.130 is hereby amended to read as follows:

218E.130 1. A committee may conduct investigations and hold hearings regarding any matter which is pertinent to its legislative business or possible future legislative action and may exercise any of the investigative powers set forth in NRS 218E.105 to 218E.140, inclusive, ~~and section 2 of this act.~~

2. The secretary of the committee or any member of the committee may administer oaths to witnesses who appear before the committee.

3. The chair of the committee, or the secretary of the committee on behalf of the chair, may cause the deposition of witnesses to be taken, whether the witnesses reside within or without the State, in the manner prescribed by court rules for taking depositions in civil actions in the district court.

4. *The chair of the committee may take, direct or require any necessary and reasonable actions to carry out the committee's management, government, budget, meetings and proceedings, subject to the laws and rules governing the committee, including, without limitation, any applicable principles of parliamentary law.*

5. *If a vacancy occurs in the position of chair of the committee, or if the chair is prohibited or disqualified from participating or acting on a particular matter for any reason or is absent, disabled or otherwise unavailable or unable to carry out the position for any reason, the vice chair of the committee shall serve as the acting chair, with all the powers, privileges and immunities of the position of chair, until the vacancy is filled*

or the chair is eligible, available or able to carry out the position again, as applicable.

Section 7 of Assembly Bill No. 243 First Reprint is hereby amended as follows:

Sec. 7. ~~[NRS 218E.240 is hereby amended to read as follows:~~
~~218E.240 1. There is hereby created an Audit Subcommittee of the~~
~~Legislative Commission consisting of five members.~~
~~2. The Chair of the Legislative Commission shall:~~
~~(a) Appoint the members of the Audit Subcommittee from among the~~
~~members of the Legislative Commission and the Interim Finance Committee;~~
~~and~~
~~(b) [Designate] Except as otherwise provided in section 2 of this act,~~
~~designate one of the members of the Audit Subcommittee as Chair.~~
~~3. The Chair of the Legislative Commission shall designate five~~
~~Legislators from among the members of the Legislative Commission and the~~
~~Interim Finance Committee to serve as alternates for the members of the~~
~~Audit Subcommittee.~~
~~4. The Legislative Auditor or a member of the staff of the Audit Division~~
~~appointed by the Legislative Auditor shall serve as Secretary of the Audit~~
~~Subcommittee.~~
~~5. The Audit Subcommittee shall meet at the times and places specified~~
~~by a call of the Chair.~~
~~6. Three members of the Audit Subcommittee constitute a quorum, and a~~
~~quorum may exercise all the power and authority conferred on the Audit~~
~~Subcommittee.] (Deleted by amendment.)~~

Section 8 of Assembly Bill No. 243 First Reprint is hereby amended as follows:

Sec. 8. NRS 218E.320 is hereby amended to read as follows:

218E.320 1. There are hereby created the following Joint Interim Standing Committees of the Legislature:

- (a) Commerce and Labor;
- (b) Education;
- (c) Government Affairs;
- (d) Growth and Infrastructure;
- (e) Health and Human Services;
- (f) Judiciary;
- (g) Legislative Operations and Elections;
- (h) Natural Resources ~~and~~ and Public Lands; and
- (i) Revenue.

2. Each Joint Interim Standing Committee consists of eight regular members and five alternate members. As soon as is practicable after the adjournment of each regular session ~~and~~ *and not later than August 31 immediately following such adjournment:*

(a) The Speaker of the Assembly shall appoint three members of the Assembly as regular members of each Committee and two members of the

Assembly as alternate members of each Committee.

(b) The Minority Leader of the Assembly shall appoint two members of the Assembly as regular members of each Committee and one member of the Assembly as an alternate member of each Committee.

(c) The Majority Leader of the Senate shall appoint two Senators as regular members of each Committee and one Senator as an alternate member of each Committee.

(d) The Minority Leader of the Senate shall appoint one Senator as a regular member of each Committee and one Senator as an alternate member of each Committee.

3. Before making their respective appointments, the Speaker of the Assembly, the Majority Leader of the Senate and the Minority Leaders of the Senate and Assembly shall consult so that, to the extent practicable:

(a) At least five of the regular members appointed to each Joint Interim Standing Committee served on the corresponding standing committee or committees during the preceding regular session.

(b) Not more than five of the regular members appointed to each Joint Interim Standing Committee are members of the same political party.

4. ~~The~~ ~~[Except as otherwise provided in section 2 of this act, the]~~ Legislative Commission shall ~~[select]~~ appoint the Chair and Vice Chair of each Joint Interim Standing Committee from among the members of the Committee ~~[.]~~ and shall make such appointments as soon as is practicable after the adjournment of each regular session and not later than August 31 immediately following such adjournment. The Chair must be appointed from one House of the Legislature and the Vice Chair from the other House. The position of Chair must alternate each biennium between the Houses of the Legislature. ~~[Each of those officers]~~

5. ~~Except as otherwise provided in this section, [and section 2 of this act],~~ each Chair and Vice Chair holds the position, while qualified, until a successor is appointed after the next regular session. If a vacancy occurs in the position of Chair or Vice Chair, the vacancy must be filled in the same manner as the original ~~[selection]~~ appointment for the remainder of the unexpired term.

~~[5.]~~ 6. Except as otherwise provided in this subsection, a member of a Joint Interim Standing Committee holds his or her membership on the Committee, while qualified, until a successor is appointed after the next regular session. The membership of any member of a Joint Interim Standing Committee who does not become a candidate for reelection or who is defeated for reelection terminates on the day next after the general election. The Speaker designate of the Assembly or the Majority Leader designate of the Senate, as the case may be, may appoint a member to fill the vacancy for the remainder of the unexpired term.

~~[6.]~~ 7. Vacancies on a Joint Interim Standing Committee must be filled in the same manner as original appointments.

Section 9 of Assembly Bill No. 243 First Reprint is hereby amended as

follows:

Sec. 9. NRS 218E.325 is hereby amended to read as follows:

218E.325 1. Except as otherwise ordered by the Legislative Commission, the members of a Joint Interim Standing Committee shall meet not earlier than ~~[November 1 of each odd-numbered year]~~ *September 1 immediately following the adjournment of each regular session* and not later than August 31 of the following even-numbered year at the times and places specified by a call of the Chair ~~or a majority of the Committee.~~

2. The Director or his or her designee shall act as the nonvoting recording Secretary of each Joint Interim Standing Committee.

3. Five members of a Joint Interim Standing Committee constitute a quorum, and a quorum may exercise all the power and authority conferred on the Committee, except that any recommended legislation proposed by ~~the~~ the Committee must be approved by a ~~[majority of the members of the Senate and a majority of the members of the Assembly serving on]~~ vote in favor of such legislation by at least five members of the Committee.

4. All requests for the drafting of recommended legislation approved by a Joint Interim Standing Committee must be made in accordance with NRS 218D.160.

5. If an alternate member of a Joint Interim Standing Committee attends a meeting of the Committee in place of a regular member who cannot attend the meeting, the alternate member who attends the meeting must ~~be, to the extent practicable,~~ be of the same political party as the regular member. When acting in place of a regular member, an alternate member has all the powers, privileges and immunities of a regular member.

6. Except during a regular or special session, for each day or portion of a day during which a member of a Joint Interim Standing Committee attends a meeting of the Committee or is otherwise engaged in the work of the Committee, the member is entitled to receive the:

(a) Compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding regular session;

(b) Per diem allowance provided for state officers and employees generally; and

(c) Travel expenses provided pursuant to NRS 218A.655.

~~{→}~~

7. The compensation, per diem allowances and travel expenses of the members of a Joint Interim Standing Committee must be paid from the Legislative Fund.

Section 10 of Assembly Bill No. 243 First Reprint is hereby amended as follows:

Sec. 10. NRS 218E.330 is hereby amended to read as follows:

218E.330 1. A Joint Interim Standing Committee may:

(a) Evaluate and review issues within the jurisdiction of the corresponding standing committee or committees from the preceding regular session;

(b) Exercise any of the investigative powers set forth in NRS 218E.105 to

218E.140, inclusive ; ~~[-, and section 2 of this act,]~~ and

(c) Within the limits of the Committee's budget, conduct studies directed by the Legislature or the Legislative Commission.

2. In addition to the authorized scope of issues set forth in paragraph (a) of subsection 1:

(a) The Joint Interim Standing Committee on Health and Human Services shall, either as part of its regular work or through appointment of a subcommittee, evaluate and review issues relating to child welfare.

~~(b) The Joint Interim Standing Committee on the Judiciary shall, either as part of its regular work or through appointment of a subcommittee, evaluate and review issues relating to [child welfare and] juvenile justice.~~

~~(c) [(b)] The Joint Interim Standing Committee on [Legislative Operations and Elections] Government Affairs may evaluate and review issues relating to governmental purchasing, including, without limitation, recommendations submitted to the Joint Interim Standing Committee by the Commission to Study Governmental Purchasing pursuant to NRS 332.215.~~

3. The Legislative Commission shall review and approve the budget and work program of each Joint Interim Standing Committee and any changes to the budget or work program.

4. A Joint Interim Standing Committee shall prepare a comprehensive report of the Committee's activities in the interim and its findings and any recommendations for proposed legislation. The report must be submitted to the Director for distribution to the next regular session.

Section 11 of Assembly Bill No. 243 First Reprint is hereby amended as follows:

Sec. 11. ~~[NRS 218E.400 is hereby amended to read as follows:
218E.400 1. There is hereby created in the Legislative Counsel Bureau an Interim Finance Committee. Except as otherwise provided in this section, the Interim Finance Committee is composed of the members of the Assembly Standing Committee on Ways and Means and the Senate Standing Committee on Finance during the current or immediately preceding regular session.]~~

~~2. Except as otherwise provided in [this subsection, the] subsections 3 and 4:~~

~~(a) The immediate past Chair of the Senate Standing Committee on Finance is the Chair of the Interim Finance Committee for the period ending with the convening of each even numbered regular session [.] ;~~

~~(b) The immediate past Chair of the Assembly Standing Committee on Ways and Means is the Chair of the Interim Finance Committee during the next legislative interim [, and the] ; and~~

~~(c) The position of Chair of the Interim Finance Committee alternates between the Houses according to this pattern.~~

~~3. Except as otherwise provided in subsection 4, if the immediate past Chair of the Senate Standing Committee on Finance or the Assembly Standing Committee on Ways and Means, as applicable, is not eligible to~~

~~serve as the Chair of the Interim Finance Committee pursuant to section 2 of this act, the position of Chair of the Interim Finance Committee must be appointed as follows:~~

~~—(a) If the position is entitled to be filled by the Senate for that legislative interim, the Majority Leader of the Senate shall appoint an eligible immediate past member of the Senate Standing Committee on Finance as the Chair of the Interim Finance Committee.~~

~~—(b) If the position is entitled to be filled by the Assembly for that legislative interim, the Speaker of the Assembly shall appoint an eligible immediate past member of the Assembly Standing Committee on Ways and Means as the Chair of the Interim Finance Committee.~~

~~—4. The term of the Chair of the Interim Finance Committee terminates if a new Chair of the Assembly Standing Committee on Ways and Means or the Senate Standing Committee on Finance, as the case may be, is designated for the next regular session, in which case that person so designated serves as the Chair of the Interim Finance Committee until the convening of that regular session.~~

~~—[3.] 5. If any regular member of the Interim Finance Committee informs the Secretary that the member will be unable to attend a particular meeting, the Secretary shall notify the Speaker of the Assembly or the Majority Leader of the Senate, as the case may be, to appoint an alternate for that meeting from the same House and political party as the absent member.~~

~~—[4.] 6. Except as otherwise provided in subsection [5,] 7, the term of a member of the Interim Finance Committee expires upon the convening of the next regular session unless the member is replaced by the appointing authority. If the Speaker designate of the Assembly or the Majority Leader designate of the Senate designates members of the Assembly Standing Committee on Ways and Means or the Senate Standing Committee on Finance, as applicable, for the next regular session, the designated members become members of the Interim Finance Committee. A member may be reappointed.~~

~~—[5.] 7. The membership of any member who does not become a candidate for reelection or who is defeated for reelection terminates on the day next after the general election. The Speaker designate of the Assembly or the Majority Leader designate of the Senate, as the case may be, shall appoint an alternate to fill the vacancy on the Interim Finance Committee. Except as otherwise provided in this subsection, each alternate serves on the Interim Finance Committee.~~

~~—(a) If the alternate is a member of the Assembly, until the Speaker designate of the Assembly designates the members of the Assembly Standing Committee on Ways and Means for the next regular session or appoints a different alternate.~~

~~—(b) If the alternate is a member of the Senate, until the Majority Leader designate of the Senate designates the members of the Senate Standing Committee on Finance for the next regular session or appoints a different~~

alternate.

~~[6.] 8. The Director shall act as the Secretary of the Interim Finance Committee.~~

~~[7.] 9. A majority of the members of the Assembly Standing Committee on Ways and Means and a majority of the members of the Senate Standing Committee on Finance, jointly, may call a meeting of the Interim Finance Committee if the Chair does not do so.~~

~~[8.] 10. In all matters requiring action by the Interim Finance Committee, the vote of the Assembly members and the Senate members must be taken separately. No action may be taken unless it receives the affirmative vote of a majority of the Assembly members and a majority of the Senate members.~~

~~[9.] 11. The Interim Finance Committee may conduct investigations and hold hearings in connection with its functions and duties and exercise any of the investigative powers set forth in NRS 218E.105 to 218E.140, inclusive [~~

~~10.], and section 2 of this act.~~

~~12. Except during a regular or special session, for each day or portion of a day during which a member of the Interim Finance Committee and appointed alternate attends a meeting of the Interim Finance Committee or is otherwise engaged in the business of the Interim Finance Committee, the member or appointed alternate is entitled to receive:~~

~~—(a) The compensation provided for a majority of the Legislators during the first 60 days of the preceding regular session;~~

~~—(b) The per diem allowance provided for state officers and employees generally; and~~

~~—(c) The travel expenses provided pursuant to NRS 218A.655.~~

~~[11.] 13. All such compensation, per diem allowances and travel expenses must be paid from the Contingency Fund in the State Treasury.]~~
(Deleted by amendment.)

Section 12 of Assembly Bill No. 243 First Reprint is hereby amended as follows:

Sec. 12. ~~[NRS 218E.405 is hereby amended to read as follows:~~

~~218E.405 1. Except as otherwise provided in subsection 2, the Interim Finance Committee may exercise the powers conferred upon it by law only when the Legislature is not in a regular or special session.~~

~~2. During a regular or special session, the Interim Finance Committee may also perform the duties imposed on it by NRS 228.1111, subsection 5 of NRS 284.115, NRS 285.070, subsection 2 of NRS 321.335, NRS 322.007, subsection 2 of NRS 323.020, NRS 323.050, subsection 1 of NRS 323.100, subsection 3 of NRS 341.126, NRS 341.142, paragraph (f) of subsection 1 of NRS 341.145, subsection 3 of NRS 349.073, NRS 353.220, 353.224, 353.2705 to 353.2771, inclusive, 353.288, 353.335, 353C.224, 353C.226, paragraph (b) of subsection 4 of NRS 407.0762, NRS 428.375, 433.732, 439.4905, 439.620, 439.630, 445B.830, subsection 1 of NRS 445C.320 and NRS 538.650. In performing those duties, the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means may~~

~~meet separately and transmit the results of their respective votes to the Chair of the Interim Finance Committee to determine the action of the Interim Finance Committee as a whole.~~

~~3. The Chair of the Interim Finance Committee may appoint a subcommittee consisting of six members of the Committee to review and make recommendations to the Committee on matters of the State Public Works Division of the Department of Administration that require prior approval of the Interim Finance Committee pursuant to subsection 3 of NRS 341.126, NRS 341.142 and paragraph (f) of subsection 1 of NRS 341.145. If the Chair appoints such a subcommittee:~~

~~(a) [The] Except as otherwise provided in section 2 of this act, the Chair shall designate one of the members of the subcommittee to serve as the chair of the subcommittee;~~

~~(b) The subcommittee shall meet throughout the year at the times and places specified by the call of the chair of the subcommittee; and~~

~~(c) The Director or the Director's designee shall act as the nonvoting recording secretary of the subcommittee.] (Deleted by amendment.)~~

Section 13 of Assembly Bill No. 243 First Reprint is hereby amended as follows:

Sec. 13. ~~[NRS 218E.420 is hereby amended to read as follows:~~

~~218E.420 1. There is hereby created an Interim Retirement and Benefits Committee of the Legislature to:~~

~~(a) Review the operation of the Public Employees' Retirement System, the Judicial Retirement System established pursuant to chapter 1A of NRS and the Public Employees' Benefits Program; and~~

~~(b) Make recommendations to the Public Employees' Retirement Board and the Board of the Public Employees' Benefits Program, the Legislative Commission and the Legislature.~~

~~2. The Interim Retirement and Benefits Committee consists of six members appointed as follows:~~

~~(a) Three members of the Senate, one of whom is the immediate past Chair of the Senate Standing Committee on Finance during the preceding regular session and two of whom are appointed by the Majority Leader of the Senate.~~

~~(b) Three members of the Assembly, one of whom is the immediate past Chair of the Assembly Standing Committee on Ways and Means during the preceding regular session and two of whom are appointed by the Speaker of the Assembly.~~

~~3. The Legislative Commission shall review and approve the budget and work program for the Committee and any changes to the budget or work program.~~

~~4. Except as otherwise provided in subsection 5:~~

~~(a) The immediate past Chair of the Senate Standing Committee on Finance is the Chair of the Interim Retirement and Benefits Committee for the period ending with the convening of each odd numbered regular session~~

~~[.];~~

~~—(b) The immediate past Chair of the Assembly Standing Committee on Ways and Means is the Chair of the Interim Retirement and Benefits Committee during the next legislative interim [, and the]; and~~

~~—(c) The position of Chair of the Interim Retirement and Benefits Committee alternates between the Houses according to this pattern.~~

~~—5. If the immediate past Chair of the Senate Standing Committee on Finance or the Assembly Standing Committee on Ways and Means, as applicable, is not eligible to serve as the Chair of the Interim Retirement and Benefits Committee pursuant to section 2 of this act, the position of Chair of the Interim Retirement and Benefits Committee must be appointed as follows:~~

~~—(a) If the position is entitled to be filled by the Senate for that legislative interim, the Majority Leader of the Senate shall appoint an eligible immediate past member of the Senate Standing Committee on Finance as the Chair of the Interim Retirement and Benefits Committee.~~

~~—(b) If the position is entitled to be filled by the Assembly for that legislative interim, the Speaker of the Assembly shall appoint an eligible immediate past member of the Assembly Standing Committee on Ways and Means as the Chair of the Interim Retirement and Benefits Committee.~~

~~—6. The Interim Retirement and Benefits Committee may exercise the powers conferred on it by law only when the Legislature is not in a regular or special session and shall meet at the call of the Chair.~~

~~—[6.] 7. The Interim Retirement and Benefits Committee may conduct investigations and hold hearings in connection with its functions and duties and exercise any of the investigative powers set forth in NRS 218E.105 to 218E.140, inclusive [;~~

~~—7.], and section 2 of this act.~~

~~—8. The Director shall provide a Secretary for the Interim Retirement and Benefits Committee.~~

~~—[8.] 9. For each day or portion of a day during which members of the Interim Retirement and Benefits Committee attend a meeting of the Interim Retirement and Benefits Committee or are otherwise engaged in the business of the Interim Retirement and Benefits Committee, the members are entitled to receive:~~

~~—(a) The compensation provided for a majority of the Legislators during the first 60 days of the preceding regular session;~~

~~—(b) The per diem allowance provided for state officers and employees generally; and~~

~~—(c) The travel expenses provided pursuant to NRS 218A.655.~~

~~—[9.] 10. All such compensation, per diem allowances and travel expenses must be paid from the Legislative Fund. (Deleted by amendment.)~~

Section 14 of Assembly Bill No. 243 First Reprint is hereby amended as follows:

Sec. 14. ~~[NRS 218E.440 is hereby amended to read as follows:~~

~~218E.440 1. If:~~

~~— (a) The Legislature, by concurrent resolution, during a regular session; or~~
~~— (b) The Interim Finance Committee, by resolution, while the Legislature is not in a regular session,~~
~~→ determines that the performance of a fundamental review of the base budget of a particular agency is necessary, the Interim Finance Committee shall create a legislative committee for the fundamental review of the base budgets of state agencies.~~
~~— 2. The Interim Finance Committee:~~
~~— (a) May create more than one such committee if the number of agencies designated for review warrants additional committees; and~~
~~— (b) If more than one such committee is created, shall determine which agencies are to be reviewed by the respective committees.~~
~~— 3. For each such committee, the Interim Finance Committee shall:~~
~~— (a) Appoint all the members;~~
~~— (b) Appoint an equal number of members from the Senate and the Assembly;~~
~~— (c) Appoint at least a majority of the members from the Interim Finance Committee; and~~
~~— (d) [Designate] Except as otherwise provided in section 2 of this act, designate the chair.~~
~~— 4. Any member of a committee who is not a candidate for reelection or who is defeated for reelection continues to serve after the general election until the next regular or special session convenes.~~
~~— 5. Vacancies on a committee must be filled in the same manner as original appointments.~~
~~— 6. A majority of the members appointed to a committee constitutes a quorum.~~
~~— 7. The Director shall assign employees of the Legislative Counsel Bureau to provide such technical, clerical and operational assistance to a committee as the functions and operations of the committee may require.]~~
 (Deleted by amendment.)

Section 15 of Assembly Bill No. 243 First Reprint is hereby amended as follows:

Sec. 15. NRS 218E.500 is hereby amended to read as follows:

218E.500 The Legislature finds and declares that:

1. Policies and issues relating to public lands and state sovereignty as impaired by federal ownership of land are matters of continuing concern to this State.

2. This concern necessarily includes an awareness that all federal statutes, policies and regulations which affect the management of public lands are likely to have extensive effects within the State and must not be ignored or automatically dismissed as beyond the reach of the state's policymakers.

3. Experience with federal regulations relating to public lands has demonstrated that the State of Nevada and its citizens are subjected to

regulations which sometimes are unreasonable, arbitrary, beyond the intent of the Congress or the scope of the authority of the agency adopting them and that as a result these regulations should be subjected to legislative review and comment, and judicially tested where appropriate, to protect the rights and interests of the State and its citizens.

4. Other western states where public lands comprise a large proportion of the total area have shown an interest in matters relating to public lands and those states, along with Nevada, have been actively participating in cooperative efforts to acquire, evaluate and share information and promote greater understanding of the issues. Since Nevada can both contribute to and benefit from such interstate activities, it is appropriate that ~~{a subcommittee on matters relating to public lands}~~ the Joint Interim Standing Committee on Natural Resources and Public Lands be assigned primary responsibility for participating in them.

Section 16 of Assembly Bill No. 243 First Reprint is hereby amended as follows:

Sec. 16. NRS 218E.520 is hereby amended to read as follows:

218E.520 1. ~~{The Subcommittee}~~ During each legislative interim, the Joint Interim Standing Committee on Natural Resources and Public Lands must hold at least three meetings where the primary physical location for the meeting is:

(a) Located in a different county for each such meeting; and
(b) Not located in Clark County, Washoe County or Carson City for each such meeting,

↪ except that this subsection does not prohibit any additional physical locations for such a meeting from being located in Clark County, Washoe County or Carson City and connected to the primary physical location for the meeting through the use of any authorized remote-technology system or otherwise prohibit the use of any authorized remote-technology system for such a meeting. As used in this subsection, "authorized remote-technology system" has the meaning ascribed to it in NRS 218A.806.

2. In addition to any other powers or duties, the Committee may:

(a) Review and comment on any administrative policy, rule or regulation of the:

(1) Secretary of the Interior which pertains to policy concerning or management of public lands under the control of the Federal Government; and

(2) Secretary of Agriculture which pertains to policy concerning or management of national forests;

(b) Conduct investigations and hold hearings in connection with its review, including, but not limited to, investigating the effect on the State, its citizens, political subdivisions, businesses and industries of those policies, rules, regulations and related laws, and exercise any of the investigative powers set forth in NRS 218E.105 to 218E.140, inclusive ; ~~f, and section 2 of this act;~~

(c) Consult with and advise the State Land Use Planning Agency on matters concerning federal land use, policies and activities in this State;

(d) Direct the Legislative Counsel Bureau to assist in its research, investigations, review and comment;

(e) Recommend to the Legislature as a result of its review any appropriate state legislation or corrective federal legislation;

(f) Advise the Attorney General if it believes that any federal policy, rule or regulation which it has reviewed encroaches on the sovereignty respecting land or water or their use which has been reserved to the State pursuant to the Constitution of the United States;

(g) Enter into a contract for consulting services for land planning and any other related activities, including, but not limited to:

(1) Advising the ~~{Subcommittee}~~ *Committee* and the State Land Use Planning Agency concerning the revision of the plans pursuant to NRS 321.7355;

(2) Assisting local governments in the identification of lands administered by the Federal Government in this State which are needed for residential or economic development or any other purpose; and

(3) Assisting local governments in the acquisition of federal lands in this State;

(h) Apply for any available grants and accept any gifts, grants or donations to assist the ~~{Subcommittee}~~ *Committee* in carrying out its duties; and

(i) Review and comment on any other matter relating to the preservation, conservation, use, management or disposal of public lands deemed appropriate by the Chair of the ~~{Subcommittee}~~ *Committee* or by a majority of the members of the ~~{Subcommittee}~~ *Committee*.

~~2.~~ 3. Any reference in this section to federal policies, rules, regulations and related federal laws includes those which are proposed as well as those which are enacted or adopted.

Section 17 of Assembly Bill No. 243 First Reprint is hereby amended as follows:

Sec. 17. NRS 218E.525 is hereby amended to read as follows:

218E.525 1. ~~{The Subcommittee}~~ In addition to any other powers or duties, the Joint Interim Standing Committee on Natural Resources and Public Lands shall:

(a) Actively support the efforts of state and local governments in the western states regarding public lands and state sovereignty as impaired by federal ownership of land.

(b) Advance knowledge and understanding in local, regional and national forums of Nevada's unique situation with respect to public lands.

(c) Support legislation that will enhance state and local roles in the management of public lands and will increase the disposal of public lands.

2. ~~{The Subcommittee}~~ In addition to any other powers or duties, the Committee:

(a) Shall review the programs and activities of:

(1) The Colorado River Commission of Nevada;

(2) All public water authorities, districts and systems in the State of Nevada, including, without limitation, the Southern Nevada Water Authority, the Truckee Meadows Water Authority, the Virgin Valley Water District, the Carson Water Subconservancy District, the Humboldt River Basin Water Authority and the Truckee-Carson Irrigation District; and

(3) All other public or private entities with which any county in the State has an agreement regarding the planning, development or distribution of water resources, or any combination thereof; *and*

(b) ~~{Shall submit recommendations for legislation to the Joint Interim Standing Committee on Natural Resources;~~

~~—(c) Shall, on or before January 15 of each odd numbered year, submit to the Joint Interim Standing Committee on Natural Resources for transmittal to the Legislature a report concerning the review conducted pursuant to paragraph (a); and~~

~~—(d)}~~ May review and comment on other issues relating to water resources in this State, including, without limitation:

(1) The laws, regulations and policies regulating the use, allocation and management of water in this State; and

(2) The status of existing information and studies relating to water use, surface water resources and groundwater resources in this State.

Section 39 of Assembly Bill No. 243 First Reprint is hereby amended as follows:

Sec. 39. NRS 232B.240 is hereby amended to read as follows:

232B.240 1. The Sunset ~~{Subcommittee of the Legislative Commission}~~ Committee shall conduct public hearings for the purpose of obtaining comments on, and may require the Legislative Counsel Bureau to submit reports on, the need for the termination, modification, consolidation or continued operation of a board or commission.

2. The ~~{Sunset Subcommittee}~~ Committee shall consider any report submitted to it by the Legislative Counsel Bureau.

3. The Committee may exercise any of the investigative powers set forth in NRS 218E.105 to 218E.140, inclusive.

4. A board or commission has the burden of proving that there is a public need for its continued existence.

Section 43 of Assembly Bill No. 243 First Reprint is hereby amended as follows:

Sec. 43. NRS 321.7355 is hereby amended to read as follows:

321.7355 1. The State Land Use Planning Agency may prepare, in cooperation with appropriate federal and state agencies and local governments throughout the State, plans or statements of policy concerning the administration of lands in the State of Nevada that are under federal management. The plans or statements of policy must not include matters concerning zoning or the division of land and must be consistent with local

plans and regulations concerning the use of private property.

2. The State Land Use Planning Agency shall:

(a) Encourage public comment upon the various matters treated in a proposed plan or statement of policy throughout its preparation and incorporate such comments into the proposed plan or statement of policy as are appropriate;

(b) Submit its work on a plan or statement of policy periodically for review and comment by the Land Use Planning Advisory Council and ~~the Subcommittee on Public Lands of~~ the Joint Interim Standing Committee on Natural Resources ~~and Public Lands~~; and

(c) Provide written responses to written comments received from a county or city upon the various matters treated in a proposed plan or statement of policy.

3. Whenever the State Land Use Planning Agency prepares plans or statements of policy pursuant to subsection 1 and submits those plans or statements of policy to the Governor, the Legislature, ~~the Subcommittee on Public Lands of~~ the Joint Interim Standing Committee on Natural Resources ~~and Public Lands~~ or an agency of the Federal Government, the State Land Use Planning Agency shall include with each plan or statement of policy the comments and recommendations of:

(a) The Land Use Planning Advisory Council; and

(b) The ~~Subcommittee on Public Lands of the~~ Joint Interim Standing Committee on Natural Resources ~~and Public Lands~~.

4. A plan or statement of policy must be approved by the governing bodies of the county and cities affected by it before it is put into effect.

NEW section 47.5 of Assembly Bill No. 243 First Reprint is hereby added as follows:

Sec. 47.5. NRS 459.0094 is hereby amended to read as follows:

459.0094 The Executive Director shall:

1. Appoint, with the consent of the Commission, an Administrator of each Division of the Agency.

2. Advise the Commission on matters relating to the potential disposal of radioactive waste in this State.

3. Evaluate the potentially adverse effects of a facility for the disposal of radioactive waste in this State.

4. Consult frequently with local governments and state agencies that may be affected by a facility for the disposal of radioactive waste and appropriate legislative committees.

5. Assist local governments in their dealings with the Department of Energy and its contractors on matters relating to radioactive waste.

6. Carry out the duties imposed on the State by 42 U.S.C. §§ 10101 to 10226, inclusive, as those sections existed on July 1, 1995.

7. Cooperate with any governmental agency or other person to carry out the provisions of NRS 459.009 to 459.0098, inclusive.

8. Provide semiannual written reports to the Joint Interim Standing

Committees on Government Affairs, Growth and Infrastructure, Health and Human Services and Natural Resources ~~and~~ and Public Lands. The reports must contain:

(a) A summary of the status of the activities undertaken by the Agency since the previous report;

(b) A description of all contracts the Agency has with natural persons or organizations, including, but not limited to, the name of the recipient of each contract, the amount of the contract, the duties to be performed under the contract, the manner in which the contract assists the Agency in achieving its goals and responsibilities and the status of the performance of the terms of the contract;

(c) The status of any litigation relating to the goals and responsibilities of the Agency to which the State of Nevada is a party; and

(d) Any other information requested by any of the Committees.

Section 49 of Assembly Bill No. 243 First Reprint is hereby amended as follows:

Sec. 49. ~~[The provisions of section 2 of this act apply to any Legislator who, at the expiration of his or her current term of office, will be prohibited from serving again in his or her current House because of the limitations on the number of years of service pursuant to Section 3 or 4 of Article 4 of the Nevada Constitution, as applicable, whether or not the Legislator's current term of office began before the effective date of this act.] (Deleted by amendment.)~~

Section 50 of Assembly Bill No. 243 First Reprint is hereby amended as follows:

Sec. 50. 1. If the provisions of any other statute or any other act or resolution passed by the Legislature conflict with the provisions of this act because they assign a power, duty or legislative study or investigation to a legislative committee, subcommittee or other body abolished by the provisions of this act or because they require the submission of a report, document or other information to a legislative committee, subcommittee or other body abolished by the provisions of this act:

(a) The conflicting provisions of the other statute, act or resolution are superseded and abrogated by the provisions of this act; and

(b) The power, duty or legislative study or investigation shall be deemed assigned to, or the report, document or other information shall be deemed required to be submitted to, the appropriate Joint Interim Standing Committee created by NRS 218E.320 which has jurisdiction over the subject matter, except that if the subject matter falls within the jurisdiction of more than one Joint Interim Standing Committee, the Legislative Commission shall decide and resolve the matter in a manner that is consistent with the intent of the Legislature as determined by the Legislative Commission.

2. The Legislative Counsel shall, in preparing the reprint and supplements to the Nevada Revised Statutes ~~and~~ and supplements to the Nevada Administrative Code:

(a) Make any revisions that are necessary to carry out the provisions of this section; and

(b) Change any references to a legislative committee, subcommittee or other body which has been abolished by the provisions of this act, or whose name has been changed or whose responsibilities have been transferred by the provisions of this act, so that such references refer to the appropriate legislative committee, subcommittee or other body.

3. As used in this section, "legislative study or investigation" includes, without limitation:

(a) Any interim legislative study or investigation; or

(b) Any legislative study or investigation assigned to a statutory legislative committee, subcommittee or other body.

Senator Ohrenschall moved the adoption of the amendment.

Remarks by Senator Ohrenschall.

Amendment No. 976 to Assembly Bill No. 243 restores the jurisdiction of child welfare to the Joint Interim Standing Committee on Health [and Human Services], removes sections 2 and 3 of the bill relating to termed-out Legislators serving as chairs or vice chairs, deletes the words "to the extent practicable" regarding the appointment of alternates in section 9, renames the Joint Interim Standing Committee on Natural Resources to become the Joint Interim Standing Committee on Natural Resources and Public Lands, and requires the Joint Interim Standing Committee on Natural Resources and Public Lands to hold at least three meetings during the interim in different counties that are not Clark, Washoe or Carson City.

Amendment adopted.

Bill read third time.

Remarks by Senators Ohrenschall and Hansen.

SENATOR OHRENSCHALL:

Assembly Bill No. 243 makes changes to the interim structure of the Legislature, including creating this new Joint Interim Standing Committee on Natural Resources and Public Lands, deleting subjects in the original bill regarding termed-out Legislators and much of what I mentioned in the amendment explanation. It is a very good bill; I urge its support.

SENATOR HANSEN:

I oppose Assembly Bill No. 243. There is a major concern in my mind. We are required by the Nevada Constitution, Article 4, Section 2, to do our legislative business in 120 days. What we have been doing this session is creating, instead of interim, temporary or ad hoc committees, we are now adding full-blown standing committees to basically be meeting year-round. I have asked the Legislative Counsel Bureau to give me an opinion, and they have not gotten back to me yet. I think we are actually violating the Nevada Constitution by basically creating a fulltime Nevada Legislature.

I know there are folks in this audience who want that, but if we actually want to do that, fine and dandy; we need to have that go before the people of the State of Nevada and amend the Nevada Constitution. In the meantime, we are expected to do our business within 120 days, and if we want to have temporary committees—such as the Interim Finance Committee, Legislative Commission, Public Lands—they are supposed to be just that: interim, temporary committees. Now, we are making these fulltime, standing committees year-round.

I do not think that is what the people at the moment want. If we do want to push that, fine and dandy, put it on the ballot, and let them vote on it. In the meantime, we should not be violating the Constitution of the State of Nevada. We need to get our legislative business done in 120 days. The amendment, by the way, does make it better, but I still think it is a mistake to start doing these kinds of committees year-round. I urge a "no" vote on Assembly Bill No. 243.

SENATOR OHRENSCHALL:

To briefly respond to my colleague from Sparks, I believe we have had a lot of great legislation this session that came out of the interim standing committees. The work they did I think was tremendous and certainly this follows a model that other states with part-time legislatures follow. I believe it keeps us a part-time legislature, but keeps Legislators close to the community and be able to work in those subject areas and come up with great legislation like much of what we have seen this session. I urge support.

Roll call on Assembly Bill No. 243:

YEAS—12.

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

Assembly Bill No. 243 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 245.

Bill read third time.

Remarks by Senators Dondero Loop and Seevers Gansert.

SENATOR DONDERO LOOP:

Assembly Bill No. 245, as amended, requires the board of trustees of each school district and governing body of each charter school or university school for profoundly gifted pupils to enter into a memorandum of understanding with an organization that assists victims of power-based violence and requires certain pupils be referred to such organization; creates the Committee on Responses to Power-Based Violence in Schools; requires school districts and public schools to make available certain information; replaces the term "sexual misconduct" with "power-based violence"; revises provisions governing certain programming related to power-based violence which institutions in the Nevada System of Higher Education may be required to provide to students and employees; and renames the Task Force on Sexual Misconduct at Institutions of Higher Education as the Task Force on Power-based Violence at Institutions of Higher Education.

SENATOR SEEVERS GANSERT:

I urge support of Assembly Bill No. 245. Part of what this creates are memorandums of understanding between universities, schools and organizations that help victims of sexual violence like sexual assault. Sometimes they do not want to come forward because they do not have any support. We want to make sure they have the support they need.

I know there is a new term in this, and it is an umbrella term that is new to this body. But I think it is comprehensive and will help make sure those who have issues or sexual violence against them will have the support they need.

Roll call on Assembly Bill No. 245:

YEAS—21.

NAYS—None.

Assembly Bill No. 245 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 246.

Bill read third time.

Remarks by Senator Harris.

Assembly Bill No. 246, as amended, requires the Secretary of State, county clerks and city clerks to ensure that voting materials and certain other election information are posted on certain internet websites or made available at the polling place in certain languages.

Roll call on Assembly Bill No. 246:

YEAS—15.

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

Assembly Bill No. 246 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 252.

Bill read third time.

Remarks by Senator Titus.

Assembly Bill No. 252, as amended, revises provisions relating to governmental administration.

Roll call on Assembly Bill No. 252:

YEAS—21.

NAYS—None.

Assembly Bill No. 252 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 255.

Bill read third time.

Remarks by Senator Nguyen.

Assembly Bill No. 255, as amended, authorizes an agency which provides child welfare services to provide financial assistance to a family that adopts a child with special needs until that child graduates high school or reaches the age of 19 years, whichever comes first.

Roll call on Assembly Bill No. 255:

YEAS—21.

NAYS—None.

Assembly Bill No. 255 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 258.

Bill read third time.

Remarks by Senator Harris.

Assembly Bill No. 258, as amended, enacts certain provisions governing the confidentiality of certain personal information of a donor, member or volunteer of a nonprofit organization.

Roll call on Assembly Bill No. 258:

YEAS—16.

NAYS—Buck, Hammond, Hansen, Krasner, Stone—5.

Assembly Bill No. 258 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 259.

Bill read third time.

Remarks by Senator Harris.

Assembly Bill No. 259, as amended, prohibits providers of jobs and day training services from entering into contracts to provide for the employment of persons with developmental or intellectual disabilities a wage that is less than the state minimum wage starting January 1, 2025, and prohibits subminimum wages for all such providers starting January 1, 2028.

Roll call on Assembly Bill No. 259:

YEAS—21.

NAYS—None.

Assembly Bill No. 259 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 261.

Bill read third time.

Remarks by Senator Nguyen.

Assembly Bill No. 261 requires the Executive Director of the Office of Economic Development to include a statement in the state plan for economic development regarding the manner in which the State can maximize the efficient use of water resources in the State through its economic development programs.

Roll call on Assembly Bill No. 261:

YEAS—21.

NAYS—None.

Assembly Bill No. 261 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 266.

Bill read third time.

Remarks by Senator Flores.

Assembly Bill No. 266 revises provisions relating to governmental administration.

Roll call on Assembly Bill No. 266:

YEAS—13.

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

Assembly Bill No. 266 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Mr. President announced that Senate Bills Nos. 3, 7, 50, 75, 119, 148, 155, 156, 160, 201, 375, 400, 419 and 510 would be immediately transmitted to the Assembly.

Assembly Bill No. 281.

Bill read third time.

Remarks by Senator Doñate.

Assembly Bill No. 281 establishes requirements for heating, ventilation and air conditioning systems in senior living facilities.

Roll call on Assembly Bill No. 281:

YEAS—13.

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

ABSENT—Titus.

Assembly Bill No. 281 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 283.

Bill read third time.

Remarks by Senator Goicoechea.

Assembly Bill No. 283, as amended, authorizes the Department of Health and Human Services to establish an incentive payment for enrolled doulas who provide doula services to recipients of Medicaid.

Assembly Bill No. 283, as amended, requires the Director of the Department of Health and Human Services to request an amendment to the Medicaid State Plan to increase fee-for-service reimbursement rates for doula services. Appropriation to the Division of Health Care Financing and Policy of \$165,891 in Fiscal Year (FY) 2024 and \$205,515 in FY 2025.

Roll call on Assembly Bill No. 283:

YEAS—20.

NAYS—None.

ABSENT—Titus.

Assembly Bill No. 283 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 290.

Bill read third time.

Remarks by Senator Neal.

Assembly Bill No. 290, as amended, revises the written agreements between a dealer and a purchaser to cancel a vehicle sale.

Roll call on Assembly Bill No. 290:

YEAS—21.

NAYS—None.

Assembly Bill No. 290 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 292.

Bill read third time.

Remarks by Senator Scheible.

Assembly Bill No. 292 revises provisions related to the care of an incarcerated woman. The Department of Corrections is required to ensure that at the time of the intake an incarcerated woman completes a needs assessment form, which includes questions relating to how recently the woman has received preventative care and the needs of the woman for feminine hygiene products for the purpose of providing her with a suitable supply of those products.

Roll call on Assembly Bill No. 292:

YEAS—21.

NAYS—None.

Assembly Bill No. 292 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 299.

Bill read third time.

Remarks by Senator Goicoechea.

Assembly Bill No. 299 creates the Nevada Medal of Distinction and the Nevada Awards and Honors Board. The Medal will be awarded to two people, one living and one dead, every other year in Clark County and Carson City.

Roll call on Assembly Bill No. 299:

YEAS—21.

NAYS—None.

Assembly Bill No. 299 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senator Cannizzaro moved that the Senate recess until 1:30 p.m.

Motion carried.

Senate in recess at 12:45 p.m.

SENATE IN SESSION

At 1:51 p.m.

President Anthony presiding.

Quorum present.

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 respectfully refused to recede from its action on Senate Bill No. 283, Assembly Amendment No. 681, and requests a conference, and appointed Assemblymen Peters, Torres and Hafen as a Conference Committee to meet with a like committee of the Senate.

CAROL AIELLO-SALA

Assistant Chief Clerk of the Assembly

ASSEMBLY CHAMBER, Carson City, June 5, 2023

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day respectfully refused to recede from its action on Senate Bill No. 104, Assembly Amendments Nos. 634, 737,

and requests a conference, and appointed Assemblymen Marzola, Considine and Hansen as a Conference Committee to meet with a like committee of the Senate.

Also, I have the honor to inform your honorable body that the Assembly on this day respectfully refused to recede from its action on Senate Bill No. 161, Assembly Amendment No. 648, and requests a conference, and appointed Assemblymen Backus, Peters and Hardy as a Conference Committee to meet with a like committee of the Senate.

Also, I have the honor to inform your honorable body that the Assembly on this day respectfully refused to recede from its action on Senate Bill No. 180, Assembly Amendment No. 707, and requests a conference, and appointed Assemblymen Cohen, Watts and Hardy as a Conference Committee to meet with a like committee of the Senate.

Also, I have the honor to inform your honorable body that the Assembly on this day respectfully refused to recede from its action on Senate Bill No. 355, Assembly Amendment No. 669, and requests a conference, and appointed Assemblymen Jauregui, Marzola and Yurek as a Conference Committee to meet with a like committee of the Senate.

Also, I have the honor to inform your honorable body that the Assembly on this day respectfully refused to recede from its action on Senate Bill No. 370, Assembly Amendments Nos. 679, 742, and requests a conference, and appointed Assemblymen Marzola, Backus and O'Neill as a Conference Committee to meet with a like committee of the Senate.

CAROL AIELLO-SALA

Assistant Chief Clerk of the Assembly

Mr. President announced that Assembly Bills Nos. 15, 16, 37, 72, 77, 84, 125, 128, 137, 138, 150, 208, 216, 224, 237, 239, 243, 245, 246, 252, 255, 258, 259, 261, 266, 281, 283, 290, 292, 299 and 444 would be immediately transmitted to the Assembly.

UNFINISHED BUSINESS

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 35.

The following Assembly amendment was read:

Amendment No. 734.

SUMMARY—Revises provisions relating to controlled substances. (BDR 40-423)

AN ACT relating to controlled substances; establishing the crimes of ~~[mid-level] trafficking~~ and high-level trafficking in any mixture which contains illicitly manufactured [fentanyl, any derivative of fentanyl and any mixture which contains fentanyl or any derivative of] fentanyl; ~~establishing the crime of intentional misrepresentation of a fentanyl product; requiring each state and local law enforcement agency and the Nevada Sentencing Commission to submit certain reports to the Joint Interim Standing Committee on the Judiciary~~; requiring, to the extent that money is available, the establishment of certain programs to provide certain offenders or prisoners who have a substance use disorder with medication-assisted treatment; requiring the Joint Interim Standing Committee on the Judiciary to conduct an interim study concerning certain matters relating to forensic laboratories; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a person who knowingly or intentionally sells, manufactures, delivers or brings into this State or is knowingly or

intentionally in actual or constructive possession of a schedule I controlled substance, other than marijuana, a schedule II controlled substance or certain other controlled substances is guilty of: (1) low-level trafficking if the quantity of the controlled substance is 100 grams or more but less than 400 grams; and (2) high-level trafficking if the quantity of the controlled substance is 400 grams or more. A person who commits the crime of: (1) low-level trafficking is guilty of a category B felony and subject to certain prescribed penalties; and (2) high-level trafficking is guilty of a category A felony and subject to certain prescribed penalties. (NRS 453.3385)

Existing regulations of the State Board of Pharmacy include fentanyl in the list of controlled substances in schedule II and various derivatives of fentanyl in the list of controlled substances in schedule I. (NAC 453.510, as amended by LCB File No. R023-21, NAC 453.520) ~~[Section 8 of this bill excludes illicitly manufactured fentanyl, any derivative of fentanyl and any mixture which contains fentanyl or any derivative of fentanyl from the controlled substances for which the provisions governing the crimes of low level trafficking and high level trafficking apply.]~~ Section ~~[1]~~ 1.5 of this bill ~~[instead]~~ establishes the crimes of ~~[mid-level]~~ trafficking and high-level trafficking in any mixture which contains illicitly manufactured [fentanyl, any derivative of fentanyl and any mixture which contains fentanyl or any derivative of] fentanyl. Under section ~~[1,]~~ 1.5, a person who knowingly or intentionally sells, manufactures, delivers or brings into this State or is knowingly or intentionally in actual or constructive possession of any mixture which contains illicitly manufactured [fentanyl, any derivative of] fentanyl or any mixture which contains fentanyl or any derivative of] fentanyl is guilty of: (1) ~~[mid-level]~~ trafficking if the quantity involved is ~~[14]~~ 28 grams or more but less than ~~[28]~~ 42 grams; and (2) high-level trafficking if the quantity involved is ~~[28]~~ 42 grams or more ~~[,]~~ but less than 100 grams. Under section ~~[1,]~~ 1.5, a person who commits the crime of ~~[1, (1) mid-level]~~ trafficking or high-level trafficking is guilty of a category B felony and subject to certain prescribed penalties . . . [; and (2) high-level trafficking is guilty of a category A.]

Section 1.7 of this bill establishes the crime of intentional misrepresentation of a fentanyl product. Under section 1.7, a person who sells to another person a mixture containing fentanyl and another controlled substance is guilty of intentional misrepresentation of a fentanyl product if the person: (1) knows that the mixture contains fentanyl; and (2) intentionally fails to inform the purchaser that the mixture contains fentanyl. Section 1.7 provides that such a person is guilty of a category B felony and subject to certain prescribed penalties.

Sections 1.9, 2, 5 and 6 of this bill provide that a person found guilty of [mid-level] intentional misrepresentation of a fentanyl product or trafficking or high-level trafficking in any mixture which contains illicitly manufactured [fentanyl, any derivative of fentanyl or any mixture which contains fentanyl or any derivative of] fentanyl is subject to the greater penalty for that crime if

the acts constituting the crime could subject the person to a lesser punishment under another statute.

Sections 3, 4, 7, 9-12 and 13 of this bill add references to section ~~[4]~~ 1.5 so that the crimes of ~~[mid-level] trafficking~~ and high-level trafficking in any mixture which contains illicitly manufactured fentanyl, any derivative of fentanyl or any mixture which contains fentanyl or any derivative of fentanyl are treated the same as the crimes of low-level and high-level trafficking involving schedule I controlled substances, other than marijuana, and schedule II controlled substances for certain purposes. Section 12 adds a reference to section 1.7 so that the crime of intentional misrepresentation of a fentanyl product is treated the same as the crime of selling other controlled substances for certain purposes.

Existing law prohibits, with certain exceptions, a court from suspending the sentence of a person convicted of trafficking in a controlled substance. (NRS 453.3405) Section 9 extends this prohibition to a person found guilty of trafficking or high-level trafficking in any mixture which contains illicitly manufactured fentanyl. Section 9 provides an exemption from this prohibition if the person convicted establishes, by a preponderance of the evidence, that he or she did not know that the mixture at issue contained illicitly manufactured fentanyl.

Existing law provides that a person who, in good faith, seeks medical assistance for a person who is experiencing a drug or alcohol overdose or other medical emergency or who seeks such assistance for himself or herself, or who is the subject of a good faith request for such assistance may not be arrested, charged, prosecuted or convicted, or have his or her property subjected to forfeiture, or be otherwise penalized for violating certain provisions of existing law governing controlled substances if the evidence to support the penalty was obtained as a result of the person seeking medical assistance. (NRS 453C.150) Section 10 of this bill includes trafficking and high-level trafficking in a mixture that contains illicitly manufactured fentanyl among the offenses for which a person may not be penalized under such circumstances.

Existing law requires the Director of the Department of Corrections to establish one or more programs of treatment for offenders with substance use or co-occurring disorders who have been sentenced to imprisonment in the state prison. (NRS 209.4236, 209.425) Existing law additionally provides that the treatment of a prisoner in a local jail or detention facility who has a substance use disorder may include medication-assisted treatment. (NRS 211.140) Section 12.3 of this bill requires the Director, to the extent that money is available, to establish a program to provide for the treatment of offenders with a substance use disorder using medication-assisted treatment. Section 12.3 requires: (1) the program to provide each eligible offender who participates in the program with appropriate medication-assisted treatment for the period in which the offender is incarcerated; and (2) each offender who the Director has determined has a substance use disorder for which a

medication-assisted treatment exists and who meets any reasonable conditions imposed by the Director to be deemed eligible to participate in the program and offered the opportunity to participate. Section 12.3 prohibits the Director from denying an offender the ability to participate in the program or terminating his or her participation in the program for certain reasons. Finally, section 12.3 provides that an offender who participates in the program is not subject to discipline on the basis that the results of a screening test administered to the offender indicated the presence of a controlled substance. Section 12.7 of this bill requires, to the extent that money is available, a sheriff, chief of police or town marshal who is responsible for a county, city or town jail or detention facility to establish a program similar to that set forth in section 12.3 to provide for the treatment of prisoners with a substance use disorder using medication-assisted treatment.

Section 1.8 of this bill requires each state and local law enforcement agency and the Nevada Sentencing Commission to submit to the Joint Interim Standing Committee on the Judiciary on or before March 1 and October 1 of each even-numbered year a report containing certain information regarding: (1) persons who have been charged with trafficking or high-level trafficking in any mixture that contains illicitly manufactured fentanyl or intentional misrepresentation of a fentanyl product; (2) programs for the treatment of persons incarcerated in the state prison or a county, city or town jail or detention facility; and (3) drug overdoses that resulted in the death of certain persons which were due to fentanyl or a controlled substance analog for fentanyl.

Section 14 of this bill requires the Joint Interim Standing Committee on the Judiciary to conduct a study during the 2023-2024 interim concerning the possible upgrading of forensic laboratories in this State to enable such laboratories to perform quantitative testing involving controlled substances.

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

Section 1. Chapter 453 of NRS is hereby amended by adding thereto ~~the~~ new section to read as follows: the provisions set forth as sections 1.5, 1.7 and 1.8 of this act.

Sec. 1.5. Except as otherwise authorized by the provisions of NRS 453.011 to 453.552, inclusive, a person who knowingly or intentionally sells, manufactures, delivers or brings into this State or who is knowingly or intentionally in actual or constructive possession of ~~illicitly manufactured fentanyl, any derivative of fentanyl or~~ any mixture which contains illicitly manufactured fentanyl or any derivative of fentanyl, unless a greater penalty is provided pursuant to NRS 453.322, if the quantity involved:

1. Is ~~14~~ 28 grams or more, but less than ~~28~~ 42 grams, is guilty of ~~mid-level~~ trafficking and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than ~~2 years~~ 1 year and a maximum term of not more than ~~15~~ 10 years, ~~and by a fine of not more than \$100,000.~~

2. Is ~~281~~ 42 grams or more, but less than 100 grams, is guilty of high-level trafficking and shall be punished for a category ~~A~~ B felony by imprisonment in the state prison ~~for~~

~~(a) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or~~

~~(b) For a definite term of 25 years, with eligibility for parole beginning when a minimum of 10 years has been served,~~

~~and by a fine of not more than \$500,000.] for a minimum term of not less than 2 years and a maximum term of not more than 15 years.~~

Sec. 1.7. Unless a greater penalty is provided pursuant to NRS 453.333 or 453.334, a person who sells to another person a mixture containing fentanyl and another controlled substance and who:

1. Knows that the mixture contains fentanyl; and

2. Intentionally fails to inform the purchaser that the mixture contains fentanyl,

is guilty of intentional misrepresentation of a fentanyl product and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and by a fine of not more than \$50,000.

Sec. 1.8. 1. On or before March 1 and October 1 of each even-numbered year, each law enforcement agency and the Nevada Sentencing Commission, with the assistance of the Department of Sentencing Policy, shall submit to the Joint Interim Standing Committee on the Judiciary a report which must contain the following information, to the extent that such information is in the possession of the agency:

(a) The number of persons that were charged with a violation of section 1.5 or 1.7 of this act in the period since the last report;

(b) For each person who has ever been charged with a violation of section 1.5 or 1.7 of this act, the following information, if the information has not been included in a previous report:

(1) The race, gender, zip code, employment status and age of the person;

(2) Whether another criminal charge was filed in the person's case and, if so, what charge;

(3) Whether the person was represented by court-appointed counsel or otherwise determined to be indigent;

(4) The disposition of the case, including, without limitation, any sentence imposed on the person;

(5) Whether any portion of the sentence of the person was suspended or the person was granted probation and, if so:

(I) Whether the person has successfully completed the suspended sentence or probation; and

(II) Whether the suspension of sentence or probation has been revoked and, if so, whether the revocation was a result of a technical violation or a new criminal case; and

(6) Whether the court ordered the person to complete treatment for a substance use disorder and, if so, the type of treatment so ordered;

(c) The number of deaths in the period since the last report caused by a drug overdose due to fentanyl or a controlled substance analog for fentanyl that occurred in the state prison or any county or city jail or detention facility or other correctional facility in this State or while the deceased person was under a suspended sentence or on probation, parole or pretrial release; and

(d) Any significant developments in the period since the last report concerning any program of treatment implemented for the treatment of persons incarcerated in the state prison or any county, city or town jail or detention facility or other correctional facility in this State who have a substance use disorder using medication-assisted treatment and other appropriate withdrawal management care.

2. As used in this section, "law enforcement agency" means an agency, office or bureau of this State or a political subdivision of this State, the primary duty of which is to enforce the law.

Sec. 1.9. NRS 453.321 is hereby amended to read as follows:

453.321 1. Except as authorized by the provisions of NRS 453.011 to 453.552, inclusive, it is unlawful for a person to:

- (a) Import, transport, sell, exchange, barter, supply, prescribe, dispense, give away or administer a controlled or counterfeit substance;
- (b) Manufacture or compound a counterfeit substance; or
- (c) Offer or attempt to do any act set forth in paragraph (a) or (b).

2. Unless a greater penalty is provided in NRS 453.333 or 453.334, or section 1.7 of this act, if a person violates subsection 1 and the controlled substance is classified in schedule I or II, the person shall be punished:

(a) For the first offense, for a category C felony as provided in NRS 193.130.

(b) For a second offense, or if, in the case of a first conviction under this subsection, the offender has previously been convicted of an offense under this section or of any offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to an offense under this section, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than \$20,000.

(c) For a third or subsequent offense, or if the offender has previously been convicted two or more times under this section or of any offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to an offense under this section, for a category B felony by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than \$20,000 for each offense.

3. Unless mitigating circumstances exist that warrant the granting of

probation, the court shall not grant probation to or suspend the sentence of a person convicted under subsection 2 and punishable pursuant to paragraph (b) or (c) of subsection 2.

4. Unless a greater penalty is provided in NRS 453.333 or 453.334, if a person violates subsection 1, and the controlled substance is classified in schedule III, IV or V, the person shall be punished:

(a) For the first offense, for a category D felony as provided in NRS 193.130.

(b) For a second offense, or if, in the case of a first conviction of violating this subsection, the offender has previously been convicted of violating this section or of any offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to a violation of this section, for a category C felony as provided in NRS 193.130.

(c) For a third or subsequent offense, or if the offender has previously been convicted two or more times of violating this section or of any offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to a violation of this section, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than \$15,000 for each offense.

5. Unless mitigating circumstances exist that warrant the granting of probation, the court shall not grant probation to or suspend the sentence of a person convicted under subsection 4 and punishable pursuant to paragraph (b) or (c) of subsection 4.

Sec. 2. NRS 453.322 is hereby amended to read as follows:

453.322 1. Except as authorized by the provisions of NRS 453.011 to 453.552, inclusive, it is unlawful for a person to knowingly or intentionally:

(a) Manufacture or compound a controlled substance other than marijuana.

(b) Possess, with the intent to manufacture or compound a controlled substance other than marijuana, or sell, exchange, barter, supply, prescribe, dispense or give away, with the intent that the chemical be used to manufacture or compound a controlled substance other than marijuana:

(1) Any chemical identified in subsection 5; or

(2) Any other chemical which is proven by expert testimony to be commonly used in manufacturing or compounding a controlled substance other than marijuana. The district attorney may present expert testimony to provide a prima facie case that any chemical, whether or not it is a chemical identified in subsection 5, is commonly used in manufacturing or compounding such a controlled substance.

➡ The provisions of this paragraph do not apply to a person who, without the intent to commit an unlawful act, possesses any chemical at a laboratory that is licensed to store the chemical.

(c) Offer or attempt to do any act set forth in paragraph (a) or (b).

2. Unless a greater penalty is provided in subsection 3 or NRS 453.3385,

or section ~~44~~ 1.5 of this act, a person who violates any provision of subsection 1 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than \$100,000.

3. If a person violates any provision of subsection 1 by engaging in the manufacturing or compounding of a controlled substance other than marijuana, or by attempting to do so, and the violation causes a fire or explosion, the person is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 20 years, and may be further punished by a fine of not more than \$100,000.

4. The court shall not grant probation to a person convicted pursuant to this section.

5. The following chemicals are identified for the purposes of subsection 1:

- (a) Acetic anhydride.
- (b) Acetone.
- (c) N-Acetylanthranilic acid, its esters and its salts.
- (d) Anthranilic acid, its esters and its salts.
- (e) Benzaldehyde, its salts, isomers and salts of isomers.
- (f) Benzyl chloride.
- (g) Benzyl cyanide.
- (h) 1,4-Butanediol.
- (i) 2-Butanone (or methyl ethyl ketone or MEK).
- (j) Ephedrine, its salts, isomers and salts of isomers.
- (k) Ergonovine and its salts.
- (l) Ergotamine and its salts.
- (m) Ethylamine, its salts, isomers and salts of isomers.
- (n) Ethyl ether.
- (o) Gamma butyrolactone.
- (p) Hydriodic acid, its salts, isomers and salts of isomers.
- (q) Hydrochloric gas.
- (r) Iodine.
- (s) Isosafrole, its salts, isomers and salts of isomers.
- (t) Lithium metal.
- (u) Methylamine, its salts, isomers and salts of isomers.
- (v) 3,4-Methylenedioxy-phenyl-2-propanone.
- (w) N-Methylephedrine, its salts, isomers and salts of isomers.
- (x) Methyl isobutyl ketone (MIBK).
- (y) N-Methylpseudoephedrine, its salts, isomers and salts of isomers.
- (z) Nitroethane, its salts, isomers and salts of isomers.
- (aa) Norpseudoephedrine, its salts, isomers and salts of isomers.
- (bb) Phenylacetic acid, its esters and its salts.
- (cc) Phenylpropanolamine, its salts, isomers and salts of isomers.

- (dd) Piperidine and its salts.
- (ee) Piperonal, its salts, isomers and salts of isomers.
- (ff) Potassium permanganate.
- (gg) Propionic anhydride, its salts, isomers and salts of isomers.
- (hh) Pseudoephedrine, its salts, isomers and salts of isomers.
- (ii) Red phosphorous.
- (jj) Safrole, its salts, isomers and salts of isomers.
- (kk) Sodium metal.
- (ll) Sulfuric acid.
- (mm) Toluene.

Sec. 3. NRS 453.333 is hereby amended to read as follows:

453.333 If the death of a person is proximately caused by a controlled substance which was sold, given, traded or otherwise made available to him or her by another person in violation of this chapter, the person who sold, gave or traded or otherwise made the substance available to him or her is guilty of murder. If convicted of murder in the second degree, the person is guilty of a category A felony and shall be punished as provided in subsection 5 of NRS 200.030. If convicted of murder in the first degree, the person is guilty of a category A felony and shall be punished as provided in subsection 4 of NRS 200.030, except that the punishment of death may be imposed only if the requirements of paragraph (a) of subsection 4 of that section have been met and if the defendant is or has previously been convicted of violating NRS 453.3385 or 453.339 or ~~section 44~~ section 1.5 of this act or a law of any other jurisdiction which prohibits the same conduct.

Sec. 4. NRS 453.3353 is hereby amended to read as follows:

453.3353 1. Unless a greater penalty is provided by law, and except as otherwise provided in this section and NRS 193.169, if:

(a) A person violates NRS 453.322 or 453.3385, or ~~section 44~~ section 1.5 of this act, and the violation involves the manufacturing or compounding of any controlled substance other than marijuana; and

(b) During the discovery or cleanup of the premises at, on or in which the controlled substance was manufactured or compounded, another person suffers substantial bodily harm other than death as the proximate result of the manufacturing or compounding of the controlled substance,

➤ the person who committed the offense shall be punished by imprisonment in the state prison for a term equal to and in addition to the term of imprisonment prescribed by statute for the offense. The sentence prescribed by this subsection runs consecutively with the sentence prescribed by statute for the offense.

2. Unless a greater penalty is provided by law, and except as otherwise provided in NRS 193.169, if:

(a) A person violates NRS 453.322 or 453.3385, or ~~section 44~~ section 1.5 of this act, and the violation involves the manufacturing or compounding of any controlled substance other than marijuana; and

(b) During the discovery or cleanup of the premises at, on or in which the

controlled substance was manufactured or compounded, another person suffers death as the proximate result of the manufacturing or compounding of the controlled substance,

↪ the offense shall be deemed a category A felony and the person who committed the offense shall be punished by imprisonment in the state prison:

(1) For life without the possibility of parole;

(2) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 20 years has been served; or

(3) For a definite term of 50 years, with eligibility for parole beginning when a minimum of 20 years has been served.

3. Subsection 1 does not create a separate offense but provides an additional penalty for the primary offense, the imposition of which is contingent upon the finding of the prescribed fact. Subsection 2 does not create a separate offense but provides an alternative penalty for the primary offense, the imposition of which is contingent upon the finding of the prescribed fact.

4. As used in this section:

(a) "Marijuana" does not include concentrated cannabis.

(b) "Premises" means:

(1) Any temporary or permanent structure, including, without limitation, any building, house, room, apartment, tenement, shed, carport, garage, shop, warehouse, store, mill, barn, stable, outhouse or tent; or

(2) Any conveyance, including, without limitation, any vessel, boat, vehicle, airplane, glider, house trailer, travel trailer, motor home or railroad car,

↪ whether located aboveground or underground and whether inhabited or not.

Sec. 5. NRS 453.336 is hereby amended to read as follows:

453.336 1. Except as otherwise provided in subsection 6, a person shall not knowingly or intentionally possess a controlled substance, unless the substance was obtained directly from, or pursuant to, a prescription or order of a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician, optometrist, advanced practice registered nurse or veterinarian while acting in the course of his or her professional practice, or except as otherwise authorized by the provisions of NRS 453.005 to 453.552, inclusive.

2. Except as otherwise provided in subsections 3, 4 and 5 and in NRS 453.3363, and unless a greater penalty is provided in NRS 212.160, 453.3385 or 453.339, *or section ~~44~~ 1.5 of this act*, a person who violates this section:

(a) For a first or second offense, if the controlled substance is listed in schedule I or II and the quantity possessed is less than 14 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is less than 28 grams, is guilty of possession of a controlled substance and shall be punished for a category E felony as provided in

NRS 193.130. In accordance with NRS 176.211, the court shall defer judgment upon the consent of the person.

(b) For a third or subsequent offense, if the controlled substance is listed in schedule I or II, and the quantity possessed is less than 14 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is less than 28 grams, or if the offender has previously been convicted two or more times in the aggregate of any violation of the law of the United States or of any state, territory or district relating to a controlled substance, is guilty of possession of a controlled substance and shall be punished for a category D felony as provided in NRS 193.130, and may be further punished by a fine of not more than \$20,000.

(c) If the controlled substance is listed in schedule I or II and the quantity possessed is 14 grams or more, but less than 28 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is 28 grams or more, but less than 200 grams, is guilty of low-level possession of a controlled substance and shall be punished for a category C felony as provided in NRS 193.130.

(d) If the controlled substance is listed in schedule I or II and the quantity possessed is 28 grams or more, but less than 42 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is 200 grams or more, is guilty of mid-level possession of a controlled substance and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years and by a fine of not more than \$50,000.

(e) If the controlled substance is listed in schedule I or II and the quantity possessed is 42 grams or more, but less than 100 grams, is guilty of high-level possession of a controlled substance and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years and by a fine of not more than \$50,000.

3. Unless a greater penalty is provided in NRS 212.160, 453.337 or 453.3385, a person who is convicted of the possession of flunitrazepam or gamma-hydroxybutyrate, or any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.

4. Unless a greater penalty is provided pursuant to NRS 212.160, a person who is convicted of the possession of 1 ounce or less of marijuana is guilty of a misdemeanor and shall be punished by:

(a) Performing not more than 24 hours of community service;

(b) Attending the live meeting described in paragraph (a) of subsection 2 of NRS 484C.530 and complying with any other requirements set forth in that section; or

(c) Being required to undergo an evaluation in accordance with

subsection 1 of NRS 484C.350,

↪ or any combination thereof.

5. Unless a greater penalty is provided pursuant to NRS 212.160, a person who is convicted of the possession of more than 1 ounce, but less than 50 pounds, of marijuana or more than one-eighth of an ounce, but less than one pound, of concentrated cannabis is guilty of a category E felony and shall be punished as provided in NRS 193.130.

6. It is not a violation of this section if a person possesses a trace amount of a controlled substance and that trace amount is in or on a hypodermic device obtained from a sterile hypodermic device program pursuant to NRS 439.985 to 439.994, inclusive.

7. The court may grant probation to or suspend the sentence of a person convicted of violating this section.

8. If a person fulfills the terms and conditions imposed for a violation of subsection 4, the court shall, without a hearing, order sealed all documents, papers and exhibits in that person's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order. The court shall cause a copy of the order to be sent to each agency or officer named in the order. Each such agency or officer shall notify the court in writing of its compliance with the order.

9. As used in this section:

(a) "Controlled substance" includes flunitrazepam, gamma-hydroxybutyrate and each substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor.

(b) "Marijuana" does not include concentrated cannabis.

(c) "Sterile hypodermic device program" has the meaning ascribed to it in NRS 439.986.

Sec. 6. NRS 453.337 is hereby amended to read as follows:

453.337 1. Except as otherwise authorized by the provisions of NRS 453.011 to 453.552, inclusive, it is unlawful for a person to possess for the purpose of sale flunitrazepam, gamma-hydroxybutyrate, any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor or any controlled substance classified in schedule I or II.

2. Unless a greater penalty is provided in NRS 453.3385 or 453.339, or ~~section 1.5~~ section 1.5 of this act, a person who violates this section shall be punished:

(a) For the first offense, for a category D felony as provided in NRS 193.130.

(b) For a second offense, or if, in the case of a first conviction of violating this section, the offender has previously been convicted of a felony under the Uniform Controlled Substances Act or of an offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to a felony under the Uniform Controlled Substances Act, for a category C felony as provided in NRS 193.130.

(c) For a third or subsequent offense, or if the offender has previously been convicted two or more times of a felony under the Uniform Controlled Substances Act or of any offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to a felony under the Uniform Controlled Substances Act, for a category B felony by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than \$20,000 for each offense.

3. Except as otherwise provided in this subsection, unless mitigating circumstances exist that warrant the granting of probation, the court shall not grant probation to or suspend the sentence of a person convicted of violating this section and punishable pursuant to paragraph (b) or (c) of subsection 2. The court shall not grant probation to or suspend the sentence of a person convicted of violating this section, even if mitigating circumstances exist that would otherwise warrant the granting of probation, if the person violated this section by possessing flunitrazepam, gamma-hydroxybutyrate or any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor.

Sec. 7. NRS 453.3383 is hereby amended to read as follows:

453.3383 For the purposes of NRS 453.3385 and 453.339, *and section ~~44~~ 1.5 of this act*, the weight of the controlled substance as represented by the person selling or delivering it is determinative if the weight as represented is greater than the actual weight of the controlled substance.

Sec. 8. ~~NRS 453.3385 is hereby amended to read as follows:~~

~~453.3385 [1.] Except as otherwise provided in NRS 453.339 and section 1 of this act and except as otherwise authorized by the provisions of NRS 453.011 to 453.552, inclusive, a person who knowingly or intentionally sells, manufactures, delivers or brings into this State or who is knowingly or intentionally in actual or constructive possession of flunitrazepam, gamma-hydroxybutyrate, any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor or any controlled substance which is listed in schedule I or II, [except marijuana,] or any mixture which contains any such controlled substance, unless a greater penalty is provided pursuant to NRS 453.322, if the quantity involved:~~

~~[(a)] 1. Is 100 grams or more, but less than 400 grams, is guilty of low level trafficking and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and by a fine of not more than \$100,000.~~

~~[(b)] 2. Is 400 grams or more, is guilty of high level trafficking and shall be punished for a category A felony by imprisonment in the state prison:~~

~~[(1)] (a) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or~~

~~[(2)] (b) For a definite term of 25 years, with eligibility for parole~~

~~beginning when a minimum of 10 years has been served,
and by a fine of not more than \$500,000.~~

~~[2. As used in this section, "marijuana" does not include concentrated cannabis.]] (Deleted by amendment.)~~

Sec. 9. NRS 453.3405 is hereby amended to read as follows:

453.3405 1. Except as otherwise provided in ~~[subsection]~~ *subsections 2 and 4*, the adjudication of guilt and imposition of sentence of a person found guilty of trafficking in a controlled substance in violation of NRS 453.3385 or 453.339 ~~or section 1.5 of this act~~ must not be suspended and the person is not eligible for parole until the person has actually served the mandatory minimum term of imprisonment prescribed by the section under which the person was convicted.

2. The court, upon an appropriate motion, may reduce or suspend the sentence of any person convicted of violating any of the provisions of NRS 453.3385 or 453.339 ~~or section 1.5 of this act~~ if the court finds that the convicted person rendered substantial assistance in the investigation or prosecution of any offense. The arresting agency must be given an opportunity to be heard before the motion is granted. Upon good cause shown, the motion may be heard in camera.

3. Any appropriate reduction or suspension of a sentence pursuant to subsection 2 must be determined by the court, for reasons stated by the court that may include, without limitation, consideration of the following:

(a) The court's evaluation of the significance and usefulness of the convicted person's assistance, taking into consideration the prosecuting attorney's evaluation of the assistance rendered;

(b) The truthfulness, completeness and reliability of any information or testimony provided by the convicted person;

(c) The nature and extent of the convicted person's assistance;

(d) Any injury suffered or any danger or risk of injury to the convicted person or his or her family resulting from his or her assistance; and

(e) The timeliness of the convicted person's assistance.

4. The court may suspend the sentence of any person convicted of violating any provision of section 1.5 of this act if the person establishes, by a preponderance of the evidence, that the person did not know that the mixture at issue contained illicitly manufactured fentanyl. If a person convicted of violating any provision of section 1.5 of this act claims that he or she did not know that the mixture at issue contained illicitly manufactured fentanyl, the court shall, at sentencing, make findings of fact and state its reasoning on the record as to whether the person has met the burden of proof pursuant to this subsection.

Sec. 10. NRS 453C.150 is hereby amended to read as follows:

453C.150 1. Notwithstanding any other provision of law, a person who, in good faith, seeks medical assistance for a person who is experiencing a drug or alcohol overdose or other medical emergency or who seeks such assistance for himself or herself, or who is the subject of a good faith request

for such assistance may not be arrested, charged, prosecuted or convicted, or have his or her property subjected to forfeiture, or be otherwise penalized for violating:

(a) Except as otherwise provided in subsection 4, ~~for section 1.5 of this act~~ or any other provision of chapter 453 of NRS relating to:

(1) Drug paraphernalia, including, without limitation, NRS 453.554 to 453.566, inclusive;

(2) Possession, unless it is for the purpose of sale or violates the provisions of NRS 453.3385, subsection 2 of NRS 453.3393 or 453.3405 ~~for section 1 of this act,~~ or

(3) Use of a controlled substance, including, without limitation, NRS 453.336;

(b) A local ordinance as described in NRS 453.3361 that establishes an offense that is similar to an offense set forth in NRS 453.336;

(c) A restraining order; or

(d) A condition of the person's parole or probation,
 ➔ if the evidence to support the arrest, charge, prosecution, conviction, seizure or penalty was obtained as a result of the person seeking medical assistance.

2. A court, before sentencing a person who has been convicted of a violation of chapter 453 of NRS for which immunity is not provided by this section, shall consider in mitigation any evidence or information that the defendant, in good faith, sought medical assistance for a person who was experiencing a drug or alcohol overdose or other life-threatening emergency in connection with the events that constituted the violation.

3. For the purposes of this section, a person seeks medical assistance if the person:

(a) Reports a drug or alcohol overdose or other medical emergency to a member of a law enforcement agency, a 911 emergency service, a poison control center, a medical facility or a provider of emergency medical services;

(b) Assists another person making such a report;

(c) Provides care to a person who is experiencing a drug or alcohol overdose or other medical emergency while awaiting the arrival of medical assistance; or

(d) Delivers a person who is experiencing a drug or alcohol overdose or other medical emergency to a medical facility and notifies the appropriate authorities.

4. The provisions of this section do not prohibit any governmental entity from taking any actions required or authorized by chapter 432B of NRS relating to the abuse or neglect of a child.

5. As used in this section, "drug or alcohol overdose" means a condition, including, without limitation, extreme physical illness, a decreased level of consciousness, respiratory depression, coma, mania or death which is caused by the consumption or use of a controlled substance or alcohol, or another

substance with which a controlled substance or alcohol was combined, or that an ordinary layperson would reasonably believe to be a drug or alcohol overdose that requires medical assistance.

Sec. 11. NRS 179A.075 is hereby amended to read as follows:

179A.075 1. The Central Repository for Nevada Records of Criminal History is hereby created within the Records, Communications and Compliance Division of the Department.

2. Each agency of criminal justice and any other agency dealing with crime shall:

(a) Collect and maintain records, reports and compilations of statistical data required by the Department; and

(b) Submit the information collected to the Central Repository:

(1) In the manner approved by the Director of the Department; and

(2) In accordance with the policies, procedures and definitions of the Uniform Crime Reporting Program of the Federal Bureau of Investigation.

3. Each agency of criminal justice shall submit the information relating to records of criminal history that it creates, issues or collects, and any information in its possession relating to the DNA profile of a person from whom a biological specimen is obtained pursuant to NRS 176.09123 or 176.0913, to the Division. The information must be submitted to the Division:

(a) Through an electronic network;

(b) On a medium of magnetic storage; or

(c) In the manner prescribed by the Director of the Department,

↪ within 60 days after the date of the disposition of the case. If an agency has submitted a record regarding the arrest of a person who is later determined by the agency not to be the person who committed the particular crime, the agency shall, immediately upon making that determination, so notify the Division. The Division shall delete all references in the Central Repository relating to that particular arrest.

4. Each state and local law enforcement agency shall submit Uniform Crime Reports to the Central Repository:

(a) In the manner prescribed by the Director of the Department;

(b) In accordance with the policies, procedures and definitions of the Uniform Crime Reporting Program of the Federal Bureau of Investigation; and

(c) Within the time prescribed by the Director of the Department.

5. The Division shall, in the manner prescribed by the Director of the Department:

(a) Collect, maintain and arrange all information submitted to it relating to:

(1) Records of criminal history; and

(2) The DNA profile of a person from whom a biological specimen is obtained pursuant to NRS 176.09123 or 176.0913.

(b) When practicable, use a record of the personal identifying information

of a subject as the basis for any records maintained regarding him or her.

(c) Upon request, provide, in paper or electronic form, the information that is contained in the Central Repository to the Committee on Domestic Violence appointed pursuant to NRS 228.470 when, pursuant to NRS 228.495, the Committee is reviewing the death of the victim of a crime that constitutes domestic violence pursuant to NRS 33.018.

6. The Division may:

(a) Disseminate any information which is contained in the Central Repository to any other agency of criminal justice;

(b) Enter into cooperative agreements with repositories of the United States and other states to facilitate exchanges of information that may be disseminated pursuant to paragraph (a); and

(c) Request of and receive from the Federal Bureau of Investigation information on the background and personal history of any person whose record of fingerprints or other biometric identifier the Central Repository submits to the Federal Bureau of Investigation and:

(1) Who has applied to any agency of the State of Nevada or any political subdivision thereof for a license which it has the power to grant or deny;

(2) With whom any agency of the State of Nevada or any political subdivision thereof intends to enter into a relationship of employment or a contract for personal services;

(3) Who has applied to any agency of the State of Nevada or any political subdivision thereof to attend an academy for training peace officers approved by the Peace Officers' Standards and Training Commission;

(4) For whom such information is required or authorized to be obtained pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183, 449.123 and 449.4329; or

(5) About whom any agency of the State of Nevada or any political subdivision thereof is authorized by law to have accurate personal information for the protection of the agency or the persons within its jurisdiction.

7. To request and receive information from the Federal Bureau of Investigation concerning a person pursuant to subsection 6, the Central Repository must receive:

(a) The person's complete set of fingerprints for the purposes of:

(1) Booking the person into a city or county jail or detention facility;

(2) Employment;

(3) Contractual services; or

(4) Services related to occupational licensing;

(b) One or more of the person's fingerprints for the purposes of mobile identification by an agency of criminal justice; or

(c) Any other biometric identifier of the person as it may require for the purposes of:

(1) Arrest; or

(2) Criminal investigation,
➡ from the agency of criminal justice or agency of the State of Nevada or any political subdivision thereof and submit the received data to the Federal Bureau of Investigation for its report.

8. The Central Repository shall:

(a) Collect and maintain records, reports and compilations of statistical data submitted by any agency pursuant to subsection 2.

(b) Tabulate and analyze all records, reports and compilations of statistical data received pursuant to this section.

(c) Disseminate to federal agencies engaged in the collection of statistical data relating to crime information which is contained in the Central Repository.

(d) Investigate the criminal history of any person who:

(1) Has applied to the Superintendent of Public Instruction for the issuance or renewal of a license;

(2) Has applied to a county school district, charter school or private school for employment or to serve as a volunteer; or

(3) Is employed by or volunteers for a county school district, charter school or private school,

➡ and immediately notify the superintendent of each county school district, the governing body of each charter school and the Superintendent of Public Instruction, or the administrator of each private school, as appropriate, if the investigation of the Central Repository indicates that the person has been convicted of a violation of NRS 200.508, 201.230, 453.3385 or 453.339, *or section ~~44~~ 1.5 of this act*, or convicted of a felony or any offense involving moral turpitude.

(e) Upon discovery, immediately notify the superintendent of each county school district, the governing body of each charter school or the administrator of each private school, as appropriate, by providing the superintendent, governing body or administrator with a list of all persons:

(1) Investigated pursuant to paragraph (d); or

(2) Employed by or volunteering for a county school district, charter school or private school whose fingerprints were sent previously to the Central Repository for investigation,

➡ who the Central Repository's records indicate have been convicted of a violation of NRS 200.508, 201.230, 453.3385 or 453.339, *or section ~~44~~ 1.5 of this act*, or convicted of a felony or any offense involving moral turpitude since the Central Repository's initial investigation. The superintendent of each county school district, the governing body of a charter school or the administrator of each private school, as applicable, shall determine whether further investigation or action by the district, charter school or private school, as applicable, is appropriate.

(f) Investigate the criminal history of each person who submits one or more fingerprints or other biometric identifier or has such data submitted pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170,

432B.198, 433B.183, 449.122, 449.123 or 449.4329.

(g) Provide an electronic means to access on the Central Repository's Internet website statistical data relating to crime.

(h) Provide an electronic means to access on the Central Repository's Internet website statistical data about domestic violence in this State.

(i) Identify and review the collection and processing of statistical data relating to criminal justice by any agency identified in subsection 2 and make recommendations for any necessary changes in the manner of collecting and processing statistical data by any such agency.

(j) Adopt regulations governing biometric identifiers and the information and data derived from biometric identifiers, including, without limitation:

(1) Their collection, use, safeguarding, handling, retention, storage, dissemination and destruction; and

(2) The methods by which a person may request the removal of his or her biometric identifiers from the Central Repository and any other agency where his or her biometric identifiers have been stored.

9. The Central Repository may:

(a) In the manner prescribed by the Director of the Department, disseminate compilations of statistical data and publish statistical reports relating to crime.

(b) Charge a reasonable fee for any publication or special report it distributes relating to data collected pursuant to this section. The Central Repository may not collect such a fee from an agency of criminal justice or any other agency dealing with crime which is required to submit information pursuant to subsection 2. All money collected pursuant to this paragraph must be used to pay for the cost of operating the Central Repository.

(c) In the manner prescribed by the Director of the Department, use electronic means to receive and disseminate information contained in the Central Repository that it is authorized to disseminate pursuant to the provisions of this chapter.

10. As used in this section:

(a) "Mobile identification" means the collection, storage, transmission, reception, search, access or processing of a biometric identifier using a handheld device.

(b) "Personal identifying information" means any information designed, commonly used or capable of being used, alone or in conjunction with any other information, to identify a person, including, without limitation:

(1) The name, driver's license number, social security number, date of birth and photograph or computer-generated image of a person; and

(2) A biometric identifier of a person.

(c) "Private school" has the meaning ascribed to it in NRS 394.103.

Sec. 12. NRS 207.360 is hereby amended to read as follows:

207.360 "Crime related to racketeering" means the commission of, attempt to commit or conspiracy to commit any of the following crimes:

1. Murder;

2. Manslaughter, except vehicular manslaughter as described in NRS 484B.657;
3. Mayhem;
4. Battery which is punished as a felony;
5. Kidnapping;
6. Sexual assault;
7. Arson;
8. Robbery;
9. Taking property from another under circumstances not amounting to robbery;
10. Extortion;
11. Statutory sexual seduction;
12. Extortionate collection of debt in violation of NRS 205.322;
13. Forgery, including, without limitation, forgery of a credit card or debit card in violation of NRS 205.740;
14. Obtaining and using personal identifying information of another person in violation of NRS 205.463;
15. Establishing or possessing a financial forgery laboratory in violation of NRS 205.46513;
16. Any violation of NRS 199.280 which is punished as a felony;
17. Burglary;
18. Grand larceny;
19. Bribery or asking for or receiving a bribe in violation of chapter 197 or 199 of NRS which is punished as a felony;
20. Battery with intent to commit a crime in violation of NRS 200.400;
21. Assault with a deadly weapon;
22. Any violation of NRS 453.232, 453.316 to 453.339, inclusive, ~~and section 1.1~~ *sections 1.5 and 1.7 of this act*, or NRS 453.375 to 453.401, inclusive;
23. Receiving or transferring a stolen vehicle;
24. Any violation of NRS 202.260, 202.275 or 202.350 which is punished as a felony;
25. Any violation of subsection 2 or 3 of NRS 463.360 or chapter 465 of NRS;
26. Receiving, possessing or withholding stolen goods valued at \$650 or more;
27. Embezzlement of money or property valued at \$650 or more;
28. Obtaining possession of money or property valued at \$650 or more, or obtaining a signature by means of false pretenses;
29. Perjury or subornation of perjury;
30. Offering false evidence;
31. Any violation of NRS 201.300, 201.320, 201.360 or 201.395;
32. Any violation of NRS 90.570, 91.230 or 686A.290, or insurance fraud pursuant to NRS 686A.291;
33. Any violation of NRS 205.506, 205.920 or 205.930;

34. Any violation of NRS 202.445 or 202.446;
35. Any violation of NRS 205.377;
36. Involuntary servitude in violation of any provision of NRS 200.463 or 200.464 or a violation of any provision of NRS 200.465; or
37. Trafficking in persons in violation of any provision of NRS 200.467 or 200.468.

Sec. 12.3. Chapter 209 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *To the extent that money is available, the Director shall, with the approval of the Board, establish a program of treatment for offenders with a substance use disorder using medication-assisted treatment.*

2. *The program established pursuant to subsection 1 must:*

(a) *Provide each eligible offender who participates in the program with appropriate medication-assisted treatment for the period in which the offender is incarcerated; and*

(b) *Require that all decisions regarding the type, dosage or duration of any medication administered to an eligible offender as part of his or her medication-assisted treatment be made by a treating physician and the eligible offender.*

3. *Except as otherwise provided in this section, any offender who the Director has determined has a substance use disorder for which a medication-assisted treatment exists and who meets any reasonable conditions imposed by the Director pursuant to subsection 4 is eligible to participate in the program established pursuant to subsection 1 and must be offered the opportunity to participate. If an offender received medication-assisted treatment immediately preceding his or her incarceration, the offender is eligible to continue that medication-assisted treatment as a participant in the program. Participation in the program must be voluntary.*

4. *Except as otherwise provided in this subsection, the Director may impose reasonable conditions for an offender to be eligible to participate in the program established pursuant to subsection 1 and to continue his or her participation in the program. The Director shall not deny an offender the ability to participate in the program or terminate the participation of an offender in the program on the basis that:*

(a) *The results of a screening test administered to the offender upon the commencement of his or her incarceration or upon the commencement of his or her participation in the program indicated the presence of a controlled substance; or*

(b) *The offender committed an infraction of the rules of the institution or facility before or during the participation of the offender in the program.*

5. *An offender who participates in the program established pursuant to subsection 1 is not subject to discipline on the basis that the results of a screening test administered to the offender during his or her participation in the program indicated the presence of a controlled substance.*

6. As used in this section, "medication-assisted treatment" means treatment for a substance use disorder using medication approved by the United States Food and Drug Administration for that purpose.

Sec. 12.7. Chapter 211 of NRS is hereby amended by adding thereto a new section to read as follows:

1. To the extent that money is available, a sheriff, chief of police or town marshal who is responsible for a county, city or town jail or detention facility shall establish a program to provide for the treatment of prisoners with a substance use disorder using medication-assisted treatment.

2. The program established pursuant to subsection 1 must:

(a) Provide each eligible prisoner who participates in the program with appropriate medication-assisted treatment for the period in which the prisoner is incarcerated; and

(b) Require that all decisions regarding the type, dosage or duration of any medication administered to an eligible prisoner as part of his or her medication-assisted treatment be made by a treating physician and the eligible prisoner.

3. Except as otherwise provided in this section, any prisoner who the sheriff, chief of police or town marshal has determined has a substance use disorder for which a medication-assisted treatment exists and who meets any reasonable conditions imposed by the sheriff, chief of police or town marshal pursuant to subsection 4 is eligible to participate in the program established pursuant to subsection 1 and must be offered the opportunity to participate. If a prisoner received medication-assisted treatment immediately preceding his or her incarceration, the prisoner is eligible to continue that medication-assisted treatment as a participant in the program. Participation in the program must be voluntary.

4. Except as otherwise provided in this subsection, the sheriff, chief of police or town marshal may impose reasonable conditions for a prisoner to be eligible to participate in the program established pursuant to subsection 1 and to continue his or her participation in the program. The sheriff, chief of police or town marshal shall not deny a prisoner the ability to participate in the program or terminate the participation of a prisoner in the program on the basis that:

(a) The results of a screening test administered to the prisoner upon the commencement of his or her incarceration or upon the commencement of his or her participation in the program indicated the presence of a controlled substance; or

(b) The prisoner committed an infraction of the rules of the county, city or town jail or detention facility before or during the participation of the prisoner in the program.

5. A prisoner who participates in the program established pursuant to subsection 1 is not subject to discipline on the basis that the results of a screening test administered to the prisoner during his or her participation in the program indicated the presence of a controlled substance.

6. *As used in this section, "medication-assisted treatment" means treatment for a substance use disorder using medication approved by the United States Food and Drug Administration for that purpose.*

Sec. 13. NRS 391.650 is hereby amended to read as follows:

391.650 As used in NRS 391.650 to 391.826, inclusive, unless the context otherwise requires:

1. "Administrator" means any employee who holds a license as an administrator and who is employed in that capacity by a school district.

2. "Board" means the board of trustees of the school district in which a licensed employee affected by NRS 391.650 to 391.826, inclusive, is employed.

3. "Demotion" means demotion of an administrator to a position of lesser rank, responsibility or pay and does not include transfer or reassignment for purposes of an administrative reorganization.

4. "Immorality" means:

(a) An act forbidden by NRS 200.366, 200.368, 200.400, 200.508, 201.180, 201.190, 201.210, 201.220, 201.230, 201.265, 201.540, 201.560, 207.260, 453.316 to 453.336, inclusive, except an act forbidden by NRS 453.337, 453.338, 453.3385 to 453.3405, inclusive, *and section ~~44~~ 1.5 of this act*, 453.560 or 453.562; or

(b) An act forbidden by NRS 201.540 or any other sexual conduct or attempted sexual conduct with a pupil enrolled in an elementary or secondary school. As used in this paragraph, "sexual conduct" has the meaning ascribed to it in NRS 201.520.

5. "Postprobationary employee" means an administrator or a teacher who has completed the probationary period as provided in NRS 391.820 and has been given notice of reemployment. The term does not include a person who is deemed to be a probationary employee pursuant to NRS 391.730.

6. "Probationary employee" means:

(a) An administrator or a teacher who is employed for the period set forth in NRS 391.820; and

(b) A person who is deemed to be a probationary employee pursuant to NRS 391.730.

7. "Superintendent" means the superintendent of a school district or a person designated by the board or superintendent to act as superintendent during the absence of the superintendent.

8. "Teacher" means a licensed employee the majority of whose working time is devoted to the rendering of direct educational service to pupils of a school district.

Sec. 14. 1. The Joint Interim Standing Committee on the Judiciary shall conduct a study during the 2023-2024 interim concerning the possible upgrading of forensic laboratories in this State to enable such laboratories to perform quantitative testing involving controlled substances. The study must include, without limitation, an analysis of:

(a) The costs and benefits of performing such upgrades; and

(b) The impact of such upgrades on this State.

2. The Committee shall include its finding and recommendations for legislation relating to the study in the report required by subsection 4 of NRS 218E.330 to be prepared and submitted to the Director of the Legislative Counsel Bureau for transmittal to the 83rd Session of the Legislature.

Sec. 15. Notwithstanding the provisions of section 1.8 of this act, each law enforcement agency and the Nevada Sentencing Commission shall submit to the Joint Interim Standing Committee on the Judiciary the first report required by that section on or before March 1, 2024. For the purposes of the first report submitted by an agency pursuant to this section, any reference in section 1.8 of this act to the period since the last report shall be deemed to refer to the period beginning on October 1, 2023, and ending on the date on which the first report is submitted by the agency.

Sec. 16. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Senator Scheible moved that the Senate do not concur in Assembly Amendment No. 734 to Senate Bill No. 35.

Motion carried.

Bill ordered transmitted to the Assembly.

GENERAL FILE AND THIRD READING

Assembly Bill No. 304.

Bill read third time.

Remarks by Senator Hammond.

Assembly Bill No. 304 revises provisions governing certain special license plates for firefighters.

Roll call on Assembly Bill No. 304:

YEAS—21.

NAYS—None.

Assembly Bill No. 304 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 310.

Bill read third time.

Remarks by Senator Neal.

Assembly Bill No. 310 provides an appropriation for supportive housing.

Roll call on Assembly Bill No. 310:

YEAS—20.

NAYS—Buck.

Assembly Bill No. 310 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 319.

Bill read third time.

Remarks by Senator Goicoechea.

Assembly Bill No. 319, as amended, appropriates \$43 million to the State Department of Agriculture for universal free lunch and breakfast for Nevada pupils.

Roll call on Assembly Bill No. 319:

YEAS—16.

NAYS—Buck, Hammond, Hansen, Stone, Titus—5.

Assembly Bill No. 319 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 321.

Bill read third time.

Remarks by Senator Goicoechea.

Assembly Bill No. 321, as amended, establishes certain requirements and restrictions for foil balloons being sold, offered for sale or manufactured. Foil balloons that do not meet these requirements, with exceptions, have to go before the Public Utilities Commission of Nevada to adopt standards.

Roll call on Assembly Bill No. 321:

YEAS—21.

NAYS—None.

Assembly Bill No. 321 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 322.

Bill read third time.

Remarks by Senator Nguyen.

Assembly Bill No. 322 defines a kratom product to mean any food containing a part of the leaf of the *Mitragyna* plant. The measure prohibits a person from preparing, distributing, advertising, selling or offering to sell a kratom product unless the product has been registered with the Division of Public and Behavioral Health of the Department of Health and Human Services. Currently, you can sell kratom. This allows us to regulate and test it.

Roll call on Assembly Bill No. 322:

YEAS—19.

NAYS—Krasner, Spearman—2.

Assembly Bill No. 322 having received a two-thirds majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 328.

Bill read third time.

Remarks by Senator Harris.

Assembly Bill No. 328, as amended, provides General Fund appropriations of \$500,000 in each year of the 2023–2025 biennium to the Thomas & Mack Legal Clinic at the William S. Boyd School of Law of the University of Nevada, Las Vegas, for the purpose of providing pro bono legal services related to immigration law.

Roll call on Assembly Bill No. 328:

YEAS—17.

NAYS—Buck, Hansen, Krasner, Stone—4.

Assembly Bill No. 328 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 332.

Bill read third time.

Remarks by Senator Nguyen.

Assembly Bill No. 332, as amended, provides for the licensure and regulation of student loan servicers and the regulation of private education loans and private education lenders by the Commissioner of the Division of Financial Institutions of the Department of Business and Industry. It sets forth requirements and fees related to the licensure and regulation of student loan servicers as well as exemptions for licensures for persons who engage in student loan servicing under certain circumstances and authorizes the Commissioner to use the Nationwide Multistate Licensing System and Registry to effectuate the provisions of this bill.

It further sets forth requirements governing the business practices of student loan servicers, authorizes the Commissioner to conduct investigations and examinations of student loan servicers and student education loans, requires licensees to pay for such investigations and examinations, requires a student loan servicer to pay assessments established by the Commissioner and requires the Student Loan Ombudsman to make complaints from a student loan borrower available to the Office of the Attorney General.

Roll call on Assembly Bill No. 332:

YEAS—17.

NAYS—Hansen, Krasner, Stone, Titus—4.

Assembly Bill No. 332 having received a two-thirds majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 345.

Bill read third time.

Remarks by Senator Spearman.

Assembly Bill No. 345 removes real estate investment trust and qualified real estate investment trust subsidiaries from the entities excluded from the definition of "business entity."

Senator Cannizzaro moved that Assembly Bill No. 345 be taken from the General File and placed on the Secretary's Desk.

Motion carried.

Assembly Bill No. 348.

Bill read third time.

Remarks by Senator Scheible.

Assembly Bill No. 348 creates the virtual early childhood family engagement pilot program at the Department of Health and Human Services.

Roll call on Assembly Bill No. 348:

YEAS—21.

NAYS—None.

Assembly Bill No. 348 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 376.

Bill read third time.

Remarks by Senator Seevers Gansert.

Assembly Bill No. 376, as amended, provides that an employee of the Executive Department of State Government is entitled to take 8 weeks of paid family leave over a 12-month period under certain circumstances and prescribes the qualifications to be eligible to take that leave. It further requires an appointing authority to pay an employee on paid family leave 50 percent of the regular wage the employee would have earned if the employee was not on leave and prohibits an appointing authority or designee from denying an eligible employee paid family leave or retaliating against an employee for taking paid family leave. I urge your support.

Roll call on Assembly Bill No. 376:

YEAS—21.

NAYS—None.

Assembly Bill No. 376 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 378.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 977.

SUMMARY—Revises provisions governing collective bargaining.
(BDR 23-1050)

AN ACT relating to public employees; revising certain provisions relating to the negotiation, mediation and arbitration of collective bargaining agreements with the Executive Department of the State Government; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes certain groups of employees in the classified service of the Executive Department of the State Government to engage in collective bargaining with the Executive Department concerning wages, hours and other terms and conditions of employment for such employees. (NRS 288.400-288.630) In general, a collective bargaining agreement for such a group of employees must begin on July 1 of an odd-numbered year and must end on June 30 of the next odd-numbered year. (NRS 288.550)

Existing law requires the Governor to designate a representative to conduct

negotiations concerning collective bargaining agreements on behalf of the Executive Department and requires negotiations between the representative of the Executive Department and the exclusive representative of a bargaining unit to begin within 60 days after one party notifies the other party of the desire to negotiate or November 1 of each even-numbered year, whichever is earlier. (NRS 288.565) Section 1 of this bill requires such negotiations to begin on or before October 1, rather than November 1, of each even-numbered year.

Existing law authorizes either the representative of the Executive Department or the exclusive representative of a bargaining unit to request a mediator if the parties do not reach a collective bargaining agreement within 120 days after beginning negotiations or February 1 of an odd-numbered year, whichever is earlier, unless the parties agree on a later date. (NRS 288.570) Section 1 requires the representative of the Executive Department and the exclusive representative of a bargaining unit, before engaging in collective bargaining, to: (1) select a mediator and an arbitrator for the purposes of potential mediation and arbitration; and (2) to the extent possible, determine and reserve with the mediator and arbitrator selected by the parties the calendar days when such mediation and arbitration would occur should the parties not reach a collective bargaining agreement.

If the representative of the Executive Department and the exclusive representative of a bargaining unit do not reach a collective bargaining agreement through mediation within 21 days after the appointment of a mediator, mediation is required to cease and the parties are required to begin arbitration proceedings on or before March 1 unless the parties agree on a later date. The arbitrator is then required to render a decision on or before March 15 unless the parties agree on a later date. (NRS 288.575) If the parties do not reach a collective bargaining agreement through mediation, section 3 of this bill requires mediation to cease and the parties to begin arbitration proceedings within 10 days, rather than 21 days, after the appointment of a mediator. Section 3: (1) requires arbitration proceedings to begin on or before February 15, rather than March 1; and (2) requires the arbitrator to render a decision on or before March 5, rather than March 15. Section 3.5 of this bill makes an appropriation to the Division of Human Resource Management of the Department of Administration for costs relating to the prescheduling of arbitrations and mediations.

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

Section 1. NRS 288.565 is hereby amended to read as follows:

288.565 1. The Governor shall designate a representative to conduct negotiations concerning collective bargaining agreements on behalf of the Executive Department. The representative may, with the approval of the Governor, delegate the responsibility to conduct such negotiations to another person.

2. A representative designated pursuant to subsection 1 and an exclusive

representative shall ~~begin~~ :

(a) *Begin* negotiations concerning a collective bargaining agreement within 60 days after one party notifies the other party of the desire to negotiate or on or before ~~November~~ October 1 of each even-numbered year, whichever is earlier ~~;~~ ; and

(b) *Before beginning negotiations concerning a collective bargaining agreement pursuant to paragraph (a), select a mediator and arbitrator for the purposes of mediation and arbitration pursuant to NRS 288.570 and 288.575, respectively, and, to the extent possible, determine and reserve with the mediator and arbitrator selected by the parties the calendar days when such mediation and arbitration would occur should the parties not reach a collective bargaining agreement.*

3. As soon as practicable after the Board designates an exclusive representative of an unrepresented bargaining unit pursuant to NRS 288.400 to 288.630, inclusive, the exclusive representative shall engage in collective bargaining with the representative designated pursuant to subsection 1 as required by NRS 288.540 to establish a collective bargaining agreement with a term ending on June 30 of the next odd-numbered year.

Sec. 2. NRS 288.570 is hereby amended to read as follows:

288.570 1. Either party may request a mediator ~~from the Federal Mediation and Conciliation Service~~ *selected pursuant to NRS 288.565* if the parties do not reach a collective bargaining agreement:

(a) Within 120 days after the date on which the parties began negotiations or on or before February 1 of an odd-numbered year, whichever is earlier; or

(b) On or before any later date set by agreement of the parties.

2. The mediator shall bring the parties together as soon as possible after ~~his or her appointment~~ *a request is made pursuant to subsection 1* and shall attempt to settle each issue in dispute within ~~21~~ 10 days after his or her appointment or any later date set by agreement of the parties.

Sec. 3. NRS 288.575 is hereby amended to read as follows:

288.575 1. If a mediator ~~selected~~ *requested* pursuant to NRS 288.570 determines that his or her services are no longer helpful or if the parties do not reach a collective bargaining agreement through mediation within ~~21~~ 10 days after ~~the appointment of the mediator~~ *a request made pursuant to NRS 288.570* or on or before any later date set by agreement of the parties, the mediator shall discontinue mediation and the parties shall ~~attempt to agree upon an impartial arbitrator~~ *engage in arbitration*. Any proposal that conflicts or is otherwise inconsistent with any provision of state law, other than the provisions of chapters 284 and 287 of NRS, shall be considered withdrawn by the proposing party when mediation is discontinued.

2. ~~If the parties do not agree upon an impartial arbitrator within 5 days after the date on which mediation is discontinued pursuant to subsection 1 or on or before any later date set by agreement of the parties, the parties shall request from the Federal Mediation and Conciliation Service a list of seven potential arbitrators. The parties shall select an arbitrator from this list~~

~~by alternately striking one name until the name of only one arbitrator remains, and that arbitrator must hear the dispute in question. The party who will strike the first name must be determined by a coin toss.~~

~~—3.]~~ The arbitrator shall begin arbitration proceedings on or before ~~[March 1]~~ *February 15 of an odd-numbered year* or any later date set by agreement of the parties.

~~{4.}~~ 3. The arbitrator and the parties shall apply and follow the procedures for arbitration that are prescribed by any rules adopted by the Board pursuant to NRS 288.110. During arbitration, the parties retain their respective duties to negotiate in good faith.

~~{5.}~~ 4. The arbitrator may administer oaths or affirmations, take testimony and issue and seek enforcement of a subpoena in the same manner as the Board pursuant to NRS 288.120, and, except as otherwise provided in subsection ~~{7.}~~ 6, the provisions of NRS 288.120 apply to any subpoena issued by the arbitrator.

~~{6.}~~ 5. The arbitrator shall render a decision on or before March ~~{15}~~ 5 of an odd-numbered year or any later date set by agreement of the parties.

~~{7.}~~ 6. The Executive Department and the exclusive representative shall each pay one-half of the cost of arbitration.

Sec. 3.5. 1. There is hereby appropriated from the State General Fund to the Division of Human Resource Management of the Department of Administration the sum of \$20,000 for costs relating to the prescheduling of arbitrations and mediations as required pursuant to the provisions of this act.

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

Sec. 4. ~~{This}~~

1. This section and sections 1, 2 and 3 of this act ~~{becomes}~~ become effective on July 1, 2023.

2. Section 3.5 of this act becomes effective on July 1, 2024.

Senator Dondero Loop moved the adoption of the amendment.

Remarks by Dondero Loop.

Senate Amendment No. 977 to Assembly Bill No. 378, as amended, adds section 3.5, which provides General Fund appropriations of \$20,000 to the Division of Human Resource Management of the Department of Administration for costs relating to the prescheduling of arbitrations and mediations. The amendment further revises section 4 to add the effective date of July 1, 2024, for section 3.5.

Amendment adopted.

Bill read third time.

Remarks by Senators Harris.

Assembly Bill No. 378, as amended, requires negotiations between the designated representative of the Executive Department and the exclusive representative of a bargaining unit to begin on or before October 1 of each even-numbered year, requires a selection of a mediator and an arbitrator before engaging in collective bargaining and revises certain provisions related to the timeline to cease or begin the mediation and arbitration for collective bargaining agreements.

Roll call on Assembly Bill No. 378:

YEAS—14.

NAYS—Buck, Goicoechea, Hammond, Hansen, Krasner, Stone, Titus—7.

Assembly Bill No. 378 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 383.

Bill read third time.

Remarks by Senators Neal and Seevers Gansert.

SENATOR NEAL:

Assembly Bill No. 383, as amended, establishes the right to reproductive health care and associated provisions requiring the State Plan for Medicaid to cover certain services.

SENATOR SEEVERS GANSERT:

I support Assembly Bill No. 383. The bill talks about the right to different types of reproductive health care, but it explicitly excludes in section 6 that "this act do not apply to NRS 442.250 or the implementation of NRS 442.250," which are the abortion statutes used in the State of Nevada. Abortion is excluded from this.

Roll call on Assembly Bill No. 383:

YEAS—16.

NAYS—Goicoechea, Hansen, Krasner, Stone, Titus—5.

Assembly Bill No. 383 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 388.

Bill read third time.

Remarks by Senator Nguyen.

Assembly Bill No. 388 appropriates \$3 million from the State General Fund to the Department of Sentencing Policy for the purposes of funding grants through the Nevada Local Justice Reinvestment Coordinating Council to local governments and nonprofits to reduce recidivism.

Roll call on Assembly Bill No. 388:

YEAS—16.

NAYS—Buck, Goicoechea, Hansen, Stone, Titus—5.

Assembly Bill No. 388 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 389.

Bill read third time.

Remarks by Senator Doñate.

Assembly Bill No. 389 revises provisions governing Medicaid.

Roll call on Assembly Bill No. 389:

YEAS—21.

NAYS—None.

Assembly Bill No. 389 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 396.

Bill read third time.

Remarks by Senator Seevers Gansert.

Assembly Bill No. 396, as amended, makes General Fund appropriations of \$6 million in each year of the 2023–2025 biennium to Clark County and \$1.5 million in each year of the 2023–2025 biennium to both of the cities of Reno and Sparks for programs for rental assistance to persons who are elderly, persons with disabilities and families or persons facing an unanticipated emergency, and outlines specific reporting requirements to the Interim Finance Committee.

Roll call on Assembly Bill No. 396:

YEAS—21.

NAYS—None.

Assembly Bill No. 396 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 404.

Bill read third time.

Remarks by Senators Scheible and Hansen.

SENATOR SCHEIBLE:

Assembly Bill No. 404 is the medical malpractice bill. It represents a very grand compromise between pretty much everybody except for the anesthesiologists, so you all better vote for it.

SENATOR HANSEN:

I am going to vote "no." My oldest son is an anesthesiologist. They are the ones who came in opposition, and they came after the compromise. I am a "no" on this one.

Roll call on Assembly Bill No. 404:

YEAS—16.

NAYS—Buck, Hammond, Hansen, Krasner, Titus—5.

Assembly Bill No. 404 having received a constitutional majority,
Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 422.

Bill read third time.

Remarks by Senators Lange.

Assembly Bill No. 422 creates a pilot program to provide evidence-based services and support for children diagnosed with a fetal alcohol spectrum disorder.

Roll call on Assembly Bill No. 422:

YEAS—21.

NAYS—None.

Assembly Bill No. 422 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 430.

Bill read third time.

Remarks by Senator Neal.

Assembly Bill No. 430, in its second reprint, revises the provisions governing the 15 percent wholesale excise tax on cannabis to specify that the tax only applies to the first wholesale sale and to provide that the taxes imposed at the rate of 15 percent of the fair market value at wholesale for sales made to an affiliate of a medical cannabis cultivation facility, et cetera.

Roll call on Assembly Bill No. 430:

YEAS—18.

NAYS—Buck, Krasner, Seevers Gansert—3.

Assembly Bill No. 430 having received a two-thirds majority,
Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 434.

Bill read third time.

Remarks by Senator Titus.

Assembly Bill No. 434, as amended, revises provisions governing prescription drugs.

Roll call on Assembly Bill No. 434:

YEAS—21.

NAYS—None.

Assembly Bill No. 434 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Mr. President announced that Assembly Bills Nos. 304, 310, 319, 321, 322, 328, 332, 348, 376, 383, 388, 389, 396, 422 and 430 would be immediately transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Cannizzaro moved that Assembly Bill No. 441 be taken from its position on the General File and placed on the Secretary's Desk.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 443.

Bill read third time.

Remarks by Senator Hammond.

Assembly Bill No. 443 authorizes the use of the Governor Guinn Millennium Scholarship for a course of study at an accredited, tax exempt, nonsectarian college or university that operates a clinical program in Nevada in which students enrolled in the college or university receive training. A student is eligible for a Millennium Scholarship if the student enrolls in at least 12 semester credit hours in a course of study at such a college or university for which the completion of a clinical program located in Nevada is required.

Roll call on Assembly Bill No. 443:

YEAS—21.

NAYS—None.

Assembly Bill No. 443 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 451.

Bill read third time.

Remarks by Senator Harris.

Assembly Bill No. 451, as amended, allows for certain employees in the unclassified service of the Budget Division of the Office of Finance to receive compensation for overtime performed during the period beginning on September 1 of an even-numbered year and ending on January 31 of the following year for the 2023-2025 biennium only.

Roll call on Assembly Bill No. 451:

YEAS—21.

NAYS—None.

Assembly Bill No. 451 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 452.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 964.

SUMMARY—Revises provisions relating to offenders. (BDR 16-315)

AN ACT relating to offenders; requiring the Director of the Department of Corrections to adopt regulations establishing and governing a program for the visitation of offenders; requiring a warden or manager to provide certain notice regarding the cancellation of visitation; establishing the Office of the Ombudsperson for Offenders; establishing the powers and duties of the Ombudsperson; providing that an offender has the right to receive visitors in person; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the warden or manager of a correctional institution or facility to allow visits and correspondence between offenders and appropriate friends, relatives and others. (NRS 209.423) Section 2 of this bill requires the Director of the Department of Corrections, with the approval of

the Board of State Prison Commissioners, to adopt regulations establishing and governing a program for the visitation of offenders. Section 2 requires such regulations to prescribe requirements relating to the visitation of offenders, which must: (1) allow offenders to receive visitors in person, regardless of whether visitation by means of electronic communication is made available; (2) allow visitation by means of electronic communication, provided that such visitation is in addition to and not in lieu of in-person visitation; (3) prescribe a procedure for a prospective visitor or visitor to appeal a decision of a warden or manager to deny or suspend visiting privileges; and (4) prescribe requirements relating to cancelled visits. Section 4 of this bill provides that an offender has the right to receive visitors in person in accordance with the regulations adopted pursuant to section 2. Section 4 also requires a warden or manager to provide notice of any cancelled visit in accordance with the regulations adopted pursuant to section 2.

Section 2.5 of this bill establishes the Office of the Ombudsperson for Offenders within the Department to promote and protect the health, safety and welfare of offenders and prepare offenders for successful reentry into communities upon release. Section 2.5 requires the Office to be impartial and operationally independent of the Department. Section 2.5 also: (1) requires the Board to appoint the Ombudsperson; and (2) authorizes the Board to enter into a contract with a person to serve as Ombudsperson. Finally, section 2.5 sets forth the powers and duties of the Ombudsperson.

Section 5.3 of this bill makes an appropriation to the Department for the cost of contract services for the Office of the Ombudsperson for Offenders.

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

Section 1. Chapter 209 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 2.5 and 3 of this act.

Sec. 2. *The Director shall adopt, with the approval of the Board, regulations establishing and governing a program, to be carried out within each facility and institution, for the visitation of offenders. The regulations must prescribe:*

1. *Requirements relating to the visitation of offenders, which must:*

(a) *Allow offenders to receive visitors in person, regardless of whether visitation by means of electronic communication is made available; and*

(b) *Allow visitation by means of electronic communication, provided that such visitation is in addition to and not in lieu of in-person visitation.*

2. *Requirements relating to the cancellation of visitation, which must, without limitation, prescribe:*

(a) *The frequency with which an institution or facility may cancel visitation for all offenders in the institution or facility; and*

(b) *Requirements relating to the notice which must be provided to a visitor concerning a cancelled visit.*

3. *A procedure for a prospective visitor or visitor to appeal a decision of*

a warden or manager to deny or suspend the visiting privileges of the prospective visitor or visitor.

Sec. 2.5. 1. The Office of the Ombudsperson for Offenders is hereby established within the Department to promote and protect the health, safety and welfare of offenders and prepare offenders for successful reentry into communities upon release. The Office must be impartial and operationally independent of the Department.

2. The Board shall appoint the Ombudsperson and may enter into a contract with a person to serve as Ombudsperson. The Ombudsperson serves at the pleasure of the Board.

3. Except as otherwise provided in subsection 6, the Ombudsperson may:

(a) Investigate and attempt to resolve grievances arising out of, or relating to, issues within the authority and control of the Department, including, without limitation, grievances relating to:

(1) Alleged abuse or neglect;

(2) Conditions of confinement;

(3) Alleged violations of any law of this State; and

(4) Actions that may be inconsistent with any policy, procedure, regulation or rule of the Department; and

(b) Propose policy or procedural changes to the Department relating to any systemic issue identified by the Ombudsperson.

4. If the Ombudsperson has reason to believe that a violation of a state or federal law or a constitutional provision has occurred or is occurring, the Ombudsperson shall notify the Director.

5. Except as otherwise provided in subsection 6, the Ombudsperson shall:

(a) Review grievances entered into NOTIS;

(b) Provide such training as the Ombudsperson determines to be necessary or advisable to promote the purpose described in subsection 1 or suggest appropriate referrals for the provision of any such training; and

(c) Prepare an annual report, which must include, without limitation:

(1) Information concerning grievances entered into NOTIS for the immediately preceding year, which must include:

(I) The total number of grievances filed during the immediately preceding year;

(II) A summary of the claims included in grievances filed during the immediately preceding year;

(III) The total number of investigations conducted by the Department during the immediately preceding year; and

(IV) The outcome of each investigation conducted by the Department during the immediately preceding year;

(2) A summary of the activities of the Office during the immediately preceding year, including, without limitation, information regarding any training provided by the Ombudsperson or referrals made by the Ombudsperson;

(3) Any recommendations for proposed legislation; and

(4) Any other information the Ombudsperson determines is appropriate to include in the report.

6. The Ombudsperson shall not:

(a) Review, investigate or attempt to resolve any grievance relating to a judgment of conviction; or

(b) Interfere with any ongoing investigation of the Department, including, without limitation, any ongoing investigation being conducted by the Inspector General of the Department.

7. The Department shall provide any funds necessary to carry out the provisions of this section.

8. Notwithstanding any other provision of law, the Department shall grant the Ombudsperson access to any information concerning grievances entered into NOTIS or stored at an institution or facility.

9. On or before December 1 of each year, the Ombudsperson shall submit the report required by subsection 5 to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on the Judiciary, if the report is received during an odd-numbered year, or to the next session of the Legislature, if the report is received during an even-numbered year.

10. As used in this section, "NOTIS" means the Nevada Offender Tracking Information System or its successor.

Sec. 3. (Deleted by amendment.)

Sec. 4. NRS 209.423 is hereby amended to read as follows:

209.423 1. An offender shall have the right to receive visitors in person in accordance with the regulations adopted pursuant to section 2 of this act.

2. Wardens and managers may authorize visits and correspondence between offenders and appropriate friends, relatives, and others ~~[under]~~ in accordance with the regulations adopted ~~[by the Director and approved by the Board.]~~ pursuant to section 2 of this act.

3. A warden or manager must provide notice of any cancelled visit in accordance with the regulations adopted pursuant to section 2 of this act.

Sec. 5. (Deleted by amendment.)

Sec. 5.3. 1. There is hereby appropriated from the State General Fund to the Department of Corrections for the cost of contract services for the Office of the Ombudsperson for Offenders established by section 2.5 of this act the following sums:

For the Fiscal Year 2023-2024 \$175,000

For the Fiscal Year 2024-2025 \$350,000

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20,

2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

Sec. 5.5. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 6. 1. This section becomes effective upon passage and approval.

2. Section 5.3 of this act becomes effective on July 1, 2023.

3. Sections 1 to ~~4.5~~ 5, inclusive, and section 5.5 of this act become effective upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act, and on January 1, 2024, for all other purposes.

Senator Dondero Loop moved the adoption of the amendment.

Remarks by Senator Dondero Loop.

Amendment No. 964 to Assembly Bill No. 452, as amended, makes General Fund appropriations of \$525,000 over the biennium for the cost to contract services for the Office of the Ombudsperson for Offenders.

Amendment adopted.

Bill read third time.

Remarks by Senators Dondero Loop and Stone.

SENATOR DONDERO LOOP:

Assembly Bill No. 452, as amended, requires the Director of the Department of Corrections (DOC) to adopt regulations establishing and governing a program for the visitation of offenders and establishes the Office of the Ombudsperson for Offenders. This also makes General Fund appropriations of \$525,000 over the biennium for the cost to contract services for the Office of the Ombudsperson for Offenders.

SENATOR STONE:

I oppose Assembly Bill No. 452. During the committee hearing, the issue of cancelled family visits was discussed fully with the DOC Director James Dzurenda, and we discovered that roughly 90 percent of the cancellations were not arbitrary and capricious, as some of the opponents would like to think, but rather, the reasons why most of the visitations were cancelled were due to last-minute lack of staffing.

Here are the facts. There are 1,500 positions in the state DOC. We presently have 400 vacancies, and it is growing, stretching thin the ability to properly oversee our prison population. Hiring an expensive ombudsperson will not solve this problem of lack of staffing. The Director should be the one responsible to ensure the staffing levels are appropriate and ensuring that he has the right staff to oversee the visitation issues being addressed by this bill.

The Director has also confirmed why we have a lack of staffing at the DOC. That is because our prison guards are grossly underpaid. Until this Legislature wraps their arms around this complicated issue and has a plan to bring our prison guards to some form of parity, visitation and other problems we have been experiencing recently in our prison system will continue to plague our detention system here in the State.

Let us save this money that will be spent on a useless position, and instead let us use these funds as a downpayment on bringing parity to our hero prison guards here in Nevada. Then, Director Dzurenda will be able to solve this problem and many others facing the Nevada Department of Rehabilitation and Corrections. For these reasons, I oppose Assembly Bill No. 452.

Roll call on Assembly Bill No. 452:

YEAS—16.

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

Assembly Bill No. 452 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

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

Motion carried.

Senate in recess at 2:26 p.m.

SENATE IN SESSION

At 2:41 p.m.

President Anthony presiding.

Quorum present.

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. President appointed Senators Daly, Krasner and Ohrenschall as a Conference Committee to meet with a like committee of the Assembly for the further consideration of Senate Bill No. 60.

Mr. President appointed Senators Nguyen, Scheible, and Hansen as a Conference Committee to meet with a like committee of the Assembly for the further consideration of Senate Bill No. 104.

Mr. President appointed Senators Scheible, Doñate and Stone as a Conference Committee to meet with a like committee of the Assembly for the further consideration of Senate Bill No. 161.

Mr. President appointed Senators Pazina, Scheible and Goicoechea as a Conference Committee to meet with a like committee of the Assembly for the further consideration of Senate Bill No. 180.

Mr. President appointed Senators Spearman, Pazina and Stone as a Conference Committee to meet with a like committee of the Assembly for the further consideration of Senate Bill No. 283.

Mr. President appointed Senators Lange, Spearman and Hammond as a Conference Committee to meet with a like committee of the Assembly for the further consideration of Senate Bill No. 355.

Mr. President appointed Senators Lange, Spearman and Hammond as a Conference Committee to meet with a like committee of the Assembly for the further consideration of Senate Bill No. 370.

RECEDE FROM SENATE AMENDMENTS

Senator Scheible moved that the Senate do not recede from its action on Assembly Bill No. 444, that a conference be requested, and that Mr. President appoint a Conference Committee consisting of three members to meet with a like committee of the Assembly.

Motion carried.

Bill ordered transmitted to the Assembly.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. President appointed Senators Hansen, Harris and Ohrenschall as a Conference Committee to meet with a like committee of the Assembly for the further consideration of Assembly Bill No. 444.

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

Motion carried.

Senate in recess at 2:43 p.m.

SENATE IN SESSION

At 5:48 p.m.

President Anthony presiding.

Quorum present.

REPORTS OF COMMITTEE

Mr. President:

Your Committee on Finance, to which were referred Assembly Bills Nos. 400, 528, 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 Judiciary, to which was referred Senate Bill No. 412, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MELANIE SCHEIBLE, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, 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, Senate Bills Nos. 72, 231, 276, 294, 327, 364, 371, 439.

CAROL AIELLO-SALA

Assistant Chief Clerk of the Assembly

ASSEMBLY CHAMBER, Carson City, June 5, 2023

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Bill No. 82, Amendments Nos. 623, 953, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Assembly on this day respectfully refused to recede from its action on Senate Bill No. 35, Assembly Amendment No. 734, and requests a conference, and appointed Assemblymen Brittney Miller, Considine and Hardy as a Conference Committee to meet with a like committee of the Senate.

Also, I have the honor to inform your honorable body that the Assembly on this day respectfully refused to recede from its action on Senate Bill No. 196, Assembly Amendment No. 602, and requests a conference, and appointed Assemblymen Anderson, Taylor and Koenig as a Conference Committee to meet with a like committee of the Senate.

CAROL AIELLO-SALA
Assistant Chief Clerk of the Assembly

UNFINISHED BUSINESS
CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 322.

The following Assembly amendment was read:

Amendment No. 659.

SUMMARY—Revises provisions relating to reckless driving.
(BDR 43-934)

AN ACT relating to crimes; revising the penalties for engaging in reckless driving under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law makes it unlawful for a person to drive a vehicle in willful or wanton disregard of the safety of persons or property. Existing law provides that certain unlawful acts, such as driving a vehicle in willful or wanton disregard of the safety of persons or property, constitute reckless driving. (NRS 484B.653) Under existing law, if a driver commits reckless driving and proximately causes substantial bodily harm to or the death of another person, the driver: (1) is guilty of a category B felony; (2) shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years; and (3) may be subject to certain additional penalties if the violation is committed in a pedestrian safety zone or a temporary traffic control zone. (NRS 484B.130, 484B.135, 484B.653)

Section 3 of this bill revises the penalty for committing such a violation under certain circumstances. Specifically, section 3 increases the maximum term of imprisonment for the commission of such a violation from 6 years to 10 years, if the violation: (1) involves operating a vehicle at a rate of speed that is 50 miles per hour or more over the posted speed limit; or (2) is committed in a pedestrian safety zone, school zone or school crossing zone. This bill is known as "Rex's Law" after Rex Patchett.

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. NRS 484B.653 is hereby amended to read as follows:

484B.653 1. It is unlawful for a person to:

(a) Drive a vehicle in willful or wanton disregard of the safety of persons or property on a highway or premises to which the public has access.

(b) Drive a vehicle in an unauthorized speed contest on a highway or premises to which the public has access.

(c) Organize an unauthorized speed contest on a highway or premises to which the public has access.

(d) Drive a vehicle in an unauthorized trick driving display on a public highway.

(e) Facilitate an unauthorized trick driving display on a public highway.

➡ A violation of paragraph (a), (b) or (d) of this subsection or subsection 1 of NRS 484B.550 constitutes reckless driving.

2. If, while violating the provisions of subsections 1 to 5, inclusive, of NRS 484B.270, NRS 484B.280, paragraph (a) or (c) of subsection 1 of NRS 484B.283, NRS 484B.350, subsections 1 to 4, inclusive, of NRS 484B.363 or subsection 1 of NRS 484B.600, the driver of a motor vehicle on a highway or premises to which the public has access is the proximate cause of a collision with a pedestrian or a person riding a bicycle, an electric bicycle or an electric scooter, the violation constitutes reckless driving.

3. A person who violates paragraph (a) of subsection 1 is guilty of a misdemeanor and:

(a) For the first offense, shall be punished:

(1) By a fine of not less than \$250 but not more than \$1,000; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

(b) For the second offense, shall be punished:

(1) By a fine of not less than \$1,000 but not more than \$1,500; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

(c) For the third and each subsequent offense, shall be punished:

(1) By a fine of not less than \$1,500 but not more than \$2,000; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

4. A person who violates paragraph (b) or (c) of subsection 1 or commits a violation which constitutes reckless driving pursuant to subsection 2 is guilty of a misdemeanor and:

(a) For the first offense:

(1) Shall be punished by a fine of not less than \$250 but not more than \$1,000;

(2) Shall perform not less than 50 hours, but not more than 99 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

(b) For the second offense:

(1) Shall be punished by a fine of not less than \$1,000 but not more than \$1,500;

(2) Shall perform not less than 100 hours, but not more than 199 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more

than 6 months.

(c) For the third and each subsequent offense:

(1) Shall be punished by a fine of not less than \$1,500 but not more than \$2,000;

(2) Shall perform 200 hours of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

5. In addition to any fine, community service and imprisonment imposed upon a person pursuant to subsection 4, the court:

(a) Shall issue an order suspending the driver's license of the person for a period of not less than 6 months but not more than 2 years and requiring the person to surrender all driver's licenses then held by the person;

(b) Within 5 days after issuing an order pursuant to paragraph (a), shall forward to the Department any licenses, together with a copy of the order;

(c) For the first offense, may issue an order impounding, for a period of 15 days, any vehicle that is registered to the person who violates paragraph (b) or (c) of subsection 1 if the vehicle is used in the commission of the offense; and

(d) For the second and each subsequent offense, shall issue an order impounding, for a period of 30 days, any vehicle that is registered to the person who violates paragraph (b) or (c) of subsection 1 if the vehicle is used in the commission of the offense.

6. A person who violates paragraph (d) of subsection 1 is guilty of a gross misdemeanor and:

(a) For the first offense:

(1) Shall be punished by a fine of not less than \$1,000 but not more than \$1,500;

(2) Shall perform not less than 100 hours, but not more than 199 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 364 days.

(b) For the second offense and each subsequent offense:

(1) Shall be punished by a fine of not less than \$1,500 but not more than \$2,000;

(2) Shall perform 200 hours of community service; and

(3) May be punished by imprisonment in the county jail for not more than 364 days.

7. A person who violates paragraph (e) of subsection 1 is guilty of:

(a) For the first offense, a misdemeanor and:

(1) Shall be punished by a fine of not more than \$1,000;

(2) Shall perform not less than 50 hours, but not more than 99 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

(b) For the second offense and each subsequent offense, a gross

misdemeanor and:

(1) Shall be punished by a fine of not less than \$1,000 and not more than \$1,500;

(2) Shall perform not less than 100 hours, but not more than 199 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 364 days.

8. In addition to any fine, community service and imprisonment imposed upon a person pursuant to subsection 6 or 7, the court:

(a) May issue an order suspending the driver's license of the person for a period of not less than 6 months but not more than 2 years and requiring the person to surrender all driver's licenses then held by the person;

(b) Within 5 days after issuing an order pursuant to paragraph (a), shall forward to the Department any licenses, together with a copy of the order; and

(c) May issue an order impounding, for a period of 30 days, any vehicle that is registered to the person if the vehicle is used in the commission of the offense.

9. Unless a greater penalty is provided pursuant to subsection 4 of NRS 484B.550, a person who does any act or neglects any duty imposed by law while driving or in actual physical control of any vehicle on a highway or premises to which the public has access in willful or wanton disregard of the safety of persons or property, if the act or neglect of duty proximately causes the death of or substantial bodily harm to another person, is guilty of a category B felony and shall be punished by imprisonment in the state prison for :

(a) *Except as otherwise provided in paragraph (b), a minimum term of not less than 1 year and a maximum term of not more than 6 years and by a fine of not less than \$2,000 but not more than \$5,000.*

(b) *A minimum term of not less than 1 year and a maximum term of not more than 10 years and by a fine of not less than \$2,000 but not more than \$5,000 if:*

(1) *The violation involves operating a vehicle at a rate of speed that is 50 miles per hour or more over the posted speed limit; or*

(2) *The violation is committed in an area designated as a pedestrian safety zone or school zone or a school crossing zone.*

10. A person who violates any provision of this section may be subject to any additional penalty set forth in NRS 484B.130 or 484B.135 unless the person is subject to the penalty provided pursuant to subsection 4 of NRS 484B.550.

11. As used in this section:

(a) "Facilitate" means to plan, schedule or promote, or assist in the planning, scheduling or promotion of, an unauthorized trick driving display or in any other way participate in an unauthorized trick driving display, including, without limitation:

(1) Using a vehicle to divert, slow, impede or otherwise block traffic with the intent to enable or assist an unauthorized trick driving display; or

(2) Filming or otherwise recording an unauthorized trick driving display with the intent to promote an unauthorized trick driving display.

(b) "Organize" means to plan, schedule or promote, or assist in the planning, scheduling or promotion of, an unauthorized speed contest on a public highway, regardless of whether a fee is charged for attending the unauthorized speed contest.

(c) "Trick driving display" means using a vehicle to perform tricks, stunts or other maneuvers on a public highway upon which traffic has been diverted, slowed, impeded or blocked to enable the performing of such tricks, stunts or maneuvers or having such tricks, stunts or maneuvers filmed or otherwise recorded.

Sec. 4. This act becomes effective on July 1, 2023.

Senator Scheible moved that the Senate concur in Assembly Amendment No. 659 to Senate Bill No. 322.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 362.

The following Assembly amendments were read:

Amendment No. 661.

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

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

Legislative Counsel's Digest:

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

Section 2 of this bill requires each law enforcement agency to adopt written policies and procedures governing the performance of copyrighted works by peace officers employed by the law enforcement agency while on

duty, including policies prohibiting a peace officer from performing, or causing the performance of, a copyrighted work for the purpose of preventing or interfering with the dissemination or sharing of a recording of the peace officer performing his or her official duties, with certain exceptions. Section 2 prohibits retaliation or punitive action against a peace officer who discloses information concerning the performance of a copyrighted work in violation of such policies and procedures.

Existing law authorizes the Department of Motor Vehicles to adopt regulations establishing a program for the imprinting of a symbol or other indicator of a medical condition on a driver's license or identification card. (NRS 483.3485, 483.863) Sections 4 and 6 of this bill authorize the Department to adopt regulations establishing a program for the imprinting of a symbol, and not any other indicator, of a medical condition on a driver's license and identification card, respectively. If the Department establishes such a program, sections 4 and 6 additionally require: (1) the Department to adopt a single symbol to represent all applicable medical conditions; (2) the regulations adopted by the Department to provide that a person is eligible to have the symbol indicating a medical condition imprinted on his or her driver's license or identification card if the person is on anticoagulants or has certain specified medical conditions; (3) the Department to maintain a record of the medical condition for which the symbol indicating a medical condition was imprinted on the driver's license or identification card of a person; and (4) the Department to maintain certain information about the program on its Internet website. If the Department establishes such a program, sections 4 and 6 also: (1) authorize the regulations adopted by the Department to provide that a person is eligible to have the symbol indicating a medical condition imprinted on his or her driver's license or identification card to indicate other medical conditions not specified in statute as the Department deems appropriate; and (2) require the Department to provide a means for members of the public to suggest additional medical conditions.

__Sections 3 and 5 of this bill make conforming changes in existing provisions relating to the issuance or renewal of a driver's license or identification card for consistency with the revisions made to the program pursuant to sections 4 and 6. Section 7 of this bill requires the Department to include certain information regarding the program on the notifications for renewal of registration issued by the Department for a 12-month period.

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

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

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

2. A peace officer shall not place a person who is in the custody of the peace officer in any position which compresses his or her airway or restricts his or her ability to breathe. A peace officer shall monitor any person who is in the custody of the peace officer for any signs of distress and shall take any

actions necessary to place such a person in a recovery position if he or she appears to be in distress or indicates that he or she cannot breathe.

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

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

~~{4.}~~ 5. As used in this section ~~{, "choke"}~~ :

(a) "Choke hold" means:

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

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

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

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

1. *Each law enforcement agency shall adopt written policies and procedures governing the performance by peace officers employed by the law enforcement agency of copyrighted works while on duty. Such policies and procedures must:*

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

(b) *Authorize a peace officer to perform, or cause the performance of, a copyrighted work:*

(1) *While engaged in an undercover investigation;*

(2) *When the peace officer is not publicly performing official duties; or*

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

2. *No retaliatory or punitive action may be taken against a peace officer who discloses information concerning the performance of a copyrighted work in violation of the policies and procedures of a law enforcement agency*

adopted pursuant to subsection 1.

3. *As used in this section:*

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

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

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

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

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

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

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

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

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

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

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

(c) Provide to each holder who is interested in becoming a donor

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

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

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

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

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

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

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

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

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

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

(1) *On anticoagulants; or*

(2) *A person with:*

(I) *Diabetes;*

(II) *Epilepsy;*

(III) *Blindness and low vision;*

(IV) *Deafness;*

(V) *Coronary atherosclerosis;*

(VI) *Chronic obstructive pulmonary disease;*

- (VII) A food allergy;
- (VIII) Malignant hyperthermia;
- (IX) Sickle cell disease;
- (X) Systemic lupus erythematosus;
- (XI) Heart disease;
- (XII) Hemophilia;
- (XIII) Schizophrenia;
- (XIV) Depression; or
- (XV) A mental illness.

(c) The Department shall maintain a record of the medical condition for which the symbol indicating a medical condition was imprinted on the driver's license of an eligible person. The record must be maintained in the same location and manner as all other records relating to the driver's license of the person, including, without limitation, the records relating to the driver's license of the person that are made available to law enforcement agencies. If the Department maintains such information in the form of a code, the code used must conform with the International Classification of Diseases, Ninth Revision, Clinical Modification, or the most current revision, adopted by the National Center for Health Statistics and the Centers for Medicare and Medicaid Services.

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

(c) The regulations adopted by the Department may provide that a person is eligible to have the symbol indicating a medical condition imprinted on his or her driver's license to indicate such other medical conditions not listed in paragraph (b) as the Department deems appropriate. The Department shall provide a means for members of the public to suggest additional medical conditions for inclusion in the regulations adopted by the Department.

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

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

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

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

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

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

(a) Give the holder the opportunity to have indicated on his or her identification card that the holder wishes to be a donor of all or part of his or

her body pursuant to NRS 451.500 to 451.598, inclusive, or to refuse to make an anatomical gift of his or her body or part thereof.

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

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

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

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

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

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

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

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

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

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

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

- (1) On anticoagulants; or*
- (2) A person with:*

- (I) Diabetes;
- (II) Epilepsy;
- (III) Blindness and low vision;
- (IV) Deafness;
- (V) Coronary atherosclerosis;
- (VI) Chronic obstructive pulmonary disease;
- (VII) A food allergy;
- (VIII) Malignant hyperthermia;
- (IX) Sickle cell disease;
- (X) Systemic lupus erythematosus;
- (XI) Heart disease;
- (XII) Hemophilia;
- (XIII) Schizophrenia;
- (XIV) Depression; or
- (XV) A mental illness.

(c) The Department shall maintain a record of the medical condition for which the symbol indicating a medical condition was imprinted on the identification card of an eligible person. The record must be maintained in the same location and manner as all other records relating to the identification card of the person, including, without limitation, the records relating to the identification card of the person that are available to law enforcement agencies. If the Department maintains such information in the form of a code, the code used must conform with the International Classification of Diseases, Ninth Revision, Clinical Modification, or the most current revision, adopted by the National Center for Health Statistics and the Centers for Medicare and Medicaid Services.

(d) The Department shall, at the time of the issuance or renewal of an identification card, give the holder the opportunity to have imprinted on his or her identification card a symbol indicating a medical condition.

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

(f) The regulations adopted by the Department may provide that a person is eligible to have the symbol indicating a medical condition imprinted on his or her identification card to indicate such other medical conditions not listed in paragraph (b) as the Department deems appropriate. The Department shall provide a means for members of the public to suggest additional medical conditions for inclusion in the regulations adopted by the Department.

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

Sec. 7. If the Department of Motor Vehicles adopts a program for the

imprinting of a symbol indicating a medical condition on a driver's license or identification card issued by the Department pursuant to NRS 483.3485, as amended by section 4 of this act, or 483.863, as amended by section 6 of this act, respectively, the Department shall, 30 days after the date on which the Department first accepts an application for the imprinting of a symbol indicating a medical condition pursuant to NRS 483.3485, as amended by section 4 of this act, or 483.863, as amended by section 6 of this act, and any regulations adopted pursuant thereto, and for 12 calendar months thereafter, print on each notification for renewal of registration mailed by the Department pursuant to NRS 482.280, and on any electronic notification for renewal of registration issued by the Department:

1. A statement notifying the public that an eligible person may have imprinted on his or her driver's license or identification card a symbol indicating a medical condition.

2. The address of the Internet website of the Department where interested persons may obtain more information about the program established pursuant to NRS 483.3485, as amended by section 4 of this act, or 483.863, as amended by section 6 of this act.

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

2. Sections 1 and 2 of this act become effective on October 1, 2023.

3. Sections 3 to 7, inclusive, of this act become effective:

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

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

Amendment No. 919.

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

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

Legislative Counsel's Digest:

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

that he or she cannot breathe by an emergency medical attendant, physician, physician assistant or registered nurse as soon as practicable.

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

Existing law authorizes the Department of Motor Vehicles to adopt regulations establishing a program for the imprinting of a symbol or other indicator of a medical condition on a driver's license or identification card. (NRS 483.3485, 483.863) Sections 4 and 6 of this bill authorize the Department to adopt regulations establishing a program for the imprinting of a symbol, and not any other indicator, of a medical condition on a driver's license and identification card, respectively. If the Department establishes such a program, sections 4 and 6 additionally require: (1) the Department to adopt a single symbol to represent all applicable medical conditions; (2) the regulations adopted by the Department to provide that a person is eligible to have the symbol indicating a medical condition imprinted on his or her driver's license or identification card if the person is on anticoagulants or has certain specified medical conditions; (3) the Department to maintain a record of the medical condition for which the symbol indicating a medical condition was imprinted on the driver's license or identification card of a person; and (4) the Department to maintain certain information about the program on its Internet website. If the Department establishes such a program, sections 4 and 6 also: (1) authorize the regulations adopted by the Department to provide that a person is eligible to have the symbol indicating a medical condition imprinted on his or her driver's license or identification card to indicate other medical conditions not specified in statute as the Department deems appropriate; and (2) require the Department to provide a means for members of the public to suggest additional medical conditions.

Sections 3 and 5 of this bill make conforming changes in existing provisions relating to the issuance or renewal of a driver's license or identification card for consistency with the revisions made to the program pursuant to sections 4 and 6. Section 7 of this bill requires the Department to include certain information regarding the program on the notifications for renewal of registration issued by the Department for a 12-month period. Section 6.5 of this bill makes an appropriation to the Department for programming costs and necessary system enhancements associated with carrying out the provisions of sections 4, 6 and 7.

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

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

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

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

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

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

~~{4.}~~ 5. As used in this section ~~{, "choke"}~~:

(a) "Choke hold" means:

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

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

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

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

1. Each law enforcement agency shall adopt written policies and procedures governing the performance by peace officers employed by the law enforcement agency of copyrighted works while on duty. Such policies and procedures must:

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

(b) Authorize a peace officer to perform, or cause the performance of, a

copyrighted work:

- (1) While engaged in an undercover investigation;
- (2) When the peace officer is not publicly performing official duties; or
- (3) As necessary to ensure the safety of the peace officer at the time the copyrighted work is performed.

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

3. As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) *On anticoagulants; or*

(2) *A person with:*

(I) *Diabetes;*

(II) *Epilepsy;*

(III) *Blindness and low vision;*

(IV) *Deafness;*

(V) *Coronary atherosclerosis;*

(VI) *Chronic obstructive pulmonary disease;*

(VII) *A food allergy;*

(VIII) *Malignant hyperthermia;*

(IX) *Sickle cell disease;*

(X) *Systemic lupus erythematosus;*

(XI) *Heart disease;*

(XII) *Hemophilia;*

(XIII) *Schizophrenia;*

(XIV) *Depression; or*

(XV) *A mental illness.*

(c) *The Department shall maintain a record of the medical condition for which the symbol indicating a medical condition was imprinted on the driver's license of an eligible person. The record must be maintained in the same location and manner as all other records relating to the driver's license of the person, including, without limitation, the records relating to the driver's license of the person that are made available to law enforcement agencies. If the Department maintains such information in the form of a code, the code used must conform with the International Classification of Diseases, Ninth Revision, Clinical Modification, or the most current revision, adopted by the National Center for Health Statistics and the Centers for Medicare and Medicaid Services.*

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

(e) *The regulations adopted by the Department may provide that a person is eligible to have the symbol indicating a medical condition imprinted on his or her driver's license to indicate such other medical conditions not listed in paragraph (b) as the Department deems appropriate. The Department shall provide a means for members of the public to suggest additional medical conditions for inclusion in the regulations adopted by the Department.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Except as otherwise provided in this title, the Department shall adopt

a single symbol for imprinting on an identification card to indicate a medical condition and shall not adopt individualized symbols for different medical conditions.

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

(1) On anticoagulants; or

(2) A person with:

(I) Diabetes;

(II) Epilepsy;

(III) Blindness and low vision;

(IV) Deafness;

(V) Coronary atherosclerosis;

(VI) Chronic obstructive pulmonary disease;

(VII) A food allergy;

(VIII) Malignant hyperthermia;

(IX) Sickle cell disease;

(X) Systemic lupus erythematosus;

(XI) Heart disease;

(XII) Hemophilia;

(XIII) Schizophrenia;

(XIV) Depression; or

(XV) A mental illness.

(c) The Department shall maintain a record of the medical condition for which the symbol indicating a medical condition was imprinted on the identification card of an eligible person. The record must be maintained in the same location and manner as all other records relating to the identification card of the person, including, without limitation, the records relating to the identification card of the person that are available to law enforcement agencies. If the Department maintains such information in the form of a code, the code used must conform with the International Classification of Diseases, Ninth Revision, Clinical Modification, or the most current revision, adopted by the National Center for Health Statistics and the Centers for Medicare and Medicaid Services.

(d) The Department shall, at the time of the issuance or renewal of an identification card, give the holder the opportunity to have imprinted on his or her identification card a symbol indicating a medical condition.

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

(f) The regulations adopted by the Department may provide that a person is eligible to have the symbol indicating a medical condition imprinted on his or her identification card to indicate such other medical conditions not listed

in paragraph (b) as the Department deems appropriate. The Department shall provide a means for members of the public to suggest additional medical conditions for inclusion in the regulations adopted by the Department.

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

Sec. 6.5. 1. There is hereby appropriated from the State Highway Fund to the Department of Motor Vehicles the sum of \$127,772 for programming costs and necessary system enhancements associated with carrying out the provisions of sections 4, 6 and 7 of this act.

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

Sec. 7. If the Department of Motor Vehicles adopts a program for the imprinting of a symbol indicating a medical condition on a driver's license or identification card issued by the Department pursuant to NRS 483.3485, as amended by section 4 of this act, or 483.863, as amended by section 6 of this act, respectively, the Department shall, 30 days after the date on which the Department first accepts an application for the imprinting of a symbol indicating a medical condition pursuant to NRS 483.3485, as amended by section 4 of this act, or 483.863, as amended by section 6 of this act, and any regulations adopted pursuant thereto, and for 12 calendar months thereafter, print on each notification for renewal of registration mailed by the Department pursuant to NRS 482.280, and on any electronic notification for renewal of registration issued by the Department:

1. A statement notifying the public that an eligible person may have imprinted on his or her driver's license or identification card a symbol indicating a medical condition.

2. The address of the Internet website of the Department where interested persons may obtain more information about the program established pursuant to NRS 483.3485, as amended by section 4 of this act, or 483.863, as amended by section 6 of this act.

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

2. Section 6.5 of this act becomes effective on July 1, 2023.

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

~~3. 4.~~ Sections 3 to ~~7~~ 6, inclusive, and 7 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary

to carry out the provisions of this act; and

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

Senator Scheible moved that the Senate concur in Assembly Amendments Nos. 661 and 919 to Senate Bill No. 362.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 384.

The following Assembly amendment was read:

Amendment No. 593.

SUMMARY—Establishes certain provisions relating to the award of grants of federal money by a state agency for the development of broadband services and infrastructure. (BDR 18-1035)

AN ACT relating to broadband; establishing certain requirements for a state agency that awards grants of federal money for the development of broadband services and infrastructure; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Office of Science, Innovation and Technology in the Office of the Governor and requires: (1) the Director of the Office to establish and administer a program of infrastructure grants for the development or improvement of broadband services for persons with low income and persons in rural areas of this State; and (2) the Office to establish and administer a program to encourage the deployment of broadband infrastructure in underserved communities in this State. (NRS 223.600, 223.610, 223.670) Section 2 of this bill sets forth a legislative declaration regarding the importance of using a well-trained workforce and providing jobs to residents of this State in expending federal money to increase the development of broadband services and infrastructure in this State.

Section 3 of this bill requires each state agency that awards grants of federal money for the development of broadband services and infrastructure to: (1) evaluate and assign a score to each grant application received by the state agency based on the factors and relative weights assigned to each factor that the state agency specified in the request for grant applications; and (2) assign a relative weight of 30 percent to a grant application if the applicant submits a signed certification with his or her application. Section 3 provides that the applicant must certify that if the applicant or a provider of broadband services will perform some or all of the work or will subcontract some or all of the work to a licensed contractor, the applicant, provider or contractor: (1) meets certain safety and training requirements and provides job opportunities with high-quality wages for residents of this State and members of underrepresented communities; or (2) is a signatory to a collective bargaining agreement that covers the direct employees of the applicant who will perform any work financed in whole or in part by the grant money.

Section 3 also provides that if an applicant ~~provides a certification that the~~

~~applicant] or provider [meets certain safety and training requirements and provides job opportunities with high-quality wages for residents of this State and members of underrepresented communities,]~~ is a signatory to a collective bargaining agreement, certain provisions of law requiring the payment of prevailing wages on public works do not apply. Section 3.5 of this bill makes a conforming change to provide an exception to the requirements to pay prevailing wages on public works.

Section 3 further requires each state agency to include as a condition of any grant award that: (1) the certification provided by the applicant is binding upon the applicant that is awarded the grant money; and (2) if a licensed contractor performs any work, certain provisions of law governing public works apply to the work performed by the subcontractor. Lastly, section 3 authorizes the Director of the Office to adopt regulations to carry out the provisions of section 3.

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

Section 1. Chapter 232 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *The Legislature finds and declares that:*

1. *The State of Nevada is poised to see a once in a generation wave of federal money resulting from the passage of the Infrastructure Investment and Jobs Act, Public Law 117-58, and the American Rescue Plan Act of 2021, Public Law 117-2, which will help to close the digital divide and increase the development of broadband services and infrastructure across the State;*

2. *The State of Nevada needs to ensure that this historic investment creates long-lasting broadband infrastructure that is built by a well-trained workforce;*

3. *Work performed by an unqualified contractor with a poorly trained workforce endangers the public and is not in the best interest of the citizens of this State; and*

4. *Proper stewardship of public money will require that the State of Nevada implement appropriate measures to ensure that any grants of federal money awarded by this State for the development of broadband services and infrastructure prioritize issuing grants to applicants that will ensure the work is performed safely and by a well-trained workforce and that the applicant provides quality jobs to Nevada workers.*

Sec. 3. 1. *In awarding any grant of federal money for the development of broadband services and infrastructure in accordance with federal law, each state agency shall:*

(a) *Evaluate and assign a score to each application received by the state agency based on the factors and relative weights assigned to each factor that the state agency specified in the request for grant applications; and*

(b) *When ranking the proposals, assign a relative weight of 30 percent to an application if the applicant submits a signed certification attesting that*

the applicant meets the requirements of paragraph (a) or (b) of subsection 2.

2. An applicant for a grant of federal money for the development of broadband services and infrastructure shall submit to a state agency with the application for the grant a signed statement certifying that:

(a) If the applicant:

(1) Will perform some or all of the work that is financed in whole or in part with the grant money or if such work will be performed by a provider of broadband services, the applicant or provider, as applicable, meets the requirements set forth in paragraph (b) or (c); and

(2) Will subcontract some or all of the work that is financed in whole or in part with the grant money, the subcontractor meets the requirements set forth in paragraph (b) or (c);

(b) The applicant, provider of broadband services or contractor, as applicable:

(1) Has a robust training program with training requirements that are tied to titles, uniform wage scales and skill codes recognized in the industry;

(2) Requires safety training, including, without limitation, any safety training requirements of the Occupational Safety and Health Administration of the United States Department of Labor, and operates a safety program that requires drug testing;

(3) Requires work performed by the applicant, provider or contractor, as applicable, that is financed in whole or in part with the grant money will be performed by employees who are directly employed by the applicant, provider or contractor, as applicable, and that such workers will receive high-quality wages and benefits;

(4) Has programs to promote the training and hiring of workers from underrepresented communities; and

(5) Primarily employs a qualified local work force consisting of residents of this State or conducts a program to promote the hiring of residents of this State; ~~and~~

~~— (6) Has a documented record of complying with all applicable labor and employment laws in the 5-year period immediately preceding the date the grant application is filed or has a documented record of mitigating any violations of the applicable labor and employment laws and has taken measures to ensure future compliance with such laws;—~~ or

(c) The applicant, provider of broadband services or contractor licensed pursuant to chapter 624 of NRS that will perform some or all of the work is a signatory to a collective bargaining agreement that covers all non-supervisory employees directly employed by the applicant, provider or contractor, as applicable, who will perform any work financed in whole or in part with the grant money.

3. Except as otherwise provided in subsection 5, the provisions of NRS 338.020 to 338.090, inclusive, do not apply to work performed by an applicant or provider of broadband services that is a public work if the applicant or provider, as applicable, is a signatory to a collective bargaining

agreement.

4. Any certification submitted by an applicant for a grant pursuant to subsection 2 must be made available on the Internet website of the state agency which awarded the grant.

5. In addition to the requirements of subsections 1 and 2 and except as otherwise provided in federal law, each state agency shall require as a condition of any grant of federal money for the development of broadband services and infrastructure in accordance with federal law that is awarded by the state agency that:

(a) Any certification provided by the applicant pursuant to subsection 2 is binding upon the applicant who is awarded the grant money; and

(b) If a contractor licensed pursuant to chapter 624 of NRS performs any work financed in whole or in part with the grant money, the provisions of NRS 338.020 to 338.090, inclusive, shall apply.

6. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular grant because of the provisions of this section, the provisions of this section do not apply insofar as their application would preclude or reduce federal assistance for that work.

7. The Director of the Office of Science, Innovation and Technology established pursuant to NRS 223.600 may adopt regulations to carry out the provisions of this section.

8. As used in this section, "state agency" means every public agency, bureau, board, commission, department, division, officer or employee of the Executive Department of the State Government.

Sec. 3.5. NRS 338.080 is hereby amended to read as follows:

338.080 Except as otherwise provided in NRS 408.55086, none of the provisions of NRS 338.020 to 338.090, inclusive, apply to:

1. Any work, construction, alteration, repair or other employment performed, undertaken or carried out, by or for any railroad company or any person operating the same, whether such work, construction, alteration or repair is incident to or in conjunction with a contract to which a public body is a party, or otherwise.

2. Apprentices recorded under the provisions of chapter 610 of NRS.

3. Any contract for a public work whose estimated cost is less than \$100,000. A unit of the project must not be separated from the total project, even if that unit is to be completed at a later time, in order to lower the estimated cost of the project below \$100,000.

4. Any work performed for the development of broadband services and infrastructure using grant money awarded pursuant to section 3 of this act by the recipient of the grant money or a provider of broadband services if the recipient or provider, as applicable, is a signatory to a collective bargaining agreement, unless the work is performed by a contractor who is licensed pursuant to chapter 624 of NRS.

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

2. Sections 1 to 3.5, inclusive, of this act become effective:

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

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

Senator Flores moved that the Senate concur in Assembly Amendment No. 593 to Senate Bill No. 384.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 440.

The following Assembly amendment was read:

Amendment No. 904.

SUMMARY—Makes appropriations requiring certain one-time payments ~~and salary increases~~ for certain state ~~officers and employees,~~ personnel. (BDR S-768)

AN ACT making appropriations requiring certain one-time payments ~~and salary increases~~ for certain state ~~officers and employees,~~ personnel; and providing other matters properly relating thereto.

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

Section 1. ~~{1. There is hereby appropriated from the State General Fund to the State Board of Examiners the sum of \$697,880 for the following payments and increase in salary, retroactive to July 1, 2022, for personnel represented by the bargaining unit established in paragraph (g) of subsection 1 of NRS 288.515:~~

~~—(a) For all such personnel, an increase in salary for Fiscal Year 2022-2023 of 1 percent.~~

~~—(b) For such personnel with 10 or more years of continuous State service, a one-time payment of \$1,500.~~

~~—(c) For such personnel who hold:~~

~~—(1) A bachelor's degree, a one-time payment of \$900.~~

~~—(2) An associate's degree as his or her highest postsecondary degree, a one-time payment of \$500.~~

~~—* An employee may not receive more than one payment pursuant to this paragraph.~~

~~—2. Of the sum appropriated by subsection 1, not more than \$83,783 may be allocated and disbursed to the Nevada System of Higher Education.~~

~~—3. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, 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 15, 2023, 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 15, 2023.] (Deleted by amendment.)~~

Sec. 2. ~~[1. There is hereby appropriated from the State Highway Fund to the State Board of Examiners the sum of \$891,725 for the following payments and increase in salary, retroactive to July 1, 2022, for personnel represented by the bargaining unit established in paragraph (g) of subsection 1 of NRS 288.515:~~

~~—(a) For all such personnel, an increase in salary for Fiscal Year 2022-2023 of 1 percent.~~

~~—(b) For such personnel with 10 or more years of continuous State service, a one-time payment of \$1,500.~~

~~—(c) For such personnel who hold:~~

~~—(1) A bachelor's degree, a one-time payment of \$900.~~

~~—(2) An associate's degree as his or her highest postsecondary degree, a one-time payment of \$500.~~

~~—An employee may not receive more than one payment pursuant to this paragraph.~~

~~2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, 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 15, 2023, 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 Highway Fund on or before September 15, 2023.] (Deleted by amendment.)~~

Sec. 3. 1. There is hereby appropriated from the State General Fund to the State Board of Examiners the sum of ~~[\$19,737,672]~~ \$20,435,552 for ~~an increase in salary, retroactive to July 1, 2021, of 3 percent for Fiscal Year 2021-2022 and Fiscal Year 2022-2023]~~ one-time payments for personnel represented by the bargaining units established in:

(a) Paragraph (a) of subsection 1 of NRS 288.515.

(b) Paragraph (e) of subsection 1 of NRS 288.515.

(c) Paragraph (f) of subsection 1 of NRS 288.515.

(d) Paragraph (g) of subsection 1 of NRS 288.515.

(e) Paragraph (i) of subsection 1 of NRS 288.515.

2. Of the sum appropriated by subsection 1, not more than ~~[\$1,219,659]~~ \$1,303,442 may be allocated and disbursed to the Nevada System of Higher Education.

3. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, ~~[2023,]~~ 2024, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September ~~[15, 2023,]~~ 20, 2024, by either the entity to which

the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September ~~[15, 2023,]~~ 20, 2024.

Sec. 4. 1. There is hereby appropriated from the State Highway Fund to the State Board of Examiners the sum of ~~[\$80,024]~~ \$3,118,196 for ~~[an increase in salary, retroactive to July 1, 2021, of 3 percent for Fiscal Year 2021-2022 and Fiscal Year 2022-2023]~~ one-time payments for personnel represented by the bargaining units established in:

- (a) Paragraph (a) of subsection 1 of NRS 288.515.
- (b) Paragraph (e) of subsection 1 of NRS 288.515.
- (c) Paragraph (f) of subsection 1 of NRS 288.515.
- (d) Paragraph (g) of subsection 1 of NRS 288.515.
- (e) Paragraph (i) of subsection 1 of NRS 288.515.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, ~~[2023,]~~ 2024, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September ~~[15, 2023,]~~ 20, 2024, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State Highway Fund on or before September ~~[15, 2023,]~~ 20, 2024.

Sec. 5. ~~[The approximate maximum salaries as set forth in section 1 of chapter 309, Statutes of Nevada 2021, at page 1779, must be increased by an additional 2 percent commencing on April 1, 2023, and ending on June 30, 2023.] (Deleted by amendment.)~~

Sec. 6. ~~[1. Except as otherwise provided in this act, to effect increases in salaries of 2 percent commencing on April 1, 2023, and ending on June 30, 2023, there is hereby appropriated from the State General Fund to the State Board of Examiners the sum of \$5,482,671, for the purpose of meeting any deficiencies which may be created between the appropriated money of the respective departments, commissions and agencies of the Executive and Judicial Departments of the State Government, as fixed by the 81st Session of the Nevada Legislature and the requirements for salaries of the classified, unclassified and nonclassified personnel of those departments, commissions and agencies necessary under an adjusted pay plan to become effective on April 1, 2023.~~

~~2. Of the sum appropriated by subsection 1, not more than \$2,303,623 may be allocated and disbursed to the Nevada System of Higher Education.~~

~~3. The State Board of Examiners, upon the recommendation of the Director of the Office of Finance in the Office of the Governor, may allocate and disburse to various departments, commissions and agencies of the Executive and Judicial Departments of the State Government, out of the money appropriated by this section such sums of money as may from time to time be required, which, when added to the money otherwise appropriated or~~

~~available, equal the amount of money required to pay the salaries of the classified, unclassified and nonclassified employees of the respective departments, commissions and agencies under the adjusted pay plan. The sums appropriated by this section may not be allocated and disbursed to address a deficiency between the appropriated money, as fixed by the 81st Session of the Nevada Legislature and the requirements for salaries resulting from any circumstance other than the increases in salaries described in this section.} (Deleted by amendment.)~~

~~Sec. 7. {1. To effect increases in salaries of 2 percent commencing on April 1, 2023, and ending on June 30, 2023, there is hereby appropriated from the State Highway Fund to the State Board of Examiners the sum of \$566,090, for the purpose of meeting any deficiencies which may exist between the appropriated money of the Office of Finance in the Office of the Governor, Department of Motor Vehicles, Department of Public Safety and Nevada Transportation Authority, as fixed by the 81st Session of the Nevada Legislature and the requirements for salaries of classified and unclassified personnel of the Office of Finance in the Office of the Governor, Department of Motor Vehicles, Department of Public Safety and Nevada Transportation Authority necessary under an adjusted pay plan to become effective on April 1, 2023.~~

~~2. The State Board of Examiners, upon the recommendation of the Director of the Office of Finance in the Office of the Governor, may allocate and disburse to the Office of Finance in the Office of the Governor, Department of Motor Vehicles, the Department of Public Safety and the Nevada Transportation Authority out of the money appropriated by this section such sums of money as may from time to time be required, which, when added to the money otherwise appropriated or available, equal the amount of money required to meet and pay the salaries of the classified and unclassified employees of the Office of Finance in the Office of the Governor, Department of Motor Vehicles, Department of Public Safety and Nevada Transportation Authority under the adjusted pay plan. The sums appropriated by this section may not be allocated and disbursed to address a deficiency between the appropriated money, as fixed by the 81st Session of the Nevada Legislature and the requirements for salaries resulting from any circumstance other than the increases in salaries described in this section.} (Deleted by amendment.)~~

~~Sec. 8. {1. When determining the allocations of the money appropriated by section 6 or 7 of this act, the State Board of Examiners shall not distribute money to an account beyond the maximum salary need amount determined for the account. Appropriations established for an account within a department, agency or commission must not be distributed to another account within the department, agency or commission if that action results in the distribution of money beyond the maximum salary need amount determined for the account.~~

~~2. The sums appropriated by sections 6 and 7 of this act must be applied~~

~~to salaries notwithstanding the provisions of NRS 281.123.] (Deleted by amendment.)~~

~~Sec. 9. [To effect increases in salaries of 2 percent commencing on April 1, 2023, and ending on June 30, 2023, there is hereby appropriated from the State General Fund to the Legislative Fund, the sum of \$248,387, for the purpose of meeting any deficiencies which may be created between the money appropriated to the Legislative Fund, as fixed by the 81st Session of the Nevada Legislature, and the requirements for salaries of the personnel of the Legislative Counsel Bureau and of interim legislative operations necessary under an adjusted pay plan to become effective on April 1, 2023.] (Deleted by amendment.)~~

~~Sec. 10. [1. To effect the State of Nevada's share of increases in salaries of 2 percent commencing on April 1, 2023, and ending on June 30, 2023, for employees of the Tahoe Regional Planning Agency, there is hereby appropriated from the State General Fund to the State Board of Examiners the sum of not more than \$13,013. The amounts transferred must not be used to increase an employee's base salary unless the State of California provides the required 2 for 1 matching funds. If such matching funds are not provided by the State of California, any amounts provided to the Tahoe Regional Planning Agency by the State of Nevada must be used as a one-time salary bonus.~~

~~2. The State Board of Examiners, upon the recommendation of the Director of the Office of Finance in the Office of the Governor, may allocate and disburse to the Tahoe Regional Planning Agency out of the money appropriated by this section such sums of money as may from time to time be required, which, when added to the money otherwise appropriated or available, equal the amount of money required to meet and pay the State of Nevada's share of the salaries of the employees of the Tahoe Regional Planning Agency under the adjusted pay plan to become effective on April 1, 2023. The sums appropriated by this section may not be allocated and disbursed to address a deficiency between the appropriated money as fixed by the 81st Session of the Nevada Legislature and the requirements for salaries resulting from any circumstance other than an increase in salaries described in this section.] (Deleted by amendment.)~~

~~Sec. 11. [Any remaining balance of an appropriation made by section 6, 7, 9 or 10 of this act must not be committed for expenditure after June 30, 2023, 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 15, 2023, 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 fund from which it was appropriated on or before September 15, 2023.] (Deleted by amendment.)~~

~~Sec. 12. This act becomes effective [upon passage and approval.] on~~

July 1, 2023.

Senator Dondero Loop moved that the Senate concur in Assembly Amendment No. 904 to Senate Bill No. 440.

Motion carried by a constitutional majority.

Bill ordered enrolled.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Cannizaro moved that Assembly Bills Nos. 515, 516, 517, 518, 519, 523, 524, 525 and 526 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

Senator Cannizzaro moved that Senate Bills Nos. 263 and 341 and Assembly Bills Nos. 139, 140, 147, 192, 257, 279, 286, 386, 399 and 428 be taken from the Secretary's Desk and placed at the top of the General File.

Motion carried.

Senator Cannizzaro moved that Assembly Bills Nos. 480 and 527 be taken from their positions on the General File and placed on the Secretary's Desk.

Motion carried.

Senator Cannizzaro moved that all necessary rules be suspended, and that Senate Bill No. 412 and Assembly Bills Nos. 400 and 528 just reported out of committee be declared as emergency measures under the Constitution and placed on third reading and final passage and considered next.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 412.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 990.

SUMMARY—Revises provisions relating to criminal justice. (BDR ~~[14-1091]~~ 15-1091)

AN ACT relating to criminal justice; ~~[revising provisions relating to specialty court programs and the deferral of judgment against certain defendants; revising provisions concerning persons accepted into a program for the treatment of problem gambling; revising provisions relating to violations of probation or parole;]~~ revising provisions governing early discharge from probation; ~~[revising provisions concerning pretrial release hearings;]~~ revising the definition of the term "strangulation" as it relates to the crime of battery; prohibiting certain acts involving the use, possession or carrying of a firearm during the commission of certain drug offenses; ~~[revising the elements of and penalties for certain burglary crimes; reducing the felony threshold for various offenses concerning theft and deceptive trade practices; reducing the number of previous felony convictions for the purposes of a person being considered a habitual criminal; increasing the penalty for a person who is convicted of the possession of a mixture of fentanyl and~~

~~certain other substances; prohibiting a court from granting probation to or suspending the sentence of a person who possesses fentanyl for the purpose of sale; revising provisions concerning trafficking in certain controlled substances; increasing the minimum and maximum terms of imprisonment for a person who drives under the influence of alcohol or a prohibited substance and causes the death of another person;}~~ revising provisions relating to warnings against trespassing; providing ~~[penalties;]~~ a penalty; making an appropriation to the Department of Public Safety to purchase two machines capable of testing for fentanyl and its derivatives and measuring the concentration thereof in mixtures; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~— [Existing law generally authorizes a court to defer judgment against a criminal defendant to a specified future date and set forth specific terms and conditions for the defendant and, if the court finds that the defendant has completed all such conditions, the court is required to discharge the defendant and dismiss the proceedings. However, a judgment cannot be deferred if the defendant has been convicted of a violent or sexual offense or certain offenses committed against a child. (NRS 176.211) Section 1 of this bill also prohibits a judgment from being deferred if the defendant has been convicted of abuse or exploitation of an older person or a vulnerable person. Sections 2, 4 and 6 of this bill similarly disqualify a defendant who has committed abuse or exploitation of an older person or a vulnerable person or abuse, neglect or endangerment of a child from being eligible for assignment to certain specialty court programs.~~

~~— Existing law provides that if a defendant who committed a first or second offense of possession of certain controlled substances had his or her judgment deferred and was placed in a specialty court program but then violated a term or condition during the deferral period, the court is authorized to allow the defendant to continue participating in the program or terminate the participation of the defendant in the program. If the court terminates the participation of the defendant in the program, the court is required to allow the defendant to withdraw his or her plea. (NRS 176.211) Section 1 removes such provisions.~~

~~— Existing law authorizes a court to assign certain defendants to participate in certain specialty court programs as a condition of probation. Upon a defendant's completion of the terms and conditions of probation, the court is required to discharge the defendant and dismiss the proceedings or set aside the judgment of conviction unless the defendant has previously been convicted of a felony or failed to complete a specialty court program, in which case the court has the discretion as to whether to discharge the defendant and dismiss the proceedings or set aside the judgment of conviction. (NRS 176A.240, 176A.260, 176A.290) Sections 2, 4 and 7 of this bill remove the provisions requiring a court to discharge a defendant and instead make the court's discharge of a defendant discretionary unless the~~

~~defendant has previously been convicted of a felony or failed to complete a specialty court program.~~

~~Existing law generally requires a court to order sealed all documents relating to the case of a defendant who is discharged from probation or whose case is dismissed after participating in certain specialty court programs. (NRS 176A.245, 176A.265, 176A.295) Sections 3, 5 and 8 of this bill revise such provisions by requiring a court to order sealed all documents relating to the case of such a defendant only after the case is dismissed.~~

~~Existing law provides that a person who has been accepted into a program for the treatment of problem gambling and is placed by the court under the supervision of a qualified mental health professional is required to have his or her sentencing deferred and, unless the person has a record of two or more felony convictions for two or more separate incidents, have his or her conviction set aside if the qualified mental health professional certifies to the court that the person satisfactorily completed the program and the court approves the certification and determines that the person satisfied the conditions upon the election of treatment. (NRS 458A.220, 458A.240) Section 51 of this bill instead provides that the deferral of the sentencing and the setting aside of the conviction of such a person is discretionary for the court. Existing law provides that the determination of and civil commitment for problem gambling shall not be deemed a criminal conviction. (NRS 458A.250) Section 52 of this bill removes such provisions and instead provides that the setting aside of the conviction of a person under section 51 shall not be deemed a criminal conviction.~~

~~Existing law requires the Division of Parole and Probation of the Department of Public Safety (hereinafter "Division") to adopt a written system of graduated sanctions for use by parole and probation officers when responding to a technical violation of the conditions of probation or parole. (NRS 176A.510, 213.15101) Sections 9 and 37 of this bill, respectively, provide that as part of the system of graduated sanctions, the Division is authorized, in response to a technical violation of probation or parole, to: (1) impose confinement in a jail or detention facility for a period of not more than 10 days, not to exceed 30 days in the aggregate; or (2) place the person under a system of active electronic monitoring for a period of not more than 60 days using an electronic device approved by the Division. Sections 9 and 37 also require a system of graduated sanctions to include guidance on the use of such confinement in a jail or detention facility and electronic monitoring. Sections 9 and 37 additionally revise the definition of "technical violation" to exclude certain violations of probation, suspension of sentence or parole by a sex offender and termination from a program which provides residential treatment, a program indicated in a parole release plan or a specialty court program, as applicable.~~

~~Existing law authorizes a court to take certain actions if a probationer commits certain violations of the conditions of probation. (NRS 176A.630) Section 10 of this bill instead authorizes a court to take such actions for any~~

~~violation of the conditions of probation by a probationer. Existing law provides that a parolee whose parole is revoked for certain reasons: (1) forfeits all credits for good behavior; and (2) is required to serve the part of the unexpired maximum term or maximum aggregate term of his or her original sentence as determined by the State Board of Parole Commissioners (hereinafter "Board"). (NRS 213.1519) Section 38 of this bill provides that such consequences apply to a parolee whose parole is revoked for any reason. Existing law also authorizes a court or the Board, as applicable, to take certain actions if a probationer or parolee commits one or more technical violations of the conditions of probation or parole, including: (1) temporarily revoking the probation, suspension of sentence or parole supervision and imposing a term of imprisonment of not more than 30 days for the first temporary revocation, 90 days for the second temporary revocation or 180 days for the third temporary revocation; or (2) fully revoking the probation, suspension of sentence or parole supervision and imposing imprisonment for the remainder of the sentence for a fourth or subsequent revocation. (NRS 176A.630, 213.1519) Sections 10 and 38 remove such provisions.]~~

Existing law requires the Division of Parole and Probation of the Department of Public Safety to petition the court to recommend the early discharge of a person from probation if the person satisfies certain requirements, including not having been convicted of a violent or sexual offense or abuse, neglect or endangerment of a child. (NRS 176A.840) Section 11 of this bill adds certain offenses involving a ~~[dangerous weapon or]~~ firearm ~~[, residential burglary]~~ and invasion of the home to such disqualifying offenses for purposes of the early discharge of a person from probation.

~~[Existing law generally requires a court to hold a pretrial release hearing within 48 hours after a person has been taken into custody. (NRS 178.4849) Section 12 of this bill increases such a period to 72 hours. Section 12 also: (1) prohibits a pretrial release hearing from being held on any day declared to be a legal holiday; (2) requires the court to apply a rebuttable presumption that financial conditions must be imposed on a person who has been arrested for certain offenses to ensure the appearance of the person at trial; and (3) authorizes a person to be held without bail if the prosecuting attorney demonstrates by clear and convincing evidence that the person is a flight risk or danger to the community and no conditions will ensure the appearance of the person at trial.]~~

Existing law establishes the definition of and the penalties for the crime of battery. (NRS 200.481) Section 14 of this bill revises the definition of the term "strangulation" as it relates to the crime of battery.

Existing law prohibits the ownership or possession of firearms by certain persons. (NRS 202.360) Section 15 of this bill additionally prohibits a person from using or carrying a firearm during and in relation to, or possessing a firearm in furtherance of, the commission of certain drug offenses and

provides that a person who violates any such provision is guilty of a category B felony. ~~{Section 15 also provides that for the purposes of prosecuting a violation of the prohibition against the ownership, possession, use or carrying of firearms by certain persons, each firearm owned, possessed, used or carried by, or under the custody or control of, a person constitutes a separate violation.}~~

~~Existing law establishes the crimes of residential burglary, burglary of a business, burglary of a motor vehicle and burglary of a structure and provides that one of the elements of such crimes is that the person unlawfully enters or unlawfully remains in the dwelling, business structure, motor vehicle or other structure, as applicable. (NRS 205.060) Section 16 of this bill removes the requirement that a person's entry be unlawful and also removes the requirement that a person unlawfully remains in the dwelling, business structure, motor vehicle or other structure, as applicable. Section 16 also increases the penalties for burglary of a motor vehicle, burglary of a structure and burglary of a business.~~

~~Existing law provides that a person who commits theft is guilty of: (1) a misdemeanor if the value of the property or services involved in the theft is less than \$1,200; and (2) a category D felony if the value of the property or services involved in the theft is \$1,200 or more but less than \$5,000. (NRS 205.0835) Section 17 of this bill reduces the felony theft threshold to \$750. Sections 18 35, 53 and 55 57 of this bill make conforming changes to various offenses concerning theft or deceptive trade practices that use monetary thresholds by similarly reducing the felony threshold to \$750.~~

~~Existing law establishes provisions concerning habitual criminals and provides that a person who is convicted of a felony and has previously been convicted of a felony: (1) five times is guilty of a category B felony; or (2) seven times is guilty of a category A felony. (NRS 207.010) Section 36 of this bill reduces the number of previous felony convictions for purposes of a person being considered a habitual criminal from five to two for a category B felony and from seven to three for a category A felony. Section 36 also removes provisions exempting certain drug convictions for the purpose of determining the number of previous felony convictions of a person.~~

~~Existing law generally provides that a person who is convicted of the possession of flunitrazepam or gamma hydroxybutyrate, or any substance for which either such substance is an immediate precursor, is guilty of a category B felony and must be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years. (NRS 453.336) Section 45 of this bill provides that a person who is convicted of the possession of a mixture containing fentanyl, carfentanil and a benzimidazole opioid, or any analog thereof, is also guilty of a category B felony and must be punished in the same manner.~~

~~Existing law prohibits a court from granting probation to or suspending the sentence of certain persons convicted of possessing flunitrazepam or gamma hydroxybutyrate, or any substance for which flunitrazepam or~~

~~gamma hydroxybutyrate is an immediate precursor, for the purpose of sale. (NRS 453.237) Section 46 of this bill includes fentanyl in such provisions.~~

~~Existing law prohibits any person from knowingly or intentionally selling, manufacturing, delivering, bringing into this State or being in actual or constructive possession of flunitrazepam or gamma hydroxybutyrate, any substance for which flunitrazepam or gamma hydroxybutyrate is an immediate precursor, any controlled substance listed in schedule I or II other than marijuana or any mixture which contains any such controlled substances. A person who commits such an offense is guilty of: (1) low level trafficking if the quantity involved is 100 grams or more but less than 400 grams and must be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and by a fine of not more than \$100,000; and (2) high level trafficking if the quantity involved is 400 grams or more and must be punished for a category A felony. (NRS 453.2385) Section 48 of this bill removes schedule II controlled substances from such provisions and also provides that: (1) low level trafficking involves a quantity of 4 grams or more but less than 14 grams; (2) mid level trafficking involves a quantity of 14 grams or more but less than 28 grams; and (3) high level trafficking involves a quantity of 28 grams or more. Section 48 also revises the penalties for low level trafficking and provides that a person who commits such an offense must be punished by imprisonment for a minimum term of not less than 1 year and a maximum term of not more than 6 years and by a fine of not more than \$50,000. Section 48 additionally establishes the penalties for mid level trafficking by applying the current penalties for low level trafficking to such an offense.~~

~~Section 40 of this bill generally provides that any person who knowingly or intentionally sells, manufactures, delivers or brings into this State or who is knowingly or intentionally in actual or constructive possession of any controlled substance which is listed in schedule II or any mixture which contains any such controlled substance must be punished: (1) for a category C felony if the quantity involved is 28 grams or more but less than 200 grams; (2) for a category B felony if the quantity involved is 200 grams or more but less than 400 grams; and (3) for a category A felony if the quantity involved is 400 grams or more. Sections 13, 15, 39, 41-47, 49 and 50 of this bill make conforming changes by including a reference to section 40 in the provisions of existing law that are currently applicable to schedule II substances to ensure that such provisions remain applicable to schedule II substances given the removal of those substances from the provisions of section 48.~~

~~Existing law provides that a person who drives under the influence of alcohol or a prohibited substance and causes the death of or substantial bodily harm to another person is guilty of a category B felony and must 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.~~

~~(NRS 484C.430) Section 54 of this bill increases the minimum and maximum terms of imprisonment for a person who causes the death of another person to not less than 5 years and not more than 25 years.]~~

Existing law generally provides that a person who, under circumstances not amounting to a burglary, willfully goes or remains upon any land or in any building after having been warned by the owner or occupant thereof not to trespass is guilty of a misdemeanor. (NRS 207.200) Section 36.5 of this bill requires that such a warning by an owner or occupant must have been given during the previous 24 months.

Section 57.5 of this bill makes an appropriation from the State General Fund to the Department of Public Safety for the purpose of purchasing two machines that are capable of testing for fentanyl and its derivatives and measuring the concentration thereof in mixtures.

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

Section 1. ~~[NRS 176.211 is hereby amended to read as follows:~~

~~176.211 1. Except as otherwise provided in this subsection, upon a plea of guilty, guilty but mentally ill or nolo contendere, but before a judgment of guilt, the court may, without entering a judgment of guilt and with the consent of the defendant, defer judgment on the case to a specified future date and set forth specific terms and conditions for the defendant. The duration of the deferral period must not exceed the applicable period set forth in subsection 1 of NRS 176A.500 or the extension of the period pursuant to subsection 2 of NRS 176A.500. The court may not defer judgment pursuant to this subsection if the defendant has entered into a plea agreement with a prosecuting attorney unless the plea agreement allows the deferral.~~

~~2. The terms and conditions set forth for the defendant during the deferral period may include, without limitation, the:~~

- ~~(a) Payment of restitution;~~
- ~~(b) Payment of court costs;~~
- ~~(c) Payment of an assessment in lieu of any fine authorized by law for the offense;~~
- ~~(d) Payment of any other assessment or cost authorized by law;~~
- ~~(e) Completion of a term of community service;~~
- ~~(f) Placement on probation pursuant to NRS 176A.500 and the ordering of any conditions which can be imposed for probation pursuant to NRS 176A.400; or~~
- ~~(g) Completion of a specialty court program.~~

~~3. The court:~~

~~(a) Upon the consent of the defendant:~~

~~(1) Shall defer judgment for any defendant who has entered a plea of guilty, guilty but mentally ill or nolo contendere to a violation of paragraph (a) of subsection 2 of NRS 453.236; or~~

~~(2) May defer judgment for any defendant who is placed in a specialty court program. The court may extend any deferral period for not more than~~

~~12 months to allow for the completion of a specialty court program.~~

~~— (b) Shall not defer judgment for any defendant who has been convicted of a violent or sexual offense as defined in NRS 202.876, a crime against a child as defined in NRS 179D.0357, abuse or exploitation of an older person or a vulnerable person pursuant to NRS 200.5099 or [a violation of] abuse, neglect or endangerment of a child pursuant to NRS 200.508.~~

~~— 4. Upon violation of a term or condition:~~

~~— (a) [Except as otherwise provided in paragraph (b):~~

~~— (1)] The court may enter a judgment of conviction and proceed as provided in the section pursuant to which the defendant was charged.~~

~~— [(2)] (b) Notwithstanding the provisions of paragraph (c) of subsection 2 of NRS 193.130, the court may order the defendant to the custody of the Department of Corrections if the offense is punishable by imprisonment in the state prison.~~

~~— [(b) If the defendant has been placed in the program for a first or second violation of paragraph (a) of subsection 2 of NRS 453.336, the court may allow the defendant to continue to participate in the program or terminate the participation of the defendant in the program. If the court terminates the participation of the defendant in the program, the court shall allow the defendant to withdraw his or her plea.]~~

~~— 5. Upon completion of the terms and conditions of [the] a deferred judgment, and upon a finding by the court that the terms and conditions have been met, the court shall discharge the defendant and dismiss the proceedings. Discharge and dismissal pursuant to this section is without adjudication of guilt and is not a conviction for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail. Discharge and dismissal restores the defendant, in the contemplation of the law, to the status occupied before the arrest, indictment or information.~~

~~— 6. The court shall order sealed all documents, papers and exhibits in the defendant'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 if the defendant fulfills the terms and conditions imposed by the court and the Division. The court shall order those records sealed without a hearing unless the Division or the prosecutor petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.~~

~~— 7. If the court orders sealed the record of a defendant discharged pursuant to this section, the court shall send a copy of the order to each agency or officer named in the order. Each such agency or officer shall notify the court in writing of its compliance with the order.~~

~~— 8. As used in this section:~~

~~— (a) "Court" means a district court of the State of Nevada.~~

~~(b) "Specialty court program" has the meaning ascribed to it in NRS 176A.065. (Deleted by amendment.)~~

Sec. 2. ~~[NRS 176A.240 is hereby amended to read as follows:~~

~~176A.240 1. Except as otherwise provided in subparagraph (1) of paragraph (a) of subsection 3 of NRS 176.211, if a defendant who suffers from a substance use disorder or any co-occurring disorder tenders a plea of guilty, guilty but mentally ill or nolo contendere to, or is found guilty or guilty but mentally ill of, any offense for which the suspension of sentence or the granting of probation is not prohibited by statute, the court may:~~

~~(a) Without entering a judgment of conviction and with the consent of the defendant, suspend or defer further proceedings and place the defendant on probation upon terms and conditions that must include attendance and successful completion of a program established pursuant to NRS 176A.230 if the court determines that the defendant is eligible for participation in such a program; or~~

~~(b) Enter a judgment of conviction and place the defendant on probation upon terms and conditions that must include attendance and successful completion of a program established pursuant to NRS 176A.230 if the court determines that the defendant is eligible for participation in such a program.~~

~~2. Except as otherwise provided in subsection 4, a defendant is eligible for participation in a program established pursuant to NRS 176A.230 if the defendant is diagnosed as having a substance use disorder or any co-occurring disorder:~~

~~(a) After an in-person clinical assessment by:~~

~~(1) A counselor who is licensed or certified to make such a diagnosis; or~~

~~(2) A duly licensed physician qualified by the Board of Medical Examiners to make such a diagnosis; or~~

~~(b) Pursuant to a substance use assessment.~~

~~3. A counselor or physician who diagnoses a defendant as having a substance use disorder shall submit a report and recommendation to the court concerning the length and type of treatment required for the defendant.~~

~~4. If the offense committed by the defendant is a category A felony or a sexual offense as defined in NRS 179D.097 that is punishable as a category B felony, abuse or exploitation of an older person or a vulnerable person pursuant to NRS 200.5099 or abuse, neglect or endangerment of a child pursuant to NRS 200.508, the defendant is not eligible for assignment to the program.~~

~~5. Upon violation of a term or condition:~~

~~(a) The court may enter a judgment of conviction, if applicable, and proceed as provided in the section pursuant to which the defendant was charged.~~

~~(b) Notwithstanding the provisions of paragraph (c) of subsection 2 of NRS 193.130, the court may order the defendant to the custody of the Department of Corrections if the offense is punishable by imprisonment in the state prison.~~

~~6. Except as otherwise provided in subsection 8, upon fulfillment of the terms and conditions, the court [~~

~~(a) Shall] may discharge the defendant and dismiss the proceedings or set aside the judgment of conviction, as applicable, unless the defendant:~~

~~— [(1)] (a) Has been previously convicted in this State or in any other jurisdiction of a felony; or~~

~~— [(2)] (b) Has previously failed to complete a specialty court program.~~

~~— (b) May discharge the defendant and dismiss the proceedings or set aside the judgment of conviction, as applicable, if the defendant:~~

~~— (1) Has been previously convicted in this State or in any other jurisdiction of a felony; or~~

~~— (2) Has previously failed to complete a specialty court program.]~~

~~7. Discharge and dismissal pursuant to this section is without adjudication of guilt and is not a conviction for purposes of this section or for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail. Discharge and dismissal restores the defendant, in the contemplation of the law, to the status occupied before the arrest, indictment or information. The defendant may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, indictment, information or trial in response to an inquiry made of the defendant for any purpose.~~

~~8. If the defendant was charged with a violation of NRS 200.485, 484C.110 or 484C.120, upon fulfillment of the terms and conditions, the district court, justice court or municipal court, as applicable, may conditionally dismiss the charges or set aside the judgment of conviction, as applicable. If a court conditionally dismisses the charges or sets aside the judgment of conviction, the court shall notify the defendant that any conditionally dismissed charge or judgment of conviction that is set aside is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail in a future case, but is not a conviction for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose. Conditional dismissal or having a judgment of conviction set aside restores the defendant, in the contemplation of the law, to the status occupied before the arrest, complaint, indictment or information. The defendant may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, complaint, indictment, information or trial in response to an inquiry made of the defendant for any purpose.] (Deleted by amendment.)~~

Sec. 3. ~~[NRS 176A.245 is hereby amended to read as follows:~~

~~176A.245 1. Except as otherwise provided in subsection 2, after [a defendant is discharged from probation or] a case is dismissed pursuant to~~

~~NRS 176A.240, the court shall order sealed all documents, papers and exhibits in the defendant'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 if the defendant fulfills the terms and conditions imposed by the court and the Division. The court shall order those records sealed without a hearing unless the Division petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.~~

~~2. If the defendant is charged with a violation of NRS 200.485, 484C.110 or 484C.210 and the charges are conditionally dismissed or the judgment of conviction is set aside as provided in NRS 176A.240, not sooner than 7 years after the charges are conditionally dismissed or the judgment of conviction is set aside and upon the filing of a petition by the defendant, the justice court, municipal court or district court, as applicable, shall order that all documents, papers and exhibits in the defendant'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 be sealed. The justice court, municipal court or district court, as applicable, shall order those records sealed without a hearing unless the Division petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.~~

~~3. If the court orders sealed the record of a defendant [who is discharged from probation,] whose case is dismissed, whose charges were conditionally dismissed or whose judgment of conviction was set aside pursuant to NRS 176A.240, the court shall send a copy of the order to each agency or officer named in the order. Each such agency or officer shall notify the court in writing of its compliance with the order.] (Deleted by amendment.)~~

Sec. 4. ~~[NRS 176A.260 is hereby amended to read as follows:~~

~~176A.260 1. Except as otherwise provided in subparagraph (1) of paragraph (a) of subsection 3 of NRS 176.211, if a defendant who suffers from mental illness or is intellectually disabled tenders a plea of guilty, guilty but mentally ill or nolo contendere to, or is found guilty or guilty but mentally ill of, any offense for which the suspension of sentence or the granting of probation is not prohibited by statute, the court may:~~

~~(a) Without entering a judgment of conviction and with the consent of the defendant, suspend or defer further proceedings and place the defendant on probation upon terms and conditions that must include attendance and successful completion of a program established pursuant to NRS 176A.250 if the court determines that the defendant is eligible for participation in such a program; or~~

~~(b) Enter a judgment of conviction and place the defendant on probation upon terms and conditions that must include attendance and successful completion of a program established pursuant to NRS 176A.250, if the court determines that the defendant is eligible for participation in such a program.~~

~~2. Except as otherwise provided in subsection 4, a defendant is eligible for participation in a program established pursuant to NRS 176A.250 if the~~

~~defendant is diagnosed as having a mental illness or an intellectual disability:~~

~~— (a) After an in-person clinical assessment by:~~

~~— (1) A counselor who is licensed or certified to make such a diagnosis; or~~

~~— (2) A duly licensed physician qualified by the Board of Medical Examiners to make such a diagnosis; and~~

~~— (b) If the defendant appears to suffer from a mental illness, pursuant to a mental health screening that indicates the presence of a mental illness.~~

~~— 3. A counselor or physician who diagnoses a defendant as having a mental illness or intellectual disability shall submit a report and recommendation to the court concerning the length and type of treatment required for the defendant within the maximum probation terms applicable to the offense for which the defendant is convicted.~~

~~— 4. If the offense committed by the defendant is a category A felony, [or] a sexual offense as defined in NRS 179D.097 that is punishable as a category B felony, abuse or exploitation of an older person or a vulnerable person pursuant to NRS 200.5009 or abuse, neglect or endangerment of a child pursuant to NRS 200.508, the defendant is not eligible for assignment to the program.~~

~~— 5. Upon violation of a term or condition:~~

~~— (a) The court may enter a judgment of conviction, if applicable, and proceed as provided in the section pursuant to which the defendant was charged.~~

~~— (b) Notwithstanding the provisions of paragraph (c) of subsection 2 of NRS 193.130, the court may order the defendant to the custody of the Department of Corrections if the offense is punishable by imprisonment in the state prison.~~

~~— 6. Except as otherwise provided in subsection 8, upon fulfillment of the terms and conditions, the court [:~~

~~— (a) Shall] may discharge the defendant and dismiss the proceedings or set aside the judgment of conviction, as applicable, unless the defendant:~~

~~— [(1)] (a) Has been previously convicted in this State or in any other jurisdiction of a felony; or~~

~~— [(2)] (b) Has previously failed to complete a specialty court program.~~

~~— [; or~~

~~— (b) May discharge the defendant and dismiss the proceedings or set aside the judgment of conviction, as applicable, if the defendant:~~

~~— (1) Has been previously convicted in this State or in any other jurisdiction of a felony; or~~

~~— (2) Has previously failed to complete a specialty court program.]~~

~~— 7. Discharge and dismissal pursuant to this section is without adjudication of guilt and is not a conviction for purposes of this section or for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail. Discharge and dismissal restores the~~

~~defendant, in the contemplation of the law, to the status occupied before the arrest, indictment or information. The defendant may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, indictment, information or trial in response to an inquiry made of the defendant for any purpose.~~

~~8. If the defendant was charged with a violation of NRS 200.485, 484C.110 or 484C.120, upon fulfillment of the terms and conditions, the district court, justice court or municipal court, as applicable, may conditionally dismiss the charges or set aside the judgment of conviction, as applicable. If a court conditionally dismisses the charges or sets aside the judgment of conviction, the court shall notify the defendant that any conditionally dismissed charge or judgment of conviction that is set aside is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail in a future case, but is not a conviction for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose. Conditional dismissal or having a judgment of conviction set aside restores the defendant, in the contemplation of the law, to the status occupied before the arrest, complaint, indictment or information. The defendant may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, complaint, indictment, information or trial in response to an inquiry made of the defendant for any purpose.] (Deleted by amendment.)~~

Sec. 5. [NRS 176A.265 is hereby amended to read as follows:

~~176A.265 1. Except as otherwise provided in subsection 2, after [a defendant is discharged from probation or] a case is dismissed pursuant to NRS 176A.260, the court shall order sealed all documents, papers and exhibits in the defendant'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 if the defendant fulfills the terms and conditions imposed by the court and the Division. The court shall order those records sealed without a hearing unless the Division petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.~~

~~2. If the defendant is charged with a violation of NRS 200.485, 484C.110 or 484C.120 and the charges are conditionally dismissed or the judgment of conviction is set aside as provided in NRS 176A.260, not sooner than 7 years after the charges are conditionally dismissed or the judgment of conviction is set aside and upon the filing of a petition by the defendant, the justice court, municipal court or district court, as applicable, shall order that all documents, papers and exhibits in the defendant'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 be sealed. The justice court, municipal court or district court, as applicable, shall order those records sealed without a hearing unless the Division petitions the court, for~~

good cause shown, not to seal the records and requests a hearing thereon.

~~3. If the court orders sealed the record of a defendant [who is discharged from probation,] whose case is dismissed, whose charges were conditionally dismissed or whose judgment of conviction was set aside pursuant to NRS 176A.260, the court shall send a copy of the order to each agency or officer named in the order. Each such agency or officer shall notify the court in writing of its compliance with the order.] (Deleted by amendment.)~~

Sec. 6. ~~[NRS 176A.287 is hereby amended to read as follows:~~

~~176A.287 1. Except as otherwise provided in subsection 2, a defendant is not eligible for assignment to a program of treatment established pursuant to NRS 176A.280 if:~~

~~(a) The offense committed by the defendant was a category A felony, [or] a sexual offense as defined in NRS 179D.097 that is punishable as a category B felony [;], abuse or exploitation of an older person or a vulnerable person pursuant to NRS 200.5009 or abuse, neglect or endangerment of a child pursuant to NRS 200.508; or~~

~~(b) The defendant was discharged or released from the Armed Forces of the United States, a reserve component thereof or the National Guard under dishonorable conditions.~~

~~2. A defendant described in paragraph (b) of subsection 1 may be assigned to a program of treatment established pursuant to NRS 176A.280 if a justice court, municipal court or district court, as applicable, determines that extraordinary circumstances exist which warrant the assignment of the defendant to the program.] (Deleted by amendment.)~~

Sec. 7. ~~[NRS 176A.290 is hereby amended to read as follows:~~

~~176A.290 1. Except as otherwise provided in subparagraph (1) of paragraph (a) of subsection 3 of NRS 176.211 and NRS 176A.287, if a defendant described in NRS 176A.280 tenders a plea of guilty, guilty but mentally ill or nolo contendere to, or is found guilty or guilty but mentally ill of:~~

~~(a) Any offense punishable as a felony or gross misdemeanor for which the suspension of sentence or the granting of probation is not prohibited by statute, the district court may:~~

~~(1) Without entering a judgment of conviction and with the consent of the defendant, suspend or defer further proceedings and place the defendant on probation upon terms and conditions that must include attendance and successful completion of a program established pursuant to NRS 176A.280 if the court determines that the defendant is eligible for participation in such a program; or~~

~~(2) Enter a judgment of conviction and place the defendant on probation upon terms and conditions that must include attendance and successful completion of a program established pursuant to NRS 176A.280 if the court determines that the defendant is eligible for participation in such a program; or~~

~~(b) Any offense punishable as a misdemeanor for which the suspension of~~

~~sentence is not prohibited by statute, the justice court or municipal court, as applicable, may, without entering a judgment of conviction and with the consent of the defendant, suspend further proceedings upon terms and conditions that must include attendance and successful completion of a program established pursuant to NRS 176A.280.~~

~~2. Upon violation of a term or condition:~~

~~(a) The district court, justice court or municipal court, as applicable, may impose sanctions against the defendant for the violation, but allow the defendant to remain in the program. Before imposing a sanction, the court shall notify the defendant of the violation and provide the defendant an opportunity to respond. Any sanction imposed pursuant to this paragraph:~~

~~(1) Must be in accordance with any applicable guidelines for sanctions established by the National Association of Drug Court Professionals or any successor organization; and~~

~~(2) May include, without limitation, imprisonment in a county or city jail or detention facility for a term set by the court, which must not exceed 25 days.~~

~~(b) The district court, justice court or municipal court, as applicable, may enter a judgment of conviction, if applicable, and proceed as provided in the section pursuant to which the defendant was charged.~~

~~(c) Notwithstanding the provisions of paragraph (c) of subsection 2 of NRS 193.130, the district court may order the defendant to the custody of the Department of Corrections if the offense is punishable by imprisonment in the state prison.~~

~~3. Except as otherwise provided in subsection 5, upon fulfillment of the terms and conditions:~~

~~(a) The district court [:~~

~~(1) Shall] may discharge the defendant and dismiss the proceedings or set aside the judgment of conviction, as applicable, unless the defendant:~~

~~[(I)] (1) Has been previously convicted in this State or in any other jurisdiction of a felony; or~~

~~[(II)] (2) Has previously failed to complete a specialty court program; [or~~

~~(2) May discharge the defendant and dismiss the proceedings or set aside the judgment of conviction, as applicable, if the defendant:~~

~~(I) Has been previously convicted in this State or in any other jurisdiction of a felony; or~~

~~(II) Has previously failed to complete a specialty court program;] or~~

~~(b) The justice court or municipal court, as applicable, shall discharge the defendant and dismiss the proceedings.~~

~~4. Discharge and dismissal pursuant to this section is without adjudication of guilt and is not a conviction for purposes of this section or for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for second or subsequent~~

~~convictions or the setting of bail. Discharge and dismissal restores the defendant, in the contemplation of the law, to the status occupied before the arrest, complaint, indictment or information. The defendant may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, complaint, indictment, information or trial in response to an inquiry made of the defendant for any purpose.~~

~~5. If the defendant was charged with a violation of NRS 200.485, 484C.110 or 484C.120, upon fulfillment of the terms and conditions, the district court, justice court or municipal court, as applicable, may conditionally dismiss the charges or set aside the judgment of conviction, as applicable. If a court conditionally dismisses the charges or sets aside the judgment of conviction, the court shall notify the defendant that any conditionally dismissed charge or judgment of conviction that is set aside is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail in a future case, but is not a conviction for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose. Conditional dismissal or having a judgment of conviction set aside restores the defendant, in the contemplation of the law, to the status occupied before the arrest, complaint, indictment or information. The defendant may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, complaint, indictment, information or trial in response to an inquiry made of the defendant for any purpose.] (Deleted by amendment.)~~

Sec. 8. [NRS 176A.295 is hereby amended to read as follows:

~~176A.295 1. Except as otherwise provided in subsection 2, after [a defendant is discharged from probation or] a case is dismissed pursuant to NRS 176A.290, the justice court, municipal court or district court, as applicable, shall order sealed all documents, papers and exhibits in the defendant'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 if the defendant fulfills the terms and conditions imposed by the court and the Division. The justice court, municipal court or district court, as applicable, shall order those records sealed without a hearing unless the Division petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.~~

~~2. If the defendant is charged with a violation of NRS 200.485, 484C.110 or 484C.120 and the charges are conditionally dismissed or the judgment of conviction is set aside as provided in NRS 176A.290, not sooner than 7 years after the charges are conditionally dismissed or the judgment of conviction is set aside and upon the filing of a petition by the defendant, the justice court, municipal court or district court, as applicable, shall order that all documents, papers and exhibits in the defendant'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 be sealed. The justice court, municipal court or district court, as applicable, shall order those records sealed without a hearing unless the Division petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.~~

~~3. If the justice court, municipal court or district court, as applicable, orders sealed the record of a defendant [who is discharged from probation,] whose case is dismissed, whose charges were conditionally dismissed or whose judgment of conviction was set aside pursuant to NRS 176A.290, the court shall send a copy of the order to each agency or officer named in the order. Each such agency or officer shall notify the justice court, municipal court or district court, as applicable, in writing of its compliance with the order.] (Deleted by amendment.)~~

Sec. 9. ~~[NRS 176A.510 is hereby amended to read as follows:~~

~~176A.510 1. The Division shall adopt a written system of graduated sanctions for parole and probation officers to use when responding to a technical violation of the conditions of probation. The system must:~~

~~(a) Set forth a menu of presumptive sanctions for the most common violations, including, without limitation, failure to report, willful failure to pay fines and fees, failure to participate in a required program or service, failure to complete community service and failure to refrain from the use of alcohol or controlled substances.~~

~~(b) Take into account factors such as responsivity factors impacting a person's ability to successfully complete any conditions of supervision, the severity of the current violation, the person's previous criminal record, the number and severity of any previous violations and the extent to which graduated sanctions were imposed for previous violations.~~

~~(c) Include guidance on the use of confinement in a jail or detention facility and electronic monitoring pursuant to subsection 3.~~

~~2. The Division shall establish and maintain a program of initial and ongoing training for parole and probation officers regarding the system of graduated sanctions.~~

~~3. As part of the system of graduated sanctions, the Division may, in response to a technical violation of the conditions of probation:~~

~~(a) Impose confinement in a jail or detention facility for a period of not more than 10 days. The total number of days of confinement imposed pursuant to this paragraph must not, in the aggregate, exceed 30 days.~~

~~(b) Place the person under a system of active electronic monitoring for a period of not more than 60 days using an electronic device approved by the Division. The device may be capable of using the Global Positioning System, but must be minimally intrusive and limited in capability to recording or transmitting information concerning the location of the person.~~

~~4. Notwithstanding any rule or law to the contrary, a parole and probation officer shall use graduated sanctions established pursuant to this section when responding to a technical violation.~~

~~[4.] 5. A parole and probation officer intending to impose a graduated~~

~~sanction shall provide the supervised person with notice of the intended sanction. The notice must inform the person of any alleged violation and the date thereof and the graduated sanction to be imposed.~~

~~[5.] 6. The failure of a supervised person to comply with a sanction may constitute a technical violation of the conditions of probation.~~

~~[6.] 7. The Division may not seek revocation of probation for a technical violation of the conditions of probation until all graduated sanctions have been exhausted. If the Division determines that all graduated sanctions have been exhausted, the Division shall submit a report to the court or Board outlining the reasons for the recommendation of revocation and the steps taken by the Division to change the supervised person's behavior while in the community, including, without limitation, any graduated sanctions imposed before recommending revocation.~~

~~[7.] 8. As used in this section:~~

~~(a) "Absconding" [has the meaning ascribed to it in NRS 176A.630.] means that a person is actively avoiding supervision by making his or her whereabouts unknown to the Division for a continuous period of 60 days or more.~~

~~(b) "Responsivity factors" has the meaning ascribed to it in NRS 213.107.~~

~~(c) "Technical violation" means any alleged violation of the conditions of probation that does not constitute absconding and is not [the]:~~

~~—— (1) The commission of a:~~

~~—— [(1)] (I) New felony or gross misdemeanor;~~

~~—— [(2)] (II) Battery which constitutes domestic violence pursuant to NRS 200.485;~~

~~—— [(3)] (III) Violation of NRS 484C.110 or 484C.120;~~

~~—— [(4)] (IV) Crime of violence as defined in NRS 200.408 that is punishable as a misdemeanor;~~

~~—— [(5)] (V) Harassment pursuant to NRS 200.571 or stalking or aggravated stalking pursuant to NRS 200.575;~~

~~—— [(6)] (VI) Violation of a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591 or a temporary or extended order for protection against sexual assault pursuant to NRS 200.378; [or~~

~~—— [(7)] (VII) Violation of a stay away order involving a natural person who is the victim of the crime for which the supervised person is being supervised];~~

~~➤ The term does not include]; or~~

~~—— (VIII) Violation of a condition required pursuant to NRS 176A.410;~~

~~or~~

~~—— (2) Termination from a program which provides residential treatment,~~

~~as ordered by a court as a condition of supervision, or termination from a specialty court program.] (Deleted by amendment.)~~

Sec. 10. ~~[NRS 176A.630 is hereby amended to read as follows:~~

~~176A.630 [1.] If the probationer is arrested, by or without warrant, in another judicial district of this state, the court which granted the probation may assign the case to the district court of that district, with the consent of that court. The court retaining or thus acquiring jurisdiction shall cause the defendant to be brought before it and consider the system of graduated sanctions adopted pursuant to NRS 176A.510, if applicable. Upon determining that the probationer has violated a condition of probation, the court shall, if practicable, order the probationer to make restitution for any necessary expenses incurred by a governmental entity in returning the probationer to the court for violation of the probation. If the court finds that the probationer committed a violation of a condition of probation, [by committing a new felony or gross misdemeanor, battery which constitutes domestic violence pursuant to NRS 200.485, violation of NRS 484C.110 or 484C.120, crime of violence that is punishable as a misdemeanor, harassment pursuant to NRS 200.571, stalking or aggravated stalking pursuant to NRS 200.575, violation of a stay away order involving a natural person who is the victim of the crime for which the probationer is being supervised, violation of a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591 or a temporary or extended order for protection against sexual assault pursuant to NRS 200.378 or by absconding,] the court may:~~

~~[(a)] 1. Continue or revoke the probation or suspension of sentence;~~

~~[(b)] 2. Order the probationer to a term of residential confinement pursuant to NRS 176A.660;~~

~~[(c)] 3. Order the probationer to undergo a program of regimental discipline pursuant to NRS 176A.780;~~

~~[(d)] 4. Cause the sentence imposed to be executed; or~~

~~[(e)] 5. Modify the original sentence imposed by reducing the term of imprisonment and cause the modified sentence to be executed. The court shall not make the term of imprisonment less than the minimum term of imprisonment prescribed by the applicable penal statute. If the Chief Parole and Probation Officer recommends that the sentence of a probationer be modified and the modified sentence be executed, the Chief Parole and Probation Officer shall provide notice of the recommendation to any victim of the crime for which the probationer was convicted who has requested in writing to be notified and who has provided a current address to the Division. The notice must inform the victim that he or she has the right to submit~~

~~documents to the court and to be present and heard at the hearing to determine whether the sentence of a probationer who has violated a condition of probation should be modified. The court shall not modify the sentence of a probationer and cause the sentence to be executed until it has confirmed that the Chief Parole and Probation Officer has complied with the provisions of this [paragraph.] subsection. The Chief Parole and Probation Officer must not be held responsible when such notification is not received by the victim if the victim has not provided a current address. All personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Division pursuant to this [paragraph] subsection is confidential.~~

~~— [2. If the court finds that the probationer committed one or more technical violations of the conditions of probation, the court may:~~

~~— (a) Continue the probation or suspension of sentence;~~

~~— (b) Order the probationer to a term of residential confinement pursuant to NRS 176A.660;~~

~~— (c) Temporarily revoke the probation or suspension of sentence and impose a term of imprisonment of not more than:~~

~~— (1) Thirty days for the first temporary revocation;~~

~~— (2) Ninety days for the second temporary revocation; or~~

~~— (3) One hundred and eighty days for the third temporary revocation; or~~

~~— (d) Fully revoke the probation or suspension of sentence and impose imprisonment for the remainder of the sentence for a fourth or subsequent revocation.~~

~~— 3. Notwithstanding any other provision of law, a probationer who is arrested and detained for committing a technical violation of the conditions of probation must be brought before the court not later than 15 calendar days after the date of arrest and detention. If the person is not brought before the court within 15 calendar days, the probationer must be released from detention and returned to probation status. Following a probationer's release from detention, the court may subsequently hold a hearing to determine if a technical violation has occurred. If the court finds that such a technical violation occurred, the court may:~~

~~— (a) Continue probation and modify the terms and conditions of probation;~~

~~or~~

~~— (b) Fully or temporarily revoke probation in accordance with the provisions of subsection 2.~~

~~— 4. The commission of one of the following acts by a probationer must not, by itself, be used as the only basis for the revocation of probation:~~

~~— (a) Consuming any alcoholic beverage.~~

~~— (b) Testing positive on a drug or alcohol test.~~

~~— (c) Failing to abide by the requirements of a mental health or substance use treatment program.~~

~~— (d) Failing to seek and maintain employment.~~

~~— (e) Failing to pay any required fines or fees.~~

~~(f) Failing to report any changes in residence.~~
~~5. As used in this section:~~
~~(a) "Absconding" means that a person is actively avoiding supervision by making his or her whereabouts unknown to the Division for a continuous period of 60 days or more.~~
~~(b) "Technical violation" means any alleged violation of the conditions of probation that does not constitute absconding and is not the commission of a:~~
~~(1) New felony or gross misdemeanor;~~
~~(2) Battery which constitutes domestic violence pursuant to NRS 200.485;~~
~~(3) Violation of NRS 484C.110 or 484C.120;~~
~~(4) Crime of violence that is punishable as a misdemeanor;~~
~~(5) Harassment pursuant to NRS 200.571 or stalking or aggravated stalking pursuant to NRS 200.575;~~
~~(6) Violation of a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591 or a temporary or extended order for protection against sexual assault pursuant to NRS 200.378; or~~
~~(7) Violation of a stay away order involving a natural person who is the victim of the crime for which the probationer is being supervised.~~
~~** The term does not include termination from a specialty court program.]]~~
~~(Deleted by amendment.)~~

Sec. 11. NRS 176A.840 is hereby amended to read as follows:

176A.840 1. The Division shall petition the court to recommend the early discharge of a person from probation if the person:

(a) Has not violated any condition of probation during the immediately preceding 12 months;

(b) Is current with any fee to defray the costs of his or her supervision charged by the Division pursuant to NRS 213.1076;

(c) Has paid restitution *ordered by the court* in full or, because of economic hardship that is verified by the Division, has been unable to make restitution as ordered by the court;

(d) Has completed any program of substance use treatment or mental health treatment or a specialty court program as mandated by the court or the Division; and

(e) Has not been convicted of a violent or sexual offense as defined in NRS 202.876 or a violation of NRS 200.508 [~~-, 202.257, 202.265, 202.285, 202.350 or 202.360, paragraph (a) of subsection 1 of NRS 205.060] or ~~[NRS]~~ 205.067.~~

2. This section must not be construed to prohibit the court from allowing the early discharge of a person from probation if the person does not meet the

requirements set forth in subsection 1.

Sec. 12. ~~[NRS 178.4849 is hereby amended to read as follows:~~

~~178.4849 1. Except as otherwise provided in this section and NRS 178.484 and 178.4847, a court shall, within [48] 72 hours after a person has been taken into custody, hold a pretrial release hearing, in open court or by means of remote communication, to determine the custody status of the person. The pretrial release hearing may be continued for good cause shown.~~

~~2. A pretrial release hearing must not be held on any day declared to be a legal holiday according to the provisions of NRS 236.015.~~

~~3. Except as otherwise provided in subsection 4, if a person has been arrested for a sexual offense as defined in NRS 179D.097 or a violation of NRS 202.257, 202.265, 202.285, 202.350 or 202.360, paragraph (a) of subsection 1 of NRS 205.060 or NRS 205.067, there is a rebuttable presumption, which the court must apply, that financial conditions must be imposed to ensure the appearance of the person at trial.~~

~~4. If the prosecuting attorney demonstrates by clear and convincing evidence that the person is a flight risk or danger to the community and that there are no conditions that will ensure the appearance of the person at trial, the person may be held without bail.~~

~~5. As used in this section, "remote communication" means communication through telephone or videoconferencing. (Deleted by amendment.)~~

Sec. 13. ~~[NRS 179A.075 is hereby amended to read as follows:~~

~~179A.075 1. The Central Repository for Nevada Records of Criminal History is hereby created within the Records, Communications and Compliance Division of the Department.~~

~~2. Each agency of criminal justice and any other agency dealing with crime shall:~~

~~(a) Collect and maintain records, reports and compilations of statistical data required by the Department; and~~

~~(b) Submit the information collected to the Central Repository;~~

~~(1) In the manner approved by the Director of the Department; and~~

~~(2) In accordance with the policies, procedures and definitions of the Uniform Crime Reporting Program of the Federal Bureau of Investigation.~~

~~3. Each agency of criminal justice shall submit the information relating to records of criminal history that it creates, issues or collects, and any information in its possession relating to the DNA profile of a person from whom a biological specimen is obtained pursuant to NRS 176.09123 or 176.0913, to the Division. The information must be submitted to the Division:~~

~~(a) Through an electronic network;~~

~~(b) On a medium of magnetic storage; or~~

~~(c) In the manner prescribed by the Director of the Department,~~

~~within 60 days after the date of the disposition of the case. If an agency has submitted a record regarding the arrest of a person who is later~~

determined by the agency not to be the person who committed the particular crime, the agency shall, immediately upon making that determination, so notify the Division. The Division shall delete all references in the Central Repository relating to that particular arrest.

~~4. Each state and local law enforcement agency shall submit Uniform Crime Reports to the Central Repository;~~

~~(a) In the manner prescribed by the Director of the Department;~~

~~(b) In accordance with the policies, procedures and definitions of the Uniform Crime Reporting Program of the Federal Bureau of Investigation; and~~

~~(c) Within the time prescribed by the Director of the Department.~~

~~5. The Division shall, in the manner prescribed by the Director of the Department:~~

~~(a) Collect, maintain and arrange all information submitted to it relating to:~~

~~(1) Records of criminal history; and~~

~~(2) The DNA profile of a person from whom a biological specimen is obtained pursuant to NRS 176.09123 or 176.0913.~~

~~(b) When practicable, use a record of the personal identifying information of a subject as the basis for any records maintained regarding him or her.~~

~~(c) Upon request, provide, in paper or electronic form, the information that is contained in the Central Repository to the Committee on Domestic Violence appointed pursuant to NRS 228.470 when, pursuant to NRS 228.495, the Committee is reviewing the death of the victim of a crime that constitutes domestic violence pursuant to NRS 33.018.~~

~~6. The Division may:~~

~~(a) Disseminate any information which is contained in the Central Repository to any other agency of criminal justice;~~

~~(b) Enter into cooperative agreements with repositories of the United States and other states to facilitate exchanges of information that may be disseminated pursuant to paragraph (a); and~~

~~(c) Request of and receive from the Federal Bureau of Investigation information on the background and personal history of any person whose record of fingerprints or other biometric identifier the Central Repository submits to the Federal Bureau of Investigation and:~~

~~(1) Who has applied to any agency of the State of Nevada or any political subdivision thereof for a license which it has the power to grant or deny;~~

~~(2) With whom any agency of the State of Nevada or any political subdivision thereof intends to enter into a relationship of employment or a contract for personal services;~~

~~(3) Who has applied to any agency of the State of Nevada or any political subdivision thereof to attend an academy for training peace officers approved by the Peace Officers' Standards and Training Commission;~~

~~(4) For whom such information is required or authorized to be obtained~~

~~pursuant to NRS 62B.270, 62C.223, 62C.353, 424.031, 432A.170, 432B.198, 433B.183, 449.123 and 449.432; or~~

~~(5) About whom any agency of the State of Nevada or any political subdivision thereof is authorized by law to have accurate personal information for the protection of the agency or the persons within its jurisdiction.~~

~~7. To request and receive information from the Federal Bureau of Investigation concerning a person pursuant to subsection 6, the Central Repository must receive:~~

~~(a) The person's complete set of fingerprints for the purposes of:~~

~~(1) Booking the person into a city or county jail or detention facility;~~

~~(2) Employment;~~

~~(3) Contractual services; or~~

~~(4) Services related to occupational licensing;~~

~~(b) One or more of the person's fingerprints for the purposes of mobile identification by an agency of criminal justice; or~~

~~(c) Any other biometric identifier of the person as it may require for the purposes of:~~

~~(1) Arrest; or~~

~~(2) Criminal investigation;~~

~~from the agency of criminal justice or agency of the State of Nevada or any political subdivision thereof and submit the received data to the Federal Bureau of Investigation for its report.~~

~~8. The Central Repository shall:~~

~~(a) Collect and maintain records, reports and compilations of statistical data submitted by any agency pursuant to subsection 2.~~

~~(b) Tabulate and analyze all records, reports and compilations of statistical data received pursuant to this section.~~

~~(c) Disseminate to federal agencies engaged in the collection of statistical data relating to crime information which is contained in the Central Repository.~~

~~(d) Investigate the criminal history of any person who:~~

~~(1) Has applied to the Superintendent of Public Instruction for the issuance or renewal of a license;~~

~~(2) Has applied to a county school district, charter school or private school for employment or to serve as a volunteer; or~~

~~(3) Is employed by or volunteers for a county school district, charter school or private school;~~

~~and immediately notify the superintendent of each county school district, the governing body of each charter school and the Superintendent of Public Instruction, or the administrator of each private school, as appropriate, if the investigation of the Central Repository indicates that the person has been convicted of a violation of NRS 200.508, 201.230, 453.3385 or 453.339, or section 40 of this act, or convicted of a felony or any offense involving moral turpitude.~~

~~— (e) Upon discovery, immediately notify the superintendent of each county school district, the governing body of each charter school or the administrator of each private school, as appropriate, by providing the superintendent, governing body or administrator with a list of all persons:~~

~~— (1) Investigated pursuant to paragraph (d); or~~

~~— (2) Employed by or volunteering for a county school district, charter school or private school whose fingerprints were sent previously to the Central Repository for investigation;~~

~~— who the Central Repository's records indicate have been convicted of a violation of NRS 200.508, 201.230, 453.3385 or 453.339, or section 40 of this act, or convicted of a felony or any offense involving moral turpitude since the Central Repository's initial investigation. The superintendent of each county school district, the governing body of a charter school or the administrator of each private school, as applicable, shall determine whether further investigation or action by the district, charter school or private school, as applicable, is appropriate.~~

~~— (f) Investigate the criminal history of each person who submits one or more fingerprints or other biometric identifier or has such data submitted pursuant to NRS 62B.270, 62C.223, 62C.353, 424.031, 432A.170, 432B.198, 433B.183, 449.122, 449.123 or 449.4329.~~

~~— (g) Provide an electronic means to access on the Central Repository's Internet website statistical data relating to crime.~~

~~— (h) Provide an electronic means to access on the Central Repository's Internet website statistical data about domestic violence in this State.~~

~~— (i) Identify and review the collection and processing of statistical data relating to criminal justice by any agency identified in subsection 2 and make recommendations for any necessary changes in the manner of collecting and processing statistical data by any such agency.~~

~~— (j) Adopt regulations governing biometric identifiers and the information and data derived from biometric identifiers, including, without limitation:~~

~~— (1) Their collection, use, safeguarding, handling, retention, storage, dissemination and destruction; and~~

~~— (2) The methods by which a person may request the removal of his or her biometric identifiers from the Central Repository and any other agency where his or her biometric identifiers have been stored.~~

~~— 9. The Central Repository may:~~

~~— (a) In the manner prescribed by the Director of the Department, disseminate compilations of statistical data and publish statistical reports relating to crime.~~

~~— (b) Charge a reasonable fee for any publication or special report it distributes relating to data collected pursuant to this section. The Central Repository may not collect such a fee from an agency of criminal justice or any other agency dealing with crime which is required to submit information pursuant to subsection 2. All money collected pursuant to this paragraph must be used to pay for the cost of operating the Central Repository.~~

~~(c) In the manner prescribed by the Director of the Department, use electronic means to receive and disseminate information contained in the Central Repository that it is authorized to disseminate pursuant to the provisions of this chapter.~~

~~10. As used in this section:~~

~~(a) "Mobile identification" means the collection, storage, transmission, reception, search, access or processing of a biometric identifier using a handheld device.~~

~~(b) "Personal identifying information" means any information designed, commonly used or capable of being used, alone or in conjunction with any other information, to identify a person, including, without limitation:~~

~~(1) The name, driver's license number, social security number, date of birth and photograph or computer generated image of a person; and~~

~~(2) A biometric identifier of a person.~~

~~(c) "Private school" has the meaning ascribed to it in NRS 394.103.]~~
~~(Deleted by amendment.)~~

Sec. 14. NRS 200.481 is hereby amended to read as follows:

200.481 1. As used in this section:

(a) "Battery" means any willful and unlawful use of force or violence upon the person of another.

(b) "Child" means a person less than 18 years of age.

(c) "Fire-fighting agency" has the meaning ascribed to it in NRS 239B.020.

(d) "Officer" means:

(1) A person who possesses some or all of the powers of a peace officer;

(2) A person employed in a full-time salaried occupation of fire fighting for the benefit or safety of the public;

(3) A member of a volunteer fire department;

(4) A jailer, guard, matron or other correctional officer of a city or county jail or detention facility;

(5) A prosecuting attorney of an agency or political subdivision of the United States or of this State;

(6) A justice of the Supreme Court, judge of the Court of Appeals, district judge, justice of the peace, municipal judge, magistrate, court commissioner, master or referee, including, without limitation, a person acting pro tempore in a capacity listed in this subparagraph;

(7) An employee of this State or a political subdivision of this State whose official duties require the employee to make home visits;

(8) A civilian employee or a volunteer of a law enforcement agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to law enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the law enforcement

agency;

(9) A civilian employee or a volunteer of a fire-fighting agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to fire fighting or fire prevention; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the fire-fighting agency; or

(10) A civilian employee or volunteer of this State or a political subdivision of this State whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to code enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for this State or a political subdivision of this State.

(e) "Provider of health care" has the meaning ascribed to it in NRS 200.471.

(f) "School employee" means a licensed or unlicensed person employed by a board of trustees of a school district pursuant to NRS 391.100 or 391.281.

(g) "Sporting event" has the meaning ascribed to it in NRS 41.630.

(h) "Sports official" has the meaning ascribed to it in NRS 41.630.

(i) "Strangulation" means intentionally impeding the normal breathing or circulation of the blood by applying sufficient pressure on the throat or neck or by blocking the nose or mouth of to another person ~~in a manner that creates a risk of death or substantial bodily harm. applying sufficient pressure to another person~~ *to make it difficult or impossible for the person to breathe, including, without limitation, applying ~~any~~ pressure to the neck, throat or windpipe that may prevent or hinder breathing or reduce the intake of air, or applying any pressure to the neck ~~for~~ on either side of the windpipe, but not the windpipe itself, to stop the flow of blood to the brain via the carotid arteries.*

(j) "Taxicab" has the meaning ascribed to it in NRS 706.8816.

(k) "Taxicab driver" means a person who operates a taxicab.

(l) "Transit operator" means a person who operates a bus or other vehicle as part of a public mass transportation system.

2. Except as otherwise provided in NRS 200.485, a person convicted of a battery, other than a battery committed by an adult upon a child which constitutes child abuse, shall be punished:

(a) If the battery is not committed with a deadly weapon, and no substantial bodily harm to the victim results, except under circumstances where a greater penalty is provided in this section or NRS 197.090, for a misdemeanor.

(b) If the battery is not committed with a deadly weapon, and either

substantial bodily harm to the victim results or the battery is committed by strangulation, for a category C felony as provided in NRS 193.130.

(c) If:

(1) The battery is committed upon an officer, provider of health care, school employee, taxicab driver or transit operator who was performing his or her duty or upon a sports official based on the performance of his or her duties at a sporting event;

(2) The officer, provider of health care, school employee, taxicab driver, transit operator or sports official suffers substantial bodily harm or the battery is committed by strangulation; and

(3) The person charged knew or should have known that the victim was an officer, provider of health care, school employee, taxicab driver, transit operator or sports official,

➤ for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, or by a fine of not more than \$10,000, or by both fine and imprisonment.

(d) If the battery is committed upon an officer, provider of health care, school employee, taxicab driver or transit operator who is performing his or her duty or upon a sports official based on the performance of his or her duties at a sporting event and the person charged knew or should have known that the victim was an officer, provider of health care, school employee, taxicab driver, transit operator or sports official, for a gross misdemeanor, except under circumstances where a greater penalty is provided in this section.

(e) If the battery is committed with the use of a deadly weapon, and:

(1) No substantial bodily harm to the victim results, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than \$10,000.

(2) Substantial bodily harm to the victim results or the battery is committed by strangulation, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than \$10,000.

(f) If the battery is committed by a probationer, a prisoner who is in lawful custody or confinement or a parolee, without the use of a deadly weapon, whether or not substantial bodily harm results and whether or not the battery is committed by strangulation, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.

(g) If the battery is committed by a probationer, a prisoner who is in lawful custody or confinement or a parolee, with the use of a deadly weapon, and:

(1) No substantial bodily harm to the victim results, for a category B felony by imprisonment in the state prison for a minimum term of not less

than 2 years and a maximum term of not more than 10 years.

(2) Substantial bodily harm to the victim results or the battery is committed by strangulation, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years.

Sec. 15. NRS 202.360 is hereby amended to read as follows:

202.360 1. A person shall not own or have in his or her possession or under his or her custody or control any firearm if the person:

(a) Has been convicted of the crime of battery which constitutes domestic violence pursuant to NRS 200.485, or a law of any other jurisdiction that prohibits the same or substantially similar conduct, committed against or upon:

(1) The spouse or former spouse of the person;

(2) Any other person with whom the person has had or is having a dating relationship, as defined in NRS 33.018;

(3) Any other person with whom the person has a child in common;

(4) The parent of the person; or

(5) The child of the person or a child for whom the person is the legal guardian.

(b) Has been convicted of a felony in this State or any other state, or in any political subdivision thereof, or of a felony in violation of the laws of the United States of America, unless the person has received a pardon and the pardon does not restrict his or her right to bear arms;

(c) Has been convicted of a violation of NRS 200.575 or a law of any other state that prohibits the same or substantially similar conduct and the court entered a finding in the judgment of conviction or admonishment of rights pursuant to subsection 7 of NRS 200.575;

(d) Except as otherwise provided in NRS 33.031, is currently subject to:

(1) An extended order for protection against domestic violence pursuant to NRS 33.017 to 33.100, inclusive, which includes a statement that the adverse party is prohibited from possessing or having under his or her custody or control any firearm while the order is in effect; or

(2) An equivalent order in any other state;

(e) Is a fugitive from justice;

(f) Is an unlawful user of, or addicted to, any controlled substance; or

(g) Is otherwise prohibited by federal law from having a firearm in his or her possession or under his or her custody or control.

➡ A person who violates the provisions of this subsection is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000.

2. A person shall not own or have in his or her possession or under his or her custody or control any firearm if the person:

(a) Has been adjudicated as mentally ill or has been committed to any mental health facility by a court of this State, any other state or the

United States;

(b) Has entered a plea of guilty but mentally ill in a court of this State, any other state or the United States;

(c) Has been found guilty but mentally ill in a court of this State, any other state or the United States;

(d) Has been acquitted by reason of insanity in a court of this State, any other state or the United States; or

(e) Is illegally or unlawfully in the United States.

➔ A person who violates the provisions of this subsection is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. *A person shall not use or carry a firearm during and in relation to, or possess a firearm in furtherance of, the commission of any act in violation of NRS 453.321, 453.322, 453.337, 453.3385 or 453.401 . ~~for section 40 of this act.~~ A person who violates the provisions of this subsection is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000.*

4. ~~For the purposes of prosecuting a violation of this section, each firearm owned, possessed, used or carried by, or under the custody or control of, a person constitutes a separate violation.~~

~~5.~~ As used in this section:

(a) "Controlled substance" has the meaning ascribed to it in 21 U.S.C. § 802(6).

(b) "Firearm" includes any firearm that is loaded or unloaded and operable or inoperable.

Sec. 16. ~~[NRS 205.060 is hereby amended to read as follows:~~

~~205.060 1. A person who, by day or night, [unlawfully] enters [or unlawfully remains] in any:~~

~~(a) Dwelling with the intent to commit grand or petit larceny, assault or battery on any person or any felony, or to obtain money or property by false pretenses, is guilty of residential burglary.~~

~~(b) Business structure with the intent to commit grand or petit larceny, assault or battery on any person or any felony is guilty of burglary of a business.~~

~~(c) Motor vehicle, or any part thereof, with the intent to commit grand or petit larceny, assault or battery on any person or any felony is guilty of burglary of a motor vehicle.~~

~~(d) Structure other than a dwelling, business structure or motor vehicle with the intent to commit grand or petit larceny, assault or battery on any person or any felony is guilty of burglary of a structure.~~

~~2. Except as otherwise provided in this section, a person convicted of:~~

~~(a) Burglary of a motor vehicle:~~

~~(1) For the first offense, is guilty of a category [E] D felony and shall be punished as provided in NRS 193.130.~~

~~(2) For a second or subsequent offense, is guilty of a category [D]~~

~~C felony and shall be punished as provided in NRS 193.130.~~

~~—(b) Burglary of a structure is guilty of a category [D] C felony and shall be punished as provided in NRS 193.130.~~

~~—(c) Burglary of a business is guilty of a category [C] B felony and shall be punished [as provided in NRS 193.130.] by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years.~~

~~—(d) Residential burglary is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years.~~

~~—3. If mitigating circumstances exist, a person who is convicted of residential burglary may be released on probation and granted a suspension of sentence if the person has not previously been convicted of residential burglary or another crime involving the unlawful entry or invasion of a dwelling.~~

~~—4. Whenever any burglary pursuant to this section is committed on a vessel, vehicle, vehicle trailer, semitrailer, house trailer, airplane, glider, boat or railroad car, in motion or in rest, in this State, and it cannot with reasonable certainty be ascertained in what county the crime was committed, the offender may be arrested and tried in any county through which the vessel, vehicle, vehicle trailer, semitrailer, house trailer, airplane, glider, boat or railroad car traveled during the time the burglary was committed.~~

~~—5. A person convicted of any burglary pursuant to this section who has in his or her possession or gains possession of any firearm or deadly weapon at any time during the commission of the crime, at any time before leaving the dwelling, structure or motor vehicle or upon leaving the dwelling, structure or motor vehicle, 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 15 years, and may be further punished by a fine of not more than \$10,000.~~

~~—6. As used in this section:~~

~~—(a) "Business structure" means any structure or building, the primary purpose of which is to carry on any lawful effort for a business, including, without limitation, any business with an educational, industrial, benevolent, social or political purpose, regardless of whether the business is operated for profit.~~

~~—(b) "Dwelling" means any structure, building, house, room, apartment, tenement, tent, conveyance, vessel, boat, vehicle, house trailer, travel trailer, motor home or railroad car, including, without limitation, any part thereof that is divided into a separately occupied unit:~~

~~—(1) In which any person lives; or~~

~~—(2) Which is customarily used by a person for overnight accommodations;~~

~~—regardless of whether the person is inside at the time of the offense.~~

~~—(c) "Motor vehicle" means any motorized craft or device designed for the~~

transportation of a person or property across land or water or through the air which does not qualify as a dwelling or business structure pursuant to this section.

~~[(d) "Unlawfully enters or unlawfully remains" means for a person to enter or remain in a dwelling, structure or motor vehicle or any part thereof, including, without limitation, under false pretenses, when the person is not licensed or privileged to do so. For purposes of this definition, a license or privilege to enter or remain in a part of a dwelling, structure or motor vehicle that is open to the public is not a license or privilege to enter or remain in a part of the dwelling, structure or motor vehicle that is not open to the public.]] (Deleted by amendment.)~~

Sec. 17. ~~[NRS 205.0835 is hereby amended to read as follows:~~

~~205.0835 1. Unless a greater penalty is imposed by a specific statute and unless the provisions of NRS 205.08345 apply under the circumstances, a person who commits theft in violation of any provision of NRS 205.0821 to 205.0835, inclusive, shall be punished pursuant to the provisions of this section.~~

~~2. If the value of the property or services involved in the theft:~~

~~(a) Is less than [\$1,200,] \$750, the person who committed the theft is guilty of a misdemeanor.~~

~~(b) Is [\$1,200] \$750 or more but less than \$5,000, the person who committed the theft is guilty of a category D felony and shall be punished as provided in NRS 193.130.~~

~~(c) Is \$5,000 or more but less than \$25,000, the person who committed the theft is guilty of a category C felony and shall be punished as provided in NRS 193.130.~~

~~(d) Is \$25,000 or more but less than \$100,000, the person who committed the theft is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than \$10,000.~~

~~(e) Is \$100,000 or more, the person who committed the theft is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years, and by a fine of not more than \$15,000.~~

~~3. In addition to any other penalty, the court shall order the person who committed the theft to pay restitution.]] (Deleted by amendment.)~~

Sec. 18. ~~[NRS 205.130 is hereby amended to read as follows:~~

~~205.130 1. Except as otherwise provided in this subsection and subsections 2 and 3, a person who willfully, with an intent to defraud, draws or passes a check or draft to obtain:~~

~~(a) Money;~~

~~(b) Delivery of other valuable property;~~

~~(c) Services;~~

~~(d) The use of property; or~~

~~—(e) Credit extended by any licensed gaming establishment, drawn upon any real or fictitious person, bank, firm, partnership, corporation or depository, when the person has insufficient money, property or credit with the drawee of the instrument to pay it in full upon its presentation, is guilty of a misdemeanor. If that instrument, or a series of instruments passed in the State during a period of 90 days, is in the amount of [\$1,200] \$750 or more, the person is guilty of a category D felony and shall be punished as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.~~

~~—2. A person who was previously convicted three times of a misdemeanor under the provisions of this section, or of an offense of a similar nature, in this State or any other state, or in a federal jurisdiction, who violates this section is guilty of a category D felony and shall be punished as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.~~

~~—3. A person who willfully issues any check or draft for the payment of wages in excess of [\$1,200,] \$750, when the person knows he or she has insufficient money or credit with the drawee of the instrument to pay the instrument in full upon presentation is guilty of a gross misdemeanor.~~

~~—4. For the purposes of this section, "credit" means an arrangement or understanding with a person, firm, corporation, bank or depository for the payment of a check or other instrument.] (Deleted by amendment.)~~

Sec. 19. ~~[NRS 205.134 is hereby amended to read as follows:~~

~~—205.134 1. A notice in boldface type which is clearly legible and is in substantially the following form must be posted in a conspicuous place in every principal and branch office of every bank and in every place of business in which retail selling is conducted:~~

~~—The issuance of a check or draft without sufficient money or with intent to defraud is punishable by imprisonment in the county jail for not more than 6 months, or by a fine of not more than \$1,000, or by both fine and imprisonment, and the issuance of such a check or draft in an amount of [\$1,200] \$750 or more or by a person who previously has been convicted three times of this or a similar offense is punishable as a category D felony as provided in NRS 193.130.~~

~~—2. Failure of the owner, operator or manager of a bank or other place of business to post the sign required by this section is not a defense to charge of a violation of NRS 205.130.] (Deleted by amendment.)~~

Sec. 20. ~~[NRS 205.220 is hereby amended to read as follows:~~

~~—205.220 Except as otherwise provided in NRS 205.226 and 205.228, a person commits grand larceny if the person:~~

~~—1. Intentionally steals, takes and carries away, leads away or drives away:~~

~~—(a) Personal goods or property, with a value of [\$1,200] \$750 or more, owned by another person;~~

~~—(b) Bedding, furniture or other property, with a value of [\$1,200] \$750 or~~

~~more, which the person, as a lodger, is to use in or with his or her lodging and which is owned by another person; or~~

~~— (c) Real property, with a value of [\$1,200] \$750 or more, that the person has converted into personal property by severing it from real property owned by another person;~~

~~— 2. Uses a card or other device for automatically withdrawing or transferring money in a financial institution to obtain intentionally money to which the person knows he or she is not entitled;~~

~~— 3. Intentionally steals, takes and carries away, leads away, drives away or entices away:~~

~~— (a) One or more head of livestock owned by another person; or~~

~~— (b) One or more domesticated animals or domesticated birds, with an aggregate value of [\$1,200] \$750 or more, owned by another person;~~

~~— 4. With the intent to defraud, steal, appropriate or prevent identification:~~

~~— (a) Marks or brands, causes to be marked or branded, alters or defaces a mark or brand, or causes to be altered or defaced a mark or brand upon one or more head of livestock owned by another person;~~

~~— (b) Sells or purchases the hide or carcass of one or more head of livestock owned by another person that has had a mark or brand cut out or obliterated;~~

~~— (c) Kills one or more head of livestock owned by another person but running at large, whether or not the livestock is marked or branded; or~~

~~— (d) Kills one or more domesticated animals or domesticated birds, with an aggregate value of [\$1,200] \$750 or more, owned by another person but running at large, whether or not the animals or birds are marked or branded.]~~

~~(Deleted by amendment.)~~

~~Sec. 21. [NRS 205.240 is hereby amended to read as follows:~~

~~— 205.240 1. Except as otherwise provided in NRS 205.220, 205.226, 205.228, 475.105 and 501.3765, a person commits petit larceny if the person:~~

~~— (a) Intentionally steals, takes and carries away, leads away or drives away:~~

~~— (1) Personal goods or property, with a value of less than [\$1,200,] \$750, owned by another person;~~

~~— (2) Bedding, furniture or other property, with a value of less than [\$1,200,] \$750, which the person, as a lodger, is to use in or with his or her lodging and which is owned by another person; or~~

~~— (3) Real property, with a value of less than [\$1,200,] \$750, that the person has converted into personal property by severing it from real property owned by another person;~~

~~— (b) Intentionally steals, takes and carries away, leads away, drives away or entices away one or more domesticated animals or domesticated birds, with an aggregate value of less than [\$1,200,] \$750, owned by another person.~~

~~— 2. Unless a greater penalty is provided pursuant to NRS 205.267, a person who commits petit larceny is guilty of a misdemeanor. In addition to any other penalty, the court shall order the person to pay restitution.]~~

~~(Deleted by amendment.)~~

~~Sec. 22. [NRS 205.267 is hereby amended to read as follows:~~

~~205.267 1. A person who intentionally steals, takes and carries away scrap metal or utility property with a value of less than [\$1,200] \$750 within a period of 90 days is guilty of a misdemeanor.~~

~~2. A person who intentionally steals, takes and carries away scrap metal or utility property with a value of [\$1,200] \$750 or more within a period of 90 days is guilty of:~~

~~(a) If the value of the scrap metal or utility property taken is [\$1,200] \$750 or more but less than \$5,000, a category D felony and shall be punished as provided in NRS 193.130.~~

~~(b) If the value of the scrap metal or utility property taken is \$5,000 or more but less than \$25,000, a category C felony and shall be punished as provided in NRS 193.130.~~

~~(c) If the value of the scrap metal or utility property taken is \$25,000 or more but less than \$100,000, a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than \$10,000.~~

~~(d) If the value of the scrap metal or utility property taken is \$100,000 or more, a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years, and by a fine of not more than \$15,000.~~

~~3. In addition to any other penalty, the court shall order a person who violates the provisions of subsection 1 or 2 to pay restitution and:~~

~~(a) For a first offense, to perform 100 hours of community service.~~

~~(b) For a second offense, to perform 200 hours of community service.~~

~~(c) For a third or subsequent offense, to perform up to 300 hours of community service for up to 1 year, as determined by the court.~~

~~4. In determining the value of the scrap metal or utility property taken, the cost of repairing and, if necessary, replacing any property damaged by the theft of the scrap metal or utility property must be added to the value of the property.~~

~~5. As used in this section:~~

~~(a) "Scrap metal" has the meaning ascribed to it in NRS 647.017.~~

~~(b) "Utility property" has the meaning ascribed to it in NRS 202.582.]~~
(Deleted by amendment.)

Sec. 23. ~~[NRS 205.275 is hereby amended to read as follows:~~

~~205.275 1. Except as otherwise provided in NRS 501.3765, a person commits an offense involving stolen property if the person, for his or her own gain or to prevent the owner from again possessing the owner's property, buys, receives, possesses or withholds property:~~

~~(a) Knowing that it is stolen property; or~~

~~(b) Under such circumstances as should have caused a reasonable person to know that it is stolen property.~~

~~2. A person who commits an offense involving stolen property in violation of subsection 1:~~

~~—(a) If the value of the property is less than [\$1,200,] \$750, is guilty of a misdemeanor;~~

~~—(b) If the value of the property is [\$1,200] \$750 or more but less than \$5,000, is guilty of a category D felony and shall be punished as provided in NRS 193.130;~~

~~—(c) If the value of the property is \$5,000 or more but less than \$25,000, is guilty of a category C felony and shall be punished as provided in NRS 193.130;~~

~~—(d) If the value of the property is \$25,000 or more but less than \$100,000 or if the property is a firearm, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than \$10,000; or~~

~~—(e) If the value of the property is \$100,000 or more, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years, and by a fine of not more than \$15,000.~~

~~—3. In addition to any other penalty, the court shall order the person to pay restitution.~~

~~—4. A person may be prosecuted and convicted pursuant to this section whether or not the principal is or has been prosecuted or convicted.~~

~~—5. Possession by any person of three or more items of the same or a similar class or type of personal property on which a permanently affixed manufacturer's serial number or manufacturer's identification number has been removed, altered or defaced, is prima facie evidence that the person has violated this section.~~

~~—6. For the purposes of this section, the value of the property involved shall be deemed to be the highest value attributable to the property by any reasonable standard.~~

~~—7. As used in this section, "stolen property" means property that has been taken from its owner by larceny, robbery, burglary, embezzlement, theft or any other offense that is a crime against property, whether or not the person who committed the taking is or has been prosecuted or convicted for the offense. (Deleted by amendment.)~~

Sec. 24. ~~[NRS 205.365 is hereby amended to read as follows:~~

~~—205.365 A person, after once selling, bartering or disposing of any tract of land, town lot, or executing any bond or agreement for the sale of any land or town lot, who again, knowingly and fraudulently, sells, barter or disposes of the same tract of land or lot, or any part thereof, or knowingly and fraudulently executes any bond or agreement to sell, barter or dispose of the same land or lot, or any part thereof, to any other person, for a valuable consideration, shall be punished:~~

~~—1. Where the value of the property involved is [\$1,200] \$750 or more, for a category D felony as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.~~

~~2. Where the value of the property is less than [\$1,200,] \$750, for a misdemeanor.] (Deleted by amendment.)~~

Sec. 25. ~~[NRS 205.370 is hereby amended to read as follows:~~

~~205.370 A person who, by false representations of his or her own wealth, or mercantile correspondence and connections, obtains a credit thereby and defrauds any person of money, goods, chattels or any valuable thing, or if a person causes or procures another to report falsely of his or her wealth or mercantile character, and by thus imposing upon any person obtains credit and thereby fraudulently gets into the possession of goods, wares or merchandise, or other valuable thing, is a swindler, and must be sentenced to return the property fraudulently obtained, if it can be done, or to pay restitution and shall be punished:~~

~~1. Where the amount of money or the value of the chattels, goods, wares or merchandise, or other valuable thing so obtained is [\$1,200] \$750 or more, for a category D felony as provided in NRS 193.120.~~

~~2. Otherwise, for a misdemeanor.] (Deleted by amendment.)~~

Sec. 26. ~~[NRS 205.377 is hereby amended to read as follows:~~

~~205.377 1. A person shall not, in the course of an enterprise or occupation, knowingly and with the intent to defraud, engage in an act, practice or course of business or employ a device, scheme or artifice which operates or would operate as a fraud or deceit upon a person by means of a false representation or omission of a material fact that:~~

~~(a) The person knows to be false or omitted;~~

~~(b) The person intends another to rely on; and~~

~~(c) Results in a loss to any person who relied on the false representation or omission;~~

~~in at least two transactions that have the same or similar pattern, intents, results, accomplices, victims or methods of commission, or are otherwise interrelated by distinguishing characteristics and are not isolated incidents within 4 years and in which the aggregate loss or intended loss is more than [\$1,200,] \$750.~~

~~2. Each act which violates subsection 1 constitutes a separate offense.~~

~~3. A person who violates subsection 1 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years, and may be further punished by a fine of not more than \$10,000.~~

~~4. In addition to any other penalty, the court shall order a person who violates subsection 1 to pay restitution.~~

~~5. A violation of this section constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.~~

~~6. As used in this section, "enterprise" has the meaning ascribed to it in NRS 207.380.] (Deleted by amendment.)~~

Sec. 27. ~~[NRS 205.380 is hereby amended to read as follows:~~

~~205.380 1. A person who knowingly and designedly by any false pretense obtains from any other person any chose in action, money, goods,~~

~~wares, chattels, effects or other valuable thing, including rent or the labor of another person not his or her employee, with the intent to cheat or defraud the other person, is a cheat, and, unless otherwise prescribed by law, shall be punished:~~

~~—(a) If the value of the thing or labor fraudulently obtained was less than [\$1,200,] \$750, for a misdemeanor, and must be sentenced to restore the property fraudulently obtained if it can be done, or tender payment for rent or labor;~~

~~—(b) If the value of the thing or labor fraudulently obtained was [\$1,200] \$750 or more but less than \$5,000, for a category D felony as provided in NRS 193.130;~~

~~—(c) If the value of the thing or labor fraudulently obtained was \$5,000 or more but less than \$25,000, for a category C felony as provided in NRS 193.130;~~

~~—(d) If the value of the thing or labor fraudulently obtained was \$25,000 or more but less than \$100,000, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than \$10,000;~~

~~—(e) If the value of the thing or labor fraudulently obtained was \$100,000 or more, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years, and by a fine of not more than \$15,000.~~

~~—2. In addition to any other penalty set forth in paragraph (b), (c), (d) or (e) of subsection 1, the court shall order the person to pay restitution;~~

~~—3. For the purposes of this section, it is prima facie evidence of an intent to defraud if the drawer of a check or other instrument given in payment for:~~

~~—(a) Property which can be returned in the same condition in which it was originally received;~~

~~—(b) Rent; or~~

~~—(c) Labor performed in a workmanlike manner whenever a written estimate was furnished before the labor was performed and the actual cost of the labor does not exceed the estimate;~~

~~— stops payment on that instrument and fails to return or offer to return the property in that condition, or to specify in what way the labor was deficient within 5 days after receiving notice from the payee that the instrument has not been paid by the drawee;~~

~~—4. The notice must be sent to the drawer by certified mail, return receipt requested, at the address shown on the instrument. The notice must include a statement of the penalties set forth in this section. Return of the notice because of nondelivery to the drawer raises a rebuttable presumption of the intent to defraud;~~

~~—5. A notice in boldface type clearly legible and in substantially the following form must be posted in a conspicuous place in every principal and branch office of every bank and in every place of business in which retail selling is conducted or labor is performed for the public and must be~~

furnished in written form by a landlord to a tenant:

~~The stopping of payment on a check or other instrument given in payment for property which can be returned in the same condition in which it was originally received, rent or labor which was completed in a workmanlike manner, and the failure to return or offer to return the property in that condition or to specify in what way the labor was deficient within 5 days after receiving notice of nonpayment is punishable:~~

~~1. If the value of the property, rent or labor fraudulently obtained was less than [\$1,200,] \$750, as a misdemeanor by imprisonment in the county jail for not more than 6 months, or by a fine of not more than \$1,000, or by both fine and imprisonment.~~

~~2. If the value of the property, rent or labor fraudulently obtained was [\$1,200] \$750 or more but less than \$5,000, as a category D felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 4 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.~~

~~3. If the value of the property, rent or labor fraudulently obtained was \$5,000 or more but less than \$25,000, as a category C felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 5 years, or by a fine of not more than \$10,000, or by both fine and imprisonment.~~

~~4. If the value of the property, rent or labor fraudulently obtained was \$25,000 or more but less than \$100,000, as a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than \$10,000.~~

~~5. If the value of the property, rent or labor fraudulently obtained was \$100,000 or more, as a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years, and by a fine of not more than \$15,000.] (Deleted by amendment.)~~

Sec. 28. ~~[NRS 205.415 is hereby amended to read as follows:~~

~~205.415 A person who sells one or more tickets to any ball, benefit or entertainment, or asks or receives any subscription or promise thereof, for the benefit or pretended benefit of any person, association or order, without being authorized thereto by the person, association or order for whose benefit or pretended benefit it is done, shall be punished:~~

~~1. Where the amount received from such sales, subscriptions or promises totals [\$1,200] \$750 or more, for a category D felony as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.~~

~~2. Otherwise, for a misdemeanor.] (Deleted by amendment.)~~

Sec. 29. ~~[NRS 205.445 is hereby amended to read as follows:~~

~~205.445 1. It is unlawful for a person:~~

~~— (a) To obtain food, foodstuffs, lodging, merchandise or other accommodations at any hotel, inn, trailer park, motor court, boardinghouse, rooming house, lodging house, furnished apartment house, furnished bungalow court, furnished automobile camp, eating house, restaurant, grocery store, market or dairy, without paying therefor, with the intent to defraud the proprietor or manager thereof;~~

~~— (b) To obtain credit at a hotel, inn, trailer park, motor court, boardinghouse, rooming house, lodging house, furnished apartment house, furnished bungalow court, furnished automobile camp, eating house, restaurant, grocery store, market or dairy by the use of any false pretense; or~~

~~— (c) After obtaining credit, food, lodging, merchandise or other accommodations at a hotel, inn, trailer park, motor court, boardinghouse, rooming house, lodging house, furnished apartment house, furnished bungalow court, furnished automobile camp, eating house, restaurant, grocery store, market or dairy, to abscond or surreptitiously, or by force, menace or threats, to remove any part of his or her baggage therefrom, without paying for the food or accommodations.~~

~~— 2. A person who violates any of the provisions of subsection 1 shall be punished:~~

~~— (a) Where the total value of the credit, food, foodstuffs, lodging, merchandise or other accommodations received from any one establishment is [\$1,200] \$750 or more, for a category D felony as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.~~

~~— (b) Otherwise, for a misdemeanor.~~

~~— 3. Proof that lodging, food, foodstuffs, merchandise or other accommodations were obtained by false pretense, or by false or fictitious show or pretense of any baggage or other property, or that the person refused or willfully neglected to pay for the food, foodstuffs, lodging, merchandise or other accommodations, or that the person gave in payment for the food, foodstuffs, lodging, merchandise or other accommodations negotiable paper on which payment was refused, or that the person absconded without paying or offering to pay for the food, foodstuffs, lodging, merchandise or other accommodations, or that the person surreptitiously removed or attempted to remove his or her baggage, is prima facie evidence of the fraudulent intent mentioned in this section.~~

~~— 4. This section does not apply where there has been an agreement in writing for delay in payment for a period to exceed 10 days. (Deleted by amendment.)~~

Sec. 30. ~~[NRS 205.520 is hereby amended to read as follows:~~

~~— 205.520 A bailee, or any officer, agent or servant of a bailee, who issues or aids in issuing a document of title, knowing that the goods covered by the document of title have not been received by him or her, or are not under his or her control at the time the document is issued, shall be punished:~~

~~— 1. Where the value of the goods purported to be covered by the~~

~~document of title is [\$1,200] \$750 or more, for a category D felony as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.~~

~~2. Where the value is less than [\$1,200,] \$750, for a misdemeanor.]~~
(Deleted by amendment.)

Sec. 31. ~~{NRS 205.540 is hereby amended to read as follows:~~

~~205.540 Except as otherwise provided in chapter 104 of NRS, a bailee, or any officer, agent or servant of a bailee, who issues or aids in issuing a duplicate or additional negotiable document of title, knowing that a former negotiable document for the same goods or any part of them is outstanding and uncanceled, shall be punished:~~

~~1. Where the value of the goods purported to be covered by the document of title is [\$1,200] \$750 or more, for a category D felony as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.~~

~~2. Where the value is less than [\$1,200,] \$750, for a misdemeanor.]~~
(Deleted by amendment.)

Sec. 32. ~~{NRS 205.570 is hereby amended to read as follows:~~

~~205.570 A person who, with the intent to defraud, obtains a negotiable document of title for goods to which the person does not have title, or which are subject to a security interest, and negotiates the document for value, without disclosing the want of title or the existence of the security interest, shall be punished:~~

~~1. Where the value of the goods purported to be covered by the document of title is [\$1,200] \$750 or more, for a category D felony as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.~~

~~2. Where the value is less than [\$1,200,] \$750, for a misdemeanor.]~~
(Deleted by amendment.)

Sec. 33. ~~{NRS 205.580 is hereby amended to read as follows:~~

~~205.580 A person who, with the intent to defraud, secures the issue by a bailee of a negotiable document of title, knowing at the time of issue that any or all of the goods are not in possession of the bailee, by inducing the bailee to believe that the goods are in the bailee's possession, shall be punished:~~

~~1. Where the value of the goods purported to be covered by the document of title is [\$1,200] \$750 or more, for a category D felony as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.~~

~~2. Where the value is less than [\$1,200,] \$750, for a misdemeanor.]~~
(Deleted by amendment.)

Sec. 34. ~~{NRS 205.590 is hereby amended to read as follows:~~

~~205.590 A person who, with the intent to defraud, negotiates or transfers for value a document of title, which by the terms thereof represents that goods are in possession of the bailee who issued the document, knowing that the bailee is not in possession of the goods or any part thereof, without~~

~~disclosing this fact, shall be punished:~~

~~1. Where the value of the goods purported to be covered by the document of title is [\$1,200] \$750 or more, for a category D felony as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.~~

~~2. Where the value is less than [\$1,200,] \$750, for a misdemeanor.]~~
(Deleted by amendment.)

Sec. 35. ~~[NRS 205.950 is hereby amended to read as follows:~~

~~205.950 1. It is unlawful for a person to receive an advance fee, salary, deposit or money to obtain a loan for another unless the person places the advance fee, salary, deposit or money in escrow pending completion of the loan or a commitment for the loan.~~

~~2. Advance payments to cover reasonably estimated costs paid to third persons are excluded from the provisions of subsection 1 if the person making them first signs a written agreement which specifies the estimated costs by item and the estimated aggregate cost, and which recites that money advanced for costs will not be refunded. If an itemized service is not performed and the estimated cost thereof is not refunded, the recipient of the advance payment is subject to the penalties provided in subsection 3.~~

~~3. A person who violates the provisions of this section:~~

~~(a) Is guilty of a misdemeanor if the amount is less than [\$1,200,] \$750; or~~
~~(b) Is guilty of a category D felony if the amount is [\$1,200] \$750 or more and shall be punished as provided in NRS 193.130.]~~ (Deleted by amendment.)

Sec. 36. ~~[NRS 207.010 is hereby amended to read as follows:~~

~~207.010 1. Unless the person is prosecuted pursuant to NRS 207.012 or 207.014, a person convicted in this State of:~~

~~(a) Any felony, who has previously been [five] two times convicted, whether in this State or elsewhere, of any crime which under the laws of the situs of the crime or of this State would amount to a felony is a habitual criminal and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 5 years and a maximum term of not more than 20 years.~~

~~(b) Any felony, who has previously been [seven] three times convicted, whether in this State or elsewhere, of any crime which under the laws of the situs of the crime or of this State would amount to a felony is a habitual criminal and shall be punished for a category A felony by imprisonment in the state prison:~~

~~(1) For life without the possibility of parole;~~

~~(2) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or~~

~~(3) For a definite term of 25 years, with eligibility for parole beginning when a minimum of 10 years has been served.~~

~~2. [Except as otherwise provided in this subsection, a previous or current conviction under paragraph (a), (b) or (c) of subsection 2 of NRS 453.336 or~~

~~NRS 453.411 must not be used as the basis for a conviction pursuant to this section. If a person is convicted of violating NRS 453.336 by possessing any amount of flunitrazepam, gamma hydroxybutyrate or any substance for which flunitrazepam or gamma hydroxybutyrate is an immediate precursor, his or her conviction may be used as the basis for a conviction pursuant to this section.~~

~~3.] It is within the discretion of the prosecuting attorney whether to include a count under this section in any information or file a notice of habitual criminality if an indictment is found. The trial judge may, at his or her discretion, dismiss a count under this section which is included in any indictment or information.] (Deleted by amendment.)~~

Sec. 36.5. NRS 207.200 is hereby amended to read as follows:

207.200 1. Unless a greater penalty is provided pursuant to NRS 200.603, any person who, under circumstances not amounting to a burglary:

(a) Goes upon the land or into any building of another with intent to vex or annoy the owner or occupant thereof, or to commit any unlawful act; or

(b) Willfully goes or remains upon any land or in any building after having been warned during the previous 24 months by the owner or occupant thereof not to trespass,

➤ is guilty of a misdemeanor. The meaning of this subsection is not limited by subsections 2 and 4.

2. A sufficient warning against trespassing, within the meaning of this section, is given by any of the following methods:

(a) Painting with fluorescent orange paint:

(1) Not less than 50 square inches of a structure or natural object or the top 12 inches of a post, whether made of wood, metal or other material, at:

(I) Intervals of such a distance as is necessary to ensure that at least one such structure, natural object or post would be within the direct line of sight of a person standing next to another such structure, natural object or post, but at intervals of not more than 1,000 feet; and

(II) Each corner of the land, upon or near the boundary; and

(2) Each side of all gates, cattle guards and openings that are designed to allow human ingress to the area;

(b) Fencing the area;

(c) Posting "no trespassing" signs or other notice of like meaning at:

(1) Intervals of such a distance as is necessary to ensure that at least one such sign would be within the direct line of sight of a person standing next to another such sign, but at intervals of not more than 500 feet; and

(2) Each corner of the land, upon or near the boundary;

(d) Using the area as cultivated land; or

(e) By the owner or occupant of the land or building making an oral or written demand to any guest to vacate the land or building.

3. It is prima facie evidence of trespass for any person to be found on private or public property which is posted or fenced as provided in

subsection 2 without lawful business with the owner or occupant of the property.

4. An entryman on land under the laws of the United States is an owner within the meaning of this section.

5. As used in this section:

(a) "Cultivated land" means land that has been cleared of its natural vegetation and is presently planted with a crop.

(b) "Fence" means a barrier sufficient to indicate an intent to restrict the area to human ingress, including, but not limited to, a wall, hedge or chain link or wire mesh fence. The term does not include a barrier made of barbed wire.

(c) "Guest" means any person entertained or to whom hospitality is extended, including, but not limited to, any person who stays overnight. The term does not include a tenant as defined in NRS 118A.170.

Sec. 37. ~~[NRS 213.15101 is hereby amended to read as follows:~~

~~213.15101 1. The Division shall adopt a written system of graduated sanctions for parole and probation officers to use when responding to a technical violation of the conditions of parole. The system must:~~

~~(a) Set forth a menu of presumptive sanctions for the most common violations, including, without limitation, failure to report, willful failure to pay fines and fees, failure to participate in a required program or service, failure to complete community service and failure to refrain from the use of alcohol or controlled substances;~~

~~(b) Take into account factors such as responsivity factors impacting a person's ability to successfully complete any conditions of supervision, the severity of the current violation, the person's previous criminal record, the number and severity of any previous violations and the extent to which graduated sanctions were imposed for previous violations;~~

~~(c) Include guidance on the use of confinement in a jail or detention facility and electronic monitoring pursuant to subsection 3.~~

~~2. The Division shall establish and maintain a program of initial and ongoing training for parole and probation officers regarding the system of graduated sanctions.~~

~~3. As part of the system of graduated sanctions, the Division may, in response to a technical violation of the conditions of parole:~~

~~(a) Impose confinement in a jail or detention facility for a period of not more than 10 days. The total number of days of confinement imposed pursuant to this paragraph must not, in the aggregate, exceed 30 days;~~

~~(b) Place the person under a system of active electronic monitoring for a period of not more than 60 days using an electronic device approved by the Division. The device may be capable of using the Global Positioning System, but must be minimally intrusive and limited in capability to recording or transmitting information concerning the location of the person;~~

~~4. Notwithstanding any rule or law to the contrary, a parole and probation officer shall use graduated sanctions established pursuant to this~~

section when responding to a technical violation.

~~— [4.] 5. A parole and probation officer intending to impose a graduated sanction shall provide the supervised person with notice of the intended sanction. The notice must inform the person of any alleged violation and the date thereof and the graduated sanction to be imposed.~~

~~— [5.] 6. The failure of a supervised person to comply with a sanction may constitute a technical violation of the conditions of parole.~~

~~— [6.] 7. The Division may not seek revocation of parole for a technical violation of the conditions of parole until all graduated sanctions have been exhausted. If the Division determines that all graduated sanctions have been exhausted, the Division shall submit a report to the Board outlining the reasons for the recommendation of revocation and the steps taken by the Division to change the supervised person's behavior while in the community, including, without limitation, any graduated sanctions imposed before recommending revocation.~~

~~— [7.] 8. As used in this section:~~

~~— (a) "Absconding" has the meaning ascribed to it in NRS [176A.630.] 176A.510.~~

~~— (b) "Technical violation" means any alleged violation of the conditions of parole that does not constitute absconding and is not [the]:~~

~~— (1) The commission of a:~~

~~— [(1)] (I) New felony or gross misdemeanor;~~

~~— [(2)] (II) Battery which constitutes domestic violence pursuant to NRS 200.485;~~

~~— [(3)] (III) Violation of NRS 484C.110 or 484C.120;~~

~~— [(4)] (IV) Crime of violence as defined in NRS 200.408 that is punishable as a misdemeanor;~~

~~— [(5)] (V) Harassment pursuant to NRS 200.571 or stalking or aggravated stalking pursuant to NRS 200.575;~~

~~— [(6)] (VI) Violation of a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591 or a temporary or extended order for protection against sexual assault pursuant to NRS 200.378; [or~~

~~— [(7)] (VII) Violation of a stay away order involving a natural person who is the victim of the crime for which the supervised person is being supervised [;~~

~~— The term does not include]; or~~

~~— [(VIII) Violation of a condition required pursuant to NRS 213.1245; or~~

~~— (2) Termination from a program indicated in a parole release plan approved by the Division, or termination from a specialty court program.]~~

(Deleted by amendment.)

Sec. 38. ~~{NRS 213.1519 is hereby amended to read as follows:~~
~~213.1519 1. Except as otherwise provided in subsections 2 and 3, a parolee whose parole is revoked by decision of the Board : [for the commission of a new felony or gross misdemeanor, battery which constitutes domestic violence pursuant to NRS 200.485, violation of NRS 484C.110 or 484C.120, crime of violence as defined in NRS 200.408 that is punishable as a misdemeanor, harassment pursuant to NRS 200.571, stalking or aggravated stalking pursuant to NRS 200.575, violation of a stay away order involving a natural person who is the victim of the crime for which the parolee is being supervised, violation of a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591 or a temporary or extended order for protection against sexual assault pursuant to NRS 200.378 or for absconding.]~~

~~—(a) Forfeits all credits for good behavior previously earned to reduce his or her sentence pursuant to chapter 209 of NRS; and~~

~~—(b) Must serve such part of the unexpired maximum term or the maximum aggregate term, as applicable, of his or her original sentence as may be determined by the Board with rehearing dates scheduled pursuant to NRS 213.142.~~

~~↗ The Board may restore any credits forfeited under this subsection.~~

~~2. A parolee released on parole pursuant to subsection 1 of NRS 213.1215 whose parole is revoked for having been convicted of a new felony:~~

~~—(a) Forfeits all credits for good behavior previously earned to reduce his or her sentence pursuant to chapter 209 of NRS;~~

~~—(b) Must serve the entire unexpired maximum term or the maximum aggregate term, as applicable, of his or her original sentence; and~~

~~—(c) May not again be released on parole during his or her term of imprisonment.~~

~~3. A parolee released on parole pursuant to subsection 2 of NRS 213.1215 whose parole is revoked by decision of the Board for a violation of any rule or regulation governing his or her conduct:~~

~~—(a) Forfeits all credits for good behavior previously earned to reduce his or her sentence pursuant to chapter 209 of NRS;~~

~~—(b) Must serve such part of the unexpired maximum term or maximum aggregate term, as applicable, of his or her original sentence as may be determined by the Board; and~~

~~—(c) Must not be considered again for release on parole pursuant to subsection 2 of NRS 213.1215 but may be considered for release on parole~~

~~pursuant to NRS 213.1099, with rehearing dates scheduled pursuant to NRS 213.142;~~

~~***The Board may restore any credits forfeited under this subsection.~~

~~[4. If the Board finds that the parolee committed one or more technical violations of the conditions of parole, the Board may:~~

~~— (a) Continue parole supervision;~~

~~— (b) Temporarily revoke parole supervision and impose a term of imprisonment of not more than:~~

~~— (1) Thirty days for the first temporary parole revocation;~~

~~— (2) Ninety days for the second temporary parole revocation; or~~

~~— (3) One hundred and eighty days for the third temporary parole revocation; or~~

~~— (c) Fully revoke parole supervision and impose the remainder of the sentence for a fourth or subsequent revocation.~~

~~5. As used in this section:~~

~~— (a) "Absconding" has the meaning ascribed to it in NRS 176A.630.~~

~~— (b) "Technical violation" means any alleged violation of the conditions of parole that does not constitute absconding and is not the commission of a:~~

~~— (1) New felony or gross misdemeanor;~~

~~— (2) Battery which constitutes domestic violence pursuant to NRS 200.495;~~

~~— (3) Violation of NRS 484C.110 or 484C.120;~~

~~— (4) Crime of violence as defined in NRS 200.408 that is punishable as a misdemeanor;~~

~~— (5) Harassment pursuant to NRS 200.571 or stalking or aggravated stalking pursuant to NRS 200.575;~~

~~— (6) Violation of a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591 or a temporary or extended order for protection against sexual assault pursuant to NRS 200.378; or~~

~~— (7) Violation of a stay away order involving a natural person who is the victim of the crime for which the parolee is being supervised.~~

~~***The term does not include termination from a specialty court program.]]~~

~~(Deleted by amendment.)~~

Sec. 39. ~~[NRS 391.650 is hereby amended to read as follows:~~

~~391.650 As used in NRS 391.650 to 391.826, inclusive, unless the context otherwise requires:~~

~~1. "Administrator" means any employee who holds a license as an administrator and who is employed in that capacity by a school district.~~

~~2. "Board" means the board of trustees of the school district in which a licensed employee affected by NRS 391.650 to 391.826, inclusive, is~~

employed.

~~3. "Demotion" means demotion of an administrator to a position of lesser rank, responsibility or pay and does not include transfer or reassignment for purposes of an administrative reorganization.~~

~~4. "Immorality" means:~~

~~(a) An act forbidden by NRS 200.366, 200.368, 200.400, 200.508, 201.180, 201.190, 201.210, 201.220, 201.230, 201.265, 201.540, 201.560, 207.260, 453.316 to 453.336, inclusive, except an act forbidden by NRS 453.337, 453.338, 453.3385 to 453.3405, inclusive, and section 40 of this act, 453.560 or 453.562; or~~

~~(b) An act forbidden by NRS 201.540 or any other sexual conduct or attempted sexual conduct with a pupil enrolled in an elementary or secondary school. As used in this paragraph, "sexual conduct" has the meaning ascribed to it in NRS 201.520.~~

~~5. "Postprobationary employee" means an administrator or a teacher who has completed the probationary period as provided in NRS 391.820 and has been given notice of reemployment. The term does not include a person who is deemed to be a probationary employee pursuant to NRS 391.730.~~

~~6. "Probationary employee" means:~~

~~(a) An administrator or a teacher who is employed for the period set forth in NRS 391.820; and~~

~~(b) A person who is deemed to be a probationary employee pursuant to NRS 391.730.~~

~~7. "Superintendent" means the superintendent of a school district or a person designated by the board or superintendent to act as superintendent during the absence of the superintendent.~~

~~8. "Teacher" means a licensed employee the majority of whose working time is devoted to the rendering of direct educational service to pupils of a school district.] (Deleted by amendment.)~~

Sec. 40. ~~[Chapter 453 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~Except as otherwise provided in NRS 453.011 to 453.552, inclusive, a person who knowingly or intentionally sells, manufactures, delivers or brings into this State or who is knowingly or intentionally in actual or constructive possession of any controlled substance which is listed in schedule II or any mixture which contains any such controlled substance shall be punished, unless a greater penalty is provided pursuant to NRS 453.322, if the quantity involved:~~

~~1. Is 28 grams or more, but less than 200 grams, for a category C felony as provided in NRS 193.130 and by a fine of not more than \$50,000.~~

~~2. Is 200 grams or more, but less than 400 grams, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years and by a fine of not more than \$100,000.~~

~~3. Is 400 grams or more, for a category A felony by imprisonment in the~~

~~state prison:~~

~~— (a) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 5 years has been served; or~~

~~— (b) For a definite term of 15 years, with eligibility for parole beginning when a minimum of 5 years has been served, and by a fine of not more than \$250,000.} (Deleted by amendment.)~~

Sec. 41. ~~{NRS 453.322 is hereby amended to read as follows:~~

~~453.322 1. Except as authorized by the provisions of NRS 453.011 to 453.552, inclusive, it is unlawful for a person to knowingly or intentionally:~~

~~— (a) Manufacture or compound a controlled substance other than marijuana;~~

~~— (b) Possess, with the intent to manufacture or compound a controlled substance other than marijuana, or sell, exchange, barter, supply, prescribe, dispense or give away, with the intent that the chemical be used to manufacture or compound a controlled substance other than marijuana;~~

~~— (1) Any chemical identified in subsection 5; or~~

~~— (2) Any other chemical which is proven by expert testimony to be commonly used in manufacturing or compounding a controlled substance other than marijuana. The district attorney may present expert testimony to provide a prima facie case that any chemical, whether or not it is a chemical identified in subsection 5, is commonly used in manufacturing or compounding such a controlled substance.~~

~~→ The provisions of this paragraph do not apply to a person who, without the intent to commit an unlawful act, possesses any chemical at a laboratory that is licensed to store the chemical.~~

~~— (c) Offer or attempt to do any act set forth in paragraph (a) or (b);~~

~~2. Unless a greater penalty is provided in subsection 3 or NRS 453.3385, or section 40 of this act, a person who violates any provision of subsection 1 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than \$100,000.~~

~~3. If a person violates any provision of subsection 1 by engaging in the manufacturing or compounding of a controlled substance other than marijuana, or by attempting to do so, and the violation causes a fire or explosion, the person is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 20 years, and may be further punished by a fine of not more than \$100,000.~~

~~4. The court shall not grant probation to a person convicted pursuant to this section.~~

~~5. The following chemicals are identified for the purposes of subsection 1:~~

~~— (a) Acetic anhydride;~~

~~— (b) Acetone;~~

- ~~— (c) N Acetyl anthranilic acid, its esters and its salts.~~
- ~~— (d) Anthranilic acid, its esters and its salts.~~
- ~~— (e) Benzaldehyde, its salts, isomers and salts of isomers.~~
- ~~— (f) Benzyl chloride.~~
- ~~— (g) Benzyl cyanide.~~
- ~~— (h) 1,4 Butanediol.~~
- ~~— (i) 2 Butanone (or methyl ethyl ketone or MEK).~~
- ~~— (j) Ephedrine, its salts, isomers and salts of isomers.~~
- ~~— (k) Ergonovine and its salts.~~
- ~~— (l) Ergotamine and its salts.~~
- ~~— (m) Ethylamine, its salts, isomers and salts of isomers.~~
- ~~— (n) Ethyl ether.~~
- ~~— (o) Gamma butyrolactone.~~
- ~~— (p) Hydriodic acid, its salts, isomers and salts of isomers.~~
- ~~— (q) Hydrochloric gas.~~
- ~~— (r) Iodine.~~
- ~~— (s) Isosafrole, its salts, isomers and salts of isomers.~~
- ~~— (t) Lithium metal.~~
- ~~— (u) Methylamine, its salts, isomers and salts of isomers.~~
- ~~— (v) 3,4 Methylene dioxy phenyl 2 propanone.~~
- ~~— (w) N Methyl ephedrine, its salts, isomers and salts of isomers.~~
- ~~— (x) Methyl isobutyl ketone (MIBK).~~
- ~~— (y) N Methyl pseudoephedrine, its salts, isomers and salts of isomers.~~
- ~~— (z) Nitroethane, its salts, isomers and salts of isomers.~~
- ~~— (aa) Norpseudoephedrine, its salts, isomers and salts of isomers.~~
- ~~— (bb) Phenylacetic acid, its esters and its salts.~~
- ~~— (cc) Phenylpropanolamine, its salts, isomers and salts of isomers.~~
- ~~— (dd) Piperidine and its salts.~~
- ~~— (ee) Piperonal, its salts, isomers and salts of isomers.~~
- ~~— (ff) Potassium permanganate.~~
- ~~— (gg) Propionic anhydride, its salts, isomers and salts of isomers.~~
- ~~— (hh) Pseudoephedrine, its salts, isomers and salts of isomers.~~
- ~~— (ii) Red phosphorous.~~
- ~~— (jj) Safrole, its salts, isomers and salts of isomers.~~
- ~~— (kk) Sodium metal.~~
- ~~— (ll) Sulfuric acid.~~
- ~~— (mm) Toluene.} (Deleted by amendment.)~~

Sec. 42. ~~{NRS 453.333 is hereby amended to read as follows:~~
~~453.333 If the death of a person is proximately caused by a controlled substance which was sold, given, traded or otherwise made available to him or her by another person in violation of this chapter, the person who sold, gave or traded or otherwise made the substance available to him or her is guilty of murder. If convicted of murder in the second degree, the person is guilty of a category A felony and shall be punished as provided in subsection 5 of NRS 200.030. If convicted of murder in the first degree, the~~

person is guilty of a category A felony and shall be punished as provided in subsection 4 of NRS 200.030, except that the punishment of death may be imposed only if the requirements of paragraph (a) of subsection 4 of that section have been met and if the defendant is or has previously been convicted of violating NRS 453.3385 or 453.339 or section 40 of this act or a law of any other jurisdiction which prohibits the same conduct. (Deleted by amendment.)

Sec. 43. ~~[NRS 453.3351 is hereby amended to read as follows:~~
~~453.3351 1. Unless a greater penalty is provided by law, and except as otherwise provided in NRS 193.169, any person who violates NRS 453.322 or 453.3385 or section 40 of this act where the violation included the manufacture of any material, compound, mixture or preparation which contains any quantity of methamphetamine:~~
~~(a) Within 500 feet of a residence, business, church, synagogue or other place of religious worship, public or private school, campus of the Nevada System of Higher Education, playground, public park, public swimming pool or recreational center for youths; or~~
~~(b) In a manner which creates a great risk of death or substantial bodily harm to another person,~~
~~shall be punished by imprisonment in the state prison for a term equal to and in addition to the term of imprisonment prescribed by statute for the crime. The sentence prescribed by this section runs consecutively with the sentence prescribed by statute for the crime.~~
~~2. This section does not create a separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.~~
~~3. For the purposes of this section:~~
~~(a) "Playground" has the meaning ascribed to it in NRS 453.3345.~~
~~(b) "Recreational center for youths" has the meaning ascribed to it in NRS 453.3345.~~
~~(c) "Residence" means any house, room, apartment, tenement, manufactured home as defined in NRS 489.113, or mobile home as defined in NRS 489.120, that is designed or intended for occupancy.] (Deleted by amendment.)~~

Sec. 44. ~~[NRS 453.3353 is hereby amended to read as follows:~~
~~453.3353 1. Unless a greater penalty is provided by law, and except as otherwise provided in this section and NRS 193.169, if:~~
~~(a) A person violates NRS 453.322 or 453.3385, or section 40 of this act, and the violation involves the manufacturing or compounding of any controlled substance other than marijuana; and~~
~~(b) During the discovery or cleanup of the premises at, on or in which the controlled substance was manufactured or compounded, another person suffers substantial bodily harm other than death as the proximate result of the manufacturing or compounding of the controlled substance,~~
~~the person who committed the offense shall be punished by imprisonment~~

~~in the state prison for a term equal to and in addition to the term of imprisonment prescribed by statute for the offense. The sentence prescribed by this subsection runs consecutively with the sentence prescribed by statute for the offense.~~

~~2. Unless a greater penalty is provided by law, and except as otherwise provided in NRS 193.169, if:~~

~~(a) A person violates NRS 453.322 or 453.3385, or section 40 of this act, and the violation involves the manufacturing or compounding of any controlled substance other than marijuana; and~~

~~(b) During the discovery or cleanup of the premises at, on or in which the controlled substance was manufactured or compounded, another person suffers death as the proximate result of the manufacturing or compounding of the controlled substance,~~

~~the offense shall be deemed a category A felony and the person who committed the offense shall be punished by imprisonment in the state prison:~~

~~(1) For life without the possibility of parole;~~

~~(2) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 20 years has been served; or~~

~~(3) For a definite term of 50 years, with eligibility for parole beginning when a minimum of 20 years has been served.~~

~~3. Subsection 1 does not create a separate offense but provides an additional penalty for the primary offense, the imposition of which is contingent upon the finding of the prescribed fact. Subsection 2 does not create a separate offense but provides an alternative penalty for the primary offense, the imposition of which is contingent upon the finding of the prescribed fact.~~

~~4. As used in this section:~~

~~(a) "Marijuana" does not include concentrated cannabis.~~

~~(b) "Premises" means:~~

~~(1) Any temporary or permanent structure, including, without limitation, any building, house, room, apartment, tenement, shed, carport, garage, shop, warehouse, store, mill, barn, stable, outhouse or tent; or~~

~~(2) Any conveyance, including, without limitation, any vessel, boat, vehicle, airplane, glider, house trailer, travel trailer, motor home or railroad car;~~

~~whether located aboveground or underground and whether inhabited or not. (Deleted by amendment.)~~

Sec. 45. ~~{NRS 453.336 is hereby amended to read as follows:~~

~~453.336 1. Except as otherwise provided in subsection 6, a person shall not knowingly or intentionally possess a controlled substance, unless the substance was obtained directly from, or pursuant to, a prescription or order of a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician, optometrist, advanced practice registered nurse or veterinarian while acting in the course of his or her professional practice, or except as otherwise authorized by the provisions of NRS 453.005~~

~~to 453.552, inclusive.~~

~~2. Except as otherwise provided in subsections 3, 4 and 5 and in NRS 453.3363, and unless a greater penalty is provided in NRS 212.160, 453.3385 or 453.339, or section 40 of this act, a person who violates this section:~~

~~—(a) For a first or second offense, if the controlled substance is listed in schedule I or II and the quantity possessed is less than 14 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is less than 28 grams, is guilty of possession of a controlled substance and shall be punished for a category E felony as provided in NRS 193.130. In accordance with NRS 176.211, the court shall defer judgment upon the consent of the person.~~

~~—(b) For a third or subsequent offense, if the controlled substance is listed in schedule I or II and the quantity possessed is less than 14 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is less than 28 grams, or if the offender has previously been convicted two or more times in the aggregate of any violation of the law of the United States or of any state, territory or district relating to a controlled substance, is guilty of possession of a controlled substance and shall be punished for a category D felony as provided in NRS 193.130, and may be further punished by a fine of not more than \$20,000.~~

~~—(c) If the controlled substance is listed in schedule I or II and the quantity possessed is 14 grams or more, but less than 28 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is 28 grams or more, but less than 200 grams, is guilty of low level possession of a controlled substance and shall be punished for a category C felony as provided in NRS 193.130.~~

~~—(d) If the controlled substance is listed in schedule I or II and the quantity possessed is 28 grams or more, but less than 42 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is 200 grams or more, is guilty of mid-level possession of a controlled substance and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years and by a fine of not more than \$50,000.~~

~~—(e) If the controlled substance is listed in schedule I or II and the quantity possessed is 42 grams or more, but less than 100 grams, is guilty of high level possession of a controlled substance and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years and by a fine of not more than \$50,000.~~

~~3. Unless a greater penalty is provided in NRS 212.160, 453.337 or 453.3385, or section 40 of this act, a person who is convicted of the possession of [flunitrazepam]:~~

~~—(a) Flunitrazepam or gamma-hydroxybutyrate, or any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor [,]; or~~

~~—(b) A mixture containing fentanyl, carfentanil and a benzimidazole opioid, or any analog thereof;~~

~~— is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.~~

~~— 4. Unless a greater penalty is provided pursuant to NRS 212.160, a person who is convicted of the possession of 1 ounce or less of marijuana is guilty of a misdemeanor and shall be punished by:~~

~~— (a) Performing not more than 24 hours of community service;~~

~~— (b) Attending the live meeting described in paragraph (a) of subsection 2 of NRS 484C.530 and complying with any other requirements set forth in that section; or~~

~~— (c) Being required to undergo an evaluation in accordance with subsection 1 of NRS 484C.350,~~

~~— or any combination thereof.~~

~~— 5. Unless a greater penalty is provided pursuant to NRS 212.160, a person who is convicted of the possession of more than 1 ounce, but less than 50 pounds, of marijuana or more than one eighth of an ounce, but less than one pound, of concentrated cannabis is guilty of a category E felony and shall be punished as provided in NRS 193.130.~~

~~— 6. It is not a violation of this section if a person possesses a trace amount of a controlled substance and that trace amount is in or on a hypodermic device obtained from a sterile hypodermic device program pursuant to NRS 439.985 to 439.994, inclusive.~~

~~— 7. The court may grant probation to or suspend the sentence of a person convicted of violating this section.~~

~~— 8. If a person fulfills the terms and conditions imposed for a violation of subsection 4, the court shall, without a hearing, order sealed all documents, papers and exhibits in that person's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order. The court shall cause a copy of the order to be sent to each agency or officer named in the order. Each such agency or officer shall notify the court in writing of its compliance with the order.~~

~~— 9. As used in this section:~~

~~— (a) "Controlled substance" includes flunitrazepam, gamma hydroxybutyrate and each substance for which flunitrazepam or gamma hydroxybutyrate is an immediate precursor.~~

~~— (b) "Marijuana" does not include concentrated cannabis.~~

~~— (c) "Sterile hypodermic device program" has the meaning ascribed to it in NRS 439.986. (Deleted by amendment.)~~

Sec. 46. ~~[NRS 453.337 is hereby amended to read as follows:~~

~~— 453.337 1. Except as otherwise authorized by the provisions of NRS 453.011 to 453.552, inclusive, it is unlawful for a person to possess for the purpose of sale flunitrazepam, gamma hydroxybutyrate, any substance~~

~~for which flunitrazepam or gamma hydroxybutyrate is an immediate precursor or any controlled substance classified in schedule I or II.~~

~~2. Unless a greater penalty is provided in NRS 453.3385 or 453.339, or section 40 of this act, a person who violates this section shall be punished:~~

~~(a) For the first offense, for a category D felony as provided in NRS 193.130.~~

~~(b) For a second offense, or if, in the case of a first conviction of violating this section, the offender has previously been convicted of a felony under the Uniform Controlled Substances Act or of an offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to a felony under the Uniform Controlled Substances Act, for a category C felony as provided in NRS 193.130.~~

~~(c) For a third or subsequent offense, or if the offender has previously been convicted two or more times of a felony under the Uniform Controlled Substances Act or of any offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to a felony under the Uniform Controlled Substances Act, for a category B felony by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than \$20,000 for each offense.~~

~~3. Except as otherwise provided in this subsection, unless mitigating circumstances exist that warrant the granting of probation, the court shall not grant probation to or suspend the sentence of a person convicted of violating this section and punishable pursuant to paragraph (b) or (c) of subsection 2. The court shall not grant probation to or suspend the sentence of a person convicted of violating this section, even if mitigating circumstances exist that would otherwise warrant the granting of probation, if the person violated this section by possessing fentanyl, flunitrazepam, gamma hydroxybutyrate or any substance for which fentanyl, flunitrazepam or gamma hydroxybutyrate is an immediate precursor.] (Deleted by amendment.)~~

Sec. 47. ~~[NRS 453.3383 is hereby amended to read as follows:
453.3383 For the purposes of NRS 453.3385 and 453.339, and section 40 of this act, the weight of the controlled substance as represented by the person selling or delivering it is determinative if the weight as represented is greater than the actual weight of the controlled substance.] (Deleted by amendment.)~~

Sec. 48. ~~[NRS 453.3385 is hereby amended to read as follows:
453.3385 1. Except as otherwise authorized by the provisions of NRS 453.011 to 453.552, inclusive, a person who knowingly or intentionally sells, manufactures, delivers or brings into this State or who is knowingly or intentionally in actual or constructive possession of flunitrazepam, gamma hydroxybutyrate, any substance for which flunitrazepam or gamma hydroxybutyrate is an immediate precursor or any controlled substance which is listed in schedule I, [or II,] except marijuana, or any mixture which contains any such controlled substance, unless a greater~~

penalty is provided pursuant to NRS 453.322, if the quantity involved:

~~— (a) Is [100] 4 grams or more, but less than [400] 14 grams, is guilty of low level trafficking and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than [2 years] 1 year and a maximum term of not more than [20] 6 years and by a fine of not more than [\$100,000.] \$50,000.~~

~~— (b) Is 14 grams or more, but less than 28 grams, is guilty of mid level trafficking and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years and by a fine of not more than \$100,000.~~

~~— (c) Is [400] 28 grams or more, is guilty of high level trafficking and shall be punished for a category A felony by imprisonment in the state prison.~~

~~— (1) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or~~

~~— (2) For a definite term of 25 years, with eligibility for parole beginning when a minimum of 10 years has been served,~~

~~→ and by a fine of not more than \$500,000.~~

~~— 2. As used in this section, "marijuana" does not include concentrated cannabis. (Deleted by amendment.)~~

Sec. 49. ~~[NRS 453.3405 is hereby amended to read as follows:~~

~~— 453.3405 1. Except as otherwise provided in subsection 2, the adjudication of guilt and imposition of sentence of a person found guilty of trafficking in a controlled substance in violation of NRS 453.3385 or 453.339 or section 40 of this act must not be suspended and the person is not eligible for parole until the person has actually served the mandatory minimum term of imprisonment prescribed by the section under which the person was convicted.~~

~~— 2. The court, upon an appropriate motion, may reduce or suspend the sentence of any person convicted of violating any of the provisions of NRS 453.3385 or 453.339 or section 40 of this act if the court finds that the convicted person rendered substantial assistance in the investigation or prosecution of any offense. The arresting agency must be given an opportunity to be heard before the motion is granted. Upon good cause shown, the motion may be heard in camera.~~

~~— 3. Any appropriate reduction or suspension of a sentence pursuant to subsection 2 must be determined by the court, for reasons stated by the court that may include, without limitation, consideration of the following:~~

~~— (a) The court's evaluation of the significance and usefulness of the convicted person's assistance, taking into consideration the prosecuting attorney's evaluation of the assistance rendered;~~

~~— (b) The truthfulness, completeness and reliability of any information or testimony provided by the convicted person;~~

~~— (c) The nature and extent of the convicted person's assistance;~~

~~— (d) Any injury suffered or any danger or risk of injury to the convicted person or his or her family resulting from his or her assistance; and~~

~~—(e) The timeliness of the convicted person's assistance.}] (Deleted by amendment.)~~

~~Sec. 50. [NRS 453C.150 is hereby amended to read as follows:~~

~~—453C.150 1. Notwithstanding any other provision of law, a person who, in good faith, seeks medical assistance for a person who is experiencing a drug or alcohol overdose or other medical emergency or who seeks such assistance for himself or herself, or who is the subject of a good faith request for such assistance may not be arrested, charged, prosecuted or convicted, or have his or her property subjected to forfeiture, or be otherwise penalized for violating;~~

~~—(a) Except as otherwise provided in subsection 4, a provision of chapter 453 of NRS relating to:~~

~~—(1) Drug paraphernalia, including, without limitation, NRS 453.554 to 453.566, inclusive;~~

~~—(2) Possession, unless it is for the purpose of sale or violates the provisions of NRS 453.3385, subsection 2 of NRS 453.3393 or 453.3405 [;] or section 40 of this act; or~~

~~—(3) Use of a controlled substance, including, without limitation, NRS 453.336;~~

~~—(b) A local ordinance as described in NRS 453.3361 that establishes an offense that is similar to an offense set forth in NRS 453.336;~~

~~—(c) A restraining order; or~~

~~—(d) A condition of the person's parole or probation;~~

~~— if the evidence to support the arrest, charge, prosecution, conviction, seizure or penalty was obtained as a result of the person seeking medical assistance;~~

~~—2. A court, before sentencing a person who has been convicted of a violation of chapter 453 of NRS for which immunity is not provided by this section, shall consider in mitigation any evidence or information that the defendant, in good faith, sought medical assistance for a person who was experiencing a drug or alcohol overdose or other life-threatening emergency in connection with the events that constituted the violation.~~

~~—3. For the purposes of this section, a person seeks medical assistance if the person:~~

~~—(a) Reports a drug or alcohol overdose or other medical emergency to a member of a law enforcement agency, a 911 emergency service, a poison control center, a medical facility or a provider of emergency medical services;~~

~~—(b) Assists another person making such a report;~~

~~—(c) Provides care to a person who is experiencing a drug or alcohol overdose or other medical emergency while awaiting the arrival of medical assistance; or~~

~~—(d) Delivers a person who is experiencing a drug or alcohol overdose or other medical emergency to a medical facility and notifies the appropriate authorities.~~

~~4. The provisions of this section do not prohibit any governmental entity from taking any actions required or authorized by chapter 432B of NRS relating to the abuse or neglect of a child.~~

~~5. As used in this section, "drug or alcohol overdose" means a condition, including, without limitation, extreme physical illness, a decreased level of consciousness, respiratory depression, coma, mania or death which is caused by the consumption or use of a controlled substance or alcohol, or another substance with which a controlled substance or alcohol was combined, or that an ordinary layperson would reasonably believe to be a drug or alcohol overdose that requires medical assistance.} (Deleted by amendment.)~~

Sec. 51. ~~[NRS 458A.240 is hereby amended to read as follows:~~

~~458A.240 1. [Whenever] If a person is placed under the supervision of a qualified mental health professional, the person's sentencing [must] may be deferred and, except as otherwise provided in subsection 4, the person's conviction [must] may be set aside if the qualified mental health professional certifies to the court that the person has satisfactorily completed the program of treatment and the court approves the certification and determines that the conditions upon the election of treatment have been satisfied.~~

~~2. If, upon the expiration of the treatment period, the qualified mental health professional has not certified that the person has completed the program of treatment, the court shall sentence the person. If the person has satisfied the conditions upon the election of treatment and the court believes that the person will complete his or her treatment voluntarily, the court may set the conviction aside.~~

~~3. If, before the treatment period expires, the qualified mental health professional determines that the person is not likely to benefit from further treatment, the qualified mental health professional shall so advise the court. The court shall then:~~

~~(a) Arrange for the transfer of the person to a more suitable program, if any; or~~

~~(b) Terminate the supervision and conduct a hearing to determine whether the person should be sentenced.~~

~~* If a person is sentenced pursuant to this section, any time spent in institutional care must be deducted from any sentence imposed.~~

~~4. Regardless of whether the person successfully completes treatment, the court shall not set aside the conviction of a person who has a record of two or more convictions of any felony for two or more separate incidents.} (Deleted by amendment.)~~

Sec. 52. ~~[NRS 458A.250 is hereby amended to read as follows:~~

~~458A.250 1. The [determination of problem gambling and civil commitment] setting aside of a conviction pursuant to NRS [458A.200 to 458A.260, inclusive,] 458A.240 shall not be deemed a criminal conviction.~~

~~2. The records relating to the setting aside of a conviction pursuant to NRS 458A.240 may be sealed pursuant to NRS 179.255.} (Deleted by amendment.)~~

Sec. 53. ~~[NRS 475.105 is hereby amended to read as follows:~~

~~475.105 A person who steals a device intended for use in preventing, controlling, extinguishing or giving warning of a fire:~~

~~1. If the device has a value of less than [\$1,200,] \$750, is guilty of a misdemeanor;~~

~~2. If the device has a value of [\$1,200] \$750 or more, is guilty of a category D felony and shall be punished as provided in NRS 193.130.]~~
(Deleted by amendment.)

Sec. 54. ~~[NRS 484C.430 is hereby amended to read as follows:~~

~~484C.430 1. Unless a greater penalty is provided pursuant to NRS 484C.440, a person who:~~

~~(a) Is under the influence of intoxicating liquor;~~

~~(b) Has a concentration of alcohol of 0.08 or more in his or her blood or breath;~~

~~(c) Is found by measurement within 2 hours after driving or being in actual physical control of a vehicle to have a concentration of alcohol of 0.08 or more in his or her blood or breath;~~

~~(d) Is under the influence of a controlled substance or is under the combined influence of intoxicating liquor and a controlled substance;~~

~~(e) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely driving or exercising actual physical control of a vehicle; or~~

~~(f) Has a prohibited substance in his or her blood or urine, as applicable, in an amount that is equal to or greater than the amount set forth in subsection 3 or 4 of NRS 484C.110;~~

~~and does any act or neglects any duty imposed by law while driving or in actual physical control of any vehicle on or off the highways of this State, if the act or neglect of duty proximately causes the death of, or substantial bodily harm to, another person, shall be punished as provided in subsection 2.~~

~~2. A person who commits any of the acts set forth in subsection 1 and causes:~~

~~(a) The death of another person is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than [2] 5 years and a maximum term of not more than [20] 25 years and must be further punished by a fine of not less than \$2,000 nor more than \$5,000;~~

~~(b) Substantial bodily harm to another person is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and must be further punished by a fine of not less than \$2,000 nor more than \$5,000.~~

~~→ A person so imprisoned must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned~~

to an institution or facility of minimum security.

~~— [2.] 3. A prosecuting attorney shall not dismiss a charge of violating the provisions of subsection 1 in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless the attorney knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial. A sentence imposed pursuant to subsection [1] 2 may not be suspended nor may probation be granted.~~

~~— [3.] 4. Except as otherwise provided in subsection [4.] 5, if consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after driving or being in actual physical control of the vehicle, and before his or her blood or breath was tested, to cause the defendant to have a concentration of alcohol of 0.08 or more in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.~~

~~— [4.] 5. If the defendant is also charged with violating the provisions of NRS 484E.010, 484E.020 or 484E.030, the defendant may not offer the affirmative defense set forth in subsection [3.] 4.~~

~~— [5.] 6. If the defendant was transporting a person who is less than 15 years of age in the motor vehicle at the time of the violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.] (Deleted by amendment.)~~

Sec. 55. ~~[NRS 501.3765 is hereby amended to read as follows:~~

~~— 501.3765 1. Any person who intentionally steals, takes and carries away one or more traps, snares or similar devices owned by another person with an aggregate value of less than [\$1,200] \$750 is guilty of a gross misdemeanor.~~

~~— 2. Any person who buys, receives, possesses or withholds one or more traps, snares or similar devices owned by another person with an aggregate value of less than [\$1,200:] \$750:~~

~~— (a) Knowing that the traps, snares or similar devices are stolen property;~~
~~or~~

~~— (b) Under such circumstances as should have caused a reasonable person to know that the traps, snares or similar devices are stolen property,~~
~~is guilty of a gross misdemeanor.] (Deleted by amendment.)~~

Sec. 56. ~~[NRS 598.0999 is hereby amended to read as follows:~~

~~— 598.0999 1. Except as otherwise provided in NRS 598.0974, a person who violates a court order or injunction issued pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, upon a complaint brought by the Commissioner, the Director, the district attorney of any county of this State or the Attorney General shall forfeit and pay to the State General Fund a civil penalty of not more than \$10,000 for each violation. For the purpose of this~~

~~section, the court issuing the order or injunction retains jurisdiction over the action or proceeding. Such civil penalties are in addition to any other penalty or remedy available for the enforcement of the provisions of NRS 598.0903 to 598.0999, inclusive.~~

~~2. Except as otherwise provided in NRS 598.0974, in any action brought pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, if the court finds that a person has willfully engaged in a deceptive trade practice, the Commissioner, the Director, the district attorney of any county in this State or the Attorney General bringing the action may recover a civil penalty not to exceed \$5,000 for each violation. The court in any such action may, in addition to any other relief or reimbursement, award reasonable attorney's fees and costs.~~

~~3. A natural person, firm, or any officer or managing agent of any corporation or association who knowingly and willfully engages in a deceptive trade practice:~~

~~(a) For an offense involving a loss of property or services valued at [\$1,200] \$750 or more but less than \$5,000, is guilty of a category D felony and shall be punished as provided in NRS 193.130.~~

~~(b) For an offense involving a loss of property or services valued at \$5,000 or more but less than \$25,000, is guilty of a category C felony and shall be punished as provided in NRS 193.130.~~

~~(c) For an offense involving a loss of property or services valued at \$25,000 or more but less than \$100,000, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than \$10,000.~~

~~(d) For an offense involving a loss of property or services valued at \$100,000 or more, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years, and by a fine of not more than \$15,000.~~

~~(e) For any offense other than an offense described in paragraphs (a) to (d), inclusive, is guilty of a misdemeanor.~~

~~* The court may require the natural person, firm, or officer or managing agent of the corporation or association to pay to the aggrieved party damages on all profits derived from the knowing and willful engagement in a deceptive trade practice and treble damages on all damages suffered by reason of the deceptive trade practice.~~

~~4. If a person violates any provision of NRS 598.0903 to 598.0999, inclusive, 598.100 to 598.2801, inclusive, 598.405 to 598.525, inclusive, 598.741 to 598.787, inclusive, 598.840 to 598.966, inclusive, or 598.9701 to 598.9718, inclusive, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Commissioner or the district attorney of~~

~~any county may bring an action in the name of the State of Nevada seeking:~~

~~— (a) The suspension of the person's privilege to conduct business within this State; or~~

~~— (b) If the defendant is a corporation, dissolution of the corporation.~~

~~→ The court may grant or deny the relief sought or may order other appropriate relief.~~

~~5. If a person violates any provision of NRS 228.500 to 228.640, inclusive, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Attorney General may bring an action in the name of the State of Nevada seeking:~~

~~— (a) The suspension of the person's privilege to conduct business within this State; or~~

~~— (b) If the defendant is a corporation, dissolution of the corporation.~~

~~→ The court may grant or deny the relief sought or may order other appropriate relief.~~

~~6. In an action brought by the Commissioner or the Attorney General pursuant to subsection 4 or 5, process may be served by an employee of the Consumer Affairs Unit of the Department of Business and Industry or an employee of the Attorney General.~~

~~7. As used in this section:~~

~~— (a) "Property" has the meaning ascribed to it in NRS 193.0225.~~

~~— (b) "Services" has the meaning ascribed to it in NRS 205.0829.~~

~~— (c) "Value" means the fair market value of the property or services at the time the deceptive trade practice occurred. The value of a written instrument which does not have a readily ascertainable market value is the greater of the face amount of the instrument less the portion satisfied or the amount of economic loss to the owner of the instrument resulting from the deprivation of the instrument. The trier of fact shall determine the value of all other property whose value is not readily ascertainable, and may, in making that determination, consider all relevant evidence, including evidence of the value of the property to its owner.} (Deleted by amendment.)~~

Sec. 57. ~~{NRS 612.445 is hereby amended to read as follows:~~

~~612.445 1. A person shall not make a false statement or representation, knowing it to be false, or knowingly fail to disclose a material fact in order to obtain or increase any benefit or other payment under this chapter, including, without limitation, by:~~

~~— (a) Failing to properly report earnings;~~

~~— (b) Filing a claim for benefits using the social security number, name or other personal identifying information of another person; or~~

~~— (c) Filing a claim for or receiving benefits and failing to disclose, at the time he or she files the claim or receives the benefits, any compensation for a temporary total disability or a temporary partial disability or money for rehabilitative services pursuant to chapters 616A to 616D, inclusive, or 617~~

~~of NRS received by the person or for which a claim has been submitted pursuant to those chapters.~~

~~↗ A person who violates the provisions of this subsection commits unemployment insurance fraud.~~

~~2. When the Administrator finds that a person has committed unemployment insurance fraud pursuant to subsection 1, the person shall repay to the Administrator for deposit in the Fund a sum equal to all of the benefits received by or paid to the person for each week with respect to which the false statement or representation was made or to which the person failed to disclose a material fact in addition to any interest, penalties and costs related to that sum. Except as otherwise provided in subsection 3 of NRS 612.480, the Administrator may make an initial determination finding that a person has committed unemployment insurance fraud pursuant to subsection 1 at any time within 4 years after the first day of the benefit year in which the person committed the unemployment insurance fraud.~~

~~3. Except as otherwise provided in this subsection and subsection 8, the person is disqualified from receiving unemployment compensation benefits under this chapter:~~

~~(a) For a period beginning with the week in which the Administrator issues a finding that the person has committed unemployment insurance fraud pursuant to subsection 1 and ending not more than 52 consecutive weeks after the week in which it is determined that a claim was filed in violation of subsection 1; or~~

~~(b) Until the sum described in subsection 2, in addition to any interest, penalties or costs related to that sum, is repaid to the Administrator;~~

~~↗ whichever is longer. The Administrator shall fix the period of disqualification according to the circumstances in each case.~~

~~4. It is a violation of subsection 1 for a person to file a claim, or to cause or allow a claim to be filed on his or her behalf, if:~~

~~(a) The person is incarcerated in the state prison or any county or city jail or detention facility or other correctional facility in this State; and~~

~~(b) The claim does not expressly disclose his or her incarceration.~~

~~5. A person who obtains benefits of [\$1,200] \$750 or more in violation of subsection 1 shall be punished in the same manner as theft pursuant to subsection 2 of NRS 205.0835.~~

~~6. In addition to the repayment of benefits required pursuant to subsection 2, the Administrator:~~

~~(a) Shall impose a penalty equal to 15 percent of the total amount of benefits received by the person in violation of subsection 1. Money recovered by the Administrator pursuant to this paragraph must be deposited in the Unemployment Trust Fund in accordance with the provisions of NRS 612.590.~~

~~(b) May impose a penalty equal to not more than:~~

~~(1) If the amount of such benefits is greater than \$25 but not greater than \$1,000, 5 percent;~~

~~(2) If the amount of such benefits is greater than \$1,000 but not greater than \$2,500, 10 percent; or~~

~~(3) If the amount of such benefits is greater than \$2,500, 35 percent, of the total amount of benefits received by the person in violation of subsection 1 or any other provision of this chapter. Money recovered by the Administrator pursuant to this paragraph must be deposited in the Employment Security Fund in accordance with the provisions of NRS 612.615.~~

~~7. Except as otherwise provided in subsection 8, a person may not pay benefits as required pursuant to subsection 2 by using benefits which would otherwise be due and payable to the person if he or she was not disqualified.~~

~~8. The Administrator may waive the period of disqualification prescribed in subsection 3 for good cause shown or if the person adheres to a repayment schedule authorized by the Administrator that is designed to fully repay benefits received from an improper claim, in addition to any related interest, penalties and costs, within 18 months. If the Administrator waives the period of disqualification pursuant to this subsection, the person may repay benefits as required pursuant to subsection 2 by using any benefits which are due and payable to the person, except that benefits which are due and payable to the person may not be used to repay any related interest, penalties and costs.~~

~~9. The Administrator may recover any money required to be paid pursuant to this section in accordance with the provisions of NRS 612.365 and may collect interest on any such money in accordance with the provisions of NRS 612.620.] (Deleted by amendment.)~~

Sec. 57.5. 1. There is hereby appropriated from the State General Fund to the Department of Public Safety the sum of \$500,000 for the purchase of two machines that are capable of testing for fentanyl and its derivatives and measuring the concentration thereof in mixtures.

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

Sec. 58. 1. This section and sections 1 to 57, inclusive, of this act~~becomes~~ become effective upon passage and approval.

2. Section 57.5 of this act becomes effective on July 1, 2023.

Senator Scheible moved the adoption of the amendment.

Remarks by Senator Scheible.

Amendment No. 990 to Senate Bill No. 412 replaces numerous provisions of the bill to include five provisions that we have agreed to regarding criminal justice.

Amendment adopted.

Bill read third time.

Remarks by Senator Scheible.

Senate Bill No. 412 makes various changes to criminal justice, and it is a good bill that we should vote for.

Roll call on Senate Bill No. 412:

YEAS—20.

NAYS—Ohrenschall.

Senate Bill No. 412 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 400.

Bill read third time.

Remarks by Senator Cannizzaro.

Assembly Bill No. 400, as amended, revises various provisions relating to education, including childhood literacy, Nevada teacher advancement scholarships, Read by [Grade] 3, changes to the Public Charter School Authority and ability to increase those, and it provides funding for the pieces of the bill.

Roll call on Assembly Bill No. 400:

YEAS—20.

NAYS—Hansen.

Assembly Bill No. 400 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 528.

Bill read third time.

Remarks by Senator Dondero Loop.

Assembly Bill No. 528, as amended, creates the Homelessness Supportive Services Matching Account, appropriates \$100 million in General Fund appropriations and requires the money in the Account to be used to provide matching funds up to \$100 million to qualified projects that are facilities to provide supportive services to individuals and families experiencing homelessness or at-risk of becoming homeless.

I would like to add that no sites have been identified yet. This bill is expecting that the leaders will get together with stakeholders and determine the very best action moving forward with this funding.

Roll call on Assembly Bill No. 528:

YEAS—19.

NAYS—Hansen, Titus—2.

Assembly Bill No. 528 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 263.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 984.

SUMMARY—Makes an appropriation to the Children's Cabinet for the purchase and renovation of a parcel of land to carry out the Oddie Project. (BDR S-921)

AN ACT making an appropriation to the Children's Cabinet for the purchase and renovation of a parcel of land to carry out the Oddie Project; and providing other matters properly relating thereto.

WHEREAS, The Children's Cabinet and the Food Bank of Northern Nevada, nonprofit organizations, are proposing the Oddie Project, which would serve a high poverty sector in Sparks, Nevada, by providing access to childcare, workforce and job training and wraparound services designed to help individuals and families; and

WHEREAS, The high poverty sector that the Oddie Project intends to serve includes significantly more single-parent households, households without a vehicle, households receiving assistance under the Supplemental Nutrition Assistance Program, households receiving public assistance, renters spending 30 percent or more of their income on rent, children and families living below the poverty level, people over the age of 25 without a high school diploma and instances of poor mental health; and

WHEREAS, The Oddie Project includes the purchase of a parcel of land, which contains a grocery store that will be renovated to construct spaces for child care, workforce development, offices, community education and meetings; and

WHEREAS, The goal of the Oddie Project is to harness passion, deploy expertise and leverage resources for the purposes of integrating services and support necessary to effectively and efficiently improve the long-term social and economic well-being of individuals and families; now, therefore,

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

Section 1. 1. There is hereby appropriated from the State General Fund to the Children's Cabinet the sum of ~~(\$8,000,000)~~ \$6,000,000 for the purchase of land and any buildings thereon, and ~~(the sum of \$4,000,000)~~ for the renovation by the Children's Cabinet of the parcel of land and any buildings thereon, located at 2244 Oddie Boulevard, Sparks, Nevada. The parcel of land proposed for acquisition lies in a portion of the NE 1/4 of Section 6, Township 19 North, Range 20 East, Mount Diablo Base and Meridian, County of Washoe, State of Nevada. Said parcel being more particularly described as:

Beginning at the southeast corner of Parcel 1-C, as shown on Parcel Map No. 5431 for Plaza 800 Partners, LLC, a Delaware Limited Liability Company, File No. 4970983, recorded November 7, 2019, Official Records of Washoe County, Nevada, said point being further described as lying on the northerly right-of-way line of Oddie Boulevard, a 100-foot-wide public roadway; thence along said northerly right-of-way line N 89°22'35" W, a distance of 433.87 feet;

thence departing said northerly right-of-way line N 0°39'29" E, a distance of 270.58 feet; thence N 89°08'50" W, a distance of 94.94 feet; thence N 23°36'37" W, a distance of 22.40 feet; thence N 0°38'46" E, a distance of 181.60 feet; thence S 89°24'38" E, a distance of 61.59 feet; thence N 0°39'22" E, a distance of 97.52 feet; thence S 89°20'12" E, a distance of 32.95 feet; thence N 19°58'12" E, a distance of 61.46 feet to a point on the southerly right-of-way line of Greenbrae Drive, a 70-foot-wide public roadway; thence along said southerly right-of-way line the following three courses; S 70°01'48" E, a distance of 231.56 feet; along the arc of a tangent curve to the left, having a radius of 535.00 feet through a central angle of 20°09'58", a distance of 188.30 feet; N 89°48'14" E, a distance of 133.49 feet; thence departing said southerly right-of-way line along the arc of a tangent curve to the right, having a radius of 40.00 feet, through a central angle of 92°17'12", a distance of 64.43 feet to a point on the westerly right-of-way line of Sullivan Lane, a 70-foot-wide public roadway; thence along said westerly right-of-way line S 2°05'26" W, a distance of 342.70 feet; thence departing westerly right-of-way line N 89°22'35" W, a distance of 142.24 feet; thence 2°05'26" W, a distance of 140.00 feet to the point of beginning, containing 7.50 acres of land, more or less.

ASSESSOR'S PARCEL NO. 026-442-11

2. Upon acceptance of the money appropriated by subsection 1, the Children's Cabinet agrees to:

(a) Prepare and transmit a report to the Interim Finance Committee on or before December 20, 2024, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by the Children's Cabinet through December 1, 2024;

(b) Prepare and transmit a final report to the Interim Finance Committee on or before December 18, 2026, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by the Children's Cabinet through December 1, 2026;

(c) Prepare and transmit a final report to the Interim Finance Committee on or before September 17, 2027, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by the Children's Cabinet through June 30, 2027; and

(d) Upon request of the Legislative Commission, make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, of the Children's Cabinet, regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of the money appropriated pursuant to subsection 1.

3. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2027, 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 17, 2027, 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 17, 2027.

Sec. 2. This act becomes effective ~~on July 1, 2023.~~ upon passage and approval.

Senator Dondero Loop moved the adoption of the amendment.

Remarks by Senator Dondero Loop.

Amendment No. 984 to Senate Bill No. 263 makes an appropriation to the Children's Cabinet for the purchase and renovation of a parcel of land to carry out the Oddie Project. Senate Amendment No. 984 amends Senate Bill No. 263 by reducing General Fund appropriations to the Children's Cabinet from \$12 million to \$6 million for the purchase and renovation of a parcel of land located at 2244 Oddie Boulevard, Sparks, Nevada, and changes the effective date to upon passage and approval.

Amendment adopted.

Bill read third time.

Remarks by Senator Seevers Gansert.

Senate Bill No. 263, as amended, makes a General Fund appropriation to the Children's Cabinet of \$6 million to purchase and renovate a parcel of land located on Oddie Boulevard. This project will allow the Children's Cabinet, the Food Bank of Northern Nevada, the Boys & Girls Club, the Community Health Alliance and other nonprofits to provide services to the community, which is probably one of the most disadvantaged in the Reno-Sparks community. I urge your support.

Roll call on Senate Bill No. 263:

YEAS—21.

NAYS—None.

Senate Bill No. 263 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 341.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 989.

SUMMARY ~~[Makes appropriations to the Food Bank of Northern Nevada and Three Square for the purpose of purchasing food for persons who are served by such organizations.]~~ Revises provisions relating to governmental financial administration. (BDR S-502)

AN ACT relating to governmental financial administration; making appropriations ~~[to the Food Bank of Northern Nevada and Three Square for the purpose of purchasing food for persons who are served by such organizations;]~~ for various purposes relating to health, education and employment and other community services; revising provisions relating to the titles and maximum salaries of the unclassified personnel of the Public

Utilities Commission of Nevada; and providing other matters properly relating thereto.

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

Section 1. ~~{1.}~~ There is hereby appropriated from the State General Fund to the Food Bank of Northern Nevada the sum of \$2,000,000 for the purpose of purchasing food for distribution to persons served by the Food Bank. ~~{the following sums:~~

~~For the Fiscal Year 2023-2024\$1,000,000~~

~~For the Fiscal Year 2024-2025\$1,000,000~~

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

~~3. Upon acceptance of the money appropriated by subsection 1, the Food Bank of Northern Nevada agrees to:~~

~~—(a) Prepare and transmit a report to the Interim Finance Committee on or before December 20, 2024, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by the Food Bank of Northern Nevada through December 1, 2024;~~

~~—(b) Prepare and transmit a final report to the Interim Finance Committee on or before September 19, 2025, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by the Food Bank of Northern Nevada through June 30, 2025; and~~

~~—(c) Upon request of the Legislative Commission, make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, of the Food Bank of Northern Nevada, regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of the money appropriated pursuant to subsection 1.]~~

Sec. 2. ~~{1.}~~ There is hereby appropriated from the State General Fund to Three Square the sum of \$2,000,000 for the purpose of purchasing food for distribution to persons served by Three Square Food Bank. ~~{the following sums:~~

~~For the Fiscal Year 2023-2024\$1,000,000~~

~~For the Fiscal Year 2024-2025\$1,000,000~~

~~2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after~~

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

~~3. Upon acceptance of the money appropriated by subsection 1, Three Square agrees to:~~

~~(a) Prepare and transmit a report to the Interim Finance Committee on or before December 20, 2024, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by Three Square through December 1, 2024;~~

~~(b) Prepare and transmit a final report to the Interim Finance Committee on or before September 19, 2025, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by Three Square through June 30, 2025; and~~

~~(c) Upon request of the Legislative Commission, make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, of Three Square, regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of the money appropriated pursuant to subsection 1.~~

Sec. 3. There is hereby appropriated from the State General Fund to the Advisory Committee on Problem Gambling created by NRS 458A.060 the sum of \$500,000 to conduct statewide seminars on problem gambling awareness.

Sec. 4. There is hereby appropriated from the State General Fund to the Boys & Girls Clubs of Southern Nevada the sum of \$250,000 for its programs.

Sec. 5. There is hereby appropriated from the State General Fund to Boys Town Nevada the sum of \$250,000 for its programs.

Sec. 6. There is hereby appropriated from the State General Fund to Candlelighters Childhood Cancer Foundation of Nevada the sum of \$1,000,000 for the provision of assistance to children affected by cancer and their families.

Sec. 7. There is hereby appropriated from the State General Fund to Catholic Charities of Southern Nevada the sum of \$3,000,000 for its Meals on Wheels Program.

Sec. 8. There is hereby appropriated from the State General Fund to the Cleveland Clinic Nevada the sum of \$3,000,000 for medical services and research.

Sec. 9. There is hereby appropriated from the State General Fund to Communities in Schools of Nevada the sum of \$1,000,000 for its programs.

Sec. 10. There is hereby appropriated from the State General Fund to the Culinary Academy of Las Vegas the sum of \$6,000,000 for a capital improvement project.

Sec. 11. There is hereby appropriated from the State General Fund to the Culinary Academy of Las Vegas the sum of \$4,000,000 for an outreach campaign to enroll persons into accredited hospitality programs with in-house support.

Sec. 12. There is hereby appropriated from the State General Fund to the Department of Education the sum of \$250,000 for Holocaust education programs.

Sec. 13. There is hereby appropriated from the State General Fund to the Division of State Library, Archives and Public Records of the Department of Administration the sum of \$500,000 for books and other research materials.

Sec. 14. There is hereby appropriated from the State General Fund to the Domestic Violence Resource Center in Reno, Nevada the sum of \$1,000,000 for its programs and services.

Sec. 15. There is hereby appropriated from the State General Fund to Friends of Gem Theater the sum of \$1,000,000 for the restoration of the Gem Theater in Pioche, Nevada.

Sec. 16. There is hereby appropriated from the State General Fund to the Gay and Lesbian Community Center of Southern Nevada, Inc. the sum of \$1,000,000 for its programs and services.

Sec. 17. There is hereby appropriated from the State General Fund to Green Our Planet the sum of \$3,000,000 for its programs for school gardens.

Sec. 18. There is hereby appropriated from the State General Fund to the International Gaming Institute of the University of Nevada, Las Vegas, the sum of \$500,000 for the "Expanding the Leaderverse" initiative to increase the diversity of the leadership of the gaming industry.

Sec. 19. There is hereby appropriated from the State General Fund to the Leadership Institute of Nevada the sum of \$250,000 for educational training, support and programming for first-generation college students.

Sec. 20. There is hereby appropriated from the State General Fund to the Legal Aid Center of Southern Nevada the sum of \$4,000,000 for a capital improvement project.

Sec. 21. There is hereby appropriated from the State General Fund to the Legal Aid Center of Southern Nevada the sum of \$250,000 for programs and services relating to tenants' rights.

Sec. 22. There is hereby appropriated from the State General Fund to The Neon Museum the sum of \$1,000,000 for a capital improvement project.

Sec. 23. There is hereby appropriated from the State General Fund to the Nevada Arts Council created by NRS 233C.025 the sum of \$500,000 for its programs and activities.

Sec. 24. There is hereby appropriated from the State General Fund to the Nevada Blind Children's Foundation the sum of \$1,000,000 for its programs and services.

Sec. 25. There is hereby appropriated from the State General Fund to the Nevada Clean Energy Fund formed pursuant to NRS 701B.985 the sum of \$1,000,000 to use for obtaining federal money to assist with carrying out qualified clean energy projects and economic policies pursuant to NRS 701B.930 to 701B.995, inclusive.

Sec. 26. There is hereby appropriated from the State General Fund to the Pioneer Center for the Performing Arts the sum of \$1,000,000 for a capital improvement project.

Sec. 27. There is hereby appropriated from the State General Fund to the Regional Transportation Commission of Southern Nevada the sum of \$5,000,000 for activities to stabilize transit operations.

Sec. 28. There is hereby appropriated from the State General Fund to the Roseman University of Health Sciences the sum of \$1,000,000 for recruitment of students.

Sec. 29. There is hereby appropriated from the State General Fund to Special Olympics Nevada the sum of \$250,000 for its programs.

Sec. 30. There is hereby appropriated from the State General Fund to the Tahoe-Douglas Visitors Authority the sum of \$1,200,000 for providing microtransit service.

Sec. 31. There is hereby appropriated from the State General Fund to United Way of Northern Nevada and the Sierra the sum of \$1,200,000 for its United Readers Program.

Sec. 32. There is hereby appropriated from the State General Fund to the Greenspun College of Urban Affairs of the University of Nevada, Las Vegas the sum of \$1,000,000 for tourist safety initiatives.

Sec. 33. There is hereby appropriated from the State General Fund to Vegas PBS the sum of \$4,000,000 for digital educational materials and activities related to the Outdoor Nevada television program.

Sec. 34. There is hereby appropriated from the State General Fund to the Interim Finance Committee the sum of \$2,500,000 for allocation to the nonprofit corporation formed to establish an art museum in Las Vegas, Nevada, upon a showing to the Committee:

1. That the corporation has been incorporated under the laws of this State as a nonprofit corporation; and

2. That the purpose of the corporation is to establish an art museum in Las Vegas, Nevada.

Sec. 35. Except for a state agency, as defined in NRS 223.470, upon acceptance of the money appropriated by this act, the entity that accepts the money agrees to:

1. Prepare and transmit a report to the Interim Finance Committee on or before December 20, 2024, that describes each expenditure made from the money appropriated by this act from the date on which the money was received by the entity through December 1, 2024;

2. Prepare and transmit a final report to the Interim Finance Committee on or before September 19, 2025, that describes each expenditure made from

the money appropriated by this act from the date on which the money was received by the entity through June 30, 2025; and

3. Upon request of the Legislative Commission, make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, of the entity, regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of the money appropriated by this act.

Sec. 36. Any remaining balance of the appropriations made by sections 1 to 34, inclusive, 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. 37. Section 1 of Assembly Bill No. 522 of this session is hereby amended to read as follows:

Section 1. The following state officers, employees and medical and related positions are entitled to receive approximate annual salaries of not more than the maximum amounts set forth following their specified titles or positions:

Title or Position	Annual Salary
1. Office of the Attorney General:	
Administrative Services Officer	\$84,241
Assistant Attorney General (each)	159,930
Attorney General Counsel for Prosecuting Attorneys	122,187
Bureau Chief (each)	145,217
Chief Deputy Attorney General (each)	134,342
Chief Financial Officer	116,247
Chief Investigator.....	121,515
Chief Personnel Manager.....	99,797
Chief of Staff.....	159,930
Construction Law Counsel.....	150,765
Deputy Attorney General (each)	108,753
Engineer	93,618
Executive Assistant	63,973
Financial Analyst (each)	92,759
General Counsel.....	150,765
Information Technology Chief.....	113,926
Investigator (each).....	74,984
Legal Researcher (each).....	63,973

Ombudsman for Victims of Domestic Violence, Sexual Assault and Human Trafficking	88,765
Program Specialist, Technological Crimes	63,973
Public Information Officer	80,605
Regulatory Manager	103,920
Senior Deputy Attorney General (each)	121,547
Senior Economist	116,268
Senior Engineer	103,829
Senior Regulatory Analyst	97,027
Solicitor General	150,765
Special Assistant Attorney General, Military	122,187
Special Assistant Attorney General, Neighborhood	\$122,187
Special Counsel (each)	150,765
Supervising Legal Researcher (each)	67,171
Technical Staff Manager	103,920
Victims Advocate (each)	73,602
2. Office of the Controller:	
Chief Deputy Controller	\$122,187
Executive Assistant	63,973
3. Office of the Governor, Agency for Nuclear Projects:	
Executive Assistant	\$63,973
Executive Director	131,078
Planner/Researcher	94,594
Planning Division Administrator	119,321
Technical Programs Division Administrator	119,321
4. Office of the Governor, Nevada Athletic Commission:	
Chief Assistant	\$76,767
Division Administrator	111,313
5. Office of the Governor, Office for New Americans:	
Director	\$80,605
6. Office of the Governor, Office of Energy:	
Deputy Director	\$106,414
Director	121,547
7. Office of the Governor, Office of Finance:	
Administrator, Office of Project Management, SMART 21	\$127,780
Chief Assistant Budget Administrator	101,138
Deputy Director	133,060
Director, Office of Finance	145,217
Director, Office of Project Management, SMART 21	140,739
Division Administrator, Budget Division	122,187
Division Administrator, Internal Audits	122,187
Executive Assistant	63,973

	Organizational Change Manager, Office of Project Management, SMART 21	116,677
8.	Office of the Governor, Office of Federal Assistance:	
	Director	\$92,253
	Executive Grants Analyst (each).....	70,437
	Senior Executive Grants Analyst	84,230
9.	Office of the Governor, Office of Science, Innovation and Technology:	
	Director	\$101,163
10.	Office of the Lieutenant Governor:	
	Administrative Secretary (each).....	\$54,357
	Assistant to the Lieutenant Governor (each).....	80,528
	Chief of Staff	84,553
	Deputy Director, Office of Small Business Advocacy	67,802
	Director, Office of Small Business Advocacy	80,605
	Executive Assistant	63,973
11.	Office of the Secretary of State:	
	Business Portal Administrator.....	\$116,607
	Chief Deputy	133,060
	Chief, Enforcement	110,959
	Deputy Secretary of State, Commercial Recordings	111,313
	Deputy Secretary of State, Elections	122,187
	Deputy Secretary of State, Operations	111,313
	Deputy Secretary of State, Southern Nevada	111,313
	Executive Assistant	63,973
	Public Information Officer	80,605
	Securities Administrator.....	116,247
12.	Office of the State Treasurer:	
	Chief Deputy State Treasurer	\$133,060
	Chief of Staff.....	133,060
	Deputy State Treasurer, Cash Management	111,313
	Deputy State Treasurer, Debt Management	111,313
	Deputy State Treasurer, Financial Literacy and Security	111,313
	Deputy State Treasurer, Investments	133,060
	Deputy State Treasurer, Unclaimed Property.....	111,313
	Executive Assistant	63,973
	Executive Director, Millennium Scholarship	111,313
	Senior Deputy State Treasurer (each)	122,187
13.	Department of Administration:	
	Deputy Director.....	\$133,060
	Director	145,217
	Executive Assistant	63,973

(a) Administrative Services Division	
Division Administrator.....	\$122,187
(b) Division of Enterprise Information Technology Services	
Chief Assistant, Planning	\$92,741
Chief, Planning, Research and Grant	
Management.....	101,138
Deputy Administrator	122,187
Division Administrator.....	133,060
Special Advisor	111,313
State Chief Information Officer	133,060
(c) Division of Human Resource Management	
Administrator, Equal Employment Opportunity	\$92,760
Division Administrator.....	122,187
Division Deputy Administrator (each).....	99,797
(d) Division of State Library, Archives and Public Records	
Division Administrator.....	\$111,313
(e) Fleet Services Division	
Division Administrator.....	\$92,760
(f) Hearings Division	
Appeals Officer (each)	\$121,547
Hearing Officer (each)	80,605
Information Systems Specialist.....	70,492
Senior Appeals Officer.....	134,342
(g) Mail Services Division	
Division Administrator	\$92,760
(h) Purchasing Division	
Attorney	\$108,753
Division Administrator.....	111,313
(i) Public Employees' Deferred Compensation Program	
Deferred Compensation Executive Officer	\$111,313
(j) Risk Management Division	
Division Administrator.....	\$99,797
(k) State Public Works Division	
Administrator	\$140,739
Deputy Administrator, Buildings and Grounds.....	122,187
Deputy Administrator, Code Compliance and	
Enforcement	133,060
Deputy Administrator, Professional Services	\$133,060
Project Manager II (each).....	111,313
Project Manager III (each)	121,547
14. State Department of Agriculture:	
Deputy Director.....	\$122,187
Director	133,060
(a) Division of Administrative Services	
Division Administrator.....	\$111,313

(b) Division of Animal Industry	
Deputy Administrator	\$99,797
Division Administrator.....	111,313
(c) Division of Food and Nutrition	
Deputy Administrator	\$99,797
Division Administrator.....	111,313
(d) Division of Measurement Standards	
Division Administrator.....	\$111,313
(e) Division of Plant Health and Compliance	
Deputy Administrator	\$99,797
Division Administrator.....	111,313
(f) Miscellaneous	
Executive Assistant	\$63,973
Industry and Global Trade Coordinator	88,230
State Veterinarian.....	124,705
Supervisor, Animal Disease Laboratory	110,302
Veterinary Diagnostician	102,197
15. Department of Business and Industry:	
Deputy Director, Administration.....	\$111,313
Deputy Director, Programs	122,187
Director	145,217
(a) Attorney for Injured Workers	
Deputy Attorney (each).....	\$108,753
Division Administrator.....	134,342
Senior Deputy Attorney (each)	121,547
(b) Division of Financial Institutions	
Certified Public Accountant	\$76,978
Deputy Division Administrator	92,759
Division Administrator.....	111,313
(c) Division of Industrial Relations	
Attorney (each)	\$108,753
Chief Investigator.....	92,759
Deputy Division Administrator (each).....	99,797
Deputy Division Administrator, Mechanical	
Unit	92,759
Deputy Division Administrator, Mine Safety	92,759
Deputy Division Administrator, Safety	
Consultation	92,759
Division Administrator.....	122,187
Senior Attorney	121,547
(d) Division of Insurance	
Deputy Division Administrator (each).....	\$111,313
Deputy Division Administrator, Captive	
Insurers.....	108,753
Division Administrator.....	133,060

Insurance Counsel/Hearing Officer (each).....	111,313
Lead Actuary (each).....	143,353
Lead Insurance Counsel/Hearing Officer.....	121,547
(e) Division of Mortgage Lending	
Certified Public Accountant.....	\$76,978
Deputy Division Administrator.....	92,759
Division Administrator.....	111,313
(f) Employee-Management Relations Board	
Division Administrator.....	\$99,797
Executive Assistant	63,973
(g) Housing Division	
Affordable Housing Advocate	\$80,605
Chief Assistant	76,767
Chief Financial Officer	108,753
Deputy Administrator	92,759
Deputy Division Administrator.....	92,759
Division Administrator.....	111,313
(h) Nevada Transportation Authority	
Attorney	\$108,753
Chief Transportation Inspector	105,951
Commissioner (each)	121,801
Deputy Division Administrator.....	108,753
Division Administrator.....	129,899
Financial Analyst (each)	92,868
Manager	100,621
(i) Office of the Labor Commissioner	
Chief Assistant	\$59,697
Deputy Division Administrator.....	92,759
Division Administrator.....	111,313
State Apprenticeship Director.....	83,591
(j) Real Estate Division	
Deputy Division Administrator.....	\$92,759
Division Administrator.....	111,313
Ombudsman	84,554
(k) Taxicab Authority	
Attorney	\$108,753
Division Administrator.....	129,899
Deputy Division Administrator.....	99,797
(l) Miscellaneous	
Administrative Law Judge	\$121,547
Executive Assistant	63,973
Ombudsman of Consumer Affairs for	
Minorities	84,554
16. State Department of Conservation and Natural Resources:	
Deputy Director (each).....	\$122,187

	Director	145,217
(a)	Division of Environmental Protection	
	Division Administrator.....	\$140,739
(b)	Division of Forestry	
	Division Administrator.....	\$122,187
(c)	Division of Natural Heritage	
	Administrator	\$111,313
(d)	Division of Outdoor Recreation	
	Deputy Division Administrator.....	\$92,759
	Division Administrator.....	99,797
(e)	Division of State Lands	
	Division Administrator.....	\$111,313
(f)	Division of State Parks	
	Division Administrator.....	\$122,187
(g)	Division of Water Resources	
	Chief Administrative Law Judge (licensed attorney)	\$134,342
	District Supervisor, Water Commissioner.....	80,605
	Division Administrator	140,739
(h)	Office of Historic Preservation	
	Administrator	\$111,313
(i)	Miscellaneous	
	Executive Assistant	\$63,973
17.	Department of Corrections:	
	Assistant to the Director	\$101,133
	Deputy Director, Industrial Programs	133,060
	Deputy Director, Operations, Northern Region	133,060
	Deputy Director, Operations, Southern Region	133,060
	Deputy Director, Support Services.....	133,060
	Director	145,217
	Executive Assistant	63,973
	Medical Director	217,595
	Mental Health Director	122,187
18.	Department of Education:	
	Chief Strategy Officer.....	\$105,951
	Deputy Superintendent for Administrative and Fiscal Services.....	122,187
	Deputy Superintendent of Instructional, Research and Evaluative Services (each).....	122,187
	Director, Safe and Respectful Learning Office	99,797
	Executive Assistant	\$63,973
	Superintendent of Public Instruction	145,217
19.	Department of Employment, Training and Rehabilitation:	
	Deputy Director (each).....	\$133,060
	Director	145,217

(a) Employment Security Division	
Deputy Staff Attorney.....	\$108,753
Division Administrator.....	133,060
Senior Attorney	121,547
(b) Governor's Office of Workforce Innovation	
Executive Director	\$110,949
(c) Information Development and Processing Division	
Division Administrator.....	\$122,187
(d) Nevada Equal Rights Commission	
Division Administrator.....	\$99,797
(e) Rehabilitation Division	
Chief, Disability Employment Policy	\$92,760
Division Administrator.....	122,187
(f) Miscellaneous	
Chief Auditor	\$102,354
Executive Assistant	63,973
Hearing Officer (each)	80,605
20. Department of Health and Human Services:	
(a) Aging and Disability Services Division	
Chief, Elder Rights.....	\$108,753
Deputy Division Administrator (each).....	122,187
Division Administrator.....	133,060
Executive Director, Persons Who are Deaf and Hard of Hearing	74,648
Sign Language Interpreter (each).....	84,636
Regional Coordinator (each).....	88,765
(b) Director's Office	
Administrative Assistant, Patient Protection Commission	\$54,127
Chief Biostatistician, Data Analytics	111,313
Deputy Director, Administrative Services	122,187
Deputy Director, Fiscal Services.....	122,187
Deputy Director, Programs	122,187
Director	145,217
Executive Director, Patient Protection Commission	99,797
Policy Analyst, Patient Protection Commission.....	84,241
(c) Division of Child and Family Services	
Bureau Chief, Youth Parole Bureau.....	\$111,313
Deputy Division Administrator (each).....	122,187
Division Administrator.....	133,060
Medical Epidemiologist	176,943
Superintendent, Caliente Youth Center.....	111,313
Superintendent, Nevada Youth Training Center	111,313

	Superintendent, Summit View Youth Correctional Center	116,876
(d)	Division of Health Care Financing and Policy	
	Actuary.....	\$111,313
	Deputy Division Administrator (each)	122,187
	Division Administrator.....	133,060
	State Dental Health Officer	176,943
(e)	Division of Public and Behavioral Health	
	Chief Medical Officer	\$245,371
	Deputy Division Administrator (each)	122,187
	Division Administrator.....	140,739
	Hospital Administrator	121,547
	Medical Epidemiologist	176,943
	Medical Program Coordinator, Mental Health Program.....	215,574
	State Epidemiologist	111,313
	Statewide Psychiatric Medical Director	235,355
	Statewide Suicide Prevention Coordinator.....	80,605
	Statewide Suicide Prevention Trainer/Networking Facilitator (each).....	76,767
(f)	Office for Consumer Health Assistance	
	Chief, Elder Rights.....	\$99,797
	Governor's Consumer Health Advocate	111,313
	Ombudsman for Consumer Health Assistance (each).....	88,765
(g)	Office of Minority Health and Equity	
	Manager	\$80,605
(h)	Welfare and Supportive Services	
	Deputy Division Administrator (each)	\$122,187
	Division Administrator.....	133,060
(i)	Miscellaneous	
	Agency Manager (each)	\$121,547
	Executive Assistant (each)	63,973
21.	Department of Indigent Defense Services:	
	Deputy Director (each).....	\$140,739
	Deputy Public Defender, Appellate	108,753
	Deputy Public Defender (each)	108,753
	Executive Assistant	63,973
	Executive Director	142,017
	Investigator (each).....	74,984
	State Public Defender.....	134,342
	Supervising Public Defender (appeals)	121,547
	Supervising Public Defender (office) (each)	121,547
	Supervising Public Defender (trial).....	121,547

22. Department of Motor Vehicles:

- (a) Administrative Services Division
 - Division Administrator..... \$111,313
- (b) Division of Central Services and Records
 - Division Administrator..... \$111,313
- (c) Division of Compliance Enforcement
 - Deputy Administrator \$111,313
 - Division Administrator..... 122,187
- (d) Division of Field Services
 - Deputy Administrator \$111,313
 - Division Administrator..... 122,187
- (e) Division of Information Technology
 - Division Administrator..... \$122,187
- (f) Division of the Office of the Director
 - Deputy Director..... \$140,739
 - Director 145,217
 - Executive Assistant 63,973
- (g) Division of Research and Project Management
 - Division Administrator..... \$127,780
 - Deputy Administrator 111,313
 - Organizational Change Manager..... 116,677
- (h) Motor Carrier Division
 - Division Administrator..... \$111,313
- (i) Office of Administrative Hearings
 - Administrative Law Judge (licensed attorney)
 - (each)..... \$121,547
 - Administrative Law Judge (other than licensed attorney) (each) 108,753
 - Chief Administrative Law Judge (licensed attorney) 134,342
 - Chief Administrative Law Judge (other than licensed attorney) 121,547

23. Department of Public Safety:

- Deputy Director..... \$140,739
- Director 145,217
- Executive Assistant 63,973
- (a) Capitol Police Division
 - Division Administrator..... \$111,313
- (b) Division of Parole and Probation
 - Chair, State Board of Parole Commissioners \$122,187
 - Division Administrator..... 140,739
 - Executive Director, Parole Board..... 99,797
 - Executive Secretary, Parole Board..... 63,973
 - Parole Board Member (each) 99,797

(c) Investigation Division	
Division Administrator.....	\$133,060
(d) Nevada Highway Patrol Division	
Chief.....	\$140,739
Lieutenant Colonel.....	140,739
(e) Nevada Office of Cyber Defense Coordination	
Division Administrator, Cyber Security.....	\$118,604
(f) Office of Traffic Safety	
Division Administrator, Highway Safety	
Planning and Administration.....	\$108,753
(g) Records, Communications and Compliance Division	
Administrator, NCJIS Program.....	\$127,780
Division Administrator.....	127,656
(h) State Fire Marshal Division	
Division Administrator.....	\$122,187
24. Department of Sentencing Policy:	
Executive Director	\$142,017
Deputy Director.....	108,753
25. Department of Taxation:	
Administrative Law Judge (licensed attorney).....	\$121,547
Chief Administrative Law Judge (licensed attorney)	134,342
Chief Deputy Director.....	133,060
Deputy Director (each).....	122,187
Executive Assistant	63,973
Executive Director	145,217
State Demographer.....	108,753
26. Department of Tourism and Cultural Affairs:	
Administrator, Nevada Arts Council.....	\$111,313
Advertising Sales Representative.....	67,323
Art Director (each).....	65,630
Chief Deputy, Administration.....	111,313
Deputy Director, Division of Tourism	111,313
Deputy Director, Marketing and Advertising.....	88,231
Deputy Director, Sales and Industry Partners	88,231
Development Specialist, Nevada Magazine (each).....	73,385
Development Specialist, Tourism (each)	82,841
Development Specialist II, Tourism (each).....	88,231
Director	133,060
Division Administrator, Museums and History	111,313
Editor Publisher, Nevada Magazine.....	100,243
Executive Assistant	63,973
Executive Director, Nevada Indian Commission	111,313
Managing Editor, Publications.....	77,056

Operations and Finance Manager.....	96,496
Production Manager.....	62,113
Project Analyst.....	63,551
Project Analyst II (each)	74,100
Public Information Officer.....	90,931
Public Relations Specialist.....	82,842
27. Department of Transportation:	
Administrator of External Civil Rights	\$111,313
Assistant Director, Administrative Services	122,187
Assistant Director, Engineering	140,739
Assistant Director, Operations	140,739
Assistant Director, Planning and Program	
Development	122,187
Chief Pilot.....	121,547
Communications Director	99,797
Deputy Director (each).....	142,017
Director	145,217
Executive Assistant	63,973
Executive Director, Nevada State Infrastructure	
Bank	133,060
Hearings Officer.....	80,605
Pilot II (each)	\$99,797
Pilot III (each).....	108,753
28. Department of Veterans Services:	
Administrator, Veterans Home	\$122,187
Deputy Director, Health and Wellness.....	92,760
Deputy Director, Programs and Services	92,760
Director	108,753
Executive Assistant	63,973
29. Department of Wildlife:	
Chief Game Warden.....	\$111,313
Deputy Director (each).....	122,187
Director	133,060
Division Administrator, Conservation	
Education	99,797
Division Administrator, Fisheries Management	99,797
Division Administrator, Game Management	99,797
Division Administrator, Habitat.....	99,797
Division Administrator, Data and Technology	
Services	99,797
Division Administrator, Wildlife Diversity.....	99,797
Executive Assistant	63,973
30. Colorado River Commission of Nevada:	
Administrative Services Officer.....	\$135,807
Assistant Director, Energy Information Systems	122,150

Assistant Director, Engineering and Operations	135,724
Assistant Hydropower Program Manager	115,366
Assistant Power Supply Planner	105,950
Deputy Director.....	142,510
Director	149,883
Division Head, Water.....	135,807
Energy Accountant.....	89,563
Energy Services Manager	142,510
Environmental Program Manager	122,150
Hydropower Program Manager.....	128,939
Manager, Power Accounting.....	121,547
Manager, Power Planner	121,547
Natural Resource Specialist (each)	118,080
Network Administrator	88,219
Office Manager	74,648
Power Facilities Communication Technician (each).....	95,008
Power Facilities Electrician.....	88,219
Power Facilities Manager (each).....	122,150
Power Supply Manager	135,807
Power Supply Planner.....	122,187
Senior Energy Accountant (each)	101,791
Senior Power Facilities Electrician (each)	95,008
Senior Power Facilities Engineer	117,453
31. Commission on Ethics:	
Associate Counsel	\$108,753
Commission Counsel	121,547
Executive Assistant	\$63,973
Executive Director	121,547
Investigator	74,984
Senior Legal Researcher	63,973
32. Commission on Judicial Discipline:	
General Counsel.....	\$159,930
33. Commission on Mineral Resources:	
Administrator, Division of Minerals	\$119,335
Chief for Dangerous Mines	85,862
Chief for Mine Regulation	85,862
Deputy Administrator, Division of Minerals	95,466
Field Specialist, Minerals (each).....	72,690
Program Manager, Oil, Gas and Geothermal	109,880
34. Nevada Gaming Control Board:	
(a) Administration Division	
Chief.....	\$121,515
Chief Deputy	110,470

(b) Audit Division	
Agent (each).....	\$82,603
Chief.....	121,515
Chief Deputy (each)	110,470
Senior Agent (each)	86,950
Special Agent (each)	91,297
Supervisor (each)	100,425
(c) Enforcement Division	
Agent (each).....	\$82,603
Chief.....	121,515
Chief Deputy (each)	110,470
Senior Agent (each)	86,950
Special Agent (each)	91,297
Supervisor (each)	100,425
(d) Gaming Control Board	
Chair.....	\$170,240
Executive Secretary.....	110,470
Member (each)	158,293
(e) Investigations Division	
Agent (each).....	\$82,603
Chief.....	121,515
Chief Deputy (each)	110,470
Investigative Services Manager (each)	107,458
Senior Agent (each)	86,950
Special Agent (each)	91,297
Supervisor (each)	100,425
(f) Tax and License Division	
Agent (each).....	\$82,603
Chief.....	121,515
Chief Deputy.....	110,470
Senior Agent (each)	86,950
Special Agent	91,297
Supervisor (each)	100,425
(g) Technology Division	
Chief.....	\$129,799
Chief Deputy, Technology	118,668
Engineer, Technology (each)	107,636
Information Security Officer.....	107,636
Senior Agent (each)	86,950
Senior Engineer, Technology (each).....	113,016
Technician, Technology (each).....	70,439
(h) Miscellaneous	
Executive Assistant	\$67,106
Financial Officer	95,609
Hearings Officer (each).....	106,414

Human Resources Manager	107,458
Information Management Coordinator.....	95,609
Information Technology Manager	118,392
Network Specialist I (each)	84,639
Network Specialist II (each).....	93,472
Programming Manager.....	111,395
Programming Supervisor	104,968
Senior Application Developer (each)	94,238
Senior Economic Analyst.....	106,375
Senior Network Specialist.....	101,482
Senior Policy Counsel.....	106,375
Senior Research Specialist	106,375
Supervisor (each)	100,425
Systems Administrator (each)	100,077
System Manager.....	111,395
35. Office of the Military:	
Adjutant General	\$145,217
Administrative Assistant, StarBase Program (each).....	58,964
Administrator, Nevada National Guard Youth Challenge Program.....	99,236
Administrator, StarBase Program (each)	92,760
Administrator, Youth Programs	122,187
Analyst Supervisor/NAIC Manager, Homeland Security	84,243
Deputy Administrator, Nevada National Guard Youth Challenge Program.....	92,759
Deputy Administrator, StarBase Program.....	85,000
Division Administrator, Homeland Security	133,060
Nevada National Guard Enlisted – SAD (each)	98,940
Nevada National Guard Officer – SAD (each)	162,846
Nevada National Guard Warrant Officer – SAD (each)	111,314
Nevada National Guard, Cyber Security Specialist	106,744
Psychological Health Manager (each).....	84,229
Training Specialist (each)	80,195
36. Peace Officers' Standards and Training Commission:	
Bureau Chief (each)	\$87,858
Deputy Director.....	99,797
Director	111,313
Executive Assistant	63,973
Training Specialist (each)	80,195

37. Public Employees' Benefits Program:	
Chief Financial Officer	\$108,753
Executive Assistant	63,973
Executive Officer	140,739
Lead Insurance Counsel	121,547
Operations Officer.....	119,628
Quality Control Officer	108,753
38. Public Utilities Commission of Nevada:	
Administrative Attorney (each).....	\$108,753
Assistant Commission Secretary	~~109,797~~ 108,753
Chair.....	~~142,017~~ 158,293
Chief Attorney (each).....	134,342
Commission Policy ~~[Advisory]~~ Adviser (each) ~~(105,951)~~	118,080
Commission Secretary	~~111,313~~ 122,187
Consumer Outreach.....	92,759
Director, Regulatory Operations	~~133,060~~ 142,510
~~[Engineer, Electric (each)].....~~	~~103,829~~
~~Engineer, Gas Pipeline (each).....~~	~~96,622~~
~~Engineer, Water~~	~~105,951~~
Executive Assistant (each)	63,973
Executive Director	~~133,060~~ 149,883
~~[Financial Analyst (each)].....~~	~~92,868~~
~~Legal Case Manager.....~~	~~80,605~~
~~Manager, Consumer Complaint Resolution~~	~~111,313~~
General Counsel.....	150,765
Manager, Engineering	135,724
Manager, Information Technology	111,313
Manager, Policy Analysis	~~111,313~~ 135,807
Manager, Regulatory Accounting	122,187
Manager, Resource and Market Analysis.....	~~111,313~~ 122,187
~~[Manager, Safety and Quality Assurance~~	~~111,313]~~
Manager, Systems Operation	104,549
~~[Manager, Tariffs and Compliance~~	~~111,313]~~
Public Education and Statistical Analysis	
Officer (each)	76,767
Public Utilities Commissioner (each)	~~133,060~~ 150,000
Regulatory Accountant (each).....	101,791
Regulatory Economist (each).....	~~109,676~~ 106,375
~~[Resource Planning Engineer~~	~~96,622~~
~~Rural Consumer Representative.....~~	~~75,084~~
~~Senior Analyst.....~~	~~83,221~~
Regulatory Engineer (each).....	117,453
Senior Attorney (each)	121,547
Senior Compliance Investigator	83,221
~~[Senior Engineering Analyst~~	~~96,622~~

Senior Financial Analyst	97,512
~~Senior Gas Pipeline Engineer~~	~~\$105,951~~
~~Senior Regulatory Economist~~	~~104,659~~
Senior Utility Analyst (each)	83,221
~~Supervisor, Consumer Complaint Resolution~~	~~92,759~~
Staff Counsel	150,765

39. Silver State Health Insurance Exchange:

Administrative Assistant (each)	\$54,127
Benefit Manager (each)	69,029
Communications Officer	84,222
Executive Assistant	63,973
Executive Director, Silver State Health Insurance Exchange	133,060
Finance and Research Officer	92,256
Grants and Projects Analyst	63,550
Information Systems Manager	110,941
Information Technology Analyst	78,961
Operations Manager, Silver State Health Insurance Exchange, ...	119,628
Quality Assurance Officer	94,621
Training Specialist	71,682

40. State Public Charter School Authority:

Deputy Director	\$99,797
Director	111,313
Staff Attorney	108,753

41. Cannabis Compliance Board:

Administrative Law Judge	\$121,547
Chief of Administration	107,458
Chief of Inspections/Audit	107,458
Chief of Investigations	107,458
Deputy Director	122,187
Executive Assistant	63,973
Executive Director	133,060

42. Medical and Related Positions:

Pharmacist 1 (each)	\$113,201
Pharmacist 2 (each)	124,520
Pharmacist 3 (each)	136,973
Senior Institutional Dentist (Range B) (each)	157,422
Senior Physician (Range C) (each)	176,943
Senior Psychiatrist (Range C) (each)	201,133

➔ A Senior Psychiatrist (Range C) is a psychiatrist certified by the American Board of Psychiatry and Neurology, Inc.

~~[Sec. 3.]~~ Sec. 38. This act becomes effective ~~[on July 1, 2023.]~~ upon passage and approval.

Senator Dondero Loop moved the adoption of the amendment.

Remarks by Senator Dondero Loop.

Amendment No. 989 to Senate Bill No. 341 amends Senate Bill No. 341 by making General Fund appropriations to various additional community organizations and entities for purposes relating to health education, employment and other community services. Additionally, Amendment No. 989 revises provisions relating to the titles and maximum salaries of the unclassified personnel of the Public Utilities Commission of Nevada as included in Assembly Bill No. 522 of this session.

Amendment adopted.

Bill read third time.

Remarks by Senators Dondero Loop and Seevers Gansert.

SENATOR DONDERO LOOP:

Senate Bill No. 341, as amended, makes General Fund appropriations to the Food Bank of Northern Nevada and the Three Square Food Bank for the purpose of purchasing food for persons who are served by such organizations as well as makes General Fund appropriations to other community-based organizations and entities for purposes relating to health education, employment and other community services. Additionally, Senate Bill No. 341, as amended, revises the titles and maximum salaries for certain unclassified positions of the Public Utilities Commission of Nevada as included in section 1 of Assembly Bill No. 522 of this legislative session.

SENATOR SEEVERS GANSERT:

I oppose Senate Bill No. 341. This bill was dropped late last night, and we recognize that there are many good organizations we want to support in this bill. We also realize we have to be able to balance the budget. We have to weigh providing money for certain organizations versus providing more support for charter schools, for graduate medical education and things like that.

Roll call on Senate Bill No. 341:

YEAS—13.

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

Senate Bill No. 341 having received a constitutional majority,
Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 139.

Bill read third time.

Remarks by Senator Neal.

Assembly Bill No. 139 authorizes criminal justice agencies to include a category specifically for Middle Eastern and Northern African descent.

Roll call on Assembly Bill No. 139:

YEAS—18.

NAYS—Buck, Hansen, Titus—3.

Assembly Bill No. 139 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 140.

Bill read third time.

Remarks by Senators Flores and Krasner.

SENATOR FLORES:

Assembly Bill No. 140 makes Juneteenth Day a legal holiday in this State.

SENATOR KRASNER:

Assembly Bill No. 140 establishes Juneteenth as a legal holiday in the State of Nevada to be observed on June 19, or on the Monday following if June 19 falls upon a Sunday or the Friday preceding if June 19 falls upon a Saturday. On a personal note, I am a cosponsor, and I encourage my colleagues to support and vote "yes" on Assembly Bill No. 140.

Roll call on Assembly Bill No. 140:

YEAS—19.

NAYS—Hansen, Titus—2.

Assembly Bill No. 140 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 147.

Bill read third time.

Remarks by Senators Spearman and Stone.

SENATOR SPEARMAN:

Assembly Bill No. 147 makes various changes relating to dentistry. Among other items, the measure sets forth certain requirements of teledentistry such as requiring dental practitioners to provide teledentistry services to patients located in Nevada, to be licensed in Nevada, to complete certain training, and adhere to applicable laws, regulations and standards of care to the same extent as providing services in person.

SENATOR STONE:

I commend the author for allowing teledentistry that can provide patient access to a lot of people for dental examinations and consultations that can be professionally accommodated. This will certainly help in our rural areas.

We see these rapid advances in technology. How many of you remember Blockbuster Video? Well, they were at one time one of the biggest entertainment retail companies in the United States, but streaming technology put them out to pasture with advanced technology. The new products were cheaper, higher quality and more convenient to access online.

When we are talking about braces, I have firsthand knowledge about wearing them as I wore braces from the time that I was 8 years old until I was 16 years old, you know, the silver ones with the red wax to make sure you were not getting mouth sores. I had numerous cavities after the braces were removed because the cleaning of the teeth is hard with conventional braces that obstruct teeth enamel for many years. Getting dates at 15 years old was not too easy either with those braces. They are also clear today, as you know, with these appliances, which is an advantage.

And so what we have seen are some new teeth straightening technologies and companies that have made it easy for patients to economically remedy some cosmetic issues with their teeth. These mouth pieces are custom-made for each patient that are adjusted to effectuate moving the teeth back in line, which has been successfully used by over 1 million people. They must be prescribed by a dentist, and every dentist that prescribes them has to be licensed in the State of Nevada.

These companies use either telehealth for a dentist to examine a patient's mouth to see if they are candidates for such devices, or they can choose to be seen by one of their affiliated dentists in person or a dentist/orthodontist not affiliated with these companies. We have companies like the SmileDirectClub that does not require an in-person visit to a dentist or orthodontist anywhere in the country but does appropriately require, at a minimum, an introductory examination via telehealth, which is the whole purpose I thought of this bill.

The dentist/orthodontist affiliated with these companies examines the mouth, gums and teeth

for diseases and refers patients to a dentist if these prophylactic procedures need to be done before they start ordering these appliances. Invisalign is also another company that provides this revolutionary, noninvasive teeth-straightening technology. If one lives in Nevada and does not want to have a telehealth appointment, they can schedule an appointment with an affiliated or nonaffiliated dentist/orthodontist that is available in Nevada for a personal visit. In Southern Nevada, there are 12 providers of Invisalign, 9 of which are orthodontists, 3 are dentists. In Northern Nevada, there are 4 orthodontists that are contracted. So if the patient does not feel comfortable with a telehealth appointment, they can go pay the fee and have a dentist examine them personally. But one does not have to use a dentist affiliated with Invisalign. One can use their own dentist who is licensed to write a prescription for the product if he or she deems appropriate.

So the problem I have with this bill is the recent amendment—that was just put on it—that would require that a candidate for such devices must have an in-person examination before such a prescription can be made. Not one state requires this that I could find, and I verified it is not the requirement of the SmileDirectClub. Seeing a dentist or orthodontist in person raises costs for patients. A lot of patients get these mouth appliances because they are trying to save money. They cannot afford conventional braces and taking time off work to go to appointments. They get these mouth plates, they have them delivered, and they gradually move their teeth.

Has there been any health issues related to using these products? No, there has not been one lawsuit that has been filed in Nevada. There has been no health care issues by having these telehealth appointments. Dental telehealth is a good thing. We should be embracing it—no pun intended—and not restrict the marketability of these new dental appliances to only those who must see a dentist in person for an evaluation at additional cost. They are trying to save money. So why not let the patient make that decision instead of the State of Nevada? The amendment attached today restricts the trade of this new technology by requiring an in-person visit where a bill like this can authorize teledentistry, which can be appropriately utilized. For this reason, I remain opposed to this bill and request that either the amendment be rescinded by some type of an amendment today, or we vote "no" and let the patient make the choice whether they want to see a doctor/dentist in person or if they want to do it through telehealth, which is the theme and purpose of this bill. I urge a "no" vote.

Roll call on Assembly Bill No. 147:

YEAS—13.

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

Assembly Bill No. 147 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 192.

Bill read third time.

The following amendment was proposed by Senator Cannizzaro:

Amendment No. 983.

SUMMARY—Revises provisions relating to elections. (BDR 24-836)

AN ACT relating to elections; establishing requirements relating to the purchase of ballots and return envelopes used in elections in this State; revising requirements for the form of all envelopes and return envelopes for mail ballots; revising certain requirements relating to electioneering; revising provisions relating to recounts and contests of presidential elections; revising provisions relating to risk-limiting audits; revising provisions relating to tampering or interfering with certain election equipment or computer programs; revising the definition of uniformed-service voter; delaying the

effective date of certain provisions relating to automatic voter registration; making an appropriation to the Office of the Secretary of State to enter into a contract or contracts for the purchase of ballots and return envelopes; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Secretary of State to prescribe: (1) the form of all mail ballots; and (2) the placement and listing of all offices, candidates and measures upon which voting is statewide, which must be uniform throughout the State. (NRS 293.250) Sections 1.5 and 4 of this bill require the form of all envelopes in which mail ballots are sent to voters and all return envelopes for mail ballots to, with certain exceptions, be uniform throughout the State. Sections 1.5 and 4 also require the Secretary of State to prescribe a method for distinguishing the return envelopes of each county or city, as applicable.

Section ~~44~~ 1.1 of this bill authorizes the Secretary of State to enter into one or more contracts for the purchase of all ballots and return envelopes used in any statewide and local election held in this State. Section ~~44~~ 1.1 provides that if such a contract or contracts requires the vendor to distribute mail ballots on behalf of a county or city clerk, the contract or contracts must require the vendor to deposit the mail ballots for mailing at a location within this State. Section 5.3 of this bill makes an appropriation to the Office of the Secretary of State to enter into such a contract or contracts.

Section ~~44~~ 1.1 further authorizes each board of county commissioners and governing body of an incorporated city to elect to use the ballots and return envelopes purchased by the Secretary of State for all statewide and local elections held in a given year by notifying the Secretary of State in writing not less than 8 months before the date of a presidential preference primary election in a presidential election year or primary election in any other election year. Section 5.5 of this bill provides that a board of county commissioners or governing body of an incorporated city that elects to use the ballots purchased by the Secretary of State for all elections held in 2024 must notify the Secretary of State 6 months before the date of the presidential preference primary election in 2024.

Existing law requires a county clerk and city clerk to keep continuously posted certain signs and notices which indicate that electioneering is prohibited between the boundary marked by the sign and the entrance to a polling place. (NRS 293.361, 293.740, 293C.361) Sections 2, 3 and 5 of this bill require the county clerk and city clerk to ensure that any signs and notices posted are: (1) at least 17 inches by 11 inches in size; (2) placed on a window or door of the polling place or freestanding; and (3) visible to a person approaching the boundary marked by the sign.

Existing law defines "electioneering" to include buying, selling, wearing or displaying any badge, button or other insignia which is designed or tends to aid or promote the success or defeat of any political party or a candidate or ballot question to be voted upon at an election. (NRS 293.740) Section 3 revises this definition to provide instead that "electioneering" includes

buying, selling, wearing or displaying any badge, button or other insignia which expressly refers to any political party or a candidate or ballot question to be voted upon at that election.

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 the election. (NS 293.394) Section 2.5 of this bill removes the requirement to conduct such an audit prior to the certification of the results.

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 3.5 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 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 5.1 of this bill revises the definition of "uniformed-service voter" to include a member of the active or reserve component of the Space Force of the United States who is on active duty.

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 5.2 of this bill delays the effective date of these provisions until January 1, 2025.

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 4th 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 not later than 5 days after a recount is completed, and not 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 and not more than 10 days after the filing of the statement of

contest. (NRS 293.413)

Section 1.3 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 1.3 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 1.3 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 1.3, 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 1.3, the court must determine the result of any election contest of the office of presidential elector before December 11, 2024.

Sections 2.6-2.85 and 3.7 of this bill make conforming changes to reflect the changes in section 1.3 to the schedule for filing a demand for a recount or an election contest for the office of presidential elector.

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

Section 1. Chapter 293 of NRS is hereby amended by adding thereto ~~a new section to read as follows:~~ the provisions set forth as sections 1.1 and 1.3 of this act.

Sec. 1.1. 1. The Secretary of State may enter into one or more contracts for the purchase of all ballots, including, without limitation, mail ballots, and return envelopes for use in any statewide and local election held in this State pursuant to title 24 of NRS. Such a contract is subject to the provisions of chapter 333 of NRS.

2. Each board of county commissioners and governing body of an incorporated city in this State may elect to use the ballots, including, without limitation, mail ballots, and return envelopes purchased by the Secretary of State in accordance with the contract or contracts entered into pursuant to this section for all statewide and local elections held in a given year in this

State pursuant to title 24 of NRS by notifying the Secretary of State in writing not less than 8 months before the date of the presidential preference primary election in a presidential election year or the date of the primary election in any other election year.

3. If a contract or contracts entered into pursuant to this section requires the vendor to distribute mail ballots on behalf of a county or city clerk, the contract or contracts must require the vendor to deposit the mail ballots for mailing at a location within this State.

Sec. 1.3. 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 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 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. 1.5. NRS 293.269913 is hereby amended to read as follows:

293.269913 1. Except as otherwise provided in subsection 2, NRS 293.269911 and chapter 293D of NRS, the county clerk shall send to each active registered voter by first-class mail, or by any class of mail if the

Official Election Mail logo or an equivalent logo or mark created by the United States Postal Service is properly placed:

- (a) A mail ballot;
- (b) A return envelope;
- (c) An envelope or sleeve into which the mail ballot is inserted to ensure its secrecy; and
- (d) Instructions.

2. In sending a mail ballot to an active registered voter, the county clerk shall use an envelope that may not be forwarded to an address of the voter that is different from the address to which the mail ballot is mailed.

3. The return envelope must include postage prepaid by first-class mail if the active registered voter is within the boundaries of the United States, its territories or possessions or on a military base.

4. Before sending a mail ballot to an active registered voter, the county clerk shall record:

- (a) The date the mail ballot is issued;
- (b) The name of the voter to whom the mail ballot is issued, his or her precinct or district and his or her political affiliation, if any, unless all the offices on the mail ballot are nonpartisan offices;
- (c) The number of the mail ballot; and
- (d) Any remarks the county clerk finds appropriate.

5. *The Secretary of State shall prescribe:*

(a) *The form of all envelopes in which mail ballots are sent to voters and return envelopes, which must, except as otherwise provided in paragraph (b), be uniform throughout the State; and*

(b) *A method for distinguishing the return envelopes of each county which must be prominently displayed on the outside of the return envelope.*

Sec. 2. NRS 293.361 is hereby amended to read as follows:

293.361 1. During the time a polling place for early voting is open for voting, a person may not electioneer for or against any candidate, measure or political party in or within 100 feet from the entrance to the voting area.

2. During the period of early voting, the county clerk shall keep continuously posted:

(a) At the entrance to the room or area, as applicable, in which the polling place for early voting is located a sign on which is printed in large letters "Polling Place for Early Voting"; and

(b) At the outer limits of the area within which electioneering is prohibited, ~~at least one~~ a sign on which is printed in large letters "Distance Marker: No electioneering between this point and the entrance to the polling place." *The county clerk shall ensure that any sign posted pursuant to this paragraph is:*

- (1) *At least 17 inches by 11 inches in size;*
- (2) *Placed on a window or door of the polling place or a freestanding sign; and*
- (3) *Visible to a person approaching the outer limits of the area within*

which electioneering is prohibited.

3. Ropes or other suitable objects may be used at the polling place to ensure compliance with this section. Persons who are not expressly permitted by law to be in a polling place must be excluded from the polling place to the extent practicable.

4. Any person who willfully violates the provisions of this section is guilty of a gross misdemeanor.

Sec. 2.5. 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. 2.6. NRS 293.403 is hereby amended to read as follows:

293.403 1. ~~[A]~~ Except as otherwise provided in section 1.3 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. 2.7. 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~~ or section 1.3 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. 2.8. 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 1.3 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. 2.83. 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~~ *or section 1.3 of this act*, 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. 2.85. NRS 293.413 is hereby amended to read as follows:

293.413 1. ~~[The]~~ Except as otherwise provided in section 1.3 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]~~ Except as otherwise provided in section 1.3 of this act, the court shall set the matter for hearing not less 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. 3. NRS 293.740 is hereby amended to read as follows:

293.740 1. Except as otherwise provided in subsection ~~{2,}~~ 3, it is unlawful inside a polling place or within 100 feet from the entrance to the building or other structure in which a polling place is located:

(a) For any person to solicit a vote or speak to a voter on the subject of marking the voter's ballot.

(b) For any person, including an election board officer, to do any electioneering on election day.

➡ The county clerk or registrar of voters shall ensure that, at the outer limits of the area within which electioneering is prohibited, notices are continuously posted on which are printed in large letters "Distance Marker: No electioneering between this point and the entrance to the polling place."

2. *The county clerk shall ensure that any notice posted pursuant to subsection 1 is:*

(a) *At least 17 inches by 11 inches in size;*

(b) Placed on a window or door of the polling place or a freestanding sign; and

(c) Visible to a person approaching the outer limits of the area within which electioneering is prohibited pursuant to subsection 1.

3. The provisions of ~~subsection~~ subsections 1 and 2 do not apply to the conduct of a person in a private residence or on commercial or residential property that is within 100 feet from the entrance to a building or other structure in which a polling place is located. The provisions of subsection 1 are not intended to prohibit a person from voting solely because he or she is wearing a prohibited political insignia and is reasonably unable to remove the insignia or cover it. In such a case, the election board officer shall take such action as is necessary to allow the voter to vote as expediently as possible and then assist the voter in exiting the polling place as soon as is possible.

~~{3.}~~ 4. Any person who violates any provision of this section is guilty of a gross misdemeanor.

~~{4.}~~ 5. As used in this section, "electioneering" means campaigning for or against a candidate, ballot question or political party by:

(a) Posting signs relating to the support of or opposition to a candidate, ballot question or political party;

(b) Distributing literature relating to the support of or opposition to a candidate, ballot question or political party;

(c) Using loudspeakers to broadcast information relating to the support of or opposition to a candidate, ballot question or political party;

(d) Buying, selling, wearing or displaying any badge, button or other insignia which ~~is designed or tends to aid or promote the success or defeat of~~ expressly refers to any political party or a candidate or ballot question to be voted upon at that election; or

(e) Soliciting signatures to any kind of petition.

Sec. 3.5. 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~~ 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. 3.7. 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 1.3 of this act or if an election is contested pursuant to NRS 293.407 ~~or~~ or section 1.3 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. 4. NRS 293C.26312 is hereby amended to read as follows:

293C.26312 1. Except as otherwise provided in subsection 2, NRS 293C.263 and chapter 293D of NRS, the city clerk shall send to each active registered voter by first-class mail, or by any class of mail if the Official Election Mail logo or an equivalent logo or mark created by the United States Postal Service is properly placed:

- (a) A mail ballot;
- (b) A return envelope;
- (c) An envelope or sleeve into which the mail ballot is inserted to ensure its secrecy; and
- (d) Instructions.

2. In sending a mail ballot to an active registered voter, the city clerk shall use an envelope that may not be forwarded to an address of the voter that is different from the address to which the mail ballot is mailed.

3. The return envelope must include postage prepaid by first-class mail if the active registered voter is within the boundaries of the United States, its territories or possessions or on a military base.

4. Before sending a mail ballot to an active registered voter, the city clerk shall record:

- (a) The date the mail ballot is issued;
- (b) The name of the voter to whom the mail ballot is issued, his or her precinct or district and his or her political affiliation, if any, unless all the offices on the mail ballot are nonpartisan offices;
- (c) The number of the mail ballot; and
- (d) Any remarks the city clerk finds appropriate.

5. *The Secretary of State shall prescribe:*

(a) *The form of all envelopes in which mail ballots are sent to voters and return envelopes, which must, except as otherwise provided in paragraph (b), be uniform throughout the State; and*

(b) *A method for distinguishing the return envelopes of each city which must be prominently displayed on the outside of the return envelope.*

Sec. 5. NRS 293C.361 is hereby amended to read as follows:

293C.361 1. During the time a polling place for early voting is open for voting, a person may not electioneer for or against any candidate, measure or

political party in or within 100 feet from the entrance to the voting area.

2. During the period of early voting, the city clerk shall keep continuously posted:

(a) At the entrance to the room or area, as applicable, in which the polling place for early voting is located, a sign on which is printed in large letters "Polling Place for Early ~~Voting~~; and ~~Voting~~."

(b) At the outer limits of the area within which electioneering is prohibited, ~~at~~ *at least one* sign on which is printed in large letters "Distance Marker: No electioneering between this point and the entrance to the polling place." *The city clerk shall ensure that any sign posted pursuant to this paragraph is:*

(1) *At least 17 inches by 11 inches in size;*

(2) *Placed on a window or door of the polling place or a freestanding sign; and*

(3) *Visible to a person approaching the outer limits of the area within which electioneering is prohibited.*

3. Ropes or other suitable objects may be used at the polling place to ensure compliance with this section. Persons who are not expressly permitted by law to be in a polling place must be excluded from the polling place to the extent practicable.

4. Any person who willfully violates the provisions of this section is guilty of a gross misdemeanor.

Sec. 5.1. 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, ~~for~~ 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. 5.2. 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. 5.3. 1. There is hereby appropriated from the State General Fund to the Office of the Secretary of State to enter into one or more contracts pursuant to section 1 of this act for the purchase of ballots, including, without limitation, mail ballots and return envelopes, the following sums:

For the Fiscal Year 2023-2024\$7,805,011
 For the Fiscal Year 2024-2025\$3,902,506

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

Sec. 5.5. Notwithstanding the provisions of section ~~44~~ 1.1 of this act, a board of county commissioners or governing body of an incorporated city that elects to use the ballots, including, without limitation, mail ballots, and return envelopes purchased by the Secretary of State in accordance with the contract or contracts entered into pursuant to section ~~44~~ 1.1 of this act for all statewide and local elections that are held in 2024 pursuant to title 24 of NRS shall notify the Secretary of State in writing not less than 6 months before the date of the presidential preference primary election held on February 6th, 2024.

Sec. 6. 1. This section and sections 1, 1.1 and 5.5 of this act become effective upon passage and approval.

2. ~~Section~~ Sections 1.3, 2.6 to 2.85, inclusive, 3.5, 3.7 and 5.1- 5.3 , inclusive, of this act ~~becomes~~ become effective on July 1, 2023.

3. Sections 1.5 ~~(to 5, inclusive)~~ , 2, 2.5, 3, 4 and 5 of this act become effective:

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

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

Senator Cannizzaro moved the adoption of the amendment.

Remarks by Senator Cannizzaro.

Amendment No. 983 to Assembly Bill No. 192 adds various provisions about elections into this bill.

Amendment adopted.

Bill read third time.

Remarks by Senator Seevers Gansert.

Assembly Bill No. 192, as amended, requires the Secretary of State to enter into a statewide contract for the purchase of all ballots and return envelopes to be used in certain elections, which must be uniform throughout the State. The Secretary of State shall prescribe a method

distinguishing the return envelopes of each county and city and be prominently displayed on the outside of the return envelope. The measure requires each county and city to use those ballots and return envelopes.

This is an opt-in; we were able to amend the bill, so it is an opt-in. Not all counties have to participate in this. There are a couple appropriations, about \$12 million. There were some other amendments requested by the Secretary of State as a clean-up bill. I urge your support because we did make this an opt-in for the printing of ballots. The reason some of the rural counties were interested in that is because they could not get printers to work on the small quantity that they need, and this will give them better pricing.

Roll call on Assembly Bill No. 192:

YEAS—19.

NAYS—Krasner, Titus—2.

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

Bill ordered transmitted to the Assembly.

Assembly Bill No. 257.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 962.

SUMMARY—Revises provisions relating to forensic medical examinations of certain victims of certain crimes. (BDR 16-839)

AN ACT relating to forensic medical examinations; requiring the county in whose jurisdiction a domestic violence battery by strangulation is committed to pay the costs of a strangulation forensic medical examination of the victim; authorizing a county to be reimbursed for such costs, to the extent that money is available from legislative appropriation; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) requires a county in whose jurisdiction a sexual assault is committed to pay for the costs of a forensic medical examination of the victim; and (2) provides that such costs must not be charged directly to the victim. (NRS 217.300) Section 1 of this bill similarly: (1) requires a county in whose jurisdiction a domestic violence battery by strangulation was committed to pay for the costs of a strangulation forensic medical examination of the victim; and (2) provides that such costs must not be charged directly to the victim.

Section 1 additionally provides that a county which pays such costs may receive reimbursement from the State, to the extent that money is available for that purpose from legislative appropriation.

Section 3 of this bill makes a conforming change to indicate the proper placement of section 1 in the Nevada Revised Statutes.

Section 3.5 of this bill makes an appropriation to the Division of Child and Family Services of the Department of Health and Human Services for the purpose of reimbursing counties for costs incurred by the counties in complying with the requirements prescribed by section 1.

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

Section 1. Chapter 217 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The county in whose jurisdiction a domestic violence battery by strangulation is committed shall pay any costs incurred by a hospital for a strangulation forensic medical examination of the victim.*

2. *Any costs incurred pursuant to subsection 1:*

(a) *Must not be charged directly to the victim.*

(b) *Must be charged to the county in whose jurisdiction the offense was committed.*

3. *A county which pays costs related to a strangulation forensic medical examination pursuant to subsection 1 may, to the extent that money is available for that purpose from legislative appropriation, receive reimbursement from the State.*

4. *The filing of a report with the appropriate law enforcement agency must not be a prerequisite to qualify for a strangulation forensic medical examination pursuant to this section.*

5. *Nothing in this section shall be construed to prohibit the use of evidence obtained from a strangulation forensic medical examination during the investigation or prosecution of a person for domestic violence battery by strangulation.*

6. *As used in this section:*

(a) *"Domestic violence battery by strangulation" means a battery which constitutes domestic violence pursuant to NRS 33.018 that is committed by strangulation as described in NRS 200.481.*

(b) *"Strangulation forensic medical examination" means an examination conducted by a health care provider for the purpose of assessing the health care needs of a victim of a domestic violence battery by strangulation and coordinating the treatment of any injuries of the victim.*

Sec. 2. (Deleted by amendment.)

Sec. 3. NRS 217.400 is hereby amended to read as follows:

217.400 As used in NRS 217.400 to 217.475, inclusive, *and section 1 of this act*, unless the context otherwise requires:

1. "Dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context.

2. "Division" means the Division of Child and Family Services of the Department of Health and Human Services.

3. "Domestic violence" means:

(a) The attempt to cause or the causing of bodily injury to a family or household member or the placing of the member in fear of imminent physical harm by threat of force.

(b) Any of the following acts committed by a person against a family or

household member, a person with whom he or she had or is having a dating relationship or with whom he or she has a child in common, or upon his or her minor child or a minor child of that person:

- (1) A battery.
- (2) An assault.
- (3) Compelling the other by force or threat of force to perform an act from which he or she has the right to refrain or to refrain from an act which he or she has the right to perform.
- (4) A sexual assault.
- (5) A knowing, purposeful or reckless course of conduct intended to harass the other. Such conduct may include, without limitation:
 - (I) Stalking.
 - (II) Arson.
 - (III) Trespassing.
 - (IV) Larceny.
 - (V) Destruction of private property.
 - (VI) Carrying a concealed weapon without a permit.
- (6) False imprisonment.
- (7) Unlawful entry of the other's residence, or forcible entry against the other's will if there is a reasonably foreseeable risk of harm to the other from the entry.

4. "Family or household member" means a spouse, a former spouse, a parent or other adult person who is related by blood or marriage or is or was actually residing with the person committing the act of domestic violence.

5. "Participant" means an adult, child or incapacitated person for whom a fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive.

6. "Victim of domestic violence" includes the dependent children of the victim.

7. "Victim of human trafficking" means a person who is a victim of:

- (a) Involuntary servitude as set forth in NRS 200.463 or 200.464.
- (b) A violation of any provision of NRS 200.465.
- (c) Trafficking in persons in violation of any provision of NRS 200.467 or 200.468.
- (d) Sex trafficking in violation of any provision of NRS 201.300.
- (e) A violation of NRS 201.320 or 201.395.

8. "Victim of sexual assault" and "victim of sexual violence" mean a person who has been sexually assaulted as defined in NRS 200.366 or a person upon whom a sexual assault has been attempted.

9. "Victim of stalking" means a person who is a victim of the crime of stalking or aggravated stalking as set forth in NRS 200.575.

Sec. 3.5. 1. There is hereby appropriated from the State General Fund to the Division of Child and Family Services of the Department of Health and Human Services for the purpose of reimbursing counties for costs incurred by the counties in complying with the requirements prescribed by

section 1 of this act the following sums:

For the Fiscal Year 2023-2024\$1,080,000

For the Fiscal Year 2024-2025\$1,080,000

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

Sec. 4. 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. 5. 1. This section becomes effective upon passage and approval.

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

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

Senator Dondero Loop moved the adoption of the amendment.

Remarks by Senator Dondero Loop.

Amendment No. 962 to Assembly Bill No. 257, as amended, adds section 3.5, which appropriates approximately \$1.1 million in General Fund appropriations in each Fiscal Year of the 2023–2025 biennium to the Division of Child and Family Services of the Department of Health and Human Services for the purpose of reimbursing counties for the costs incurred paying for the strangulation forensic medical examinations of victims.

Amendment adopted.

Bill read third time.

Remarks by Senator Seevers Gansert.

Assembly Bill No. 257, as amended, requires a county in whose jurisdiction domestic violence battery by strangulation was committed to pay for the costs of strangulation forensic medical examination of the victim. The bill authorizes a county to seek reimbursement of costs incurred from a strangulation examination from the State subject to an appropriation made by the Legislature.

There is some money set aside which they will have to come to the State to be able to get.

Roll call on Assembly Bill No. 257:

YEAS—21.

NAYS—None.

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

Bill ordered transmitted to the Assembly.

Assembly Bill No. 279.

Bill read third time.

Remarks by Senator Doñate.

Assembly Bill No. 279 revises provisions governing the waiver of tuition and registration for certain fees of students who are children of certain veterans.

Roll call on Assembly Bill No. 279:

YEAS—21.

NAYS—None.

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

Bill ordered transmitted to the Assembly.

Assembly Bill No. 286.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 974.

SUMMARY—Makes various changes relating to elections. (BDR 24-530)

AN ACT relating to elections; requiring a person who administers a county or city jail to establish a policy that ensures a person who is detained in the jail may register to vote and vote in an election; ~~requiring the Secretary of State to allow certain persons detained in a county jail or city jail to use a certain system of approved electronic transmission to register to vote and to cast a ballot in an election;~~ requiring the person who administers a county or city jail to submit a report to the Secretary of State after each election; prohibiting electioneering near certain areas of a jail; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a county clerk to cancel the registration of a voter upon the determination that the person has been convicted of a felony and is currently incarcerated. (NRS 293.540) Unless a person has been convicted of a felony, existing law does not prohibit a person who is detained in a county or city jail from registering to vote or voting in an election.

Section 5 of this bill requires each person who administers a county or city jail to establish a policy that ensures that: (1) a person who is detained in the jail and is a registered voter may vote in each primary election, presidential preference primary election, primary city election, general election and general city election in which the person is eligible to vote; and (2) a person detained in the jail and is a qualified elector may register to vote in each such election. Section 5 requires such a policy to: (1) be developed in coordination with the county clerk and, if applicable, the city clerk; (2) be consistent with existing provisions of law relating to elections; (3) ensure the safety of any election board officer or other person who assists in the conduct of registering to vote or voting at the jail; (4) ensure that a person who registers to vote or votes in jail may do so without coercion or intimidation; (5) ensure the secrecy of the ballot; and (6) set forth a process for same-day voter registration. Section 5 further requires the jail to post in a prominent location and set forth in the handbook for detained persons certain information relating to elections and voting in the jail.

~~Section 6 of this bill requires the Secretary of State to allow: (1) an elector~~

~~who is detained in a county or city jail to use the system of approved electronic transmission established for covered voters who are overseas or in the military to register to vote; and (2) a registered voter who is detained in a county or city jail to use the system of approved electronic transmission to apply for and cast a ballot in every election where the system of approved electronic transmission is available to a covered voter who is overseas or in the military. Section 16.3 of this bill requires the Secretary of State to prescribe the procedures to be followed and the requirements of the use of the system of approved electronic transmission by electors and voters who are detained in a county or city jail.]~~

Section 7 of this bill requires each county or city jail to: (1) provide each person detained in the jail with a reasonable amount of privacy to vote; (2) provide each person detained in the jail with a pen to vote his or her mail ballot; (3) allow the county clerk to establish a process for the collection of mail ballots in the jail; and (4) allow a person, under certain circumstances, to cure any defect in a signature on a mail ballot.

Section 8 of this bill requires each person who administers a county or city jail to submit a report to the Secretary of State not later than 30 days after each primary election, presidential preference primary election, general election, primary city election and general city election.

Sections 16.5 and 16.7 of this bill prohibit electioneering near the area of a county or city jail where a person detained in the jail may vote.

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

Section 1. Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. 1. *Each person who administers a county or city jail shall establish a policy that ensures that:*

(a) A person who is detained in the jail and is a registered voter may vote in each primary election, presidential preference primary election, primary city election, general election and general city election in which the person is eligible to vote; and

(b) A person who is detained in the jail and is a qualified elector may register to vote in each primary election, presidential preference primary election, primary city election, general election and general city election in which the person is eligible to register to vote.

2. *If qualified electors or registered voters of a county are detained in a jail or facility located in another county pursuant to an agreement entered into pursuant to subsection 2 of NRS 211.010, the county clerk shall coordinate with the person who administers the jail in the county where such qualified electors or registered voters are detained to establish a procedure for those persons to register to vote and vote.*

3. Each policy or procedure established pursuant to subsection 1 or 2, as applicable, must:

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

(b) Be consistent with the provisions of this title relating to elections;

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

(d) Ensure that a person who registers to vote or votes in a jail may do so without coercion or intimidation;

(e) Ensure the secrecy of the ballot, including, without limitation, the mail ballot; and

(f) Set forth a process that allows for same-day voter registration and allows a family member of a person detained in the jail to provide the person in the jail with the necessary information to register to vote on the day of the election pursuant to NRS 293.5847.

4. Each county or city jail shall post in a prominent location and set forth in the handbook for detained persons information relating to elections and voting in the jail, including, without limitation, qualifications to register to vote and to vote and the options and procedures for registering to vote and voting at the jail.

5. Nothing in this section authorizes a person convicted of a felony in this State who has not had his or her right to vote restored pursuant to NRS 213.157 to vote or to register to vote.

6. The Secretary of State shall adopt regulations to carry out the provisions of this section.

Sec. 6. ~~1. Except as otherwise provided in this section, the Secretary of State shall allow during the period of early voting and on election day:~~

~~(a) An elector who is detained in a county or city jail to use the system of approved electronic transmission established pursuant to NRS 293D.200 to register to vote in every election where the system of approved electronic transmission is available to a covered voter to register to vote. The deadline for such an elector to use the system of approved electronic transmission to register to vote is the same as the deadline set forth in NRS 293D.230 for a covered voter to register to vote.~~

~~(b) A registered voter who is in the custody of a county or city jail to use the system of approved electronic transmission established pursuant to NRS 293D.200 to apply for and cast a ballot in every election where the system of approved electronic transmission is available to a covered voter to request and cast a military overseas ballot. The deadlines for such a registered voter to use the system of approved electronic transmission to request and cast a ballot are the same as the deadlines set forth in NRS 293D.310 and 293D.400 for a covered voter to request and cast a military overseas ballot.~~

~~2. Upon receipt of an application and ballot cast by a person 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.~~

~~3. The Secretary of State shall ensure that an elector or a registered voter may provide his or her digital signature or electronic signature on any document or other material that is necessary for the elector or registered voter to register to vote, apply for a ballot or cast a ballot, as applicable.~~

~~4. The Secretary of State shall prescribe the form and content of a declaration for use by an elector or a registered voter to swear or affirm specific representations pertaining to identity, eligibility to vote, status as such an elector or registered voter and timely and proper completion of a ballot.~~

~~5. The Secretary of State shall prescribe the duties of the county and city clerks 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.~~

~~6. The Secretary of State shall make available to an elector or registered voter who is detained in a county or city jail instructions on using the system of approved electronic transmission to register to vote and apply for and cast a ballot.~~

~~7. A county or city jail shall not prohibit, restrict or monitor the use of the system of approved electronic transmission established pursuant to NRS 293D.200 by any person who is detained in the jail.~~

~~8. The provisions of this section do not require a county or city jail to allow a person detained in the jail to use the system of approved electronic transmission established pursuant to NRS 293D.200 unless the jail has the technology that is necessary for a person to use the system of approved electronic transmission. A county or city jail that has the technology necessary for a person to use the system of approved electronic transmission shall not prohibit, restrict or monitor the use of the system of approved electronic transmission by a person detained in the jail.~~

~~9. The Secretary of State shall adopt any regulation necessary to carry out the provisions of this section.~~

~~10. 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.] (Deleted by amendment.)~~

Sec. 7. 1. Each county or city jail shall:

(a) Provide each person detained in the jail with a reasonable amount of privacy to vote, which may, without limitation, be in a common area, visitation area, room or cell;

(b) Provide each person detained in the jail with a pen with black or blue

ink to vote his or her mail ballot;

(c) Allow the county clerk to establish a process for the collection of the mail ballots voted by persons detained in the jail that includes a method for documenting the chain of custody of mail ballots; and

(d) If applicable, allow the person to cure any defect in the signature on a mail ballot pursuant to NRS 293.269927.

2. A county or city jail shall not open a mail ballot after a prisoner has voted and sealed the mail ballot.

Sec. 8. Not later than 30 days after each primary election, presidential preference primary election, primary city election, general election and general city election, each person who administers a county jail or city jail shall submit in a report to the Secretary of State:

1. An explanation of the process the jail used to comply with the requirements of sections 5 ~~1, 6~~ and 7 of this act for the election; and

2. A summary of each complaint received by the jail from a person detained in the jail relating to registering to vote or voting in the election.

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 16.3. ~~NRS 293.250 is hereby amended to read as follows:~~

~~293.250 1. Except as otherwise provided in chapter 293D of NRS, the Secretary of State shall, in a manner consistent with the election laws of this State, prescribe:~~

~~(a) The form of all ballots, mail ballots, diagrams, sample ballots, certificates, notices, declarations, applications to preregister and register to vote, lists, applications, registers, rosters, statements and abstracts required by the election laws of this State;~~

~~(b) The procedures to be followed and the requirements of:~~

~~(1) The system established by the Secretary of State pursuant to NRS 293.671 for using a computer to register voters;~~

~~(2) The use of the system of approved electronic transmission established pursuant to NRS 293D.200 by electors and voters with disabilities pursuant to NRS 293.269951;~~

~~(3) The use of the system of approved electronic transmission established pursuant to NRS 293D.200 by electors and voters who are detained in a county or city jail;~~

~~2. Except as otherwise provided in chapter 293D of NRS, the Secretary of State shall prescribe with respect to the matter to be printed on every kind of ballot:~~

~~(a) The placement and listing of all offices, candidates and measures upon~~

~~which voting is statewide, which must be uniform throughout the State.~~

~~—(b) The listing of all other candidates required to file with the Secretary of State, and the order of listing all offices, candidates and measures upon which voting is not statewide, from which each county or city clerk shall prepare appropriate ballot forms for use in any election in his or her county.~~

~~—3. The Secretary of State shall place the condensation of each proposed constitutional amendment or statewide measure near the spaces or devices for indicating the voter's choice.~~

~~—4. The fiscal note for, explanation of, arguments for and against, and rebuttals to such arguments of each proposed constitutional amendment or statewide measure must be included on all sample ballots.~~

~~—5. The condensations and explanations for constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by the Secretary of State, upon consultation with the Attorney General. The arguments and rebuttals for or against constitutional amendments and statewide measures proposed by initiative or referendum must be prepared in the manner set forth in NRS 293.252. The fiscal notes for constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by the Secretary of State, upon consultation with the Fiscal Analysis Division of the Legislative Counsel Bureau. The condensations, explanations, arguments, rebuttals and fiscal notes must be in easily understood language and of reasonable length, and whenever feasible must be completed by August 1 of the year in which the general election is to be held. The explanations must include a digest. The digest must include a concise and clear summary of any existing laws directly related to the constitutional amendment or statewide measure and a summary of how the constitutional amendment or statewide measure adds to, changes or repeals such existing laws. For a constitutional amendment or statewide measure that creates, generates, increases or decreases any public revenue in any form, the first paragraph of the digest must include a statement that the constitutional amendment or statewide measure creates, generates, increases or decreases, as applicable, public revenue.~~

~~—6. The names of candidates for township and legislative or special district offices must be printed only on the ballots furnished to voters of that township or district.~~

~~—7. A county clerk:~~

~~—(a) May divide paper ballots into two sheets in a manner which provides a clear understanding and grouping of all measures and candidates.~~

~~—(b) Shall prescribe the color or colors of the ballots and voting receipts used in any election which the clerk is required to conduct.] (Deleted by amendment.)~~

Sec. 16.5. NRS 293.361 is hereby amended to read as follows:

293.361 1. During the time a polling place for early voting is open for voting, a person may not electioneer for or against any candidate, measure or political party in or within 100 feet from the entrance to the voting area.

During the time that a person detained in a county or city jail may vote in the jail, a person may not electioneer for or against any candidate, measure or political party in or within 100 feet from the entrance of the voting area of the jail.

2. During the period of early voting, the county clerk shall keep continuously posted:

(a) At the entrance to the room or area, as applicable, in which the polling place for early voting is located a sign on which is printed in large letters "Polling Place for Early Voting"; and

(b) At the outer limits of the area within which electioneering is prohibited, a sign on which is printed in large letters "Distance Marker: No electioneering between this point and the entrance to the polling place."

3. Ropes or other suitable objects may be used at the polling place to ensure compliance with this section. Persons who are not expressly permitted by law to be in a polling place must be excluded from the polling place to the extent practicable.

4. Any person who willfully violates the provisions of this section is guilty of a gross misdemeanor.

Sec. 16.7. NRS 293.740 is hereby amended to read as follows:

293.740 1. Except as otherwise provided in subsection 2, it is unlawful inside a polling place , ~~for~~ within 100 feet from the entrance to the building or other structure in which a polling place is located ~~to~~ , *inside the area of a county or city jail where a person detained in the jail may vote or within 100 feet from the entrance of the area in a jail where a person detained in the jail may vote:*

(a) For any person to solicit a vote or speak to a voter on the subject of marking the voter's ballot.

(b) For any person, including an election board officer, to do any electioneering on election day.

➡ The county clerk or registrar of voters shall ensure that, at the outer limits of the area within which electioneering is prohibited, notices are continuously posted on which are printed in large letters "Distance Marker: No electioneering between this point and the entrance to the polling place."

2. The provisions of subsection 1 do not apply to the conduct of a person in a private residence or on commercial or residential property that is within 100 feet from the entrance to a building or other structure in which a polling place is located. The provisions of subsection 1 are not intended to prohibit a person from voting solely because he or she is wearing a prohibited political insigne and is reasonably unable to remove the insigne or cover it. In such a case, the election board officer shall take such action as is necessary to allow the voter to vote as expediently as possible and then assist the voter in exiting the polling place as soon as is possible.

3. Any person who violates any provision of this section is guilty of a gross misdemeanor.

4. As used in this section, "electioneering" means campaigning for or

against a candidate, ballot question or political party by:

(a) Posting signs relating to the support of or opposition to a candidate, ballot question or political party;

(b) Distributing literature relating to the support of or opposition to a candidate, ballot question or political party;

(c) Using loudspeakers to broadcast information relating to the support of or opposition to a candidate, ballot question or political party;

(d) Buying, selling, wearing or displaying any badge, button or other insignia which is designed or tends to aid or promote the success or defeat of any political party or a candidate or ballot question to be voted upon at that election; or

(e) Soliciting signatures to any kind of petition.

Sec. 17. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 18. 1. This section and section 17 of this act become effective upon passage and approval.

2. Sections 1 to 16.7, inclusive, of this act, become effective:

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

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

Senator Dondero Loop moved the adoption of the amendment.

Remarks by Senator Dondero Loop.

Amendment No. 974 to Assembly Bill No. 286 make various changes relating to elections.

Amendment adopted.

Bill read third time.

Remarks by Senators Neal and Scheible.

SENATOR NEAL:

Assembly Bill No. 286 allows persons that are in county or city jail to register to vote.

SENATOR SCHEIBLE:

I just want to say that I am happy to rise in support of Assembly Bill No. 286 because actually the majority of the language in the bill is language that I wrote. Now, if I was carrying the bill myself—which I was—I would have done things a little bit differently—which I did—but we cannot let the perfect be the enemy of the good, so we should all vote for Assembly Bill No. 286.

Roll call on Assembly Bill No. 286:

YEAS—21.

NAYS—None.

Assembly Bill No. 286 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 386.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 975.

SUMMARY—Revises provisions relating to midwives. (BDR 54-111)

AN ACT relating to midwives; establishing the Board of Licensed Certified Professional Midwives and requiring the Board to adopt certain regulations; requiring the Division of Public and Behavioral Health of the Department of Health and Human Services to perform certain tasks relating to the regulation of licensed certified professional midwives; providing for the licensure of licensed certified professional midwives; authorizing a licensed certified professional midwife to utilize a certified professional midwife birth assistant under certain circumstances; prescribing requirements relating to the practice of certified professional midwifery; requiring any midwife who provides services in this State to provide to clients a Community Birth Disclosure; authorizing a licensed certified professional midwife to possess, administer and order certain drugs, devices, chemicals and solutions; creating a special endorsement authorizing a licensed certified professional midwife to order, dispense and implant certain devices; creating a special endorsement authorizing a licensed certified professional midwife to possess, administer, prescribe and dispense certain drugs; exempting a licensed certified professional midwife and other providers of health care from certain liability; prohibiting certain persons from performing midwifery; requiring Medicaid to cover the services of a licensed certified professional midwife; authorizing a licensed certified professional midwife to serve as the director of a freestanding birthing center; specifying the midwives to which certain requirements apply; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a midwife to perform certain duties relating to reporting births and deaths and testing newborn babies for certain diseases. (NRS 440.100, 440.740, 442.008-442.110, 442.600-442.680) Sections 2-32 of this bill provide for: (1) the licensure of licensed certified professional midwives by the Division of Public and Behavioral Health of the Department of Health and Human Services; and (2) the regulation of licensed certified professional midwives by the Division and the Board of Licensed Certified Professional Midwives created by section 17 of this bill. Sections 2-14, 45, 69 and 74 of this bill define certain terms related to the practice of certified professional midwifery. Section 15 of this bill: (1) exempts certain providers of health care from requirements governing the licensure and regulation of licensed certified professional midwives; and (2) provides that sections 2-32 do not abridge, limit or otherwise affect the right of a person to deliver a baby in the manner and location that the person desires. Sections 36, 38, 39 and 42-44 of this bill similarly exempt licensed certified professional midwives and certified professional midwife student midwives from provisions governing certain other providers of health care. Licensed certified professional midwives and certified professional midwife student midwives would also be exempt from provisions governing allopathic

physicians. (NRS 630.047)

Section 16 of this bill authorizes the Division to accept gifts, grants and donations to pay the costs of performing its duties under the provisions of this bill.

Section 17 creates the Board of Licensed Certified Professional Midwives. Sections 34, 55 and 58-62 of this bill make various changes to ensure that the Board is treated similarly to other boards that regulate health-related professions. Section 34 also provides that a person may obtain a license as a licensed certified professional midwife through reciprocity if the person has been in practice for at least 1 year immediately preceding the date on which the person submits an application. Section 18 of this bill prescribes certain requirements concerning the operations and duties of the Board. Section 19 of this bill requires the Board to adopt regulations governing the practice of certified professional midwifery, including: (1) requirements governing the issuance and renewal of a license as a licensed certified professional midwife, including a requirement that an applicant to renew a license must have completed continuing education in cultural humility or the elimination of racism or bias; (2) requirements governing the investigation of misconduct and discipline; (3) requirements governing the management of a client who is at a moderate or high risk of an adverse outcome; and (4) requirements governing certain other aspects of the practice of certified professional midwifery. Section 76.5 of this bill provides that continuing education in cultural humility or the elimination of racism or bias completed by a licensed certified professional midwife satisfies a requirement that an agent or employee of certain health care facilities receive training in cultural competency.

Section 20 of this bill prescribes the requirements for the issuance of a license as a licensed certified professional midwife. Section 103 of this bill revises the requirements for the issuance of a license as a licensed certified professional midwife on January 1, 2026, to authorize the Division to exempt certain applicants from certain education requirements to address shortages in the number of midwives practicing in rural or underserved areas in the State or barriers for applicants from marginalized identities. Section 21 of this bill: (1) authorizes a licensed certified professional midwife to utilize a certified professional midwife birth assistant to perform certain simple, routine medical tasks; and (2) prescribes the required training for a certified professional midwife birth assistant.

Existing federal law requires each state to adopt procedures to ensure that applicants for certain licenses and certificates comply with child support obligations. (42 U.S.C. § 666) Sections 22 and 29 of this bill enact such procedures as applicable to an applicant for a license as a licensed certified professional midwife in order to comply with federal law. Sections 104 and 110 of this bill remove a requirement that an application for a license as a licensed certified professional midwife include the social security number of the applicant on the date that those federal requirements are repealed, while

leaving in place the other requirements of sections 22 and 29 until 2 years after that date. Section 33 of this bill makes a conforming change to account for applicants for licensure who do not have a social security number.

Section 23 of this bill prescribes the authorized activities of a certified professional midwife student midwife and requirements governing the supervision of a certified professional midwife student midwife by a preceptor. Section 24 of this bill requires any midwife who provides services in this State to provide to a client a Community Birth Disclosure that contains certain information. Section 24 additionally requires the Board to create the Community Birth Disclosure in collaboration with all types of midwives practicing in this State. Section 24 further requires a licensed certified professional midwife to obtain informed written consent from each client before providing services.

Existing law authorizes only certain practitioners who are licensed in this State and registered with the State Board of Pharmacy to prescribe drugs and devices. (NRS 639.235, 639.23505) Sections 25, 40, 41 and 78 of this bill authorize a licensed certified professional midwife to: (1) order, possess and administer certain drugs, devices, chemicals and solutions; and (2) order certain devices and vaccines for a client. Sections 26, 40 and 78 of this bill authorize a licensed certified professional midwife to apply to the Division for a special endorsement for his or her license to: (1) order, dispense and implant contraceptive devices; or (2) possess, administer, prescribe and dispense certain dangerous drugs. Sections 21, 23 and 79 of this bill authorize a certified professional midwife birth assistant or certified professional midwife student midwife to administer certain drugs, devices, chemicals and solutions under the direct supervision of a licensed certified professional midwife or in certain emergency situations. Section 23 additionally authorizes a certified professional midwife student midwife to administer or implant a contraceptive device under the supervision of a preceptor who holds the appropriate special endorsement.

Section 27 of this bill imposes specific requirements concerning the management of a client who is at a moderate or high risk of an adverse outcome, and section 19 requires the Board of Licensed Certified Professional Midwives to adopt additional regulations governing the management of such a client. Section 19.5 of this bill authorizes the Board to establish an advisory committee to advise the Board concerning the adoption of those regulations. Section 27 also exempts: (1) a licensed certified professional midwife from liability resulting from the informed refusal to consent of such a client to consultation, co-management with or referral to another provider of health care or transfer to a medical facility or the inability of the licensed certified professional midwife to arrange for such consultation or carry out such co-management, referral or transfer; and (2) other providers of health care from liability for the actions or omissions of a licensed certified professional midwife.

Section 28 of this bill requires a licensed certified professional midwife to

report to the Division certain information concerning his or her practice upon the renewal of his or her license.

Section 30 of this bill: (1) requires the Division to maintain certain records of proceedings relating to licensing, disciplinary actions and investigations; and (2) declares certain records to be confidential and certain other records to be public. Section 57 of this bill makes a conforming change to clarify that such confidential records of the Division are not public records. Section 31 of this bill prohibits a person who does not hold a license as a licensed certified professional midwife from representing that he or she is licensed to engage in the practice of certified professional midwifery. Section 31 also prohibits a person whose license to perform midwifery in another jurisdiction of the United States has been suspended or revoked from performing midwifery or holding himself or herself out as a midwife in this State until the license in the other district, state or territory is restored. Section 31 authorizes a person to represent that he or she is licensed to engage in the practice of certified professional midwifery if the person is licensed in another district, state or territory of the United States and the person discloses that license to the public. Section 31 also prohibits a certified professional midwife student midwife from: (1) engaging in midwifery in circumstances other than those authorized by this bill; or (2) representing that he or she is qualified to engage in the practice of certified professional midwifery without supervision. Section 31 authorizes the Division to order a person to cease and desist from performing midwifery or holding himself or herself out as a midwife if: (1) his or her license as a licensed certified professional midwife has been suspended or revoked; (2) he or she is the subject of pending disciplinary action; or (3) he or she has voluntarily relinquished his or her license under certain circumstances. Section 31 additionally authorizes the Division to, when it has reason to believe or has received complaints that a person has repeatedly violated the provisions of section 31, certify the facts to the Attorney General, or other appropriate law enforcement officer, who may, in his or her discretion, cause appropriate proceedings to be brought. Section 32 authorizes the Division or the Attorney General to seek an injunction against any person violating any provision of sections 2-32.

Existing law defines the term "provider of health care" as a person who practices any of 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 35 of this bill includes licensed certified professional midwives in the definition of "provider of health care," thereby subjecting licensed certified professional midwives to the same requirements. Section 76 of this bill makes a conforming change to clarify that licensed certified professional midwives are providers of health care. Section 37 of this bill requires a licensed certified professional midwife to report misconduct by a person licensed or certified by the State Board of Nursing to

the Executive Director of the Board.

Sections 48 and 49 of this bill provide that a licensed certified professional midwife is not liable for civil damages resulting from providing emergency care or gratuitous care to an indigent person under certain circumstances. Section 70 of this bill requires a licensed certified professional midwife who attends a birth that occurs outside a hospital which is not also attended by a physician or advanced practice registered nurse to prepare a birth certificate. Section 71 of this bill provides for the imposition of a fine upon a person who furnishes false information to a licensed certified professional midwife for the purpose of making incorrect certification of births or deaths.

Existing law provides that, in any civil action concerning any unwelcome or nonconsensual sexual conduct, there is a rebuttable presumption that the sexual conduct was unwelcome or nonconsensual if the alleged perpetrator was a person in a position of authority over the alleged victim. (NRS 41.138) Section 47 of this bill provides that a licensed certified professional midwife, certified professional midwife student midwife or certified professional midwife birth assistant is a person of authority for that purpose.

Sections 46, 50-54, 63, 64, 66-76 and 80-102 of this bill make revisions to treat licensed certified professional midwives similarly to other providers of health care in certain respects. Section 65 of this bill requires Medicaid to cover the services of a licensed certified professional midwife and to provide reimbursement for such services at rates comparable to other providers of health care who provide similar services. Section 56 of this bill makes a conforming change to indicate the proper placement of section 65 in the Nevada Revised Statutes.

Section 77 of this bill authorizes a licensed certified professional midwife to serve as the director of a freestanding birthing center.

Existing law requires a primary care provider, including a midwife, to take certain actions to facilitate the detection of harmful mutations in the BRCA gene in patients who are adult women. (NRS 457.301) Section 81 of this bill provides that this requirement applies to licensed certified professional midwives, but not to other midwives.

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

Section 1. Title 54 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 32, inclusive, of this act.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 14, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Board" means the Board of Licensed Certified Professional Midwives created by section 17 of this act.*

Sec. 4. *"Certified nurse-midwife" means a person who is:*

1. *Certified as a nurse-midwife by the American Midwifery Certification Board, or its successor organization; and*

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

Sec. 5. "Certified professional midwife birth assistant" means a person who performs routine medical tasks and procedures under the direct supervision of a licensed certified professional midwife.

Sec. 6. "Certified professional midwife student midwife" means a person who performs midwifery under the direct supervision of a preceptor pursuant to section 23 of this act.

Sec. 7. "Co-manage" means a licensed certified professional midwife jointly managing the care of a client with another provider of health care.

Sec. 8. "Consult" means a client receiving an opinion concerning the management of a particular condition or symptom from an appropriate provider of health care at the direction of a licensed certified professional midwife.

Sec. 9. "Division" means the Division of Public and Behavioral Health of the Department of Health and Human Services.

Sec. 10. "Licensed certified professional midwife" means a person licensed as a licensed certified professional midwife pursuant to section 20 of this act.

Sec. 11. "Medical facility" has the meaning ascribed to it in NRS 449.0151.

Sec. 11.5. "Midwifery" means the provision of care to clients before conception, while pregnant and during the postpartum period and to newborn infants. The term includes, without limitation, the practice of certified professional midwifery.

Sec. 12. "Practice of certified professional midwifery" means the provision of autonomous care to healthy clients who are at low risk of developing complications before conception, while pregnant and during the postpartum period and to newborn infants for up to 6 weeks after childbirth. The term includes, without limitation, co-management of the care of a client with a qualified provider of health care.

Sec. 13. "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 14. "Refer" means a licensed certified professional midwife arranging for another provider of health care to assume primary responsibility for managing a condition or symptom.

Sec. 15. 1. Except as otherwise provided in this section and sections 21, 24 and 27 of this act, the provisions of this chapter do not apply to a person who holds a license, certificate or other credential issued pursuant to chapters 630 to 641D, inclusive, of NRS and is practicing within the scope of authority authorized by that license, certificate or other credential. For the purposes of this subsection, a certified nurse-midwife shall be deemed to be practicing within the scope of authority authorized by his or her license as an advanced practice registered nurse.

2. *This chapter does not prohibit:*

- (a) Gratuitous services of a person in an emergency; or*
- (b) Gratuitous care by friends or by members of the family.*

3. *This chapter does not abridge, limit or otherwise affect the right of any person to deliver a baby in the manner and location that the person desires.*

Sec. 16. *The Division may accept gifts, grants and donations to pay the costs of performing its duties under the provisions of this chapter.*

Sec. 17. 1. *The Board of Licensed Certified Professional Midwives is hereby created.*

2. *The Administrator of the Division shall appoint to the Board:*

(a) Four voting members who are licensed certified professional midwives currently practicing in this State;

(b) One voting member who is a representative of the general public and who has received care from a licensed certified professional midwife; and

(c) One nonvoting member to serve as a liaison with the Division.

3. *The Board may adopt regulations, in consultation with the Division, to add not more than three members, in addition to the members appointed pursuant to subsection 2, to the Board.*

4. *Each member of the Board must be a resident of this State.*

5. *The Administrator of the Division:*

(a) May solicit nominations for appointment to the Board from interested persons and entities.

(b) Shall give preference when appointing the members of the Board to candidates who have experience providing or utilizing midwifery services outside of a hospital.

6. *The Board shall adopt regulations prescribing the terms of its members. Such terms must not exceed 4 years. The Administrator of the Division may:*

(a) Reappoint a member at the expiration of his or her term; or

(b) Terminate a member before the expiration of his or her term for cause.

7. *A vacancy on the Board must be filled in the same manner as the initial appointment.*

8. *Except as otherwise provided in this subsection, members of the Board serve without compensation. The State Board of Health may, by regulation, provide for compensation of the members of the Board.*

Sec. 18. 1. *A majority of the voting members of the Board constitutes a quorum for the transaction of business, and a majority of a quorum present at any meeting is sufficient for any official action taken by the Board.*

2. *The Board shall:*

(a) At its first meeting and annually thereafter, elect a Chair from among its members;

(b) Meet annually at the call of the Chair; and

(c) Recommend to the Legislature any statutory changes to improve the practice of certified professional midwifery in this State.

3. To the extent that money is available, the Board may meet more frequently than required by paragraph (b) of subsection 2.

4. To the extent practicable, any advice or recommendations made by the Board concerning the practice of certified professional midwifery must be guided by current, peer-reviewed scientific research.

Sec. 19. The Board shall adopt any regulations necessary or convenient for carrying out the provisions of this chapter. In adopting regulations, the Board shall consider measures necessary to minimize the likelihood of serious harm to the clients of licensed certified professional midwives and the fetuses and newborn infants of such clients. Those regulations must include, without limitation:

1. Requirements governing the issuance and renewal of a license as a licensed certified professional midwife, including, without limitation:

(a) The period for which a license is valid, which must not exceed 2 years. If the Division determines that the fees collected pursuant to this chapter will not cover the costs of the Division to perform the duties prescribed by the provisions of this chapter if that period is longer than 1 year, the Division shall notify the Board of that determination. Upon receiving such notice, the Board shall adopt regulations pursuant to this paragraph to prescribe a period for which a license is valid that does not exceed 1 year.

(b) A requirement that an applicant for the renewal of a license must have completed continuing education in cultural humility or the elimination of racism or bias. The regulations adopted pursuant to this paragraph must allow an applicant for the renewal of a license to satisfy that requirement by completing any continuing education in cultural humility or the elimination of racism or bias required by the North American Registry of Midwives, or its successor organization, to maintain certification by that organization.

2. The procedure for filing a complaint with the Division concerning a licensed certified professional midwife or certified professional midwife student midwife.

3. Grounds for the Division to impose disciplinary action against a licensed certified professional midwife or certified professional midwife student midwife and the procedure by which the Division will impose such disciplinary action.

4. Requirements governing the reinstatement of a license or special endorsement that has been revoked, including, without limitation, the procedure to apply for reinstatement and the minimum amount of time after the revocation that must pass before the person is authorized to apply for reinstatement.

5. Requirements governing the reinstatement of the authority to perform midwifery of a person who has been ordered to cease and desist from performing midwifery and holding himself or herself out as a midwife pursuant to section 31 of this act, including, without limitation, the procedure to apply for reinstatement and the minimum amount of time after the issuance of the order that must pass before the person is authorized to

apply for reinstatement.

6. Regulations governing the ordering, usage and administration of drugs, vaccines, chemicals, solutions and devices pursuant to section 25 of this act.

7. Regulations concerning the management by a licensed certified professional midwife of a client who may have a condition that puts the client at a moderate or high risk of an adverse outcome for the client or the fetus or newborn infant of the client. The regulations must, to the extent practicable, be guided by current, peer-reviewed scientific research and must include, without limitation:

(a) A list of conditions or symptoms associated with a risk of serious permanent harm or death to a client or the fetus or newborn infant of a client, in addition to those prescribed by section 27 of this act;

(b) A list of conditions or symptoms associated with a risk of greater than minimal harm to a client or the fetus or newborn infant of a client that do not pose a risk of serious permanent harm or death, in addition to those prescribed by section 27 of this act; and

(c) Specific requirements for each condition or symptom listed pursuant to subparagraphs (1) and (2) governing:

(1) The circumstances under which a licensed certified professional midwife must arrange for the client to consult with another provider of health care, co-manage the care of the client with another provider of health care, refer primary responsibility for the care of a client to another provider of health care or transfer the care of the client to a medical facility, procedures for such consultation, co-management, referral or transfer and requirements to ensure that a provider of health care who is consulted, with whom a client's condition or symptom is co-managed or to whom primary responsibility for the care of a client is referred is appropriately qualified; and

(2) The information that must be included on the ~~form~~ forms for providing informed consent and informed refusal to consent to consultation, co-management, referral or transfer pursuant to section 27 of this act and the management of a client who provides such informed refusal to consent.

8. Requirements governing the screening of clients in accordance with chapter 442 of NRS and necessary measures for the prevention of communicable diseases.

9. Requirements concerning the records of treatment and outcomes that must be kept by a licensed certified professional midwife.

10. Administrative penalties that the Division may impose upon a certified professional midwife student midwife who engages in the practice of certified professional midwifery without a preceptor.

11. Administrative penalties that the Division may impose upon a licensed certified professional midwife who engages in activity for which a special endorsement is required by section 23 or 26 of this act without the appropriate endorsement.

12. Any other requirements necessary to optimize obstetrical and neonatal outcomes for clients of licensed certified professional midwives.

Sec. 19.5. 1. The Board may establish by regulation an advisory committee to advise the Board concerning the regulations adopted pursuant to subsection 7 of section 19 of this act. If such an advisory committee is established, the regulations adopted pursuant to this section must establish:

- (a) The membership of the advisory committee;
- (b) The terms of the members of the advisory committee; and
- (c) The duties of the advisory committee.

2. Any recommendations of an advisory committee established pursuant to this section must be based on current, peer-reviewed scientific evidence and widely accepted best practices. Such recommendations may include, without limitation, recommendations concerning the transmission of information necessary for the care of a client from a licensed certified professional midwife to a provider of health care to whom the client is referred or a medical facility to which the client is transferred.

3. Members of the advisory committee serve without compensation and are not entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

4. A member of the advisory committee who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation to prepare for and attend meetings of the advisory committee and perform any work necessary to carry out the duties of the advisory committee in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the advisory committee to:

- (a) Make up the time he or she is absent from work to carry out his or her duties as a member of the advisory committee; or
- (b) Take annual leave or compensatory time for the absence.

Sec. 20. 1. An applicant for a license as a licensed certified professional midwife must submit to the Division an application pursuant to this section in the form prescribed by the Division. The application must be accompanied by a fee in the amount prescribed by regulation of the State Board of Health pursuant to NRS 439.150, which must not exceed \$1,000, and:

(a) A complete set of his or her fingerprints and written permission authorizing the Division 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; or

(b) Written verification, on a form prescribed by the Division, stating that the fingerprints of the applicant were taken in this State and directly forwarded electronically or by another means to the Central Repository and that the applicant has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the

fingerprints to the Central Repository for submission to the Federal Bureau of Investigation for its report.

2. The application must include, without limitation, proof that the applicant is certified as a midwife by the North American Registry of Midwives, or its successor organization, and:

(a) Has completed an educational program that is consistent with the most recent statement on licensure of Certified Professional Midwives by the United States Midwifery Education, Regulation and Association, or its successor organization; or

(b) Holds a Midwifery Bridge Certificate issued by the North American Registry of Midwives, or its successor organization, and has completed the Portfolio Evaluation Process prescribed by that organization.

3. A license as a licensed certified professional midwife may be renewed upon submission to the Division of a renewal application in the form prescribed by the Division. The renewal application must:

(a) Be accompanied by a renewal fee in the amount prescribed by regulation of the State Board of Health pursuant to NRS 439.150, which must not exceed \$1,000; and

(b) Include any information required by the regulations adopted by the Board pursuant to section 19 of this act.

4. To the extent that the implementation of such provisions will leave the Division with sufficient money to carry out its duties under this chapter, the State Board of Health may establish by regulation a procedure through which:

(a) An applicant may petition the Division to reduce the fees imposed pursuant to this section or section 26 of this act. An applicant may qualify for such a reduction if the applicant demonstrates, to the satisfaction of the Division, that the fees imposed pursuant to this section or section 26 of this act are an economic hardship on the applicant.

(b) The Division allocates a portion of the fees imposed and collected pursuant to this section or section 26 of this act to programs that promote applicants from marginalized identities through increasing the numbers of such applicants and reducing barriers that such applicants face.

5. As used in this section, "marginalized identity" means an identity or expression that causes or has historically caused a person of such identity or expression to be disproportionately discriminated against, harassed or otherwise negatively treated or affected as a result of the identity or expression.

Sec. 21. 1. A licensed certified professional midwife may utilize a certified professional midwife birth assistant to perform the tasks and procedures authorized by subsection 3. Except as otherwise provided in subsection 2, a certified professional midwife birth assistant, including, without limitation, a provider of health care serving as a certified professional midwife birth assistant, must:

(a) Be at least 18 years of age;

(b) Have completed training in cultural humility or the elimination of racism or bias;

(c) Have completed training in the techniques of administering neonatal resuscitation provided through the Neonatal Resuscitation Program of the American Academy of Pediatrics, or any successor to that program; and

(d) Hold current certification in the techniques of administering cardiopulmonary resuscitation.

2. A certified professional midwife birth assistant who is a licensed certified professional midwife or a certified nurse-midwife is not required to possess the qualifications set forth in subsection 1.

3. Except as otherwise provided in subsection 5, a certified professional midwife birth assistant may perform routine clinical tasks and procedures only under the direct supervision of a licensed certified professional midwife who is present on the premises and able to intervene if necessary. Such tasks include, without limitation:

(a) Administering medications, including, without limitation and to the extent applicable, any medication described in subsection 2 of section 25 of this act, intradermally, subcutaneously and intramuscularly and performing skin tests;

(b) Providing medication, including, without limitation and to the extent applicable, any medication described in subsection 2 of section 25 of this act, to a patient to self-administer orally, sublingually, topically or rectally;

(c) Administering oxygen;

(d) Assisting in the care of a newborn infant immediately after birth;

(e) Placing a device used for auscultation of fetal heart tones;

(f) Assisting a client with activities of daily living and assisting the client in moving between the bed and bathroom;

(g) Performing cardiopulmonary or neonatal resuscitation; and

(h) Checking vital signs.

4. The supervising licensed certified professional midwife is responsible for ensuring that the certified professional midwife birth assistant has been properly trained to provide the services delegated to him or her. The supervising licensed certified professional midwife shall retain any documentation of the training that the certified professional midwife birth assistant has received for at least 5 years after the supervising licensed certified professional midwife ceases to supervise the certified professional midwife birth assistant.

5. A certified professional midwife birth assistant may provide any necessary assistance in an emergency or when birth is imminent if his or her supervising licensed certified professional midwife is not present. If a certified professional midwife birth assistant provides such assistance without supervision, the certified professional midwife birth assistant must contact a provider of emergency medical services to provide further assistance.

6. A certified professional midwife birth assistant shall not assess

clinical information or make clinical decisions.

Sec. 22. 1. *In addition to any other requirements set forth in this chapter:*

(a) An applicant for the issuance of a license as a licensed certified professional midwife in this State shall include the social security number of the applicant in the application submitted to the Division.

(b) An applicant for the issuance of a license as a licensed certified professional midwife in this State shall submit to the Division of Public and Behavioral Health of the Department of Health and Human Services the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. *The Division of Public and Behavioral Health of the Department of Health and Human Services shall include the statement required pursuant to subsection 1 in:*

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Division.

3. *A license as a licensed certified professional midwife may not be issued or renewed by the Division if the applicant:*

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. *If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Division shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.*

Sec. 23. 1. *Except as otherwise provided in subsection 5, a certified professional midwife student midwife may engage in the practice of certified professional midwifery, including, without limitation, by using or administering any drug, vaccine, device, chemical or solution described in subsection 1, 2 or 3 of section 25 of this act, only under the direct supervision of a preceptor who is present on the premises and able to intervene if necessary. The preceptor is responsible for each client to whom the certified professional midwife student midwife provides midwifery services.*

2. *A certified professional midwife student midwife may administer or implant a contraceptive device or possess and administer a drug prescribed*

by the regulations adopted pursuant to paragraph (b) of subsection 1 of section 26 of this act only under the direct supervision of a preceptor who is a licensed certified professional midwife, holds the appropriate special endorsement issued pursuant to section 26 of this act authorizing the preceptor to engage in such activity and is present on the premises and able to intervene if necessary. The preceptor is responsible for each client to whom the certified professional midwife student midwife provides services pursuant to this subsection.

3. A preceptor must be a person engaged in the practice of certified professional midwifery who is approved by the North American Registry of Midwives, or its successor organization, to serve as a preceptor.

4. A preceptor shall:

(a) Notify each client that a certified professional midwife student midwife may be involved in the care of the client;

(b) Explain the scope of the activities that the certified professional midwife student midwife may perform under the supervision of the preceptor; and

(c) Review and evaluate all care provided by a certified professional midwife student midwife under his or her supervision and attend every clinical encounter between the certified professional midwife student midwife and a client.

5. If the preceptor of a certified professional midwife student midwife ceases to serve as his or her preceptor and the certified professional midwife student midwife has no additional preceptor, the certified professional midwife student midwife must cease engaging in the practice of certified professional midwifery.

6. A certified professional midwife student midwife may provide any necessary assistance in an emergency or when birth is imminent if his or her preceptor is not present. If a certified professional midwife student midwife needs to provide such assistance and his or her preceptor is not present, the certified professional midwife student midwife must contact a provider of emergency medical services to provide further assistance.

Sec. 24. Upon accepting a client:

1. Any midwife, including, without limitation, a licensed certified professional midwife and a certified nurse-midwife, shall provide the client with a Community Birth Disclosure. The Community Birth Disclosure must inform the client regarding:

(a) The type of midwife that the midwife is;

(b) The type of education and training that the midwife has received; and

(c) The care to be provided by the midwife.

➡ The Board shall create the Community Birth Disclosure in collaboration with all types of midwives practicing in this State.

2. A midwife must sign and date, and obtain the signature of the client with a notation of the date of that signature, the Community Birth Disclosure provided pursuant to subsection 1. The midwife shall retain a copy of the

Community Birth Disclosure for 5 years.

3. In addition to complying with the requirements of subsections 1 and 2, a licensed certified professional midwife shall obtain from the client informed written consent regarding the care to be provided by the licensed certified professional midwife. Informed written consent requires that the licensed certified professional midwife provide to the client:

(a) A description of the educational background and credentials of the licensed certified professional midwife;

(b) A description of the practice of certified professional midwifery as set forth in section 12 of this act and the limitations on the practice of a licensed certified professional midwife;

(c) Instructions for obtaining a copy of the provisions of sections 2 to 32, inclusive, of this act and the regulations adopted pursuant to section 19 of this act;

(d) Instructions for filing a complaint with the Division in accordance with the regulations adopted pursuant to section 19 of this act;

(e) A description of the actions that the licensed certified professional midwife will take in an emergency, including, without limitation, the conditions under which the licensed certified professional midwife will recommend the transfer of the client to a medical facility and the procedure that the licensed certified professional midwife will follow when making such a transfer;

(f) A description of the procedures that will be used during the birth in the client's chosen setting, the risks and benefits of birth in that setting and the conditions that may arise during delivery;

(g) A disclosure of whether the licensed certified professional midwife holds liability insurance;

(h) A summary of the provisions of section 27 of this act and the regulations adopted pursuant to section 19 of this act governing consultation, co-management, referral and transfer and a description of the procedures established by the licensed certified professional midwife for consultation, co-management, referral and transfer; and

(i) Any other information required by regulation of the Board.

Sec. 25. 1. A licensed certified professional midwife may use the following devices:

(a) Dopplers, syringes, needles, phlebotomy equipment, sutures, urinary catheters, intravenous equipment, amnihooks, airway suction devices, electronic fetal monitors, tocodynamometer monitors, equipment for administering oxygen, glucose monitoring systems and testing strips, neonatal and adult oximetry equipment, centrifuges and equipment for conducting screenings of hearing ability;

(b) Equipment for administering nitrous oxide, including, without limitation, scavenging systems, only in a freestanding birthing center licensed pursuant to chapter 449 of NRS;

(c) Neonatal and adult resuscitation equipment, including, without

limitation, airway devices; and

(d) Any other device authorized by regulation of the Board.

2. A licensed certified professional midwife may possess and administer:

(a) Oxytocin, misoprostol, methylergonovine, tranexamic acid, lidocaine, penicillin, ampicillin, cefazolin, clindamycin, epinephrine, diphenhydramine, ondansetron, phylloquinone, erythromycin ointment, terbutaline and nitrous oxide;

(b) Influenza vaccine, hepatitis B vaccine, COVID-19 vaccine and diphtheria, tetanus and pertussis vaccine;

(c) Rho (D) immune globulin and hepatitis B immune globulin; and

(d) Any other drugs or vaccines authorized by regulation of the Board.

3. A licensed certified professional midwife may possess and administer:

(a) Oxygen, lactated Ringers solution, 5 percent dextrose in lactated Ringers solution, 0.9 percent sodium chloride solution and sterile water; and

(b) Any other chemicals or solutions authorized by regulation of the Board.

4. A licensed certified professional midwife may order for a client:

(a) Breast pumps, compression stockings and belts, maternity belts, diaphragms, cervical caps, glucometers, glucose testing strips, iron supplements and prenatal vitamins; and

(b) Any vaccine described in paragraph (b) of subsection 2.

Sec. 26. 1. The Division shall, upon application by a licensed certified professional midwife who has such qualifications as the Board specifies by regulation, issue:

(a) A special endorsement of the license authorizing the licensed certified professional midwife to order, dispense, administer and implant contraceptive devices for a client.

(b) A special endorsement of the license authorizing the licensed certified professional midwife to possess, administer, prescribe and dispense drugs prescribed by regulation of the Board, in consultation with the State Board of Pharmacy, for a client.

2. An application for the issuance or renewal of a special endorsement pursuant to this section must be accompanied by a fee in the amount prescribed by regulation of the State Board of Health pursuant to NRS 439.150, which must not exceed \$500.

3. The Board, in consultation with the State Board of Pharmacy, shall adopt regulations to carry out the provisions of this section. Those regulations must prescribe:

(a) The training and experience necessary to obtain a special endorsement, including, without limitation:

(1) The additional education and training necessary to obtain a special endorsement described in paragraph (a) or (b) of subsection 1, which must be similar to the education and training required for other providers of health care who perform the activities authorized by those endorsements;

(2) The number of completed implantations of a contraceptive device

under the supervision of a preceptor necessary to obtain a special endorsement described in paragraph (a) of subsection 1; and

(3) Requirements for the completion of training required by the manufacturer of a contraceptive device or the equivalent of such training to obtain a special endorsement described in paragraph (a) of subsection 1.

(b) The period for which a special endorsement is valid, which must not exceed the length of the period for which the license of the holder of the endorsement is valid.

(c) The contraceptive devices that the holder of a special endorsement issued pursuant to paragraph (a) of subsection 1 may order, dispense, administer and implant.

(d) The drugs that the holder of a special endorsement issued pursuant to paragraph (b) of subsection 1 may possess, administer, prescribe or dispense, which must only include:

(1) Antibiotic, antiemetic, antiviral, antifungal and antipruritic medications and low-potency topical steroids for the prevention and treatment of conditions that do not constitute a significant deviation from normal pregnancy or postpartum; and

(2) Hormonal and nonhormonal contraceptives.

4. A special endorsement issued pursuant to paragraph (b) of subsection 1 does not authorize the holder to prescribe or dispense drugs for a newborn infant.

Sec. 27. 1. Except as otherwise provided in subsections ~~4~~ 5 and ~~5~~ 6, a licensed certified professional midwife must recommend and ~~with the consent of the client,~~ arrange for consultation or co-management with or referral to a qualified provider of health care or transfer to an appropriate medical facility if the licensed certified professional midwife determines that any of the following conditions or symptoms exist:

- (a) Complete placenta previa;
- (b) Partial placenta previa after the 27th week of gestation;
- (c) Infection with the human immunodeficiency virus;
- (d) Cardiovascular disease;
- (e) Severe mental illness that may cause the client to cause harm to themselves or others;
- (f) Pre-eclampsia or eclampsia;
- (g) Fetal growth restriction, oligohydramnios or moderate or severe polyhydramnios in the pregnancy;
- (h) Potentially serious anatomic fetal abnormalities;
- (i) Diabetes that requires insulin or other medication for management;
- (j) Gestational age of greater than 43 weeks; or
- (k) Any other condition or symptom:

(1) Designated by the regulations adopted pursuant to section 19 of this act; or

(2) Which, in the judgment of the licensed certified professional midwife, could threaten the life of the client or the fetus or newborn infant of

the client.

2. Except as otherwise provided in subsections ~~{4}~~ 5 and ~~{5}~~ 6, a licensed certified professional midwife must recommend and, with the consent of the client, arrange for consultation or co-management with or referral to a qualified provider of health care if the licensed certified professional midwife determines that any of the following conditions or symptoms exist:

- (a) Prior cesarean section or other surgery resulting in a uterine scar;
- (b) Multifetal gestation;
- (c) Noncephalic presentation after 36 weeks of gestation; or
- (d) Any other condition or symptom designated by the regulations adopted pursuant to section 19 of this act.

3. A licensed certified professional midwife who recommends to a client consultation, co-management, referral or transfer shall document in the record of the client:

- (a) The contents of the recommendation;
- (b) The condition or symptom for which the recommendation was made;
- (c) Whether the client consented to the consultation, co-management, referral or transfer; and
- (d) If the client provides consent, the name, profession and specialty of the provider of health care with whom the licensed certified professional midwife consulted or co-managed or to whom the client was referred or the medical facility to which the client was transferred.

4. A client consents to a consultation, co-management, referral or transfer for the purposes of this section if:

- (a) The licensed certified professional midwife provides to his or her client information concerning the risks and benefits of alternative methods of treatment and management for a condition listed in subsection 1 or 2; and
- (b) After receiving such information, the client provides informed consent in writing on a form prescribed by the Board that provides information on the risks and benefits of alternative methods of treatment and management.

5. A client may provide informed refusal to consent to consultation, co management, referral or transfer in writing on a form prescribed by the Board. If a client provides informed refusal to consent to:

- (a) Consultation, co-management, referral or transfer after the licensed certified professional midwife has determined that a condition or symptom described in subsection 1 exists, the licensed certified professional midwife must attempt to locate a qualified provider of health care for which the client consents to consultation, co-management or referral or an appropriate medical facility for which the client consents to transfer. If the licensed certified professional midwife is unable to locate such a provider of health care who is willing to consult, co-manage or accept the referral or such a medical facility which is willing to accept the transfer, the licensed certified professional midwife is not liable for any damages resulting from the failure to consult, co-manage, refer or transfer. If the condition or symptom

threatens the life or health of the client or the fetus or the newborn infant of the client during labor or delivery, the licensed certified professional midwife must call 911 and provide care until relieved by a qualified provider of health care.

(b) Consultation, co-management or referral after the licensed certified professional midwife has determined that a condition or symptom described in subsection 2 exists, the licensed certified professional midwife:

(1) May continue to serve as the primary provider of health care for the client until the client provides such consent; and

(2) Is not liable for any damages resulting from the failure to consult, co manage or refer.

~~5.4~~ 6. If, after determining that a condition or symptom described in:

(a) Subsection 1 exists and making a reasonable effort to arrange for consultation with, co-management of the condition or symptom with or referral of the client to a qualified provider of health care or the transfer of the client to an appropriate medical facility, a licensed certified professional midwife is unable to locate a qualified provider of health care who is willing to consult, co-manage or accept the referral or an appropriate medical facility willing to accept the transfer, the licensed certified professional midwife shall be deemed to be in compliance with the requirements of ~~this section~~ that subsection and is not liable for any damages resulting from the inability of the licensed certified professional midwife to consult, co-manage, refer or transfer. If the condition or symptom threatens the life or health of the client or the fetus or newborn infant of the client during labor or delivery, the licensed certified professional midwife must call 911 and provide care until relieved by a qualified provider of health care.

(b) Subsection 2 exists and making a reasonable effort to arrange for consultation with, co-management of the condition or symptom with or referral of the client to a qualified provider of health care, a licensed certified professional midwife is unable to locate a qualified provider of health care who is willing to consult, co-manage or accept the referral, the licensed certified professional midwife shall be deemed to be in compliance with the requirements of ~~this section~~ that subsection and is not liable for any damages resulting from the inability of the licensed certified professional midwife to arrange for consultation, co-manage or refer.

~~6.4~~ 7. In an emergency or other urgent situation, a licensed certified professional midwife shall inform the client of qualified providers of health care in labor and delivery units of local hospitals who are available to consult with the licensed certified professional midwife.

8. A provider of health care who is not a licensed certified professional midwife is not liable for any damages resulting from any act or omission of a licensed certified professional midwife and is not required to adhere to any standards of care governing the practice of certified professional midwifery. Such a provider of health care is only liable for the damages resulting from his or her own acts or omissions in accordance with the standards of care

governing his or her profession.

Sec. 28. 1. With each application for the renewal of his or her license, a licensed certified professional midwife shall submit to the Division a report, in the form prescribed by the Division, that includes, for the immediately preceding licensure period:

(a) The total number of clients who, when accepted by the licensed certified professional midwife as clients, intended to deliver their babies outside of a hospital;

(b) The number of live births attended by the licensed certified professional midwife outside of a hospital;

(c) The number of cases of fetal demise, deaths of newborns and maternal deaths attended by the licensed certified professional midwife;

(d) The number of clients transferred to a medical facility during the antepartum, intrapartum or immediate postpartum periods and the reason for and outcome of each such transfer;

(e) A brief description of any complications resulting in maternal or infant morbidity or mortality;

(f) The planned location and actual location of each delivery; and

(g) Any other information required by regulation of the Board.

2. Not later than 30 days after attending a maternal or newborn infant death, a licensed certified professional midwife shall report the death to the Division and the Board.

Sec. 29. 1. If the Division receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license issued pursuant to this chapter, the Division shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Division receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Division shall reinstate a license issued pursuant to this chapter that has been suspended by a district court pursuant to NRS 425.540 if:

(a) The Division receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560; and

(b) The person whose license was suspended pays the appropriate fee required pursuant to this chapter.

Sec. 30. 1. The Division shall keep a record of its proceedings relating to licensing, disciplinary actions and investigations. Except as otherwise provided in this chapter, the record is a public record for the purposes of chapter 239 of NRS.

2. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Division, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential and privileged.

3. A complaint or other document filed by the Division to initiate disciplinary action, any written opinion rendered by the Division and all documents and information considered by the Division when determining whether to impose discipline are public records.

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

5. The provisions of this section do not prohibit the Division from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 31. 1. Except as otherwise provided in subsection 2, a person who is not licensed as a licensed certified professional midwife or a person whose license as a licensed certified professional midwife has been suspended or revoked by the Division shall not:

(a) Use in connection with his or her name the words "licensed certified professional midwife," "licensed midwife" or any other letters, words or insignia indicating or implying that he or she is licensed to engage in the practice of certified professional midwifery, or in any other way, orally, or in writing or print, or by sign, directly or by implication, represent himself or herself as licensed to engage in the practice of certified professional midwifery in this State; or

(b) List or cause to have listed in any directory, including, without limitation, a telephone directory, his or her name or the name of his or her company under the heading "licensed certified professional midwife," "licensed midwife" or any other term that indicates or implies that he or she is licensed to engage in the practice of certified professional midwifery in this State.

2. A person who is not licensed as a licensed certified professional midwife or a person whose license as a licensed certified professional midwife has been suspended or revoked by the Division may use or list the words or headings described in paragraph (a) or (b) of subsection 1 if the person is licensed in the District of Columbia or any state or territory of the United States and is not subject to an order issued pursuant to subsection 5. If the person uses or lists the words or headings pursuant to this section, the person shall disclose the district, state or territory, as applicable, in which he or she is licensed.

3. A person who is licensed as a licensed certified professional midwife and who is also licensed to perform midwifery in any capacity in the District of Columbia or any state or territory of the United States shall disclose each

additional district, state or territory, as applicable, in which he or she is currently licensed or has ever been licensed in all circumstances described in paragraphs (a) and (b) of subsection 1. If the license of such a person to perform midwifery has been revoked or suspended in the other district, state or territory, the person shall not perform midwifery or hold himself or herself out as a midwife until his or her license in the other district, state or territory is reinstated to an active and valid status.

4. A certified professional midwife student midwife shall not:

(a) Engage in midwifery except in circumstances authorized by this chapter; or

(b) Use in connection with his or her name the words "licensed certified professional midwife," "certified professional midwife," "licensed midwife" or any other letters, words or insignia indicating or implying that he or she is licensed to engage in the practice of certified professional midwifery without supervision, or in any other way, orally, or in writing or print, or by sign, directly or by implication, represent himself or herself as licensed to engage in the practice of certified professional midwifery without supervision in this State.

5. The Division may order a person to cease and desist from performing midwifery and holding himself or herself out as a midwife if:

(a) The person's license as a licensed certified professional midwife has been suspended or revoked;

(b) The person has disciplinary action pending against him or her pursuant to this chapter; or

(c) The person has voluntarily relinquished his or her license while a complaint is pending against the person which alleges a violation which:

(1) Has caused serious injury, serious harm or serious impairment of public health; or

(2) Indicates that the person would be likely to cause serious injury, serious harm or serious impairment of public health if the person continues to perform midwifery.

6. A person shall not perform midwifery or hold himself or herself out as a midwife after receiving an order to cease and desist from those activities pursuant to subsection 5 unless the Division has reinstated his or her license to practice licensed certified professional midwifery or his or her authority to perform midwifery in accordance with the regulations adopted pursuant to section 19 of this act.

7. If the Division has reason to believe that a person has repeatedly violated any provision of this section or the Division has received complaints that a person has repeatedly violated any provision of this section, the Division may certify the facts to the Attorney General, or other appropriate law enforcement officer, who may, in his or her discretion, cause appropriate proceedings to be brought.

Sec. 32. 1. The Division or the Attorney General may maintain in any court of competent jurisdiction a suit to enjoin any person from violating a

provision of this chapter or any regulations adopted pursuant thereto.

2. *Such an injunction:*

(a) May be issued without proof of actual damage sustained by any person as a preventive or punitive measure.

(b) Does not relieve any person or business entity from any other legal action.

Sec. 33. NRS 622.238 is hereby amended to read as follows:

622.238 1. The Legislature hereby finds and declares that:

(a) It is in the best interests of this State to make full use of the skills and talents of every resident of this State.

(b) It is the public policy of this State that each resident of this State, regardless of his or her immigration or citizenship status, is eligible to receive the benefit of applying for a license, certificate or permit pursuant to 8 U.S.C. § 1621(d).

2. Notwithstanding any other provision of this title, a regulatory body shall not deny the application of a person for the issuance of a license pursuant to this title based solely on his or her immigration or citizenship status.

3. Notwithstanding the provisions of NRS 623.225, 623A.185, 624.268, 625.387, 625A.105, 628.0345, 628B.320, 630.197, 630A.246, 631.225, 632.3446, 633.307, 634.095, 634A.115, 635.056, 636.159, 637.113, 637B.166, 638.103, 639.129, 640.095, 640A.145, 640B.340, 640C.430, 640D.120, 640E.200, 641.175, 641A.215, 641B.206, 641C.280, 641D.330, 642.0195, 643.095, 644A.485, 645.358, 645A.025, 645B.023, 645B.420, 645C.295, 645C.655, 645D.195, 645G.110, 645H.550, 648.085, 649.233, 652.075, 653.550, 654.145, 655.075 and 656.155, *and section 22 of this act*, an applicant for a license who does not have a social security number must provide an alternative personally identifying number, including, without limitation, his or her individual taxpayer identification number, when completing an application for a license.

4. A regulatory body shall not disclose to any person who is not employed by the regulatory body the social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, of an applicant for a license for any purpose except:

(a) Tax purposes;

(b) Licensing purposes; and

(c) Enforcement of an order for the payment of child support.

5. A social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, provided to a regulatory body is confidential and is not a public record for the purposes of chapter 239 of NRS.

Sec. 34. NRS 622.520 is hereby amended to read as follows:

622.520 1. A regulatory body that regulates a profession pursuant to chapters 630, 630A, 632 to 641D, inclusive, *and sections 2 to 32, inclusive*,

of this act, 644A or 653 of NRS in this State may enter into a reciprocal agreement with the corresponding regulatory authority of the District of Columbia or any other state or territory of the United States for the purposes of:

(a) Authorizing a qualified person licensed in the profession in that state or territory to practice concurrently in this State and one or more other states or territories of the United States; and

(b) Regulating the practice of such a person.

2. A regulatory body may enter into a reciprocal agreement pursuant to subsection 1 only if the regulatory body determines that:

(a) The corresponding regulatory authority is authorized by law to enter into such an agreement with the regulatory body; and

(b) The applicable provisions of law governing the practice of the respective profession in the state or territory on whose behalf the corresponding regulatory authority would execute the reciprocal agreement are substantially similar to the corresponding provisions of law in this State.

3. A reciprocal agreement entered into pursuant to subsection 1 must not authorize a person to practice his or her profession concurrently in this State unless the person:

(a) Has an active license to practice his or her profession in another state or territory of the United States.

(b) ~~Has~~ *Except as otherwise provided in this paragraph, has been in practice for at least the 5 years immediately preceding the date on which the person submits an application for the issuance of a license pursuant to a reciprocal agreement entered into pursuant to subsection 1. If the person seeks to practice as a licensed certified professional midwife in this State pursuant to sections 2 to 32, inclusive, of this act, the person must have been in practice for at least 1 year immediately preceding the date on which the person submits an application for the issuance of a license pursuant to a reciprocal agreement entered into pursuant to subsection 1.*

(c) Has not had his or her license suspended or revoked in any state or territory of the United States.

(d) Has not been refused a license to practice in any state or territory of the United States for any reason.

(e) Is not involved in and does not have pending any disciplinary action concerning his or her license or practice in any state or territory of the United States.

(f) Pays any applicable fees for the issuance of a license that are otherwise required for a person to obtain a license in this State.

(g) Submits to the applicable regulatory body the statement required by NRS 425.520.

4. If the regulatory body enters into a reciprocal agreement pursuant to subsection 1, the regulatory body must prepare an annual report before January 31 of each year outlining the progress of the regulatory body as it relates to the reciprocal agreement and submit the report to the Director of

the Legislative Counsel Bureau for transmittal to the next session of the Legislature in odd-numbered years or to the Joint Interim Standing Committee on Health and Human Services in even-numbered years.

Sec. 35. 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 licensed nurse;
- (e) 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) A dispensing optician;
- (g) An optometrist;
- (h) A speech-language pathologist;
- (i) An audiologist;
- (j) A practitioner of respiratory care;
- (k) A licensed physical therapist;
- (l) An occupational therapist;
- (m) A podiatric physician;
- (n) A licensed psychologist;
- (o) A licensed marriage and family therapist;
- (p) A licensed clinical professional counselor;
- (q) A music therapist;
- (r) A chiropractic physician;
- (s) An athletic trainer;
- (t) A perfusionist;
- (u) A doctor of Oriental medicine in any form;
- (v) A medical laboratory director or technician;
- (w) A pharmacist;
- (x) A licensed dietitian;
- (y) 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) An alcohol and drug counselor or a problem gambling counselor who is certified pursuant to chapter 641C of NRS;
- (aa) An alcohol and drug counselor or a clinical alcohol and drug counselor who is licensed pursuant to chapter 641C of NRS;
- (bb) A behavior analyst, assistant behavior analyst or registered behavior technician; ~~or~~
- (cc) *A licensed certified professional midwife; or*
- (dd) 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 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. 36. NRS 630A.090 is hereby amended to read as follows:

630A.090 1. This chapter does not apply to:

(a) The practice of dentistry, chiropractic, Oriental medicine, podiatry, optometry, perfusion, respiratory care, faith or Christian Science healing, nursing, *certified professional midwifery*, veterinary medicine or fitting hearing aids.

(b) A medical officer of the Armed Forces or a medical officer of any division or department of the United States in the discharge of his or her official duties, including, without limitation, providing medical care in a hospital in accordance with an agreement entered into pursuant to NRS 449.2455.

(c) Licensed or certified nurses in the discharge of their duties as nurses.

(d) Homeopathic physicians who are called into this State, other than on a regular basis, for consultation or assistance to any physician licensed in this State, and who are legally qualified to practice in the state or country where they reside.

2. This chapter does not repeal or affect any statute of Nevada regulating or affecting any other healing art.

3. This chapter does not prohibit:

(a) Gratuitous services of a person in case of emergency.

(b) The domestic administration of family remedies.

4. This chapter does not authorize a homeopathic physician to practice medicine, including allopathic medicine, except as otherwise provided in NRS 630A.040.

Sec. 37. NRS 632.472 is hereby amended to read as follows:

632.472 1. The following persons shall report in writing to the Executive Director of the Board any conduct of a licensee or holder of a certificate which constitutes a violation of the provisions of this chapter:

(a) Any physician, dentist, dental hygienist, *licensed certified professional midwife*, chiropractic physician, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, nursing assistant, medication aide - certified, perfusionist, physician assistant licensed pursuant to chapter 630 or 633 of NRS, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, alcohol or drug counselor, peer recovery support specialist, peer recovery support specialist supervisor, music therapist, holder of a license or limited license issued pursuant to chapter 653 of NRS, driver of an ambulance, paramedic or other person providing medical services licensed or certified to practice in this State.

(b) Any personnel of a medical facility or facility for the dependent

engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a medical facility or facility for the dependent upon notification by a member of the staff of the facility.

(c) A coroner.

(d) Any person who maintains or is employed by an agency to provide personal care services in the home.

(e) Any person who operates, who is employed by or who contracts to provide services for an intermediary service organization as defined in NRS 449.4304.

(f) Any person who maintains or is employed by an agency to provide nursing in the home.

(g) Any employee of the Department of Health and Human Services.

(h) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(i) Any person who maintains or is employed by a facility or establishment that provides care for older persons.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect or exploitation of an older person and refers them to persons and agencies where their requests and needs can be met.

(k) Any social worker.

(l) Any person who operates or is employed by a community health worker pool or with whom a community health worker pool contracts to provide the services of a community health worker, as defined in NRS 449.0027.

2. Every physician who, as a member of the staff of a medical facility or facility for the dependent, has reason to believe that a nursing assistant or medication aide - certified has engaged in conduct which constitutes grounds for the denial, suspension or revocation of a certificate shall notify the superintendent, manager or other person in charge of the facility. The superintendent, manager or other person in charge shall make a report as required in subsection 1.

3. A report may be filed by any other person.

4. Any person who in good faith reports any violation of the provisions of this chapter to the Executive Director of the Board pursuant to this section is immune from civil liability for reporting the violation.

5. As used in this section:

(a) "Agency to provide personal care services in the home" has the meaning ascribed to it in NRS 449.0021.

(b) "Community health worker pool" has the meaning ascribed to it in NRS 449.0028.

(c) "Peer recovery support specialist" has the meaning ascribed to it in NRS 433.627.

(d) "Peer recovery support specialist supervisor" has the meaning ascribed

to it in NRS 433.629.

Sec. 38. NRS 633.171 is hereby amended to read as follows:

633.171 1. This chapter does not apply to:

(a) The practice of medicine or perfusion pursuant to chapter 630 of NRS, dentistry, chiropractic, podiatry, optometry, respiratory care, faith or Christian Science healing, nursing, *certified professional midwifery*, veterinary medicine or fitting hearing aids.

(b) A medical officer of the Armed Forces or a medical officer of any division or department of the United States in the discharge of his or her official duties, including, without limitation, providing medical care in a hospital in accordance with an agreement entered into pursuant to NRS 449.2455.

(c) Osteopathic physicians who are called into this State, other than on a regular basis, for consultation or assistance to a physician licensed in this State, and who are legally qualified to practice in the state where they reside.

(d) Osteopathic physicians who are temporarily exempt from licensure pursuant to NRS 633.420 and are practicing osteopathic medicine within the scope of the exemption.

(e) The performance of medical services by a student enrolled in an educational program for a physician assistant which is accredited by the Accreditation Review Commission on Education for the Physician Assistant, Inc., or its successor organization, as part of such a program.

(f) A physician assistant of any division or department of the United States in the discharge of his or her official duties unless licensure by a state is required by the division or department of the United States.

2. This chapter does not repeal or affect any law of this State regulating or affecting any other healing art.

3. This chapter does not prohibit:

(a) Gratuitous services of a person in cases of emergency.

(b) The domestic administration of family remedies.

Sec. 39. NRS 637B.080 is hereby amended to read as follows:

637B.080 The provisions of this chapter do not apply to any person who:

1. Holds a current credential issued by the Department of Education pursuant to chapter 391 of NRS and any regulations adopted pursuant thereto and engages in the practice of audiology or speech-language pathology within the scope of that credential;

2. Is employed by the Federal Government and engages in the practice of audiology or speech-language pathology within the scope of that employment;

3. Is a student enrolled in a program or school approved by the Board, is pursuing a degree in audiology or speech-language pathology and is clearly designated to the public as a student; or

4. Holds a current license issued pursuant to chapters 630 to 637, inclusive, 640 to 641D, inclusive, or 653 of NRS ~~to~~ or sections 2 to 32, inclusive, of this act,

↪ and who does not engage in the private practice of audiology or speech-language pathology in this State.

Sec. 40. NRS 639.0125 is hereby amended to read as follows:

639.0125 "Practitioner" means:

1. A physician, dentist, veterinarian or podiatric physician who holds a license to practice his or her profession in this State;

2. A hospital, pharmacy or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer drugs in the course of professional practice or research in this State;

3. An advanced practice registered nurse who has been authorized to prescribe controlled substances, poisons, dangerous drugs and devices;

4. A physician assistant who:

(a) Holds a license issued by the Board of Medical Examiners; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of a physician as required by chapter 630 of NRS;

5. A physician assistant who:

(a) Holds a license issued by the State Board of Osteopathic Medicine; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of an osteopathic physician as required by chapter 633 of NRS; ~~for~~

6. An optometrist who is certified by the Nevada State Board of Optometry to prescribe and administer pharmaceutical agents pursuant to NRS 636.288, when the optometrist prescribes or administers pharmaceutical agents within the scope of his or her certification ~~for~~; or

7. *A licensed certified professional midwife, for the purpose of:*

(a) *Ordering any device or drug described in subsection 1 or 2 of section 25 of this act for use in his or her practice in accordance with the provisions of that section and any regulations adopted pursuant to section 19 of this act;*

(b) *Ordering any device or vaccine described in subsection 4 of section 25 of this act for a client;*

(c) *If the licensed certified professional midwife holds a special endorsement pursuant to paragraph (a) of subsection 1 of section 26 of this act, ordering and dispensing any medical device for contraception authorized by the regulations adopted by the Board of Licensed Certified Professional Midwives pursuant to section 26 of this act; and*

(d) *If the licensed certified professional midwife holds a special endorsement pursuant to paragraph (b) of subsection 1 of section 26 of this act, prescribing and dispensing any drug authorized by the regulations adopted by the Board of Licensed Certified Professional Midwives pursuant to section 26 of this act.*

Sec. 41. NRS 639.23505 is hereby amended to read as follows:

639.23505 ~~{A}~~

1. *Except as otherwise provided in subsection 2, a practitioner shall not dispense for human consumption any controlled substance or dangerous drug if the practitioner charges a patient for that substance or drug, either separately or together with charges for other professional services:*

~~{1.}~~ (a) Unless the practitioner first applies for and obtains a certificate from the Board and pays the required fee; and

~~{2.}~~ (b) Issues a written prescription.

2. *A licensed certified professional midwife may administer drugs and devices ordered pursuant to section 25 of this act in accordance with the provisions of that section and any regulations adopted pursuant to section 19 of this act without obtaining a certificate from the Board.*

Sec. 42. NRS 640A.070 is hereby amended to read as follows:

640A.070 This chapter does not apply to a person:

1. Holding a current license or certificate issued pursuant to chapter 391, 630 to 637B, inclusive, 640, 640B to 641B, inclusive, or 641D of NRS, *or sections 2 to 32, inclusive, of this act* who practices within the scope of that license or certificate.

2. Employed by the Federal Government who practices occupational therapy within the scope of that employment.

3. Enrolled in an educational program approved by the Board which is designed to lead to a certificate or degree in occupational therapy, if the person is designated by a title which clearly indicates that he or she is a student.

4. Obtaining the supervised fieldwork experience necessary to satisfy the requirements of subsection 3 of NRS 640A.120.

Sec. 43. NRS 640B.145 is hereby amended to read as follows:

640B.145 The provisions of this chapter do not apply to:

1. A person who is licensed pursuant to chapters 630 to 637, inclusive, or chapter 640, 640A or 641D of NRS, *or sections 2 to 32, inclusive, of this act* when acting within the scope of that license.

2. A person who is employed by the Federal Government and engages in the practice of athletic training within the scope of that employment.

3. A person who is temporarily exempt from licensure pursuant to NRS 640B.335 and is practicing athletic training within the scope of the exemption.

Sec. 44. NRS 640C.100 is hereby amended to read as follows:

640C.100 1. The provisions of this chapter do not apply to:

(a) A person licensed pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 640, 640A or 640B of NRS *or sections 2 to 32, inclusive, of this act* if the massage therapy, reflexology or structural integration is performed in the course of the practice for which the person is licensed.

(b) A person licensed as a barber or apprentice pursuant to chapter 643 of NRS if the person is massaging, cleansing or stimulating the scalp, face, neck

or skin within the permissible scope of practice for a barber or apprentice pursuant to that chapter.

(c) A person licensed or registered as an advanced esthetician, esthetician, esthetician's apprentice, hair designer, hair designer's apprentice, hair braider, shampoo technologist, cosmetologist or cosmetologist's apprentice pursuant to chapter 644A of NRS if the person is massaging, cleansing or stimulating the scalp, face, neck or skin within the permissible scope of practice for an advanced esthetician, esthetician, esthetician's apprentice, hair designer, hair designer's apprentice, hair braider, shampoo technologist, cosmetologist or cosmetologist's apprentice pursuant to that chapter.

(d) A person licensed or registered as a nail technologist or nail technologist's apprentice pursuant to chapter 644A of NRS if the person is massaging, cleansing or stimulating the hands, forearms, feet or lower legs within the permissible scope of practice for a nail technologist or nail technologist's apprentice.

(e) A person who is an employee of an athletic department of any high school, college or university in this State and who, within the scope of that employment, practices massage therapy, reflexology or structural integration on athletes.

(f) Students enrolled in a school of massage therapy, reflexology or structural integration recognized by the Board.

(g) A person who practices massage therapy, reflexology or structural integration solely on members of his or her immediate family.

(h) A person who performs any activity in a licensed brothel.

2. Except as otherwise provided in subsection 3 and NRS 640C.330, the provisions of this chapter preempt the licensure and regulation of a massage therapist, reflexologist or structural integration practitioner by a county, city or town, including, without limitation, conducting a criminal background investigation and examination of a massage therapist, reflexologist or structural integration practitioner or applicant for a license to practice massage therapy, reflexology or structural integration.

3. The provisions of this chapter do not prohibit a county, city or town from requiring a massage therapist, reflexologist or structural integration practitioner to obtain a license or permit to transact business within the jurisdiction of the county, city or town, if the license or permit is required of other persons, regardless of occupation or profession, who transact business within the jurisdiction of the county, city or town.

4. As used in this section, "immediate family" means persons who are related by blood, adoption or marriage, within the second degree of consanguinity or affinity.

Sec. 45. The preliminary chapter of NRS is hereby amended by adding thereto a new section to read as follows:

Except as otherwise expressly provided in a particular statute or required by the context, "licensed certified professional midwife" means a person licensed as a licensed certified professional midwife pursuant to section 20 of

this act.

Sec. 46. NRS 7.095 is hereby amended to read as follows:

7.095 1. An attorney shall not contract for or collect a fee contingent on the amount of recovery for representing a person seeking damages in connection with an action for injury or death against a provider of health care based upon professional negligence in excess of:

- (a) Forty percent of the first \$50,000 recovered;
- (b) Thirty-three and one-third percent of the next \$50,000 recovered;
- (c) Twenty-five percent of the next \$500,000 recovered; and
- (d) Fifteen percent of the amount of recovery that exceeds \$600,000.

2. The limitations set forth in subsection 1 apply to all forms of recovery, including, without limitation, settlement, arbitration and judgment.

3. For the purposes of this section, "recovered" means the net sum recovered by the plaintiff after deducting any disbursements or costs incurred in connection with the prosecution or settlement of the claim. Costs of medical care incurred by the plaintiff and general and administrative expenses incurred by the office of the attorney are not deductible disbursements or costs.

4. As used in this section:

(a) "Professional negligence" means a negligent act or omission to act by a provider of health care in the rendering of professional services, which act or omission is the proximate cause of a personal injury or wrongful death. The term does not include services that are outside the scope of services for which the provider of health care is licensed or services for which any restriction has been imposed by the applicable regulatory board or health care facility.

(b) "Provider of health care" means a physician licensed under chapter 630 or 633 of NRS, dentist, registered nurse, *licensed certified professional midwife*, dispensing optician, optometrist, registered physical therapist, podiatric physician, licensed psychologist, chiropractic physician, doctor of Oriental medicine, holder of a license or a limited license issued under the provisions of chapter 653 of NRS, medical laboratory director or technician, licensed dietitian or a licensed hospital and its employees.

Sec. 47. NRS 41.138 is hereby amended to read as follows:

41.138 1. In any civil action concerning any unwelcome or nonconsensual sexual conduct, including, without limitation, sexual harassment, there is a rebuttable presumption that the sexual conduct was unwelcome or nonconsensual if the alleged perpetrator was a person in a position of authority over the alleged victim.

2. As used in this section:

(a) "Person in a position of authority" means a parent, relative, household member, employer, supervisor, youth leader, scout leader, coach, mentor in a mentoring program, teacher, professor, counselor, school administrator, religious leader, doctor, nurse, *licensed certified professional midwife*, *certified professional midwife student midwife*, *certified professional midwife*

birth assistant, psychologist, other health care provider, guardian ad litem, guardian, babysitter, police officer or other law enforcement officer or any other person who, by reason of his or her position, is able to exercise significant or undue influence over the victim.

(b) "Sexual harassment" has the meaning ascribed to it in NRS 176A.280.

Sec. 48. NRS 41.505 is hereby amended to read as follows:

41.505 1. Any person licensed under the provisions of chapter 630, 632 or 633 of NRS *or sections 2 to 32, inclusive, of this act* and any person who holds an equivalent license issued by another state, who renders emergency care or assistance, including, without limitation, emergency obstetrical care or assistance, in an emergency, gratuitously and in good faith, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by that person in rendering the emergency care or assistance or as a result of any failure to act, not amounting to gross negligence, to provide or arrange for further medical treatment for the injured or ill person. This section does not excuse a physician, physician assistant, ~~for~~ nurse *or licensed certified professional midwife* from liability for damages resulting from that person's acts or omissions which occur in a licensed medical facility relative to any person with whom there is a preexisting relationship as a patient.

2. Any person licensed under the provisions of chapter 630, 632 or 633 of NRS *or sections 2 to 32, inclusive, of this act* and any person who holds an equivalent license issued by another state who:

(a) Is retired or otherwise does not practice on a full-time basis; and

(b) Gratuitously and in good faith, renders medical care within the scope of that person's license to an indigent person,
➤ is not liable for any civil damages as a result of any act or omission by that person, not amounting to gross negligence or reckless, willful or wanton conduct, in rendering that care.

3. Any person licensed to practice medicine under the provisions of chapter 630 or 633 of NRS or licensed to practice dentistry under the provisions of chapter 631 of NRS who renders care or assistance to a patient for a governmental entity or a nonprofit organization is not liable for any civil damages as a result of any act or omission by that person in rendering that care or assistance if the care or assistance is rendered gratuitously, in good faith and in a manner not amounting to gross negligence or reckless, willful or wanton conduct.

4. As used in this section, "gratuitously" has the meaning ascribed to it in NRS 41.500.

Sec. 49. NRS 41.506 is hereby amended to read as follows:

41.506 1. Any person licensed under the provisions of chapter 630, 632 or 633 of NRS *or sections 2 to 32, inclusive, of this act* and any person who holds an equivalent license issued by another state who renders emergency obstetrical care or assistance to a pregnant woman during labor or the delivery of the child is not liable for any civil damages as a result of any act

or omission by that person in rendering that care or assistance if:

(a) The care or assistance is rendered in good faith and in a manner not amounting to gross negligence or reckless, willful or wanton conduct;

(b) The person has not previously provided prenatal or obstetrical care to the woman; and

(c) The damages are reasonably related to or primarily caused by a lack of prenatal care received by the woman.

2. A licensed medical facility in which such care or assistance is rendered is not liable for any civil damages as a result of any act or omission by the person in rendering that care or assistance if that person is not liable for any civil damages pursuant to subsection 1 and the actions of the medical facility relating to the rendering of that care or assistance do not amount to gross negligence or reckless, willful or wanton conduct.

Sec. 50. NRS 41A.017 is hereby amended to read as follows:

41A.017 "Provider of health care" means a physician licensed pursuant to chapter 630 or 633 of NRS, physician assistant, dentist, licensed nurse, *licensed certified professional midwife*, dispensing optician, optometrist, registered physical therapist, podiatric physician, licensed psychologist, chiropractic physician, doctor of Oriental medicine, holder of a license or a limited license issued under the provisions of chapter 653 of NRS, medical laboratory director or technician, licensed dietitian or a licensed hospital, clinic, surgery center, physicians' professional corporation or group practice that employs any such person and its employees.

Sec. 51. NRS 42.021 is hereby amended to read as follows:

42.021 1. In an action for injury or death against a provider of health care based upon professional negligence, if the defendant so elects, the defendant may introduce evidence of any amount payable as a benefit to the plaintiff as a result of the injury or death pursuant to the United States Social Security Act, any state or federal income disability or worker's compensation act, any health, sickness or income-disability insurance, accident insurance that provides health benefits or income-disability coverage, and any contract or agreement of any group, organization, partnership or corporation to provide, pay for or reimburse the cost of medical, hospital, dental or other health care services. If the defendant elects to introduce such evidence, the plaintiff may introduce evidence of any amount that the plaintiff has paid or contributed to secure the plaintiff's right to any insurance benefits concerning which the defendant has introduced evidence.

2. A source of collateral benefits introduced pursuant to subsection 1 may not:

(a) Recover any amount against the plaintiff; or

(b) Be subrogated to the rights of the plaintiff against a defendant.

3. In an action for injury or death against a provider of health care based upon professional negligence, a district court shall, at the request of either party, enter a judgment ordering that money damages or its equivalent for future damages of the judgment creditor be paid in whole or in part by

periodic payments rather than by a lump-sum payment if the award equals or exceeds \$50,000 in future damages.

4. In entering a judgment ordering the payment of future damages by periodic payments pursuant to subsection 3, the court shall make a specific finding as to the dollar amount of periodic payments that will compensate the judgment creditor for such future damages. As a condition to authorizing periodic payments of future damages, the court shall require a judgment debtor who is not adequately insured to post security adequate to assure full payment of such damages awarded by the judgment. Upon termination of periodic payments of future damages, the court shall order the return of this security, or so much as remains, to the judgment debtor.

5. A judgment ordering the payment of future damages by periodic payments entered pursuant to subsection 3 must specify the recipient or recipients of the payments, the dollar amount of the payments, the interval between payments, and the number of payments or the period of time over which payments will be made. Such payments must only be subject to modification in the event of the death of the judgment creditor. Money damages awarded for loss of future earnings must not be reduced or payments terminated by reason of the death of the judgment creditor, but must be paid to persons to whom the judgment creditor owed a duty of support, as provided by law, immediately before the judgment creditor's death. In such cases, the court that rendered the original judgment may, upon petition of any party in interest, modify the judgment to award and apportion the unpaid future damages in accordance with this subsection.

6. If the court finds that the judgment debtor has exhibited a continuing pattern of failing to make the periodic payments as specified pursuant to subsection 5, the court shall find the judgment debtor in contempt of court and, in addition to the required periodic payments, shall order the judgment debtor to pay the judgment creditor all damages caused by the failure to make such periodic payments, including, but not limited to, court costs and attorney's fees.

7. Following the occurrence or expiration of all obligations specified in the periodic payment judgment, any obligation of the judgment debtor to make further payments ceases and any security given pursuant to subsection 4 reverts to the judgment debtor.

8. As used in this section:

(a) "Future damages" includes damages for future medical treatment, care or custody, loss of future earnings, loss of bodily function, or future pain and suffering of the judgment creditor.

(b) "Periodic payments" means the payment of money or delivery of other property to the judgment creditor at regular intervals.

(c) "Professional negligence" means a negligent act or omission to act by a provider of health care in the rendering of professional services, which act or omission is the proximate cause of a personal injury or wrongful death. The term does not include services that are outside the scope of services for

which the provider of health care is licensed or services for which any restriction has been imposed by the applicable regulatory board or health care facility.

(d) "Provider of health care" means a physician licensed under chapter 630 or 633 of NRS, dentist, licensed nurse, *licensed certified professional midwife*, dispensing optician, optometrist, registered physical therapist, podiatric physician, licensed psychologist, chiropractic physician, doctor of Oriental medicine, holder of a license or a limited license issued under the provisions of chapter 653 of NRS, medical laboratory director or technician, licensed dietitian or a licensed hospital and its employees.

Sec. 52. NRS 52.320 is hereby amended to read as follows:

52.320 As used in NRS 52.320 to 52.375, inclusive, unless the context otherwise requires:

1. "Custodian of medical records" means a chiropractic physician, physician, registered physical therapist, ~~for~~ licensed nurse or *licensed certified professional midwife* who prepares and maintains medical records, or any employee or agent of such a person or a facility for convalescent care, medical laboratory or hospital who has care, custody and control of medical records for such a person or institution.

2. "Medical records" includes bills, ledgers, statements and other accounts which show the cost of medical services or care provided to a patient.

Sec. 53. NRS 200.5093 is hereby amended to read as follows:

200.5093 1. Any person who is described in subsection 4 and who, in a professional or occupational capacity, knows or has reasonable cause to believe that an older person or vulnerable person has been abused, neglected, exploited, isolated or abandoned shall:

(a) Except as otherwise provided in subsection 2, report the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to:

(1) The local office of the Aging and Disability Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office; or

(3) A toll-free telephone service designated by the Aging and Disability Services Division of the Department of Health and Human Services; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the older person or vulnerable person has been abused, neglected, exploited, isolated or abandoned.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person involves an act or omission of the Aging and Disability Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the person shall make the report to an agency other than

the one alleged to have committed the act or omission.

3. Each agency, after reducing a report to writing, shall forward a copy of the report to the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, chiropractic physician, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant licensed pursuant to chapter 630 or 633 of NRS, *licensed certified professional midwife*, perfusionist, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, clinical alcohol and drug counselor, alcohol and drug counselor, music therapist, athletic trainer, driver of an ambulance, paramedic, licensed dietitian, holder of a license or a limited license issued under the provisions of chapter 653 of NRS, behavior analyst, assistant behavior analyst, registered behavior technician, peer recovery support specialist, as defined in NRS 433.627, peer recovery support specialist supervisor, as defined in NRS 433.629, or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats an older person or vulnerable person who appears to have been abused, neglected, exploited, isolated or abandoned.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person by a member of the staff of the hospital.

(c) A coroner.

(d) Every person who maintains or is employed by an agency to provide personal care services in the home.

(e) Every person who maintains or is employed by an agency to provide nursing in the home.

(f) Every person who operates, who is employed by or who contracts to provide services for an intermediary service organization as defined in NRS 449.4304.

(g) Any employee of the Department of Health and Human Services, except the State Long-Term Care Ombudsman appointed pursuant to NRS 427A.125 and any of his or her advocates or volunteers where prohibited from making such a report pursuant to 45 C.F.R. § 1321.11.

(h) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(i) Any person who maintains or is employed by a facility or establishment that provides care for older persons or vulnerable persons.

(j) Any person who maintains, is employed by or serves as a volunteer for

an agency or service which advises persons regarding the abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person and refers them to persons and agencies where their requests and needs can be met.

(k) Every social worker.

(l) Any person who owns or is employed by a funeral home or mortuary.

(m) Every person who operates or is employed by a community health worker pool, as defined in NRS 449.0028, or with whom a community health worker pool contracts to provide the services of a community health worker, as defined in NRS 449.0027.

(n) Every person who is enrolled with the Division of Health Care Financing and Policy of the Department of Health and Human Services to provide doula services to recipients of Medicaid pursuant to NRS 422.27177.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that an older person or vulnerable person has died as a result of abuse, neglect, isolation or abandonment, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the older person or vulnerable person and submit to the appropriate local law enforcement agencies, the appropriate prosecuting attorney, the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes his or her written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

7. A division, office or department which receives a report pursuant to this section shall cause the investigation of the report to commence within 3 working days. A copy of the final report of the investigation conducted by a division, office or department, other than the Aging and Disability Services Division of the Department of Health and Human Services, must be forwarded within 30 days after the completion of the report to the:

(a) Aging and Disability Services Division;

(b) Repository for Information Concerning Crimes Against Older Persons or Vulnerable Persons created by NRS 179A.450; and

(c) Unit for the Investigation and Prosecution of Crimes.

8. If the investigation of a report results in the belief that an older person or vulnerable person is abused, neglected, exploited, isolated or abandoned, the Aging and Disability Services Division of the Department of Health and Human Services or the county's office for protective services may provide protective services to the older person or vulnerable person if the older person or vulnerable person is able and willing to accept them.

9. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.

10. As used in this section, "Unit for the Investigation and Prosecution of Crimes" means the Unit for the Investigation and Prosecution of Crimes

Against Older Persons or Vulnerable Persons in the Office of the Attorney General created pursuant to NRS 228.265.

Sec. 54. NRS 200.5095 is hereby amended to read as follows:

200.5095 1. Reports made pursuant to NRS 200.5093 and 200.5094, and records and investigations relating to those reports, are confidential.

2. A person, law enforcement agency or public or private agency, institution or facility who willfully releases data or information concerning the reports and investigation of the abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons, except:

- (a) Pursuant to a criminal prosecution;
- (b) Pursuant to NRS 200.50982; or
- (c) To persons or agencies enumerated in subsection 3,

↪ is guilty of a misdemeanor.

3. Except as otherwise provided in subsection 2 and NRS 200.50982, data or information concerning the reports and investigations of the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person is available only to:

(a) A physician who is providing care to an older person or a vulnerable person who may have been abused, neglected, exploited, isolated or abandoned;

(b) An agency responsible for or authorized to undertake the care, treatment and supervision of the older person or vulnerable person;

(c) A district attorney or other law enforcement official who requires the information in connection with an investigation of the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person;

(d) A court which has determined, in camera, that public disclosure of such information is necessary for the determination of an issue before it;

(e) A person engaged in bona fide research, but the identity of the subjects of the report must remain confidential;

(f) A grand jury upon its determination that access to such records is necessary in the conduct of its official business;

(g) Any comparable authorized person or agency in another jurisdiction;

(h) A legal guardian of the older person or vulnerable person, if the identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to the public agency is protected, and the legal guardian of the older person or vulnerable person is not the person suspected of such abuse, neglect, exploitation, isolation or abandonment;

(i) If the older person or vulnerable person is deceased, the executor or administrator of his or her estate, if the identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to the public agency is protected, and the executor or administrator is not the person suspected of such abuse, neglect, exploitation, isolation or abandonment;

(j) The older person or vulnerable person named in the report as allegedly being abused, neglected, exploited, isolated or abandoned, if that person is not legally incapacitated;

(k) An attorney appointed by a court to represent a protected person in a guardianship proceeding pursuant to NRS 159.0485, if:

(1) The protected person is an older person or vulnerable person;

(2) The identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to the public agency is protected; and

(3) The attorney of the protected person is not the person suspected of such abuse, neglect, exploitation, isolation or abandonment; or

(l) The State Guardianship Compliance Office created by NRS 159.341.

4. If the person who is reported to have abused, neglected, exploited, isolated or abandoned an older person or a vulnerable person is the holder of a license or certificate issued pursuant to chapters 449, 630 to 641B, inclusive, 641D, 653 or 654 of NRS ~~653~~ or *sections 2 to 32, inclusive, of this act*, the information contained in the report must be submitted to the board that issued the license.

5. If data or information concerning the reports and investigations of the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person is made available pursuant to paragraph (b) or (j) of subsection 3 or subsection 4, the name and any other identifying information of the person who made the report must be redacted before the data or information is made available.

Sec. 55. NRS 218G.400 is hereby amended to read as follows:

218G.400 1. Except as otherwise provided in subsection 2, each board created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644A, inclusive, *and sections 2 to 32, inclusive, of this act*, 648, 654 and 656 of NRS shall:

(a) If the revenue of the board from all sources is less than \$200,000 for any fiscal year and, if the board is a regulatory body pursuant to NRS 622.060, the board has submitted to the Director of the Legislative Counsel Bureau for each quarter of that fiscal year the information required by NRS 622.100, prepare a balance sheet for that fiscal year on the form provided by the Legislative Auditor and file the balance sheet with the Legislative Auditor and the Chief of the Budget Division of the Office of Finance on or before December 1 following the end of that fiscal year. The Legislative Auditor shall prepare and make available a form that must be used by a board to prepare such a balance sheet.

(b) If the revenue of the board from all sources is \$200,000 or more for any fiscal year, or if the board is a regulatory body pursuant to NRS 622.060 and has failed to submit to the Director of the Legislative Counsel Bureau for each quarter of that fiscal year the information required by NRS 622.100, engage the services of a certified public accountant or public accountant, or firm of either of such accountants, to audit all its fiscal records for that fiscal

year and file a report of the audit with the Legislative Auditor and the Chief of the Budget Division of the Office of Finance on or before December 1 following the end of that fiscal year.

2. In lieu of preparing a balance sheet or having an audit conducted for a single fiscal year, a board may engage the services of a certified public accountant or public accountant, or firm of either of such accountants, to audit all its fiscal records for a period covering two successive fiscal years. If such an audit is conducted, the board shall file the report of the audit with the Legislative Auditor and the Chief of the Budget Division of the Office of Finance on or before December 1 following the end of the second fiscal year.

3. The cost of each audit conducted pursuant to subsection 1 or 2 must be paid by the board that is audited. Each such audit must be conducted in accordance with generally accepted auditing standards, and all financial statements must be prepared in accordance with generally accepted principles of accounting for special revenue funds.

4. Whether or not a board is required to have its fiscal records audited pursuant to subsection 1 or 2, the Legislative Auditor shall audit the fiscal records of any such board whenever directed to do so by the Legislative Commission. When the Legislative Commission directs such an audit, the Legislative Commission shall also determine who is to pay the cost of the audit.

5. A person who is a state officer or employee of a board is guilty of nonfeasance if the person:

(a) Is responsible for preparing a balance sheet or having an audit conducted pursuant to this section or is responsible for preparing or maintaining the fiscal records that are necessary to prepare a balance sheet or have an audit conducted pursuant to this section; and

(b) Knowingly fails to prepare the balance sheet or have the audit conducted pursuant to this section or knowingly fails to prepare or maintain the fiscal records that are necessary to prepare a balance sheet or have an audit conducted pursuant to this section.

6. In addition to any other remedy or penalty, a person who is guilty of nonfeasance pursuant to this section forfeits the person's state office or employment and may not be appointed to a state office or position of state employment for a period of 2 years following the forfeiture. The provisions of this subsection do not apply to a state officer who may be removed from office only by impeachment pursuant to Article 7 of the Nevada Constitution.

Sec. 56. 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 65 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. 57. 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 30 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. 58. NRS 284.013 is hereby amended to read as follows:

284.013 1. Except as otherwise provided in subsection 4, this chapter does not apply to:

(a) Agencies, bureaus, commissions, officers or personnel in the Legislative Department or the Judicial Department of State Government, including the Commission on Judicial Discipline;

(b) Any person who is employed by a board, commission, committee or council created in chapters 445C, 590, 623 to 625A, inclusive, 628, 630 to 644A, inclusive, *and sections 2 to 32, inclusive, of this act*, 648, 652, 654 and 656 of NRS; or

(c) Officers or employees of any agency of the Executive Department of the State Government who are exempted by specific statute.

2. Except as otherwise provided in subsection 3, the terms and conditions

of employment of all persons referred to in subsection 1, including salaries not prescribed by law and leaves of absence, including, without limitation, annual leave and sick and disability leave, must be fixed by the appointing or employing authority within the limits of legislative appropriations or authorizations.

3. Except as otherwise provided in this subsection, leaves of absence prescribed pursuant to subsection 2 must not be of lesser duration than those provided for other state officers and employees pursuant to the provisions of this chapter. The provisions of this subsection do not govern the Legislative Commission with respect to the personnel of the Legislative Counsel Bureau.

4. Any board, commission, committee or council created in chapters 445C, 590, 623 to 625A, inclusive, 628, 630 to 644A, inclusive, 648, 652, 654 and 656 of NRS which contracts for the services of a person, shall require the contract for those services to be in writing. The contract must be approved by the State Board of Examiners before those services may be provided.

5. Except as otherwise provided in NRS 284.4086, to the extent that they are inconsistent or otherwise in conflict, the provisions of this chapter do not apply to any terms and conditions of employment that are properly within the scope of and subject to the provisions of a collective bargaining agreement or a supplemental bargaining agreement that is enforceable pursuant to the provisions of NRS 288.400 to 288.630, inclusive.

Sec. 59. NRS 353.005 is hereby amended to read as follows:

353.005 Except as otherwise provided in NRS 353.007, the provisions of this chapter do not apply to boards created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644A, inclusive, *and sections 2 to 32, inclusive, of this act*, 648, 654 and 656 of NRS and the officers and employees of those boards.

Sec. 60. NRS 353A.020 is hereby amended to read as follows:

353A.020 1. The Director, in consultation with the Committee and Legislative Auditor, shall adopt a uniform system of internal accounting and administrative control for agencies. The elements of the system must include, without limitation:

(a) A plan of organization which provides for a segregation of duties appropriate to safeguard the assets of the agency;

(b) A plan which limits access to assets of the agency to persons who need the assets to perform their assigned duties;

(c) Procedures for authorizations and recordkeeping which effectively control accounting of assets, liabilities, revenues and expenses;

(d) A system of practices to be followed in the performance of the duties and functions of each agency; and

(e) An effective system of internal review.

2. The Director, in consultation with the Committee and Legislative Auditor, may modify the system whenever the Director considers it necessary.

3. Each agency shall develop written procedures to carry out the system of internal accounting and administrative control adopted pursuant to this section.

4. For the purposes of this section, "agency" does not include:

(a) A board created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644A, inclusive, *and sections 2 to 32, inclusive, of this act*, 648, 654 and 656 of NRS.

(b) The Nevada System of Higher Education.

(c) The Public Employees' Retirement System.

(d) The Housing Division of the Department of Business and Industry.

(e) The Colorado River Commission of Nevada.

Sec. 61. NRS 353A.025 is hereby amended to read as follows:

353A.025 1. The head of each agency shall periodically review the agency's system of internal accounting and administrative control to determine whether it is in compliance with the uniform system of internal accounting and administrative control for agencies adopted pursuant to subsection 1 of NRS 353A.020.

2. On or before July 1 of each even-numbered year, the head of each agency shall report to the Director whether the agency's system of internal accounting and administrative control is in compliance with the uniform system adopted pursuant to subsection 1 of NRS 353A.020. The reports must be made available for inspection by the members of the Legislature.

3. For the purposes of this section, "agency" does not include:

(a) A board created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644A, inclusive, *and sections 2 to 32, inclusive, of this act*, 648, 654 and 656 of NRS.

(b) The Nevada System of Higher Education.

(c) The Public Employees' Retirement System.

(d) The Housing Division of the Department of Business and Industry.

(e) The Colorado River Commission of Nevada.

4. The Director shall, on or before the first Monday in February of each odd-numbered year, submit a report on the status of internal accounting and administrative controls in agencies to the:

(a) Director of the Legislative Counsel Bureau for transmittal to the:

(1) Senate Standing Committee on Finance; and

(2) Assembly Standing Committee on Ways and Means;

(b) Governor; and

(c) Legislative Auditor.

5. The report submitted by the Director pursuant to subsection 4 must include, without limitation:

(a) The identification of each agency that has not complied with the requirements of subsections 1 and 2;

(b) The identification of each agency that does not have an effective method for reviewing its system of internal accounting and administrative control; and

(c) The identification of each agency that has weaknesses in its system of internal accounting and administrative control, and the extent and types of such weaknesses.

Sec. 62. NRS 353A.045 is hereby amended to read as follows:

353A.045 The Administrator shall:

1. Report to the Director.
2. Develop long-term and annual work plans to be based on the results of periodic documented risk assessments. The annual work plan must list the agencies to which the Division will provide training and assistance and be submitted to the Director for approval. Such agencies must not include:
 - (a) A board created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644A, inclusive, *and sections 2 to 32, inclusive, of this act*, 648, 654 and 656 of NRS.
 - (b) The Nevada System of Higher Education.
 - (c) The Public Employees' Retirement System.
 - (d) The Housing Division of the Department of Business and Industry.
 - (e) The Colorado River Commission of Nevada.
3. Provide a copy of the approved annual work plan to the Legislative Auditor.
4. In consultation with the Director, prepare a plan for auditing executive branch agencies for each fiscal year and present the plan to the Committee for its review and approval. Each plan for auditing must:
 - (a) State the agencies which will be audited, the proposed scope and assignment of those audits and the related resources which will be used for those audits; and
 - (b) Ensure that the internal accounting, administrative controls and financial management of each agency are reviewed periodically.
5. Perform the audits of the programs and activities of the agencies in accordance with the plan approved pursuant to subsection 5 of NRS 353A.038 and prepare audit reports of his or her findings.
6. Review each agency that is audited pursuant to subsection 5 and advise those agencies concerning internal accounting, administrative controls and financial management.
7. Submit to each agency that is audited pursuant to subsection 5 analyses, appraisals and recommendations concerning:
 - (a) The adequacy of the internal accounting and administrative controls of the agency; and
 - (b) The efficiency and effectiveness of the management of the agency.
8. Report any possible abuses, illegal actions, errors, omissions and conflicts of interest of which the Division becomes aware during the performance of an audit.
9. Adopt the standards of The Institute of Internal Auditors for conducting and reporting on internal audits.
10. Consult with the Legislative Auditor concerning the plan for auditing and the scope of audits to avoid duplication of effort and undue disruption of

the functions of agencies that are audited pursuant to subsection 5.

Sec. 63. NRS 372.7285 is hereby amended to read as follows:

372.7285 1. In administering the provisions of NRS 372.325, the Department shall apply the exemption to the sale of a medical device to a governmental entity that is exempt pursuant to that section without regard to whether the person using the medical device or the governmental entity that purchased the device is deemed to be the holder of title to the device if:

(a) The medical device was ordered or prescribed by a provider of health care, within his or her scope of practice, for use by the person to whom it is provided;

(b) The medical device is covered by Medicaid or Medicare; and

(c) The purchase of the medical device is made pursuant to a contract between the governmental entity that purchases the medical device and the person who sells the medical device to the governmental entity.

2. As used in this section:

(a) "Medicaid" means the program established pursuant to Title XIX of the Social Security Act, 42 U.S.C. §§ 1396 et seq., to provide assistance for part or all of the cost of medical care rendered on behalf of indigent persons.

(b) "Medicare" means the program of health insurance for aged persons and persons with disabilities established pursuant to Title XVIII of the Social Security Act, 42 U.S.C. §§ 1395 et seq.

(c) "Provider of health care" means a physician or physician assistant licensed pursuant to chapter 630, 630A or 633 of NRS, perfusionist, dentist, licensed nurse, *licensed certified professional midwife*, dispensing optician, optometrist, practitioner of respiratory care, registered physical therapist, podiatric physician, licensed psychologist, licensed audiologist, licensed speech-language pathologist, licensed hearing aid specialist, licensed marriage and family therapist, licensed clinical professional counselor, chiropractic physician, licensed dietitian or doctor of Oriental medicine in any form.

Sec. 64. NRS 374.731 is hereby amended to read as follows:

374.731 1. In administering the provisions of NRS 374.330, the Department shall apply the exemption to the sale of a medical device to a governmental entity that is exempt pursuant to that section without regard to whether the person using the medical device or the governmental entity that purchased the device is deemed to be the holder of title to the device if:

(a) The medical device was ordered or prescribed by a provider of health care, within his or her scope of practice, for use by the person to whom it is provided;

(b) The medical device is covered by Medicaid or Medicare; and

(c) The purchase of the medical device is made pursuant to a contract between the governmental entity that purchases the medical device and the person who sells the medical device to the governmental entity.

2. As used in this section:

(a) "Medicaid" means the program established pursuant to Title XIX of

the Social Security Act, 42 U.S.C. §§ 1396 et seq., to provide assistance for part or all of the cost of medical care rendered on behalf of indigent persons.

(b) "Medicare" means the program of health insurance for aged persons and persons with disabilities established pursuant to Title XVIII of the Social Security Act, 42 U.S.C. §§ 1395 et seq.

(c) "Provider of health care" means a physician or physician assistant licensed pursuant to chapter 630, 630A or 633 of NRS, perfusionist, dentist, licensed nurse, *licensed certified professional midwife*, dispensing optician, optometrist, practitioner of respiratory care, registered physical therapist, podiatric physician, licensed psychologist, licensed audiologist, licensed speech-language pathologist, licensed hearing aid specialist, licensed marriage and family therapist, licensed clinical professional counselor, chiropractic physician, licensed dietitian or doctor of Oriental medicine in any form.

Sec. 65. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *To the extent authorized by federal law, the Director shall include in the State Plan for Medicaid a requirement that, except as otherwise provided in subsection 2, the State shall pay the nonfederal share of expenditures incurred for services rendered by a licensed certified professional midwife. Such services must be reimbursed at a rate comparable to similar services provided by other providers of health care, including, without limitation, physicians, physician assistants and advanced practice registered nurses, regardless of the location at which the services are provided.*

2. *The Department or a managed care organization, including, without limitation, a health maintenance organization, that provides health care services to recipients of Medicaid under the State Plan for Medicaid may charge a copayment or coinsurance or apply a deductible for the services described in subsection 1. The amount of such a copayment, coinsurance or deductible must not exceed the amount of the copayment, coinsurance or deductible charged for the same services provided by another provider of health care.*

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

Sec. 66. NRS 432B.220 is hereby amended to read as follows:

432B.220 1. Any person who is described in subsection 4 and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that a child has been abused or neglected shall:

(a) Except as otherwise provided in subsection 2, report the abuse or neglect of the child to an agency which provides child welfare services or to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the child has been abused or neglected.

2. If a person who is required to make a report pursuant to subsection 1

knows or has reasonable cause to believe that the abuse or neglect of the child involves an act or omission of:

(a) A person directly responsible or serving as a volunteer for or an employee of a public or private home, institution or facility where the child is receiving child care outside of the home for a portion of the day, the person shall make the report to a law enforcement agency.

(b) An agency which provides child welfare services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission, and the investigation of the abuse or neglect of the child must be made by an agency other than the one alleged to have committed the act or omission.

3. Any person who is described in paragraph (a) of subsection 4 who delivers or provides medical services to a newborn infant and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that the newborn infant has been affected by a fetal alcohol spectrum disorder or prenatal substance use disorder or has withdrawal symptoms resulting from prenatal substance exposure shall, as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the newborn infant is so affected or has such symptoms, notify an agency which provides child welfare services of the condition of the infant and refer each person who is responsible for the welfare of the infant to an agency which provides child welfare services for appropriate counseling, training or other services. A notification and referral to an agency which provides child welfare services pursuant to this subsection shall not be construed to require prosecution for any illegal action.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) A person providing services licensed or certified in this State pursuant to, without limitation, chapter 450B, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B, 641C, 641D or 653 of NRS ~~1-1~~ or sections 2 to 32, inclusive, of this act.

(b) Any personnel of a medical facility licensed pursuant to chapter 449 of NRS who are engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of such a medical facility upon notification of suspected abuse or neglect of a child by a member of the staff of the medical facility.

(c) A coroner.

(d) A member of the clergy, practitioner of Christian Science or religious healer, unless the person has acquired the knowledge of the abuse or neglect from the offender during a confession.

(e) A person employed by a public school or private school and any person who serves as a volunteer at such a school.

(f) Any person who maintains or is employed by a facility or establishment that provides care for children, children's camp or other public

or private facility, institution or agency furnishing care to a child.

(g) Any person licensed pursuant to chapter 424 of NRS to conduct a foster home.

(h) Any officer or employee of a law enforcement agency or an adult or juvenile probation officer.

(i) Except as otherwise provided in NRS 432B.225, an attorney.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding abuse or neglect of a child and refers them to persons and agencies where their requests and needs can be met.

(k) Any person who is employed by or serves as a volunteer for a youth shelter. As used in this paragraph, "youth shelter" has the meaning ascribed to it in NRS 244.427.

(l) Any adult person who is employed by an entity that provides organized activities for children, including, without limitation, a person who is employed by a school district or public school.

(m) Any person who is enrolled with the Division of Health Care Financing and Policy of the Department of Health and Human Services to provide doula services to recipients of Medicaid pursuant to NRS 422.27177.

(n) A peer recovery support specialist, as defined in NRS 433.627, or peer recovery support specialist supervisor, as defined in NRS 433.629.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a child has died as a result of abuse or neglect, the person shall, as soon as reasonably practicable, report this belief to an agency which provides child welfare services or a law enforcement agency. If such a report is made to a law enforcement agency, the law enforcement agency shall notify an agency which provides child welfare services and the appropriate medical examiner or coroner of the report. If such a report is made to an agency which provides child welfare services, the agency which provides child welfare services shall notify the appropriate medical examiner or coroner of the report. The medical examiner or coroner who is notified of a report pursuant to this subsection shall investigate the report and submit his or her written findings to the appropriate agency which provides child welfare services, the appropriate district attorney and a law enforcement agency. The written findings must include, if obtainable, the information required pursuant to the provisions of subsection 2 of NRS 432B.230.

7. The agency, board, bureau, commission, department, division or political subdivision of the State responsible for the licensure, certification or endorsement of a person who is described in subsection 4 and who is required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State shall, at the time of initial licensure, certification or endorsement:

(a) Inform the person, in writing or by electronic communication, of his or

her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is licensed, certified or endorsed in this State.

8. The employer of a person who is described in subsection 4 and who is not required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State must, upon initial employment of the person:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is employed by the employer.

9. Before a person may serve as a volunteer at a public school or private school, the school must:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section and NRS 392.303;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section and NRS 392.303; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person serves as a volunteer at the school.

10. As used in this section:

(a) "Private school" has the meaning ascribed to it in NRS 394.103.

(b) "Public school" has the meaning ascribed to it in NRS 385.007.

Sec. 67. NRS 439A.0195 is hereby amended to read as follows:

439A.0195 "Practitioner" means a physician licensed under chapter 630, 630A or 633 of NRS, dentist, licensed nurse, *licensed certified professional midwife*, dispensing optician, optometrist, registered physical therapist, podiatric physician, licensed psychologist, chiropractic physician, doctor of Oriental medicine in any form, medical laboratory director or technician, pharmacist or other person whose principal occupation is the provision of services for health.

Sec. 68. NRS 439B.225 is hereby amended to read as follows:

439B.225 1. As used in this section, "licensing board" means any division or board empowered to adopt standards for the issuance or renewal of licenses, permits or certificates of registration pursuant to NRS 435.3305 to 435.339, inclusive, chapter 449, 625A, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640D, 641, 641A, 641B, 641C, 641D, 652, 653 or 654 of NRS ~~[-]~~ and sections 2 to 32, inclusive, of this act.

2. The Committee shall review each regulation that a licensing board

proposes or adopts that relates to standards for the issuance or renewal of licenses, permits or certificates of registration issued to a person or facility regulated by the board, giving consideration to:

- (a) Any oral or written comment made or submitted to it by members of the public or by persons or facilities affected by the regulation;
- (b) The effect of the regulation on the cost of health care in this State;
- (c) The effect of the regulation on the number of licensed, permitted or registered persons and facilities available to provide services in this State; and
- (d) Any other related factor the Committee deems appropriate.

3. After reviewing a proposed regulation, the Committee shall notify the agency of the opinion of the Committee regarding the advisability of adopting or revising the proposed regulation.

4. The Committee shall recommend to the Legislature as a result of its review of regulations pursuant to this section any appropriate legislation.

Sec. 69. Chapter 440 of NRS is hereby amended by adding thereto a new section to read as follows:

As used in this chapter, "midwife" means any type of midwife, including, without limitation, a licensed certified professional midwife, a certified nurse-midwife or any person who engages in the practice of certified professional midwifery.

Sec. 70. NRS 440.280 is hereby amended to read as follows:

440.280 1. If a birth occurs in a hospital or the person giving birth and child are immediately transported to a hospital, the person in charge of the hospital or his or her designated representative shall obtain the necessary information, prepare a birth certificate, secure the signatures required by the certificate and file it within 10 days with the health officer of the registration district where the birth occurred. The physician in attendance shall provide the medical information required by the certificate and certify to the fact of birth within 72 hours after the birth. If the physician does not certify to the fact of birth within the required 72 hours, the person in charge of the hospital or the designated representative shall complete and sign the certification.

2. If a birth occurs outside a hospital and the person giving birth and child are not immediately transported to a hospital, the birth certificate must be prepared and filed by one of the following persons in the following order of priority:

- (a) The physician or advanced practice registered nurse in attendance at or immediately after the birth.
- (b) The licensed certified professional midwife in attendance at or immediately after the birth.
- (c) Any other person in attendance at or immediately after the birth.

~~{{e}}~~ (d) The person giving birth or other parent or, if the other parent is absent and the person giving birth is incapacitated, the person in charge of the premises where the birth occurred.

3. If a birth occurs in a moving conveyance, the place of birth is the place

where the child is removed from the conveyance.

4. In cities, the certificate of birth must be filed sooner than 10 days after the birth if so required by municipal ordinance or regulation.

5. If the person giving birth was:

(a) Married at the time of birth, the name of the spouse of that person must be entered on the certificate as the other parent of the child unless:

(1) A court has issued an order establishing that a person other than the spouse of the person giving birth is the other parent of the child; or

(2) The person giving birth and a person other than the spouse of the person giving birth have signed a declaration for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283 or a declaration for the voluntary acknowledgment of parentage developed by the Board pursuant to NRS 440.285.

(b) Widowed at the time of birth but married at the time of conception, the name of the spouse of the person giving birth at the time of conception must be entered on the certificate as the other parent of the child unless:

(1) A court has issued an order establishing that a person other than the spouse of the person giving birth at the time of conception is the other parent of the child; or

(2) The person giving birth and a person other than the spouse of the person giving birth at the time of conception have signed a declaration for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283 or a declaration for the voluntary acknowledgment of parentage developed by the Board pursuant to NRS 440.285.

6. If the person giving birth was unmarried at the time of birth, the name of the other parent may be entered on the original certificate of birth only if:

(a) The provisions of paragraph (b) of subsection 5 are applicable;

(b) A court has issued an order establishing that the person is the other parent of the child; or

(c) The parents of the child have signed a declaration for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283 or a declaration for the voluntary acknowledgment of parentage developed by the Board pursuant to NRS 440.285. If both parents execute a declaration consenting to the use of the surname of one parent as the surname of the child, the name of that parent must be entered on the original certificate of birth and the surname of that parent must be entered thereon as the surname of the child.

7. An order entered or a declaration executed pursuant to subsection 6 must be submitted to the local health officer, the local health officer's authorized representative, or the attending physician or midwife before a proper certificate of birth is forwarded to the State Registrar. The order or declaration must then be delivered to the State Registrar for filing. The State Registrar's file of orders and declarations must be sealed and the contents of the file may be examined only upon order of a court of competent jurisdiction or at the request of either parent or the Division of Welfare and

Supportive Services of the Department of Health and Human Services as necessary to carry out the provisions of 42 U.S.C. § 654a. The local health officer shall complete the original certificate of birth in accordance with subsection 6 and other provisions of this chapter.

8. As used in this section, "court" has the meaning ascribed to it in NRS 125B.004.

Sec. 71. NRS 440.770 is hereby amended to read as follows:

440.770 Any person who furnishes false information to a physician, advanced practice registered nurse, *licensed certified professional midwife*, funeral director, midwife or informant for the purpose of making incorrect certification of births or deaths shall be punished by a fine of not more than \$250.

Sec. 72. NRS 441A.110 is hereby amended to read as follows:

441A.110 "Provider of health care" means a physician, nurse, *licensed certified professional midwife* or veterinarian licensed in accordance with state law, a physician assistant licensed pursuant to chapter 630 or 633 of NRS or a pharmacist registered pursuant to chapter 639 of NRS.

Sec. 73. NRS 441A.315 is hereby amended to read as follows:

441A.315 1. Except as otherwise provided in subsection 3, a physician, physician assistant, advanced practice registered nurse or midwife who provides or supervises the provision of emergency medical services in a hospital or primary care to a patient who is 15 years of age or older shall, in accordance with the regulations adopted pursuant to subsection 4:

(a) Consult with the patient to ascertain whether he or she wishes to be tested for sexually transmitted diseases, including, without limitation, the human immunodeficiency virus, and to determine which tests, if any, are medically indicated for the patient; and

(b) If the patient wishes to be tested, conduct any test which is medically indicated for the patient or assist the patient with obtaining any such test, to the extent practicable for the physician, physician assistant, advanced practice registered nurse or midwife.

2. Except as otherwise provided in subsection 3, a hospital that provides emergency medical services or primary care to a patient who is 15 years of age or older shall, in accordance with the regulations adopted pursuant to subsection 4:

(a) Ensure that the patient is consulted to ascertain whether he or she wishes to be tested for sexually transmitted diseases, including, without limitation, the human immunodeficiency virus, and to determine which tests, if any, are medically indicated for the patient; and

(b) If the patient wishes to be tested, ensure that any test which is medically indicated for the patient is conducted or that the patient is assisted with obtaining any such test, to the extent practicable for the hospital.

3. A physician, physician assistant, advanced practice registered nurse, midwife or hospital is not required to comply with the requirements of subsection 1 or 2 if the physician, physician assistant, advanced practice

registered nurse or midwife or a provider of health care who provides emergency medical services or primary care to the patient at the hospital, as applicable, reasonably believes that the patient:

- (a) Is being treated for a life-threatening emergency;
- (b) Has recently been offered or has been the subject of a test for the human immunodeficiency virus or other sexually transmitted diseases; or
- (c) Lacks capacity to consent to such testing.

4. The Board shall adopt regulations to ensure that:

(a) Any test which is administered to a patient or for which a patient is assisted in obtaining pursuant to this section is medically indicated for that patient; and

(b) Communications concerning testing pursuant to this section are made in a culturally competent manner and, to the extent practicable, in a language that is easily understood by the patient.

5. A physician, physician assistant, advanced practice registered nurse, midwife or hospital that fails to comply with the provisions of this section:

(a) Is not subject to a criminal penalty or an administrative fine pursuant to this chapter; and

(b) Is subject to disciplinary action, where applicable.

6. As used in this section:

(a) *"Midwife" has the meaning ascribed to it in NRS 442.003.*

(b) "Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.

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

Sec. 74. NRS 442.003 is hereby amended to read as follows:

442.003 As used in this chapter, unless the context requires otherwise:

1. "Advisory Board" means the Advisory Board on Maternal and Child Health.

2. "Department" means the Department of Health and Human Services.

3. "Director" means the Director of the Department.

4. "Division" means the Division of Public and Behavioral Health of the Department.

5. "Fetal alcohol syndrome" includes fetal alcohol effects.

6. "Freestanding birthing center" has the meaning ascribed to it in NRS 449.0065.

7. "Laboratory" has the meaning ascribed to it in NRS 652.040.

8. "Midwife" means ~~{~~:

~~—(a) A person certified as:~~

~~—(1) A Certified Professional Midwife by the North American Registry of Midwives, or its successor organization; or~~

~~—(2) A Certified Nurse Midwife by the American Midwifery Certification Board, or its successor organization; or~~

~~—(b) Any other~~ any type of midwife ~~{~~, including, without limitation, a licensed certified professional midwife, a certified nurse-midwife or any

person who engages in the practice of certified professional midwifery.

9. "Provider of health care or other services" means:

(a) A clinical alcohol and drug counselor who is licensed, or an alcohol and drug counselor who is licensed or certified, pursuant to chapter 641C of NRS;

(b) A physician or a physician assistant who is licensed pursuant to chapter 630 or 633 of NRS and who practices in the area of obstetrics and gynecology, family practice, internal medicine, pediatrics or psychiatry;

(c) A licensed nurse;

(d) A licensed psychologist;

(e) A licensed marriage and family therapist;

(f) A licensed clinical professional counselor;

(g) A licensed social worker;

(h) A licensed dietitian; ~~for~~

(i) *A licensed certified professional midwife; or*

(j) The holder of a certificate of registration as a pharmacist.

Sec. 75. NRS 442.119 is hereby amended to read as follows:

442.119 As used in NRS 442.119 to 442.1198, inclusive, unless the context otherwise requires:

1. "Health officer" includes a local health officer, a city health officer, a county health officer and a district health officer.

2. "Medicaid" has the meaning ascribed to it in NRS 439B.120.

3. "Medicare" has the meaning ascribed to it in NRS 439B.130.

4. "Provider of prenatal care" means:

(a) A physician who is licensed in this State and certified in obstetrics and gynecology, family practice, general practice or general surgery.

(b) A certified nurse-midwife who is licensed by the State Board of Nursing.

(c) An advanced practice registered nurse who is licensed by the State Board of Nursing pursuant to NRS 632.237 and who has specialized skills and training in obstetrics or family nursing.

(d) A physician assistant licensed pursuant to chapter 630 or 633 of NRS who has specialized skills and training in obstetrics or family practice.

(e) *A licensed certified professional midwife.*

Sec. 76. NRS 442.610 is hereby amended to read as follows:

442.610 "Provider of health care" means:

1. A provider of health care as defined in NRS 629.031 ~~to~~, *including, without limitation, a licensed certified professional midwife; and*

2. ~~A midwife; and~~

~~3. A freestanding birthing center licensed pursuant to chapter 449 of NRS.~~

Sec. 76.5. NRS 449.103 is hereby amended to read as follows:

449.103 1. To enable an agent or employee of a medical facility, facility for the dependent or facility which is otherwise required by regulations adopted by the Board pursuant to NRS 449.0303 to be licensed

who provides care to a patient or resident of the facility to more effectively treat patients or care for residents, as applicable, the Board shall, by regulation, require such a facility to conduct training relating specifically to cultural competency for any agent or employee of the facility who provides care to a patient or resident of the facility so that such an agent or employee may better understand patients or residents who have different cultural backgrounds, including, without limitation, patients or residents who are:

- (a) From various racial and ethnic backgrounds;
- (b) From various religious backgrounds;
- (c) Persons with various sexual orientations and gender identities or expressions;
- (d) Children and senior citizens;
- (e) Persons with a mental or physical disability; and
- (f) Part of any other population that such an agent or employee may need to better understand, as determined by the Board.

2. The training relating specifically to cultural competency conducted by a medical facility, facility for the dependent or facility which is otherwise required by regulations adopted by the Board pursuant to NRS 449.0303 to be licensed pursuant to subsection 1 must be provided through a course or program that is approved by the Department of Health and Human Services.

3. *The regulations adopted pursuant to this section must authorize a licensed certified professional midwife who is subject to the requirements of subsection 1 to use the training required by the regulations adopted pursuant to paragraph (b) of subsection 1 of section 19 of this act to satisfy the requirements of subsection 1.*

Sec. 77. NRS 449.198 is hereby amended to read as follows:

449.198 1. A freestanding birthing center must:

- (a) Provide sufficient space for members of the family of the pregnant person and other persons chosen by the pregnant person to assist with the birth;
- (b) Have obstetrical services available to meet the needs of an acute patient; and
- (c) Be located within 30 miles of a hospital that offers obstetric, neonatal and emergency services relating to pregnancy.

2. Surgery, including, without limitation, the use of forceps, vacuum extractions, cesarean sections and tubal ligations, must not be performed at a freestanding birthing center.

3. A freestanding birthing center must have a director who is responsible for the operation of the freestanding birthing center. The director of a freestanding birthing center must be:

- (a) A physician;
- (b) *A licensed certified professional midwife;*
- (c) A person who:

(1) Is certified as a Certified Professional Midwife by the North American Registry of Midwives, or its successor organization; and

(2) Has successfully completed a program of education and training in midwifery that:

(I) Is accredited by the Midwifery Education Accreditation Council, or its successor organization; and

(II) Provides instruction and training in the Essential Competencies for Midwifery Practice prescribed by the International Confederation of Midwives, or its successor organization; or

~~[(c)]~~ (d) A certified nurse-midwife.

4. As used in this section, "certified nurse-midwife" means a person who is:

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

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

Sec. 78. NRS 454.00958 is hereby amended to read as follows:

454.00958 "Practitioner" means:

1. A physician, dentist, veterinarian or podiatric physician who holds a valid license to practice his or her profession in this State.

2. A pharmacy, hospital or other institution licensed or registered to distribute, dispense, conduct research with respect to or to administer a dangerous drug in the course of professional practice in this State.

3. When relating to the prescription of poisons, dangerous drugs and devices:

(a) An advanced practice registered nurse who holds a certificate from the State Board of Pharmacy permitting him or her so to prescribe; or

(b) A physician assistant who holds a license from the Board of Medical Examiners and a certificate from the State Board of Pharmacy permitting him or her so to prescribe.

4. An optometrist who is certified to prescribe and administer pharmaceutical agents pursuant to NRS 636.288 when the optometrist prescribes or administers dangerous drugs which are within the scope of his or her certification.

5. *A licensed certified professional midwife, for the purpose of:*

(a) Ordering any device or drug described in subsection 1 or 2 of section 25 of this act for use in his or her practice;

(b) Ordering any device or vaccine described in subsection 4 of section 25 of this act for a client;

(c) If the licensed certified professional midwife holds an endorsement issued pursuant to paragraph (a) of subsection 1 of section 26 of this act, ordering and dispensing any contraceptive device authorized by the regulations adopted by the Board of Licensed Certified Professional Midwives pursuant to section 26 of this act; and

(d) If the licensed certified professional midwife holds an endorsement issued pursuant to paragraph (b) of subsection 1 of section 26 of this act, prescribing and dispensing any drug authorized by the regulations adopted

by the Board of Licensed Certified Professional Midwives pursuant to section 26 of this act.

Sec. 79. NRS 454.213 is hereby amended to read as follows:

454.213 1. Except as otherwise provided in NRS 454.217, a drug or medicine referred to in NRS 454.181 to 454.371, inclusive, may be possessed and administered by:

(a) A practitioner.

(b) A physician assistant licensed pursuant to chapter 630 or 633 of NRS, at the direction of his or her supervising physician or a licensed dental hygienist acting in the office of and under the supervision of a dentist.

(c) Except as otherwise provided in paragraph (d), a registered nurse licensed to practice professional nursing or licensed practical nurse, at the direction of a prescribing physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician or advanced practice registered nurse, or pursuant to a chart order, for administration to a patient at another location.

(d) In accordance with applicable regulations of the Board, a registered nurse licensed to practice professional nursing or licensed practical nurse who is:

(1) Employed by a health care agency or health care facility that is authorized to provide emergency care, or to respond to the immediate needs of a patient, in the residence of the patient; and

(2) Acting under the direction of the medical director of that agency or facility who works in this State.

(e) A medication aide - certified at a designated facility under the supervision of an advanced practice registered nurse or registered nurse and in accordance with standard protocols developed by the State Board of Nursing. As used in this paragraph, "designated facility" has the meaning ascribed to it in NRS 632.0145.

(f) Except as otherwise provided in paragraph (g), an advanced emergency medical technician or a paramedic, as authorized by regulation of the State Board of Pharmacy and in accordance with any applicable regulations of:

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

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

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

(g) An advanced emergency medical technician or a paramedic who holds an endorsement issued pursuant to NRS 450B.1975, under the direct supervision of a local health officer or a designee of the local health officer pursuant to that section.

(h) A respiratory therapist employed in a health care facility. The therapist may possess and administer respiratory products only at the direction of a physician.

(i) A dialysis technician, under the direction or supervision of a physician or registered nurse only if the drug or medicine is used for the process of renal dialysis.

(j) A medical student or student nurse in the course of his or her studies at an accredited college of medicine or approved school of professional or practical nursing, at the direction of a physician and:

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

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

➡ A medical student or student nurse may administer a dangerous drug in the presence or under the supervision of a registered nurse alone only if the circumstances are such that the registered nurse would be authorized to administer it personally.

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

(l) An ultimate user or any person designated by the ultimate user pursuant to a written agreement.

(m) A holder of a license to engage in radiation therapy and radiologic imaging issued pursuant to chapter 653 of NRS, at the direction of a physician and in accordance with any conditions established by regulation of the Board.

(n) A chiropractic physician, but only if the drug or medicine is a topical drug used for cooling and stretching external tissue during therapeutic treatments.

(o) A physical therapist, but only if the drug or medicine is a topical drug which is:

(1) Used for cooling and stretching external tissue during therapeutic treatments; and

(2) Prescribed by a licensed physician for:

(I) Iontophoresis; or

(II) The transmission of drugs through the skin using ultrasound.

(p) In accordance with applicable regulations of the State Board of Health, an employee of a residential facility for groups, as defined in NRS 449.017, pursuant to a written agreement entered into by the ultimate user.

(q) A veterinary technician or a veterinary assistant at the direction of his or her supervising veterinarian.

(r) In accordance with applicable regulations of the Board, a registered pharmacist who:

(1) Is trained in and certified to carry out standards and practices for immunization programs;

(2) Is authorized to administer immunizations pursuant to written protocols from a physician; and

(3) Administers immunizations in compliance with the "Standards for Immunization Practices" recommended and approved by the Advisory

Committee on Immunization Practices of the Centers for Disease Control and Prevention.

(s) A registered pharmacist pursuant to written guidelines and protocols developed pursuant to NRS 639.2629 or a collaborative practice agreement, as defined in NRS 639.0052.

(t) A person who is enrolled in a training program to become a physician assistant licensed pursuant to chapter 630 or 633 of NRS, dental hygienist, advanced emergency medical technician, paramedic, respiratory therapist, dialysis technician, physical therapist or veterinary technician or to obtain a license to engage in radiation therapy and radiologic imaging pursuant to chapter 653 of NRS if the person possesses and administers the drug or medicine in the same manner and under the same conditions that apply, respectively, to a physician assistant licensed pursuant to chapter 630 or 633 of NRS, dental hygienist, advanced emergency medical technician, paramedic, respiratory therapist, dialysis technician, physical therapist, veterinary technician or person licensed to engage in radiation therapy and radiologic imaging who may possess and administer the drug or medicine, and under the direct supervision of a person licensed or registered to perform the respective medical art or a supervisor of such a person.

(u) A medical assistant, in accordance with applicable regulations of the:

(1) Board of Medical Examiners, at the direction of the prescribing physician and under the supervision of a physician or physician assistant.

(2) State Board of Osteopathic Medicine, at the direction of the prescribing physician and under the supervision of a physician or physician assistant.

(v) *A certified professional midwife, certified professional midwife student midwife or certified professional midwife birth assistant who is administering the medicine or drug under the direct supervision of a licensed certified professional midwife, as authorized by sections 2 to 32, inclusive, of this act and any regulations adopted pursuant thereto.*

2. As used in this section, "accredited college of medicine" has the meaning ascribed to it in NRS 453.375.

Sec. 80. NRS 454.361 is hereby amended to read as follows:

454.361 A conviction of the violation of any of the provisions of NRS 454.181 to 454.371, inclusive, constitutes grounds for the suspension or revocation of any license issued to such person pursuant to the provisions of chapters 630, 631, 633, 635, 636, 638, 639 or 653 of NRS ~~[-]~~ or sections 2 to 32, inclusive, of this act.

Sec. 81. NRS 457.301 is hereby amended to read as follows:

457.301 1. A primary care provider shall:

(a) Attempt to determine whether each adult woman to whom he or she provides care has a personal or family history of breast, ovarian, tubal or peritoneal cancer or an ancestry associated with a harmful mutation in the BRCA gene or meets any other criteria under which the United States Preventive Services Task Force has recommended screening for a risk of

such a mutation; and

(b) If the primary care provider determines that an adult woman to whom he or she provides care meets the criteria described in paragraph (a) and has not previously undergone genetic testing for a harmful mutation in the BRCA gene, use an appropriate brief familial risk assessment tool to screen for a risk of such a mutation.

2. If such a screening indicates that a woman is at risk of a harmful mutation in the BRCA gene, the primary care provider must:

(a) Provide the woman with written notice of the need to discuss genetic counseling and testing with the provider;

(b) Provide genetic counseling to the woman or ensure that the woman is referred for genetic counseling; and

(c) If a genetic test for harmful mutations in the BRCA gene is clinically indicated as a result of the genetic counseling, administer such a test to the woman or ensure that the woman is referred for such testing.

3. A primary care provider who fails to comply with this section is not subject to criminal penalties or professional discipline for such failure to comply.

4. As used in this section, "primary care provider" means:

(a) A physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS or advanced practice registered nurse who specializes in primary care, family medicine, internal medicine or obstetrics and gynecology; or

(b) A *licensed certified professional* midwife.

Sec. 82. NRS 608.0116 is hereby amended to read as follows:

608.0116 "Professional" means pertaining to:

1. An employee who is licensed or certified by the State of Nevada for and engaged in the practice of law or any of the professions regulated by chapters 623 to 645, inclusive, 645G and 656A of NRS ~~and~~ *sections 2 to 32, inclusive, of this act.*

2. A creative professional as described in 29 C.F.R. § 541.302 who is not an employee of a contractor as that term is defined in NRS 624.020.

Sec. 83. NRS 679B.440 is hereby amended to read as follows:

679B.440 1. The Commissioner may require that reports submitted pursuant to NRS 679B.430 include, without limitation, information regarding:

(a) Liability insurance provided to:

(1) Governmental agencies and political subdivisions of this State, reported separately for:

(I) Cities and towns;

(II) School districts; and

(III) Other political subdivisions;

(2) Public officers;

(3) Establishments where alcoholic beverages are sold;

(4) Facilities for the care of children;

(5) Labor, fraternal or religious organizations; and

(6) Officers or directors of organizations formed pursuant to title 7 of NRS, reported separately for nonprofit entities and entities organized for profit;

(b) Liability insurance for:

(1) Defective products;

(2) Medical or dental malpractice of:

(I) A practitioner licensed pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639 or 640 of NRS *or sections 2 to 32, inclusive, of this act* or who holds a license or limited license issued pursuant to chapter 653 of NRS;

(II) A hospital or other health care facility; or

(III) Any related corporate entity;

(3) Malpractice of attorneys;

(4) Malpractice of architects and engineers; and

(5) Errors and omissions by other professionally qualified persons;

(c) Vehicle insurance, reported separately for:

(1) Private vehicles;

(2) Commercial vehicles;

(3) Liability insurance; and

(4) Insurance for property damage; and

(d) Workers' compensation insurance.

2. The Commissioner may require that the report include, without limitation, information specifically pertaining to this State or to an insurer in its entirety, in the aggregate or by type of insurance, and for a previous or current year, regarding:

(a) Premiums directly written;

(b) Premiums directly earned;

(c) Number of policies issued;

(d) Net investment income, using appropriate estimates when necessary;

(e) Losses paid;

(f) Losses incurred;

(g) Loss reserves, including:

(1) Losses unpaid on reported claims; and

(2) Losses unpaid on incurred but not reported claims;

(h) Number of claims, including:

(1) Claims paid; and

(2) Claims that have arisen but are unpaid;

(i) Expenses for adjustment of losses, including allocated and unallocated losses;

(j) Net underwriting gain or loss;

(k) Net operation gain or loss, including net investment income; and

(l) Any other information requested by the Commissioner.

3. The Commissioner may also obtain, based upon an insurer in its entirety, information regarding:

(a) Recoverable federal income tax;

- (b) Net unrealized capital gain or loss; and
- (c) All other expenses not included in subsection 2.

Sec. 84. NRS 686A.2825 is hereby amended to read as follows:

686A.2825 "Practitioner" means:

1. A physician, dentist, nurse, *licensed certified professional midwife*, dispensing optician, optometrist, physical therapist, podiatric physician, psychologist, chiropractic physician, doctor of Oriental medicine in any form, director or technician of a medical laboratory, pharmacist, person who holds a license to engage in radiation therapy and radiologic imaging or a limited license to engage in radiologic imaging pursuant to chapter 653 of NRS or other provider of health services who is authorized to engage in his or her occupation by the laws of this state or another state; and

2. An attorney admitted to practice law in this state or any other state.

Sec. 85. NRS 686B.030 is hereby amended to read as follows:

686B.030 1. Except as otherwise provided in subsection 2 and NRS 686B.125, the provisions of NRS 686B.010 to 686B.1799, inclusive, apply to all kinds and lines of direct insurance written on risks or operations in this State by any insurer authorized to do business in this State, except:

- (a) Ocean marine insurance;
- (b) Contracts issued by fraternal benefit societies;
- (c) Life insurance and credit life insurance;
- (d) Variable and fixed annuities;
- (e) Credit accident and health insurance;
- (f) Property insurance for business and commercial risks;
- (g) Casualty insurance for business and commercial risks other than insurance covering the liability of a practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS *and sections 2 to 32, inclusive, of this act* or who holds a license or limited license issued pursuant to chapter 653 of NRS;
- (h) Surety insurance;
- (i) Health insurance offered through a group health plan maintained by a large employer; and
- (j) Credit involuntary unemployment insurance.

2. The exclusions set forth in paragraphs (f) and (g) of subsection 1 extend only to issues related to the determination or approval of premium rates.

Sec. 86. NRS 686B.040 is hereby amended to read as follows:

686B.040 1. Except as otherwise provided in subsection 2, the Commissioner may by rule exempt any person or class of persons or any market segment from any or all of the provisions of NRS 686B.010 to 686B.1799, inclusive, if and to the extent that the Commissioner finds their application unnecessary to achieve the purposes of those sections.

2. The Commissioner may not, by rule or otherwise, exempt an insurer from the provisions of NRS 686B.010 to 686B.1799, inclusive, with regard to insurance covering the liability of a practitioner licensed pursuant to

chapter 630, 631, 632 or 633 of NRS *or sections 2 to 32, inclusive, of this act* for a breach of the practitioner's professional duty toward a patient.

Sec. 87. NRS 686B.115 is hereby amended to read as follows:

686B.115 1. Any hearing held by the Commissioner to determine whether rates comply with the provisions of NRS 686B.010 to 686B.1799, inclusive, must be open to members of the public.

2. All costs for transcripts prepared pursuant to such a hearing must be paid by the insurer requesting the hearing.

3. At any hearing which is held by the Commissioner to determine whether rates comply with the provisions of NRS 686B.010 to 686B.1799, inclusive, and which involves rates for insurance covering the liability of a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS *or sections 2 to 32, inclusive, of this act* for a breach of the practitioner's professional duty toward a patient, if a person is not otherwise authorized pursuant to this title to become a party to the hearing by intervention, the person is entitled to provide testimony at the hearing if, not later than 2 days before the date set for the hearing, the person files with the Commissioner a written statement which states:

- (a) The name and title of the person;
- (b) The interest of the person in the hearing; and
- (c) A brief summary describing the purpose of the testimony the person will offer at the hearing.

4. If a person provides testimony at a hearing in accordance with subsection 3:

- (a) The Commissioner may, if the Commissioner finds it necessary to preserve order, prevent inordinate delay or protect the rights of the parties at the hearing, place reasonable limitations on the duration of the testimony and prohibit the person from providing testimony that is not relevant to the issues raised at the hearing.

- (b) The Commissioner shall consider all relevant testimony provided by the person at the hearing in determining whether the rates comply with the provisions of NRS 686B.010 to 686B.1799, inclusive.

Sec. 88. NRS 689A.035 is hereby amended to read as follows:

689A.035 1. An insurer shall not charge a provider of health care a fee to include the name of the provider on a list of providers of health care given by the insurer to its insureds.

2. An insurer shall not contract with a provider of health care to provide health care to an insured unless the insurer uses the form prescribed by the Commissioner pursuant to NRS 629.095 to obtain any information related to the credentials of the provider of health care.

3. A contract between an insurer and a provider of health care may be modified:

- (a) At any time pursuant to a written agreement executed by both parties.
- (b) Except as otherwise provided in this paragraph, by the insurer upon giving to the provider 45 days' written notice of the modification of the

insurer's schedule of payments, including any changes to the fee schedule applicable to the provider's practice. If the provider fails to object in writing to the modification within the 45-day period, the modification becomes effective at the end of that period. If the provider objects in writing to the modification within the 45-day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).

4. If an insurer contracts with a provider of health care to provide health care to an insured, the insurer shall:

(a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or

(b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments, including any changes to the fee schedule applicable to the provider's practice, specified in paragraph (a) within 7 days after receiving the request.

5. As used in this section, "provider of health care" means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS ~~or~~ *or sections 2 to 32, inclusive, of this act.*

Sec. 89. NRS 689B.015 is hereby amended to read as follows:

689B.015 1. An insurer that issues a policy of group health insurance shall not charge a provider of health care a fee to include the name of the provider on a list of providers of health care given by the insurer to its insureds.

2. An insurer specified in subsection 1 shall not contract with a provider of health care to provide health care to an insured unless the insurer uses the form prescribed by the Commissioner pursuant to NRS 629.095 to obtain any information related to the credentials of the provider of health care.

3. A contract between an insurer specified in subsection 1 and a provider of health care may be modified:

(a) At any time pursuant to a written agreement executed by both parties.

(b) Except as otherwise provided in this paragraph, by the insurer upon giving to the provider 45 days' written notice of the modification of the insurer's schedule of payments, including any changes to the fee schedule applicable to the provider's practice. If the provider fails to object in writing to the modification within the 45-day period, the modification becomes effective at the end of that period. If the provider objects in writing to the modification within the 45-day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).

4. If an insurer specified in subsection 1 contracts with a provider of health care to provide health care to an insured, the insurer shall:

(a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or

(b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments, including any changes

to the fee schedule applicable to the provider's practice, specified in paragraph (a) within 7 days after receiving the request.

5. As used in this section, "provider of health care" means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS ~~or~~ *or sections 2 to 32, inclusive, of this act.*

Sec. 90. NRS 689C.131 is hereby amended to read as follows:

689C.131 1. A carrier serving small employers and a carrier that offers a contract to a voluntary purchasing group shall not charge a provider of health care a fee to include the name of the provider on a list of providers of health care given by the carrier to its insureds.

2. A carrier specified in subsection 1 shall not contract with a provider of health care to provide health care to an insured unless the carrier uses the form prescribed by the Commissioner pursuant to NRS 629.095 to obtain any information related to the credentials of the provider of health care.

3. A contract between a carrier specified in subsection 1 and a provider of health care may be modified:

(a) At any time pursuant to a written agreement executed by both parties.

(b) Except as otherwise provided in this paragraph, by the carrier upon giving to the provider 45 days' written notice of the modification of the carrier's schedule of payments, including any changes to the fee schedule applicable to the provider's practice. If the provider fails to object in writing to the modification within the 45 day period, the modification becomes effective at the end of that period. If the provider objects in writing to the modification within the 45 day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).

4. If a carrier specified in subsection 1 contracts with a provider of health care to provide health care to an insured, the carrier shall:

(a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or

(b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments, including any changes to the fee schedule applicable to the provider's practice, specified in paragraph (a) within 7 days after receiving the request.

5. As used in this section, "provider of health care" means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS ~~or~~ *or sections 2 to 32, inclusive, of this act.*

Sec. 91. NRS 690B.250 is hereby amended to read as follows:

690B.250 Except as more is required in NRS 630.3067 and 633.526:

1. Each insurer which issues a policy of insurance covering the liability of a practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS *or sections 2 to 32, inclusive, of this act* or who holds a license or limited license issued pursuant to chapter 653 of NRS for a breach of his or her professional duty toward a patient shall report to the board which licensed the practitioner within 45 days each settlement or award made or judgment

rendered by reason of a claim, if the settlement, award or judgment is for more than \$5,000, giving the name of the claimant and the practitioner and the circumstances of the case.

2. A practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS *or sections 2 to 32, inclusive, of this act* or who holds a license or limited license issued pursuant to chapter 653 of NRS who does not have insurance covering liability for a breach of his or her professional duty toward a patient shall report to the board which issued the practitioner's license within 45 days of each settlement or award made or judgment rendered by reason of a claim, if the settlement, award or judgment is for more than \$5,000, giving the practitioner's name, the name of the claimant and the circumstances of the case.

3. These reports are public records and must be made available for public inspection within a reasonable time after they are received by the licensing board.

Sec. 92. NRS 690B.270 is hereby amended to read as follows:

690B.270 If an insurer declines to issue to a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS *or sections 2 to 32, inclusive, of this act* a policy of professional liability insurance, the insurer shall, upon the request of the practitioner, disclose to the practitioner the reasons the insurer declined to issue the policy.

Sec. 93. NRS 690B.280 is hereby amended to read as follows:

690B.280 If an insurer, for a policy of professional liability insurance for a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS ~~or~~ *sections 2 to 32, inclusive, of this act*, sets the premium for the policy for the practitioner at a rate that is higher than the standard rate of the insurer for the applicable type of policy and specialty of the practitioner, the insurer shall, upon the request of the practitioner, disclose the reasons the insurer set the premium for the policy at the higher rate.

Sec. 94. NRS 690B.290 is hereby amended to read as follows:

690B.290 If an insurer offers to issue a claims-made policy to a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS ~~or~~ *sections 2 to 32, inclusive, of this act*, the insurer shall:

1. Offer to issue an extended reporting endorsement to the practitioner; and

2. Disclose to the practitioner the cost formula that the insurer uses to determine the premium for the extended reporting endorsement. The cost formula must be based on:

(a) An amount that is not more than twice the amount of the premium for the claims-made policy at the time of the termination of that policy; and

(b) The rates filed by the insurer and approved by the Commissioner.

Sec. 95. NRS 690B.300 is hereby amended to read as follows:

690B.300 1. Except as otherwise provided in this section, if an insurer issues a policy of professional liability insurance to a practitioner licensed pursuant to chapter 630, 632 or 633 of NRS *or sections 2 to 32, inclusive, of*

this act who delivers one or more babies per year, the insurer shall not set the premium for the policy at a rate that is different from the rate set for such a policy issued by the insurer to any other practitioner licensed pursuant to chapter 630, 632 or 633 of NRS *or sections 2 to 32, inclusive, of this act* who delivers one or more babies per year if the difference in rates is based in whole or in part upon the number of babies delivered per year by the practitioner.

2. If an insurer issues a policy of professional liability insurance to a practitioner licensed pursuant to chapter 630, 632 or 633 of NRS *or sections 2 to 32, inclusive, of this act* who delivers one or more babies per year, the insurer may set the premium for the policy at a rate that is different, based in whole or in part upon the number of babies delivered per year by the practitioner, from the rate set for such a policy issued by the insurer to any other practitioner licensed pursuant to chapter 630, 632 or 633 of NRS *or sections 2 to 32, inclusive, of this act* who delivers one or more babies per year if the insurer:

(a) Bases the difference upon actuarial and loss experience data available to the insurer; and

(b) Obtains the approval of the Commissioner for the difference in rates.

3. The provisions of this section do not prohibit an insurer from setting the premium for a policy of professional liability insurance issued to a practitioner licensed pursuant to chapter 630, 632 or 633 of NRS *or sections 2 to 32, inclusive, of this act* who delivers one or more babies per year at a rate that is different from the rate set for such a policy issued by the insurer to any other practitioner licensed pursuant to chapter 630, 632 or 633 of NRS *or sections 2 to 32, inclusive, of this act* who delivers one or more babies per year if the difference in rates is based solely upon factors other than the number of babies delivered per year by the practitioner.

Sec. 96. NRS 690B.310 is hereby amended to read as follows:

690B.310 1. If an agreement settles a claim or action against a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS *or sections 2 to 32, inclusive, of this act* for a breach of his or her professional duty toward a patient, the following terms of the agreement must not be made confidential:

(a) The names of the parties;

(b) The date of the incidents or events giving rise to the claim or action;

(c) The nature of the claim or action as set forth in the complaint and the answer that is filed with the district court; and

(d) The effective date of the agreement.

2. Any provision of an agreement to settle a claim or action that conflicts with this section is void.

Sec. 97. NRS 690B.320 is hereby amended to read as follows:

690B.320 1. If an insurer offers to issue a claims-made policy to a practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS *or sections 2 to 32, inclusive, of this act* or who holds a license or limited

license issued pursuant to chapter 653 of NRS, the insurer shall:

(a) Offer to issue to the practitioner an extended reporting endorsement without a time limitation for reporting a claim.

(b) Disclose to the practitioner the premium for the extended reporting endorsement and the cost formula that the insurer uses to determine the premium for the extended reporting endorsement.

(c) Disclose to the practitioner the portion of the premium attributable to funding the extended reporting endorsement offered at no additional cost to the practitioner in the event of the practitioner's death, disability or retirement, if such a benefit is offered.

(d) Disclose to the practitioner the vesting requirements for the extended reporting endorsement offered at no additional cost to the practitioner in the event of the practitioner's death or retirement, if such a benefit is offered. If such a benefit is not offered, the absence of such a benefit must be disclosed.

(e) Include, as part of the insurance contract, language which must be approved by the Commissioner and which must be substantially similar to the following:

If we adopt any revision that would broaden the coverage under this policy without any additional premium either within the policy period or within 60 days before the policy period, the broadened coverage will immediately apply to this policy.

2. The disclosures required by subsection 1 must be made as part of the offer and acceptance at the inception of the policy and again at each renewal in the form of an endorsement attached to the insurance contract and approved by the Commissioner.

3. The requirements set forth in this section are in addition to the requirements set forth in NRS 690B.290.

Sec. 98. NRS 690B.360 is hereby amended to read as follows:

690B.360 1. The Commissioner may collect all information which is pertinent to monitoring whether an insurer that issues professional liability insurance for a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS *or sections 2 to 32, inclusive, of this act* is complying with the applicable standards for rates established in NRS 686B.010 to 686B.1799, inclusive. Such information may include, without limitation:

(a) The amount of gross premiums collected with regard to each medical specialty;

(b) Information relating to loss ratios; and

(c) Information reported pursuant to NRS 679B.430 and 679B.440.

2. In addition to the information collected pursuant to subsection 1, the Commissioner may request any additional information from an insurer:

(a) Whose rates and credit utilization are materially different from other insurers in the market for professional liability insurance for a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS *or sections 2 to 32, inclusive, of this act* in this State;

(b) Whose credit utilization shows a substantial change from the previous

year; or

(c) Whose information collected pursuant to subsection 1 indicates a potentially adverse trend.

3. If the Commissioner requests additional information from an insurer pursuant to subsection 2, the Commissioner may:

(a) Determine whether the additional information offers a reasonable explanation for the results described in paragraph (a), (b) or (c) of subsection 2; and

(b) Take any steps permitted by law that are necessary and appropriate to assure the ongoing stability of the market for professional liability insurance for a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS *or sections 2 to 32, inclusive, of this act* in this State.

4. On an ongoing basis, the Commissioner may analyze and evaluate the information collected pursuant to this section to determine trends in and measure the health of the market for professional liability insurance for a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS *or sections 2 to 32, inclusive, of this act* in this State.

5. If the Commissioner convenes a hearing pursuant to subsection 1 of NRS 690B.350 and determines that the market for professional liability insurance issued to any class, type or specialty of practitioner licensed pursuant to chapter 630, 631 or 633 of NRS *or sections 2 to 32, inclusive, of this act* is not competitive and that such insurance is unavailable or unaffordable for a substantial number of such practitioners, the Commissioner shall prepare and submit a report of the Commissioner's findings and recommendations to the Director of the Legislative Counsel Bureau for transmittal to members of the Legislature.

Sec. 99. NRS 695A.095 is hereby amended to read as follows:

695A.095 1. A society shall not charge a provider of health care a fee to include the name of the provider on a list of providers of health care given by the society to its insureds.

2. A society shall not contract with a provider of health care to provide health care to an insured unless the society uses the form prescribed by the Commissioner pursuant to NRS 629.095 to obtain any information related to the credentials of the provider of health care.

3. A contract between a society and a provider of health care may be modified:

(a) At any time pursuant to a written agreement executed by both parties.

(b) Except as otherwise provided in this paragraph, by the society upon giving to the provider 45 days' written notice of the modification of the society's schedule of payments, including any changes to the fee schedule applicable to the provider's practice. If the provider fails to object in writing to the modification within the 45-day period, the modification becomes effective at the end of that period. If the provider objects in writing to the modification within the 45-day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).

4. If a society contracts with a provider of health care to provide health care to an insured, the society shall:

(a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or

(b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments, including any changes to the fee schedule applicable to the provider's practice, specified in paragraph (a) within 7 days after receiving the request.

5. As used in this section, "provider of health care" means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS ~~1-3~~ or sections 2 to 32, inclusive, of this act.

Sec. 100. NRS 695B.035 is hereby amended to read as follows:

695B.035 1. A corporation subject to the provisions of this chapter shall not charge a provider of health care a fee to include the name of the provider on a list of providers of health care given by the corporation to its insureds.

2. A corporation specified in subsection 1 shall not contract with a provider of health care to provide health care to an insured unless the corporation uses the form prescribed by the Commissioner pursuant to NRS 629.095 to obtain any information related to the credentials of the provider of health care.

3. A contract between a corporation specified in subsection 1 and a provider of health care may be modified:

(a) At any time pursuant to a written agreement executed by both parties.

(b) Except as otherwise provided in this paragraph, by the corporation upon giving to the provider 45 days' written notice of the modification of the corporation's schedule of payments, including any changes to the fee schedule applicable to the provider's practice. If the provider fails to object in writing to the modification within the 45-day period, the modification becomes effective at the end of that period. If the provider objects in writing to the modification within the 45-day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).

4. If a corporation specified in subsection 1 contracts with a provider of health care to provide health care to an insured, the corporation shall:

(a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or

(b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments, including any changes to the fee schedule applicable to the provider's practice, specified in paragraph (a) within 7 days after receiving the request.

5. As used in this section, "provider of health care" means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of

NRS ~~695C.125~~ or sections 2 to 32, inclusive, of this act.

Sec. 101. NRS 695C.125 is hereby amended to read as follows:

695C.125 1. A health maintenance organization shall not contract with a provider of health care to provide health care to an insured unless the health maintenance organization uses the form prescribed by the Commissioner pursuant to NRS 629.095 to obtain any information related to the credentials of the provider of health care.

2. A contract between a health maintenance organization and a provider of health care may be modified:

(a) At any time pursuant to a written agreement executed by both parties.

(b) Except as otherwise provided in this paragraph, by the health maintenance organization upon giving to the provider 45 days' written notice of the modification of the health maintenance organization's schedule of payments, including any changes to the fee schedule applicable to the provider's practice. If the provider fails to object in writing to the modification within the 45-day period, the modification becomes effective at the end of that period. If the provider objects in writing to the modification within the 45-day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).

3. If a health maintenance organization contracts with a provider of health care to provide health care to an enrollee, the health maintenance organization shall:

(a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or

(b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments, including any changes to the fee schedule applicable to the provider's practice, specified in paragraph (a) within 7 days after receiving the request.

4. As used in this section, "provider of health care" means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS ~~695C.125~~ or sections 2 to 32, inclusive, of this act.

Sec. 102. NRS 695G.127 is hereby amended to read as follows:

695G.127 1. A managed care organization shall not contract with a provider of health care to provide health care to an insured unless the managed care organization uses the form prescribed by the Commissioner pursuant to NRS 629.095 to obtain any information related to the credentials of the provider of health care.

2. A contract between a managed care organization and a provider of health care may be modified:

(a) At any time pursuant to a written agreement executed by both parties.

(b) Except as otherwise provided in this paragraph, by the managed care organization upon giving to the provider 45 days' written notice of the modification of the managed care organization's schedule of payments, including any changes to the fee schedule applicable to the provider's

practice. If the provider fails to object in writing to the modification within the 45-day period, the modification becomes effective at the end of that period. If the provider objects in writing to the modification within the 45-day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).

3. If a managed care organization contracts with a provider of health care to provide health care services pursuant to chapter 689A, 689B, 689C, 695A, 695B or 695C of NRS, the managed care organization shall:

(a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or

(b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments, including any changes to the fee schedule applicable to the provider's practice, specified in paragraph (a) within 7 days after receiving the request.

4. As used in this section, "provider of health care" means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS ~~or~~ *or sections 2 to 32, inclusive, of this act.*

Sec. 103. Section 20 of this act is hereby amended to read as follows:

Sec. 20. 1. An applicant for a license as a licensed certified professional midwife must submit to the Division an application pursuant to this section in the form prescribed by the Division. The application must be accompanied by a fee in the amount prescribed by regulation of the State Board of Health pursuant to NRS 439.150, which must not exceed \$1,000, and:

(a) A complete set of his or her fingerprints and written permission authorizing the Division 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; or

(b) Written verification, on a form prescribed by the Division, stating that the fingerprints of the applicant were taken in this State and directly forwarded electronically or by another means to the Central Repository and that the applicant has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation for its report.

2. The application must include, without limitation, proof that the applicant ~~is~~ :

(a) *Is* certified as a midwife by the North American Registry of Midwives, or its successor organization ; ~~is~~ and ~~is~~

~~-(a)~~ (b) Has completed an educational program that is consistent with the most recent statement on licensure of Certified Professional Midwives by the United States Midwifery Education, Regulation and Association, or its successor organization . ~~is or~~

~~-(b) Holds a Midwifery Bridge Certificate issued by the North~~

~~American Registry of Midwives, or its successor organization, and has completed the Portfolio Evaluation Process prescribed by that organization.]~~

3. *If the Division determines it to be necessary to address shortages in the number of licensed certified professional midwives practicing in rural or underserved areas in this State or barriers for applicants from marginalized identities, the Division may, on a case-by-case basis, exempt an applicant from the requirements of paragraph (b) of subsection 2 if the applicant:*

(a) Holds a Midwifery Bridge Certificate issued by the North American Registry of Midwives, or its successor organization; and

(b) Has completed the Portfolio Evaluation Process prescribed by that organization.

4. A license as a licensed certified professional midwife may be renewed upon submission to the Division of a renewal application in the form prescribed by the Division. The renewal application must:

(a) Be accompanied by a renewal fee in the amount prescribed by regulation of the State Board of Health pursuant to NRS 439.150, which must not exceed \$1,000; and

(b) Include any information required by the regulations adopted by the Board pursuant to section 19 of this act.

~~{4.}~~ 5. To the extent that the implementation of such provisions will leave the Division with sufficient money to carry out its duties under this chapter, the State Board of Health may establish by regulation a procedure through which:

(a) An applicant may petition the Division to reduce the fees imposed pursuant to this section or section 26 of this act. An applicant may qualify for such a reduction if the applicant demonstrates, to the satisfaction of the Division, that the fees imposed pursuant to this section or section 26 of this act are an economic hardship on the applicant.

(b) The Division allocates a portion of the fees imposed and collected pursuant to this section or section 26 of this act to programs that promote applicants from marginalized identities through increasing the numbers of such applicants and reducing barriers that such applicants face.

~~{5.}~~ 6. As used in this section, "marginalized identity" means an identity or expression that causes or has historically caused a person of such identity or expression to be disproportionately discriminated against, harassed or otherwise negatively treated or affected as a result of the identity or expression.

Sec. 104. Section 22 of this act is hereby amended to read as follows:

Sec. 22. 1. In addition to any other requirements set forth in this chapter ~~[-~~

~~(a) An applicant for the issuance of a license as a licensed~~

~~certified professional midwife in this State shall include the social security number of the applicant in the application submitted to the Division.~~

~~(b) An~~, an applicant for the issuance of a license as a licensed certified professional midwife in this State shall submit to the Division of Public and Behavioral Health of the Department of Health and Human Services the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Division of Public and Behavioral Health of the Department of Health and Human Services shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Division.

3. A license as a licensed certified professional midwife may not be issued or renewed by the Division if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Division shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 105. (Deleted by amendment.)

Sec. 106. (Deleted by amendment.)

Sec. 107. (Deleted by amendment.)

Sec. 108. Notwithstanding the provisions of section 17 of this act, on or before July 1, 2024, the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services may appoint to the Board of Licensed Certified Professional Midwives created by that section:

1. Four members pursuant to paragraph (a) of subsection 2 of that section who are not licensed pursuant to section 20 of this act and are certified as midwives by the North American Registry of Midwives, or its successor organization. If such a member is not licensed as a licensed certified

professional midwife pursuant to section 20 of this act on July 1, 2024:

- (a) His or her term ends on that date; and
- (b) The Administrator shall appoint a person who is so licensed to fill the vacancy.

2. One member pursuant to paragraph (b) of subsection 2 of section 17 of this act who has not received care from a licensed certified professional midwife licensed pursuant to section 20 of this act but who has received care from a midwife certified by the North American Registry of Midwives, or its successor organization. That member may serve until the expiration of the term prescribed pursuant to subsection 6 of section 17 of this act.

Sec. 109. NRS 440.035 is hereby repealed.

Sec. 110. 1. This section and sections 106 and 107 of this act become effective upon passage and approval.

2. Sections 1 to 102, inclusive, 108 and 109 of this act become effective:

(a) Upon passage and approval for the purpose of appointing the members of the Board of Licensed Certified Professional Midwives created by section 17 of this act, adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

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

3. Section 103 of this act becomes effective on January 1, 2026.

4. Section 104 of this act becomes effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

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

(b) Are in arrears in the payment for the support of one or more children,
➔ are repealed by the Congress of the United States.

5. Section 105 of this act becomes effective on the date on which the regulations described in section 106 of this act become effective.

6. Section 33 of this act expires by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

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

(b) Are in arrears in the payment for the support of one or more children,
➔ are repealed by the Congress of the United States.

7. Sections 22, 29 and 104 of this act expire by limitation on the date 2 years after the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and

recreational licenses of persons who:

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

(b) Are in arrears in the payment for the support of one or more children,
 ➔ are repealed by the Congress of the United States.

TEXT OF REPEALED SECTION

440.035 "Midwife" defined. As used in this chapter, "midwife" means:

1. A person certified as:

(a) A Certified Professional Midwife by the North American Registry of Midwives, or its successor organization; or

(b) A Certified Nurse-Midwife by the American Midwifery Certification Board, or its successor organization; or

2. Any other type of midwife.

Senator Dondero Loop moved the adoption of the amendment.

Remarks by Senator Dondero Loop.

Amendment No. 975 to Assembly Bill No. 386 revises and adds provisions relating to client consent in emergency or other urgent situations.

Amendment adopted.

Bill read third time.

Remarks by Senator Nguyen.

Assembly Bill No. 386, as amended, creates a board of certified, licensed professional midwives. It prescribes certain requirements concerning the operations and duties of the board and requires the board to adopt certain regulations. The bill also requires the Division of Public and Behavioral Health of the Department of Health and Human Services to perform tasks related to the regulation and licensure of certified, professional midwives.

Roll call on Assembly Bill No. 386:

YEAS—12.

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

Assembly Bill No. 386 having failed to receive a two-thirds majority, Mr. President declared it lost.

Senator Cannizzaro moved that the action whereby Assembly Bill No. 386 was lost be reconsidered.

Motion carried.

Senator Cannizzaro moved that Assembly Bill No. 386 be taken from the General File and placed on the Secretary's Desk.

Motion carried.

Assembly Bill No. 399.

Bill read third time.

Remarks by Senator Ohrenschall.

Assembly Bill No. 399 creates the Subcommittee on Education Accountability within the Interim Finance Committee. This subcommittee must meet at least twice annually to discuss, evaluate and make recommendations relating to accountability in public education in the State to improve educational achievements and outcomes for pupils. In addition to studying certain

topics, the subcommittee may also conduct investigations in connection to its duties and compel the attendance of certain individuals at a meeting.

Roll call on Assembly Bill No. 399:

YEAS—21.

NAYS—None.

Assembly Bill No. 399 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 428.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 982.

SUMMARY—Revises provisions relating to economic development.
(BDR 18-775)

AN ACT relating to economic development; requiring the State Treasurer to establish a tuition reimbursement program; creating the Nevada Grown Educator Account to fund the tuition reimbursement program; revising the membership of the Board of Economic Development; requiring the Governor's Office of Workforce Innovation within the Department of Employment, Training and Rehabilitation to establish and administer a Career Pathways Demonstration Program; requiring the Governor's Office of Workforce Innovation to establish a program for work-based learning opportunities outside of school; requiring the Superintendent of Public Instruction to develop a strategic plan for the recruitment of teachers and other licensed educational personnel; requiring large school districts and authorizing other school districts to offer a Teacher Academy College Pathway Program; revising the membership of the Commission on Professional Standards in Education; requiring the Commission to adopt certain regulations concerning the licensing of teachers and other educational personnel; authorizing a school district or governing body of a charter school or university school for profoundly gifted pupils to compensate a student who is assigned for training purposes as a student teacher, counselor, student social worker or trainee in a library; authorizing a school district and the governing body of a charter school to provide certain professional development training; authorizing the Board of Regents of the University of Nevada to enter into certain agreements and establish a program to provide information regarding admissions to certain pupils; making appropriations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Governor's Office of Workforce Innovation within the Department of Employment, Training and Rehabilitation and prescribes the duties of the Office and its Executive Director, which include, without limitation, defining career pathways and identifying priority career pathways for secondary and postsecondary education. (NRS 232.965, 232.975)

Section 2.4 of this bill requires the Governor's Office of Workforce Innovation to establish and administer a Career Pathways Demonstration Program. Section 2.4 requires the Office to identify not more than three priority industries, including K-12 education, for the development and implementation of career pathways and to take certain steps to implement the Program, including, without limitation, establishing measurable objectives for the outcomes of the Program and implementing a competitive process to select proposals for career pathway projects. Section 2.4 establishes requirements for proposals for career pathway projects selected by the Office. Section 7 of this bill requires the Governor's Office of Workforce Innovation to submit certain reports regarding the status of the Career Pathways Demonstration Program. Section ~~19~~ 12 of this bill provides that the provisions of section 2.4 governing the Career Pathways Demonstration Program expire on June 30, 2028. Section 6.5 of this bill makes an appropriation to the Office for costs associated with the Career Pathways Demonstration Program. Section 6.5 also makes an appropriation to the Department of Education for: (1) certain costs associated with an interim study concerning the Praxis II and pedagogy examinations required by section 8 of this bill; and (2) other costs associated with the implementation of this bill, including, without limitation, personnel and travel costs. Section 2.5 of this bill requires the Governor's Office of Workforce Innovation to establish a program for work-based learning opportunities outside of school for pupils enrolled in grades 7 to 12, in coordination with the Department of Education. Section 2.7 of this bill makes a conforming change to indicate the proper placement of sections 2.4 and 2.5 in the Nevada Revised Statutes.

Existing law creates the Board of Economic Development, which is required to review and make recommendations on various aspects of economic development in Nevada. (NRS 231.033, 231.037) Section 2 of this bill adds the Superintendent of Public Instruction as a nonvoting member of the Board.

Existing law prescribes the duties of the Superintendent of Public Instruction. (NRS 385.175) Section 2.9 of this bill requires the Superintendent to develop a strategic plan for the recruitment of teachers and other licensed educational personnel and establishes requirements for the contents of the strategic plan.

Section 3 of this bill requires each large school district, meaning a school district in this State which has more than 100,000 pupils enrolled in its public schools (currently only the Clark County School District), to offer a Teacher Academy College Pathway Program at every high school in the school district with 250 or more pupils enrolled to enable pupils in grades 9 to 12 to prepare for employment in professions in K-12 education and authorizes a large school district to offer the Program at high schools with fewer than 250 pupils. Section 3 authorizes a school district which is not a large school district to offer the Program at high schools in the school district. Section 3

requires a large school district and other school districts which offer the Program to take certain actions to implement the Program. Section 3 requires the State Board of Education to adopt regulations prescribing the curriculum for the Program and authorizes the State Board to adopt other necessary regulations.

Section 1.7 of this bill requires the State Treasurer to establish a program to provide reimbursement for tuition charges, registration fees, laboratory fees and any other mandatory fees paid to an institution within the Nevada System of Higher Education by a person who completed the Teacher Academy College Pathway Program and who worked as a full-time, licensed teacher for at least 3 consecutive school years at a public school in this State. Section 1.7 authorizes the State Treasurer to provide partial reimbursement for such tuition charges and fees to a person who completed the Teacher Academy College Pathway Program and who has worked as a full-time, licensed teacher for 1 year or 2 consecutive years. Section 1.9 of this bill creates the Nevada Grown Educator Account and requires the money in the Account to be used to carry out the program established pursuant to section 1.7. Section 6.7 of this bill makes an appropriation to the Account.

Existing law: (1) creates the Commission on Professional Standards in Education to prescribe qualifications for the licensure of teachers and other educational personnel; and (2) provides that the Commission consists of 11 members who are appointed by the Governor, including a person who has expertise and experience in the operation of a business. (NRS 391.011, 391.019) Section 3.1 of this bill: (1) removes the member who has expertise and experience in the operation of a business; and (2) adds three members, including the dean of the School of Education at Nevada State College or a representative of the Teacher Education Program at Great Basin College, as well as two human resources professionals from school districts of different enrollment sizes. Section 3.2 of this bill makes a conforming change to refer to provisions that have been renumbered by section 3.1.

Existing law requires the Commission to adopt regulations prescribing the qualifications for licensing teachers and other educational personnel, including regulations governing examinations for the initial licensing of teachers and other educational personnel and the procedures for the issuance and renewal of those licenses. (NRS 391.019, 391.021) Section 3.4 of this bill requires the Commission to adopt regulations that authorize an applicant to be exempt from any requirement to pass a competency test in basic reading, writing and mathematics, as prescribed by the Commission, if the applicant completes a course of study approved by the Department of Education with a grade of B or better in each subject area of the competency test that the applicant previously did not pass.

Existing law requires the Commission to adopt regulations prescribing course work on parental involvement and family engagement and multicultural education. (NRS 391.019, 391.0347) Sections 3.3 and 3.6 of this bill require the Commission to establish standards for professional

development training which may be used to satisfy such course work requirements. Section 3.8 of this bill requires a school district and the governing body of a charter school to provide professional development training on: (1) parental involvement and family engagement in accordance with the standards adopted by the Commission; and (2) multicultural education in accordance with the standards adopted by the Commission. Section 3.8 requires that such training be provided at no cost to the employee. Section 3.9 of this bill makes a conforming change to indicate the proper placement of section 3.8 in the Nevada Revised Statutes.

Existing law requires the Commission to adopt regulations which provide for the issuance of provisional licenses to teachers and other educational personnel before completion of all courses of study or other requirements for a license in this State. (NRS 391.032) Section 3.5 of this bill requires the Commission to adopt regulations that require the Superintendent of Public Instruction to issue a provisional license to teach if a person has graduated with a bachelor's degree or higher and is awaiting conferment of the degree and is otherwise qualified for a license.

Existing law requires the Board of Regents of the University of Nevada to establish a program of student teaching and practicum which allows students to be assigned to a school district as student teachers, counselors or trainees in a library. (NRS 396.519) Existing law authorizes school districts to enter into agreements with certain institutions of higher education for the assignment of students to schools as student teachers, counselors or trainees in a library. (NRS 391.095) Section 3.7 of this bill authorizes: (1) a governing body of a charter school or university school for profoundly gifted pupils to similarly enter into such agreements; and (2) a school district or governing body of a charter school or university school for profoundly gifted pupils to compensate a student who is assigned within the school district for training purposes as a student teacher, counselor, student social worker or trainee in a library.

Section 5 of this bill authorizes the Board of Regents of the University of Nevada to: (1) enter into an agreement with a school district to assist in the implementation of the Teacher Academy College Pathway Program; and (2) establish a program to identify pupils who have completed the Teacher Academy College Pathway Program, or who are expected to complete the Program by the end of grade 12, and who wish to apply for admission to an institution within the Nevada System of Higher Education, and inform such pupils of the institutions within the System where such pupils may qualify for admission.

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

Section 1. (Deleted by amendment.)

Sec. 1.5. Chapter 226 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.7 and 1.9 of this act.

Sec. 1.7. 1. *The State Treasurer shall establish by regulation a*

program to provide reimbursement for tuition charges, registration fees, laboratory fees and any other mandatory fees paid to an institution within the Nevada System of Higher Education by a person who:

(a) Completed a Teacher Academy College Pathway Program offered pursuant to section 3 of this act; and

(b) Except as otherwise provided in subsection 3, has worked as a full-time, licensed teacher at a public school in this State for at least 3 consecutive school years.

2. The program may not provide reimbursement for any tuition charge, registration fee, laboratory fee or any other mandatory fee which was paid or otherwise provided for through a scholarship, financial aid, waiver or similar financial assistance.

3. The State Treasurer may provide partial reimbursement of tuition charges, registration fees, laboratory fees and any other mandatory fees paid by a person who completed a Teacher Academy College Pathway Program offered pursuant to section 3 of this act and who has worked as a full-time, licensed teacher at a public school in this State for 1 year or 2 consecutive years in an amount not to exceed, for each year of service at a public school in this State, one-third of the total tuition charges, registration fees, laboratory fees and any other mandatory fees paid by the person to an institution within the Nevada System of Higher Education which are subject to reimbursement pursuant to this section and the regulations adopted pursuant thereto.

Sec. 1.9. 1. The Nevada Grown Educator Account is hereby created in the State General Fund. The Account must be administered by the State Treasurer.

2. The money in the Account must be used to carry out the program established pursuant to section 1.7 of this act.

3. The State Treasurer may apply for and accept any donation, gift, grant, bequest or other source of money for deposit in the Account.

4. The interest and income earned on money in the Account, after deducting any applicable charges, must be credited to the Account.

5. Any money in the Account remaining at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

Sec. 2. NRS 231.033 is hereby amended to read as follows:

231.033 1. There is hereby created the Board of Economic Development, consisting of:

(a) The following voting members:

(1) The Governor;

(2) The Lieutenant Governor;

(3) The Secretary of State; and

(4) Six members who must be selected from the private sector and appointed as follows:

(I) Three members appointed by the Governor;

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

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

and

(IV) One member appointed by the Minority Leader of the Assembly or the Minority Leader of the Senate. The Minority Leader of the Senate shall appoint the member for the initial term, the Minority Leader of the Assembly shall appoint the member for the next succeeding term, and thereafter, the authority to appoint the member for each subsequent term alternates between the Minority Leader of the Assembly and the Minority Leader of the Senate.

(b) The following nonvoting members:

(1) The Chancellor of the Nevada System of Higher Education or his or her designee;

(2) *The Superintendent of Public Instruction or his or her designee;*

(3) The Director of the Department of Business and Industry; and

~~[(3)]~~ (4) The Director of the Department of Employment, Training and Rehabilitation.

2. In appointing the members of the Board described in subsection 1, the appointing authorities shall coordinate the appointments when practicable so that the members of the Board represent the diversity of this State, including, without limitation, different strategically important industries, different geographic regions of this State and different professions.

3. The Governor shall serve as the Chair of the Board.

4. Except as otherwise provided in this subsection, the members of the Board appointed pursuant to subparagraph (4) of paragraph (a) of subsection 1 are appointed for terms of 4 years. The initial members of the Board shall by lot select three of the initial members of the Board appointed pursuant to subparagraph (4) of paragraph (a) of subsection 1 to serve an initial term of 2 years.

5. The Governor, the Lieutenant Governor or the Secretary of State may designate a person to serve as a member of the Board for the Governor, Lieutenant Governor or Secretary of State, respectively. Any person designated to serve pursuant to this subsection shall serve for the term of the officer appointing him or her and serves at the pleasure of that officer. If the Governor designates a person to serve on his or her behalf, that person shall serve as the Chair of the Board. Vacancies in the appointed positions on the Board must be filled by the appointing authority for the unexpired term.

6. The Executive Director shall serve as the nonvoting Secretary of the Board.

7. A majority of the voting members of the Board constitutes a quorum, and the affirmative vote of a majority of the voting members of the Board is required to exercise any power conferred on the Board.

8. The Board shall meet at least once each quarter but may meet more often at the call of the Chair or a majority of the voting members of the Board.

9. The members of the Board serve without compensation but are

entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally while engaged in the official business of the Board.

Sec. 2.3. Chapter 232 of NRS is hereby amended by adding thereto the provisions of sections 2.4 and 2.5 of this act.

Sec. 2.4. 1. *The Governor's Office of Workforce Innovation shall establish and administer a Career Pathways Demonstration Program to develop and implement career pathways that will enable students to prepare for employment in professions which serve the long-term needs of this State. The Office shall identify not more than three priority industries, including, without limitation, K-12 education, for the development and implementation of career pathways as part of the Program.*

2. *In implementing the Program, the Office shall:*

(a) *Establish clear, measurable objectives for the outcomes of the Program which are aligned with the State Plan for Economic Development developed by the Executive Director of the Office of Economic Development within the Office of the Governor pursuant to subsection 2 of NRS 231.053, including, without limitation, targets based on reliable data concerning:*

(1) *The number of persons entering the career pathway;*

(2) *The number and percentage of persons completing distinct phases of the career pathway, as marked by earning course credit or a credential, certificate or other recognized documentation showing progression in the career pathway;*

(3) *The number and percentage of participants in a career pathway who obtain high-quality employment in the target industry; and*

(4) *The number and percentage of participants in a career pathway employed for at least 2 years in the target industry.*

(b) *Rely on economic and workforce development data to inform decision-making, including, without limitation:*

(1) *Estimates of the number of high-quality jobs that will be required in this State in the next 5 to 10 years;*

(2) *Projected workforce capacity in relation to the estimates pursuant to subparagraph (1);*

(3) *The number and capacity of existing industry-aligned career pathway programs;*

(4) *Enrollment, participation and completion rates for industry-aligned career pathway programs;*

(5) *Credentialing rates or other industry-aligned indicators of workforce readiness;*

(6) *Industry-aligned, skill-based employee retention rates;*

(7) *The demographic information of the participants in the Program, including, without limitation, race, gender and enrollment at a Title I school; and*

(8) *Other relevant data available through the statewide longitudinal data system maintained by the Executive Director of the Office pursuant to*

NRS 232.975.

(c) Collaborate with school districts, the Nevada System of Higher Education, regional development authorities and representatives from priority industries.

(d) Establish criteria for evaluating the performance of career pathway projects and the entities that assist in the development and implementation of career pathway projects, including, without limitation, the Department of Education, school districts, the Nevada System of Higher Education, regional development authorities and representatives from priority industries.

3. The Office shall develop and implement a competitive process to select proposals for career pathway projects. Each proposal for a career pathway project selected by the Office must incorporate best practices for career pathway design and address, without limitation:

(a) The types of high-quality jobs which the career pathway project will prepare students for, based on a definition of "high-quality job" which shall be developed and promulgated by the Office.

(b) The educational opportunities that the project will offer to K-12 pupils and students of the Nevada System of Higher Education which may include, without limitation:

(1) Early exposure to career options for pupils in elementary, junior high or middle school;

(2) Multiple entry points into the career pathway;

(3) Meaningful, practice-based learning opportunities aligned to the career pathway and the workforce priorities within the target industry, including, without limitation, paid work-based learning opportunities;

(4) Opportunities for students to receive credentials aligned to the skills and experience needed for employment in the target industry; and

(5) Work-based learning opportunities that may be eligible for exemption from federal laws and regulations from which exemptions are available for work-based learning programs for pupils.

(c) The practices that will be implemented to recruit students for the career pathway, including, without limitation, practices that will foster equity and the inclusion in the career pathway of students from historically underserved communities.

(d) The types of early career guidance, incentives and support that will be offered to participants in the career pathway, which may include, without limitation:

(1) Employment opportunities for students who participate in the career pathway, including, without limitation, employer commitments to recruiting students who successfully obtain the qualifications for employment through the career pathway;

(2) Professional support and development opportunities for participants early in their career in the target industry, including, without limitation, mentoring; and

(3) Financial incentives which eliminate or substantially reduce financial barriers to entry into professions in the target industry.

(e) The roles and responsibilities of the persons necessary to develop and implement the career pathway, which may include, without limitation:

- (1) Program staff;
- (2) School districts and the Nevada System of Higher Education;
- (3) Regional development authorities; and
- (4) Representatives from the target industries.

(f) The financial plan for the career pathway project, including, without limitation:

- (1) The projected 5-year budget for the career pathway project;
- (2) Existing funding sources for the career pathway project and the amount of funding that the person submitting the proposal will allocate to the project;
- (3) Anticipated funding sources for the career pathway project; and
- (4) Any additional funding necessary to implement the career pathway project which is not addressed by the existing funding sources.

(g) The goals and anticipated outcomes of the career pathway project, including, without limitation:

- (1) The target number of total participants in the career pathway project;
- (2) The target number of participants who will successfully complete each stage of the career pathway, as marked by earning course credit or a credential, certificate or other recognized documentation showing progression in the career pathway; and
- (3) The target number of participants who will complete the career pathway, regardless of their entry point into the career pathway.

4. The Office may enter into an agreement with the Department of Education to administer the Teacher Academy College Pathway Program offered pursuant to section 3 of this act. Such an agreement may require the Department of Education to administer any local, state or federal funding appropriated or otherwise available to implement the Teacher Academy College Pathway Program.

5. As used in this section, "career pathway" means a series of structured and connected educational opportunities designed to help a person enter or advance within a given occupation or industry sector.

Sec. 2.5. 1. The Governor's Office of Workforce Innovation shall, in coordination with the Department of Education, establish a program to provide paid and unpaid work-based learning opportunities outside of school for pupils enrolled in grades 7 to 12, inclusive.

2. The program must:

- (a) Allow pupils involved in work-based learning opportunities to receive elective course credit for the learning opportunities;
- (b) Establish criteria to evaluate the program for work-based learning opportunities;

(c) Outline any communication or collaboration needed between the Governor's Office of Workforce Innovation, the Department of Education and the board of trustees of a school district to implement the program for work-based learning opportunities;

(d) Establish basic requirements for a person or organization to participate in the program for work-based learning opportunities, including, without limitation, conducting background checks on appropriate personnel and providing minimum standards for accountability; and

(e) Provide a process for the receipt of credits earned through the program for work-based learning opportunities in the school in which the pupil is enrolled.

3. The Governor's Office of Workforce Innovation may cooperate with the Department of Education and the Board of Regents of the University of Nevada to enable pupils to earn up to 12 units of dual credit for approved work-based learning opportunities.

Sec. 2.7. NRS 232.900 is hereby amended to read as follows:

232.900 As used in NRS 232.900 to 232.980, inclusive, and sections 2.4 and 2.5 of this act, unless the context otherwise requires:

1. "Department" means the Department of Employment, Training and Rehabilitation.

2. "Director" means the Director of the Department.

Sec. 2.9. NRS 385.175 is hereby amended to read as follows:

385.175 The Superintendent of Public Instruction is the educational leader for the system of K-12 public education in this State. The Superintendent of Public Instruction shall:

1. Execute, direct or supervise all administrative, technical and procedural activities of the Department in accordance with policies prescribed by the State Board.

2. Employ personnel for the positions approved by the State Board and necessary for the efficient operation of the Department.

3. Organize the Department in a manner which will assure efficient operation and service.

4. Maintain liaison and coordinate activities with other state agencies performing educational functions.

5. Enforce the observance of this title and all other statutes and regulations governing K-12 public education.

6. Request a plan of corrective action from the board of trustees of a school district or the governing body of a charter school if the Superintendent of Public Instruction determines that the school district or charter school, or any other entity which provides education to a pupil with a disability for a school district or charter school, has not complied with a requirement of this title or any other statute or regulation governing K-12 public education. The plan of corrective action must provide a timeline approved by the Superintendent of Public Instruction for compliance with the statute or regulation.

7. Report to the State Board on a regular basis the data on the discipline of pupils and trends in the data on the discipline of pupils collected pursuant to NRS 385A.840.

8. Develop a strategic plan for the recruitment of teachers and other licensed educational personnel which includes, without limitation:

(a) A strategy to decrease the processing times of applications for licensure pursuant to chapter 391 of NRS.

(b) A plan to provide for the translation of academic transcripts which are in a language other than English of applicants for licensure pursuant to chapter 391 of NRS. The Department shall post the process for the translation of academic transcripts on its Internet website.

9. Perform such other duties as are prescribed by law.

Sec. 3. Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each large school district shall offer a Teacher Academy College Pathway Program at every high school in the school district with 250 or more pupils enrolled that will enable interested pupils in grades 9 to 12, inclusive, to prepare for employment in professions in K-12 education. A large school district may offer a Program at high schools with fewer than 250 pupils. A school district that is not a large school district may offer a Program at one or more high schools in the school district.

2. A large school district, and a school district that is not a large school district which elects to offer the Program, shall:

(a) Advertise the Program and the benefits of participation in the Program.

(b) Ensure each high school in the school district which offers such a Program is staffed by a full-time employee who is:

(1) A licensed teacher or administrator; and

(2) Responsible for implementing the Program at the school.

(c) Assess each pupil entering grade 9 who is or will be enrolled in a high school which offers such a Program and who is interested in participating in the Program, identify any barriers, including, without limitation, academic, financial, socioeconomic and transportation barriers, to the participation in and completion of the Program by such interested pupils and, if such barriers are identified, inform the pupil and the parents or legal guardian of the pupil of any programs and services which are available to help the pupil to overcome such barriers and provide such programs and services to the pupil.

(d) Offer internships at elementary, junior high or middle schools in the school district to qualified pupils in grades 11 and 12 who participate in the Program.

(e) Offer employment as a paraprofessional to qualified high school graduates who have completed the Program and are enrolled in a program to become a teacher at an institution in the Nevada System of Higher Education.

(f) For qualified applicants for employment with the school district who have completed the Program and who have submitted a timely application, provide an offer of employment or decline to provide an offer of employment to such an applicant not later than January 31 of the year immediately preceding the school year for which the applicant applied for employment.

(g) Enter into an agreement with the Board of Regents of the University of Nevada to:

(1) Enable pupils who participate in the Program to earn up to 12 units of college credit for courses taken and internships engaged in as part of the Program at no cost to the pupil.

(2) Establish qualifications for teachers of the school district who teach courses in the Program which are eligible for college credit, which may include, without limitation, a minimum of 4 years of classroom teaching experience or a Master's degree.

(3) Guarantee the admission of otherwise academically qualified pupils who complete the Program to institutions in the Nevada System of Higher Education.

(4) Provide programs, services, scholarships and financial aid to assist pupils who participate in the Program in applying for admission to institutions in the Nevada System of Higher Education and completing the Program at such an institution.

(h) Inform pupils who participate in the Program and the parents and legal guardians of such pupils about programs, services, scholarships and financial aid which are available to assist pupils in applying for admission to institutions in the Nevada System of Higher Education and completing the Program at such an institution.

3. A large school district, and a school district that is not a large school district which elects to offer the Program may enter into an agreement with the Board of Regents of the University of Nevada to provide a faculty mentor from the Nevada System of Higher Education to teachers of the school district who teach courses in the Program to ensure such courses align with the contents and rigor of equivalent courses taught at institutions within the Nevada System of Higher Education. If the provisions of this subsection conflict with the provisions of chapter 388G of NRS, the provisions of this subsection prevail.

4. The State Board:

(a) Shall adopt regulations that prescribe the curriculum for the Program which are consistent with the provisions of this section. To the extent a school district provides programs of career and technical education other than the Program, such programs of career and technical education must nonetheless be consistent with the regulations adopted pursuant to this paragraph, to the extent applicable.

(b) May adopt such other regulations as are necessary to carry out the provisions of this section.

6. As used in this section:

(a) "Large school district" means any school district in this State which has more than 100,000 pupils enrolled in its public schools.

(b) "Program" means the Teacher Academy College Pathway Program created pursuant to this section.

Sec. 3.1. NRS 391.011 is hereby amended to read as follows:

391.011 1. The Commission on Professional Standards in Education, consisting of ~~eleven~~ 13 members appointed by the Governor, is hereby created.

2. Five members of the Commission must be teachers who teach in the classroom as follows:

(a) One who holds a license to teach secondary education and teaches in a secondary school.

(b) One who holds a license to teach middle school or junior high school education and teaches in a middle school or junior high school.

(c) One who holds a license to teach elementary education and teaches in an elementary school.

(d) One who holds a license to teach special education and teaches special education.

(e) One who holds a license to teach pupils in a program of early childhood education and teaches in a program of early childhood education.

3. The remaining members of the Commission must include:

(a) One school counselor, psychologist, speech-language pathologist, audiologist, or social worker who is licensed pursuant to this chapter and employed by a school district or charter school.

(b) One administrator of a school who is employed by a school district or charter school to provide administrative service at an individual school. Such an administrator must not provide service at the district level.

(c) The dean of the College of Education at one of the universities in the Nevada System of Higher Education, or a representative of one of the Colleges of Education nominated by such a dean for appointment by the Governor.

(d) The dean of the School of Education at Nevada State College, or a representative of the dean, or a representative of the Teacher Education Program at Great Basin College.

(e) The chief human resources officer or a representative of the department of human resources of a school district in which more than 40,000 pupils are enrolled.

(f) The chief human resources officer or a representative of the department of human resources of a school district in which 40,000 or fewer pupils are enrolled.

(g) One member who is the parent or legal guardian of a pupil enrolled in a public school.

~~(e) One member who has expertise and experience in the operation of a business.~~

~~(f)~~ (h) One member who is the superintendent of schools of a school

district.

4. Three of the five appointments made pursuant to subsection 2 must be made from a list of names of at least three persons for each position that is submitted to the Governor by an employee organization representing the majority of teachers in the State who teach in the educational level from which the appointment is being made.

5. The appointment made pursuant to:

(a) Paragraph (a) of subsection 3 must be made from a list of names of at least three persons that is submitted to the Governor by an employee organization representing the majority of school counselors, psychologists, speech-language pathologists, audiologists or social workers in this State who are not administrators.

(b) Paragraph (b) of subsection 3 must be made from a list of names of at least three persons that is submitted to the Governor by the organization of administrators for schools in which the majority of administrators of schools in this State have membership.

(c) Paragraphs (e), (f) and (h) of subsection 3 must be made from lists of names of persons submitted to the Governor by the Nevada Association of School Superintendents or its successor organization.

(d) Paragraph ~~((d))~~ (g) of subsection 3 must be made from a list of names of persons submitted to the Governor by the Nevada Parent Teacher Association or its successor organization.

~~[(d) Paragraph (f) of subsection 3 must be made from a list of names of persons submitted to the Governor by the Nevada Association of School Superintendents.]~~

Sec. 3.2. NRS 391.017 is hereby amended to read as follows:

391.017 1. The Commission may meet at least once each month.

2. A majority of the Commission constitutes a quorum for the transaction of business.

3. The members of the Commission are entitled to the travel expenses and subsistence allowances provided by law for state officers and employees generally while attending meetings of the Commission.

4. Any costs associated with employing a substitute teacher while a member of the Commission who is a teacher attends a meeting of the Commission must be:

(a) Paid by the school district or charter school that employs the member;

or

(b) Reimbursed to the school district or charter school that employs the member by the organization that submitted the name of the member to the Governor for appointment pursuant to paragraph (a), (b) or ~~((c))~~ (d) of subsection 5 of NRS 391.011.

Sec. 3.3. NRS 391.019 is hereby amended to read as follows:

391.019 1. Except as otherwise provided in NRS 391.027, the Commission shall adopt regulations:

(a) Prescribing the qualifications for licensing teachers and other

educational personnel and the procedures for the issuance and renewal of those licenses. The regulations:

(1) Must include, without limitation, the qualifications for licensing teachers and administrators pursuant to an alternative route to licensure which provides that the required education and training may be provided by any qualified provider which has been approved by the Commission, including, without limitation, institutions of higher education and other providers that operate independently of an institution of higher education. The regulations adopted pursuant to this subparagraph must:

(I) Establish the requirements for approval as a qualified provider;

(II) Require a qualified provider to be selective in its acceptance of students;

(III) Require a qualified provider to provide in-person or virtual supervised, school-based experiences and ongoing support for its students, such as mentoring and coaching;

(IV) Significantly limit the amount of course work required or provide for the waiver of required course work for students who achieve certain scores on tests;

(V) Allow for the completion in 2 years or less of the education and training required under the alternative route to licensure;

(VI) Provide that a person who has completed the education and training required under the alternative route to licensure and who has satisfied all other requirements for licensure may apply for a regular license pursuant to sub-subparagraph (VII) regardless of whether the person has received an offer of employment from a school district, charter school or private school; and

(VII) Upon the completion by a person of the education and training required under the alternative route to licensure and the satisfaction of all other requirements for licensure, provide for the issuance of a regular license to the person pursuant to the provisions of this chapter and the regulations adopted pursuant to this chapter.

(2) Must require an applicant for a license to teach middle school or junior high school education or secondary education to demonstrate proficiency in a field of specialization or area of concentration by successfully completing course work prescribed by the Department or completing a subject matter competency examination prescribed by the Department with a score deemed satisfactory.

(3) Must not prescribe qualifications which are more stringent than the qualifications set forth in NRS 391.0315 for a licensed teacher who applies for an additional license in accordance with that section.

(b) Identifying fields of specialization in teaching which require the specialized training of teachers.

(c) Except as otherwise provided in NRS 391.125, requiring teachers to obtain from the Department an endorsement in a field of specialization to be eligible to teach in that field of specialization.

(d) Setting forth the educational requirements a teacher must satisfy to qualify for an endorsement in each field of specialization.

(e) Setting forth the qualifications and requirements for obtaining a license or endorsement to teach American Sign Language, including, without limitation, being registered with the Aging and Disability Services Division of the Department of Health and Human Services pursuant to NRS 656A.100 to engage in the practice of sign language interpreting in a primary or secondary educational setting.

(f) Requiring teachers and other educational personnel to be registered with the Aging and Disability Services Division pursuant to NRS 656A.100 to engage in the practice of sign language interpreting in a primary or secondary educational setting if they:

(1) Provide instruction or other educational services; and

(2) Concurrently engage in the practice of sign language interpreting, as defined in NRS 656A.060.

(g) Prescribing course work on parental involvement and family engagement. The Commission shall ~~work~~ :

(1) Work in cooperation with the Office of Parental Involvement and Family Engagement created by NRS 385.630 in developing the regulations required by this paragraph.

(2) Establish standards for professional development training which may be used to satisfy any course work requirement prescribed pursuant to this paragraph.

(h) Establishing the requirements for obtaining an endorsement on the license of a teacher, administrator or other educational personnel in cultural competency.

(i) Authorizing the Superintendent of Public Instruction to issue a license by endorsement to an applicant who holds an equivalent license or authorization issued by a governmental entity in another country if the Superintendent determines that the qualifications for the equivalent license or authorization are substantially similar to those prescribed pursuant to paragraph (a).

(j) Establishing the requirements for obtaining an endorsement on the license of a teacher, administrator or other educational personnel in teaching courses relating to financial literacy.

(k) Authorizing a person who is employed as a paraprofessional and enrolled in a program to become a teacher to complete an accelerated program of student teaching in the same or a substantially similar area in which the person is employed as a paraprofessional while remaining employed as a paraprofessional.

(l) Requiring the Department to accept a program of student teaching or other teaching experience completed in another state or foreign country by an applicant for a license if the Department determines that the program or experience substantially fulfills the standards of a program of student teaching in this State.

(m) Authorizing a person who is employed by a public school to provide support or other services relating to school psychology, if the person does not hold a license or endorsement as a school psychologist but is enrolled in a program that would allow the person to obtain such a license or endorsement, to complete a program of internship in school psychology while remaining employed in such a position.

2. Except as otherwise provided in NRS 391.027, the Commission may adopt such other regulations as it deems necessary for its own government or to carry out its duties.

3. Any regulation which increases the amount of education, training or experience required for licensing:

(a) Must, in addition to the requirements for publication in chapter 233B of NRS, be publicized before its adoption in a manner reasonably calculated to inform those persons affected by the change.

(b) Must not become effective until at least 1 year after the date it is adopted by the Commission.

(c) Is not applicable to a license in effect on the date the regulation becomes effective.

Sec. 3.4. NRS 391.021 is hereby amended to read as follows:

391.021 1. Except as otherwise provided in NRS 391.027, the Commission shall adopt regulations governing examinations for the initial licensing of teachers and other educational personnel. The regulations adopted by the Commission must ensure that the examinations test the ability of the applicant to teach and the applicant's knowledge of each specific subject he or she proposes to teach.

2. When adopting regulations pursuant to subsection 1, the Commission shall consider including any alternative means of demonstrating competency for persons with a disability or health-related need that the Commission determines are necessary and appropriate.

3. The regulations adopted by the Commission pursuant to subsection 1 must authorize an applicant to be exempt from any requirement to pass a competency test in basic reading, writing and mathematics if the applicant submits to the Department evidence that, after not passing a competency test in basic reading, writing and mathematics at the level of competence specified by the Commission, the applicant began and completed, with a grade of B or better, a course of study approved by the Department in each subject area of the competency test that the applicant did not pass at the level of competence specified by the Commission.

4. Teachers and educational personnel from another state who obtain a reciprocal license pursuant to NRS 391.032 are not required to take the examinations for the initial licensing of teachers and other educational personnel described in this section or any other examination for initial licensing required by the regulations adopted by the Commission.

Sec. 3.5. NRS 391.032 is hereby amended to read as follows:

391.032 1. Except as otherwise provided in NRS 391.027, the

Commission shall:

(a) Adopt regulations which provide for the issuance of provisional licenses to teachers and other educational personnel before completion of all courses of study or other requirements for a license in this State.

(b) Adopt regulations which provide for the reciprocal licensure of educational personnel from other states including, without limitation, for the reciprocal licensure of persons who hold a license to teach special education. Such regulations must include, without limitation, provisions for the reciprocal licensure of persons who obtained a license pursuant to an alternative route to licensure which the Department determines is as rigorous or more rigorous than the alternative route to licensure prescribed pursuant to subparagraph (1) of paragraph (a) of subsection 1 of NRS 391.019.

2. A person who is a member of the Armed Forces of the United States, a veteran of the Armed Forces of the United States or the spouse of such a member or veteran of the Armed Forces of the United States and who has completed the equivalent of an alternative route to licensure program in another state may obtain a license as if such person has completed the alternative route to licensure program of this State.

3. The Commission shall adopt regulations requiring the Superintendent of Public Instruction to issue a provisional license to teach if:

(a) The Superintendent determines that the applicant is otherwise qualified for the license; and

(b) The applicant:

(1) Graduated with a bachelor's degree or higher but is awaiting conferment of the degree; or

(2) Satisfies the requirements for conditional licensure through an alternative route to licensure.

4. A person who is issued a provisional license must complete all courses of study and other requirements for a license in this State which is not provisional within 3 years after the date on which a provisional license is issued.

Sec. 3.6. NRS 391.0347 is hereby amended to read as follows:

391.0347 1. Any licensed teacher who is initially licensed on or after July 1, 2019, except for a teacher who is licensed only as a substitute teacher, must submit with his or her first application for renewal of his or her license to teach proof of the completion of a course in multicultural education. If the licensed teacher is initially issued a nonrenewable license, he or she must submit such proof with his or her first application for a renewable license to teach.

2. The Commission shall adopt regulations:

(a) That prescribe the required contents of a course in multicultural education which must be completed pursuant to this section;

(b) That prescribe the number of credits which must be earned by a licensed teacher in a course in multicultural education; ~~and~~

(c) That establish standards for professional development training which

may be used to satisfy any course work requirement prescribed pursuant to this section; and

(d) As otherwise necessary to carry out the requirements of this section.

Sec. 3.7. NRS 391.095 is hereby amended to read as follows:

391.095 1. A school district or a governing body of a charter school or university school for profoundly gifted pupils may enter into an agreement with a branch of the Nevada System of Higher Education or an accredited postsecondary educational institution which is licensed by the Commission on Postsecondary Education and which offers courses of study and training for the education of teachers which are approved or recognized by the Commission pursuant to NRS 391.038, for the assignment of students for training purposes as student teachers, counselors or trainees in a library, or for experience in a teaching laboratory. Students so assigned within the school district, charter school or university school for profoundly gifted pupils, as applicable, for training purposes may, under the direction and supervision of a licensed teacher, instruct and supervise pupils in the school, on the school grounds or on authorized field trips. The students so assigned are employees of the school district or governing body of a charter school or university school for profoundly gifted pupils, as applicable, for purposes of NRS 41.038 and 41.039, while performing such authorized duties, whether or not the duties are performed entirely in the presence of the licensed teacher.

2. Except as otherwise provided in the agreement entered into pursuant to subsection 1 and to the extent not inconsistent with NRS 391.096, a school district or governing body of a charter school or university school for profoundly gifted pupils, as applicable, may compensate a student assigned within the school district, charter school or university school for profoundly gifted pupils for training purposes as a student teacher, counselor, student social worker or trainee in a library.

3. As used in this section:

(a) "Accredited" has the meaning ascribed to it in NRS 394.006.

(b) "Postsecondary educational institution" has the meaning ascribed to it in NRS 394.099.

Sec. 3.8. Chapter 391A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A school district and the governing body of a charter school shall provide professional development training on:

(a) Parental involvement and family engagement that meets the standards established by the Commission on Professional Standards in Education pursuant to NRS 391.019 to teachers who have not yet completed the course work on parental involvement and family engagement prescribed by NRS 391.019.

(b) Multicultural education that meets the standards established by the Commission on Professional Standards in Education pursuant to NRS 391.0347 to teachers who have not yet completed the course work on multicultural education prescribed by NRS 391.0347.

2. Any professional development training provided pursuant to subsection 1:

(a) May be provided by the school district or governing body or through an agreement with an institution of higher education or a regional training program for the professional development of teachers and administrators.

(b) Must be provided at no cost to the employee.

Sec. 3.9. NRS 391A.345 is hereby amended to read as follows:

391A.345 As used in NRS 391A.345 to 391A.385, inclusive, and section 3.8 of this act, unless the context otherwise requires, "professional development training" has the meaning ascribed to "professional development" in 20 U.S.C. § 7801(42).

Sec. 4. Chapter 396 of NRS is hereby amended by adding thereto the provisions set forth as sections 5 and 6 of this act.

Sec. 5. 1. *The Board of Regents may enter into an agreement with a school district pursuant to section 3 of this act to assist in the implementation of a Teacher Academy College Pathway Program.*

2. *The Board of Regents may, by regulation, establish a program to:*

(a) Identify pupils who have completed the Program, or who are expected to complete the Program by the end of grade 12, and who wish to apply for admission to an institution within the System; and

(b) Inform such pupils of the institutions within the System where such pupils may academically qualify for admission.

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

Sec. 6. (Deleted by amendment.)

Sec. 6.5. 1. There is hereby appropriated from the State General Fund to the Governor's Office of Workforce Innovation in the Department of Employment, Training and Rehabilitation for costs associated with developing and implementing the Career Pathways Demonstration Program established pursuant to section 2.4 of this act, including, without limitation, personnel, travel, operating and technology expenses, the following sums:

For the Fiscal Year 2023-2024 \$289,026

For the Fiscal Year 2024-2025 \$331,870

2. There is hereby appropriated from the State General Fund to the Department of Education for costs associated with carrying out the provisions of this act, including, without limitation, personnel and travel costs and the costs of contracting with a qualified person to conduct the study required by section 8 of this act the following sums:

For the Fiscal Year 2023-2024 \$398,591

For the Fiscal Year 2024-2025 \$226,517

3. Any balance of the sums appropriated by ~~subsection 1~~ this section remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any

portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

Sec. 6.7. There is hereby appropriated from the State General Fund to the Nevada Grown Educator Account created by section 1.9 of this act the sum of \$10,000,000.

Sec. 7. 1. On or before October 1, 2026, the Governor's Office of Workforce Innovation shall submit a report to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the Legislature regarding the status of the Career Pathways Demonstration Program established pursuant to section 2.4 of this act. The report must include, without limitation:

(a) The industries identified by the Office as priority industries for the development and implementation of career pathways;

(b) The process used by the Office to select career pathway projects for development and implementation;

(c) The career pathway projects selected by the Office;

(d) A summary of the design of the career pathway for each priority industry;

(e) The goals and objectives of the career pathway for each priority industry;

(f) The status of the implementation of each career pathway;

(g) A summary of the proposals for career pathway projects which were received by the Office but were not selected for the Program; and

(h) An evaluation of each career pathway, including, without limitation:

(1) Whether progress has been made towards achieving the goals and objectives of each career pathway;

(2) A description of any challenges to implementation of the career pathways; and

(3) A description of any changes made to the design or implementation of the career pathways, if any, or any changes which are anticipated in the future and the reason for such changes.

2. On or before June 1, 2028, the Governor's Office of Workforce Innovation shall submit a report to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the Legislature regarding the status of the Career Pathways Demonstration Program. The report must include, without limitation:

(a) The industries identified by the Office as priority industries for the development and implementation of career pathways;

(b) The process used by the Office to select career pathway projects for development and implementation;

(c) The career pathway projects selected by the Office;

(d) A summary of the design of the career pathway for each priority industry;

(e) The goals and objectives of the career pathway for each priority industry;

(f) An evaluation of each career pathway, including, without limitation:

(1) The success of the career pathway at achieving the industry-specific goals and objectives;

(2) An assessment of the return on investment for the State with respect to the career pathway;

(3) A description of any opportunities to extend or expand the career pathway;

(4) An evaluation of ability of the career pathway to serve as a model for the creation of career pathways in other industries which should be prioritized to aid in the economic development of this State; and

(5) Any quantitative and qualitative data supporting the items required to be included in the report pursuant to subparagraphs (1) to (4), inclusive.

(g) An evaluation of the success of the Program as a whole, including, without limitation:

(1) The overall outcomes of the Program, in relation to the goals and objectives established by the Office;

(2) Successful aspects of the Program and key elements contributing to the success of the Program;

(3) Shortcomings of the Program and key elements hindering the success of the Program;

(4) Recommendations for policy changes that would foster successful expansion of the development and implementation of career pathways by the Office; and

(5) Any quantitative and qualitative data supporting the items required to be included in the report pursuant to subparagraphs (1) to (4), inclusive.

Sec. 8. The Commission on Professional Standards in Education shall:

1. Conduct a study during the 2023-2024 interim concerning the Praxis II and pedagogy examinations;

2. Present its recommendations to the Senate and Assembly Standing Committees on Education during the 83rd Session of the Nevada Legislature; and

3. Adopt regulations pursuant to NRS 391.019, 391.021 and 391.023 as it deems necessary and appropriate based on its findings and recommendations as they relate to the Praxis II and pedagogy examinations.

Sec. 9. The Department of Education and the Nevada System of Higher Education shall jointly:

1. Develop a plan to expand awareness of and eliminate barriers for access to any scholarship programs that are intended to increase the number of persons licensed pursuant to chapter 391 of NRS; and

2. Present the plan to the Joint Interim Standing Committee on Education on or before June 30, 2024.

Sec. 10. 1. The term of the member of the Commission on Professional Standards in Education appointed to the Commission pursuant to paragraph (e) of subsection 3 of NRS 391.011, as that section exists on June 30, 2024, expires on July 1, 2024.

2. As soon as practicable after July 1, 2024, the Governor shall appoint to the Commission on Professional Standards in Education the members described in paragraphs (d), (e) and (f) of NRS 391.011, as amended by section 3.1 of this act. In making those appointments, the Governor shall appoint members to staggered initial terms of 1, 2 and 3 years.

~~{Sec. 8.}~~ Sec. 11. 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. 9.}~~ Sec. 12. 1. This section ~~{and sections}~~ becomes effective upon passage and approval.

2. Sections 1 to ~~{6.}~~ 2.7, inclusive, ~~{and 6.5}~~ 3, 4 to ~~{8.}~~ 7, inclusive, 9 and 11 of this act become effective on July 1, 2023.

3. Sections 2.9, 3.1 to 3.9, inclusive, 8 and 10 of this act become effective:

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

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

~~{2.}~~ 4. Section 2.4 of this act expires on June 30, 2028.

Senator Dondero Loop moved the adoption of the amendment.

Remarks by Senator Dondero Loop.

Senate Amendment No. 982 to Assembly Bill No. 428, as amended, makes the following changes to the bill: the Superintendent of Public Instruction is required to build a strategic plan for the recruitment of teachers and other licensed educational personnel; the membership of the Commission on Professional Standards and Education is revised; the Commission is required to adopt regulations authorizing applicants to be exempt from any requirement to pass a competency test in basic reading, writing and mathematics if the applicant completes a course of study approved by the Department of Education with a grade of B or better in each subject; school districts and charter schools are required to provide certain professional development training on parental involvement, family engagement and multicultural education at no cost to the employee; charter schools and university schools for profoundly gifted pupils are authorized to enter into agreements with the branch of the Nevada System of Higher Education for the assignment of students to schools as student teachers, counselors and trainees in the library; the Commission of Professional Standards in Education is required to conduct a study during the 2023–2024 interim concerning the Praxis II and pedagogy examinations. This amendment provides additional General Fund appropriations to the Department of Education to carry out the provisions of this act.

Amendment adopted.

Bill read third time.

Remarks by Senator Nguyen.

Assembly Bill No. 428, as amended, required the Governor's Office of Workforce Innovation to help and administer a career pathways demonstration program to develop and implement career pathways to enable students to prepare for the employment and professions that serve the long-term needs of the State.

Roll call on Assembly Bill No. 428:

YEAS—21.

NAYS—None.

Assembly Bill No. 428 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 515.

Bill read third time.

Remarks by Senator Dondero Loop.

Assembly Bill No. 515 creates the Incentivizing Pathways to Teaching Grant Program in the Department of Education and authorizes the State Board of Education to award grants to public or private universities or colleges in this State that offer an approved traditional pathway licensure program for the provision of tuition assistance and stipends to students of such programs who meet the requirements established by the State Board.

Additionally, Assembly Bill No. 515 requires a student that receives tuition assistance and/or stipends from an eligible university or college to agree to complete the approved traditional pathway licensure program for which he or she was awarded the tuition assistance or stipend, maintain employment as a teacher at a public school in this State for five consecutive school years immediately following completion of the program unless the State Board waives this requirement for good cause, and meet any other requirements established by the State Board of Education.

Roll call on Assembly Bill No. 515:

YEAS—21.

NAYS—None.

Assembly Bill No. 515 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 516.

Bill read third time.

Remarks by Senator Lange.

Assembly Bill No. 516 is the budget implementation bill related to the establishment of the stand-alone Nevada Indian Commission agency. The bill, as amended, removes the Nevada Indian Commission from the Department of Tourism and Cultural Affairs and establishes the Department of Native American Affairs.

Roll call on Assembly Bill No. 516:

YEAS—21.

NAYS—None.

Assembly Bill No. 516 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 517.

Bill read third time.

Remarks by Senator Nguyen.

Assembly Bill No. 517, as amended, requires the Legislative Auditor to conduct a performance audit of the two school districts with the largest number of enrolled pupils in the

State and the State Public Charter School Authority by August 31, 2026, and not less than once every four years thereafter.

Roll call on Assembly Bill No. 517:

YEAS—21.

NAYS—None.

Assembly Bill No. 517 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 518.

Bill read third time.

Remarks by Senator Nguyen.

Assembly Bill No. 518, as amended, makes various changes and appropriations related to indigent defense. The bill, as amended, establishes the maximum amount counties are required to pay for the provision of indigent defense services and processes for seeking reimbursement from the State for costs in excess of the maximum amount.

Roll call on Assembly Bill No. 518:

YEAS—21.

NAYS—None.

Assembly Bill No. 518 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 519.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 973.

SUMMARY—Establishes provisions governing capital projects of school districts. (BDR 34-1202)

AN ACT relating to capital projects; requiring the board of county commissioners of certain counties to levy a property tax for capital projects of school districts; authorizing the board of county commissioners of certain counties to levy a property tax for capital projects of school districts for which a grant is available from the Fund to Assist Rural School Districts in Financing Capital Improvements; exempting that property tax from certain partial abatements ~~for~~ during the first fiscal year in which the tax is imposed; exempting both property taxes from the statutory limitation on the total ad valorem tax levy; creating the Fund to Assist Rural School Districts in Financing Capital Improvements; requiring the board of county commissioners of certain counties to establish an oversight panel for school district capital improvement projects; making appropriations to the Fund; making an appropriation to the Elko County School District for the construction of a school on the Duck Valley Indian Reservation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the board of trustees of each school district to establish a fund for capital projects. (NRS 387.328) Existing law also creates the Fund to Assist School Districts in Financing Capital Improvements from which a grant of money may be obtained if certain emergency conditions exist within the school district. (NRS 387.333, 387.3335)

Section 2 of this bill requires the board of county commissioners of a county whose population is 52,500 or more and less than 57,500 (currently Elko County), to levy a tax at a rate of not less than 1 cent and not more than 25 cents on each \$100 of assessed valuation of taxable property within the county. Section 2 requires any money collected from such a tax to be deposited in the county treasury for credit to the fund for capital projects to be held and expended in the same manner as other money deposited in that fund. Section 6 of this bill authorizes the school district of a county where such a tax is imposed to pledge the proceeds of the tax, and the portion of the governmental services tax whose allocation to the school district is based on the amount of the property tax levy attributable to its debt service, to the payment of any bonds or other obligations the school district issued for capital projects. Section 8 of this bill provides that, if the board of county commissioners of a county which is required to levy such a tax does not adopt an ordinance levying the tax on or before June 30, 2024, the tax is levied at a rate of 25 cents on each \$100 of assessed valuation of taxable property within the county.

Section 4 of this bill creates the Fund to Assist Rural School Districts in Financing Capital Improvements and requires the money in the Fund to be used to make grants to school districts in counties whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties) for certain capital projects.

Section 3 of this bill authorizes the board of county commissioners of a county whose population is less than 100,000, other than a board which is required to levy a tax pursuant to section 2, to levy a tax on all taxable property in the county for a capital project for which a grant may be obtained from the Fund. Section 3 requires the board of county commissioners to determine the amount of money required for the capital project, excluding any amount that the board anticipates will be covered by a grant from the Fund, and fix a rate of taxation which will raise that amount. Section 3 requires the revenue from the tax to be expended for: (1) a capital project for which a grant was made from the Fund; or (2) if the amount collected for a fiscal year exceeds the amount of the grant for that year, in the same manner as other money in the fund for capital projects established by the school district. Section 5.5 of this bill requires the board of county commissioners of a county which levies a tax pursuant to section 2 or 3 to establish an oversight panel for school district capital improvement projects.

Section 5 of this bill requires the board of trustees of a school district in a county which levies a tax pursuant to section 3 and authorizes the board of trustees of a school district in a county which levies a tax pursuant to

section 2 during a fiscal year to apply to the Director of the Office of Finance in the Office of the Governor for a grant of money from the Fund. Section 5 requires the Director of the Office of Finance to make a grant of money from the Fund in an amount which is equal to: (1) the total amount of tax assessed pursuant to section 3 by the county for the capital project during the immediately preceding fiscal year; or (2) the amount of the proceeds of the tax imposed pursuant to section 2 for the immediately preceding fiscal year which the board of trustees of the school district has certified will be dedicated to the capital project.

Existing law, in general, limits the total amount of property taxes which may be imposed to \$3.64 on each \$100 of assessed valuation. (NRS 361.453) Sections 2 and 3 exempt the rates for the property taxes in those sections from this limitation. Section 7 of this bill makes a conforming change to indicate these exemptions from the limitation.

Existing law provides a partial abatement of the property taxes levied on property for which an assessed valuation has previously been established, a remainder parcel of real property, certain single-family residences and certain residential rental dwellings. (NRS 361.4722, 361.4723, 361.4724) With certain exceptions, existing law exempts new or increased property taxes from those partial abatements if a legislative act that became effective after April 6, 2005, imposed a duty on a taxing entity to levy the tax or increase the rate of the tax. (NRS 361.4726) Section 7.5 of this bill exempts ~~(the)~~ any new property tax ~~(authorized to be)~~ levied ~~(by section)~~ pursuant to section 2 or 3 from those partial tax abatements ~~(if)~~ for the first fiscal year in which such a tax is imposed, but provides that such a tax is not exempt from those partial tax abatements for any fiscal year after the first fiscal year in which the tax is imposed.

Section 9 of this bill makes appropriations from the State General Fund to the Fund for grants to school districts in counties whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties), including grants for capital projects for schools located on qualified tribal land. Section 10 of this bill makes an appropriation to the Elko County School District for the construction of a school on the Duck Valley Indian Reservation.

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

Section 1. Chapter 387 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5.5, inclusive, of this act.

Sec. 2. 1. *The board of county commissioners of a county whose population is 52,500 or more and less than 57,500 shall, in addition to any taxes levied in accordance with NRS 387.195, levy a tax at a rate of not less than 1 cent and not more than 25 cents on each \$100 of assessed valuation of taxable property within the county for capital projects of a school district, including, without limitation, capital projects for schools located on qualified tribal land.*

2. Any money collected pursuant to this section must be deposited in the county treasury for credit to the fund for capital projects established pursuant to NRS 387.328, to be held and expended in the same manner as other money deposited in that fund.

3. The rate of any tax levied pursuant to subsection 1 must not be included in the total ad valorem tax levy for the purposes of the application of the limitation in NRS 361.453.

4. As used in this section, "qualified tribal land" means any real property:

(a) For which legal title is vested in, or held in trust for the benefit of, an Indian tribe or an individual Native American, and which is subject to restrictions against alienation pursuant to federal law; and

(b) Over which an Indian tribe exercises governmental power.

Sec. 3. 1. Except for a board of county commissioners which is required to levy a tax pursuant to section 2 of this act, the board of county commissioners of a county whose population is less than 100,000, may, in addition to any taxes levied in accordance with NRS 387.195, levy a tax at a rate established by the board of county commissioners on all taxable property in the county for a capital project of the school district for which a grant may be obtained from the Fund to Assist Rural School Districts in Financing Capital Improvements created by section 4 of this act. The board of county commissioners shall determine the amount of money necessary, when combined with money anticipated to be received as a grant from the Fund, to pay the costs of the proposed capital project or the principal and interest on bonds or other obligations issued for one or more purposes set forth in subsection 5 of section 4 of this act, and shall fix a rate which, when levied upon every dollar of assessed valuation of taxable property in the district, will raise that amount.

2. Any money collected pursuant to this section must be deposited in the county treasury for credit to the fund for capital projects established pursuant to NRS 387.328, to be expended:

(a) For a capital project of a school district for which a grant to the school district was made from the Fund to Assist Rural School Districts in Financing Capital Improvements pursuant to section 5 of this act; or

(b) With respect to any money collected in excess of the amount of the grant made from the Fund to Assist Rural School Districts in Financing Capital Improvements for the fiscal year pursuant to section 5 of this act, in the same manner as other money deposited in the fund for capital projects.

3. The proceeds of the tax collected pursuant to this section may be pledged to the payment of principal and interest on bonds or other obligations issued for one or more of the purposes set forth in subsection 5 of section 4 of this act. The proceeds of such taxes so pledged may be treated as pledged revenues for the purposes of subsection 3 of NRS 350.020, and the board of trustees of the school district may issue bonds for those purposes in accordance with the provisions of chapter 350 of NRS.

4. The rate of any tax levied pursuant to subsection 1 must not be included in the total *ad valorem* tax levy for the purposes of the application of the limitation in NRS 361.453.

Sec. 4. 1. The Fund to Assist Rural School Districts in Financing Capital Improvements is hereby created in the State Treasury, to be administered by the Director of the Office of Finance. All money received and held by the State Treasurer for the purpose of the Fund must be deposited in the Fund.

2. The Director of the Office of Finance may accept gifts and grants from any source for deposit in the Fund.

3. The money in the Fund must be invested as the money in other state funds is invested. All interest and income earned on the money in the Fund must be credited to the Fund.

4. Claims against the Fund must be paid as other claims against the State are paid.

5. Money in the Fund must be used to make grants to school districts in counties whose population is less than 100,000, for the following purposes:

(a) Construction, design or purchase of new buildings for schools, including, but not limited to, teacherages, dormitories, dining halls, gymnasiums and stadiums.

(b) Enlarging, remodeling or repairing existing buildings or grounds for schools, including, but not limited to, teacherages, dormitories, dining halls, gymnasiums and stadiums.

(c) Acquiring sites for building schools, or additional real property for necessary purposes related to schools, including, but not limited to, playgrounds, athletic fields and sites for stadiums.

Sec. 5. 1. Following any fiscal year in which a county levies a tax imposed pursuant to section 3 of this act, the board of trustees of the school district in the county shall apply to the Director of the Office of Finance for a grant of money from the Fund created pursuant to section 4 of this act on a form provided by the Director.

2. Following any fiscal year in which a county levies a tax imposed pursuant to section 2 of this act, the board of trustees of the school district in the county may apply to the Director of the Office of Finance for a grant of money from the Fund created pursuant to section 4 of this act on a form provided by the Director.

3. The application for a grant of money from the Fund submitted pursuant to this section must be accompanied by:

(a) A description of the capital project for which the grant is requested, which must be a capital project described by subsection 5 of section 4 of this act; and

(b) Either:

(1) Documentation of the amount of the tax assessed pursuant to section 3 of this act for the capital project for which the grant is requested in the immediately preceding fiscal year; or

(2) A statement by the board of trustees of the school district in a county which has levied a tax imposed pursuant to section 2 of this act certifying the amount of the proceeds of the tax imposed pursuant to section 2 of this act for the immediately preceding fiscal year which will be dedicated to the capital project.

4. To the extent that money is available for that purpose in the Fund and if the Director of the Office of Finance determines that the capital project for which the grant is requested is a project for which a grant may be made from the Fund, the Director shall make a grant of money from the Fund to a school district that submits an application pursuant to subsection 1 or 2 in an amount that is equal to:

(a) The total amount of tax assessed by the county for the capital project pursuant to section 3 of this act in the immediately preceding fiscal year; or

(b) If the school district is located in a county which levies a tax imposed pursuant to section 2 of this act, the amount of the proceeds of the tax imposed pursuant to section 2 of this act for the immediately preceding fiscal year which the board of trustees of the school district has certified will be dedicated to the capital project.

5. The Director of the Office of Finance shall adopt regulations that prescribe the annual deadline for submission of an application to the Director by a school district pursuant to this section.

Sec. 5.5. 1. The board of county commissioners of a county whose population is less than 100,000 and which levies a tax pursuant to section 2 or 3 of this act shall establish an oversight panel for school district capital improvement projects, consisting of five members selected as follows:

(a) One member who is the chair of the board of county commissioners of the county, or his or her designee, who shall serve as the chair of the oversight panel;

(b) One member who is a member of the board of trustees of the school district in the county, appointed by the president of the board of trustees of the school district;

(c) One member who is a member of a federally recognized Indian tribe or nation located in whole or in part within the boundaries of the county, appointed by the executive head of the federally recognized Indian tribe or nation;

(d) One member who is a resident of the county and has experience in the building of school facilities, appointed by the president of the board of trustees of the school district in the county; and

(e) One member who is a resident of the county and has experience in the financing of public works projects, appointed by the chair of the board of county commissioners of the county.

2. After the initial terms, the term of each member of the oversight panel is 2 years. Members of the oversight panel are eligible for reappointment.

3. The oversight panel shall meet at least once each calendar quarter.

4. The oversight panel shall:

(a) Review all credits to and debits from the fund for capital projects established pursuant to NRS 387.328;

(b) Recommend future uses of the money raised by the county from levying a tax imposed pursuant to section 2 or 3 of this act;

(c) Review the amount of any appropriation, grant, gift or donation received by the county for the construction of school facilities located on qualified tribal land; and

(d) Make a recommendation for the date of termination of a tax levied pursuant to section 2 or 3 of this act if the date of termination of the tax is not otherwise fixed.

Sec. 6. NRS 387.328 is hereby amended to read as follows:

387.328 1. The board of trustees of each school district shall establish a fund for capital projects for the purposes set forth in subsection 1 of NRS 387.335. The money in the fund for capital projects may be transferred to the debt service fund to pay the cost of the school district's debt service.

2. The board of trustees may accumulate money in the fund for capital projects for a period not to exceed 20 years.

3. That portion of the governmental services tax whose allocation to the school district pursuant to NRS 482.181 is based on the amount of the property tax levy attributable to its debt service must be deposited in the county treasury to the credit of the fund established under subsection 1 or the school district's debt service fund.

4. No money in the fund for capital projects at the end of the fiscal year may revert to the county school district fund, nor may the money be a surplus for any other purpose than those specified in subsection 1.

5. The proceeds of the taxes deposited in the fund for capital projects pursuant to NRS 244.3354, 268.0962, 375.070, 377C.110 and 387.3288 *and section 2 of this act* and, in a county whose population is 100,000 or more but less than 700,000, the portion of the governmental services tax whose allocation to the school district pursuant to NRS 482.181 is based on the amount of the property tax levy attributable to its debt service may be pledged to the payment of the principal and interest on bonds or other obligations issued for one or more of the purposes set forth in NRS 387.335. The proceeds of such taxes so pledged may be treated as pledged revenues for the purposes of subsection 3 of NRS 350.020, and the board of trustees of a school district may issue bonds for those purposes in accordance with the provisions of chapter 350 of NRS.

Sec. 7. NRS 361.453 is hereby amended to read as follows:

361.453 1. Except as otherwise provided in this section and NRS 354.705, 354.723, 387.3288 and 450.760, *and sections 2 and 3 of this act*, the total ad valorem tax levy for all public purposes must not exceed \$3.64 on each \$100 of assessed valuation, or a lesser or greater amount fixed by the State Board of Examiners if the State Board of Examiners is directed by law to fix a lesser or greater amount for that fiscal year.

2. Any levy imposed by the Legislature for the repayment of bonded

indebtedness or the operating expenses of the State of Nevada and any levy imposed by the board of county commissioners pursuant to NRS 387.195 that is in excess of 50 cents on each \$100 of assessed valuation of taxable property within the county must not be included in calculating the limitation set forth in subsection 1 on the total ad valorem tax levied within the boundaries of the county, city or unincorporated town, if, in a county whose population is less than 45,000, or in a city or unincorporated town located within that county:

(a) The combined tax rate certified by the Nevada Tax Commission was at least \$3.50 on each \$100 of assessed valuation on June 25, 1998;

(b) The governing body of that county, city or unincorporated town proposes to its registered voters an additional levy ad valorem above the total ad valorem tax levy for all public purposes set forth in subsection 1;

(c) The proposal specifies the amount of money to be derived, the purpose for which it is to be expended and the duration of the levy; and

(d) The proposal is approved by a majority of the voters voting on the question at a general election or a special election called for that purpose.

3. The duration of the additional levy ad valorem levied pursuant to subsection 2 must not exceed 5 years. The governing body of the county, city or unincorporated town may discontinue the levy before it expires and may not thereafter reimpose it in whole or in part without following the procedure required for its original imposition set forth in subsection 2.

4. A special election may be held pursuant to subsection 2 only if the governing body of the county, city or unincorporated town determines, by a unanimous vote, that an emergency exists. The determination made by the governing body is conclusive unless it is shown that the governing body acted with fraud or a gross abuse of discretion. An action to challenge the determination made by the governing body must be commenced within 15 days after the governing body's determination is final. As used in this subsection, "emergency" means any unexpected occurrence or combination of occurrences which requires immediate action by the governing body of the county, city or unincorporated town to prevent or mitigate a substantial financial loss to the county, city or unincorporated town or to enable the governing body to provide an essential service to the residents of the county, city or unincorporated town.

Sec. 7.5. NRS 361.4726 is hereby amended to read as follows:

361.4726 1. Except as otherwise provided by specific statute, if any legislative act which becomes effective after April 6, 2005, imposes a duty on a taxing entity to levy a new ad valorem tax or to increase the rate of an existing ad valorem tax, the amount of the new tax or increase in the rate of the existing tax is exempt from each partial abatement from taxation provided pursuant to NRS 361.4722, 361.4723 and 361.4724.

2. The amount of any tax imposed pursuant to NRS 354.705 and 387.3288 ~~and section 3 of this act~~ is exempt from each partial abatement from taxation provided pursuant to NRS 361.4722, 361.4723 and 361.4724.

3. The amount of any tax imposed pursuant to section 2 or 3 of this act is exempt from each partial abatement from taxation provided pursuant to NRS 361.4722, 361.4723 and 361.4724 during the first fiscal year that the tax is imposed and is not exempt from each such partial abatement during any fiscal year thereafter.

4. For the purposes of this section, "taxing entity" does not include the State.

Sec. 8. If the board of county commissioners of a county whose population is 52,500 or more and less than 57,500, has not adopted an ordinance levying the tax pursuant to section 2 of this act on or before June 30, 2024, a tax shall be levied pursuant to section 2 of this act at a rate of 25 cents on each \$100 of assessed valuation of taxable property within the county. The tax shall be collected and administered in the same manner as though the board of county commissioners had adopted an ordinance levying the tax pursuant to section 2 of this act at that rate.

Sec. 9. 1. There is hereby appropriated from the State General Fund to the Fund to Assist Rural School Districts in Financing Capital Improvements created by section 4 of this act the sum of \$25,000,000, for grants to school districts, and the sum of \$25,000,000, for grants to school districts for capital projects for schools located on qualified tribal land.

2. As used in this section, "qualified tribal land" means any real property:

(a) For which legal title is vested in, or held in trust for the benefit of, an Indian tribe or an individual Native American, and which is subject to restrictions against alienation pursuant to federal law; and

(b) Over which an Indian tribe exercises governmental power.

Sec. 10. 1. There is hereby appropriated from the State General Fund to the Elko County School District the sum of \$64,500,000 for the construction of a school on the Duck Valley Indian Reservation to replace the Owyhee Combined School.

2. All money appropriated by subsection 1 must be used only for the purposes specified in subsection 1 and no portion of the money may be set aside, distributed or otherwise committed or used for any other purpose, including, without limitation, any costs related to other buildings or facilities.

3. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2028, 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 15, 2028, 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 15, 2028.

Sec. 11. Notwithstanding the provisions of NRS 218D.430 and 218D.435, a committee may vote on this act before the expiration of the period prescribed for the return of a fiscal note in NRS 218D.475. This

section applies retroactively from and after May 21, 2023.

Sec. 12. This act becomes effective on July 1, 2023.

Senator Dondero Loop moved the adoption of the amendment.

Remarks by Senator Dondero Loop.

Amendment No. 973 to Assembly Bill No. 519, as amended, provides that for the first fiscal year in which the property taxes included in the bill are imposed, the partial tax abatements provided pursuant to NRS 361.4722, NRS 361.4723 and NRS 361.4724 do not apply but that those partial abatements will apply in all future fiscal years.

Amendment adopted.

Bill read third time.

Remarks by Senators Dondero Loop and Hansen.

SENATOR DONDERO LOOP:

Assembly Bill No. 519, as amended, requires the board of county commissioners of a county whose population is 52,500 or more and less than 57,500, currently Elko County, to levy a tax at a rate of not less than \$.01 and not more than \$.25 on each \$100 of assessed valuation of taxable property within the county for school district capital projects. The bill, as amended, also requires that if the board of county commissioners of a county which is required to levy such a tax does not adopt an ordinance levying the tax on or before June 30, 2024, the tax is levied at a rate of \$.25 on each \$100 of assessed valuation of taxable property within the county.

Assembly Bill No. 519, as amended, also creates the Account to Assist Rural School Districts in Financing Capital Improvements to make capital project grants to school districts in counties whose population is less than 100,000; authorizes the board of county commissioners of a county whose population is less than 100,000, other than a county whose population is 52,500 or more and less than 57,500 to levy a tax; requires the board of county commissioners to determine the amount of money required for a capital project excluding any amount that the board anticipates will be covered by a grant from the fund and fix a rate of taxation which will raise that amount; requires the board of trustees of a school district in a county with a population less than 100,000 which levies a tax to apply for a grant of money from the fund; requires a grant of money from the fund in an amount which is equal to the total amount of tax assessed by the county for the capital project during the immediately preceding fiscal year or the amount of the proceeds of the tax imposed for the immediately preceding fiscal year which the board of trustees of the school district has certified will be dedicated to the capital project; requires the board of county commissioners of a county that levies the tax to establish an oversight panel for school district capital improvement projects.

Assembly Bill No. 519, as amended, provides that for the fiscal year in which the property taxes [included in the bill are imposed,] the partial tax abatements do not apply, but those partial abatements will apply in all future fiscal years.

The bill, as amended, also provides General Fund appropriations of \$25 million to the fund for grants to school districts and \$25 million for grants for capital projects. The bill, as amended, also provides a General Fund appropriation of \$64.5 million to the Elko County School District for the construction of a school on the Duck Valley Indian Reservation.

SENATOR HANSEN:

I support Assembly Bill No. 519. This is a very bipartisan effort. I just wanted to thank everybody from both parties, the Governor's Office and Elko County. This is the Owyhee school bill we have been talking about since the beginning, and it all came together with this bill. I just want to thank the Chair of Finance and especially the Chair of Ways and Means for the excellent job they did in putting this thing together. So I urge my colleagues to vote for it. Elko County has already done a reallocation of the monies we are talking about. This is a huge win-win-win for everyone involved. So a great big thank you. This was truly a bipartisan effort and greatly appreciated.

Roll call on Assembly Bill No. 519:

YEAS—20.

NAYS—Titus.

Assembly Bill No. 519 having received a two-thirds majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 523.

Bill read third time.

Remarks by Senator Dondero Loop.

Assembly Bill No. 523 is a budget implementation bill and revises various provisions for the State Education Fund and the Pupil-Centered Funding Plan. It includes revising the sources of revenue for the State Education Fund to include Department of Agriculture fine revenue related to the application of pesticides and revising NRS 387.1212 so various items currently deposited in the fund are included in this section of statute. It authorizes temporary advances from the Education Stabilization Account to the State Education Fund if needed for cash flow as payments are made from the Pupil-Centered Funding Plan. The bill also authorizes temporary advances from the State General Fund to the State Education Fund if needed for cash flow as payments are made from the Pupil-Centered Funding Plan and funding the Education Stabilization Account will not provide adequate funding. It revises provisions relating to the calculation of inflation for the Pupil-Centered Funding Plan to reflect a three-year average for the Consumer Price Index is used when calculating inflation, rather than a single year, and increases the Education Stabilization Account funding cap from 15 percent to 20 percent and allowing the Interim Finance Committee to utilize funding in the account for any decreases in non-General Fund revenue in the State Education Fund.

Roll call on Assembly Bill No. 523:

YEAS—21.

NAYS—None.

Assembly Bill No. 523 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 524.

Bill read third time.

Remarks by Senator Harris.

Assembly Bill No. 524 provides a legislative declaration relating to the affordability, availability and reliability of the supply of electricity in Nevada. The bill requires the integrated resource plan of an electric utility to include certain scenarios and information and authorizes an electric utility to submit an integrated resource plan more frequently than once every three years. The bill also requires the Public Utilities Commission of Nevada to adopt regulations governing the manner and circumstances in which an electric utility may file an amendment to its integrated resource plan. Further, the bill requires an electric utility to schedule a consumer session before filing an integrated resource plan or an amendment to such a plan.

Roll call on Assembly Bill No. 524:

YEAS—20.

NAYS—Titus.

Assembly Bill No. 524 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 525.

Bill read third time.

Remarks by Senators Nguyen, Stone and Hansen.

SENATOR NGUYEN:

Assembly Bill No. 525, as amended, makes General Fund appropriations totaling \$58,020,000 to be used during the 2023-2025 biennium for various purposes relating to health, education, employment and other community services and provides other matters relating, but not limited to, \$750,000 to the Interim Finance Committee for allocation to the International Gaming Institute of the University of Nevada, Las Vegas—go Rebs—also, \$1.2 million to the United Way of Northern Nevada and the United Way of Southern Nevada. Those are some examples. It is a good bill.

SENATOR STONE:

This is an appropriation bill to fund some very worthy organizations and causes, but it has a lot of pork in it. We need to fund what is essential in our budget, including philanthropic items in this bill, but not the expensive pork also in this bill. A top priority for Republicans and our Governor is to provide for opportunity scholarships for our low-income students that are stuck in a poor-performing school and allow them to use the scholarships to better their education and maybe attend a safer school. You see, I do not see this as a partisan issue. Does not every kid deserve to go to a school that can better educate them when their existing schools are failing them?

If this is one of those, "If our Republican Governor wants this vital program to be funded, we as Democrats must oppose it to not give the Governor a victory, even if it is at the expense of our children," it is certainly not a money issue, my friends. Yet, we have money to give \$15 million to the Culinary Academy for capital improvements. This is a union ask that could be better used to help our kids in lousy schools that are filling them. Why cannot the Culinary Union fund it themselves with their union contributions? Our kids' education is more important to me.

Five-and-a-half million dollars for a new art museum in Southern Nevada. Is this really a necessity? Our kids' education is more important to me. Seven-hundred-and-fifty thousand dollars for allocation to the International Gaming Institute of the University of Nevada, Las Vegas, to expand diversity in the gaming industry. How about attracting anyone interested in working in gaming based on their true qualifications and save this money? Our kids' education is more important to me. Two-hundred-and fifty-thousand dollars to fund the Legal Aid Center of Southern Nevada to continue to help pay for some of their lobbyists that I have seen here to come and advocate stripping away property rights of landlords in the name of "tenant protections." Our kids are important to me. Five-hundred-thousand dollars to the United Labor Agency of Nevada assisting those advocating in the labor movement. Our kids' education is more important to me than powerful labor groups.

While there may be other causes worthy of funding, like food pantries, funding for childhood cancers and autism programs, this bill is funding too much with a lot of pork. I have identified over \$22 million in pork that can be better spent offering opportunity scholarships to our low-income families begging for a better education for their kids.

While I support many of the philanthropic causes being funded in this bill, I cannot support \$22 million in pork for special-interest groups included in this "Christmas tree" bill. These organizations should not be funded with tax-payer dollars, and for those reasons, I recommend a strong "no" vote.

SENATOR HANSEN:

I also urge a strong "no" vote. One thing I wanted to point out was this bill, Assembly Bill No. 525, was originally an acceptable bill in the Assembly. The Assembly Amendment—which I have in my hand—Assembly Amendment No. 940 was literally given to them for the first time about three minutes before they had to vote on this bill. So to the embarrassment of some members of my party, they ended up voting for one of the most egregious pork-type bills that we have seen this session. So I just wanted to explain why some members of the other House voted the way they did and why, once again, these kind of last-minute rush deals are a huge mistake

and are an embarrassment, and they are not the way a legislative body should properly function. So I urge a strong "no" vote on Assembly Bill No. 525.

Roll call on Assembly Bill No. 525:

YEAS—13.

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

Assembly Bill No. 525 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 526.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 978.

SUMMARY—Revises provisions relating to state financial administration. (BDR S-1205)

AN ACT relating to state financial administration; providing for the redistribution of certain money authorized for expenditure to certain nonprofit organizations; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill requires the Governor to certify the amount of money authorized or reauthorized for expenditure from the COVID-19 Relief Programs budget account that is projected by the Office of Finance in the Office of the Governor not to be expended for its approved purpose by December 31, 2026. Section 1 requires the Office of Finance to: (1) in accordance with the requirements for work program revisions in existing law, transfer, or request the transfer of, as applicable, the certified money from the budget accounts in which the money is being held to the COVID-19 Relief Programs budget account; and (2) cause to be carried out the processing of payments of the certified money from the COVID-19 Relief Programs budget account to registered nonprofit organizations in amounts, with certain exceptions, equal to the percentages of the certified money specified for those registered nonprofit organizations in section 3 of this bill. Section 2 of this bill sets forth the requirements for such registration. Section 3 specifies the nonprofit organizations that are eligible to register and the percentages of the certified money, with certain exceptions, for which those nonprofit organizations are eligible if they are registered. Section 4 of this bill makes an appropriation of \$250,000 to the Office of the State Treasurer for the costs of consulting services to assist the Office with registering eligible nonprofit organizations pursuant to section 2.

WHEREAS, Studies have shown that nonprofit organizations faced considerable challenges during the COVID-19 pandemic as a result of a substantial reduction in the number of their volunteers and donations and a significant increase in the demand for their services; and

WHEREAS, Nonprofit organizations nevertheless rose to the challenges

presented by the pandemic and found innovative ways to continue to provide their services to the local communities in Nevada; and

WHEREAS, Redirecting unused money that was provided by the Federal Government to ameliorate the effects of the COVID-19 pandemic will assist nonprofit organizations to recover from the COVID-19 pandemic and flourish in the future; now therefore,

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. On or after July 15, 2024, but before August 1, 2024, the Governor shall submit a written report to the Interim Finance Committee and the State Treasurer that:

(a) Itemizes the money that was authorized for expenditure from the COVID-19 Relief Programs budget account in section 1 of chapter 434, Statutes of Nevada 2021, at page 2765, including any portion of that money that was reauthorized subsequently by the Nevada Legislature; and

(b) Certifies a cumulative total of the portion of that money that is projected by the Office of Finance in the Office of the Governor not to be expended for its approved purpose by December 31, 2026.

2. On or before August 30, 2024, the Office of Finance shall:

(a) Process any work programs to authorize the transfer of the money certified in paragraph (b) of subsection 1 from the budget accounts in which that money is held to the COVID-19 Relief Programs budget account and that do not require the approval of the Interim Finance Committee pursuant to NRS 353.220 and process the transfer of the money.

(b) Submit to the Secretary of the Interim Finance Committee any work programs that authorize the transfer of the money certified in paragraph (b) of subsection 1 from the budget accounts in which that money is held to the COVID-19 Relief Programs budget account and that require the approval of the Interim Finance Committee pursuant to NRS 353.220, process the transfer of the money and process any work program necessary to authorize the payments required in subsection 3 from the COVID-19 Relief Programs budget account.

3. Except as otherwise provided in this subsection, on or before December 31, 2024, the Office of Finance shall cause to be carried out the processing of payments from the COVID-19 Relief Programs budget account to each registered nonprofit organization listed in the report submitted by the State Treasurer to the Office of Finance pursuant to section 2 of this act in an amount equal to the percentage of the amount of money certified in paragraph (b) of subsection 1 that is specified for that nonprofit organization in section 3 of this act. The Office of Finance shall not withhold any portion of such a payment. If an eligible nonprofit organization specified in section 3 of this act is not listed as a registered nonprofit organization in the report submitted by the State Treasurer to the Office of Finance pursuant to section 2 of this act, the Office of Finance shall reallocate the percentage share of the money certified pursuant to paragraph (b) of subsection 1 that

would have otherwise been allocated to the eligible nonprofit organization pro rata among the registered nonprofit organizations within the same category or subcategory set forth in section 3 of this act, as applicable. If none of the eligible nonprofit organizations in a category or subcategory listed in section 3 of this act are registered pursuant to section 2 of this act, the Office of Finance shall reallocate the percentage share of the money certified pursuant to paragraph (b) of subsection 1 that would have otherwise been allocated to that category or subcategory pro rata among the other categories or subcategories, as applicable.

Sec. 2. 1. On or before June 30, 2024, an eligible nonprofit organization listed in section 3 of this act may apply to the State Treasurer, on a form prescribed by the State Treasurer, for registration to receive a payment of the percentage set forth in section 3 of this act for that nonprofit organization of the money certified pursuant to paragraph (b) of subsection 1 of section 1 of this act. The State Treasurer shall not approve an application for registration unless the eligible nonprofit organization demonstrates that the proposed use of the money is an approved use under the Final Rule of the United States Department of the Treasury, 31 C.F.R. Part 35, RIN 1505-AC77.

2. The State Treasurer may revoke a registration approved pursuant to subsection 1 if the State Treasurer becomes aware of circumstances that the State Treasurer reasonably believes will impair the ability of the registered nonprofit organization to carry out the use of the certified money proposed to be distributed to the registered nonprofit organization.

3. On or after July 15, 2024, but before August 1, 2024, the State Treasurer shall submit to the Office of Finance in the Office of the Governor a report listing the eligible nonprofit organizations that are registered pursuant to subsection 1.

Sec. 3. The following nonprofit organizations are eligible to apply for registration pursuant to section 2 of this act to receive a payment of the percentage set forth in this section for that nonprofit organization of the money certified pursuant to paragraph (b) of subsection 1 of section 1 of this act, except as otherwise provided in subsection 3 of section 1 of this act:

Category of Funding	Percentage of Total Certified Money Within Category or Subcategory	Percentage of Total Certified Money
1. Services		
(a) Children		8.00%
Boys and Girls Club of Truckee Meadows	19.00%	
Rite of Passage Adolescent Treatment Centers and Schools, Inc.	11.00%	

Greater Las Vegas Inner-City Games	10.50%
Sunrise Children's Foundation	7.50%
Boys & Girls Clubs of Southern Nevada	7.00%
The Children's Cabinet, Inc.	5.00%
Communities In Schools of Nevada	3.50%
Nevada Children's Foundation, Inc.	3.50%
Boys & Girls Club of Mason Valley	2.50%
Andson, Inc.	2.25%
Boys & Girls Clubs of Elko	2.00%
Sierra Nevada Journeys	2.00%
St Jude's Ranch for Children - Nevada Region, Inc.	2.00%
Head Start of Northeastern Nevada	1.50%
Public Education Foundation, Inc.	1.25%
Boys & Girls Club of Winnemucca	1.00%
Green Our Planet	1.00%
Little People's Head Start of Nevada	1.00%
Northern Nevada Literacy Council	1.00%
S.A.F.E. House, Inc. (Stop Abuse in the Family Environment)	1.00%
Sky Tavern, Inc.	1.00%
Specialized Alternatives for Families and Youth of Nevada, Inc.	1.00%
Spread the Word Nevada	1.00%
Austin's House	0.50%
Baby's Bounty	0.50%
Chefs for Kids, Inc.	0.50%
Child Assault Prevention Project of Washoe County	0.50%

Children's Advocacy Alliance of Nevada	0.50%	
CORE Academy, Powered By the Rogers Foundation	0.50%	
Ely Co-Op Pre-School	0.50%	
Family to Family Connection ISD 13	0.50%	
Foster Kinship	0.50%	
Fulfillment Fund Las Vegas	0.50%	
Girls on the Run – Sierras	0.50%	
Goodie Two Shoes Foundation, Inc.	0.50%	
Incline Village Nursery School, Inc.	0.50%	
Junior Achievement, Inc.	0.50%	
Kids First Family Services	0.50%	
Leaders in Training	0.50%	
Nevada Child Seekers Merging Corporation	0.50%	
Nevada Women's Fund	0.50%	
~~Opportunity 180~~	~~0.50%~~	
Premier Adoption Agency, Inc.	0.50%	
Safe Kids Clark County	0.50%	
The Fallon Youth Club, Inc.	0.50%	
Urban Roots Garden Classrooms	0.50%	
<u>Opportunity 180</u>	<u>0.25%</u>	
<u>Silver State Education Foundation</u>	<u>0.25%</u>	
(b) Disability		5.00%
Opportunity Village Arc	35.00%	
Transition Services, Inc.	22.50%	
New Vista Ranch, Inc.	7.75%	
Disability Resources Inc.	7.50%	
Northern Nevada Human Services Association	6.00%	
Nevada Blind Children's Foundation	4.00%	
Alpha Productions Technologies, Inc.	3.50%	
Blind Center of Nevada, Inc.	3.50%	

High Sierra Industries, Inc.	3.00%	
Nevada P E P, Inc.	1.75%	
The Garden Foundation, Inc.	1.50%	
Center for Independent Living Inc.	0.50%	
Down Syndrome Organization of Southern Nevada	0.50%	
Friends of National Multiple Sclerosis Society Inc.	0.50%	
Kids & Horses	0.50%	
Nevada Wheelchair Foundation	0.50%	
Southern Nevada Center for Independent Living	0.50%	
Special Recreation Services, Inc.	0.50%	
Washoe Ability Resource Center	0.50%	
(c) Domestic Violence		5.00%
Safe Nest: Temporary Assistance for Domestic Crisis, Inc.	26.00%	
The Shade Tree Incorporated	18.50%	
Family Support Council of Douglas County	14.00%	
Advocates to End Domestic Violence	12.25%	
Community Action Against Rape	9.50%	
Safe Embrace	5.50%	
Noah's Animal House Foundation	5.00%	
Domestic Violence Resource Center	4.00%	
No To Abuse – Nevada Outreach Training Organization	3.25%	
Winnemucca Domestic Violence Services, Inc.	2.00%	

(d) Legal		3.00%
Legal Aid Center of		
Southern Nevada	50.00%	
Nevada Legal Services, Inc.	16.25%	
Northern Nevada Legal Aid	12.25%	
The Immigrant Home		
Foundation	5.50%	
Nevada Disability		
Advocacy and Law		
Center, Inc.	4.50%	
Southern Nevada Senior		
Law Program	4.00%	
American Civil Liberties		
Union (ACLU) of		
Nevada Foundation,		
Inc.	3.50%	
Volunteer Attorneys for		
Rural Nevadans	3.00%	
Clark County Law		
Foundation	1.00%	
(e) Senior		3.00%
Nevada Senior Services,		
Inc.	38.25%	
Carson City Senior Citizens		
Center	14.00%	
Pahrump Senior Center,		
Inc.	10.75%	
Helping Hands of Vegas		
Valley, Inc.	10.00%	
Senior Citizens of		
Humboldt County Inc.	8.50%	
Nevada Rural Counties		
RSVP Program, Inc.	6.00%	
Senior Center of Boulder		
City	4.50%	
United Seniors, Inc.	2.50%	
Lend A Hand of Boulder		
City	2.00%	
Seniors in Service – Nevada	2.00%	
James Seastrand Helping		
Hands of North Las		
Vegas	1.50%	
(f) Miscellaneous Services		10.00%
Nye Communities		
Coalition	24.00%	

Community Services	
Agency – Reno	17.50%
Asian Community	
Development Council	6.00%
Las Vegas Rescue Mission	6.00%
Nevada Outdoor School	4.50%
Care Services of Nevada, Inc.	3.75%
Healthy Communities	
Coalition of Lyon and Storey Counties	3.50%
Jewish Family Service	
Agency	3.25%
Hope for Prisoners, Inc.	3.00%
Awaken, Inc.	2.50%
Nevada Partners, Inc.	2.50%
Lighthouse Charities, Inc.	2.25%
Neighbor Network of Northern Nevada	2.00%
Tahoe Family Solutions, Inc.	2.00%
Family and Child Treatment of Southern Nevada	1.75%
LGBTQIA+ Community Center of Southern Nevada, Inc.	1.75%
ACTIONN	1.50%
The Cupcake Girls	1.50%
Churchill Community Coalition	1.00%
Note-Able Music Therapy Services	1.00%
LOVEE, Inc.	1.00%
Ron Wood Family Resource Center	1.00%
Frontier Community Coalition	0.75%
Arriba Las Vegas Worker Center	0.50%
City Impact Foundation	0.50%
F.E.A.T. of Southern Nevada	0.50%
Gender Justice Nevada	0.50%

Gentlemen By Choice		
Community Development Corporation	0.50%	
Junior League of Las Vegas, Inc.	0.50%	
Junior League of Reno, Inc.	0.50%	
Las Vegas Indian Center, Inc.	0.50%	
Nevada Center for Civic Engagement	0.50%	
Paralyzed Veterans of America, Nevada Chapter	0.50%	
RAD, Real Autism Difference	0.50%	
That Others May Live Foundation	0.50%	
2. Health Care		
(a) Addiction or Mental Health		6.00%
Bridge Counseling Associates Inc.	10.50%	
Churchill Council On Alcohol and Other Drugs	10.00%	
The Life Change Center	8.00%	
Crisis Call Center	7.00%	
Ridge House Inc.	7.00%	
Rural Nevada Counseling	7.00%	
Bristlecone Family Resources	6.00%	
JC Family Services, Inc.	5.50%	
Community Counseling Center of Southern Nevada	5.00%	
Quest Counseling & Consulting, Inc.	5.00%	
STEP2	5.00%	
Freedom House Sober Living	3.50%	
Carson City Community Counseling Center	3.00%	
Teen Challenge of Nevada Inc.	2.00%	
The Family Support Center	2.00%	

Dr. Miriam & Sheldon G. Adelson Clinic for Drug Abuse Treatment and Research, Inc.	1.50%	
Join Together Northern Nevada	1.50%	
Family Counseling Service of Northern Nevada	1.00%	
Foundation for Recovery, Inc.	1.00%	
Pact Coalition for Safe and Drug-Free Communities	1.00%	
Partners Allied for Community Excellence (PACE) Coalition	1.00%	
Partnership Carson City Step I, Inc.	1.00%	
Suicide Prevention Network Ltd.	1.00%	
CARE Coalition	0.50%	
Living Free Health & Fitness A Non-Profit Corp	0.50%	
National Alliance on Mental Illness (NAMI) Nevada	0.50%	
National Alliance on Mental Illness (NAMI) Southern Nevadan	0.50%	
New Life USA – Nevada Northern Nevada Intergroup Association and Central Service Committee Inc.	0.50%	
Trauma Intervention Program (TIP) of Southern Nevada	0.50%	
(b) Hospitals or Clinics		6.00%
Renown Health	64.00%	
Carson Tahoe Health	15.00%	
Washoe Barton Medical Clinic, A Nevada Nonprofit Corporation	4.00%	

Nevada Health Centers, Inc.	3.75%	
Boulder City Hospital Community Health Alliance	2.50%	
Northern Nevada HOPES	2.00%	
South Lyon Medical Center	2.00%	
Care with Purpose Medical Center	1.00%	
Carson Tahoe Continuing Care Hospital	0.50%	
Hope Christian Health Center	0.50%	
Silver State Health Services	0.50%	
Community Outreach Medical Center	0.25%	
Horizon Hospice	0.25%	
Humboldt Volunteer Hospice	0.25%	
Nathan Adelson Hospice Foundation Inc.	0.25%	
Nevada Primary Care Association	0.25%	
Nevada Rural Hospital Partners	0.25%	
Research, Education & Access for Community	0.25%	
(c) Dental Care		1.00%
Future Smiles	45.00%	
Children's Dental Care	40.00%	
Northern Nevada Dental Health Programs	15.00%	
(d) Veterans		1.00%
Adopt A Vet Dental Program Inc.	60.00%	
Veterans Guest House, Inc.	40.00%	
(e) Miscellaneous Health Care		9.00%
Nathan Adelson Hospice	24.25%	
Capability Health and Human Services	12.50%	
United Cerebral Palsy of Nevada	12.50%	
Nevada Donor Network, Inc.	8.00%	
Access To Healthcare	6.50%	
WestCare Foundation, Inc.	6.50%	

FirstMed Health and Wellness Center	4.00%
First Person Care Clinic	2.00%
Nevada Urban Indians Inc.	2.00%
Volunteers in Medicine of Southern Nevada	2.00%
Aid for AIDS of Nevada	1.25%
CARE Chest	1.25%
Grant a Gift Autism Foundation - Ackerman Center	1.25%
Hemostasis and Thrombosis Center of Nevada	1.25%
High Sierra Area Health Education Center	1.25%
Immunize Nevada	1.25%
Nevada Cancer Research Foundation	1.25%
Nevada Childhood Cancer Foundation	1.25%
Northern Nevada Children's Cancer Foundation	1.25%
Ronald McDonald House Charities Northern Nevada	1.25%
Ronald McDonald House Charities of Greater Las Vegas	1.25%
Access for Community & Cultural Education Programs & Trainings	0.50%
ALS Association Nevada Chapter	0.50%
Candlelighters Childhood Cancer Foundation of Nevada	0.50%
Children's Heart Foundation Nevada	0.50%
Consumer Assistance & Resource Enterprise	0.50%
Golden Rainbow of Nevada, Inc.	0.50%
Nevada Cancer Coalition	0.50%

	Nevada Diabetes Association for Children and Adults	0.50%	
	Nevada Medical Center	0.50%	
	Nevada Public Health Foundation	0.50%	
	Nvhca Perry Foundation Inc.	0.50%	
	Simmaron Research Inc.	0.50%	
3.	Housing		11.00%
	HELP of Southern Nevada Housing	25.00%	
	Nevada HAND, Inc.	11.00%	
	Reno Initiative for Shelter and Equality	10.50%	
	Truckee Meadows Habitat for Humanity	7.50%	
	Eddy House	6.50%	
	Nevada Partnership for Homeless Youth	5.00%	
	Habitat for Humanity Las Vegas	4.50%	
	Silver State Fair Housing Council	4.00%	
	Northern Nevada Community Housing Resource Board	3.50%	
	SHARE Village Las Vegas	3.25%	
	Coordinated Living of Southern Nevada, Inc.	3.00%	
	Nevada Homes for Youth, Inc.	3.00%	
	Neighborhood Housing Services of Southern Nevada	2.50%	
	The Empowerment Center	2.00%	
	Community Services of Nevada (CSNV)	1.00%	
	Family Promise of Las Vegas	1.00%	
	Nevada Affordable Housing Assistance Corporation	1.00%	

Nevada Youth			
Empowerment Project			
	Housing	1.00%	
	Project 150	1.00%	
Rebuilding Together			
	Southern Nevada	1.00%	
Street Teens A Nevada			
	Non-Profit Corporation	1.00%	
	The Widows Mite	1.00%	
	Silver Sage Manor, Inc.	0.50%	
Shelter Providers of			
	Southern Nevada, Inc.	0.25%	
4.	Community Hubs		10.00%
	YMCA of Southern Nevada	32.00%	
Catholic Charities of			
	Northern Nevada	19.00%	
Catholic Charities of			
	Southern Nevada	16.00%	
Las Vegas-Clark County			
	Urban League CAA	5.00%	
	Community Chest, Inc.	4.00%	
	Crisis Intervention Services	4.00%	
Boys and Girls Clubs of			
	Western Nevada	3.50%	
East Valley Family			
	Services	2.00%	
FISH Emergency Referral			
	Services Program	2.00%	
Lutheran Social Services of			
	Nevada	2.00%	
United Way of Southern			
	Nevada	2.00%	
	Elko F.I.S.H.	1.50%	
HopeLink of Southern			
	Nevada	1.50%	
Kings Row Community			
	Life Center	1.00%	
United Way of Northern			
	Nevada and the Sierra	1.00%	
Wells Family Resource			
	Center	1.00%	
Cappalappa Family			
	Resource Center	0.50%	
Consolidated Agencies of			
	Human Services	0.50%	

	Emergency Aid of Boulder City, Inc.	0.50%	
	Family Resource Centers of Northeastern Nevada	0.50%	
	United Labor Agency of Nevada, Inc.	0.50%	
5.	Food Assistance		10.00%
	Three Square Food Bank	50.00%	
	Food Bank of Northern Nevada	30.00%	
	The Just One Project	12.00%	
	Food for Kids, Inc.	2.00%	
	Carson Valley Community Food Closet	1.00%	
	Fallon Food Hub	1.00%	
	Friends in the Desert Foundation, Inc.	1.00%	
	Serving Our Kids Foundation	1.00%	
	The Greenhouse Project	1.00%	
	Virgin Valley Family Services, Inc.	1.00%	
6.	Job Training		6.00%
	Goodwill Industries of Southern Nevada, Inc.	48.00%	
	Southern Nevada Culinary and Bartenders Training Fund A Trust	8.00%	
	Progressive Choices, Inc.	7.00%	
	Jobs for Nevada's Graduates, Inc.	4.00%	
	UBC National Job Corps Training Fund, Inc. (Las Vegas)	4.00%	
	Dress for Success Reno – Northern Nevada	2.00%	
	Dress for Success Southern Nevada	2.00%	
	Electrical Joint Apprenticeship and Training Committee (JATC) for Southern Nevada	2.00%	
	Foundation for an Independent Tomorrow	2.00%	

Las Vegas Plumbers and Pipefitters Local Union 525 Apprentice and TRA	2.00%
Ruby Mountain Resource Center	2.00%
ABC Nevada Chapter Northern Division Apprenticeship Trust Fund	1.00%
Cement Masons Joint Apprenticeship and Training Trust Fund	1.00%
Iron Sharpens Iron Mentoring, Inc.	1.00%
JOIN Inc.	1.00%
Northern Nevada Building and Construction Trades Council Development Corp.	1.00%
Northern Nevada Dream Center	1.00%
Northern Nevada Electrical Workers Joint Apprenticeship & Training Committee	1.00%
NRA-IATSE Local 720 Training Trust	1.00%
Operating Engineers Affirmative Action Training Fund	1.00%
Painters, Glaziers & Floor Coverers Joint Apprenticeship Training Trust	1.00%
Sheet Metal Workers Joint Apprenticeship Committee of Reno	1.00%
Sheet Metal Workers Local 88 Joint Apprenticeship & Training Fund	1.00%
Southern Nevada Operating and Maintenance Engineers Joint Apprenticeship & Training Trust Fund	1.00%

Southern Nevada Teamsters		
Local 631 Construction		
Industry Training Trust	1.00%	
Special Employment		
Services	1.00%	
Teamsters Convention		
Industry Training Fund	1.00%	
T.U.L.I.P.S. (Teaching and		
Uniting Ladies to		
Inspire Positive		
Success)		
7. Arts and Culture	1.00%	5.00%
The Smith Center for the		
Performing Arts		
300 Stewart Avenue	15.00%	
Corporation	12.50%	
Reno Philharmonic	11.00%	
Las Vegas Philharmonic	9.00%	
DISCOVERY Children's		
Museum		
Nevada Museum of Art	6.00%	
Nevada Ballet Theatre	5.00%	
The Neon Museum	4.50%	
Nevada Public Radio	4.50%	
Nevada Public Radio	4.00%	
Reno Chamber Orchestra	4.00%	
Terry Lee Wells Nevada		
Discovery Museum		
Nevada School of the Arts	3.80%	
Pioneer Center for the	2.50%	
Performing Arts		
Channel 5 Public	2.50%	
Broadcasting, Inc.		
Friends of the Las Vegas	2.00%	
Youth Orchestras		
Nevada Northern Railway	1.25%	
Foundation		
Boulder City Museum &	1.25%	
Historical Association		
Lake Tahoe Shakespeare	1.00%	
Festival		
Las Vegas Natural History	1.00%	
Museum		
Northeastern Nevada	1.00%	
Historical Society and		
Museum		
	1.00%	

Thunderbird Lodge		
Preservation Society	1.00%	
Western Folklife Center	1.00%	
Burlesque Hall of Fame,		
Inc.	0.50%	
The Reno Dance Company,		
Inc.	0.50%	
Artown	0.25%	
Classical Tahoe	0.25%	
Historic Fourth Ward		
School Foundation	0.25%	
Nevada Preservation		
Foundation	0.25%	
Reno Jazz Orchestra	0.25%	
Reno Little Theater	0.25%	
Sierra Arts Foundation	0.25%	
The Holland Project	0.25%	
Arts for All Nevada	0.20%	
Bruka Theater of the Sierra	0.20%	
Children's Museum of		
Northern Nevada, Inc.	0.20%	
Douglas County Historical		
Society	0.20%	
Junior Achievement	0.20%	
St. Mary's Art Center	0.20%	
A Source of Joy		
Theatricals, Inc.	0.10%	
Big Four Educational Film		
Theatre Foundation	0.10%	
Brewery Arts Center	0.10%	
Great Basin Heritage Area		
Partnership	0.10%	
Jazz Outreach Initiative	0.10%	
Las Vegas Public Radio		
Inc.	0.10%	
Music With Confidence	0.10%	
North Central Nevada		
Historical Society	0.10%	
Signature Productions	0.10%	
The Orchestra and		
Community Choral		
Artists of the Tahoe		
Area	0.10%	
8. Animal Care		1.00%
The Animal Foundation	30.00%	

Nevada Humane Society	25.00%
Society for the Prevention of Cruelty to Animals of Northern NV	12.50%
Hearts Alive Village	5.00%
Pet Network Humane Society	5.00%
Nevada Society for the Prevention of Cruelty To Animals	4.00%
Canine Rehabilitation Center and Cat Sanctuary	2.50%
Desert Haven Animal Society	2.50%
Feeding Pets of the Homeless	2.50%
Heaven Can Wait Animal Society	2.50%
Humane Network	2.50%
Carson City CARES Inc. (Catmandu)	1.00%
Churchill Animal Protection Society	1.00%
PALnv	1.00%
A Home 4 Spot Animal Rescue	0.50%
Help Elevate Life for Pets	0.50%
Homeward Bound Cat Adoptions	0.50%
Las Vegas Valley Humane Society	0.50%
PAWsitive Difference	0.50%
Sugarland Ranch, Inc.	0.50%

Sec. 4. 1. There is hereby appropriated from the State General Fund to the Office of the State Treasurer the sum of \$250,000 for the costs of the services of a consultant with the requisite technical expertise to assist the Office of the State Treasurer in registering eligible nonprofit organizations pursuant to section 2 of this act, including, without limitation, notifying eligible nonprofit organizations of the requirement to register in section 2 of this act to receive a payment pursuant to section 1 of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any

purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.

Sec. 5. Notwithstanding the provisions of NRS 218D.430 and 218D.435, a committee may vote on this act before the expiration of the period prescribed for the return of a fiscal note in NRS 218D.475. This section applies retroactively from and after May 29, 2023.

Sec. 6. This act becomes effective upon passage and approval.

Senator Dondero Loop moved the adoption of the amendment.

Remarks by Senator Dondero Loop.

Amendment No. 978 amends Assembly Bill No. 526 by reducing the distribution of funds to Opportunity 180 and adds a distribution of funds to Silver State Education Foundation.

Amendment adopted.

Bill read third time.

Remarks by Senator Dondero Loop.

Assembly Bill No. 526, as amended, provides for the redistribution of certain money authorized for the expenditure to certain nonprofit organizations. Section 1 requires the Governor to certify the amount of American Rescue Plan Act Coronavirus State and Local Fiscal Recovery Funds that are projected by the Governor's Office of Finance to not be expended for its approved purpose by December 31, 2026.

The bill also requires the Governor's Office of Finance to process payments of the certified money from the COVID-19 Relief Programs budget account to registered nonprofit organizations in amounts, with certain exceptions, equal to the percentages of the certified money specified for those registered nonprofit organizations in section 3.

Section 4 of the bill makes a General Fund appropriation of \$250,000 to the Office of the State Treasurer for the costs of consulting services to assist the Office with registering eligible nonprofit organizations.

Roll call on Assembly Bill No. 526:

YEAS—13.

NAYS—Buck, Goicoechea, Hammond, Hansen, Krasner, Seevers Gansert, Stone, Titus—8.

Assembly Bill No. 526 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 454.

Bill read third time.

Remarks by Senator Goicoechea.

Assembly Bill No. 454 provides that the compensation and expenses of an attorney representing an indigent defendant are the responsibility of a county unless the county has transferred that responsibility for indigent defense to the State Public Defender's Office.

Additionally, it requires the Board of Indigent Defense to adopt regulations to establish the hourly rates of compensation in those counties whose population is less than 100,000.

Roll call on Assembly Bill No. 454:

YEAS—21.

NAYS—None.

Assembly Bill No. 454 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 457.

Bill read third time.

Remarks by Senator Pazina.

Assembly Bill No. 457 removes the requirement for Nevada's Department of Motor Vehicles to automatically reissue license plates every eight years.

Roll call on Assembly Bill No. 457:

YEAS—21.

NAYS—None.

Assembly Bill No. 457 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 461.

Bill read third time.

Remarks by Senator Goicoechea.

Assembly Bill No. 461 creates the Chief Administrative Analyst position as a member of the executive staff of the Public Employees' Retirement System and provides the qualifications for the position effective on July 1, 2023.

Roll call on Assembly Bill No. 461:

YEAS—21.

NAYS—None.

Assembly Bill No. 461 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 462.

Bill read third time.

Remarks by Senator Harris.

Assembly Bill No. 462 establishes the position of Executive Director within the State Board of Parole Commissioners. The Chair of the Board shall appoint the Executive Director and delegate authorities and responsibilities to the Executive Director as the Chair deems necessary. The bill requires the Executive Director, instead of the Board, to supervise the activities of the Executive Secretary of the Board.

Roll call on Assembly Bill No. 462:

YEAS—20.

NAYS—None.

EXCUSED—Hammond.

Assembly Bill No. 462 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 468.

Bill read third time.

Remarks by Senator Harris.

Assembly Bill No. 468 provides the following one-time appropriations for certain costs related to the Enterprise Resource Planning System: a one-time General Fund appropriation of \$36,425 and a one-time Highway Fund appropriation of \$8,544 for the replacement of computer hardware and associated software, and a one-time General Fund appropriation of \$126,635,910 and a one-time Highway Fund appropriation of \$29,704,720 to the Interim Finance Committee for allocation to the Governor's Office of Finance.

Roll call on Assembly Bill No. 468:

YEAS—21.

NAYS—None.

Assembly Bill No. 468 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 469.

Bill read third time.

Remarks by Senator Seevers Gansert.

Assembly Bill No. 469 makes a one-time General Fund appropriation of \$4,419,410 to restore the balance of the State Claims Account, which is included in the Executive Budget.

Roll call on Assembly Bill No. 469:

YEAS—21.

NAYS—None.

Assembly Bill No. 469 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 470.

Bill read third time.

Remarks by Senator Harris.

Assembly Bill No. 470 makes an appropriation to the State Public Works Division of the Department of Administration for professional services and filing fees related to the things that the State Public Works Division does.

Roll call on Assembly Bill No. 470:

YEAS—21.

NAYS—None.

Assembly Bill No. 470 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 471.

Bill read third time.

Remarks by Senator Nguyen.

This replaces computer hardware and software.

Roll call on Assembly Bill No. 471:

YEAS—21.

NAYS—None.

Assembly Bill No. 471 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 472.

Bill read third time.

Remarks by Senator Cannizzaro.

Assembly Bill No. 472 makes an appropriation from the State General Fund to the Purchasing Division of the Department of Administration for a warehouse building.

Roll call on Assembly Bill No. 472:

YEAS—21.

NAYS—None.

Assembly Bill No. 472 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senator Cannizzaro moved that the Senate take a brief recess.

Motion carried.

Senate in recess at 7:01 p.m.

SENATE IN SESSION

At 7:19 p.m.

President Anthony presiding.

Quorum present.

REPORTS OF COMMITTEE

Mr. President:

Your Committee on Government Affairs, to which was referred Senate Bill No. 431, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

EDGAR FLORES, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Senator Cannizzaro moved that the action whereby Assembly Bill No. 525 was passed be reconsidered.

Motion carried.

Senator Cannizzaro moved that Assembly Bill No. 525 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Senator Cannizzaro moved that all necessary rules be suspended, and that Senate Bill No. 431, just reported out of Committee, be declared an emergency measure under the Constitution and placed on third reading and final passage and considered next.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 431.

Bill read third time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 996.

SUMMARY—Revises provisions relating to governmental administration. (BDR 18-1089)

AN ACT relating to governmental administration; ~~establishing and prescribing the duties and powers of cabinet secretaries to serve as members of the Governor's cabinet; prescribing the duties and jurisdiction of each cabinet secretary;~~ revising the duties of the Chief Information Officer; providing for the appointment and prescribing the duties of a Chief Innovation Officer; ~~revising provisions relating to development, deployment and improvement of broadband infrastructure;~~ creating the Office of Nevada Boards, Commissions and Councils Standards within the Department of Business and Industry and prescribing the duties and responsibilities of the Office with respect to ~~regulatory bodies and other entities; creating the Department of Workforce to replace the Department of Employment, Training and Rehabilitation; moving certain entities into the Department of Workforce;~~ professional and occupational licensing boards; prohibiting, with certain exception, an appointing authority from executing any contract for employment with any state employee; requiring the Administrator of the Division of Human Resource Management of the Department of Administration to develop certain audit functions and centralized systems relating to the Human Resources System of the State; renaming the Personnel System, the Personnel Commission and the Personnel Operating Fund; revising provisions relating to classified positions; ~~revising provisions relating to the annual leave of state employees; limiting the authority of the Interim Finance Committee to take certain actions that interfere with or intervene in the execution of the operations of the State Government;~~ revising provisions governing the approval of work programs and allotments; ~~requiring the Economic Forum to provide certain estimates for reserves in the Account to Stabilize the Operation of the State Government and the Education Stabilization Account and a biennial report to the Governor and the Legislature; creating the Nevada Way Account;~~ revising provisions relating to the approval and acceptance of grants by state agencies; ~~revising provisions relating to certain declarations of emergency or disaster;~~ eliminating the requirement for the Department of Education to establish the Competency Based Education Network; eliminating the authority of the Advisory Council on the State Program for Wellness and the Prevention of Chronic Disease to appoint an advisory group to study the delivery of health care through patient centered medical homes; eliminating certain limitations on the salaries of persons employed by the State or a state agency; transferring the duties of the Division of Enterprise Information Technology

Services of the Department of Administration and the Administrator of the Division to the Office of the Chief Information Officer and the Chief of the Office of the Chief Information Officer; ~~making various other changes relating to governmental administration;~~ transferring money from the State General Fund to the Account to Stabilize the Operation of the State Government; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Governor, within the limits of available money, to employ such staff for the Office of the Governor as he or she deems necessary. (NRS 223.085) ~~Sections 2-6 of this bill prescribe the following cabinet secretaries within the Office of the Governor, appointed by the Governor, and set forth the various agencies, boards, commissions, authorities, divisions, departments, programs and other entities over which the applicable cabinet secretary has jurisdiction: (1) Secretary of Public Safety and Military Affairs; (2) Secretary of Commerce and Administration; (3) Secretary of Energy, Environment and Public Works; (4) Secretary of Health and Human Services; and (5) Secretary of Education and Workforce.~~ Section 8 of this bill provides that the staff and employees of the Office of the Governor include: (1) executive staff; (2) ~~cabinet secretaries;~~ (3) administrative and clerical staff; ~~[(4)]~~ (3) outreach and communications staff; ~~[(5)]~~ (4) research and analytical staff; and ~~[(6)]~~ (5) any other persons the Governor determines are necessary to effectively fulfill the duties, responsibilities and obligations of the Office of the Governor. Section 8 also: (1) revises the duties of the Chief Information Officer, who is appointed by the Governor; and (2) provides for the appointment by the Governor of a Chief Innovation Officer and prescribes his or her duties. Section 141.5 of this bill makes an appropriation to the Governor for salaries for the staff and employees of the Office of the Governor.

~~Existing law sets forth the Nevada Administrative Procedure Act and authorizes agencies to adopt reasonable regulations to aid in carrying out the functions assigned to the agency by law and requires such agencies to adopt regulations as are necessary to the proper execution of those functions. (Chapter 233B of NRS) Existing law also prescribes the process for the proposal and adoption of regulations by an agency, including, without limitation, submission of the proposed regulation to the Legislative Counsel for drafting. (NRS 233B.0395-233B.110) Section 7 of this bill requires each agency, board, commission, authority, division and department to submit each proposed regulation to the applicable cabinet secretary with jurisdiction over the agency, board, commission, authority, division or department pursuant to sections 2-6 of this bill for review and approval before the proposed regulation is submitted to the Legislative Counsel for drafting.~~

~~Existing law exempts entirely the Governor, the Nevada System of Higher Education, certain offices, departments, divisions and boards from the Nevada Administrative Procedure Act. (NRS 233B.039) Sections 7 and 42 of~~

~~this bill exempt from the Act the adoption, amendment or repeal of a rule or regulation of a cabinet secretary.]~~

Existing law creates the Office of Economic Development within the Office of the Governor, consisting of the Division of Economic Development and the Nevada Film Office. (NRS 231.043) ~~[Existing law also provides for the appointment of an Executive Director of the Office by the Governor. (NRS 231.047) Section 14 of this bill requires the Office to establish and administer a Broadband Ready Community Certification Program to encourage the deployment of broadband infrastructure in underserved communities of this State. Section 14 also requires the Office to adopt regulations necessary to carry out the Program, including, without limitation, the requirements for a community to apply for and receive certification as a Broadband Ready Community and the grounds for withdrawal of such a certification. Section 15 of this bill creates the Account for the Grant Program for Broadband Infrastructure to be administered by the Executive Director for the purpose of making grants for infrastructure for the development or improvement of broadband services for persons with low income and persons in rural areas of this State. Section 16 of this bill requires the Office to prepare an annual report for submission to the Governor and the Legislature or Legislative Commission, as applicable, which includes a summary of the availability of broadband services throughout the State and any recommendations for the deployment of broadband infrastructure to underserved communities. Section 17 of this bill requires the Executive Director to develop and administer a strategic plan to improve the delivery of broadband services to certain entities in this State.]~~

Existing law sets forth various Departments of this State. (Chapter 232 of NRS) Section 19 of this bill creates the Office of Nevada Boards, Commissions and Councils Standards in the Department of Business and Industry. Section 20 of this bill prescribes the duties and responsibilities of the Office with respect to regulatory bodies and other entities. Section 19 requires the Director of the Department to appoint a Deputy Director of the Office.

~~[Existing law creates the Department of Employment, Training and Rehabilitation, consisting of a Director, the Employment Security Division, the Rehabilitation Division and certain other entities. (NRS 232.910) Sections 21, 22 and 31-41 of this bill change the name of the Department to the Department of Workforce and reorganize the Department. Section 32 of this bill changes the name of the Employment Security Division to the Workforce Security Division and the Rehabilitation Division to the Workforce Development Division. Section 32 also creates the Workforce Innovation Division. Sections 21, 22 and 35 of this bill describe the composition of the divisions of the Department. Section 34 of this bill changes the name of the Governor's Workforce Investment Board to the Governor's Workforce Development Board. Section 36 of this bill requires the appointment of deputy directors to oversee the divisions of the~~

~~Department. Sections 38 and 39 of this bill: (1) change the name of the Governor's Office of Workforce Innovation to the Office of Workforce Innovation; and (2) change the title of the head of the Office from Executive Director to Administrator. Section 141 of this bill requires the Director of the Department of Workforce to be appointed within 90 days after July 1, 2023, and to engage in certain actions relating to the orderly transition and establishment of the Department.~~

~~Existing law establishes the Office of Science, Innovation and Technology in the Office of the Governor. (NRS 223.600) Sections 9-12 of this bill transfer the Office to the Department of Workforce and change the title of the head of the Office from Director to Administrator and repeal certain duties relating to the planning, mapping and procurement of broadband service.~~

~~Existing law creates the Commission on Postsecondary Education within the Employment Security Division of the Department of Employment, Training and Rehabilitation. (NRS 394.383) Sections 119 and 120 of this bill transfer the Commission to the Department of Workforce.~~

~~Existing law creates the State Apprenticeship Council and names the Office of the Labor Commissioner as the State Apprenticeship Agency for the purposes of federal law. (NRS 607.035, 610.030) Sections 131-136 of this bill transfer the State Apprenticeship Council to the Department of Workforce and designate the Department of Workforce as the State Apprenticeship Agency for the purposes of federal law.~~

~~Existing law creates the Employment Security Division within the Department of Employment, Training and Rehabilitation and requires the Administrator of the Division to administer state laws relating to unemployment compensation and the operation of private postsecondary educational institutions. (NRS 232.910, 612.220) Section 138 of this bill renames the Division to the Unemployment Insurance Administration Bureau of the Workforce Security Division of the Department of Workforce. Sections 120 and 139 of this bill transfer the responsibility for the administration of state laws relating to the operation of private postsecondary educational institutions from the Administrator of the Division to the Director of the Department of Workforce.]~~

Existing law creates the Division of Enterprise Information Technology Services and requires the Director of the Department of Administration to appoint an Administrator of the Division. (NRS 242.080, 242.090) Sections 59, 60 and 146 of this bill eliminate the Division and the Administrator and sections 56-64 of this bill transfer the powers and duties of the Division to the Office of the Chief Information Officer within the Office of the Governor and the powers and duties of the Administrator to the Chief Information Officer. Sections 23-27 of this bill make conforming changes.

Existing law creates the Personnel Commission within the Division of Human Resource Management of the Department of Administration, which has various powers and duties relating to the Personnel System. (NRS 284.030-284.065) Sections 70 and 71 of this bill amend the name of

the System and Commission to be the Human Resources System and Human Resources Commission. Sections 68, 69, 72-74, 76, 77 and 83 of this bill make conforming changes to replace the term "personnel" with "human resources" throughout the provisions of the Nevada Revised Statutes relating to the System. Sections 75 and 76 of this bill rename the Personnel Operating Fund to be the Human Resources Operating Fund. (NRS 284.110)

Section 66 of this bill provides that the provisions of the Nevada Revised Statutes and the regulations adopted pursuant thereto relating to the System do not create or confer upon any state employee a contractual right to employment.

Section 67 of this bill requires the Administrator to develop and implement: (1) an audit function to review each appointing authority's processes and compliance with applicable policies, procedures and provisions of law relating to human resources; (2) a centralized job announcement system that streamlines employment recruiting for all appointing authorities; and (3) a centralized employment system that includes, without limitation, a platform that all applicants may use to apply for state employment.

Existing law provides that the classified service of the State is comprised of all positions in the public service now existing or hereafter created which are, in relevant part, filled according to merit and fitness from eligible lists prepared upon the basis of examination, which must, with certain exceptions, be open and competitive. (NRS 284.150) Existing law further: (1) requires the Personnel Commission to adopt regulations for open competitive examinations to test the relative fitness of applicants for classified positions; and (2) sets forth certain requirements for competitive examinations and preparing lists of eligible persons for positions in the classified service. (NRS 284.205-284.260) Sections 79 and 91 of this bill provide instead that positions in the classified service are, with certain exceptions, filled from the eligible pool of persons prepared upon the basis of the evaluation of persons by an appointing authority. Sections 84-100, 102, 103 and 146 eliminate existing provisions relating to competitive examination and the preparation of eligible lists of persons for positions in the classified service.

Existing law provides that appointments in the unclassified service of the State may be made from appropriate registers of persons maintained by the Division without affecting the continuance of names on the list. (NRS 284.145) Section 78 of this bill provides instead that such appointments may be made from appropriate pools of eligible persons maintained by the Division.

Section 84 of this bill requires each appointing authority to comply with the regulations of the Commission relating to the recruitment and evaluation of applicants to establish pools of eligible persons and fill positions in the classified service.

Section 85 of this bill requires each appointing authority to recruit, evaluate, select, manage and promote employees through open competition

on the basis of knowledge, skills and ability and without regard to an applicant's or employee's religious or political opinions or affiliations, race, sex, sexual orientation, gender identity or expression, age or disability.

Existing law sets forth certain duties and responsibilities of the Administrator of the Division of Human Resource Management of the Department of Administration in, and certain requirements for, examining and certifying applicants and filling positions in the classified service. (NRS 284.240, 284.245, 284.253-284.265, 284.295, 284.305, 284.309, 284.310) Sections 86-98 of this bill provide instead that each appointing authority has duties and responsibilities relating to evaluating applicants and filling positions in the classified service.

Existing law requires the Administrator to prepare, maintain and revise a classification plan for all positions in the classified service and allocate the position of every employee in the classified service to one of the positions in the plan. (NRS 284.160, 284.165) Section 80 of this bill provides instead that the Administrator shall prepare, maintain and revise a master classification plan and that the Administrator shall review annually the classification plan of each appointing authority.

~~Existing law prohibits an employee in the public service from carrying over from year to year more than 30 working days of annual leave. (NRS 284.350) Section 101 of this bill provides instead that such an employee is prohibited from carrying over from year to year more than 60 working days of annual leave. Section 101 also: (1) authorizes the Human Resources Commission to provide by regulation for the periodic payout of annual leave to employees; and (2) eliminates the restriction on an employee using annual leave during the first 6 months of employment in public service.~~

~~Existing law provides, with certain exceptions, that the salary of a person employed by the State or any agency of the State must not exceed 95 percent of the salary for the office of Governor during the same period. (NRS 281.123) Section 146 of this bill eliminates the limitation on such salaries. Sections 104 and 105 of this bill make conforming changes to eliminate exceptions to this limitation for certain state officers. Existing law authorizes the Interim Finance Committee to approve applications from agencies of the State for exceptions to such limitations on salaries. (NRS 281.1233) Section 146 also eliminates the authority of the Interim Finance Committee to approve an exception to limitation. Section 112 of this bill makes a conforming change to eliminate an exception to the general prohibition on making an allocation from the Contingency Account to effect certain salary increases for state officers and employees.~~

~~Section 52 of this bill provides that the Interim Finance Committee shall not take certain actions that interfere or intervene in the execution of the operations of State Government.~~

~~Existing law requires the Administrator of the Division of Human Resource Management to prepare and maintain an index that categorizes all positions in the classified service of the State into broad occupational groups.~~

~~(NRS 284.171) With certain exceptions, existing law prohibits a state agency from changing a position for which money has been appropriated or authorized from one occupational group to another without the approval of the Interim Finance Committee. (NRS 353.224) Section 82 of this bill eliminates the requirement for the approval of such changes by the Interim Finance Committee.~~

~~Under existing law, the powers and duties of the Chief of the Budget Division of the Office of Finance in the Office of the Governor include examining and approving work programs and allotments to the agencies of the Executive Department of the State Government. (NRS 353.185) Existing law requires that requests for revisions of work programs be approved or disapproved in writing by the Governor or the Chief, if the Governor has delegated, in writing, this authority to the Chief. (NRS 353.220) Section 109 of this bill makes these provisions conforming.]~~

Under the State Budget Act, a department, institution or agency of the Executive Department of State Government is required to obtain approval from the Interim Finance Committee, except in certain limited circumstances, before revising a work program in an amount more than \$30,000 if the revision will increase or decrease by 10 percent or \$75,000, whichever is less, the expenditure level approved by the Legislature for any of the allotments within the work program. (NRS 353.220) Section 110 of this bill increases the monetary threshold to an amount of more than ~~[\$100,000]~~ \$75,000 if the revision will increase by ~~[25]~~ 20 percent or ~~[\$500,000,]~~ \$350,000, whichever is less, the expenditure level approved by the Legislature for any of the allotments within the work program.

~~[Under existing law, the Economic Forum, which is a panel of economic and financial experts appointed by the Governor, the Majority Floor Leader of the Senate and the Speaker of the Assembly, is required to provide revenue estimates and projections to the Governor and the Legislature. (NRS 353.226, 353.228) Section 111 of this bill requires the Economic Forum to provide an estimate for certain required reserves in the Account to Stabilize the Operation of the State Government and the Education Stabilization Account and provide a biennial report to the Governor and the Legislature on those estimates.]~~

Under existing law, the Account to Stabilize the Operation of the State Government, also known as the Rainy Day Fund, is an account created in the State General Fund into which surplus state revenues are deposited to be used in case of fiscal emergencies. ~~[Under existing law, the State Controller is required to transfer from the State General Fund to the]~~ The balance in the Account to Stabilize the Operation of the State Government ~~[at the beginning of each fiscal year 40 percent of the unrestricted balance of the State General Fund, as of the close of the previous fiscal year, which remains after subtracting an amount equal to 7 percent of all appropriations made from the State General Fund during that previous fiscal year for the operation of all departments, institutions and agencies of State Government and for the~~

~~funding of schools.] must not exceed 20 percent of the total of all appropriations from the State General Fund for the operation of all departments, institutions and agencies of the State Government and for the funding of schools and authorized expenditures from the State General Fund for the regulation of gaming for the fiscal year in which the revenue will be transferred to the Account. (NRS 353.288) Section 113 of this bill ~~revises the amount of this required transfer to the Account to Stabilize the Operation of the State Government based on the amount of the budget surplus. Section 113 also requires that a portion of that budget surplus, in certain circumstances, be transferred to the Nevada Way Account, which is created in section 107 of this bill. Section 107 provides a procedure for awards of money from the Nevada Way Account for certain purposes, including, without limitation, efforts relating to economic development or diversification and opportunities to leverage the tax revenues of the State.]~~ revises this limitation so that the balance must not exceed 26 percent of the total of all appropriations from the State General Fund for the operation of all departments, institutions and agencies of the State Government and for the funding of schools and authorized expenditures from the State General Fund for the regulation of gaming for the fiscal year in which the revenue will be transferred to the Account.~~

Section 141.7 requires the State Controller to transfer a certain amount of money from the State General Fund to the Account to Stabilize the Operation of the State Government.

~~[Section 108 of this bill provides that the Nevada Legislature pledges not to require a state agency to reduce its appropriations under certain circumstances.]~~

Existing law authorizes a state agency, with certain exceptions, to accept a gift or grant of property or services that is not included in an act of the Legislature authorizing the expenditure of nonappropriated money if the gift or grant is approved by the Governor or the Interim Finance Committee, as applicable. ~~[One of the exceptions.]~~ Exceptions from the requirement for such approval ~~is] are :~~ (1) the acceptance by a state agency of a gift or grant from a private source that does not exceed \$20,000 in value ~~for~~; and (2) the acceptancy by a state agency of governmental grants not exceeding \$150,000 in value. (NRS 353.335) Section 114 of this bill increases the threshold for ~~[this exception]~~ both of these exceptions from such approval to ~~[\$100,000.]~~ \$200,000. Section 114 also exempts from any approval a gift or grant to a state agency that will be deposited in a budget account that consists of money which is not appropriated by or authorized for expenditure by the Legislature.

~~[Existing law creates the Advisory Council on Science, Technology, Engineering and Mathematics within the Office of the Science, Innovation and Technology that is established in the Office of the Governor. (NRS 223.600, 226.640) The Advisory Council is required to develop certain plans, conduct certain surveys, apply for certain grants and prepare certain reports relating to the fields of science, technology, engineering and~~

~~mathematics. (NRS 223.650) Section 146 of this bill eliminates the Advisory Council. Sections 10, 117 and 128 of this bill make conforming changes to eliminate references to the Advisory Council in the Nevada Revised Statutes. Existing law requires the Department of Education to create the Competency Based Education Network which has various duties relating to competency based education, including to: (1) study certain educational approaches, tools, strategies and professional development; (2) identify barriers and possible solutions to implementing a statewide system of competency based education; (3) develop evidence based recommendations for the continued implementation of a system of competency based education; and (4) submit a biennial report to the Governor and Legislature on the implementation of a system of competency based education in this State. (NRS 389.220) Section 146 eliminates the Network. Section 118 of this bill makes a conforming change to eliminate a requirement that the State Board of Education adopt regulations relating to participation in the Network.~~

~~Under existing law, a state of emergency or a declaration of disaster may be proclaimed by the Governor or by resolution of the Legislature if the Governor or Legislature, as applicable, finds that: (1) an attack upon the United States has occurred or is anticipated in the immediate future, or any natural, technological or man made emergency or disaster of major proportions has actually occurred within this State; and (2) the protection of the health, safety and welfare of the inhabitants of this State requires an invocation of certain additional government powers. During the period when such a state of emergency or declaration of disaster exists or continues, the Governor is given certain additional governmental powers and has the authority to perform and exercise such other functions, powers and duties as are necessary to promote and secure the safety and protection of the civilian population. (NRS 414.070) Existing law does not set forth a limit on the length of time during a which a state of emergency or a declaration of disaster may be proclaimed by the Governor or by resolution of the Legislature. Section 122 of this bill provides that any emergency or disaster proclaimed by the Governor terminates 90 days after the date on which the Governor issues the proclamation unless before such date: (1) the Governor issues a subsequent proclamation that terminates the emergency or disaster earlier; or (2) the Legislature passes a resolution approving the continuation of the emergency or disaster beyond 90 days. Section 122 further provides that any emergency or disaster proclaimed by the Legislature terminates upon the passage by the Legislature of a resolution terminating the emergency or disaster. Section 129 of this bill makes a conforming change to account for the termination of an emergency or disaster pursuant to the provisions of section 122.~~

~~Existing law requires, within the limits of available money, the Division of Public and Behavioral Health of the Department of Health and Human Services to establish the Advisory Council on the State Program for Wellness~~

~~and the Prevention of Chronic Disease to advise and make recommendations to the Division concerning the State Program for Wellness and the Prevention of Chronic Disease. (NRS 439.518) Section 124 of this bill eliminates the authority for the Advisory Council to appoint an advisory group to study the delivery of health care through patient-centered medical homes. (NRS 439.519)~~

~~Existing law authorizes the Nevada System of Higher Education to establish a Committee on Anatomical Dissection. The Committee is required, under certain circumstances, to have meetings, adopt regulations, be notified of certain unclaimed dead bodies and take, receive and distribute certain dead bodies to schools, teaching hospitals and certain other persons or entities. (NRS 451.350-451.470) Section 146 eliminates the Committee and the provisions of the Nevada Revised Statutes relating to the Committee. Sections 125-127 of this bill make conforming changes to eliminate internal references to the sections of the Nevada Revised Statutes relating to the Committee.~~

~~Existing law creates the Advisory Committee to the Juvenile Justice Oversight Commission to make recommendations concerning any duties assigned to the Commission. (NRS 62B.605) Section 146 eliminates the Advisory Committee and a corresponding definition of the term "Committee."~~

~~Existing law creates the Commission to Review the Compensation of Constitutional Officers, Legislators, Supreme Court Justices, Judges of the Court of Appeals, District Judges and Elected County Officers and sets forth the duties of the Commission which include, without limitation, determining the minimum salary required to attract and retain experienced and competent persons in such offices. (NRS 281.157-281.1575) Section 146 eliminates the Commission and the provisions of the Nevada Revised Statutes relating to the Commission.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~{Chapter 223 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.} (Deleted by amendment.)~~

Sec. 2. ~~{1. In accordance with NRS 223.085, the Governor shall appoint a Secretary of Public Safety and Military Affairs to serve as a member of the Governor's cabinet.~~

~~2. The Secretary of Public Safety and Military Affairs shall have administrative oversight over and responsibility for:~~

~~(a) The Department of Corrections, the Board of State Prison Commissioners, the State Board of Pardons Commissioners and the Department of Sentencing Policy;~~

~~(b) The Department of Public Safety, including, without limitation, the Division of Parole and Probation, the State Board of Parole Commissioners,~~

~~the State Council for Interstate Juvenile Supervision, the Nevada Office of Cyber Defense Coordination, the Records, Communications and Compliance Division, the State Emergency Response Commission, the State Fire Marshal Division, the State Board of Fire Services, the Training Division, the Nevada Highway Patrol as set forth in NRS 480.300, the Investigation Division, the Capitol Police Division and the Committee on Testing for Intoxication.~~

~~—(c) The Office of the Military, including, without limitation, the Nevada Air National Guard, the Nevada Army National Guard, the Division of Emergency Management, the Nevada Commission on Homeland Security, the Intrastate Mutual Aid Committee, the Board of Search and Rescue, the Agency for Nuclear Projects and the Commission on Nuclear Projects.~~

~~—(d) The Peace Officers' Standards and Training Commission.~~

~~—3. The Secretary of Public Safety and Military Affairs shall serve as a liaison between the Office of the Governor and the Judicial Department of the State Government.~~

~~—4. The Secretary of Public Safety and Military Affairs shall serve as a liaison between the Office of the Governor and the Office of the Attorney General. (Deleted by amendment.)~~

Sec. 3. ~~{1. In accordance with NRS 223.085, the Governor shall appoint a Secretary of Commerce and Administration to serve as a member of the Governor's cabinet.~~

~~—2. The Secretary of Commerce and Administration shall have administrative oversight over and responsibility for:~~

~~—(a) The Office of Economic Development, including, without limitation, the Nevada Film Office, the Division of Economic Development and the Board of Economic Development.~~

~~—(b) The Nevada Gaming Control Board, the Gaming Policy Committee, the Nevada Gaming Commission and the Off Track Pari Mutuel Wagering Committee.~~

~~—(c) The Cannabis Compliance Board.~~

~~—(d) The Department of Tourism and Cultural Affairs, including, without limitation, the Division of Tourism, the Commission on Tourism, the Nevada Arts Council, the Board of the Nevada Arts Council, the Division of Museums and History, the Board of Museums and History and the Nevada Indian Commission.~~

~~—(e) Except as otherwise provided in section 5 of this act, the Department of Business and Industry, including, without limitation, the Division of Financial Institutions, Division of Mortgage Lending, the Advisory Council on Mortgage Investments and Mortgage Lending, the Nevada Transportation Authority, the Real Estate Division, the Commission of Appraisers of Real Estate, the Real Estate Commission, the Office of the Ombudsman for Owners in Common Interest Communities and Condominium Hotels, the Commission for Common Interest Communities and Condominium Hotels, the Office of the Labor Commissioner, the Taxicab Authority, the Nevada Athletic Commission, the Nevada Commission on Minority Affairs, the Office~~

~~of Ombudsman of Consumer Affairs for Minorities, the Office of the Nevada Attorney for Injured Workers, the Consumer Affairs Unit, the Division of Industrial Relations, the Advisory Council created by NRS 232.570, the Board for the Administration of the Subsequent Injury Account for Associations of Self-Insured Public or Private Employers, the Board for the Administration of the Subsequent Injury Account for Self-Insured Employers, the Occupational Safety and Health Review Board, and the Office of Nevada Boards, Commissions and Councils Standards.~~

~~—(f) The Government Employee Management Relations Board.~~

~~—(g) Any other body created by statute or special act of the Legislature, including, without limitation, the Commission on Ethics, the Governor's Advisory Council on Education Relating to the Holocaust, the Southern Nevada Enterprise Community Board, the Nevada State Board on Geographic Names, a state grazing board, the Central Committee of Nevada State Grazing Boards, the Nevada High Speed Rail Authority, the Board of Trustees of the Fund for Hospital Care to Indigent Persons, the Board for the Regulation of Liquefied Petroleum Gas, the Advisory Council for Prosecuting Attorneys, the Nevada Tahoe Regional Planning Agency, the Commission to Study Governmental Purchasing and the Nevada Commission for Women.~~

~~—(h) Except as otherwise provided in section 5 of this act, professional and occupational licensing boards created by the Legislature, including, without limitation, the Nevada State Board of Accountancy, the Board of Examiners for Alcohol, Drug and Gambling Counselors, the State Board of Architecture, Interior Design and Residential Design, the Board of Athletic Trainers, the State Barbers' Health and Sanitation Board, the Board of Applied Behavior Analysis, the Chiropractic Physicians' Board of Nevada, the State Contractors' Board, the Commission on Construction Education, the State Board of Cosmetology, the Certified Court Reporters' Board of Nevada, the Board of Dental Examiners of Nevada, the Committee on Dental Hygiene and Dental Therapy, the State Board of Professional Engineers and Land Surveyors, the Nevada Funeral and Cemetery Services Board, the Nevada Board of Homeopathic Medical Examiners, the State Board of Landscape Architecture, the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors, the Board of Massage Therapy, the Board of Medical Examiners, the State Board of Nursing, the Advisory Committee on Nursing Assistants and Medication Aides, the Board of Occupational Therapy, the Board of Dispensing Opticians, the Nevada State Board of Optometry, the State Board of Oriental Medicine, the State Board of Osteopathic Medicine, the State Board of Pharmacy, the Nevada Physical Therapy Board, the State Board of Podiatry, the Private Investigator's Licensing Board, the Board of Psychological Examiners, the Board of Environmental Health Specialists, the Board of Examiners for Social Workers, the Speech Language Pathology, Audiology and Hearing Aid Dispensing Board and the Nevada State Board of Veterinary Medical~~

~~Examiners.~~

~~—(i) Any interstate board or Commission created by the Legislature, including, without limitation, the California Nevada Interstate Compact Commission of the State of Nevada, the California Nevada Super Speed Ground Transportation Commission, the members representing Nevada on the Education Commission of the States, the Nevada Commissioners of the Commission of the Interstate Medical Licensure Compact, the Nevada representative of the Interstate Oil Compact Commission, the Commissioners on Uniform State Laws, the Nevada State Council for Interstate Juvenile Supervision, the Tahoe Regional Planning Agency, the Nevada member of the Western Interstate Nuclear Board, the Nevada member of the Rocky Mountain low-level radioactive waste board and the Credit Union Advisory Council.~~

~~—(j) The Department of Taxation, the Nevada Tax Commission, the Appraiser's Certification Board, the State Board of Equalization, the Committee on Local Government Finance and the Mining Oversight and Accountability Commission.~~

~~—(k) The Public Employees' Retirement Board, the Police and Firefighters' Retirement Fund Advisory Committee, the Public Employees' Retirement System, the Legislators' Retirement System and the Judicial Retirement System.~~

~~—(l) The Board of the Public Employees' Benefits Program and the Public Employees' Benefits Program.~~

~~—(m) The Department of Administration, including, without limitation, the Administrative Services Division, the Committee to Administer the Public Employees' Deferred Compensation Program, the Public Employees' Deferred Compensation Program, the Fleet Services Division, the Hearings Division, the Division of Human Resource Management, the Human Resources Commission, the Employee Management Committee, the Committee on Catastrophic Leave, the Merit Award Board, the Division of State Library, Archives and Public Records, the Mail Services Division, the State Publications Distribution Center, the State Historical Records Advisory Board, the Committee to Approve Schedules for the Retention and Disposition of Official State Records, the State Council on Libraries and Literacy, the State Public Works Division, the State Public Works Board, the Buildings and Grounds Section, the Public Works Compliance and Code Enforcement Section, the Public Works Professional Services Section, the Purchasing Division and the Risk Management Division.~~

~~—3. The Secretary of Commerce and Administration shall serve as the liaison between the Office of the Governor and the Office of the State Treasurer.~~

~~—4. The Secretary of Commerce and Administration shall serve as the liaison between the Office of the Governor and the Office of the State Controller.~~

~~—5. The Secretary of Commerce and Administration shall serve as the~~

~~liaison between the Office of the Governor and the Office of the Secretary of State.} (Deleted by amendment.)~~

~~Sec. 4. {1. In accordance with NRS 223.085, the Governor shall appoint a Secretary of Energy, Environment and Public Works to serve as a member of the Governor's cabinet.~~

~~2. The Secretary of Energy, Environment and Public Works shall have administrative oversight over and responsibility for:~~

~~(a) The State Department of Conservation and Natural Resources, including, without limitation, the State Conservation Commission, the Division of Environmental Protection, the State Environmental Commission, the Board for Financing Water Projects, the Division of Forestry, the Division of Outdoor Recreation, the Division of Natural Heritage, the Conservation Districts Program, the Office of Historic Preservation, the Commission for Cultural Centers and Historic Preservation, the Comstock Historic District Commission, the Division of State Lands, the State Land Office, the Board to Review Claims, the State Land Use Planning Agency, the Land Use Planning Advisory Council and its Executive Council, the Division of State Parks, the Division of Water Resources, the Office of the State Engineer, the Well Drillers' Advisory Board, the Water Planning Section, the Commission on Off Highway Vehicles and the Sagebrush Ecosystem Council.~~

~~(b) The Public Utilities Commission of Nevada and the Division of Consumer Complaint Resolution as set forth in NRS 703.172.~~

~~(c) The Office of Energy and the Board of Directors of the Nevada Clean Energy Fund.~~

~~(d) The Department of Transportation, including, without limitation, its Board of Directors, the Administrative Division, the Operations Division, the Engineering Division, the Planning Division, the Nevada State Infrastructure Bank and the Nevada Bicycle and Pedestrian Advisory Board.~~

~~(e) The Department of Motor Vehicles, including, without limitation, the Administrative Services Division, the Division of Central Services and Records, the Division of Compliance Enforcement, the Advisory Board on Automotive Affairs, the Division of Field Services, the Division of Information Technology, the Division of the Office of the Director, the Division of Research and Project Management and the Motor Carrier Division.~~

~~(f) The Department of Wildlife, the Board of Wildlife Commissioners and the Advisory Board on Dream Tags.~~

~~(g) The Commission on Mineral Resources and the Division of Minerals.~~

~~(h) The Colorado River Commission of Nevada.} (Deleted by amendment.)~~

~~Sec. 5. {1. In accordance with NRS 223.085, the Governor shall appoint a Secretary of Health and Human Services to serve as a member of the Governor's cabinet.~~

~~2. The Secretary of Health and Human Services shall have administrative oversight over and responsibility for:~~

~~—(a) The Department of Health and Human Services, including, without limitation, the Task Force on Alzheimer's Disease, the Grants Management Advisory Committee, the Advisory Committee on Problem Gambling, the Board of Examiners for Long Term Care Administrators, the Committee to Review Suicide Fatalities, the Office for Consumer Health Assistance, the Bureau for Hospital Patients, the Office of Minority Health and Equity, the Advisory Committee in the Office of Minority Health and Equity, the State of Nevada Advisory Council on Palliative Care and Quality of Life, the Palliative Care and Quality of Life Consumer and Professional Information and Education Program, the Council on Food Security, the Food for People, Not Landfills Program, the Nevada Interagency Advisory Council on Homelessness to Housing, the Aging and Disability Services Division, the Nevada Commission on Aging, the Nevada Commission on Autism Spectrum Disorders, the Nevada Commission on Services for Persons with Disabilities, the Office of the Community Advocate for Elder Rights, the Office of Attorney for the Rights of Older Persons and Persons with a Physical Disability, an Intellectual Disability or a Related Condition, the Office of the State Long Term Care Ombudsman, the Division of Child and Family Services, the Youth Parole Bureau, the Caliente Youth Center Bureau, the Nevada Youth Training Center Bureau, the Executive Committee to Review the Death of Children, the Division of Health Care Financing and Policy, the Advisory Committee on Medicaid Innovation, the Medical Care Advisory Committee, the Silver State Scripts Board, the Drug Use Review Board, the Division of Public and Behavioral Health, the Commission on Behavioral Health, the State Board of Health, the Advisory Committee on the State Program for Oral Health, the State Program for Oral Health, the regional behavioral health policy boards, the Committee on Emergency Medical Services, the Medical Laboratory Advisory Committee, the Advisory Board on Maternal and Child Health, the Advisory Council on the State Program for Wellness and Prevention of Chronic Disease, the Division of Welfare and Supportive Services and the Committee to Review Child Support Guidelines.~~

~~—(b) The Department of Indigent Defense Services and the Office of the State Public Defender.~~

~~—(c) The Department of Veterans Services, including, without limitation, the Nevada Veterans Services Commission, the Advisory Committee for a Veterans Cemetery in Northern Nevada, the Advisory Committee for a Veterans Cemetery in Southern Nevada, the Interagency Council on Veterans Affairs and the Women Veterans Advisory Committee.~~

~~—(d) The Governor's Office for New Americans.~~

~~—(e) The State Department of Agriculture, including, without limitation, the State Board of Agriculture, the Division of Administrative Services, the Division of Animal Industry, the Division of Food and Nutrition, the Division of Measurement Standards, the Division of Plant Health and Compliance, the Nevada Junior Livestock Show Board, the Rangeland Resources Commission and the State Predatory Animal and Rodent Committee.~~

~~—(f) The Silver State Health Insurance Exchange and its Board of Directors.~~

~~—(g) The Division of Insurance of the Department of Business and Industry and the Appeals Panel for Industrial Insurance as set forth in NRS 616B.760.~~

~~—(h) The Housing Division of the Department of Business and Industry.]~~
(Deleted by amendment.)

Sec. 6. ~~{1. In accordance with NRS 223.085, the Governor shall appoint a Secretary of Education and Workforce to serve as a member of the Governor's cabinet.~~

~~—2. The Secretary of Education and Workforce shall have administrative oversight over and responsibility for:~~

~~—(a) The State Board of Education and the Department of Education, the Nevada Interscholastic Activities Association, the Commission on Educational Technology, the Council to Establish Academic Standards for Public Schools, the Commission on Professional Standards in Education, the State Council for the Coordination of the Interstate Compact on Educational Opportunity for Military Children, the Advisory Council for Family Engagement, the Office of Parental Involvement and Family Engagement, the Office for a Safe and Respectful Learning Environment, the Teachers and Leaders Council of Nevada, the Statewide Council for the Coordination of the Regional Training Programs, the Nevada Commission on Mentoring and the State Public Charter School Authority.~~

~~—(b) The Department of Workforce created by NRS 232.910, including, without limitation, the Workforce Security Division, the Workforce Development Division, the Workforce Innovation Division, the Office of Workforce Innovation, the Governor's Workforce Development Board, the Employment Security Council, the Nevada Equal Rights Commission, the Commission on Postsecondary Education, the Board for the Education and Counseling of Displaced Homemakers, the Bureau of Services to Persons Who Are Blind or Visually Impaired, the Bureau of Vocational Rehabilitation, the Nevada Commission for Persons Who Are Deaf and Hard of Hearing, the P-20W Research Data System Advisory Committee, the Office of Science, Innovation, and Technology, the State Apprenticeship Council, the Nevada Early Childhood Advisory Council, employment offices and the Career Enhancement Program of the Department.~~

~~—(c) The Nevada Office of the Western Interstate Commission for Higher Education.~~

~~—3. The Secretary of Education and Workforce shall serve as a liaison between the Office of the Governor and the Board of Regents of the University of Nevada.]~~ (Deleted by amendment.)

Sec. 7. ~~{1. Each agency, board, commission, authority, division and department shall submit each proposed regulation to the applicable cabinet secretary with jurisdiction over the agency, board, commission, authority, division or department for review and approval before the proposed regulation is submitted to the Legislative Counsel for drafting.~~

~~2. Each cabinet secretary shall possess independent rulemaking authority to propose or submit regulations for:~~

~~(a) An agency, board, commission, authority, division or department under the jurisdiction of the cabinet secretary; and~~

~~(b) His or her own office.~~

~~3. The Nevada Administrative Procedure Act does not apply to any rules or regulations proposed by a cabinet secretary. (Deleted by amendment.)~~

Sec. 8. NRS 223.085 is hereby amended to read as follows:

223.085 1. The Governor may, within the limits of available money, employ such persons as he or she deems necessary to provide an appropriate staff for the Office of the Governor, including, without limitation, the Office of Economic Development, the Office of Federal Assistance, the Office of Science, Innovation and Technology, the Public Health Resource Office and the Governor's mansion. Except as otherwise provided by specific statute, such employees are not in the classified or unclassified service of the State and, except as otherwise provided in NRS 231.043 and 231.047, serve at the pleasure of the Governor. *Such staff and employees include, without limitation:*

(a) Executive staff;

(b) ~~Cabinet secretaries;~~

~~(c)~~ *Administrative and clerical staff;*

~~(d)~~ *(c) Outreach and communications staff;*

~~(e)~~ *(d) Research and analytical staff; and*

~~(f)~~ *(e) Any other persons the Governor determines are necessary to effectively fulfill the duties, responsibilities and obligations of the Office of the Governor.*

2. Except as otherwise provided by specific statute, the Governor shall:

(a) Determine the salaries and benefits of the persons employed pursuant to subsection 1, within limits of money available for that purpose; and

(b) Adopt such rules and policies as he or she deems appropriate to establish the duties and employment rights of the persons employed pursuant to subsection 1.

3. The Governor ~~may:~~

~~(a) Appoint~~ *shall appoint* a Chief Information Officer of the State ~~[-or~~

~~(b) Designate the Administrator as the Chief Information Officer of the State.~~

~~→ If the Administrator is so appointed, the Administrator shall serve as the Chief Information Officer of the State without additional compensation.~~

~~4. As used in this section, "Administrator" means the Administrator of the Division of Enterprise Information Technology Services of the Department of Administration.] who is responsible for:~~

(a) Information technology leadership and accountability;

(b) Strategic planning for information technology;

(c) Information technology workforce for the State;

(d) Budgeting and planning for information technology for the State;

(e) Data storage and integrity;
 (f) Investment management for information technology;
 (g) Information technology security, cyber security and privacy; and
 (h) Any other duties or responsibilities prescribed by statute or regulation.

4. The Governor shall appoint a Chief Innovation Officer of the State who is responsible for:

(a) Providing overall leadership and guidance relating to employee acquisition, career development, succession planning, retention, professional development and training, leadership development, compensation and benefits;

(b) Developing human resource plans and strategies prospectively by at least 10 years;

(c) Reviewing and monitoring the efficiency of the State Government and providing recommendations on how to reduce costs, improve the delivery of services and ensure the cost-effectiveness of all state governmental programs;

(d) Evaluating, overseeing and administering the competitiveness, appropriateness and effectiveness of the wages, salaries, benefits and work environment of public employees;

(e) Evaluating, overseeing and administering the training and readiness programs for public employees; and

(f) Developing comprehensive and strategic recruitment and retention plans to meet the human resource needs of the State.

Sec. 9. ~~[NRS 223.600 is hereby amended to read as follows:~~

~~223.600 1. The Office of Science, Innovation and Technology is hereby established in the [Office of the Governor.] Department of Workforce.~~

~~2. The [Governor.] Director of the Department of Workforce shall appoint the [Director.] Administrator of the Office of Science, Innovation and Technology. In making the appointment, the [Governor.] Director:~~

~~(a) Shall give consideration to any recommendation which is submitted by the Chancellor of the Nevada System of Higher Education;~~

~~(b) May assemble a panel of persons with appropriate experience in science and technology to make recommendations of qualified candidates for the position of [Director.] Administrator;~~

~~3. The [Director.] Administrator shall devote his or her entire time and attention to the business of his or her office and shall not engage in any other gainful employment or occupation;~~

~~4. The [Director.] Administrator is in the unclassified service of the State and serves at the pleasure of the [Governor.] Director. (Deleted by amendment.)~~

Sec. 10. ~~[NRS 223.610 is hereby amended to read as follows:~~

~~223.610 The [Director.] Administrator of the Office of Science, Innovation and Technology shall:~~

~~1. Advise the Director of the Department of Workforce, the Deputy~~

~~Director of the Workforce Innovation Division of the Department of Workforce, the Governor and the Executive Director of the Office of Economic Development on matters relating to science, innovation and technology;~~

~~2. Work in coordination with the Office of Economic Development to establish criteria and goals for economic development and diversification in this State in the areas of science, innovation and technology;~~

~~3. As directed by the [Governor,] Deputy Director of the Workforce Innovation Division of the Department of Workforce, identify, recommend and carry out policies related to science, innovation and technology;~~

~~4. Report periodically to the Executive Director of the Office of Economic Development concerning the administration of the policies and programs of the Office of Science, Innovation and Technology;~~

~~5. [Coordinate activities in this State relating to the planning, mapping and procurement of broadband service in a competitively neutral and nondiscriminatory manner, which must include, without limitation:~~

~~(a) Development of a strategic plan to improve the delivery of broadband services in this State to schools, libraries, providers of health care, transportation facilities, prisons and other community facilities;~~

~~(b) Applying for state and federal grants on behalf of eligible entities and managing state matching money that has been appropriated by the Legislature;~~

~~(c) Coordinating and processing applications for state and federal money relating to broadband services;~~

~~(d) Prioritizing construction projects which affect or involve the expansion or deployment of broadband services in this State;~~

~~(e) In consultation with providers of health care from various health care settings, the expansion of telehealth services to reduce health care costs and increase health care quality and access in this State, especially in rural, unserved and underserved areas of this State;~~

~~(f) Expansion of the fiber optic infrastructure in this State for the benefit of the public safety radio and communications systems in this State;~~

~~(g) Collection and storage of data relating to agreements and contracts entered into by the State for the provision of fiber optic assets in this State;~~

~~(h) Administration of the trade policy for fiber optic infrastructure in this State; and~~

~~(i) Establishing and administering a program of infrastructure grants for the development or improvement of broadband services for persons with low income and persons in rural areas of this State using money from the Account for the Grant Program for Broadband Infrastructure created by NRS 223.660. The Director may adopt regulations to carry out his or duties pursuant to this paragraph.~~

~~6. Provide support to the Advisory Council on Science, Technology, Engineering and Mathematics and direct the implementation in this State of plans developed by the Council concerning, without limitation, workforce~~

~~development, college preparedness and economic development.~~

~~— 7.] In carrying out his or her duties pursuant to this section, consult with the Executive Director of the Office of Economic Development and cooperate with the Executive Director in implementing the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of NRS 231.053.~~

~~— [8.] 6. Administer such grants as are provided by legislative appropriation. (Deleted by amendment.)~~

~~Sec. 11. [NRS 223.620 is hereby amended to read as follows:~~

~~— 223.620 1. The [Director] Administrator of the Office of Science, Innovation and Technology may:~~

~~— (a) Accept any gift, donation, bequest or devise; and~~

~~— (b) Apply for and accept any grant, loan or other source of money;~~

~~— to assist the [Director] Administrator in carrying out his or her duties.~~

~~— 2. The [Director] Administrator may serve as a member of the Nevada Technology Council. (Deleted by amendment.)~~

~~Sec. 12. [NRS 223.630 is hereby amended to read as follows:~~

~~— 223.630 1. The Account for the Office of Science, Innovation and Technology is hereby created in the State General Fund. The Account must be administered by the [Director] Administrator of the Office of Science, Innovation and Technology.~~

~~— 2. [Except as otherwise provided in NRS 223.660, any] Any money accepted pursuant to NRS 223.620 must be deposited in the Account.~~

~~— 3. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.~~

~~— 4. The money in the Account must only be used to carry out the duties of the [Director] Administrator.~~

~~— 5. Claims against the Account must be paid as other claims against the State are paid. (Deleted by amendment.)~~

~~Sec. 13. [Chapter 231 of NRS is hereby amended by adding thereto the provisions set forth as sections 14, 15 and 16 of this act.] (Deleted by amendment.)~~

~~Sec. 14. [1. The Office shall establish and administer a Broadband Ready Community Certification Program to encourage the deployment of broadband infrastructure in underserved communities of this State.~~

~~— 2. The Office shall adopt regulations necessary to carry out the Program established pursuant to subsection 1, which must include, without limitation:~~

~~— (a) The requirements for a community to apply for and receive certification as a Broadband Ready Community; and~~

~~— (b) The grounds for withdrawal of certification as a Broadband Ready Community.~~

~~— 3. The Office shall post on the Internet website maintained by the Office a list of each community in this State that has been certified as a Broadband Ready Community in accordance with the regulations adopted~~

~~pursuant to subsection 2.] (Deleted by amendment.)~~

~~Sec. 15. [1. The Account for the Grant Program for Broadband Infrastructure is hereby created in the State General Fund. The Executive Director shall administer the Account.~~

~~2. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.~~

~~3. Any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.~~

~~4. The money in the Account must only be used to:~~

~~(a) Make grants for infrastructure for the development or improvement of broadband services for underserved communities, persons with low income and persons in rural areas of this State in accordance with the Program established by the Office pursuant to section 14 of this act.~~

~~(b) Defray the costs of establishing and administering broadband programs.] (Deleted by amendment.)~~

~~Sec. 16. [The Office shall:~~

~~1. Prepare an annual report that includes, without limitation, a summary of the availability of broadband services throughout the State and any recommendations for the deployment of broadband infrastructure to underserved communities.~~

~~2. Submit the report prepared pursuant to subsection 1 to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to:~~

~~(a) If the Legislature is in regular session, the Legislature; or~~

~~(b) If the Legislature is not in regular session, the Legislative Commission.] (Deleted by amendment.)~~

~~Sec. 17. [NRS 231.053 is hereby amended to read as follows:~~

~~231.053 After considering any advice and recommendations of the Board, the Executive Director:~~

~~1. Shall direct and supervise the administrative and technical activities of the Office;~~

~~2. Shall develop and may periodically revise a State Plan for Economic Development, which:~~

~~(a) Must include a statement of:~~

~~(1) New industries which have the potential to be developed in this State;~~

~~(2) The strengths and weaknesses of this State for business incubation;~~

~~(3) The competitive advantages and weaknesses of this State;~~

~~(4) The manner in which this State can leverage its competitive advantages and address its competitive weaknesses;~~

~~(5) A strategy to encourage the creation and expansion of businesses in this State and the relocation of businesses to this State; and~~

~~(6) Potential partners for the implementation of the strategy, including, without limitation, the Federal Government, local governments, local and regional organizations for economic development, chambers of commerce,~~

and private businesses, investors and nonprofit entities; and

~~—(b) Must not include provisions for the granting of any abatement, partial abatement or exemption from taxes or any other incentive for economic development to a person who will locate or expand a business in this State that is subject to the tax imposed pursuant to NRS 362.130 or the gaming license fees imposed by the provisions of NRS 463.370.~~

~~—3. Shall develop criteria for the designation of regional development authorities pursuant to subsection 4.~~

~~—4. Shall designate as many regional development authorities for each region of this State as the Executive Director determines to be appropriate to implement the State Plan for Economic Development. In designating regional development authorities, the Executive Director must consult with local governmental entities affected by the designation. The Executive Director may, if he or she determines that such action would aid in the implementation of the State Plan for Economic Development, remove the designation of any regional development authority previously designated pursuant to this section and declare void any contract between the Office and that regional development authority.~~

~~—5. Shall establish procedures for entering into contracts with regional development authorities to provide services to aid, promote and encourage the economic development of this State.~~

~~—6. Shall develop and administer a strategic plan to improve the delivery of broadband services in this State to schools, libraries, providers of health care, transportation facilities, prisons and other community facilities.~~

~~—7. May apply for and accept any gift, donation, bequest, grant or other source of money to carry out the provisions of NRS 231.020 to 231.130, inclusive, and 231.1555 to 231.1597, inclusive.~~

~~—[7.] 8. May adopt such regulations as may be necessary to carry out the provisions of NRS 231.020 to 231.130, inclusive, and 231.1555 to 231.1597, inclusive.~~

~~—[8.] 9. In a manner consistent with the laws of this State, may reorganize the programs of economic development in this State to further the State Plan for Economic Development. If, in the opinion of the Executive Director, changes to the laws of this State are necessary to implement the economic development strategy for this State, the Executive Director must recommend the changes to the Governor and the Legislature.~~ (Deleted by amendment.)

Sec. 18. Chapter 232 of NRS is hereby amended by adding thereto the provisions set forth as sections 19 to 22, inclusive, of this act.

Sec. 19. 1. The Office of Nevada Boards, Commissions and Councils Standards is hereby created within the Department of Business and Industry.

2. The Director shall appoint a Deputy Director of the Office and shall retain the required staff and adopt the necessary regulations and procedures to effectively administer the responsibilities of the Office.

Sec. 20. 1. The Office of Nevada Boards, Commissions and Councils Standards shall be responsible for:

- (a) Centralized administration;
- (b) A uniform set of standards for investigations, licensing and discipline, including, without limitation, separating the roles and responsibilities for occupational licensure from the roles and responsibilities for occupational discipline;
- (c) A uniform set of standards for internal controls;
- (d) A uniform set of standards for legal representation;
- (e) A consistent set of structural standards for boards and commissions;
- (f) Transparency and consumer protection; and
- (g) Efficacy and efficiency.

2. To the extent permitted by the Nevada Constitution and federal law, all ~~boards, commissions and councils of this State shall be all under the purview of the Office, including, without limitation:~~

~~(a) Statutory bodies created by the Legislature, including, without limitation:~~

~~(1) The Commission on Ethics created by NRS 281A.200.~~

~~(2) The Governor's Advisory Council on Education Relating to the Holocaust created by NRS 233C.020.~~

~~(3) The Southern Nevada Enterprise Community Board created by section 8 of chapter 407, Statutes of Nevada 2007, at page 1782.~~

~~(4) The Nevada State Board on Geographic Names created by NRS 327.110.~~

~~(5) A state grazing board created by NRS 568.040.~~

~~(6) The Central Committee of Nevada State Grazing Boards established in NRS 568.170.~~

~~(7) The Nevada High-Speed Rail Authority created by NRS 705.850.~~

~~(8) The Board of Trustees of the Fund for Hospital Care to Indigent Persons as set forth in NRS 428.195.~~

~~(9) The Board for the Regulation of Liquefied Petroleum Gas created by NRS 590.485.~~

~~(10) The Advisory Council for Prosecuting Attorneys created by NRS 241A.040.~~

~~(11) The Nevada Tahoe Regional Planning Agency created by NRS 278.792.~~

~~(12) The Commission to Study Governmental Purchasing as set forth in NRS 332.215.~~

~~(13) The Nevada Commission for Women created by NRS 233I.020.~~

~~(14) The Commission to Review the Compensation of Constitutional Officers, Legislators, Supreme Court Justices, Judges of the Court of Appeals, District Judges and Elected County Officers created by NRS 281.1571.~~

~~(b) Professional~~ professional and occupational licensing boards created by the Legislature ~~for~~ shall be under the purview of the Office, including, without limitation:

~~[(1)]~~ (a) The Nevada State Board of Accountancy created by

NRS 628.035.

~~[(2)]~~ (b) The Board of Examiners for Alcohol, Drug and Gambling Counselors created by NRS 641C.150.

~~[(3)]~~ (c) The State Board of Architecture, Interior Design and Residential Design created by NRS 623.050.

~~[(4)]~~ (d) The Board of Athletic Trainers created by NRS 640B.170.

~~[(5)]~~ (e) The State Barbers' Health and Sanitation Board created by NRS 643.020.

~~[(6)]~~ (f) The Board of Applied Behavior Analysis created by NRS 641D.200.

~~[(7)]~~ (g) The Chiropractic Physicians' Board of Nevada created by NRS 634.020.

~~[(8)]~~ (h) The State Contractors' Board created by NRS 624.040.

~~[(9)]~~ (i) The Commission on Construction Education created by NRS 624.570.

~~[(10)]~~ (j) The State Board of Cosmetology created by NRS 644A.200.

~~[(11)]~~ (k) The Certified Court Reporters' Board of Nevada created by NRS 656.040.

~~[(12)]~~ (l) The Board of Dental Examiners of Nevada created by NRS 631.120.

~~[(13)]~~ (m) The Committee on Dental Hygiene and Dental Therapy created by NRS 631.205.

~~[(14)]~~ (n) The State Board of Professional Engineers and Land Surveyors created by NRS 625.100.

~~[(15)]~~ (o) The Nevada Funeral and Cemetery Services Board created by NRS 642.020.

~~[(16)]~~ (p) The Nevada Board of Homeopathic Medical Examiners created pursuant to NRS 630A.100.

~~[(17)]~~ (q) The State Board of Landscape Architecture created by NRS 623A.080.

~~[(18)]~~ (r) The Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors created by NRS 641A.090.

~~[(19)]~~ (s) The Board of Massage Therapy created by NRS 640C.150.

~~[(20)]~~ (t) The Board of Medical Examiners created pursuant to NRS 630.050.

~~[(21)]~~ (u) The State Board of Nursing created by NRS 632.020.

~~[(22)]~~ (v) The Advisory Committee on Nursing Assistants and Medication Aides created by NRS 632.072.

~~[(23)]~~ (w) The Board of Occupational Therapy created by NRS 640A.080.

~~[(24)]~~ (x) The Board of Dispensing Opticians created by NRS 637.030.

~~[(25)]~~ (y) The Nevada State Board of Optometry created by NRS 636.030.

~~[(26)]~~ (z) The State Board of Oriental Medicine created by NRS 634A.030.

~~[(27)]~~ (aa) The State Board of Osteopathic Medicine created pursuant to NRS 633.181.

~~[(29)]~~ (bb) The Commission on Postsecondary Education created by NRS 394.383.

~~[(29)]~~ (cc) The State Board of Pharmacy created by NRS 639.020.

~~[(30)]~~ (dd) The Nevada Physical Therapy Board created by NRS 640.030.

~~[(31)]~~ (ee) The State Board of Podiatry created by NRS 635.020.

~~[(32)]~~ (ff) The Private Investigator's Licensing Board created by NRS 648.020.

~~[(33)]~~ (gg) The Board of Psychological Examiners created by NRS 641.030.

~~[(34)]~~ (hh) The Board of Environmental Health Specialists created by NRS 625A.030.

~~[(35)]~~ (ii) The Board of Examiners for Social Workers created pursuant to NRS 641B.100.

~~[(36)]~~ (jj) The Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board created by NRS 637B.100.

~~[(37)]~~ (kk) The Nevada State Board of Veterinary Medical Examiners created by NRS 638.020.

~~[(c) Interstate boards and commissions created by the Legislature inclusive of:~~

~~—(1) The California-Nevada Interstate Compact Commission of the State of Nevada as set forth in NRS 538.280.~~

~~—(2) The California-Nevada Super Speed Ground Transportation Commission as set forth in NRS 705.420.~~

~~—(3) The education commission of the states as set forth in NRS 390.015.~~

~~—(4) The Interstate Medical Licensure Compact as set forth in NRS 620A.100.~~

~~—(5) The Interstate Oil Compact Commission as set forth in NRS 522.190.~~

~~—(6) The National Conference of Commissioners on Uniform State Laws as set forth in NRS 219.020.~~

~~—(7) The Nevada State Council for Interstate Juvenile Supervision as set forth in NRS 621.015.~~

~~—(8) The Tahoe Regional Planning Agency as set forth in NRS 277.200.~~

~~—(9) The Western Interstate Nuclear Board as set forth in NRS 459.002.~~

~~—(10) The Rocky Mountain Low Level Radioactive Waste Board as set forth in NRS 459.008.]~~

Sec. 21. ~~[The Workforce Innovation Division of the Department consists of:~~

~~1. The Office of Science, Innovation and Technology established in NRS 223.600.~~

~~2. The Governor's Office of Workforce Innovation created by NRS 232.965.~~

~~3. The Governor's Workforce Development Board created by NRS 232.035.~~

~~4. The State Apprenticeship Council created by NRS 610.030.~~

~~5. Such other bureaus or units as the Director may establish.] (Deleted by amendment.)~~

Sec. 22. ~~[The Workforce Security Division of the Department consists of:~~

~~1. The Research, Analysis and Accountability Bureau.~~

~~2. The Unemployment Insurance Administration Bureau.~~

~~3. Such other bureaus or units as the Director may establish.] (Deleted by amendment.)~~

Sec. 23. NRS 232.213 is hereby amended to read as follows:

232.213 1. The Department of Administration is hereby created.

2. The Department consists of a Director and the following:

(a) Risk Management Division.

(b) Hearings Division, which consists of hearing officers, compensation officers and appeals officers.

(c) State Public Works Division.

(d) Purchasing Division.

(e) Administrative Services Division.

(f) Division of Human Resource Management.

~~(g) [Division of Enterprise Information Technology Services.~~

~~(h)] Division of State Library, Archives and Public Records.~~

~~[(i)](h) Fleet Services Division.~~

~~[(j)](i) Public Employees' Deferred Compensation Program.~~

~~[(k)](j) Mail Services Division.~~

Sec. 24. NRS 232.215 is hereby amended to read as follows:

232.215 The Director:

1. Shall appoint an Administrator of the:

(a) Risk Management Division;

(b) State Public Works Division;

(c) Purchasing Division;

(d) Administrative Services Division;

(e) Division of Human Resource Management;

~~(f) [Division of Enterprise Information Technology Services;~~

~~(g)] Division of State Library, Archives and Public Records;~~

~~[(h)] (g) Fleet Services Division; and~~

~~[(i)] (h) Mail Services Division.~~

2. Shall, with the concurrence of the Governor and the Committee to Administer the Public Employees' Deferred Compensation Program, appoint the Executive Officer of the Public Employees' Deferred Compensation Program.

3. Shall serve as Chief of the Hearings Division and shall appoint the hearing officers and compensation officers. The Director may designate one of the appeals officers in the Division to supervise the administrative,

technical and procedural activities of the Division.

4. Is responsible for the administration, through the divisions of the Department, of the provisions of chapters 233F, 242 and 284 of NRS, NRS 287.250 to 287.370, inclusive, and chapters 331, 333, 336, 338, 341 and 378 of NRS and all other provisions of law relating to the functions of the divisions of the Department.

5. Is responsible for the administration of the laws of this State relating to the negotiation and procurement of medical services and other benefits for state agencies.

6. Has such other powers and duties as are provided by law.

Sec. 25. NRS 232.2165 is hereby amended to read as follows:

232.2165 1. The Administrator of:

(a) The State Public Works Division;

(b) The Purchasing Division;

(c) The Administrative Services Division;

(d) The Division of Human Resource Management;

(e) ~~{The Division of Enterprise Information Technology Services;~~

~~—(f)} The Division of State Library, Archives and Public Records;~~

~~{(g)}~~ (f) The Fleet Services Division; and

~~{(h)}~~ (g) The Mail Services Division,

↪ of the Department serves at the pleasure of the Director and is in the unclassified service of the State.

2. The Executive Officer of the Public Employees' Deferred Compensation Program appointed pursuant to NRS 232.215 is in the unclassified service of the State and serves at the pleasure of the Director, except that he or she may be removed by a majority vote of the Committee to Administer the Public Employees' Deferred Compensation Program.

Sec. 26. NRS 232.217 is hereby amended to read as follows:

232.217 Unless federal law or regulation otherwise requires, the Administrator of the:

1. State Public Works Division;

2. Purchasing Division;

3. Division of Human Resource Management;

4. ~~{Division of Enterprise Information Technology Services;~~

~~—5.} Division of State Library, Archives and Public Records; and~~

~~{6.} 5. Fleet Services Division,~~

↪ may appoint a Deputy and a Chief Assistant in the unclassified service of the State, who shall not engage in any other gainful employment or occupation except as otherwise provided in NRS 284.143.

Sec. 27. NRS 232.219 is hereby amended to read as follows:

232.219 1. The Department of Administration's Operating Fund for Administrative Services is hereby created as an internal service fund.

2. The operating budget of each of the following entities must include an amount representing that entity's share of the operating costs of the central accounting function of the Department:

- (a) State Public Works Division;
- (b) Purchasing Division;
- (c) Hearings Division;
- (d) Risk Management Division;
- (e) Division of Human Resource Management;
- (f) ~~Division of Enterprise Information Technology Services;~~
- ~~(g)~~ Division of State Library, Archives and Public Records;
- ~~(h)~~ (g) Fleet Services Division;
- ~~(i)~~ (h) Public Employees' Deferred Compensation Program; and
- ~~(j)~~ (i) Mail Services Division.

3. All money received for the central accounting services of the Department must be deposited in the State Treasury for credit to the Operating Fund.

4. All expenses of the central accounting function of the Department must be paid from the Fund as other claims against the State are paid.

Sec. 28. NRS 232.505 is hereby amended to read as follows:

232.505 As used in NRS 232.505 to 232.866, inclusive, *and sections 19 to 22, inclusive, of this act*, unless the context requires otherwise:

- 1. "Department" means the Department of Business and Industry.
- 2. "Director" means the Director of the Department.

Sec. 29. NRS 232.510 is hereby amended to read as follows:

232.510 1. The Department of Business and Industry is hereby created.

2. The Department consists of a Director and the following:

- (a) Consumer Affairs Unit within the Office of the Director.
- (b) Division of Financial Institutions.
- (c) Housing Division.
- (d) Real Estate Division.
- (e) Division of Insurance.
- (f) Division of Industrial Relations.
- (g) Office of Labor Commissioner.
- (h) Taxicab Authority.
- (i) Office of the Nevada Attorney for Injured Workers.
- (j) Nevada Transportation Authority.
- (k) Division of Mortgage Lending.
- (l) *Office of Nevada Boards, Commissions and Councils Standards.*

(m) Any other office, commission, board, agency or entity created or placed within the Department pursuant to a specific statute, the budget approved by the Legislature or an executive order, or an entity whose budget or activities have been placed within the control of the Department by a specific statute.

Sec. 30. NRS 232.520 is hereby amended to read as follows:

232.520 The Director:

1. Shall appoint a chief or executive director, or both of them, of each of the divisions, offices, commissions, boards, agencies or other entities of the Department, unless the authority to appoint such a chief or executive

director, or both of them, is expressly vested in another person, board or commission by a specific statute. In making the appointments, the Director may obtain lists of qualified persons from professional organizations, associations or other groups recognized by the Department, if any. The chief of the Consumer Affairs Unit is the Commissioner of Consumer Affairs, the chief of the Division of Financial Institutions is the Commissioner of Financial Institutions, the chief of the Housing Division is the Administrator of the Housing Division, the chief of the Real Estate Division is the Real Estate Administrator, the chief of the Division of Insurance is the Commissioner of Insurance, the chief of the Division of Industrial Relations is the Administrator of the Division of Industrial Relations, the chief of the Office of Labor Commissioner is the Labor Commissioner, the chief of the Taxicab Authority is the Taxicab Administrator, the chief of the Nevada Transportation Authority is the Chair of the Authority, the chief of the Division of Mortgage Lending is the Commissioner of Mortgage Lending, *the chief of the Office of Nevada Boards, Commissions and Councils Standards is the Deputy Director of the Office appointed pursuant to section 19 of this act* and the chief of any other entity of the Department has the title specified by the Director, unless a different title is specified by a specific statute.

2. Is responsible for the administration of all provisions of law relating to the jurisdiction, duties and functions of all divisions and other entities within the Department. The Director may, if he or she deems it necessary to carry out his or her administrative responsibilities, be considered as a member of the staff of any division or other entity of the Department for the purpose of budget administration or for carrying out any duty or exercising any power necessary to fulfill the responsibilities of the Director pursuant to this subsection. This subsection does not allow the Director to preempt any authority or jurisdiction granted by statute to any division or other entity within the Department or to act or take on a function that would contravene a rule of court or a statute.

3. May:

(a) Establish uniform policies for the Department, consistent with the policies and statutory responsibilities and duties of the divisions and other entities within the Department, relating to matters concerning budgeting, accounting, planning, program development, personnel, information services, dispute resolution, travel, workplace safety, the acceptance of gifts or donations, the management of records and any other subject for which a uniform departmental policy is necessary to ensure the efficient operation of the Department.

(b) Provide coordination among the divisions and other entities within the Department, in a manner which does not encroach upon their statutory powers and duties, as they adopt and enforce regulations, execute agreements, purchase goods, services or equipment, prepare legislative requests and lease or use office space.

(c) Define the responsibilities of any person designated to carry out the duties of the Director relating to financing, industrial development or business support services.

4. May, within the limits of the financial resources made available to the Director, promote, participate in the operation of, and create or cause to be created, any nonprofit corporation, pursuant to chapter 82 of NRS, which he or she determines is necessary or convenient for the exercise of the powers and duties of the Department. The purposes, powers and operation of the corporation must be consistent with the purposes, powers and duties of the Department.

5. For any bonds which the Director is otherwise authorized to issue, may issue bonds the interest on which is not exempt from federal income tax or excluded from gross revenue for the purposes of federal income tax.

6. May, except as otherwise provided by specific statute, adopt by regulation a schedule of fees and deposits to be charged in connection with the programs administered by the Director pursuant to chapters 348A and 349 of NRS. Except as otherwise provided by specific statute, the amount of any such fee or deposit must not exceed 2 percent of the principal amount of the financing.

7. May designate any person within the Department to perform any of the duties or responsibilities, or exercise any of the authority, of the Director on his or her behalf.

8. May negotiate and execute agreements with public or private entities which are necessary to the exercise of the powers and duties of the Director or the Department.

9. May establish a trust account in the State Treasury for depositing and accounting for money that is held in escrow or is on deposit with the Department for the payment of any direct expenses incurred by the Director in connection with any bond programs administered by the Director. The interest and income earned on money in the trust account, less any amount deducted to pay for applicable charges, must be credited to the trust account. Any balance remaining in the account at the end of a fiscal year may be:

(a) Carried forward to the next fiscal year for use in covering the expense for which it was originally received; or

(b) Returned to any person entitled thereto in accordance with agreements or regulations of the Director relating to those bond programs.

Sec. 31. ~~[NRS 232.900 is hereby amended to read as follows:
232.900 As used in NRS 232.900 to 232.980, inclusive, unless the context otherwise requires:~~

~~1. "Department" means the Department of [Employment, Training and Rehabilitation.] Workforce.~~

~~2. "Director" means the Director of the Department.~~

~~3. "Federal workforce acts" means federal laws relating to the workforce, including, without limitation:~~

~~(a) The Strengthening Career and Technical Education for the~~

~~21st Century Act, Public Law 115-224;~~

~~—(b) The Trade Act of 1974, 19 U.S.C. §§ 2101 et seq.;~~

~~—(c) The Wagner-Peyser Act, 29 U.S.C. §§ 49 et seq.;~~

~~—(d) The Rehabilitation Act of 1973, 29 U.S.C. §§ 701 et seq.;~~

~~—(e) The Workforce Innovation and Opportunity Act, 29 U.S.C. §§ 3101 et seq.;~~

~~—(f) The Community Services Block Grant Act, 42 U.S.C. §§ 9901 et seq.; and~~

~~—(g) The provisions of 12 U.S.C. § 1701u, 26 U.S.C. §§ 3301 et seq., 34 U.S.C. §§ 60501 et seq., 42 U.S.C. §§ 601 et seq. and §§ 3056 et seq.]~~

~~(Deleted by amendment.)~~

Sec. 32. ~~[NRS 232.910 is hereby amended to read as follows:~~

~~232.910 1. The Department of [Employment, Training and Rehabilitation] Workforce is hereby created. The purpose of the Department is to [plan, coordinate and carry out various services and activities designed to achieve and support employment and economic independence for residents of this] create and maintain statewide workforce policies, develop and carry out an integrated state workforce development plan and administer all money received by the State [who are disadvantaged, displaced or disabled.] pursuant to the federal workforce acts, including the provision of services using such money to:~~

~~—(a) Veterans;~~

~~—(b) Persons with disabilities;~~

~~—(c) Members of federally recognized Indian tribes or nations;~~

~~—(d) Eligible youth;~~

~~—(e) Probationers and parolees;~~

~~—(f) Adults;~~

~~—(g) Persons who are experiencing homelessness;~~

~~—(h) Dislocated workers, as defined in 29 U.S.C. § 3102;~~

~~—(i) Persons lawfully admitted to the United States as refugees;~~

~~—(j) English learners, as defined in 20 U.S.C. § 7801(20);~~

~~—(k) Persons who lack the skills necessary to obtain gainful employment;~~

~~—(l) Persons seeking employment for the first time; and~~

~~—(m) Any other person or group of persons to whom the Department provides services.~~

~~2. The Department consists of a Director and the following divisions:~~

~~—(a) [Employment] Workforce Security Division;~~

~~—(b) [Rehabilitation] Workforce Development Division; [and]~~

~~—(c) Workforce Innovation Division; and~~

~~—(d) Such other divisions as the Director may establish.~~

~~3. The [Governor's] Office of Workforce Innovation, the Nevada Equal Rights Commission, the Office of Science, Innovation and Technology, the State Apprenticeship Council and the Board for the Education and Counseling of Displaced Homemakers are within the Department.] (Deleted by amendment.)~~

Sec. 33. ~~[NRS 232.920 is hereby amended to read as follows:~~

~~232.920 The Director:~~

~~1. Shall:~~

~~(a) Organize the Department into divisions and other operating units as needed to achieve the purposes of the Department;~~

~~(b) Upon request, provide the Director of the Department of Administration with a list of organizations and agencies in this State whose primary purpose is the training and employment of persons with disabilities;~~

~~(c) Except as otherwise provided by a specific statute, direct the divisions to share information in their records with agencies of local governments which are responsible for the collection of debts or obligations if the confidentiality of the information is otherwise maintained under the terms and conditions required by law;~~

~~(d) Provide the employment and wage information to the Board of Regents of the University of Nevada for purposes of the reporting required of the Board of Regents by subsection 4 of NRS 396.531; [and]~~

~~(e) Prepare and coordinate the timing, form and content of all state plans and reports relating to the workforce, including, without limitation:~~

~~(1) An integrated state workforce development plan, which must be prepared by February 1 of each even-numbered year;~~

~~(2) Each state report required by the United States Department of Labor; and~~

~~(3) Each unified or combined state plan required by the federal workforce acts; and~~

~~(f) Provide to the Director of the Legislative Counsel Bureau a written report each quarter containing the rate of unemployment of residents of this State regarding whom the Department has information, organized by county and, for each county, the rate of unemployment disaggregated by demographic information, including, without limitation, age, race and gender. The Director of the Department shall:~~

~~(1) Post on the Internet website of the Department the report required by this paragraph;~~

~~(2) Provide the report to the Governor's Workforce [Investment] Development Board and all applicable agencies for the purposes of subsection 5 of NRS 232.935; and~~

~~(3) Post on the Internet website of the Department the written report provided by the Governor's Workforce [Investment] Development Board pursuant to subsection 5 of NRS 232.935.~~

~~2. Is responsible for the [administration,] :~~

~~(a) Administration, through the divisions of the Department, of the provisions of NRS 394.383 to 394.560, inclusive, 426.010 to 426.715, inclusive, 426.740, 426.790 and 426.800, and chapters 612 and 615 of NRS, and all other provisions of law relating to the functions of the Department and its divisions, but is not responsible for the professional line activities of the divisions or other operating units except as otherwise provided by~~

specific statute [.] ;

~~—(b) Coordination, through the divisions of the Department and with the Department of Education and the Nevada System of Higher Education, of programs to increase the number of persons qualified for licensure pursuant to chapter 391 of NRS; and~~

~~—(c) Efficient delivery, through the divisions of the Department, of all programs relating to the federal workforce acts, including, without limitation, the operation of comprehensive one-stop centers pursuant to 34 C.F.R. § 361.305.~~

~~—3. May employ, within the limits of legislative appropriations, such staff as is necessary for the performance of the duties of the Department.] (Deleted by amendment.)~~

Sec. 34. [NRS 232.935 is hereby amended to read as follows:

~~232.935 1. In appointing members of the Governor's Workforce [Investment] Development Board, the Governor shall ensure that the membership as a whole represents:~~

~~—(a) Industry sectors in each region of this State which are essential to this State and which are driven primarily by demand [.] , which may include, without limitation, the appointment of one or more members of a local workforce development board;~~

~~—(b) Communities and areas of economic development which are essential to this State; and~~

~~—(c) The diversity of the workforce of this State, including, without limitation, geographic diversity and the diversity within regions of this State.~~

~~—2. The Governor's Workforce [Investment] Development Board shall:~~

~~—(a) Identify:~~

~~—(1) Industry sectors in each region of this State which are essential to this State; and~~

~~—(2) The region or regions of this State where the majority of the operations of each of those industry sectors is conducted;~~

~~—(b) Establish:~~

~~—(1) Regional goals for economic development for each of the industry sectors identified pursuant to paragraph (a); and~~

~~—(2) A council for each industry sector [.] unless a regional industry sector partnership has been established for the industry sector pursuant to the federal workforce acts, in which case the Board shall deem the partnership to be such a council.~~

~~—(c) Consider and develop programs to promote:~~

~~—(1) Strategies to improve labor markets for industries and regions of this State, including, without limitation, improving the availability of relevant information;~~

~~—(2) Coordination of the efforts of relevant public and private agencies and organizations;~~

~~—(3) Strategies for providing funding as needed by various industry sectors;~~

- ~~— (4) Increased production capacities for various industry sectors;~~
- ~~— (5) The development of useful measurements of performance and outcomes in various industry sectors;~~
- ~~— (6) Participation by and assistance from state and local government agencies;~~
- ~~— (7) Expanded market penetration, including, without limitation, by providing assistance to employers with small numbers of employees;~~
- ~~— (8) Partnerships between labor and management;~~
- ~~— (9) Business associations;~~
- ~~— (10) The development of improved instructional and educational resources for employers and employees; and~~
- ~~— (11) The development of improved economies of scale, as applicable, in industry sectors.~~
- ~~3. Each industry sector council established pursuant to subparagraph (2) of paragraph (b) of subsection 2:~~
 - ~~— (a) Must be composed of representatives from:~~
 - ~~— (1) Employers within that industry;~~
 - ~~— (2) Organized labor within that industry [;], if applicable;~~
 - ~~— (3) Universities and community colleges; and~~
 - ~~— (4) Any other relevant group of persons deemed to be appropriate by the Board.~~
 - ~~— (b) Shall, within the parameters set forth in the American Recovery and Reinvestment Act of 2009 or the parameters of any other program for which the federal funding is available, identify job training and education programs which the industry sector council determines to have the greatest likelihood of meeting the regional goals for economic development established for that industry sector pursuant to subparagraph (1) of paragraph (b) of subsection 2.~~
- ~~4. The Board shall:~~
 - ~~— (a) Identify and apply for federal funding available for the job training and education programs identified pursuant to paragraph (b) of subsection 3;~~
 - ~~— (b) Consider and approve or disapprove applications for money;~~
 - ~~— (c) Provide and administer grants of money to industry sector councils for the purpose of establishing job training and education programs in industry sectors for which regional goals for economic development have been established pursuant to subparagraph (1) of paragraph (b) of subsection 2; and~~
 - ~~— (d) Adopt regulations establishing:~~
 - ~~— (1) Guidelines for the submission and review of applications to receive grants of money from the Department; and~~
 - ~~— (2) Criteria and standards for the eligibility for and use of any grants made pursuant to paragraph (c).~~
- ~~➤ Except as otherwise required as a condition for federal funding, the regulations required by this subsection must give priority to job training and education programs that are consistent with the State Plan for Economic Development developed by the Executive Director of the Office of Economic~~

~~Development pursuant to subsection 2 of NRS 231.053.~~

~~5. The Board shall:~~

~~(a) Receive reports from the Director pursuant to paragraph [(c)] (f) of subsection 1 of NRS 232.920;~~

~~(b) Require all applicable agencies which provide workforce development services to coordinate efforts and resources to reduce the rate of unemployment for a demographic group contained in the report provided pursuant to paragraph [(c)] (f) of subsection 1 of NRS 232.920 if, for that demographic group, the rate of unemployment for the group:~~

~~(1) Is 200 percent or more of the rate of unemployment for the applicable county as a whole;~~

~~(2) Is 4 or more percentage points higher than the rate of unemployment for the applicable county as a whole; or~~

~~(3) Has been higher than the rate of unemployment for the applicable county as a whole for 3 or more consecutive years; and~~

~~(c) Provide a written report each year to the Director of the Department and the Director of the Legislative Counsel Bureau describing the efforts made by the Board and all applicable agencies to comply with paragraph (b).~~

~~6. In carrying out its powers and duties pursuant to this section, the Board shall consult with the Executive Director of the Office of Economic Development and shall cooperate with the Executive Director in implementing the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of NRS 231.053.~~

~~7. As used in this section, "industry sector" means a group of employers closely linked by common products or services, workforce needs, similar technologies, supply chains or other economic links.] (Deleted by amendment.)~~

Sec. 35. ~~[NRS 232.940 is hereby amended to read as follows:~~

~~232.940 The [Rehabilitation] Workforce Development Division of the Department consists of : [the following bureaus:]~~

~~1. The Bureau of Services to Persons Who Are Blind or Visually Impaired;~~

~~2. The Bureau of Vocational Rehabilitation;~~

~~3. The Board for the Education and Counseling of Displaced Homemakers created by NRS 388.615;~~

~~4. The Nevada Equal Rights Commission created by NRS 233.030;~~

~~5. Such other bureaus or units as the Director may establish.]) (Deleted by amendment.)~~

Sec. 36. ~~[NRS 232.945 is hereby amended to read as follows:~~

~~232.945 1. The Director shall appoint [an Administrator of] deputy directors of the divisions of the Department, who are respectively designated as follows:~~

~~(a) The Deputy Director of the [Rehabilitation] Workforce Development Division of the Department [.] ;~~

~~(b) The Deputy Director of the Workforce Innovation Division of the~~

~~Department; and~~

~~— (c) The Deputy Director of the Workforce Security Division of the Department.~~

~~— 2. The [Administrator:] deputy directors:~~

~~— [1. Is]~~

~~— (a) Are in the unclassified service of the State unless federal law or regulation requires otherwise, and [serves] serve at the pleasure of the Director.~~

~~— [2.] (b) Shall administer the provisions of law set forth in [subsection 4,] paragraph (d), subject to the administrative supervision of the Director.~~

~~— [3.] (c) Except as otherwise provided in NRS 284.143, shall devote [his or her] their entire time and attention to the business of [his or her] their office and shall not pursue any other business or occupation or hold any other office of profit.~~

~~— (d) May make such expenditures and investigations, require such reports and take such other actions as the deputy directors deem necessary or suitable to carry out the functions of the respective divisions, subject to the supervision of the Director.~~

~~— (e) May employ, within the limits of legislative appropriations, such staff as is necessary to the performance of the duties of the respective divisions, subject to the supervision of the Director.~~

~~— [4.] 3. The Deputy Director of the Workforce Development Division of the Department:~~

~~— (a) Is responsible for the administration, through the bureaus of the [Rehabilitation] Workforce Development Division, of the provisions of this section, NRS 232.940, 426.517 to 426.610, inclusive, and chapter 615 of NRS, and all other provisions of law relating to the functions of the [Rehabilitation] Workforce Development Division.~~

~~— [5.] (b) Is responsible for the preparation of a consolidated state plan for the Bureau of Services to Persons Who Are Blind or Visually Impaired, the Bureau of Vocational Rehabilitation and any other program administered by the [Rehabilitation] Workforce Development Division that the [Administrator] Deputy Director considers appropriate to incorporate into the consolidated state plan before submission to the Federal Government. This [subsection] paragraph does not apply if any federal regulation exists that prohibits a consolidated plan.~~

~~— [6.] (c) In developing and revising state plans pursuant to [subsection 5,] paragraph (b), shall consider, without limitation:~~

~~— [(a)] (1) The amount of money available from the Federal Government for the programs of the [Rehabilitation] Workforce Development Division;~~

~~— [(b)] (2) The conditions attached to the acceptance of that money; and~~

~~— [(c)] (3) The limitations of legislative appropriations for the programs.~~

~~— [7. May make such expenditures and investigations, require such reports and take such other actions as the Administrator deems necessary or suitable to carry out the functions of the Rehabilitation Division.~~

~~8. May employ, within the limits of legislative appropriations, such staff as is necessary to the performance of the duties of the Rehabilitation Division.~~

~~9.] (d) Shall determine the organization and methods of procedure for the [Rehabilitation] Workforce Development Division in accordance with the provisions of this section, NRS 232.940, 426.517 to 426.610, inclusive, and chapter 615 of NRS, and all other provisions of law relating to the functions of the [Rehabilitation] Workforce Development Division.~~

~~[10.] (e) May adopt, amend or rescind such rules and regulations as the [Administrator] Deputy Director deems necessary or suitable to carry out the provisions of this section, NRS 232.940, 426.517 to 426.610, inclusive, and chapter 615 of NRS, and all other provisions of law relating to the functions of the [Rehabilitation] Workforce Development Division.] (Deleted by amendment.)~~

Sec. 37. ~~[NRS 232.960 is hereby amended to read as follows:~~

~~232.960 1. Except for gifts or grants specifically accounted for in another fund, all gifts or grants of money or other property which the [Rehabilitation] Workforce Development Division of the Department is authorized to accept must be accounted for in the Department of [Employment, Training and Rehabilitation's] Workforce's Gift Fund, which is hereby created as a special revenue fund. The Fund is a continuing fund without reversion. The Department may establish such accounts in the Fund as are necessary to account properly for gifts received. All such money received by the Division must be deposited in the State Treasury for credit to the Fund. The money in the Fund must be paid out on claims as other claims against the State are paid. Unless otherwise specifically provided by statute, claims against the Fund must be approved by the Director or the Director's delegate.~~

~~2. Gifts of property other than money may be sold or exchanged when it is deemed by the Director to be in the best interest of the [Rehabilitation] Workforce Development Division. The sale price must not be less than 90 percent of the value determined by a qualified appraiser appointed by the Director. All money received from the sale must be deposited in the State Treasury to the credit of the Fund. The money may be spent only for the purposes of the Division. The property may not be sold or exchanged if to do so would violate the terms of the gift.] (Deleted by amendment.)~~

Sec. 38. ~~[NRS 232.965 is hereby amended to read as follows:~~

~~232.965 The [Governor's] Office of Workforce Innovation is hereby created in the Department.] (Deleted by amendment.)~~

Sec. 39. ~~[NRS 232.970 is hereby amended to read as follows:~~

~~232.970 1. The [Governor] Director shall appoint the [Executive Director] Administrator of the [Governor's] Office of Workforce Innovation.~~

~~2. The [Executive Director] Administrator is in the unclassified service of the State and serves at the pleasure of the [Governor.] Director.] (Deleted by amendment.)~~

Sec. 40. ~~[NRS 232.975 is hereby amended to read as follows:~~

~~232.975 The [Executive Director] Administrator of the [Governor's] Office of Workforce Innovation, under the supervision of the Deputy Director of the Workforce Innovation Division of the Department appointed pursuant to NRS 232.945, shall:~~

~~1. Provide support to the Department, the Governor's Workforce [Investment] Development Board created by NRS 232.935 and the industry sector councils established by the Governor's Workforce [Investment] Development Board on matters relating to workforce development.~~

~~2. Work in coordination with the Office of Economic Development to establish criteria and goals for workforce development and diversification in this State.~~

~~3. Collect and systematize and present in biennial reports to the Governor and the Legislature such statistical details relating to workforce development in the State as the [Executive] Director [of the Office] may deem essential to further the objectives of the [Governor's] Office of Workforce Innovation.~~

~~4. At the direction of the [Director:] Deputy Director of the Workforce Innovation Division of the Department:~~

~~(a) Identify, recommend and implement policies related to workforce development.~~

~~(b) Define career pathways and identify priority career pathways for secondary and postsecondary education.~~

~~(c) Discontinue career pathways offered by the State which fail to meet minimum standards of quality, rigor and cross education alignment, or that do not demonstrate a connection to priority industry needs.~~

~~(d) In consultation with the Governor's Workforce [Investment] Development Board, identify industry recognized credentials, workforce development programs and education.~~

~~(e) Maintain and oversee the statewide longitudinal data system that links data relating to early childhood education programs and K-12 public education with data relating to postsecondary education and the workforce in this State.~~

~~(f) Collect accurate educational data in the statewide longitudinal data system for the purpose of analyzing student performance through employment to assist in improving the educational system and workforce training program in this State.~~

~~(g) Apply for and administer grants, including, without limitation, those that may be available from funding reserved for statewide workforce investment activities.~~

~~(h) Review the status and structure of local workforce investment areas in the State, in coordination with the Governor and the Governor's Workforce [Investment] Development Board.~~

~~(i) Report periodically to the Governor's Workforce [Investment] Development Board concerning the administration of the policies and~~

programs of the [Governor's] Office of Workforce Innovation.

~~—(j) On or before March 31 of each year, submit to the Governor a complete report of the activities, discussions, findings and recommendations of the [Governor's] Office of Workforce Innovation.~~

~~—(k) Suggest improvements regarding the allocation of federal and state money to align workforce training and related education programs in the State, including, without limitation, career and technical education.~~

~~—(l) On or before January 1 of each year, collect and analyze data as needed to create a written report for the purposes of this paragraph, and submit such a report to the Director of the Legislative Counsel Bureau. The report must include, without limitation:~~

~~—(1) Statistical data based on an analysis of the number of persons within this State who are engaged in an occupation or profession that is regulated by a regulatory body in relation to the total population of this State or any geographic area within this State;~~

~~—(2) The demand within this State or any geographic area within this State for the types of services provided by persons within this State who are engaged in an occupation or profession that is regulated by a regulatory body; and~~

~~—(3) Any other factors relating to the types of services provided by persons within this State who are engaged in an occupation or profession that is regulated by a regulatory body that adversely affect public health or safety.~~

~~—As used in this paragraph, "regulatory body" has the meaning ascribed to it in NRS 622.060.~~

~~—(m) On or before January 1 of each year, submit to the Director of the Legislative Counsel Bureau a written report that includes, without limitation, the most current data and reports produced by the statewide longitudinal data system.] (Deleted by amendment.)~~

Sec. 41. ~~[NRS 232.980 is hereby amended to read as follows:~~

~~—232.980 The following public agencies shall submit educational and workforce data for inclusion in the statewide longitudinal data system maintained pursuant to paragraph (c) of subsection 4 of NRS 232.975:~~

~~—1. The Department of [Employment, Training and Rehabilitation.] Workforce.~~

~~—2. The Department of Education.~~

~~—3. The Nevada System of Higher Education.~~

~~—4. The Department of Motor Vehicles.~~

~~—5. Any other public agency which is directed by the Governor to submit such data.] (Deleted by amendment.)~~

Sec. 42. ~~[NRS 233B.039 is hereby amended to read as follows:~~

~~—233B.039 1. The following agencies are entirely exempted from the requirements of this chapter:~~

~~—(a) The Governor.~~

~~—(b) Except as otherwise provided in NRS 209.221 and 209.2473, the Department of Corrections.~~

- ~~—(c) The Nevada System of Higher Education;~~
- ~~—(d) The Office of the Military;~~
- ~~—(e) The Nevada Gaming Control Board;~~
- ~~—(f) Except as otherwise provided in NRS 368A.140 and 463.765, the Nevada Gaming Commission;~~
- ~~—(g) Except as otherwise provided in NRS 425.620, the Division of Welfare and Supportive Services of the Department of Health and Human Services;~~
- ~~—(h) Except as otherwise provided in NRS 422.390, the Division of Health Care Financing and Policy of the Department of Health and Human Services;~~
- ~~—(i) Except as otherwise provided in NRS 533.365, the Office of the State Engineer;~~
- ~~—(j) The Division of Industrial Relations of the Department of Business and Industry acting to enforce the provisions of NRS 618.375;~~
- ~~—(k) The Administrator of the Division of Industrial Relations of the Department of Business and Industry in establishing and adjusting the schedule of fees and charges for accident benefits pursuant to subsection 2 of NRS 616C.260;~~
- ~~—(l) The Board to Review Claims in adopting resolutions to carry out its duties pursuant to NRS 445C.310;~~
- ~~—(m) The Silver State Health Insurance Exchange;~~
- ~~—(n) The Cannabis Compliance Board;~~
- ~~—2. Except as otherwise provided in subsection 5 and NRS 391.323, the Department of Education, the Board of the Public Employees' Benefits Program and the Commission on Professional Standards in Education are subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case;~~
- ~~—3. The special provisions of:~~
 - ~~—(a) Chapter 612 of NRS for the adoption of an emergency regulation or the distribution of regulations by and the judicial review of decisions of the [Employment] Unemployment Insurance Administration Bureau of the Workforce Security Division of the Department of [Employment, Training and Rehabilitation;] Workforce;~~
 - ~~—(b) Chapters 616A to 617, inclusive, of NRS for the determination of contested claims;~~
 - ~~—(c) Chapter 91 of NRS for the judicial review of decisions of the Administrator of the Securities Division of the Office of the Secretary of State; and~~
 - ~~—(d) NRS 90.800 for the use of summary orders in contested cases;~~
- ~~→ prevail over the general provisions of this chapter;~~
- ~~—4. The provisions of NRS 233B.122, 233B.124, 233B.125 and 233B.126 do not apply to the Department of Health and Human Services in the adjudication of contested cases involving the issuance of letters of approval for health facilities and agencies;~~
- ~~—5. The provisions of this chapter do not apply to:~~
 - ~~—(a) Any order for immediate action, including, but not limited to,~~

~~quarantine and the treatment or cleansing of infected or infested animals, objects or premises, made under the authority of the State Board of Agriculture, the State Board of Health, or any other agency of this State in the discharge of a responsibility for the preservation of human or animal health or for insect or pest control;~~

~~—(b) An extraordinary regulation of the State Board of Pharmacy adopted pursuant to NRS 453.2184;~~

~~—(c) A regulation adopted by the State Board of Education pursuant to NRS 388.255 or 394.1694;~~

~~—(d) The judicial review of decisions of the Public Utilities Commission of Nevada;~~

~~—(e) The adoption, amendment or repeal of policies by the [Rehabilitation] Workforce Development Division of the Department of [Employment, Training and Rehabilitation] Workforce pursuant to NRS 426.561 or 615.178;~~

~~—(f) The adoption or amendment of a rule or regulation to be included in the State Plan for Services for Victims of Crime by the Department of Health and Human Services pursuant to NRS 217.130;~~

~~—(g) The adoption, amendment or repeal of rules governing the conduct of contests and exhibitions of unarmed combat by the Nevada Athletic Commission pursuant to NRS 467.075;~~

~~—(h) The adoption, amendment or repeal of regulations by the Director of the Department of Health and Human Services pursuant to NRS 447.335 to 447.350, inclusive;~~

~~—(i) The adoption, amendment or repeal of standards of content and performance for courses of study in public schools by the Council to Establish Academic Standards for Public Schools and the State Board of Education pursuant to NRS 389.520;~~

~~—(j) The adoption, amendment or repeal of the statewide plan to allocate money from the Fund for a Resilient Nevada created by NRS 433.732 established by the Department of Health and Human Services pursuant to paragraph (b) of subsection 1 of NRS 433.734; [or]~~

~~—(k) The adoption or amendment of a data request by the Commissioner of Insurance pursuant to NRS 687B.404 [.] ; or~~

~~—(l) The adoption, amendment or repeal of a rule or regulation of a cabinet secretary within the Office of the Governor.~~

~~6. The State Board of Parole Commissioners is subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case. (Deleted by amendment.)~~

Sec. 43. Chapter 233F of NRS is hereby amended by adding thereto the provisions set forth as sections 44 and 45 of this act.

Sec. 44. "Chief" means the Chief Information Officer within the Office of the Governor.

Sec. 45. "Office" means the Office of the Chief Information Officer within the Office of the Governor.

Sec. 46. NRS 233F.010 is hereby amended to read as follows:

233F.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS ~~[233F.015]~~ 233F.020 to 233F.065, inclusive, *and sections 44 and 45 of this act*, have the meanings ascribed to them in those sections.

Sec. 47. NRS 233F.110 is hereby amended to read as follows:

233F.110 1. The ~~[Administrator]~~ Chief may, upon receiving a request for a microwave channel or channels from an agency, approve or disapprove that request. If the request is approved, the ~~[Division]~~ Office shall assign a channel or channels to the agency at a cost which reflects the actual share of costs incurred for services provided to the agency, in accordance with the comprehensive system of equitable billing and charges developed by the coordinator of communications.

2. Except as otherwise provided in subsection 3, a microwave channel assigned by the ~~[Administrator]~~ Chief to an agency for its use must not be reassigned without the concurrence of the agency.

3. The ~~[Administrator]~~ Chief may revoke the assignment of a microwave channel if an agency fails to pay for its use and may reassign that channel to another agency.

4. Equipment for microwave channels which is purchased by a using agency becomes the property of the ~~[Division]~~ Office if the agency fails to use or pay for those channels. The equipment must be used by the ~~[Division]~~ Office to replace old or obsolete equipment in the state communications system.

5. A state agency shall not purchase equipment for microwave stations without prior approval from the ~~[Administrator]~~ Chief unless:

- (a) The existing services do not meet the needs of the agency; or
- (b) The equipment will not be used to duplicate services which are provided by the state communications system or a private company.

6. The ~~[Division]~~ Office shall reimburse an agency for buildings, facilities or equipment which is consolidated into the state communications system.

Sec. 48. NRS 205.4765 is hereby amended to read as follows:

205.4765 1. Except as otherwise provided in subsection 6, a person who knowingly, willfully and without authorization:

- (a) Modifies;
- (b) Damages;
- (c) Destroys;
- (d) Discloses;
- (e) Uses;
- (f) Transfers;
- (g) Conceals;
- (h) Takes;
- (i) Retains possession of;
- (j) Copies;

(k) Obtains or attempts to obtain access to, permits access to or causes to be accessed; or

(l) Enters,

↪ data, a program or any supporting documents which exist inside or outside a computer, system or network is guilty of a misdemeanor.

2. Except as otherwise provided in subsection 6, a person who knowingly, willfully and without authorization:

(a) Modifies;

(b) Destroys;

(c) Uses;

(d) Takes;

(e) Damages;

(f) Transfers;

(g) Conceals;

(h) Copies;

(i) Retains possession of; or

(j) Obtains or attempts to obtain access to, permits access to or causes to be accessed,

↪ equipment or supplies that are used or intended to be used in a computer, system or network is guilty of a misdemeanor.

3. Except as otherwise provided in subsection 6, a person who knowingly, willfully and without authorization:

(a) Destroys;

(b) Damages;

(c) Takes;

(d) Alters;

(e) Transfers;

(f) Discloses;

(g) Conceals;

(h) Copies;

(i) Uses;

(j) Retains possession of; or

(k) Obtains or attempts to obtain access to, permits access to or causes to be accessed,

↪ a computer, system or network is guilty of a misdemeanor.

4. Except as otherwise provided in subsection 6, a person who knowingly, willfully and without authorization:

(a) Obtains and discloses;

(b) Publishes;

(c) Transfers; or

(d) Uses,

↪ a device used to access a computer, network or data is guilty of a misdemeanor.

5. Except as otherwise provided in subsection 6, a person who knowingly, willfully and without authorization introduces, causes to be

introduced or attempts to introduce a computer contaminant into a computer, system or network is guilty of a misdemeanor.

6. If the violation of any provision of this section:

(a) Was committed to devise or execute a scheme to defraud or illegally obtain property;

(b) Caused response costs, loss, injury or other damage in excess of \$500;

or

(c) Caused an interruption or impairment of a public service, including, without limitation, a governmental operation, a system of public communication or transportation or a supply of water, gas or electricity,

➡ the person is guilty of a category C felony and shall be punished as provided in NRS 193.130, and may be further punished by a fine of not more than \$100,000. In addition to any other penalty, the court shall order the person to pay restitution.

7. The provisions of this section do not apply to a person performing any testing, including, without limitation, penetration testing, of an information system of an agency that uses the equipment or services of the ~~{Division of Enterprise Information Technology Services of the Department of Administration}~~ *Office of the Chief Information Officer within the Office of the Governor* that is authorized by the ~~{Administrator of the Division of Enterprise Information Technology Services}~~ *Chief of that Office* or the head of the Office of Information Security of the ~~{Division}~~ *Office of the Chief Information Officer*. As used in this subsection:

(a) "Information system" has the meaning ascribed to it in NRS 242.057.

(b) "Penetration testing" has the meaning ascribed to it in NRS 242.171.

Sec. 49. NRS 205A.040 is hereby amended to read as follows:

205A.040 1. The Technological Crime Advisory Board is hereby created.

2. The Board consists of 13 members as follows:

(a) The Attorney General.

(b) The ~~{Administrator of the Division of Enterprise Information Technology Services of the Department of Administration}~~ *Chief of the Office of the Chief Information Officer within the Office of the Governor*.

(c) One member of the Senate appointed by the Majority Leader of the Senate.

(d) One member of the Assembly appointed by the Speaker of the Assembly.

(e) Nine other persons appointed by the Governor as follows:

(1) Two or more persons who represent major sectors of the economy of this State that are impacted significantly by technological crimes.

(2) One or more persons who are employees of a law enforcement agency of this State.

(3) One or more persons who are employees of a public educational institution within this State.

(4) One or more persons who are residents of this State and who are

employed by the Federal Government.

3. Each member of the Board who is appointed to the Board serves for a term of 4 years. A vacancy on the Board in an appointed position must be filled in the same manner as the original appointment. A member may be reappointed to the Board.

4. The members of the Board shall elect a Chair and Vice Chair by majority vote. After the initial election, the Chair and Vice Chair shall hold office for a term of 1 year beginning on July 1 of each year. If the position of Chair or Vice Chair becomes vacant, the members of the Board shall elect a Chair or Vice Chair, as appropriate, from among its members for the remainder of the unexpired term.

5. The members of the Board:

(a) Serve without compensation; and

(b) May, upon written request, receive the per diem allowance and travel expenses provided for state officers and employees generally while engaged in the business of the Board.

6. A member of the Board who is an officer or employee of this State or a political subdivision of this State must be relieved from duties without loss of regular compensation so that the officer or employee may prepare for and attend meetings of the Board and perform any work necessary to carry out the duties of the Board 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 to make up the time the officer or employee is absent from work to carry out duties as a member of the Board or use annual vacation or compensatory time for the absence.

Sec. 50. NRS 205A.050 is hereby amended to read as follows:

205A.050 1. The Board shall meet at least once every quarter and at the times and places specified by a call of the Chair or a majority of the members of the Board.

2. Except as otherwise provided in subsection 3, a member of the Board may designate in writing a person to represent him or her at a meeting of the Board if it is impractical for the member of the Board to attend the meeting. A representative who has been so designated:

(a) Shall be deemed to be a member of the Board for the purpose of determining a quorum at the meeting; and

(b) May vote on any matter that is voted on by the regular members of the Board at the meeting.

3. The Attorney General may designate a representative to serve in his or her place on the Board or attend a meeting of the Board in his or her place. The ~~Administrator of the Division of Enterprise Information Technology Services of the Department of Administration~~ *Chief of the Office of the Chief Information Officer within the Office of the Governor* may designate a representative to serve in his or her place on the Board or attend a meeting of the Board in his or her place.

4. Seven members of the Board constitute a quorum. Except as otherwise

provided in NRS 205A.070 and 205A.080, a quorum may exercise all the power and authority conferred on the Board.

5. Notwithstanding any other provision of law, a member of the Board:

- (a) Is not disqualified from public employment or holding a public office because of membership on the Board; and
- (b) Does not forfeit public office or public employment because of membership on the Board.

Sec. 51. NRS 205A.060 is hereby amended to read as follows:

205A.060 The Board shall:

1. Facilitate cooperation between state, local and federal officers in detecting, investigating and prosecuting technological crimes.

2. Establish, support and assist in the coordination of activities between two multiagency task forces on technological crime, one based in Reno and one based in Las Vegas, consisting of investigators and forensic examiners who are specifically trained to investigate technological crimes.

3. Coordinate and provide training and education for members of the general public, private industry and governmental agencies, including, without limitation, law enforcement agencies, concerning the statistics and methods of technological crimes and how to prevent, detect and investigate technological crimes.

4. Assist the ~~[Division of Enterprise Information Technology Services of the Department of Administration]~~ *Office of the Chief Information Officer within the Office of the Governor* in securing governmental information systems against illegal intrusions and other criminal activities.

5. Evaluate and recommend changes to the existing civil and criminal laws relating to technological crimes in response to current and projected changes in technology and law enforcement techniques.

6. Distribute money deposited pursuant to NRS 179.1233 into the Account for the Technological Crime Advisory Board in accordance with the provisions of NRS 205A.090.

7. Authorize the payment of expenses incurred by the Board in carrying out its duties pursuant to this chapter.

Sec. 52. ~~[NRS 218E.400 is hereby amended to read as follows:~~

~~218E.400 1. There is hereby created in the Legislative Counsel Bureau an Interim Finance Committee. Except as otherwise provided in this section, the Interim Finance Committee is composed of the members of the Assembly Standing Committee on Ways and Means and the Senate Standing Committee on Finance during the current or immediately preceding regular session.~~

~~2. Except as otherwise provided in this subsection, the immediate past Chair of the Senate Standing Committee on Finance is the Chair of the Interim Finance Committee for the period ending with the convening of each even-numbered regular session. The immediate past Chair of the Assembly Standing Committee on Ways and Means is the Chair of the Interim Finance Committee during the next legislative interim, and the position of Chair~~

~~alternates between the Houses according to this pattern. The term of the Chair of the Interim Finance Committee terminates if a new Chair of the Assembly Standing Committee on Ways and Means or the Senate Standing Committee on Finance, as the case may be, is designated for the next regular session, in which case that person so designated serves as the Chair of the Interim Finance Committee until the convening of that regular session.~~

~~3. If any regular member of the Interim Finance Committee informs the Secretary that the member will be unable to attend a particular meeting, the Secretary shall notify the Speaker of the Assembly or the Majority Leader of the Senate, as the case may be, to appoint an alternate for that meeting from the same House and political party as the absent member.~~

~~4. Except as otherwise provided in subsection 5, the term of a member of the Interim Finance Committee expires upon the convening of the next regular session unless the member is replaced by the appointing authority. If the Speaker designate of the Assembly or the Majority Leader designate of the Senate designates members of the Assembly Standing Committee on Ways and Means or the Senate Standing Committee on Finance, as applicable, for the next regular session, the designated members become members of the Interim Finance Committee. A member may be reappointed.~~

~~5. The membership of any member who does not become a candidate for reelection or who is defeated for reelection terminates on the day next after the general election. The Speaker designate of the Assembly or the Majority Leader designate of the Senate, as the case may be, shall appoint an alternate to fill the vacancy on the Interim Finance Committee. Except as otherwise provided in this subsection, each alternate serves on the Interim Finance Committee.~~

~~(a) If the alternate is a member of the Assembly, until the Speaker designate of the Assembly designates the members of the Assembly Standing Committee on Ways and Means for the next regular session or appoints a different alternate.~~

~~(b) If the alternate is a member of the Senate, until the Majority Leader designate of the Senate designates the members of the Senate Standing Committee on Finance for the next regular session or appoints a different alternate.~~

~~6. The Director shall act as the Secretary of the Interim Finance Committee.~~

~~7. A majority of the members of the Assembly Standing Committee on Ways and Means and a majority of the members of the Senate Standing Committee on Finance, jointly, may call a meeting of the Interim Finance Committee if the Chair does not do so.~~

~~8. In all matters requiring action by the Interim Finance Committee, the vote of the Assembly members and the Senate members must be taken separately. No action may be taken unless it receives the affirmative vote of a majority of the Assembly members and a majority of the Senate members.~~

~~9. [The] Except as otherwise provided in this subsection, the Interim~~

~~Finance Committee may conduct investigations and hold hearings in connection with its functions and duties and exercise any of the investigative powers set forth in NRS 218E.105 to 218E.140, inclusive. The Interim Finance Committee shall not take any action that interferes with or intervenes in the execution of the operations of the State Government, including, without limitation, decisions regarding personnel and the allocation of money that was appropriated or authorized for expenditure during a regular or special session of the Legislature.~~

~~10. Except during a regular or special session, for each day or portion of a day during which a member of the Interim Finance Committee and appointed alternate attends a meeting of the Interim Finance Committee or is otherwise engaged in the business of the Interim Finance Committee, the member or appointed alternate is entitled to receive:~~

~~(a) The compensation provided for a majority of the Legislators during the first 60 days of the preceding regular session;~~

~~(b) The per diem allowance provided for state officers and employees generally; and~~

~~(c) The travel expenses provided pursuant to NRS 218A.655.~~

~~11. All such compensation, per diem allowances and travel expenses must be paid from the Contingency Fund in the State Treasury. (Deleted by amendment.)~~

Sec. 53. ~~[NRS 218E.405 is hereby amended to read as follows:~~

~~218E.405 1. Except as otherwise provided in subsection 2, the Interim Finance Committee may exercise the powers conferred upon it by law only when the Legislature is not in a regular or special session.~~

~~2. During a regular or special session, the Interim Finance Committee may also perform the duties imposed on it by NRS 229.1111, subsection 5 of NRS 284.115, NRS 285.070, subsection 2 of NRS 321.335, NRS 322.007, subsection 2 of NRS 323.020, NRS 323.050, subsection 1 of NRS 323.100, subsection 3 of NRS 341.126, NRS 341.142, paragraph (f) of subsection 1 of NRS 341.145, subsection 3 of NRS 349.073, NRS 353.220, [353.224,] 353.2705 to 353.2771, inclusive, 353.288, 353.335, 353C.224, 353C.226, paragraph (b) of subsection 4 of NRS 407.0762, NRS 428.375, 433.732, 439.4905, 439.620, 439.630, 445B.830, subsection 1 of NRS 445C.320 and NRS 538.650. In performing those duties, the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means may meet separately and transmit the results of their respective votes to the Chair of the Interim Finance Committee to determine the action of the Interim Finance Committee as a whole.~~

~~3. The Chair of the Interim Finance Committee may appoint a subcommittee consisting of six members of the Committee to review and make recommendations to the Committee on matters of the State Public Works Division of the Department of Administration that require prior approval of the Interim Finance Committee pursuant to subsection 3 of NRS 341.126, NRS 341.142 and paragraph (f) of subsection 1 of~~

~~NRS 341.145. If the Chair appoints such a subcommittee:~~

~~— (a) The Chair shall designate one of the members of the subcommittee to serve as the chair of the subcommittee;~~

~~— (b) The subcommittee shall meet throughout the year at the times and places specified by the call of the chair of the subcommittee; and~~

~~— (c) The Director or the Director's designee shall act as the nonvoting recording secretary of the subcommittee. (Deleted by amendment.)~~

Sec. 54. NRS 239.073 is hereby amended to read as follows:

239.073 1. The Committee to Approve Schedules for the Retention and Disposition of Official State Records, consisting of six members, is hereby created.

2. The Committee consists of:

(a) The Secretary of State;

(b) The Attorney General;

(c) The Director of the Department of Administration;

(d) The State Library, Archives and Public Records Administrator;

~~(e) The [Administrator of the Division of Enterprise Information Technology Services of the Department of Administration];~~ *Chief of the Office of the Chief Information Officer within the Office of the Governor;* and

(f) One member who is a representative of the general public appointed by the Governor.

➔ All members of the Committee, except the representative of the general public, are ex officio members of the Committee.

3. The Secretary of State or a person designated by the Secretary of State shall serve as Chair of the Committee. The State Library, Archives and Public Records Administrator shall serve as Secretary of the Committee and prepare and maintain the records of the Committee.

4. The Committee shall meet at least quarterly and may meet upon the call of the Chair.

5. An ex officio member of the Committee may designate a person to represent the ex officio member at any meeting of the Committee. The person designated may exercise all the duties, rights and privileges of the member that the person represents.

6. The Committee may adopt rules and regulations for its management.

Sec. 55. Chapter 242 of NRS is hereby amended by adding thereto the provisions set forth as sections 56 and 57 of this act.

Sec. 56. *"Chief" means the Chief of the Office of the Chief Information Officer within the Office of the Governor.*

Sec. 57. *"Office" means the Office of the Chief Information Officer within the Office of the Governor.*

Sec. 58. NRS 242.011 is hereby amended to read as follows:

242.011 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS ~~{242.013}~~ 242.015 to 242.068, inclusive, have the meanings ascribed to them in those sections.

Sec. 59. NRS 242.071 is hereby amended to read as follows:

242.071 1. The Legislature hereby determines and declares that the creation of the ~~{Division of Enterprise Information Technology Services of the Department of Administration}~~ *Office of the Chief Information Officer within the Office of the Governor* is necessary for the coordinated, orderly and economical processing of information in State Government, to ensure economical use of information systems and to prevent the unnecessary proliferation of equipment and personnel among the various state agencies.

2. The purposes of the ~~{Division}~~ Office are:

(a) To perform information services for state agencies.

(b) To provide technical advice but not administrative control of the information systems within the state agencies and, as authorized, of local governmental agencies.

Sec. 60. NRS 242.080 is hereby amended to read as follows:

242.080 1. The ~~{Division of Enterprise Information Technology Services of the Department}~~ *Office of the Chief Information Officer* is hereby created ~~{-}~~ *within the Office of the Governor*.

2. The Division Office consists of the ~~{Administrator}~~ Chief and the:

(a) Enterprise Application Services Unit.

(b) Communication and Computing Unit.

(c) Office of Information Security.

~~{3. A Communications Group and a Telecommunications Group are hereby created within the Communication and Computing Unit of the Division.}~~

(d) *Other units, groups, divisions or departments deemed necessary by the Chief to the extent such functions are supported by the appropriations allocated to the functions of the Office.*

Sec. 61. NRS 242.101 is hereby amended to read as follows:

242.101 1. The ~~{Administrator}~~ Chief Information Officer shall:

(a) Appoint ~~{the}~~ a Deputy Chief of the Office of Information Security who is in the classified service of the State;

(b) Administer the provisions of this chapter and other provisions of law relating to the duties of the ~~{Division}~~ *Office of the Chief Information Officer*;

(c) *Employ, within the limits of the approved budget of the Office, such other staff as is necessary for the performance of the duties of the Office; and*

~~{(e)}~~ (d) Carry out other duties and exercise other powers specified by law.

2. The ~~{Administrator}~~ Chief may form committees to establish standards and determine criteria for evaluation of policies relating to informational services.

Sec. 62. NRS 242.111 is hereby amended to read as follows:

242.111 The ~~{Administrator}~~ Chief shall adopt regulations necessary for the administration of this chapter, including:

1. The policy for the information systems of the Executive Branch of Government, excluding the Nevada System of Higher Education and the

Nevada Criminal Justice Information System, as that policy relates, but is not limited, to such items as standards for systems and programming and criteria for selection, location and use of information systems to meet the requirements of state agencies and officers at the least cost to the State;

2. The procedures of the ~~{Division}~~ Office in providing information services, which may include provision for the performance, by an agency which uses the services or equipment of the ~~{Division}~~ Office, of preliminary procedures, such as data recording and verification, within the agency;

3. The effective administration of the ~~{Division}~~ Office, including, without limitation, security to prevent unauthorized access to information systems and plans for the recovery of systems and applications after they have been disrupted;

4. The development of standards to ensure the security of the information systems of the Executive Branch of Government; and

5. Specifications and standards for the employment of all personnel of the ~~{Division}~~ Office.

Sec. 63. NRS 242.115 is hereby amended to read as follows:

242.115 1. Except as otherwise provided in subsection 2, the
~~{Administrator-The}~~ Chief shall:

(a) ~~{1}~~ Develop policies and standards for the information systems of the Executive Branch of Government;

(b) ~~{2}~~ Coordinate the development of a biennial state plan for the information systems of the Executive Branch of Government;

(c) ~~{3}~~ Develop guidelines to assist state agencies in the development of short- and long-term plans for their information systems; and

(d) ~~{4}~~ Develop guidelines and procedures for the procurement and maintenance of the information systems of the Executive Branch of Government.

2. This section does not apply to the Nevada System of Higher Education or the Nevada Criminal Justice Information System used to provide support for the operations of law enforcement agencies in this State.

Sec. 64. NRS 242.131 is hereby amended to read as follows:

242.131 1. The ~~{Division}~~ Office shall provide state agencies and elected state officers with all their required design of information systems. All agencies and officers must use those services and equipment, except as otherwise provided in subsection 2.

2. The following agencies may negotiate with the ~~{Division}~~ Office for its services or the use of its equipment, subject to the provisions of this chapter, and the ~~{Division}~~ Office shall provide those services and the use of that equipment as may be mutually agreed:

(a) The Court Administrator;

(b) The Department of Motor Vehicles;

(c) The Department of Public Safety;

(d) The Department of Transportation;

(e) The Employment Security Division of the Department of Employment,

Training and Rehabilitation; ~~{Department of Workforce;}~~

- (f) The Department of Wildlife;
 - (g) The Housing Division of the Department of Business and Industry;
 - (h) The Legislative Counsel Bureau;
 - (i) The State Controller;
 - (j) The Nevada Gaming Control Board and Nevada Gaming Commission;
- and
- (k) The Nevada System of Higher Education.

3. Any state agency or elected state officer who uses the services of the ~~{Division}~~ Office and desires to withdraw substantially from that use must apply to the ~~{Administrator}~~ Chief for approval. The application must set forth justification for the withdrawal. If the ~~{Administrator}~~ Chief denies the application, the agency or officer must:

(a) If the Legislature is in regular or special session, obtain the approval of the Legislature by concurrent resolution.

(b) If the Legislature is not in regular or special session, obtain the approval of the Interim Finance Committee. The ~~{Administrator}~~ Chief shall, within 45 days after receipt of the application, forward the application together with his or her recommendation for approval or denial to the Interim Finance Committee. The Interim Finance Committee has 45 days after the application and recommendation are submitted to its Secretary within which to consider the application. Any application which is not considered by the Committee within the 45-day period shall be deemed approved.

4. If the demand for services or use of equipment exceeds the capability of the ~~{Division}~~ Office to provide them, the ~~{Division}~~ Office may contract with other agencies or independent contractors to furnish the required services or use of equipment and is responsible for the administration of the contracts.

Sec. 65. Chapter 284 of NRS is hereby amended by adding thereto the provisions set forth as sections 66 and 67 of this act.

Sec. 66. 1. *This chapter and the regulations adopted pursuant thereto do not create or confer upon any state employee a contractual right to employment.*

2. *Except as authorized by specific statute, an appointing authority shall not execute any contract for employment with any state employee.*

Sec. 67. *The Administrator shall develop and implement:*

1. *An audit function to review each appointing authority's processes and compliance with applicable policies, procedures and provisions of law relating to human resources.*

2. *A centralized job announcement system that streamlines employment recruiting for all appointing authorities.*

3. *A centralized employment system that includes, without limitation, a platform that all applicants may use to apply for state employment.*

Sec. 68. NRS 284.010 is hereby amended to read as follows:

284.010 1. The Legislature declares that the purpose of this chapter is:

- (a) To provide all citizens a fair and equal opportunity for public service;
- (b) To establish conditions of service which will attract officers and employees of character and ability;
- (c) To establish uniform job and salary classifications; and
- (d) To increase the efficiency and economy of the agencies in the Executive Department of the State Government by the improvement of methods of ~~[personnel]~~ *human resources* administration.

2. The Legislature declares that, in its considered judgment, the proper administration of the Executive Department of our State Government requires the enactment of this chapter.

Sec. 69. NRS 284.015 is hereby amended to read as follows:

284.015 As used in this chapter, unless the context otherwise requires:

- 1. "Administrator" means the Administrator of the Division.
- 2. "Commission" means the ~~[Personnel]~~ *Human Resources* Commission.
- 3. "Disability, " includes, but is not limited to, physical disability, intellectual disability and mental or emotional disorder.

- 4. "Division" means the Division of Human Resource Management of the Department of Administration.

- 5. "Essential functions" has the meaning ascribed to it in 29 C.F.R. § 1630.2.

- 6. "Marginalized identity" means an identity that causes or has historically caused a person of such an identity to be disproportionately subject to discrimination, harassment or other negative treatment as a result of the identity.

- 7. "Protective hairstyle" includes, without limitation, hairstyles such as natural hairstyles, afros, bantu knots, curls, braids, locks and twists.

- 8. "Public service" means positions providing service for any office, department, board, commission, bureau, agency or institution in the Executive Department of the State Government operating by authority of the Constitution or law, and supported in whole or in part by any public money, whether the money is received from the Government of the United States or any branch or agency thereof, or from private or any other sources.

- 9. "Race" includes traits associated with race, including, without limitation, hair texture and protective hairstyles.

- 10. "Veteran" means a person who:

- (a) Was regularly enlisted, drafted, inducted or commissioned in the:

- (1) Armed Forces of the United States and was accepted for and assigned to active duty in the Armed Forces of the United States;

- (2) National Guard or a reserve component of the Armed Forces of the United States and was accepted for and assigned to duty for a minimum of 6 continuous years; or

- (3) Commissioned Corps of the United States Public Health Service or the Commissioned Corps of the National Oceanic and Atmospheric Administration of the United States and served in the capacity of a commissioned officer while on active duty in defense of the United States;

and

(b) Was separated from such service under conditions other than dishonorable.

11. "Veteran with a service-connected disability" has the meaning ascribed to it in NRS 338.13843 and includes a veteran who is deemed to be a veteran with a service-connected disability pursuant to NRS 417.0187.

Sec. 70. NRS 284.022 is hereby amended to read as follows:

284.022 The Division may include within the ~~{Personnel}~~ *Human Resources* System all employees of any governmental agency acquired for administration by the State.

Sec. 71. NRS 284.030 is hereby amended to read as follows:

284.030 1. There is hereby created in the Division a ~~{Personnel}~~ *Human Resources* Commission composed of five members appointed by the Governor.

2. The Governor shall appoint:

(a) Three members who are representatives of the general public and have a demonstrated interest in or knowledge of the principles of public ~~{personnel}~~ *human resources* administration.

(b) One member who is a representative of labor and has a background in ~~{personnel}~~ *human resources* administration.

(c) One member who is a representative of employers or managers and has a background in ~~{personnel}~~ *human resources* administration.

(d) An alternate member for each member appointed pursuant to paragraphs (a), (b) and (c) to serve when the regular member is unable to attend a meeting of the Commission.

Sec. 72. NRS 284.065 is hereby amended to read as follows:

284.065 1. The Commission has only such powers and duties as are authorized by law.

2. In addition to the powers and duties set forth elsewhere in this chapter, the Commission shall:

(a) Advise the Administrator concerning the organization and administration of the Division.

(b) Report to the Governor on all matters which the Commission may deem pertinent to the Division and concerning any specific matters previously requested by the Governor.

(c) Advise and make recommendations to the Governor or the Legislature relative to the ~~{personnel}~~ *human resources* policy of the State.

(d) Adopt regulations to carry out the provisions of this chapter.

(e) Foster the interest of institutions of learning and of civic, professional and employee organizations in the improvement of ~~{personnel}~~ *human resources* standards in the state service.

(f) Review decisions of the Administrator in contested cases involving the classification or allocation of particular positions.

(g) Exercise any other advisory powers necessary or reasonably implied within the provisions and purposes of this chapter.

Sec. 73. NRS 284.073 is hereby amended to read as follows:

284.073 1. The Employee-Management Committee shall:

(a) Serve in an advisory capacity to the Governor, the Commission and the Division with respect to all matters of ~~{personnel}~~ *human resources* administration and relations between management and employees.

(b) Receive, consider and make recommendations on matters relating to ~~{personnel}~~ *human resources* administration, policy and procedures.

(c) Provide a forum for the hearing of employees' suggestions, complaints or disciplinary problems.

(d) Provide a means of communication for disseminating information to employees regarding the ~~{personnel}~~ *human resources* program.

(e) Except as otherwise provided in subsection 2, hold hearings, when requested, and make final decisions for the adjustment of grievances as provided by the regulations of the Commission.

2. The Committee shall not hold any hearing or make a final decision for the adjustment of a grievance unless an equal number of members appointed pursuant to paragraphs (a) and (b) of subsection 2 of NRS 284.068 attend the hearing and take part in making the final decision.

Sec. 74. NRS 284.075 is hereby amended to read as follows:

284.075 The Administrator:

1. Shall not engage in any other gainful employment or occupation.

2. Must be selected with special reference to the person's training, experience, capacity and interest in the field of ~~{personnel}~~ *human resources* administration. The knowledge and abilities of the person selected as the Administrator should include:

(a) A comprehensive knowledge of the principles and practices of ~~{personnel}~~ *human resources* administration.

(b) A working knowledge of job and salary classification methods.

(c) An extensive knowledge of the organization and operations of state departments, agencies and institutions, and of statutes and regulations concerning government ~~{personnel}~~ *human resources*.

(d) An extensive knowledge of principles of public organization and administration.

(e) Administrative ability in the direction of staff analyses of government salaries and positions, and in the maintenance of effective working relationships with all state officials concerned with ~~{personnel}~~ *human resources*.

(f) Ability to organize and present clearly oral and written reports of findings and recommendations.

3. Must have progressively responsible experience in ~~{personnel}~~ *human resources* administration in an amount to be determined by the Commission and have been graduated from an accredited 4-year college or university, or have an equivalent combination of experience in ~~{personnel}~~ *human resources* administration or training, substituting 2 years of experience for 1 year of training.

Sec. 75. NRS 284.110 is hereby amended to read as follows:

284.110 1. The ~~{Personnel}~~ *Human Resources* Operating Fund is hereby created as an internal service fund.

2. The Division may accept on behalf of the State any grant or contribution, federal or otherwise, made to assist in meeting the costs of carrying out the purposes of this chapter. All such grants and contributions must be deposited with the State Treasurer to the credit of the ~~{Personnel}~~ *Human Resources* Operating Fund.

3. All costs of administering the provisions of this chapter must be paid out of the ~~{Personnel}~~ *Human Resources* Operating Fund on claims in the same manner as other claims against the State are paid.

Sec. 76. NRS 284.115 is hereby amended to read as follows:

284.115 1. The Administrator shall:

(a) Maintain accurate records reflecting the costs of administering the provisions of this chapter.

(b) In preparation for the budget for each biennium, determine, on the basis of experience during the 2 preceding fiscal years, the estimated cost of carrying out the functions of the Division for the 2 succeeding fiscal years, and inform each department, agency and institution operating under the provisions of this chapter of that cost.

2. Each department, agency and institution shall include in its budget for each of the 2 succeeding fiscal years an amount of money equal to the cost estimated pursuant to subsection 1.

3. Except as otherwise provided in subsection 4, on July 1 of each year each department, agency and institution shall pay to the Administrator for deposit in the ~~{Personnel}~~ *Human Resources* Operating Fund an assessment equal to the amount of money appropriated to or authorized for that department, agency or institution pursuant to its budget for the costs of ~~{personnel}~~ *human resources* administration.

4. Any state department, agency or institution may pay the assessment required by subsection 3 on a date or dates other than July 1 if compliance with federal law or regulation so requires.

5. Changes in assessments are effective upon approval of the Governor and the Interim Finance Committee.

Sec. 77. NRS 284.125 is hereby amended to read as follows:

284.125 1. When requested by the Governor, the Legislature, or their authorized representatives, the Administrator may:

(a) Investigate duplication of ~~{personnel}~~ *human resources* work of departments, institutions and agencies in the Executive Department of the State Government.

(b) Study the personnel organization and administration of those departments, institutions and agencies.

(c) Formulate plans for better and more effective ~~{personnel}~~ *human resources* management.

2. The Administrator shall prepare and report any ~~{personnel}~~ *human*

resources data or statistics which the Governor or the Legislature may require.

3. The Administrator shall cooperate with the heads of departments and agencies in making similar ~~{personnel}~~ *human resources* studies in their respective departments and agencies.

Sec. 78. NRS 284.145 is hereby amended to read as follows:

284.145 Officers authorized by law to make appointments to positions in the unclassified service and appointing officers of departments or institutions whose employees are exempt from the provisions of this chapter may make appointments from appropriate ~~{registers}~~ *pools* of eligible persons maintained by the Division . ~~{without affecting the continuance of the names on the list.}~~

Sec. 79. NRS 284.150 is hereby amended to read as follows:

284.150 1. The classified service of the State of Nevada is comprised of all positions in the public service now existing or hereafter created which are:

(a) Lawfully designated as being in the classified service; and

(b) Filled ~~{according to merit and fitness}~~ from *the* eligible ~~{lists}~~ *pools* of *persons prepared by appointing authorities* upon the basis of ~~{examination, which must be open and competitive,}~~ *evaluation by an appointing authority*, except as otherwise provided in this chapter and NRS 209.161.

2. Except as otherwise provided in NRS 193.105, 209.161 and 416.070, a person must not be appointed, transferred, promoted, demoted or discharged in the classified service in any manner or by any means other than those prescribed in this chapter and the regulations adopted in accordance therewith.

3. A person must not be discriminated against on account of the person's religious *or political* opinions or affiliations, race, sex, sexual orientation, gender identity or expression, age or disability.

Sec. 80. NRS 284.160 is hereby amended to read as follows:

284.160 1. The Administrator shall prepare, maintain and revise as necessary a *master* classification plan for all positions in the classified service, based upon similarity of duties and responsibilities, so that the same qualifications may reasonably be required for, and the same schedule of pay may be equitably applied to, all positions in the same class.

2. ~~The {duty of the Administrator to classify extends to all offices, employments and positions held by persons who may become members of the classified service under the provisions of this chapter.}~~ *The Administrator shall review annually the classification plan of each appointing authority using the audit function developed and implemented pursuant to section 67 of this act.*

3. ~~{The}~~ *Subject to the provisions of subsection 4, with the approval of the Administrator , an appointing authority may* ~~{, after consultation with the head of a department or agency,}~~ make changes in the classification of positions *within its agency* whenever the ~~{Administrator}~~ *the appointing*

authority deems it necessary for the efficiency of the public service.

4. The classification plan and changes therein are subject to approval by the Commission, except that the Administrator, *at the request of an appointing authority*, may make a change in the classification plan without the prior approval of the Commission if:

(a) The Administrator deems it necessary for the efficiency of the public service;

(b) The change is not proposed in conjunction with an occupational study; and

(c) The Administrator, at least 20 working days before acting upon the proposed change:

(1) Provides written notice of the proposal to each member of the Commission, to all departments and to any head of an employees' organization who requests notice of such proposals; and

(2) Posts a written notice of the proposal in each of the principal offices of the Division.

➡ Any occupational study conducted by the Division in connection with the preparation, maintenance or revision of the classification plan must be approved by the Commission.

5. If no written objection to the proposed change to the classification plan is received by the Administrator before the date it is scheduled to be acted upon, the Administrator may effect the change. The Administrator shall report to the Commission any change in the classification plan made without its approval at the Commission's next succeeding regular meeting.

6. If a written objection is received before the date the proposed change is scheduled to be acted upon, the Administrator shall place the matter on the agenda of the Commission for consideration at its next succeeding regular meeting.

Sec. 81. NRS 284.165 is hereby amended to read as follows:

284.165 1. As soon as practicable and after consultation with ~~[appointing authorities]~~ the Administrator and principal supervisory officials, ~~[the Administrator]~~ an appointing authority shall allocate the position of every employee in the classified service *within its agency* to one of the positions in the ~~[position]~~ the master classification plan.

2. Any employee affected by the allocation of a position to a grade or class or by a change in classification, after filing with the ~~[Administrator]~~ appointing authority a written request for reconsideration thereof, must be given a reasonable opportunity to be heard thereon by the ~~[Administrator.]~~ appointing authority.

3. Any employee who is aggrieved by the ~~[Administrator's]~~ appointing authority's decision concerning an allocation or change in classification is entitled to have the decision reviewed by the Commission if the employee submits a written request to the Commission for such a review not later than 30 days after the ~~[Administrator's]~~ appointing authority's decision.

Sec. 82. ~~[NRS 284.171 is hereby amended to read as follows:]~~

~~284.171 For the purposes of NRS 353.205 , [and 353.224,] the Administrator shall prepare and maintain an index which categorizes all positions in the classified service of the State into the following broad occupational groups:~~

- ~~1. Occupations in the fields of agriculture and conservation.~~
- ~~2. Clerical and related occupations.~~
- ~~3. Occupations relating to custodial and domestic services.~~
- ~~4. Occupations relating to library services.~~
- ~~5. Occupations in the field of education.~~
- ~~6. Engineering and allied occupations.~~
- ~~7. Occupations in fiscal management and related staff services.~~
- ~~8. Occupations relating to legal services.~~
- ~~9. Occupations in the mechanical and construction trades.~~
- ~~10. Occupations in the fields of medicine and health and related services.~~
- ~~11. Occupations in regulatory fields and in public safety.~~
- ~~12. Occupations in social services and rehabilitation.~~
- ~~13. Positions that require certification by the Peace Officers' Standards and Training Commission pursuant to NRS 289.150 to 289.360, inclusive.~~
- ~~14. Other occupations.] (Deleted by amendment.)~~

Sec. 83. NRS 284.180 is hereby amended to read as follows:

284.180 1. The Legislature declares that since uniform salary and wage rates and classifications are necessary for an effective and efficient ~~[personnel]~~ *human resources* system, the pay plan must set the official rates applicable to all positions in the classified service, but the establishment of the pay plan in no way limits the authority of the Legislature relative to budgeted appropriations for salary and wage expenditures.

2. Credit for overtime work directed or approved by the head of an agency or the representative of the head of the agency must be earned at the rate of time and one-half, except for those employees described in NRS 284.148.

3. Except as otherwise provided in subsections 4, 6, 7 and 9, overtime is considered time worked in excess of:

- (a) Eight hours in 1 calendar day;
- (b) Eight hours in any 16-hour period; or
- (c) A 40-hour week.

4. Firefighters who choose and are approved for a 24-hour shift shall be deemed to work an average of 56 hours per week and 2,912 hours per year, regardless of the actual number of hours worked or on paid leave during any biweekly pay period. A firefighter so assigned is entitled to receive 1/26 of the firefighter's annual salary for each biweekly pay period. In addition, overtime must be considered time worked in excess of:

- (a) Twenty-four hours in one scheduled shift; or
- (b) Fifty-three hours average per week during one work period for those hours worked or on paid leave.

↪ The appointing authority shall designate annually the length of the work

period to be used in determining the work schedules for such firefighters. In addition to the regular amount paid such a firefighter for the deemed average of 56 hours per week, the firefighter is entitled to payment for the hours which comprise the difference between the 56-hour average and the overtime threshold of 53 hours average at a rate which will result in the equivalent of overtime payment for those hours.

5. The Commission shall adopt regulations to carry out the provisions of subsection 4.

6. For employees who choose and are approved for a variable workday, overtime will be considered only after working 40 hours in 1 week.

7. Employees who are eligible under the Fair Labor Standards Act of 1938, 29 U.S.C. §§ 201 et seq., to work a variable 80-hour work schedule within a biweekly pay period and who choose and are approved for such a work schedule will be considered eligible for overtime only after working 80 hours biweekly, except those eligible employees who are approved for overtime in excess of one scheduled shift of 8 or more hours per day.

8. An agency may experiment with innovative workweeks upon the approval of the head of the agency and after majority consent of the affected employees. The affected employees are eligible for overtime only after working 40 hours in a workweek.

9. This section does not supersede or conflict with existing contracts of employment for employees hired to work 24 hours a day in a home setting. Any future classification in which an employee will be required to work 24 hours a day in a home setting must be approved in advance by the Commission.

10. All overtime must be approved in advance by the appointing authority or the designee of the appointing authority. No officer or employee, other than a director of a department or the chair of a board, commission or similar body, may authorize overtime for himself or herself. The chair of a board, commission or similar body must approve in advance all overtime worked by members of the board, commission or similar body.

11. The Division shall prepare and submit quarterly to the Budget Division of the Office of Finance a report regarding all overtime worked by employees of the Executive Department in the quarter. The Budget Division shall:

- (a) Review the report and analyze the overtime reported; and
- (b) Transmit quarterly to the State Board of Examiners the report and the analysis of the Budget Division regarding the report.

12. A state employee is entitled to his or her normal rate of pay for working on a legal holiday unless the employee is entitled to payment for overtime pursuant to this section and the regulations adopted pursuant thereto. This payment is in addition to any payment provided for by regulation for a legal holiday.

Sec. 84. NRS 284.205 is hereby amended to read as follows:

284.205 1. The Commission shall adopt regulations for ~~for open~~

~~competitive examinations to test the relative fitness of} the recruitment and evaluation of applicants {for the respective} to establish pools of eligible persons and fill positions { } in the classified service.~~

2. Each appointing authority shall comply with the regulations of the Commission when filling positions in the classified service.

Sec. 85. NRS 284.210 is hereby amended to read as follows:

284.210 ~~{1. All competitive examinations for}~~ In relation to positions in the classified service ~~{must:~~

~~—(a) Relate to those matters which fairly test the capacity and fitness of the persons examined to perform in an efficient manner the duties of the class in which employment is sought.~~

~~—(b) Be open to all applicants who meet the reasonable standards or requirements fixed by the Administrator with regard to experience, character, age, education, physical condition and any other factors relating to the ability of the applicants to perform the duties of the position with reasonable efficiency.~~

~~—2. An examination may consist of:~~

~~—(a) An evaluation of the applicant's training and experience;~~

~~—(b) A written examination;~~

~~—(c) An oral examination;~~

~~—(d) An evaluation of the applicant's performance, such as the ability to operate successfully certain equipment; or~~

~~—(e) Any combination of paragraphs (a) to (d), inclusive.~~

~~—3. An examination may be conducted by using a center for assessment as defined by regulations adopted by the Commission. An employee of the department for which an examination is being held may not serve on the panel or score the examination.~~

~~—4. An oral examination given pursuant to this section must be:~~

~~—(a) Except as otherwise provided in subsection 5, conducted by a panel of which no more than one third of the members are employed by the department in which a vacancy exists for the position for which the examination is given.~~

~~—(b) Recorded and maintained by the department for:~~

~~—(1) Not less than 2 years after the date of the examination; or~~

~~—(2) Until the final disposition of a charge of discrimination;~~

~~↪ whichever is longer, and must be available to an affected person upon request.~~

~~—5. Employees of the department in which a vacancy exists may comprise more than one third of the members of the panel if:~~

~~—(a) A member who is not such an employee is unable to serve on the panel because of illness or an emergency;~~

~~—(b) The department has more than 1,000 employees; and~~

~~—(c) The department has two or more divisions that administer separate and diverse programs and the employees of the department on the panel are not employed by the same division.} , each appointing authority shall, consistent~~

with the regulations adopted by the Commission pursuant to NRS 284.205, recruit, evaluate, select, manage and promote employees through open competition on the basis of knowledge, skills and ability and without regard to an applicant's or employee's religious or political opinions or affiliations, race, sex, sexual orientation, gender identity or expression, age or disability.

Sec. 86. NRS 284.240 is hereby amended to read as follows:

284.240 ~~[The Administrator]~~ *An appointing authority* may refuse to ~~[examine]~~ evaluate an applicant or, after ~~[examination,]~~ evaluation, may refuse to certify an eligible person who:

1. Lacks any of the preliminary requirements established for the ~~[examination]~~ evaluation for the position or employment for which the applicant or eligible person applies.

2. Submitted to a screening test administered pursuant to NRS 284.4066, the results of which indicated the presence of a controlled substance, and the person did not provide the proof required by NRS 284.4066.

3. Has been dismissed from the public service for delinquency or misconduct.

4. Has made a false statement of any material fact.

5. Has, directly or indirectly, given, rendered or paid, or promised to give, render or pay, any money, service or other valuable thing to any person for, or on account of or in connection with, the ~~[examination,]~~ evaluation, appointment or proposed appointment of the applicant or ~~[eligible]~~ person.

6. Has practiced, or attempted to practice, any deception or fraud in the application, certificate or ~~[examination]~~ evaluation of the applicant or eligible person, or in securing the eligibility or appointment of the applicant or eligible person.

Sec. 87. NRS 284.245 is hereby amended to read as follows:

284.245 1. When ~~[the Administrator]~~ *an appointing authority* refuses to ~~[examine]~~ evaluate an applicant or, after an ~~[examination,]~~ evaluation, refuses to certify ~~[an eligible]~~ a person, the applicant or eligible person may request the ~~[Administrator]~~ *appointing authority* to furnish to the applicant or eligible person a statement of the reasons for the refusal to ~~[examine]~~ evaluate or the refusal to certify, as the case may be. The ~~[Administrator]~~ *appointing authority* shall furnish the statement upon request.

2. If ~~[the Administrator]~~ *an appointing authority* refuses to ~~[examine]~~ evaluate an applicant or, after an ~~[examination,]~~ evaluation, refuses to certify ~~[an eligible]~~ a person, the applicant or eligible person may take an appeal to the Commission in accordance with regulations adopted by the Commission. If the Commission finds that the ~~[Administrator]~~ *appointing authority* is in error in refusing to ~~[examine]~~ evaluate an applicant or in refusing to certify ~~[an eligible]~~ a person, the Commission shall order the ~~[Administrator]~~ *appointing authority* to examine or certify, and the ~~[Administrator]~~ *appointing authority* shall comply.

Sec. 88. NRS 284.250 is hereby amended to read as follows:

284.250 ~~[1.]~~ The Commission shall adopt regulations for the

establishment of ~~{eligible lists}~~ *pools of eligible persons by an appointing authority* for appointment and promotion ~~{which must contain the names of successful applicants in the order of their relative excellence in the respective examinations.}~~

~~—2.— The term of eligibility of applicants on such lists is 1 year, but the term may be extended by the Administrator to a maximum of 3 years.}~~ *based on evaluations.*

Sec. 89. NRS 284.253 is hereby amended to read as follows:

284.253 In establishing the ~~{lists}~~ *pools of eligible persons, an appointing authority must allow a preference {must be allowed}* for persons who reside in this State . ~~{at the time the examination is completed. Five points must be added to the passing grade achieved on the examination.}~~ For the purposes of this section, the person examined must reside physically within the State. If any person is absent from the State with the intention in good faith to return without delay and continue the person's residence, the time of the absence must not be considered in determining the fact of the person's residence.

Sec. 90. NRS 284.254 is hereby amended to read as follows:

284.254 In establishing ~~{lists}~~ *pools of eligible persons, an appointing authority must allow a preference {must be allowed}* for each person in the classified service who has been separated from the service because the agency by which the person was employed was terminated pursuant to NRS 232B.100.

Sec. 91. NRS 284.255 is hereby amended to read as follows:

284.255 1. Appointments ~~{must}~~ *may* be made ~~{from the appropriate eligible list, but if no such list exists then the Administrator may certify from such other list as the Administrator deems the next most appropriate. A new and separate list must be created for a stated position only when there is no satisfactory list.}~~ *by an appointing authority only after pools of eligible persons are established by the appointing authority through the recruitment process.*

2. Unless otherwise provided by this chapter, no person may be appointed or employed under any title not appropriate to the duties performed.

Sec. 92. NRS 284.260 is hereby amended to read as follows:

284.260 ~~{1.}~~ In establishing the ~~{lists}~~ *pools of eligible persons, {the following preferences} an appointing authority must {be allowed, except that if a person qualifies for more than one of the following preferences, the person is not entitled to combine preference points for each such qualifying preference but is entitled to receive preference points for only one such qualifying preference that is most beneficial to the person.}*

~~—(a) For veterans, 10 points must be added to the passing grade achieved on the examination.~~

~~—(b) For widows} give a preference to:~~

1. Veterans.

2. Widows and widowers of persons killed in the line of duty while on active duty in the Armed Forces of the United States . ~~[, 10 points must be added to the passing grade achieved on the examination.]~~

~~—(c) For widows]~~

3. Widows and widowers of veterans . ~~[, 5 points must be added to the passing grade achieved on the examination.]~~

~~—(d) For a]~~

4. A member of the Nevada National Guard who submits a letter of recommendation from the commanding officer of the member's unit . ~~[, 5 points must be added to the passing grade achieved on the examination.]~~

~~—2. Any person qualifying for preference points pursuant to subsection 1 is entitled to have the points applied to any open competitive or promotional examination in the classified service.]~~

Sec. 93. NRS 284.265 is hereby amended to read as follows:

284.265 1. Except as otherwise provided in NRS 284.305, appointing authorities shall ~~[give notice to the Administrator of their intention to fill any vacancy in the classified service.]~~

~~—2. Except as otherwise provided in this subsection, within a reasonable time after the receipt of the notice, the Administrator shall certify from the list of eligible persons, appropriate for the grade and class in which the position is classified:~~

~~—(a) The five names at the head thereof. If the competitive examination for that position is scored to the nearest one hundredth of a point and there are more than five persons having the five highest scores, the names of each of those persons must be so certified.~~

~~—(b) Unless otherwise included among the names certified pursuant to paragraph (a), the name of any eligible person on the list who is a veteran with a service-connected disability. The appointing authority shall interview for the position each veteran with a service-connected disability who is so certified.~~

~~—3. If, pursuant to this chapter or the regulations adopted pursuant thereto, the process for filling the} use the centralized system established by the Administrator pursuant to section 67 of this act to obtain applicants for a position in the classified service . [is not governed by the provisions of subsection 2, the]~~

2. An appointing authority shall:

(a) Interview for the position each veteran with a service-connected disability who is a qualified applicant for the position; and

(b) If there are veterans without a service-connected disability who are qualified applicants for the position, interview for the position a number of such veterans that is equal to at least 22 percent of the total number of qualified applicants interviewed for the position or, if there is not a sufficient number to reach that percentage, interview for the position each such veteran who is a qualified applicant for the position. For the purpose of calculating percentages pursuant to this paragraph, percentages that are not whole

numbers must be rounded to the next highest whole number.

Sec. 94. NRS 284.295 is hereby amended to read as follows:

284.295 1. Vacancies in positions must be filled, so far as practicable, by promotion within a department or agency from among persons holding positions in the classified service. Promotions must be based upon merit and fitness, to be ascertained in accordance with regulations adopted by the Commission. In such regulations, the employee's efficiency, character, conduct and length of service must all constitute factors. For the purposes of this subsection, a person employed by the Legislative Branch of Government pursuant to subsection 7 of NRS 284.3775 shall be deemed to hold the position the person held before the legislative session.

2. Eligibility for promotion must be determined on recommendation ~~of the appointing authority~~ and ~~certification~~ *evaluation* by the ~~Administrator~~ *appointing authority* that the employee meets the minimum requirements and demonstrates the employee's qualifications in accordance with regulations adopted by the Commission.

3. The Administrator may provide, in specific cases, for competitive promotional ~~examinations~~ *evaluations* among employees of departments other than that in which a particular vacancy in a higher classification may exist.

4. An advancement in rank or grade or an increase in salary beyond the maximum fixed for the class constitutes a promotion.

Sec. 95. NRS 284.300 is hereby amended to read as follows:

284.300 1. The Commission shall adopt regulations requiring that a promotional appointee who fails to attain permanent status in the position to which the appointee was promoted, or who is dismissed for cause other than misconduct or delinquency on the appointee's part from the position to which the appointee was promoted, either during the probationary period or at the conclusion thereof by reason of the failure of the appointing authority to file a request for the appointee's continuance in the position, must be:

(a) Restored to the position from which the appointee was promoted , *if there is only one such position within the appointing authority*, unless the position has been filled by an employee with greater seniority;

(b) Placed in a position other than the position from which the appointee was promoted and for which a vacancy exists in the class held immediately before the promotion ~~to~~ , *if there is more than one such position within the appointing authority*; or

(c) If no position described in paragraph (a) or (b) exists:

(1) Appointed to a position for which a vacancy exists in a class equal to or lower than the class held immediately before the promotion; or

(2) Placed on an appropriate reemployment ~~list~~ *pool*.

2. Nothing contained in this section shall be construed to prevent any employee of the classified service from ~~competing for places upon lists of persons eligible~~ *seeking eligibility* for original appointments.

Sec. 96. NRS 284.305 is hereby amended to read as follows:

284.305 1. Except as otherwise provided in subsection 2, positions in the classified service may be filled *by an appointing authority* without ~~[competition]~~ *competitive evaluation* only as provided in NRS 284.155, 284.300, 284.307, 284.309, 284.310, 284.315, 284.320, 284.325, 284.327, 284.330, 284.375 and 284.3775.

2. The Commission may adopt regulations which provide for filling positions in the classified service without ~~[competition]~~ *competitive evaluation* in cases involving:

(a) The appointment of a current employee with a disability to a position at or below the grade of his or her position if the employee becomes unable to perform the essential functions of his or her position with or without reasonable accommodation;

(b) The demotion of a current employee;

(c) The reemployment of a current or former employee who was or will be adversely affected by layoff, military service, reclassification or a permanent partial disability arising out of and in the course of the employment of the current or former employee; or

(d) The reappointment of a current employee.

Sec. 97. NRS 284.309 is hereby amended to read as follows:

284.309 If a competitive ~~[examination]~~ *evaluation* is required for a vacancy and fewer than five qualified applicants respond after extensive efforts at recruitment, the ~~[examination]~~ *evaluation by the appointing authority* may be waived . ~~[and the Administrator may submit the applications of the qualified applicants without certification to the appointing authority for selection.]~~

Sec. 98. NRS 284.310 is hereby amended to read as follows:

284.310 1. Whenever there are urgent reasons for filling a vacancy in any position in the classified service ~~[and the Administrator is unable to certify from any appropriate eligible list for the vacancy, the Administrator]~~ , *an appointing authority* may issue a provisional permit or certify a suitable person to fill the vacancy provisionally only until a selection and appointment can be made after competitive ~~[examination.]~~ *evaluation*.

2. No person may receive more than one provisional appointment or serve more than 6 months in any 12-month period as a provisional appointee.

3. A provisional appointee must meet the minimum qualifications established for the ~~[class of positions involved.]~~ *position in the master classification plan*.

Sec. 99. NRS 284.320 is hereby amended to read as follows:

284.320 1. In case of a vacancy in a position where peculiar and exceptional qualifications of a scientific, professional or expert character are required, and upon satisfactory evidence that for specific reasons ~~[competition]~~ *competitive evaluation* in that case is impracticable, and that the position can best be filled by the selection of some designated person of high and recognized attainments in the required qualities, the Administrator may suspend the requirements of ~~[competition.]~~ *competitive evaluation*.

2. The Administrator may suspend the requirements of competitive ~~[examination]~~ *evaluation* for positions requiring highly professional qualifications if past experience or current research indicates a difficulty in recruitment or if the qualifications include a license or certification.

3. Upon specific written justification by the appointing authority, the Administrator may suspend the requirement of competitive ~~[examination]~~ *evaluation* for a position where extreme difficulty in recruitment has been experienced and extensive efforts at recruitment have failed to produce five persons in the state service who are qualified applicants for promotion to the position.

4. Except in the circumstances described in subsection 2, no suspension may be general in its application to any position.

Sec. 100. NRS 284.327 is hereby amended to read as follows:

284.327 1. Except as otherwise provided in subsection 4, if an appointing authority has a position available and the position is not required to be filled in another manner pursuant to this chapter, to assist persons with disabilities certified by the Rehabilitation Division ~~[of Workforce Development]~~ of the Department of Employment, Training and Rehabilitation, ~~[Workforce,]~~ the appointing authority shall, if possible, make a temporary limited appointment of a certified person with a disability for a period not to exceed 700 hours notwithstanding that the position so filled is a continuing position.

2. A person with a disability who is certified by the Rehabilitation Division ~~[of Workforce Development]~~ must be placed ~~[on]~~ *in* the appropriate ~~[list]~~ *pool* for which the person is eligible. Each such person must:

(a) Possess the training and skills necessary for the position for which the person is certified; and

(b) Be able to perform, with or without reasonable accommodation, the essential functions of that position.

3. The Rehabilitation Division ~~[of Workforce Development]~~ must be notified of an appointing authority's request for a list of eligibility on which the names of one or more certified persons with disabilities appear. ~~[A temporary limited appointment of a certified person with a disability pursuant to this section constitutes the person's examination as required by NRS 284.215.]~~

4. An appointing authority shall not make a temporary limited appointment of a certified person with a disability pursuant to this section in any circumstance that the appointing authority determines would create an actual or potential conflict of interest between the certified person with the disability and the agency of the Executive Department of the State Government in which the position exists. For the purposes of this subsection, the receipt of benefits by the certified person with the disability from the agency of the Executive Department of the State Government in which the position exists shall not be deemed to create an actual or potential conflict of interest between the certified person with the disability and the agency.

5. Each appointing authority shall ensure that there is at least one person on the staff of the appointing authority who has training concerning:

(a) Making a temporary limited appointment of a certified person with a disability pursuant to this section; and

(b) The unique challenges a person with a disability faces in the workplace.

6. The Commission shall adopt regulations to carry out the provisions of subsections 1 and 2.

7. This section does not deter or prevent appointing authorities from employing:

(a) A person with a disability if the person is available and eligible for permanent employment.

(b) A person with a disability who is employed pursuant to the provisions of subsection 1 in permanent employment if the person qualifies for permanent employment before the termination of the person's temporary limited appointment.

8. If a person appointed pursuant to this section is subsequently appointed to a permanent position during or after the 700-hour period, the 700 hours or portion thereof counts toward the employee's probationary period.

Sec. 101. ~~[NRS 284.350 is hereby amended to read as follows:]~~

~~284.350 1. Except as otherwise provided in subsections 2 [, 3] and 4, an employee in the public service, whether in the classified or unclassified service, is entitled to annual leave with pay of 1 1/4 working days for each month of continuous public service. The annual leave may be cumulative from year to year not to exceed [30] 60 working days. The Commission may by regulation provide for additional annual leave for long term employees, [and] for prorated annual leave for part-time employees [,] and for periodic payout of annual leave to employees.~~

~~2. Except as otherwise provided in this subsection, any annual leave in excess of [30] 60 working days must be used before January 1 of the year following the year in which the annual leave in excess of [30] 60 working days is accumulated or the amount of annual leave in excess of [30] 60 working days is forfeited on that date. If an employee:~~

~~(a) On or before October 15, requests permission to take annual leave; and~~

~~(b) The employee's request for leave is denied in writing for any reason,~~

~~the employee is entitled to payment for any annual leave in excess of [30] 60 working days which the employee requested to take and which the employee would otherwise forfeit as the result of the denial of the employee's request, unless the employee has final authority to approve use of the employee's own accrued leave and the employee received payment pursuant to this subsection for any unused annual leave in excess of [30] 60 working days accumulated during the immediately preceding calendar year. The payment for the employee's unused annual leave must be made to the employee not later than January 31.~~

~~3. [Officers and members of the faculty of the Nevada System of Higher Education are entitled to annual leave as provided by the regulations adopted pursuant to subsection 2 of NRS 284.345.~~

~~4.] The Commission shall establish by regulation a schedule for the accrual of annual leave for employees who regularly work more than 40 hours per week or 80 hours biweekly. The schedule must provide for the accrual of annual leave at the same rate proportionately as employees who work a 40-hour week accrue annual leave.~~

~~[5.] 4. No elected state officer may be paid for accumulated annual leave upon termination of the officer's service.~~

~~[6. During the first 6 months of employment of any employee in the public service, annual leave accrues as provided in subsection 1, but no annual leave may be taken during that period.~~

~~7.] 5. No employee in the public service may be paid for accumulated annual leave upon termination of employment unless the employee has been employed for 6 months or more.~~

~~[8.] 6. Upon the request of an employee, the appointing authority of the employee may approve the reduction or satisfaction of an overpayment of the salary of the employee that was not obtained by the fraud or willful misrepresentation of the employee with a corresponding amount of the accrued annual leave of the employee.] (Deleted by amendment.)~~

Sec. 102. NRS 284.3775 is hereby amended to read as follows:

284.3775 1. Except as otherwise provided in this section, employees of the Supreme Court, employees of the Court of Appeals or employees in the unclassified service of the Executive Branch of the Government of the State of Nevada who have served for 4 consecutive months or more are entitled to transfer to a position having similar duties and compensation in the classified service of the State on the same basis as employees may transfer within the classified service from a position under one appointing authority to a position under another appointing authority.

2. An employee of the Legislative Branch of the Government of the State of Nevada who has served for 4 consecutive months or more is entitled to transfer to:

(a) Any position in the classified service of the State having similar duties and compensation; or

(b) Any other position in the classified service of the State for which the employee is qualified, without regard to the duties and compensation of the position.

➤ Except as otherwise provided in this subsection and subsection 6, such an employee is entitled to transfer to such a position on the same basis as employees may transfer within the classified service from a position under one appointing authority to a position under another appointing authority.

3. The benefit conferred by subsections 1 and 2 includes any ~~[exemption from the taking of a competitive examination,]~~ retention of credits for annual and sick leave, and priority ~~[on]~~ in the ~~[lists]~~ pools of eligible persons to the

extent that such privileges are accorded to employees transferring within the classified service.

4. Except as otherwise provided in subsection 6, the benefits conferred by subsection 1 do not apply to an employee in the unclassified service who is the chief officer of a department or division.

5. Except as otherwise provided in this subsection and subsection 6, a person may not transfer pursuant to subsection 1 to a class composed of:

(a) Professionally qualified persons; or

(b) Officers and administrators who set broad policies and exercise responsibility for the execution of those policies.

➡ A person may transfer to a class described in paragraph (a) or (b) if that class is provided for pursuant to subsection 2 of NRS 284.155.

6. The restrictions provided in subsections 4 and 5 do not apply to:

(a) An employee of the Legislative Branch of Government; or

(b) An employee of the Supreme Court, an employee of the Court of Appeals or an employee in the unclassified service of the Executive Branch of Government whose appointment to that position was immediately preceded by an appointment in the classified service, except that an employee described in this paragraph may only transfer to a position in the classified service that has duties and compensation that are similar either to the employee's current position or to a position the employee previously held in the classified service.

7. An employee in the classified service of the State who is granted leave without pay to accept a position in the Legislative Branch of Government during a regular or special session:

(a) Is entitled to be restored to the employee's previous position in the classified service upon the completion of the legislative session without loss of seniority or benefits. Seniority must be calculated as if the employee had not taken the leave.

(b) Is eligible to fill vacancies in positions within the classified service to the extent that the employee would be eligible if the employee was not on leave from the employee's position in the classified service.

8. An employee of the Legislative Branch of the Government of the State of Nevada who is employed at the conclusion of a regular session of the Legislature and is eligible at that time pursuant to subsection 2 to transfer to a position in the classified service of the State may transfer to such a position on or before November 1 following session notwithstanding the termination of the employee's employment with the Legislative Branch of Government before that date.

9. For the purposes of this section, the weekly compensation of an employee of the Legislative Branch of Government who is paid a daily salary during a legislative session is seven times the daily salary.

Sec. 103. NRS 284.380 is hereby amended to read as follows:

284.380 1. In accordance with regulations, an appointing authority may lay off an employee in the classified service whenever the appointing

authority deems it necessary by reason of shortage of work or money or of the abolition of a position or of other material changes in duties or organization.

2. Among other factors, an appointing authority shall consider, in the manner provided by regulation, the status, seniority and service rating of employees in determining the order of layoffs.

3. Within a reasonable time before the effective date of a proposed layoff, the appointing authority shall give written notice thereof to the Administrator. The Administrator shall make such orders relating thereto as the Administrator considers necessary to secure compliance with the regulations.

4. The name of every regular employee so laid off must be placed ~~for~~ in an appropriate reemployment ~~list~~ pool.

Sec. 104. ~~[NRS 286.160 is hereby amended to read as follows:~~

~~286.160 1. The Board shall employ an Executive Officer who serves at the pleasure of the Board. The Executive Officer shall select a General Counsel, Operations Officer, Chief Investment Officer, Deputy Investment Officer, Chief Financial Officer, Manager of Information Systems, Administrative Services Coordinator and Administrative Analyst whose appointments are effective upon confirmation by the Board. The General Counsel, Operations Officer, Chief Investment Officer, Deputy Investment Officer, Chief Financial Officer, Manager of Information Systems, Administrative Services Coordinator and Administrative Analyst serve at the pleasure of the Executive Officer.~~

~~2. The Executive Officer, General Counsel, Operations Officer, Chief Investment Officer, Deputy Investment Officer, Chief Financial Officer, Manager of Information Systems, Administrative Services Coordinator and Administrative Analyst are entitled to annual salaries fixed by the Board with the approval of the Interim Retirement and Benefits Committee of the Legislature created pursuant to NRS 218E.420. [The salaries of these employees are exempt from the limitations of NRS 281.123.]~~

~~3. The Executive Officer must:~~

~~(a) Be a graduate of a 4 year college or university with a degree in business administration or public administration or equivalent degree.~~

~~(b) Possess at least 5 years' experience in a high level administrative or executive capacity, including responsibility for a variety of administrative functions such as retirement, insurance, investment or fiscal operations.~~

~~4. The General Counsel must be an attorney in good standing licensed and admitted to practice law in this State.~~

~~5. The Operations Officer, Chief Investment Officer, Deputy Investment Officer, Chief Financial Officer, Manager of Information Systems and Administrative Analyst must each be a graduate of a 4 year college or university with a degree in business administration or public administration or an equivalent degree.~~

~~6. Except as otherwise provided in NRS 284.143, the Executive Officer~~

~~shall not pursue any other business or occupation or perform the duties of any other office of profit during normal office hours unless on leave approved in advance. The Executive Officer shall not participate in any business enterprise or investment in real or personal property if the System owns or has a direct financial interest in that enterprise or property.] (Deleted by amendment.)~~

Sec. 105. ~~[NRS 287.0424 is hereby amended to read as follows:~~

~~287.0424 1. The Board shall employ an Executive Officer, subject to the approval of the Governor. The Executive Officer is in the unclassified service of the State and serves at the pleasure of the Board. The Board may delegate to the Executive Officer the exercise or discharge of any power, duty or function vested in or imposed upon the Board.~~

~~2. The Executive Officer must:~~

~~(a) Be a graduate of a 4 year college or university with a degree in business administration or public administration or an equivalent degree, as determined by the Board; and~~

~~(b) Possess at least 5 years' experience in a high-level administrative or executive capacity in the field of insurance, management of employees' benefits or risk management, including, without limitation, responsibility for a variety of administrative functions such as personnel, accounting, data processing or the structuring of insurance programs.~~

~~3. Except as otherwise provided in NRS 284.143, the Executive Officer shall not pursue any other business or occupation or perform the duties of any other office of profit during normal office hours unless on leave approved in advance. The Executive Officer shall not participate in any business enterprise or investment:~~

~~(a) With any vendor or provider to the Program; or~~

~~(b) In real or personal property if the Program owns or has a direct financial interest in that enterprise or property.~~

~~4. The Executive Officer is entitled to an annual salary fixed by the Board. [The salary of the Executive Officer is exempt from the limitations set forth in NRS 281.123.]] (Deleted by amendment.)~~

Sec. 106. ~~[Chapter 353 of NRS is hereby amended by adding thereto the provisions set forth as sections 107 and 108 of this act.] (Deleted by amendment.)~~

Sec. 107. ~~[1. The Nevada Way Account is hereby created in the State General Fund.~~

~~2. Money transferred to the Nevada Way Account pursuant to NRS 353.288 is a continuing appropriation solely for the purpose of making awards of money from the Nevada Way Account pursuant to this section.~~

~~3. The balance in the Nevada Way Account must not exceed 5 percent of the total of all appropriations from the State General Fund for the operation of all departments, institutions and agencies of the State Government and for the funding of schools and authorized expenditures from the State General Fund for the regulation of gaming for the fiscal year in which that revenue~~

~~will be transferred to the Account to Stabilize the Operation of the State Government.~~

~~4. Money in the Nevada Way Account may only be:~~

~~(a) Used for making awards of money pursuant to this section for the following purposes:~~

~~(1) Efforts relating to economic development or diversification that diversify or stabilize the State's tax structure.~~

~~(2) Opportunities that leverage tax revenues of the State at a ratio of not less than \$3 to \$1, including, without limitation:~~

~~(I) Financing opportunities through the Nevada State Infrastructure Bank created pursuant to NRS 408.55069;~~

~~(II) Public-private partnerships, including, without limitation, public-private partnerships in infrastructure, workforce housing, education, health care and resource conservation and development;~~

~~(III) Public-public partnerships, including, without limitation, those in infrastructure, workforce housing, education, healthcare and resource conservation and development; and~~

~~(IV) Opportunities to obtain federal money, including, without limitation, research grants and required matching money.~~

~~(3) Any combination of the purposes set forth in this paragraph.~~

~~(b) Allocated in the event of a fiscal emergency.~~

~~(c) Allocated directly by the Legislature to be used for any other purpose.~~

~~5. A request for an award of money from the Nevada Way Account may be submitted to the Governor from:~~

~~(a) The Speaker of the Assembly;~~

~~(b) The Majority Leader of the Senate;~~

~~(c) The Minority Leader of the Assembly;~~

~~(d) The Minority Leader of the Senate;~~

~~(e) A member of the Nevada Congressional Delegation;~~

~~(f) The chair of a board of county commissioners in this State;~~

~~(g) A mayor of an incorporated city in this State;~~

~~(h) The Executive Director of the Office of Economic Development; or~~

~~(i) The president of any university, state college or community college within the Nevada System of Higher Education.~~

~~6. A request for an award of money from the Nevada Way Account submitted pursuant to subsection 5 must be evaluated by the Nevada Way Leadership Advisory Committee, which must be comprised of:~~

~~(a) The Governor, who serves as chair;~~

~~(b) The Speaker of the Assembly;~~

~~(c) The Majority Leader of the Senate;~~

~~(d) The Minority Leader of the Assembly; and~~

~~(e) The Minority Leader of the Senate.~~

~~7. The Nevada Way Leadership Advisory Committee shall:~~

~~(a) Meet at the call of the chair.~~

~~(b) Review all requests submitted to the Governor for awards of money~~

~~from the Nevada Way Account pursuant to subsection 5 to determine whether the request is for a purpose that:~~

- ~~— (1) Is set forth in paragraph (a) or (b) of subsection 4;~~
- ~~— (2) Will result in a reduction in the dependence on the Account to Stabilize the Operation of State Government; and~~
- ~~— (3) Does not violate any federal or state law.~~
- ~~— (c) Recommend to the Governor the award of money for a request that received a majority vote of the members of the Committee.~~
- ~~— 8. After receipt of a recommendation pursuant to subsection 7, the Governor may, within the limits of available money, make an award of money from the Nevada Way Account.~~
- ~~— 9. Any award of money from the Nevada Way Account must include, without limitation, a requirement for:~~
 - ~~— (a) The use of the award within 2 years after the award and a prohibition on the award being a recurring need.~~
 - ~~— (b) Annual reporting relating to performance and accountability.~~
 - ~~— (c) Repayment of the award if any required performance target is not met.~~
 - ~~— (d) Use of other money, including, without limitation, private money, before use of the award of money from the Nevada Way Account, unless otherwise specifically required to obtain additional money.] (Deleted by amendment.)~~

Sec. 108. ~~[The Legislature hereby pledges not to require a state agency to reduce its appropriations from the State General Fund upon the receipt of money from a gift or grant unless the gift or grant is intended specifically to supplant such appropriations.] (Deleted by amendment.)~~

Sec. 109. NRS 353.185 is hereby amended to read as follows:

353.185 The powers and duties of the Chief are:

1. To appraise the quantity and quality of services rendered by each agency in the Executive Department of the State Government, and the needs for such services and for any new services.

2. To develop plans for improvements and economies in organization and operation of the Executive Department, and to install such plans as are approved by the respective heads of the various agencies of the Executive Department, or as are directed to be installed by the Governor or the Legislature.

3. To cooperate with the State Public Works Division of the Department of Administration in developing comprehensive, long-range plans for capital improvements and the means for financing them.

4. To devise and prescribe the forms for reports on the operations of the agencies in the Executive Department to be required periodically from the several agencies in the Executive Department, and to require the several agencies to make such reports.

5. To prepare the executive budget report for the Governor's approval and submission to the Legislature.

6. To prepare a proposed budget for the Executive Department of the

State Government for the next 2 fiscal years, which must:

(a) Present a complete financial plan for the next 2 fiscal years;

(b) Set forth all proposed expenditures for the administration, operation and maintenance of the departments, institutions and agencies of the Executive Department of the State Government, including those operating on funds designated for specific purposes by the Constitution or otherwise, which must include a separate statement of:

(1) The anticipated expense, including personnel, for the operation and maintenance of each capital improvement to be constructed during the next 2 fiscal years and of each capital improvement constructed on or after July 1, 1999, which is to be used during those fiscal years or a future fiscal year; and

(2) The proposed source of funding for the operation and maintenance of each capital improvement, including personnel, to be constructed during the next 2 fiscal years;

(c) Set forth all charges for interest and debt redemption during the next 2 fiscal years;

(d) Set forth all expenditures for capital projects to be undertaken and executed during the next 2 fiscal years, and which must, to the extent practicable, provide that each capital project which exceeds a cost of \$10,000,000 be scheduled to receive funding for design and planning during one biennium and funding for construction in the subsequent biennium; and

(e) Set forth the anticipated revenues of the State Government, and any other additional means of financing the expenditures proposed for the next 2 fiscal years.

7. To examine and approve work programs and allotments to the several agencies in the Executive Department, and changes therein ~~{-}~~ , *in accordance with NRS 353.220.*

8. To examine and approve statements and reports on the estimated future financial condition and the operations of the agencies in the Executive Department of the State Government and the several budgetary units that have been prepared by those agencies and budgetary units, before the reports are released to the Governor, to the Legislature or for publication.

9. To receive and deal with requests for information as to the budgetary status and operations of the executive agencies of the State Government.

10. To prepare such statements of unit costs and other statistics relating to cost as may be required from time to time, or requested by the Governor or the Legislature.

11. To do and perform such other and further duties relative to the development and submission of an adequate proposed budget for the Executive Department of the State Government of the State of Nevada as the Governor may require.

Sec. 110. NRS 353.220 is hereby amended to read as follows:

353.220 1. The head of any department, institution or agency of the Executive Department of the State Government, whenever he or she deems it necessary because of changed conditions, may request the revision of the

work program of his or her department, institution or agency at any time during the fiscal year, and submit the revised program to the Governor through the Chief with a request for revision of the allotments for the remainder of that fiscal year.

2. Every request for revision must be submitted to the Chief on the form and with supporting information as the Chief prescribes.

3. Before encumbering any appropriated or authorized money, every request for revision must be approved or disapproved in writing by the Governor or the Chief, if the Governor has by written instrument delegated this authority to the Chief.

4. Except as otherwise provided in subsection 8, whenever a request for the revision of a work program of a department, institution or agency in an amount more than ~~[\$30,000-\$100,000]~~ \$75,000 would, when considered with all other changes in allotments for that work program made pursuant to subsections 1, 2 and 3 and NRS 353.215, increase or decrease by ~~[10-25]~~ 20 percent or ~~[\$75,000,-\$500,000]~~ \$350,000 whichever is less, the expenditure level approved by the Legislature for any of the allotments within the work program, the request must be approved as provided in subsection 5 before any appropriated or authorized money may be encumbered for the revision.

5. If a request for the revision of a work program requires additional approval as provided in subsection 4 and:

(a) Is necessary because of an emergency as defined in NRS 353.263 or for the protection of life or property, the Governor shall take reasonable and proper action to approve it and shall report the action, and his or her reasons for determining that immediate action was necessary, to the Interim Finance Committee at its first meeting after the action is taken. Action by the Governor pursuant to this paragraph constitutes approval of the revision, and other provisions of this chapter requiring approval before encumbering money for the revision do not apply.

(b) The Governor determines that the revision is necessary and requires expeditious action, he or she may certify that the request requires expeditious action by the Interim Finance Committee. Whenever the Governor so certifies, the Interim Finance Committee has 15 days after the request is submitted to its Secretary within which to consider the revision. Any request for revision which is not considered within the 15-day period shall be deemed approved.

(c) Does not qualify pursuant to paragraph (a) or (b), it must be submitted to the Interim Finance Committee. The Interim Finance Committee has 45 days after the request is submitted to its Secretary within which to consider the revision. Any request which is not considered within the 45-day period shall be deemed approved.

6. The Secretary shall place each request submitted pursuant to paragraph (b) or (c) of subsection 5 on the agenda of the next meeting of the Interim Finance Committee.

7. In acting upon a proposed revision of a work program, the Interim Finance Committee shall consider, among other things:

(a) The need for the proposed revision; and

(b) The intent of the Legislature in approving the budget for the present biennium and originally enacting the statutes which the work program is designed to effectuate.

8. The provisions of subsection 4 do not apply to any request for the revision of a work program which is required:

(a) As a result of the acceptance of a gift or grant of property or services pursuant to subsection 5 of NRS 353.335; or

(b) To carry forward to a fiscal year, without a change in purpose, the unexpended balance of any money authorized for expenditure in the immediately preceding fiscal year.

Sec. 111. ~~[NRS 353.228 is hereby amended to read as follows:~~

~~353.228 1. The Economic Forum impaneled pursuant to NRS 353.226 shall:~~

~~—(a) Make such projections for economic indicators as it deems necessary to ensure that an accurate estimate is produced pursuant to paragraph (b);~~

~~—(b) Provide an accurate estimate of the revenue that will be collected by the State for general, unrestricted uses, and not for special purposes, during the biennium that begins on July 1 of the year following the date on which the Economic Forum was empaneled;~~

~~—(c) Request such technical assistance as the Economic Forum deems necessary from the Technical Advisory Committee created by NRS 353.229;~~

~~—(d) On or before December 3 of each even numbered year, prepare a written report of its projections of economic indicators and estimate of future state revenue required by paragraphs (a) and (b) and present the report to the Governor and the Legislature;~~

~~—(e) On or before May 1 of each odd numbered year, prepare a written report confirming or revising the projections of economic indicators and estimate of future state revenue contained in the report prepared pursuant to paragraph (d) and present the report to the Governor and the Legislature; [and]~~

~~—(f) Prepare an accurate estimate of the amount of money that would be required to be reserved;~~

~~—(1) In the Account to Stabilize the Operation of the State Government, as a percentage of the current balance of that Account, to avoid reductions in money for programs supported by direct appropriations from the State General Fund in four of the previous five qualifying periods of fiscal instability.~~

~~—(2) In the Education Stabilization Account, as a percentage of the current balance of that Account, to avoid reductions in money for programs supported by direct appropriations from the State Education Fund in four of the previous five qualifying periods of fiscal instability.~~

~~—(g) On or before June 10 of each even numbered year, prepare a written~~

~~report of its estimates of required reserves as required by paragraph (f) and present the report to the Governor and the Legislature; and~~

~~—(h) Except as otherwise provided in subsection 2, on or before June 10 of each even-numbered year and December 10 of each odd-numbered year, hold a meeting to consider current economic indicators, including, without limitation, employment, unemployment, personal income and any other indicators deemed appropriate by the Economic Forum. Based on current economic indicators, the Economic Forum shall update the status of actual State General Fund revenue compared to the most recent forecast of the Economic Forum. The provisions of this paragraph are not intended to authorize the Economic Forum to make additional forecasts pursuant to paragraph (b). At the next appropriate meeting of the Interim Finance Committee, the Chair of the Economic Forum or a member of the staff of the Economic Forum shall present to the Interim Finance Committee such matters considered at the meeting of the Economic Forum held pursuant to this paragraph, as the Economic Forum determines appropriate. Any such information presented to the Interim Finance Committee must be made available on the Internet website of the Legislature.~~

~~—2. If the deadline for preparing a report or holding a meeting as required in subsection 1 falls on a Saturday, Sunday or legal holiday, the deadline is extended to the second business day following the deadline.~~

~~—3. The Economic Forum may make preliminary projections of economic indicators and estimates of future state revenue at any time. Any such projections and estimates must be made available to the various agencies of the State through the Chief.~~

~~—4. The Economic Forum may request information directly from any state agency, including, without limitation, the Nevada System of Higher Education. A state agency, including, without limitation, the Nevada System of Higher Education, that receives a reasonable request for information from the Economic Forum shall comply with the request as soon as is reasonably practicable after receiving the request.~~

~~—5. The Economic Forum may request direct testimony from any state agency, including, without limitation, the Nevada System of Higher Education, at a meeting of the Economic Forum or the Technical Advisory Committee. The head, or a designee thereof, of a state agency, including, without limitation, the Nevada System of Higher Education, who receives a reasonable request for direct testimony at a meeting of the Economic Forum or the Technical Advisory Committee shall appear at the meeting and shall comply with the request.~~

~~—6. To carry out its duties pursuant to this section, the Economic Forum may consider any information received from the Technical Advisory Committee and any other information received from independent sources.~~

~~—7. Copies of the projections and estimates made pursuant to this section must be made available to the public by the Director of the Legislative Counsel Bureau for the cost of reproducing the material.~~

~~8. As used in this section, "qualifying period of fiscal instability" means any fiscal year in which money was transferred from:~~

~~(a) The Account to Stabilize the Operation of the State Government pursuant to subsection 7 of NRS 353.288; or~~

~~(b) The Education Stabilization Account pursuant to subsection 4 of NRS 387.1213.] (Deleted by amendment.)~~

Sec. 112. ~~[NRS 353.269 is hereby amended to read as follows:~~

~~353.269 1. The recommendation of the State Board of Examiners for an allocation from the Contingency Account shall be transmitted to the Director of the Legislative Counsel Bureau, who shall notify the Chair of the Interim Finance Committee. The Chair shall call a meeting of the Committee to consider the recommendation.~~

~~2. No allocation from the Contingency Account may be made by the Interim Finance Committee to effect salary increases for state officers and employees. [except as provided in NRS 281.1233.]~~

~~3. If the Interim Finance Committee, after independent determination, finds that an allocation recommended by the State Board of Examiners should and may lawfully be made, the Committee shall by resolution establish the amount and purpose of the allocation, and direct the State Controller to transfer that amount to the appropriate fund and account. The State Controller shall thereupon make the transfer.] (Deleted by amendment.)~~

Sec. 113. NRS 353.288 is hereby amended to read as follows:

353.288 1. The Account to Stabilize the Operation of the State Government is hereby created in the State General Fund. Except as otherwise provided in subsections 3 ~~[,]~~ and 4 ~~, [and 6]~~ each year after the close of the previous fiscal year and before the issuance of the State Controller's annual report, the State Controller shall transfer from the State General Fund to the Account to Stabilize the Operation of the State Government:

(a) Forty percent of ~~the~~ the unrestricted balance of the State General Fund, as of the close of the previous fiscal year, which remains after subtracting an amount equal to ~~the~~ 7 percent ~~for more but less than 9 percent~~ of all appropriations made from the State General Fund during that previous fiscal year for the operation of all departments, institutions and agencies of State Government and for the funding of schools; and ~~operating expenditures during the previous fiscal year, 40 percent of that excess amount.~~

(b) ~~[If the unrestricted balance of the State General Fund, as of the close of the previous fiscal year, is 9 percent or more but less than 12 percent of operating expenditures during the previous fiscal year:~~

~~(1) Forty percent of the excess amount that is less than 9 percent of those operating expenditures; and~~

~~(2) Forty five percent of the excess amount that is 9 percent or more of those operating expenditures.~~

~~(c) If the unrestricted balance of the State General Fund, as of the close of the previous fiscal year, is 12 percent or more but is less than 15 percent of~~

~~operating expenditures for the previous fiscal year:~~

~~— (1) Forty percent of the excess amount that is less than 9 percent of those operating expenditures;~~

~~— (2) Forty five percent of the excess amount that is 9 percent or more but is less than 12 percent of those operating expenditures; and~~

~~— (3) Fifty percent of the excess amount that is 12 percent or more of those operating expenditures.~~

~~— (d) If the unrestricted balance of the State General Fund, as of the close of the previous fiscal year, is 15 percent or more of operating expenditures for the previous fiscal year:~~

~~— (1) Forty percent of the excess amount that is less than 9 percent of those operating expenditures;~~

~~— (2) Forty five percent of the excess amount that is 9 percent or more but is less than 12 percent of those operating expenditures;~~

~~— (3) Fifty percent of the excess amount that is 12 percent or more but is less than 15 percent of those operating expenditures; and~~

~~— (4) Fifty five percent of the excess amount that is 15 percent or more of those operating expenditure.~~

~~— (e)}~~ Commencing with the fiscal year that begins on July 1, 2017, 1 percent of the total anticipated revenue for the fiscal year in which the transfer will be made, as projected by the Economic Forum for that fiscal year pursuant to paragraph (e) of subsection 1 of NRS 353.228 and as adjusted by any legislation enacted by the Legislature that affects state revenue for that fiscal year.

2. Money ~~{Except as otherwise provided in section 107 of this act, money}~~ transferred pursuant to subsection 1 to the Account to Stabilize the Operation of the State Government is a continuing appropriation solely for the purpose of authorizing the expenditure of the transferred money for the purposes set forth in this section.

3. The balance in the Account to Stabilize the Operation of the State Government must not exceed ~~{20-30}~~ 26 percent of the total of all appropriations from the State General Fund for the operation of all departments, institutions and agencies of the State Government and for the funding of schools and authorized expenditures from the State General Fund for the regulation of gaming for the fiscal year in which that revenue will be transferred to the Account to Stabilize the Operation of the State Government.

4. ~~{To the extent that the balance in the Account to Stabilize the Operations of State Government exceeds 20 percent of the total of all appropriations from the State General Fund for the operation of all departments, institutions and agencies of the State Government and for the funding of schools and authorized expenditures from the State General Fund for the regulation of gaming for the fiscal year in which revenue is transferred to the Account to Stabilize the Operation of State Government, except as otherwise provided in this subsection, the amount that exceeds~~

~~20 percent must be transferred to the Nevada Way Account created pursuant to section 107 of this act. The amount transferred to the Nevada Way Account pursuant to this subsection must not be more than 5 percent of the total of all appropriations from the State General Fund for the operation of all departments, institutions and agencies of the State Government and for the funding of schools and authorized expenditures from the State General Fund for the regulation of gaming for the fiscal year in which revenue is transferred to the Account to Stabilize the Operation of State Government.~~

~~5. If the Governor declares that a fiscal emergency exists, the Governor may request the transfer from the Account to Stabilize the Operation of State Government to the State General Fund of an amount not to exceed:~~

~~(a) Five percent of the total of all appropriations from the State General Fund for the operation of all departments, institutions and agencies of the State Government and for the funding of schools and authorized expenditures from the State General Fund for the regulation of gaming be transferred to the State General Fund. Upon such a request, the State Controller shall transfer the amount requested by the Governor to the State General Fund.~~

~~(b) Twenty percent of the total of all appropriations from the State General Fund for the operation of all departments, institutions and agencies of the State Government and for the funding of schools and authorized expenditures from the State General Fund for the regulation of gaming be transferred to the State General Fund upon approval by the Board of Examiners and the Interim Finance Committee.~~

~~(c) Twenty percent of the total of all appropriations from the State General Fund for the operation of all departments, institutions and agencies of the State Government and for the funding of schools and authorized expenditures from the State General Fund for the regulation of gaming be transferred to the State General Fund upon concurrence by resolution of the Legislature.~~

~~6.]~~ Except as otherwise provided in this subsection and NRS 353.2735, beginning with the fiscal year that begins on July 1, 2003, the State Controller shall, at the end of each quarter of a fiscal year, transfer from the State General Fund to the Disaster Relief Account created pursuant to NRS 353.2735 an amount equal to not more than 10 percent of the aggregate balance in the Account to Stabilize the Operation of the State Government during the previous quarter. The State Controller shall not transfer more than \$500,000 for any quarter pursuant to this subsection.

5. The Director of the Office of Finance in the Office of the Governor may submit a request to the State Board of Examiners to transfer money from the Account to Stabilize the Operation of the State Government to the State General Fund:

(a) If the total actual revenue of the State falls short by 5 percent or more of the total anticipated revenue for the biennium in which the transfer will be made, as determined by the Legislature, or the Interim Finance Committee if the Legislature is not in session; or

(b) If the Legislature, or the Interim Finance Committee if the Legislature is not in session, and the Governor declare that a fiscal emergency exists.

6. The State Board of Examiners shall consider a request made pursuant to subsection 5 and shall, if it finds that a transfer should be made, recommend the amount of the transfer to the Interim Finance Committee for its independent evaluation and action. The Interim Finance Committee is not bound to follow the recommendation of the State Board of Examiners.

7. If the Interim Finance Committee finds that a transfer recommended by the State Board of Examiners should and may lawfully be made, the Committee shall by resolution establish the amount and direct the State Controller to transfer that amount to the State General Fund. The State Controller shall thereupon make the transfer.

8. In addition to the manner of allocation authorized pursuant to subsections 5, 6 and 7, the

~~{7. The}~~ money in the Account to Stabilize the Operation of the State Government may be allocated directly by the Legislature to be used for any other purpose.

Sec. 114. NRS 353.335 is hereby amended to read as follows:

353.335 1. Except as otherwise provided in subsections 5 and 6, a state agency may accept any gift or grant of property or services from any source only if it is included in an act of the Legislature authorizing expenditures of nonappropriated money or, when it is not so included, if it is approved as provided in subsection 2.

2. If:

(a) Any proposed gift or grant is necessary because of an emergency as defined in NRS 353.263 or for the protection or preservation of life or property, the Governor shall take reasonable and proper action to accept it and shall report the action and his or her reasons for determining that immediate action was necessary to the Interim Finance Committee at its first meeting after the action is taken. Action by the Governor pursuant to this paragraph constitutes acceptance of the gift or grant, and other provisions of this chapter requiring approval before acceptance do not apply.

(b) The Governor determines that any proposed gift or grant would be forfeited if the State failed to accept it before the expiration of the period prescribed in paragraph (c), the Governor may declare that the proposed acceptance requires expeditious action by the Interim Finance Committee. Whenever the Governor so declares, the Interim Finance Committee has 15 days after the proposal is submitted to its Secretary within which to approve or deny the acceptance. Any proposed acceptance which is not considered within the 15-day period shall be deemed approved.

(c) The proposed acceptance of any gift or grant does not qualify pursuant to paragraph (a) or (b), it must be submitted to the Interim Finance Committee. The Interim Finance Committee has 45 days after the proposal is submitted to its Secretary within which to consider acceptance. Any proposed acceptance which is not considered within the 45-day period shall

be deemed approved.

3. The Secretary shall place each request submitted to the Secretary pursuant to paragraph (b) or (c) of subsection 2 on the agenda of the next meeting of the Interim Finance Committee.

4. In acting upon a proposed gift or grant, the Interim Finance Committee shall consider, among other things:

- (a) The need for the facility or service to be provided or improved;
- (b) Any present or future commitment required of the State;
- (c) The extent of the program proposed; and
- (d) The condition of the national economy, and any related fiscal or monetary policies.

5. A state agency may accept:

(a) Gifts, including grants from nongovernmental sources, not exceeding ~~[\$20,000-\$100,000]~~ \$200,000 each in value; and

(b) Governmental grants not exceeding ~~[\$150,000]~~ \$200,000 each in value,

➡ if the gifts or grants are used for purposes which do not involve the hiring of new employees and if the agency has the specific approval of the Governor or, if the Governor delegates this power of approval to the Chief of the Budget Division of the Office of Finance, the specific approval of the Chief.

6. This section does not apply to:

- (a) The Nevada System of Higher Education;
- (b) The Department of Health and Human Services while acting as the state health planning and development agency pursuant to paragraph (d) of subsection 2 of NRS 439A.081 or for donations, gifts or grants to be disbursed pursuant to NRS 433.395 or 435.490;

(c) Legal services provided on a pro bono basis by an attorney or law firm engaged in the private practice of law to the State of Nevada or any officer, agency or employee in the Executive Department of the State Government pursuant to a contract for legal services entered into by or at the request of the Attorney General in accordance with NRS 228.112 to 228.1127, inclusive;

(d) Artifacts donated to the Department of Tourism and Cultural Affairs;

or

(e) The initial \$250,000 received by the Department of Wildlife pursuant to subsection 1 of NRS 501.3585 as a gift, donation, bequest or devise, or combination thereof, for an unanticipated emergency event, as defined in NRS 501.3585 ; or

(f) *A gift or grant that will be deposited in a budget account that consists of money which is not appropriated by or authorized for expenditure by the Legislature.*

Sec. 115. ~~NRS 388.605 is hereby amended to read as follows:~~
~~388.605 As used in NRS 388.605 to 388.655, inclusive, unless the~~
~~context otherwise requires:~~

~~1. "Board" means the Board for the Education and Counseling of Displaced Homemakers.~~

~~2. "Director" means the Director of the Department of [Employment, Training and Rehabilitation.] Workforce.~~

~~3. "Displaced homemaker" means any person who:~~

~~(a) Is not gainfully employed or has less than full time or adequate employment;~~

~~(b) Has worked at home for a substantial number of years providing household services to members of his or her family without compensation;~~

~~(c) Has difficulty in securing employment adequate for economic independence; and~~

~~(d) Has been dependent:~~

~~(1) On the income of another member of his or her family, but is no longer supported by that income;~~

~~(2) Upon public assistance but is no longer eligible; or~~

~~(3) On another member of his or her family for the management of his or her personal finances, but that person is no longer available to provide that assistance.) (Deleted by amendment.)~~

Sec. 116. NRS 388.790 is hereby amended to read as follows:

388.790 1. The Commission on Educational Technology, consisting of 2 members who serve ex officio and 11 members who are appointed, is hereby created. The Superintendent of Public Instruction and the ~~[Administrator of the Division of Enterprise Information Technology Services of the Department of Administration]~~ *Chief of the Office of the Chief Information Officer within the Office of the Governor* shall serve ex officio as nonvoting members of the Commission.

2. The Governor shall appoint the following voting members to the Commission, at least two of whom must reside in a county whose population is less than 100,000:

(a) One administrator in a public school who possesses knowledge and experience in the general application of technology;

(b) One school teacher in a public elementary school who possesses knowledge and experience in the use of educational technology in the public schools;

(c) One school teacher in a public secondary school who possesses knowledge and experience in the use of educational technology in the public schools;

(d) One representative of public libraries who possesses knowledge and experience in the general application of technology;

(e) One representative of the Nevada System of Higher Education who possesses knowledge and experience in the use of educational technology in institutions of higher education;

(f) One representative of the private sector who possesses knowledge and experience in the use of technology; and

(g) One parent or legal guardian who possesses knowledge and experience

in the general application of technology.

3. The Majority Leader of the Senate shall appoint two voting members to the Commission:

- (a) One of whom is a member of the Senate; and
- (b) One of whom is employed in the field of technology.

4. The Speaker of the Assembly shall appoint two voting members to the Commission:

- (a) One of whom is a member of the Assembly; and
- (b) One of whom is employed in the field of technology.

5. The Governor shall appoint a Chair among the voting members of the Commission.

6. After the initial terms, the term of each member of the Commission is 2 years, commencing on January 1 of the year in which the member is appointed and expiring on December 31 of the immediately following year. A member shall continue to serve on the Commission until his or her successor is appointed. Upon the expiration of a term of a member, he or she may be reappointed if he or she still possesses any requisite qualifications for appointment. There is no limit on the number of terms that a member may serve.

7. The person or entity who appoints a member to the Commission may remove that member if the member neglects his or her duty or commits malfeasance in office, or for other just cause. Any vacancy in the membership of the Commission must be filled for the remainder of the unexpired term in the same manner as the original appointment.

8. The Commission shall hold at least four regular meetings each year and may hold special meetings at the call of the Chair.

9. Members of the Commission who are not Legislators serve without compensation, except that for each day or portion of a day during which a member of the Commission attends a meeting of the Commission or is otherwise engaged in the business of the Commission, the member is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

10. For each day or portion of a day during which a member of the Commission who is a Legislator attends a meeting of the Commission or is otherwise engaged in the work of the Commission, except during a regular or special session of the Legislature, the Legislator is entitled to receive the:

- (a) Compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding session;
- (b) Per diem allowance provided for state officers and employees generally; and
- (c) Travel expenses provided pursuant to NRS 218A.655.

➡ The compensation, per diem allowances and travel expenses of the legislative members of the Commission must be paid from the Legislative Fund.

Sec. 117. ~~[NRS 289.038 is hereby amended to read as follows:]~~

~~389.038 The Department [, in consultation with the Advisory Council on Science, Technology, Engineering and Mathematics created by NRS 223.640,] shall:~~

~~1. Review each course in computer science submitted to the State Board for approval pursuant to NRS 389.037 and all instruction in computer education and technology submitted to the State Board for approval pursuant to NRS 389.072; and~~

~~2. Make recommendations to the State Board concerning whether the course or instruction should be approved.] (Deleted by amendment.)~~

Sec. 118. ~~[NRS 389.210 is hereby amended to read as follows:~~

~~389.210 1. The Department shall establish a pilot program to provide competency-based education.~~

~~2. The State Board shall adopt regulations that prescribe:~~

~~(a) The process for submission of an application by the board of trustees of a school district or the governing body of a charter school to participate in the pilot program; and~~

~~(b) The qualifications and conditions for participation by a school in the pilot program, including, without limitation:~~

~~— (1) A commitment by the school district or charter school to implement competency-based education for not less than 5 years; and~~

~~— (2) Evidence of support for the implementation of competency-based education by the community served by the school district or charter school. [, and~~

~~— (3) A commitment to participate in the Competency-Based Education Network established by NRS 389.220.]~~

~~3. A school selected to participate in the pilot program to provide competency-based education shall:~~

~~(a) Implement a system of instruction by which a pupil advances to a higher level of learning when the pupil demonstrates mastery of a concept or skill;~~

~~(b) Establish concrete skills on which a pupil will be evaluated that include explicit, measurable and transferable learning objectives;~~

~~(c) Ensure that assessment is a meaningful and positive learning experience for pupils;~~

~~(d) Ensure that pupils receive timely and differentiated support based upon their individual learning needs; and~~

~~(e) Ensure that pupils are able to apply knowledge learned, create new knowledge and develop important skills and dispositions relating to such knowledge.~~

~~4. If at least one application to participate in the pilot program is made on behalf of a school that primarily serves pupils who are at risk or credit deficient, or in need of credit retrieval, the Department must select at least one such school to participate in the pilot program.~~

~~5. As used in this section, a pupil is "at risk" if the pupil has an economic or academic disadvantage such that he or she requires special services and~~

~~assistance to enable him or her to succeed in educational programs. The term includes, without limitation, pupils who are members of economically disadvantaged families, pupils who are English learners, pupils who are at risk of dropping out of high school and pupils who do not meet minimum standards of academic proficiency. The term does not include a pupil with a disability.}] (Deleted by amendment.)~~

~~Sec. 119. [NRS 394.383 is hereby amended to read as follows:~~
~~394.383 1. The Commission on Postsecondary Education is hereby~~
~~created within the [Employment Security Division of the] Department of~~
~~[Employment, Training and Rehabilitation.] Workforce. The Commission~~
~~consists of:~~
~~(a) An employee of the Department of [Employment, Training and~~
~~Rehabilitation] Workforce designated by the Director of the Department of~~
~~[Employment, Training and Rehabilitation] Workforce to serve as a~~
~~nonvoting member; and~~
~~(b) Seven voting members appointed by the Governor.~~
~~2. The voting members of the Commission are entitled to receive a salary~~
~~of not more than \$80, as fixed by the Commission, for each day's attendance~~
~~at a meeting of the Commission.~~
~~3. The nonvoting member of the Commission designated pursuant to~~
~~paragraph (a) of subsection 1 must be relieved from his or her duties with the~~
~~Department of [Employment, Training and Rehabilitation] Workforce~~
~~without loss of regular compensation so that he or she may prepare for and~~
~~attend meetings of the Commission and perform any work necessary to carry~~
~~out the duties of the Commission in the most timely manner practicable. The~~
~~Department may not require the member to make up time or take annual~~
~~vacation or compensatory time for the time that he or she is absent from work~~
~~to carry out his or her duties as a member of the Commission.~~
~~4. While engaged in the business of the Commission, each member of~~
~~the Commission is entitled to receive the per diem allowance and travel~~
~~expenses provided for state officers and employees generally.}] (Deleted by~~
~~amendment.)~~

~~Sec. 120. [NRS 394.411 is hereby amended to read as follows:~~
~~394.411 1. The Commission shall adopt regulations governing the~~
~~administration of NRS 394.383 to 394.560, inclusive, and may adopt such~~
~~other regulations as are proper or necessary for the execution of the powers~~
~~and duties conferred upon it by law.~~
~~2. Subject to the administrative supervision of the [Administrator of the~~
~~Employment Security Division of the Department of Employment, Training~~
~~and Rehabilitation pursuant to NRS 612.220,] Director of the Department of~~
~~Workforce or his or her designee, the Administrator of the Commission shall~~
~~execute, direct or supervise all administrative, technical and procedural~~
~~activities for which the Administrator is responsible in accordance with the~~
~~policies and regulations of the Commission.}] (Deleted by amendment.)~~

Sec. 121. NRS 408.55028 is hereby amended to read as follows:

408.55028 1. The Telecommunications Advisory Council is hereby created.

2. The Council consists of seven members appointed by the Governor. The Governor shall appoint to the Council:

- (a) One member from the Office of Science, Innovation and Technology in the Office of the Governor; ~~[Department of Workforce];~~
- (b) One member from the Department of Transportation;
- (c) One member from the Department of Education;
- (d) One member from the Nevada Office of Rural Health;
- (e) One member from the Department of Public Safety;
- (f) One member from the Nevada System of Higher Education; and
- (g) One member from the ~~[Division of Enterprise Information Technology Services of the Department of Administration.]~~ *Office of the Chief Information Officer within the Office of the Governor.*

3. The member appointed from the Office of Science, Innovation and Technology in the Office of the Governor ~~[Department of Workforce]~~ shall serve as the Chair of the Council.

4. The Council shall meet as necessary at the call of the Chair.

5. The Director ~~[Administrator]~~ of the Office of Science, Innovation and Technology in the Office of the Governor ~~[Department of Workforce]~~ shall provide staff support to the Council.

6. A majority of the members of the Council constitutes a quorum for the transaction of business.

7. The members of the Council receive no compensation for their services, but are entitled to be reimbursed for all travel and other expenses actually and necessarily incurred by them in the performance of their duties, within the limits of money available to the Council.

8. The members of the Council may request assistance from technical advisors as the Council deems necessary.

9. The Council shall:

(a) Provide information, advice, strategic plans, priorities and recommendations to assist the Department in administering access to rights-of-way to telecommunications providers for statewide telecommunications purposes;

(b) Assist the Department in valuing in-kind compensation pursuant to NRS 408.5501 to 408.55029, inclusive, and approve or deny any valuation thereof;

(c) Seek input from telecommunications providers and the public relating to broadband access;

(d) Coordinate and exchange information with other entities of this State and its political subdivisions relating to technology and telecommunications;

(e) Approve or deny any agreement between the Department and a telecommunications provider proposed pursuant to NRS 408.5502, if the Council finds that the agreement is competitively neutral and nondiscriminatory; and

(f) Provide other assistance as requested by the Department.

Sec. 122. ~~[NRS 414.070 is hereby amended to read as follows:~~

~~414.070 1. The provisions of this section are operative only during the existence of a state of emergency or declaration of disaster. The existence of such an emergency or disaster may be proclaimed by the Governor or by resolution of the Legislature if the Governor in his or her proclamation, or the Legislature in its resolution, finds that an attack upon the United States has occurred or is anticipated in the immediate future, or that a natural, technological or man made emergency or disaster of major proportions has actually occurred within this State, and that the safety and welfare of the inhabitants of this State require an invocation of the provisions of this section. Any [such] emergency or disaster [, whether] proclaimed by the Governor [or by the Legislature,] pursuant to this section terminates [upon the] 90 days after the original proclamation by the Governor, unless before such date, the Governor issues a subsequent proclamation [of the termination thereof by the Governor,] that terminates the emergency or disaster earlier or [the passage by] the Legislature [of] passes a resolution [terminating] approving the continuation of the emergency or disaster [,] beyond 90 days. Any emergency or disaster proclaimed by the Legislature pursuant to this section terminates upon the passage by the Legislature of a resolution terminating the emergency or disaster.~~

~~2. During the period when a state of emergency or declaration of disaster exists or continues, the Governor may exercise the following additional powers:~~

~~[1.] (a) To enforce all laws and regulations relating to emergency management and to assume direct operational control of any or all forces, including, without limitation, volunteers and auxiliary staff for emergency management in the State.~~

~~[2.] (b) To sell, lend, lease, give, transfer or deliver materials or perform services for the purpose of emergency management on such terms and conditions as the Governor prescribes and without regard to the limitations of any existing law, and to account to the State Treasurer for any money received for such property.~~

~~[3.] (c) Except as otherwise provided in NRS 414.155 and 414.340, to procure, by purchase, condemnation, seizure or other means, construct, lease, transport, store, maintain, renovate or distribute materials and facilities for emergency management without regard to the limitations of any existing law. The Governor shall make compensation for the property so seized, taken or condemned on the following basis:~~

~~[(a)] (1) If property is taken for temporary use, the Governor, within 90 days after the taking, shall fix the amount of compensation to be paid therefor. If the property is returned to the owner in a damaged condition, or is not returned to the owner, the Governor shall fix within 90 days the amount of compensation to be paid for the damage or failure to return the property. If the Governor deems it advisable for the State to take title to property taken~~

~~under this section, the Governor shall forthwith cause the owner of the property to be notified thereof in writing by registered or certified mail, postage prepaid, or by the best means available, and forthwith cause to be filed a copy of the notice with the Secretary of State.~~

~~— [(b)] (2) Within the 90 day period prescribed in [paragraph (a),] subparagraph (1) the Governor shall make an offer in writing to the person or persons entitled to receive it of the amount of money proposed to be paid as full compensation. If the offer is accepted, the money must be paid out of such fund, funds or other sources as are available and no further action in law or in equity may ever be maintained in connection therewith. If the offer of payment is refused, the person or persons entitled thereto have the same rights as plaintiffs in actions of eminent domain insofar as the fixing of damages and compensation is concerned, NRS 37.060, 37.070, 37.080 and 37.090, so far as applicable, apply, and proceedings must be had in conformity therewith so far as possible. The action must be commenced within 1 year after the receipt of the offer of settlement from the Governor.~~

~~— [4.] (d) To provide for and compel the evacuation of all or part of the population from any stricken or threatened area or areas within the State and to take such steps as are necessary for the receipt and care of those persons.~~

~~— [5.] (e) Subject to the provisions of the State Constitution, to remove from office any public officer having administrative responsibilities under this chapter for willful failure to obey an order or regulation adopted pursuant to this chapter. The removal must be upon charges after service upon the officer of a copy of the charges and after giving him or her an opportunity to be heard in his or her defense. Pending the preparation and disposition of charges, the Governor may suspend the officer for a period not exceeding 30 days. A vacancy resulting from removal or suspension pursuant to this section must be filled as provided by law.~~

~~— [6.] (f) To authorize providers of emergency medical services and providers of mental health services who are not licensed, certified or registered, as applicable, in this State but hold a license, certificate, registration or similar credential in good standing in another state of the United States, the District of Columbia, the Commonwealth of Puerto Rico or any territory or insular possession subject to the jurisdiction of the United States to practice their profession within their scope of practice as if they were licensed, certified or registered, as applicable, in this State for the amount of time necessary to assist in responding to the emergency or disaster.~~

~~— [7.] (g) To perform and exercise such other functions, powers and duties as are necessary to promote and secure the safety and protection of the civilian population.] (Deleted by amendment.)~~

Sec. 123. ~~[NRS 426.071 is hereby amended to read as follows:~~

~~— 426.071 "Division" means the [Rehabilitation] Workforce Development Division of the Department.] (Deleted by amendment.)~~

Sec. 124. ~~[NRS 439.519 is hereby amended to read as follows:~~

~~439.519 1. The members of the Advisory Council serve terms of 2 years. A member may be reappointed to serve not more than two additional, consecutive terms.~~

~~2. A majority of the voting members of the Advisory Council shall select a Chair and a Vice Chair of the Advisory Council.~~

~~3. A majority of the voting members of the Advisory Council may:~~

~~(a) Appoint committees or subcommittees to study issues relating to wellness and the prevention of chronic disease.~~

~~(b) Remove a nonlegislative member of the Advisory Council for failing to carry out the business of, or serve the best interests of, the Advisory Council.~~

~~[(c) Establish an advisory group of interested persons and governmental entities to study the delivery of health care through patient centered medical homes. Interested persons and governmental entities that serve on the advisory group may include, without limitation:~~

~~(1) Public health agencies;~~

~~(2) Public and private insurers;~~

~~(3) Providers of primary care, including, without limitation, physicians and advanced practice registered nurses who provide primary care; and~~

~~(4) Recipients of health care services.]~~

~~4. The Division shall, within the limits of available money, provide the necessary professional staff and a secretary for the Advisory Council.~~

~~5. A majority of the voting members of the Advisory Council constitutes a quorum to transact all business, and a majority of those voting members present, physically or via telecommunications, must concur in any decision.~~

~~6. The Advisory Council shall, within the limits of available money, meet at the call of the Administrator, the Chair or a majority of the voting members of the Advisory Council quarterly or as is necessary.~~

~~7. The members of the Advisory Council serve without compensation, except that each member is entitled, while engaged in the business of the Advisory Council and within the limits of available money, to the per diem allowance and travel expenses provided for state officers and employees generally.~~

~~8. As used in this section, "patient centered medical home" has the meaning ascribed to it in NRS 439A.190.] (Deleted by amendment.)~~

Sec. 125. ~~[NRS 451.005 is hereby amended to read as follows:~~

~~451.005 As used in NRS 451.010 to [451.470,] 451.340, inclusive, unless the context otherwise requires, "human remains" or "remains" means the body of a deceased person, and includes the body in any stage of decomposition and the cremated remains of a body.] (Deleted by amendment.)~~

Sec. 126. ~~[NRS 451.010 is hereby amended to read as follows:~~

~~451.010 1. The right to dissect the dead body of a human being is limited to cases:~~

~~(a) Specially provided by statute or by the direction or will of the~~

~~deceased.~~

~~—(b) Where a coroner is authorized under NRS 259.050 or an ordinance enacted pursuant to NRS 244.163 to hold an inquest upon the body, and then only as the coroner may authorize dissection.~~

~~—(c) Where the spouse or next of kin charged by law with the duty of burial authorize dissection for the purpose of ascertaining the cause of death, and then only to the extent so authorized.~~

~~—(d) [Where authorized by the provisions of NRS 451.350 to 451.470, inclusive.~~

~~—(e)] Where authorized by the provisions of NRS 451.500 to 451.598, inclusive.~~

~~—2. Every person who makes, causes or procures to be made any dissection of the body of a human being, except as provided in subsection 1, is guilty of a gross misdemeanor.] (Deleted by amendment.)~~

Sec. 127. ~~[NRS 451.596 is hereby amended to read as follows:~~

~~451.596 1. A coroner shall cooperate with procurement organizations to maximize the opportunity to recover anatomical gifts for the purpose of transplantation, therapy, research or education.~~

~~—2. If a coroner receives notice from a procurement organization that an anatomical gift might be available or was made with respect to a decedent whose body is under the jurisdiction of the coroner and a postmortem examination is going to be performed, unless the coroner denies recovery in accordance with NRS 451.597, the coroner or designee shall conduct a postmortem examination of the body or the part in a manner and within a period compatible with its preservation for the purposes of the gift.~~

~~—3. A part may not be removed from the body of a decedent under the jurisdiction of a coroner for transplantation, therapy, research or education unless the part is the subject of an anatomical gift or such removal is authorized or required by other law. The body of a decedent under the jurisdiction of the coroner may not be delivered to a person for research or education unless the body is the subject of an anatomical gift or such delivery is authorized or required by [NRS 451.350 to 451.470, inclusive, or other] law. This subsection does not preclude a coroner from performing the medicolegal investigation upon the body or parts of a decedent under the jurisdiction of the coroner.] (Deleted by amendment.)~~

Sec. 128. ~~[NRS 482.3794 is hereby amended to read as follows:~~

~~482.3794 1. The Department, in cooperation with the Office of Science, Innovation and Technology in the [Office of Governor,] Department of Workforce, shall design, prepare and issue license plates that indicate support for educational programs in the areas of science, technology, engineering and mathematics, using any colors that the Department of Motor Vehicles deems appropriate.~~

~~—2. The Department shall issue license plates that indicate support for educational programs in the areas of science, technology, engineering and mathematics for a passenger car or light commercial vehicle upon application~~

~~by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates that indicate support for educational programs in the areas of science, technology, engineering and mathematics if that person pays the fees for the personalized prestige license plates in addition to the fees for the license plates that indicate support for educational programs in the areas of science, technology, engineering and mathematics pursuant to subsection 3.~~

~~—3. The fee for license plates that indicate support for educational programs in the areas of science, technology, engineering and mathematics is \$35, in addition to all other applicable registration and license fees and governmental services taxes. The license plates are renewable upon the payment to the Department of \$10.~~

~~—4. In addition to all other applicable registration and license fees and governmental services taxes and the fee prescribed pursuant to subsection 3, a person who requests a set of license plates that indicate support for educational programs in the areas of science, technology, engineering and mathematics must pay for the issuance of the plates an additional fee of \$25 and for each renewal of the plates an additional fee of \$20, to be deposited in accordance with subsection 5.~~

~~—5. Except as otherwise provided in NRS 482.38279, the Department shall deposit the fees collected pursuant to subsection 4 with the State Treasurer for credit to the State General Fund. The State Treasurer shall, on a quarterly basis, distribute the fees deposited pursuant to this subsection to the [Director] Administrator of the Office of Science, Innovation and Technology in the [Office of the Governor.] Department of Workforce. The [Director] Administrator of the Office [, in consultation with the Advisory Council on Science, Technology, Engineering and Mathematics created by NRS 223.640,] shall identify nonprofit corporations in this State to assist in the distribution of the funds from this section in a manner designed to encourage the study of science, technology, engineering and mathematics by pupils in this State.~~

~~—6. The provisions of NRS 482.36705 do not apply to license plates described in this section.~~

~~—7. If, during a registration period, the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:~~

~~—(a) Retain the plates and affix them to another vehicle that meets the requirements of this section if the holder pays the fee for the transfer of the registration and any registration fee or governmental services tax due pursuant to NRS 482.399; or~~

~~—(b) Within 30 days after removing the plates from the vehicle, return them to the Department.~~

~~—8. The Department may accept any gifts, grants and donations or other~~

~~sources of money for the production and issuance of the special license plates pursuant to this section. All money received pursuant to this subsection must be deposited in the Revolving Account for the Issuance of Special License Plates created by NRS 482.1905.] (Deleted by amendment.)~~

Sec. 129. ~~[NRS 598.09635 is hereby amended to read as follows:~~

~~598.09635 For each state of emergency or declaration of disaster proclaimed pursuant to NRS 414.070, the Attorney General shall prepare a report containing aggregate data or information concerning the number and type of complaints received by the Attorney General during the emergency or disaster that relate to the commission of a deceptive trade practice of the type described in NRS 598.09235. The Attorney General shall cause the report to be posted on the Internet website of the Attorney General not later than 30 days after the earlier of:~~

~~1. The termination of the state of emergency or declaration of disaster [by the Governor or the Legislature] pursuant to NRS 414.070; or~~

~~2. The 75th day that the state of emergency or declaration of disaster is in effect.] (Deleted by amendment.)~~

Sec. 130. NRS 603A.217 is hereby amended to read as follows:

603A.217 Upon receipt of a well-founded petition, the Office of ~~[Information Security of the Division of Enterprise Information Technology Services of the Department of Administration]~~ *the Chief Information Officer within the Office of the Governor* may, pursuant to chapter 233B of NRS, adopt regulations which identify alternative methods or technologies which may be used to encrypt data pursuant to NRS 603A.215.

Sec. 131. ~~[NRS 607.035 is hereby amended to read as follows:~~

~~607.035 1. The [Office of the Labor Commissioner] *Department of Workforce* shall act as the State Apprenticeship Agency as defined in 29 C.F.R. § 29.2 and has responsibility and accountability for apprenticeship in this State.~~

~~2. The [Labor Commissioner] *Deputy Director of the Workforce Innovation Division of the Department of Workforce* appointed pursuant to NRS 232.945 shall oversee the State Apprenticeship Council and the State Apprenticeship Director pursuant to NRS 610.110 to 610.185, inclusive, and perform such other functions as may be deemed necessary to carry out the intent and purposes of chapter 610 of NRS.] (Deleted by amendment.)~~

Sec. 132. ~~[NRS 610.030 is hereby amended to read as follows:~~

~~610.030 There is hereby created the State Apprenticeship Council composed of:~~

~~1. The following voting members, appointed by the Governor upon recommendation of the [Labor Commissioner:] *Director of the Department of Workforce*:~~

~~(a) Two members who represent management and have, or have had, a defined role in a jointly administered apprenticeship program, one of whom must be from northern Nevada and one of whom must be from southern Nevada.~~

~~—(b) Two members who represent labor and have, or have had, a defined role in a jointly administered apprenticeship program, one of whom must be from northern Nevada and one of whom must be from southern Nevada.~~

~~—(c) Two members, one who represents management and one who represents labor, who have, or have had, a defined role or job in a statewide, jointly administered apprenticeship program.~~

~~—(d) One member who is a representative of the general public.~~

~~—2. The following nonvoting members:~~

~~—(a) The Executive Director of the Office of Economic Development or his or her designee.~~

~~—(b) The Superintendent of Public Instruction or his or her designee.~~

~~—(c) One representative of a community college located in a county whose population is 700,000 or more, appointed by the Chancellor of the Nevada System of Higher Education.~~

~~—(d) One representative of a community college located in a county whose population is less than 700,000, appointed by the Chancellor of the Nevada System of Higher Education.] (Deleted by amendment.)~~

Sec. 133. ~~[NRS 610.070 is hereby amended to read as follows:~~

~~—610.070 1. The [Labor Commissioner] *Director of the Department of Workforce* shall select from the membership of the Council a Chair and Vice Chair, who shall hold office for 2 years. Notwithstanding the provisions of NRS 610.030, the Chair, or the Vice Chair in the absence of the Chair, is not entitled to a vote except to break a tie.~~

~~—2. The State Apprenticeship Director shall serve as the nonvoting Secretary of the Council.~~

~~—3. The Council may prescribe such bylaws as it deems necessary for its operation.~~

~~—4. The Council shall meet at least once in each calendar quarter at a time and place specified by the call of the Chair, the State Apprenticeship Director, the [Labor Commissioner] *Director of the Department of Workforce* or a majority of the members of the Council. Special meetings of the Council may be held at the call of the Chair, the State Apprenticeship Director, the [Labor Commissioner] *Director of the Department of Workforce* or a majority of the members of the Council at such additional times as they deem necessary.~~

~~—5. The Chair, or the Vice Chair in the absence of the Chair, and four voting members of the Council constitutes a quorum, and a quorum may exercise any power or authority conferred on the Council.] (Deleted by amendment.)~~

Sec. 134. ~~[NRS 610.110 is hereby amended to read as follows:~~

~~—610.110 1. The [Labor Commissioner] *Director of the Department of Workforce* shall appoint a State Apprenticeship Director.~~

~~—2. The State Apprenticeship Director:~~

~~—(a) Shall report to the [Labor Commissioner] *Deputy Director of the Workforce Innovation Division of the Department of Workforce.*~~

~~— (b) Is in the unclassified service of the State and serves at the pleasure of the [Labor Commissioner,] *Director of the Department of Workforce*.~~

~~— (c) Must have responsible administrative experience in public or business administration or must possess broad management skills in areas related to the functions of this chapter.~~

~~— (d) Must have the demonstrated ability to administer a major public agency in the field of workforce development, and must possess the following skills and attributes:~~

~~— (1) A comprehensive knowledge of administrative principles and a working knowledge of broad principles relating to subject matters under his or her administrative direction.~~

~~— (2) The administrative ability to assess the adequacy of agency operations and the protection of the public interest as related to the subject fields.~~

~~— (3) An ability to organize and present oral and written communication to the Governor, the Legislature and other pertinent officials or persons.~~

~~— (4) A background which demonstrates that he or she can impartially serve the interests of both employees and employers.~~

~~— (e) Must not, at the time of appointment or at any time during his or her term of office, receive payment or compensation as the officer of any labor organization or have a pecuniary interest in any labor organization.] (Deleted by amendment.)~~

Sec. 135. ~~[NRS 610.120 is hereby amended to read as follows:~~

~~610.120 1. Under the direction of the [Labor Commissioner,] *Director of the Department of Workforce*, the State Apprenticeship Director shall:~~

~~— (a) Administer the provisions of this chapter with the advice and guidance of the State Apprenticeship Council.~~

~~— (b) Keep a record of agreements and their dispositions.~~

~~— (c) Issue certificates of completion of apprenticeship at the request of the local joint apprenticeship committee.~~

~~— (d) Promote apprenticeship programs through public engagement activities and other initiatives.~~

~~— (e) Ensure information and resources related to applications for new apprenticeship programs are made available to the public, including, without limitation, information related to technical assistance and requirements for applicants of new apprenticeship programs.~~

~~— (f) Establish and maintain an Internet website that provides information regarding apprenticeship programs to the public.~~

~~— (g) Assist the Council in identifying opportunities for linkages and coordination with the State's economic development strategies and workforce investment system that is paid for wholly or in part with public money, in accordance with 29 C.F.R. § 29.13.~~

~~— (h) Coordinate community-based outreach initiatives designed to promote apprenticeship opportunities among students, displaced workers and other persons who face barriers to entering the workforce.~~

~~— (i) Prepare budgets and compile annual reports to the Legislature and the Governor;~~

~~— (j) Perform other administrative duties on behalf of the Council;~~

~~— (k) Perform such other duties as are necessary to carry out the intent and purposes of this chapter;~~

~~— 2. The administration and supervision of related and supplemental instruction for apprentices, coordination of instruction with job experiences, and the selection and training of teachers and coordinators for that instruction are the responsibility of the local joint apprenticeship committees;~~

~~— 3. As used in this section, "technical assistance" means guidance provided by the State Apprenticeship Director to the sponsor of a proposed or existing apprenticeship program for the development, revision, amendment or processing of standards of apprenticeship or apprenticeship agreements and the provision of advice to or consultation with such a sponsor to further compliance with the provisions of this chapter and any regulations adopted pursuant thereto. (Deleted by amendment.)~~

Sec. 136. ~~[NRS 610.144 is hereby amended to read as follows:~~

~~— 610.144 1. To be eligible for registration and approval by the Council, a proposed program must:~~

~~— (a) Be an organized, written plan embodying the terms and conditions of employment, training and supervision of one or more apprentices in an apprenticeable occupation, as defined in 29 C.F.R. § 29.4, and be subscribed to by a sponsor who has undertaken to carry out the program;~~

~~— (b) Except as otherwise provided in this paragraph, use a:~~

~~— (1) Time based approach, as described in 29 C.F.R. § 29.5(b)(2)(i);~~

~~— (2) Competency based approach, as described in 29 C.F.R. § 29.5(b)(2)(ii); or~~

~~— (3) Hybrid approach, as described in 29 C.F.R. § 29.5(b)(2)(iii).~~

~~→ A program for a construction trade must use a time based approach.~~

~~— (c) Contain the pledge of equal opportunity prescribed in 29 C.F.R. § 30.3(c) and, when applicable:~~

~~— (1) A plan of affirmative action in accordance with 29 C.F.R. § 30.4;~~

~~— (2) A method of selection authorized in 29 C.F.R. § 30.10;~~

~~— (3) A nondiscriminatory pool for application as an apprentice; or~~

~~— (4) Similar requirements expressed in a state plan for equal opportunity in employment in apprenticeships adopted pursuant to 29 C.F.R. Part 30 and approved by the United States Department of Labor;~~

~~— (d) Provide for the development of skills that are intended to enable an apprentice to engage in a skilled trade generally, rather than for a particular employer or sponsor;~~

~~— (e) Contain:~~

~~— (1) Provisions concerning the employment and training of the apprentice in a skilled trade;~~

~~— (2) A term of apprenticeship that:~~

~~— (I) If the program uses a time based approach, requires the~~

~~completion of not less than 2,000 hours of on the job learning, consistent with training requirements as established by practice in the trade;~~

~~—— (II) If the program uses a competency based approach, specifies the skills that must be demonstrated by an apprentice and addresses how on the job learning will be integrated into the program; or~~

~~—— (III) If the program uses a hybrid approach, specifies the skills that must be acquired and the minimum number of hours of on the job learning that must be completed by an apprentice;~~

~~—— (3) An outline of the processes in which the apprentice will receive supervised experience and training on the job, and the allocation of the approximate time to be spent in each major process;~~

~~—— (4) Provisions for organized, related and supplemental instruction in technical subjects related to the trade with a minimum of 144 hours for each year of apprenticeship, given in a classroom or through trade, industrial or correspondence courses of equivalent value or other forms of study approved by the Council;~~

~~—— (5) A progressively increasing, reasonable and profitable schedule of wages to be paid to the apprentice consistent with the skills acquired, not less than that allowed by federal or state law or regulations, by a collective bargaining agreement or by the minimum apprentice wage established by the Council;~~

~~—— (6) Provisions for a periodic review and evaluation of the apprentice's progress in performance on the job and related instruction and the maintenance of appropriate records of such progress;~~

~~—— (7) A numeric ratio of apprentices to journeymen consistent with proper supervision, training, safety, continuity of employment and applicable provisions in collective bargaining agreements, in language that is specific and clear as to its application;~~

~~—— (8) A probationary period that is reasonable in relation to the full term of apprenticeship, with full credit given for that period toward the completion of the full term of apprenticeship;~~

~~—— (9) Provisions for adequate and safe equipment and facilities for training and supervision and for the training of apprentices in safety on the job and in related instruction;~~

~~—— (10) The minimum qualifications required by a sponsor for persons entering the program, with an eligible starting age of not less than 16 years;~~

~~—— (11) Provisions for the placement of an apprentice under a written agreement as required by this chapter, incorporating directly or by reference the standards of the program;~~

~~—— (12) Provisions for the granting of advanced standing or credit to all applicants on an equal basis for previously acquired experience, training or skills, with commensurate wages for each advanced step granted;~~

~~—— (13) Provisions for the transfer of the employer's training obligation when the employer is unable to fulfill his or her obligation under the agreement to another employer under the same or a similar program with the~~

~~consent of the apprentice and the local joint apprenticeship committee or sponsor of the program;~~

~~— (14) Provisions for the assurance of qualified training personnel and adequate supervision on the job;~~

~~— (15) Provisions for the issuance of an appropriate certificate evidencing the successful completion of an apprenticeship;~~

~~— (16) An identification of the [Office of Labor Commissioner] Department of Workforce as the agency for registration of the program;~~

~~— (17) Provisions for the registration of agreements and of modifications and amendments thereto;~~

~~— (18) Provisions for notice to the State Apprenticeship Director of persons who have successfully completed the program and of all cancellations, suspensions and terminations of agreements and the causes therefor;~~

~~— (19) Provisions for the termination of an agreement during the probationary period by either party without cause;~~

~~— (20) A statement that the program will be conducted, operated and administered in conformity with the applicable provisions of 29 C.F.R. Part 30 or a state plan for equal opportunity in employment in apprenticeships adopted pursuant to 29 C.F.R. Part 30 and approved by the United States Department of Labor;~~

~~— (21) The name and address of the appropriate authority under the program to receive, process and make disposition of complaints; and~~

~~— (22) Provisions for the recording and maintenance of all records concerning apprenticeships as may be required by the Council and applicable laws.~~

~~2. If a program of apprenticeship in a skilled trade is proposed by an employer or association of employers for approval and registration by the Council and the Council has previously approved and registered a program for the skilled trade, the Council shall provide a copy of the proposed program to the sponsor of the approved and registered program and hold a hearing before approving or rejecting the application. The Council shall not approve a proposed program pursuant to this subsection unless the program requires the completion of at least as many hours of on the job learning or the demonstration of at least the same number and quality of skills, or both, as applicable, as all existing approved and registered programs in the relevant skilled trade.~~

~~3. To determine whether a proposed program should be approved or rejected pursuant to subsection 2, the Council shall consider, in addition to the requirements in subsections 1 and 2, without limitation:~~

~~— (a) Relevant information concerning the approved and registered program, including, without limitation, the standards for apprenticeship of the program;~~

~~— (b) Whether the sponsor of the approved and registered program is jointly administered by labor and management;~~

~~— (c) The provisions of any applicable collective bargaining agreements;~~
~~— (d) Dictionaries of occupational titles;~~
~~— (e) Opinions of experts provided by interested parties, including, without limitation, organized labor, licensed contractors and associations of contractors;~~
~~— (f) Recognized labor and management practices in the relevant industry;~~
~~— (g) Scope of work descriptions issued by the [Labor Commissioner] Director of the Department of Workforce and the United States Department of Labor; and~~
~~— (h) The supply of skilled workers in the trade in relation to the demand for skilled workers in the trade and the extent to which the sponsor of the approved and registered program is willing and able to provide apprentices to the proposed program.~~
~~— The Council may condition approval of the proposed program on the payment of compensation to apprentices that is equal to or greater than the compensation provided by the approved and registered apprenticeship program.] (Deleted by amendment.)~~

Sec. 137. ~~[NRS 612.016 is hereby amended to read as follows:~~

~~612.016 "Administrator" means the Administrator of the [Division.] Bureau.] (Deleted by amendment.)~~

Sec. 138. ~~[NRS 612.049 is hereby amended to read as follows:~~

~~612.049 ["Division"] "Bureau" means the [Employment Security] Unemployment Insurance Administration Bureau of the Workforce Security Division of the Department of [Employment, Training and Rehabilitation.] Workforce.] (Deleted by amendment.)~~

Sec. 139. ~~[NRS 612.220 is hereby amended to read as follows:~~

~~612.220 The Administrator:~~

~~1. Shall administer this chapter.~~

~~2. [Is responsible for the administration, through the Administrator of the Commission on Postsecondary Education, of the provisions of NRS 394.383 to 394.560, inclusive.~~

~~3.] Has power and authority to adopt, amend or rescind such rules and regulations consistent with the provisions of federal law, to employ, in accordance with the provisions of this chapter, such persons, make such expenditures, require such reports, make such investigations, and take such other action as the Administrator deems necessary or suitable to that end.~~

~~[4.] 3. Shall determine his or her own organization and methods of procedure for the [Division] Bureau in accordance with the provisions of this chapter.~~

~~[5.] 4. To the extent allowed by federal law, may, by regulation, suspend, modify, amend or waive any requirement of this chapter for the duration of a state of emergency or declaration of disaster proclaimed pursuant to NRS 414.070 and for any additional period of time during which the emergency or disaster directly affects the requirement of this chapter if:~~

~~— (a) The Administrator determines the action is:~~

~~(1) In the best interest of the [Division,] Bureau, this State or the general health, safety and welfare of the citizens of this State; or~~

~~(2) Necessary to comply with instructions received from the Department of Labor; and~~

~~(b) The action of the Administrator is approved by the Governor.]~~
(Deleted by amendment.)

Sec. 140. ~~[NRS 615.065 is hereby amended to read as follows:~~
~~615.065 "Division" means the [Rehabilitation] Workforce Development Division of the Department.]~~ (Deleted by amendment.)

Sec. 141. ~~[1. The Governor shall appoint the Director of the Department of Workforce within 90 days after July 1, 2023;~~

~~2. The Director appointed pursuant to subsection 1 shall, during the period of time between his or her appointment and July 1, 2024;~~

~~(a) Prepare for the orderly transition of all entities which will become part of the Department of Workforce on July 1, 2024.~~

~~(b) Identify all entities that receive, administer or use money pursuant to the federal workforce acts, as defined in NRS 232.900, as amended by section 31 of this act, or any other program to assist displaced workers or persons seeking employment.~~

~~(c) Consult with all relevant federal agencies to ensure that the Department of Workforce is organized in a manner that is efficient, effective and in compliance with all applicable federal laws. If any change to the organization of the Department of Workforce as a result of this act:~~

~~(1) Requires review or approval by a federal agency, the Director appointed pursuant to subsection 1 shall work with the federal agency to obtain such review or approval; and~~

~~(2) Would result in the loss of federal funding for any existing state or local program, the Director appointed pursuant to subsection 1 shall:~~

~~(I) Work with the federal agency to avoid the loss of such funding;~~

~~(II) Include in the report prepared pursuant to subsection 4 any statutory changes which would be required to avoid the loss of such funding; and~~

~~(III) Promptly report to the Governor and the Director of the Legislative Counsel Bureau for transmission to the Legislative Commission on any statutory changes which would be required to avoid the loss of such funding.~~

~~3. Each entity in the Executive Department of the State Government shall:~~

~~(a) Cooperate with and assist the Director appointed pursuant to subsection 1 in carrying out his or her duties pursuant to subsection 2; and~~

~~(b) Notify the Director appointed pursuant to subsection 1 of all money used by the entity pursuant to the federal workforce acts, as defined in NRS 232.900, as amended by section 31 of this act, or for any other program to assist displaced workers or persons seeking employment.~~

~~4. The Director appointed pursuant to subsection 1 shall, on or before~~

~~September 1, 2024, prepare a report identifying all money received pursuant to the federal workforce acts, as defined in NRS 232.900, as amended by section 31 of this act, or used to carry out any other program to assist displaced workers or persons seeking employment and any statutory changes that the Director appointed pursuant to subsection 1 determines are necessary to enable the Department of Workforce to effectively carry out its duties.] (Deleted by amendment.)~~

Sec. 141.5. 1. There is hereby appropriated from the State General Fund to the Governor for salaries of staff and employees of the Office of the Governor for the following sums:

For the Fiscal Year 2023-2024 \$900,000

For the Fiscal Year 2024-2025 \$900,000

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

Sec. 141.7. The State Controller shall transfer from the State General Fund to the Account to Stabilize the Operation of the State Government created by NRS 353.288 the sum of \$269,550,063.

Sec. 142. The amendatory provisions of this act do not apply to a collective bargaining agreement entered into before July 1, 2023, but do apply to any renewal or extension of such contract.

Sec. 143. The Legislative Counsel shall:

1. In preparing the reprint and supplements to the Nevada Revised Statutes, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

2. In preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

Sec. 144. 1. Any administrative regulations adopted by an officer or an agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remain in force until amended by the officer or agency to which the responsibility for the adoption of the regulations has been transferred.

2. Any contracts or other agreements entered into by an officer or agency

whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency are binding upon the officer or agency to which the responsibility for the administration of the provisions of the contract or other agreement has been transferred. Such contracts and other agreements may be enforced by the officer or agency to which the responsibility for the enforcement of the provisions of the contract or other agreement has been transferred.

3. Any action taken by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remains in effect as if taken by the officer or agency to which the responsibility for the enforcement of such actions has been transferred.

Sec. 145. 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. 146. NRS ~~[62A.055, 62B.605, 223.640, 223.650, 233F.015, 233F.055, 233F.059, 242.013, 242.031, 242.045, 242.090, 281.123, 281.1233, 281.157, 281.1571, 281.1572, 281.1573, 281.1574, 281.1575,] 284.172, 284.215, 284.220, 284.230 [,] and 284.235 [, 389.220, 451.350, 451.360, 451.370, 451.380, 451.390, 451.400, 451.410, 451.420, 451.430, 451.440, 451.450, 451.460 and 451.470]~~ are hereby repealed.

Sec. 147. 1. This ~~[act becomes]~~ section and sections 113 and 141.7 of this act become effective upon passage and approval.

2. Sections 1 to 112, inclusive, 114 to 141.5, inclusive, and 142 to 146, inclusive, of this act become effective on July 1, 2023.

LEADLINES OF REPEALED SECTIONS

~~[62A.055 "Committee" defined.~~

~~62B.605 Advisory Committee to Commission: Establishment; membership; duties; terms of members; compensation; quorum.~~

~~223.640 Advisory Council on Science, Technology, Engineering and Mathematics: Creation; membership; vacancy; meetings; quorum; authority to appoint subcommittees; allowances and expenses.~~

~~223.650 Advisory Council on Science, Technology, Engineering and Mathematics: Duties; submission of biennial report; duty of State Board of Education and Board of Regents to consider plans and report; duty of State Board of Education to adopt regulations.~~

~~233F.015 "Administrator" defined.~~

~~233F.055 "Department" defined.~~

~~233F.059 "Division" defined.~~

~~242.013 "Administrator" defined.~~

~~242.031 "Department" defined.~~

~~242.045 "Division" defined.~~

~~242.090 Administrator: Appointment; classification; other employment prohibited.~~

~~281.123 Limitation on maximum salary payable to persons employed by~~

~~State.~~

~~281.1233 Procedure for state agency to obtain exception to limitation on salary.~~

~~281.157 Commission to Review Compensation: Definition.~~

~~281.1571 Commission to Review Compensation: Creation; composition.~~

~~281.1572 Commission to Review Compensation: Notification of appointment; terms; removal; vacancy.~~

~~281.1573 Commission to Review Compensation: Salary; meetings; administrative support.~~

~~281.1574 Commission to Review Compensation: Quorum; vote required to approve recommendations regarding compensation.~~

~~281.1575 Commission to Review Compensation: Duties.]~~

284.172 List of positions in classified service primarily performing data processing; approval of new position or reclassification to position on list.

284.215 Examination of persons with disabilities.

284.220 Certificates of general or special qualifications.

284.230 Time and place of holding examination; use of public buildings.

284.235 Designation of persons to assist in examinations.

~~[389.220 Competency Based Education Network: Establishment; composition; duties; meetings; Chair; quorum; members serve without compensation.~~

~~451.350 "Committee" defined.~~

~~451.360 Establishment and composition of Committee; election and terms of Chair and Secretary.~~

~~451.370 Meetings, records and budget of Committee.~~

~~451.380 Compensation of members of Committee.~~

~~451.390 Regulations of Committee.~~

~~451.400 Notification of Committee or its designee concerning dead human body which is unclaimed or required to be buried at public expense; delivery of body as designated by Committee.~~

~~451.410 Retention of bodies received by Committee; referral of excess or unfit bodies to board of county commissioners for burial or cremation.~~

~~451.420 Committee to receive notice of death for unclaimed indigent person; limitations on delivery of bodies to Committee.~~

~~451.430 Delivery of body by Committee to friend or other claimant; payment of expenses; military funeral required by veterans' organization that claims body.~~

~~451.440 Contract for delivery of body to Committee prohibited; Committee authorized to accept body left by will.~~

~~451.450 Distribution of bodies among schools, teaching hospitals and other persons or entities; fees; penalty.~~

~~451.460 Recipient of body received from Committee required to give bond; approval, amount and conditions of bond.~~

~~451.470 Disposal of remains after use.]~~

Senator Flores moved the adoption of the amendment.

Remarks by Senator Flores.

Amendment No. 996 to Senate Bill No. 431 deletes sections 1 through 7, 9 through 17, 21, 22, 31 through 42, 52, 53, 82, 101, 104 through 108, 111, 112, 115, 117 through 120 and 131 through 141; revises section 20, entities that fall under the purview of the Office of Nevada Boards, Commissions and Council Standards; revises section 110 of the monetary threshold by which the Executive Branch agency must obtain the approval for a work program from the Interim Finance Committee (IFC); revises in section 113 the maximum limit of the percent of total appropriations in the Account to Stabilize the Operation of the State Government so that the balance does not exceed 26 percent of the total appropriations from the State General Fund; authorizes in section 114 a state agency to accept gifts and grants from nongovernmental sources and governmental grants of up to \$200,000 without IFC approval; makes an appropriation in section 141.5 of \$900,000 in each year of the 2023–2025 biennium for the salaries of staff and employees of the Office of the Governor; and requires in section 141.7 the State Controller to transfer \$269,550,063 from the State General Fund to the Account to Stabilize the Operation of the State Government.

Amendment adopted.

Bill read third time.

Remarks by Senator Flores.

As I previously stated, and I will not repeat, Senate Bill No. 431 makes various changes to the structure, organization and policies of certain agencies within the Executive Branch of State Government.

Roll call on Senate Bill No. 431:

YEAS—21.

NAYS—None.

Senate Bill No. 431 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Cannizzaro moved that Assembly Bill No. 525 be taken from its position on the General File and placed at the top of the General File and considered next.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 525.

Bill read third time.

The following amendment was proposed by Senator Dondero Loop:

Amendment No. 988.

SUMMARY—Makes appropriations for various purposes relating to health, education, employment and other community services. (BDR S-1225)

AN ACT making appropriations for various purposes relating to health, education, employment and other community services; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. There is hereby appropriated from the State General Fund

to the Interim Finance Committee the sum of ~~[\$750,000]~~ \$500,000 for allocation to the International Gaming Institute of the University of Nevada, Las Vegas, for the "Expanding the Leadoerverse" initiative to increase the diversity of the leadership in the gaming industry.

2. Allocation of the money appropriated by subsection 1 is contingent upon matching money being obtained by the International Gaming Institute, including, without limitation, gifts, grants and donations to the International Gaming Institute from private and public sources of money other than the appropriation made by subsection 1. The Interim Finance Committee shall not direct the transfer of any portion of money from the appropriation made by subsection 1 until the International Gaming Institute submits to the Committee proof satisfactory to the Committee that matching money in an equivalent amount has been committed.

Sec. 1.5. There is hereby appropriated from the State General Fund to the Interim Finance Committee the sum of ~~[\$5,500,000]~~ \$2,500,000 for allocation to the nonprofit corporation formed to establish an art museum in Las Vegas, Nevada, upon a showing to the Committee:

1. That the corporation has been incorporated under the laws of this State as a nonprofit corporation; and

2. That the purpose of the corporation is to establish an art museum in Las Vegas, Nevada.

Sec. 2. There is hereby appropriated from the State General Fund to United Way of Northern Nevada the sum of \$1,200,000 for its activities related to public health, education and improving economic mobility.

Sec. 3. There is hereby appropriated from the State General Fund to the Foundation for an Independent Tomorrow the sum of \$2,000,000 for its activities related to vocational training, job preparation, education and employment services.

Sec. 4. There is hereby appropriated from the State General Fund to the Culinary Academy of Las Vegas the sum of \$15,000,000 for its capital improvement plan.

Sec. 5. There is hereby appropriated from the State General Fund to A Source of Joy Theatricals, Inc. the sum of \$1,000,000 for the Legacy Theatre Project.

Sec. 6. There is hereby appropriated from the State General Fund to the Food Bank of Northern Nevada the sum of \$2,000,000 to address food insecurities of residents of this State.

Sec. 7. There is hereby appropriated from the State General Fund to the Three Square Food Bank the sum of \$2,000,000 to address food insecurities of residents of this State.

Sec. 8. There is hereby appropriated from the State General Fund to Boys Town Nevada the sum of \$250,000 for its programs and services.

Sec. 9. There is hereby appropriated from the State General Fund to Foster Kinship the sum of \$750,000 for the Kinship Navigator Program.

Sec. 10. There is hereby appropriated from the State General Fund to

HopeLink of Southern Nevada the sum of \$2,000,000 for wraparound services for families at risk of homelessness.

Sec. 11. There is hereby appropriated from the State General Fund to Catholic Charities of Southern Nevada the sum of \$2,000,000 for the Meals on Wheels Program.

Sec. 12. There is hereby appropriated from the State General Fund to the Candlelighters Childhood Cancer Foundation of Nevada the sum of \$1,000,000 for the provision of assistance to children affected by cancer and their families.

Sec. 13. There is hereby appropriated from the State General Fund to Legal Aid Center of Southern Nevada the sum of \$250,000 for programs and services relating to tenants' rights.

Sec. 14. There is hereby appropriated from the State General Fund to the United Way of Southern Nevada the sum of \$1,200,000 for its activities related to public health, education and improving economic mobility.

Sec. 15. There is hereby appropriated from the State General Fund to Goodwill of Southern Nevada the sum of \$1,500,000 for transforming workforce development initiatives.

Sec. 16. There is hereby appropriated from the State General Fund to the Special Olympics Nevada the sum of ~~(\$500,000)~~ \$250,000 for its programs.

Sec. 17. There is hereby appropriated from the State General Fund to Friends in Service Helping the sum of \$3,000,000 for a capital improvement project.

Sec. 18. There is hereby appropriated from the State General Fund to the United Labor Agency of Nevada, Inc. the sum of \$500,000 for providing community services.

Sec. 19. There is hereby appropriated from the State General Fund to the Community Health Alliance the sum of \$4,500,000 for a capital improvement project.

Sec. 20. There is hereby appropriated from the State General Fund to Chicanos Por La Causa Nevada, Inc. the sum of \$10,000 for economic empowerment of low-income persons.

Sec. 21. There is hereby appropriated from the State General Fund to the Latino Youth Leadership Foundation the sum of \$10,000 to assist high school pupils with leadership training and development.

Sec. 22. There is hereby appropriated from the State General Fund to the Nevada Latino Bar Association the sum of \$10,000 to provide assistance for preparation for the admission test for law school.

Sec. 23. There is hereby appropriated from the State General Fund to Project 150 the sum of \$10,000 to provide support to homeless, displaced and disadvantaged high school pupils.

Sec. 24. There is hereby appropriated from the State General Fund to the South-Asian Women's Alliance of Nevada the sum of \$10,000 to bridge the gap between South-Asian communities and resources in Southern Nevada.

Sec. 25. There is hereby appropriated from the State General Fund to

Leaders in Training the sum of ~~[\$10,000]~~ \$250,000 for educational training, support and programming for first-generation college students.

Sec. 26. There is hereby appropriated from the State General Fund to the Uplift Foundation of Nevada the sum of \$10,000 for its programs and services.

Sec. 27. There is hereby appropriated from the State General Fund to The Foundation Christian Center the sum of \$10,000 for its food programs.

Sec. 28. There is hereby appropriated from the State General Fund to King of Jewels the sum of \$10,000 for its programs.

Sec. 29. There is hereby appropriated from the State General Fund to The Cupcake Girls the sum of \$ 10,000 for services for persons affected by sex trafficking.

Sec. 30. There is hereby appropriated from the State General Fund to HELP of Southern Nevada the sum of \$25,000 for the Shannon West Homeless Youth Center.

Sec. 31. There is hereby appropriated from the State General Fund to T.U.L.I.P.S. (Teaching and Uniting Ladies to Inspire Positive Success) the sum of \$25,000 for its programs.

Sec. 32. There is hereby appropriated from the State General Fund to Gentleman By Choice Community Development Corporation the sum of \$25,000 for its programs.

Sec. 33. There is hereby appropriated from the State General Fund to Spread the Word Nevada the sum of \$500,000 for providing books to advance childhood literacy.

Sec. 34. There is hereby appropriated from the State General Fund to Northern Nevada HOPES the sum of \$2,000,000 for providing primary and behavioral health care services.

Sec. 35. There is hereby appropriated from the State General Fund to the Pioneer Center for the Performing Arts the sum of \$1,000,000 for a renovation project.

Sec. 36. There is hereby appropriated from the State General Fund to Nevada Partners, Inc. the sum of \$1,000,000 to assist with its summer and educational program.

Sec. 37. There is hereby appropriated from the State General Fund to the Nevada Small Business Development Center the sum of \$1,000,000 for its programs.

Sec. 38. There is hereby appropriated from the State General Fund to the Nevada State Prison Preservation Society the sum of \$1,000,000 for a capital improvement project.

Sec. 39. There is hereby appropriated from the State General Fund to the Boys & Girls Clubs of Southern Nevada the sum of \$250,000 for its programs.

Sec. 40. There is hereby appropriated from the State General Fund to the Boys & Girls Club of Truckee Meadows the sum of ~~[\$100,000]~~ \$250,000 for its programs.

Sec. 41. There is hereby appropriated from the State General Fund to ~~the Nevada Blind Children's Foundation~~ Opportunity Village the sum of ~~[\$750,000]~~ \$250,000 for its programs and services.

Sec. 42. There is hereby appropriated from the State General Fund to the Urban Chamber Community Development Corporation the sum of \$100,000 for its Nevada Small Business Development Center.

Sec. 43. There is hereby appropriated from the State General Fund to The Neon Museum the sum of ~~[\$2,000,000]~~ \$1,000,000 for a capital improvement project.

Sec. 44. There is hereby appropriated from the State General Fund to the Economic Opportunity Board of Clark County the sum of \$100,000 for its programs.

Sec. 45. There is hereby appropriated from the State General Fund to the Nevada Partnership for Homeless Youth the sum of ~~[\$25,000]~~ \$50,000 for its programs.

Sec. 46. There is hereby appropriated from the State General Fund to the Vision Theatrical Foundation, Inc. the sum of \$10,000 for its programs.

Sec. 47. There is hereby appropriated from the State General Fund to Communities in Schools of Nevada the sum of \$1,000,000 for its programs.

Sec. 48. There is hereby appropriated from the State General Fund to the Greater Youth Sports Association the sum of \$5,000 for its programs.

Sec. 49. There is hereby appropriated from the State General Fund to the Obodo Collective the sum of \$10,000 for its programs.

Sec. 50. There is hereby appropriated from the State General Fund to U.S. VETS - Las Vegas the sum of \$25,000 for its activities to assist in the successful transition of military veterans and their families.

Sec. 51. There is hereby appropriated from the State General Fund to the National Alliance on Mental Illness (NAMI) Southern Nevada the sum of \$25,000 for providing mental health support groups, classes, presentations and other resources without charge.

Sec. 52. There is hereby appropriated from the State General Fund to the Arriba Las Vegas Worker Center the sum of \$10,000 for its activities to develop, educate and empower worker and migrant communities.

Sec. 53. There is hereby appropriated from the State General Fund to Puentes the sum of \$10,000 for its programs and services.

Sec. 53.3. There is hereby appropriated from the State General Fund to The Arc Nevada the sum of \$250,000 for its programs and services.

Sec. 53.7. There is hereby appropriated from the State General Fund to the College of Southern Nevada the sum of \$4,500,000 for its Center For Excellence in Public Safety.

Sec. 54. There is hereby appropriated from the State General Fund to Teach for America the sum of \$25,000 for its programs.

Sec. 55. Upon acceptance of the money appropriated by this act, the entity that accepts the money agrees to:

1. Prepare and transmit a report to the Interim Finance Committee on or

before December 20, 2024, that describes each expenditure made from the money appropriated by this act from the date on which the money was received by the entity through December 1, 2024;

2. Prepare and transmit a final report to the Interim Finance Committee on or before September 19, 2025, that describes each expenditure made from the money appropriated by this act from the date on which the money was received by the entity through June 30, 2025; and

3. Upon request of the Legislative Commission, make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, of the entity, regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of the money appropriated by this act.

Sec. 56. Any remaining balance of the appropriations made by sections 1 to 54, inclusive, 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. 57. This act becomes effective upon passage and approval.

Senator Dondero Loop moved the adoption of the amendment.

Remarks by Senator Dondero Loop.

Amendment No. 988 to Assembly Bill No. 525 makes General Fund appropriations totaling \$58,020,000 to be used during the 2023–2025 biennium for various purposes relating to health, education, employment and other community services.

Amendment adopted.

Bill read third time.

Remarks by Senator Nguyen.

It is déjà vu. The bill has been amended, and it is better. It makes appropriations for various purposes relating to health, education, employment and other community services. There are so many amazing organizations that work in our community that could benefit from the appropriations that are contained in this bill. I would urge my colleagues to vote in favor.

Roll call on Assembly Bill No. 525:

YEAS—13.

NAYS—Buck, Goicoechea, Hammond, Hansen, Krasner, Seevers Gansert, Stone, Titus—8.

Assembly Bill No. 525 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Mr. President announced that Senate Bills Nos. 263, 341 and 412 and Assembly Bills Nos. 139, 140, 147, 279, 399, 400, 515, 516, 517, 518, 523, 524 and 528 would be immediately transmitted to the Assembly.

Assembly Bill No. 473.

Bill read third time.

Remarks by Senator Dondero Loop.

Assembly Bill No. 473 makes a General Fund appropriation of \$12,771,112 to the Fleet Services Division of the Department of Administration for the replacement and purchase of vehicles.

Roll call on Assembly Bill No. 473:

YEAS—21.

NAYS—None.

Assembly Bill No. 473 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 474.

Bill read third time.

Remarks by Senator Harris.

Assembly Bill No. 474 makes a one-time General Fund appropriation of \$3,359 and authorizes county reimbursement revenue of \$8,621 for the Commission on Ethics for the replacement of computer hardware and associated software.

Roll call on Assembly Bill No. 474:

YEAS—21.

NAYS—None.

Assembly Bill No. 474 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 475.

Bill read third time.

Remarks by Senator Goicoechea.

Assembly Bill No. 475, \$100,000 for the provision of education, technical assistance and research and policy development by the National Council of Juvenile and Family Court Judges; \$400,000 for the purchase of audio-visual equipment, hybrid teaching equipment; and \$87,000 for a 2-day meeting by the National Council of Juvenile and Family Court Judges relating to the development of a national judicial resource center concerning firearms.

Roll call on Assembly Bill No. 475:

YEAS—21.

NAYS—None.

Assembly Bill No. 475 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 476.

Bill read third time.

Remarks by Senator Titus.

Assembly Bill No. 476 makes appropriations and authorizes expenditure of money by the Aging Disability Services Division of the Department of Health and Human Services for the replacement of computer hardware and associated software and, most importantly, door locks.

Roll call on Assembly Bill No. 476:

YEAS—21.

NAYS—None.

Assembly Bill No. 476 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 477.

Bill read third time.

Remarks by Senator Seevers Gansert.

Assembly Bill No. 477 makes appropriations of the State General Fund and the Highway Fund and authorizes expenditures for the continuing cost for the replacement of the Nevada Shared Radio System.

Roll call on Assembly Bill No. 477:

YEAS—21.

NAYS—None.

Assembly Bill No. 477 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 478.

Bill read third time.

Remarks by Senator Neal.

Assembly Bill No. 478 provides Highway Fund appropriations for the State Emergency Response Commission.

Roll call on Assembly Bill No. 478:

YEAS—21.

NAYS—None.

Assembly Bill No. 478 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 479.

Bill read third time.

Remarks by Senator Nguyen.

Our State Board of Parole Commissioners needs some money for some computer software, as well as well as some switches.

Roll call on Assembly Bill No. 479:

YEAS—21.

NAYS—None.

Assembly Bill No. 479 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 481.

Bill read third time.

Remarks by Senator Harris.

Assembly Bill No. 481 makes a \$700,000 General Fund appropriation to the Account for the Nevada Main Street Program within the Governor's Office of Economic Development.

Roll call on Assembly Bill No. 481:

YEAS—21.

NAYS—None.

Assembly Bill No. 481 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 482.

Bill read third time.

Remarks by Senator Titus.

Assembly Bill No. 482 makes an appropriation to the Office of Finance in the Governor's Office as loans for the replacement of an information technology service management provider and computer hardware associated with software.

Roll call on Assembly Bill No. 482:

YEAS—21.

NAYS—None.

Assembly Bill No. 482 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 483.

Bill read third time.

Remarks by Senator Hammond.

Assembly Bill No. 483, as amended, provides \$5 million in Fiscal Year (FY) 2024 and \$5 million in FY 2025 in General Fund appropriations to the Workforce Innovations for a New Nevada Account.

Roll call on Assembly Bill No. 483:

YEAS—21.

NAYS—None.

Assembly Bill No. 483 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 484.

Bill read third time.

Remarks by Senator Goicoechea.

Assembly Bill No. 484 appropriates \$700,000 in General Funds to the Office of Economic Development in the Office of the Governor for the support of designated regional development authorities.

Roll call on Assembly Bill No. 484:

YEAS—21.

NAYS—None.

Assembly Bill No. 484 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 485.

Bill read third time.

Remarks by Senator Goicoechea.

Assembly Bill No. 485, as amended, makes a one-time State General Fund appropriation of \$3,974,486 to the Legislative Fund for annual dues for national organizations, a passenger van and information technology services projects.

Roll call on Assembly Bill No. 485:

YEAS—21.

NAYS—None.

Assembly Bill No. 485 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 486.

Bill read third time.

Remarks by Senator Titus.

Assembly Bill No. 486 makes appropriations to the Division of State Library, Archives and Public Records. They did not want to be left out for these computers.

Roll call on Assembly Bill No. 486:

YEAS—21.

NAYS—None.

Assembly Bill No. 486 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 487.

Bill read third time.

Remarks by Senator Titus.

Assembly Bill No. 487 also gives the Office of Finance in the Office of the Governor new computer hardware and software.

Roll call on Assembly Bill No. 487:

YEAS—21.

NAYS—None.

Assembly Bill No. 487 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 488.

Bill read third time.

Remarks by Senator Seevers Gansert.

Assembly Bill No. 488, as amended, makes General Fund appropriations of over \$1.6 million and creates a loan to the Division of Enterprise Information Technology [Services] in the Department of Administration for computer hardware, software, security firewall and security

upgrades to the mountaintop microwave sites. That loan will eventually be repaid through 25 percent increments.

Roll call on Assembly Bill No. 488:

YEAS—21.

NAYS—None.

Assembly Bill No. 488 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 489.

Bill read third time.

Remarks by Senator Seevers Gansert.

Assembly Bill No. 489 provides one-time General Fund appropriations to the Governor's Office for office equipment and also furniture and video-conference equipment.

Roll call on Assembly Bill No. 489:

YEAS—21.

NAYS—None.

Assembly Bill No. 489 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 491.

Bill read third time.

Remarks by Senator Neal.

Assembly Bill No. 491, as amended, provides General Fund appropriations to the Nevada System of Higher Education for enrollment recovery as follows: \$419,555 for Great Basin College, \$12 million for the College of Southern Nevada and \$1 million for Truckee Meadows Community College.

Roll call on Assembly Bill No. 491:

YEAS—21.

NAYS—None.

Assembly Bill No. 491 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 492.

Bill read third time.

Remarks by Senator Seevers Gansert.

Assembly Bill No. 492 provides General Fund appropriations to the Nevada System of Higher Education of \$3 million for the renewal of dark fiber leases and \$5 million to replace equipment that supports the System's NevadaNet.

Roll call on Assembly Bill No. 492:

YEAS—21.

NAYS—None.

Assembly Bill No. 492 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 493.

Bill read third time.

Remarks by Senator Neal.

Assembly Bill No. 493, as amended, appropriates \$2 million from the General Fund for the Nevada System of Higher Education for an interim study on the funding formula.

Roll call on Assembly Bill No. 493:

YEAS—21.

NAYS—None.

Assembly Bill No. 493 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 494.

Bill read third time.

Remarks by Senator Titus.

Assembly Bill No. 494 provides General Fund appropriations of \$1,649,534 to the University of Nevada, Reno, for the addition of weighted student credit hours resulting from the acquisition of Sierra Nevada College.

Roll call on Assembly Bill No. 494:

YEAS—21.

NAYS—None.

Assembly Bill No. 494 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 495.

Bill read third time.

Remarks by Senator Dondero Loop.

Assembly Bill No. 495, as amended, makes Highway Fund appropriations of \$17,222,969 to the Department of Public Safety, Nevada Highway Patrol Division, for the replacement and purchase of vehicles and vehicle equipment, protective gear, weapons, radar certification systems, body cameras, computer hardware and associated software, oral fluid, mobile testing devices and a staffing study.

Roll call on Assembly Bill No. 495:

YEAS—21.

NAYS—None.

Assembly Bill No. 495 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 496.

Bill read third time.

Remarks by Senator Nguyen.

This electrifying bill makes General Fund appropriations of about \$2 million to the Department of Public Safety for costs related to the Joint Emergency Training Institute for computers, radios and tasers.

Roll call on Assembly Bill No. 496:

YEAS—21.

NAYS—None.

Assembly Bill No. 496 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 498.

Bill read third time.

Remarks by Senators Neal, Stone, Seevers Gansert and Cannizzaro.

SENATOR NEAL:

Assembly Bill No. 498, as amended, revises the contribution rate for state employees of participating state agencies from a rate equal to that paid by the employer to one-half of the normal cost that is actuarially determined for police officers, firefighters and regular members depending upon the retirement fund in which the member is participating. The bill revises the employer contribution rate for a participating state agency to be the total contribution rate actuarially determined for police officers and firefighters and for regular members less the employee contribution rate.

As amended, it requires the State Board of Regents and each participant in the retirement program for members of professional staff, which is separate from the Public Employees' Retirement System (PERS), to each contribute 17.5 percent of the participant's gross compensation.

SENATOR STONE:

I support Assembly Bill No. 498. I have been looking at our prison system, and I talked a little earlier tonight that we have significant vacancies there, 400 vacancies. Officers are lateralling out. The reason why is if you look at the beginning take-home pay of a prison guard, if you take into consideration what they have to pay for their PERS contributions, they are making about \$35,000 a year. That is not anywhere near parity. This is a very important fix and recognizes the valiant efforts of our public safety personnel in the State. It shows that we value them, and that they deserve to earn a living wage, certainly commensurate with other agencies. We should all join to be unanimous in this vote. I urge a "yes" vote.

SENATOR SEEVERS GANSERT:

I oppose Assembly Bill No. 498. The Governor built in his budget a two-grade increase for law enforcement, which equates to about a 10 percent raise, in addition to the other cost of living adjustments (COLAs) and also some other collective bargaining agreements that were agreed to in May 2023. So there has been a significant boost for public employees, particularly for law enforcement. I think we all agree we want to make sure that we support them, but we have done that through other means.

SENATOR CANNIZZARO:

I am in strong support Assembly Bill No. 498. I think the one thing that we have been talking about for quite some time, especially during this session, is the pay of our state employees. We have done a remarkable job, I think, and have to give kudos to my colleague from Senate District 8 for her hard work as well as the Assembly Chair on Ways and Means to find ways to invest in our people.

With respect to some of the folks who would be covered by this particular piece of legislation, yes, there were grade increases. There were also COLA increases in the pay bill.

There is also in the Appropriations Act, base pay and funding for the Nevada Department of Corrections, just to point out two pieces of legislation that have passed out of this body to help those corrections officers as well as other state employees. What we know is that we significantly underfund our state employees, and I was proud to support both of those bills because I think it is important that we invest in those people. If that is what we are going to do and that is what we are going to say we support, that is what we should do. This piece of legislation is another piece that gives some assurances to our state employees that we care about them, especially when they see PERS contributions going up.

This is something I think is important to invest in. We have to do that. We have not done that largely because we have not had the capacity to do it in terms of funding. We are able, I think, at this point to do just that for those state employees. I am happy to strongly support Assembly Bill No. 498.

Roll call on Assembly Bill No. 498:

YEAS—16.

NAYS—Goicoechea, Hansen, Krasner, Seevers Gansert, Titus—5.

Assembly Bill No. 498 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 500.

Bill read third time.

Remarks by Senator Harris.

Assembly Bill No. 500 makes a supplemental appropriation of \$70,450 to the Governor's Office of Finance for an unanticipated shortfall related to costs associated with the preparation of the statewide cost allocation plan, which is included in the Executive Budget.

Roll call on Assembly Bill No. 500:

YEAS—21.

NAYS—None.

Assembly Bill No. 500 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 502.

Bill read third time.

Remarks by Senator Goicoechea.

Assembly Bill No. 502, as amended, makes a supplemental appropriation of \$471,798 in General Funds to the Division of Public and Behavioral Health of the Department of Health and Human Services for an unanticipated revenue shortfall and an increase in operating costs.

Roll call on Assembly Bill No. 502:

YEAS—21.

NAYS—None.

Assembly Bill No. 502 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 503.

Bill read third time.

Remarks by Senators Daly and Seevers Gansert.

SENATOR DALY:

Assembly Bill No. 503 makes various changes relating to background checks among other items.

SENATOR SEEVERS GANSERT:

I oppose Assembly Bill No. 503. I spent three sessions working on background checks related to schools, and we had to make sure those who are unsupervised or spent time with children, different volunteers, had background checks. This delays and reduces the background checks for some individuals. And I think it is extremely important that we make sure they have the background checks.

Also, all the background checks have to go through the Federal Bureau of Intelligence (FBI). The FBI will not let data be shared between different agencies. So even if you had a six-month delay where you did not have to get a background check, whatever one you had earlier had to be for the same agency or entity. So they are very strict about how background checks are used and the information is shared, and I am concerned about the gap in time during which someone would not have a background check.

Roll call on Assembly Bill No. 503:

YEAS—13.

NAYS—Buck, Goicoechea, Hammond, Krasner, Neal, Seevers Gansert, Stone, Titus—8.

Assembly Bill No. 503 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 504.

Bill read third time.

Remarks by Senator Titus.

Assembly Bill No. 504—wait for it—gives the Office of Economic Development in the Office of the Governor replacement hardware and software, furniture, communications services and other office modifications.

Roll call on Assembly Bill No. 504:

YEAS—21.

NAYS—None.

Assembly Bill No. 504 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 505.

Bill read third time.

Remarks by Senator Seevers Gansert.

Assembly Bill No. 505, as amended, makes the following one-time General Fund appropriations and authorizes expenditures for the Department of Veterans Services, which were included in the Executive Budget: one-time General Fund appropriations of \$52,447 and cemetery/interment fees of \$48,606 for the Department of Veterans Services for information technology equipment and one-time General Fund appropriations for the Veterans Home Account for the Northern Nevada Veterans Home of \$148,210 for information technology equipment and \$34,769 for the widening of an interior door.

Roll call on Assembly Bill No. 505:

YEAS—21.

NAYS—None.

Assembly Bill No. 505 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 506.

Bill read third time.

Remarks by Senator Neal.

Assembly Bill No. 506, as amended, makes General Fund appropriations of \$272,082 to the Office of Finance in the Office of the Governor as a loan to the Division of Enterprise Information Technology Services.

Roll call on Assembly Bill No. 506:

YEAS—21.

NAYS—None.

Assembly Bill No. 506 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 507.

Bill read third time.

Remarks by Senator Goicoechea.

Assembly Bill No. 507, as amended, makes General Fund appropriations totaling \$6,380,145 to the Department of Corrections for a staffing study and the replacement or purchase of computer hardware and software and various types of equipment, vehicles and systems.

Roll call on Assembly Bill No. 507:

YEAS—21.

NAYS—None.

Assembly Bill No. 507 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 508.

Bill read third time.

Remarks by Senator Neal.

Assembly Bill No. 508 makes a General Fund appropriation of roughly \$5.1 million to the Department of Public Safety and Division of Parole and Probation for the continuation of the replacement of the offender tracking information technology system.

Roll call on Assembly Bill No. 508:

YEAS—21.

NAYS—None.

Assembly Bill No. 508 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 509.

Bill read third time.

Remarks by Senator Nguyen.

Assembly Bill No. 509 makes a General Fund appropriation to the Department of Public

Safety and Investigations Division for—yes, you got it—computer hardware, associated software and more tasers.

Roll call on Assembly Bill No. 509:

YEAS—21.

NAYS—None.

Assembly Bill No. 509 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 510.

Bill read third time.

Remarks by Senator Harris.

Assembly Bill No. 510, as amended, provides Highway Fund appropriations totaling \$4.6 million to various divisions and budgets in the Department of Motor Vehicles to fund one-time expenditures.

Roll call on Assembly Bill No. 509:

YEAS—21.

NAYS—None.

Assembly Bill No. 509 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 511.

Bill read third time.

Remarks by Senator Goicoechea.

Assembly Bill No. 511, as amended, makes General Fund appropriations to the Division of Public and Behavioral Health of the Department of Health and Human Services totaling \$1,786,913 for computer hardware replacement; \$312,817 for replacement of laboratory equipment; \$179,035 for replacement of various equipment; \$96,183 for replacement of office furniture; \$35,736 for replacement of telephone system equipment; and \$13,763,582 for deferred maintenance projects.

Roll call on Assembly Bill No. 511:

YEAS—21.

NAYS—None.

Assembly Bill No. 511 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 512.

Bill read third time.

Remarks by Senator Titus.

Assembly Bill No. 512 makes appropriations to and authorizes the expenditure of money by the Division of Welfare and Supportive Services of the Department of Health and Human Services for certain information technology upgrades and projects. Of note is that \$48.3 million is for the Child Support Enforcement Program budget for the continuation of an information technology modernization project known as NVKids.

Roll call on Assembly Bill No. 512:

YEAS—21.

NAYS—None.

Assembly Bill No. 512 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, June 5, 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. 118, 467, 469, 475, 480, 492, 495, 498, 511.

CAROL AIELLO-SALA

Assistant Chief Clerk of the Assembly

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. President appointed Senators Scheible, Nguyen and Stone as a Conference Committee to meet with a like committee of the Assembly for the further consideration of Senate Bill No. 35.

Mr. President appointed Senators Pazina, Scheible and Goicoechea as a Conference Committee to meet with a like committee of the Assembly for the further consideration of Senate Bill No. 180.

Mr. President appointed Senators Lange, Scheible and Hammond as a Conference Committee to meet with a like committee of the Assembly for the further consideration of Senate Bill No. 196.

Senator Cannizzaro moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 8:10 p.m.

SENATE IN SESSION

At 10:28 p.m.

President Anthony presiding.

Quorum present.

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 Senate Bills Nos. 126, 163, 195, 205, 234, 242, 311, 342, 350, 380, 390, 428, 435, 460, 461, 462, 463, 464, 466, 468, 470, 471, 472, 473, 476, 477, 478, 479, 482, 483, 484, 485, 486, 487, 488, 489, 491, 493, 494, 497, 499, 500.

CAROL AIELLO-SALA

Assistant Chief Clerk of the Assembly

ASSEMBLY CHAMBER, Carson City, June 5, 2023

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Bill No. 11, Amendment No. 599; Senate Bill No. 72, Amendment No. 910; Senate Bill No. 225, Amendment No. 965; Senate Bill No. 231, Amendment No. 970; Senate Bill No. 266, Amendments Nos. 942, 967; Senate Bill No. 276, Amendment No. 926; Senate Bill No. 294, Amendment No. 812; Senate Bill No. 301, Amendment No. 949; Senate Bill No. 364, Amendment No. 928; Senate Bill No. 368, Amendments Nos. 662, 951; Senate Bill No. 371, Amendment No. 923; Senate Bill No. 395, Amendment No. 971; Senate Bill No. 439, Amendment No. 929, 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 Cannizzaro moved that Assembly Bills Nos. 45, 58, 448, 480 and 527 be taken from the Secretary's Desk and placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 45.

Bill read third time.

Remarks by Senator Harris.

Assembly Bill No. 45, as amended, creates a program to repay the student education loans of certain health providers.

Roll call on Assembly Bill No. 45:

YEAS—21.

NAYS—None.

Assembly Bill No. 45 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 58.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 981.

SUMMARY—Revises provisions relating to regional commercial air service in this State. (BDR 18-369)

AN ACT relating to economic development; revising the membership of the Nevada Air Service Development Commission; providing that money remaining in the Nevada Air Service Development Fund does not revert to the State General Fund at the end of a fiscal year; revising provisions governing grants awarded by the Commission from the Nevada Air Service Development Fund; making an appropriation to the Nevada Air Service Development Fund; making an appropriation to the Fund for Aviation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Nevada Air Service Development Commission, which consists of the Executive Director of the Office of Economic

Development in the Office of the Governor and the members of the Commission on Tourism. (NRS 231.680) Existing law also creates the Nevada Air Service Development Fund and requires the Commission to develop a program to make grants of money from the Fund to air carriers that will service or provide enhanced air service routes that will service certain airports in this State. (NRS 231.690, 231.710) Section ~~1.1~~ 1.8 of this bill provides that money remaining in the Nevada Air Service Development Fund does not revert to the State General Fund at the end of a fiscal year and must be carried forward to the next fiscal year. Section 2 of this bill makes an appropriation from the State General Fund to the Nevada Air Service Development Fund in the amount of \$5,000,000 for Fiscal Year 2023-2024 and \$5,000,000 for Fiscal Year 2024-2025 ~~for the purpose of making grants of money to air carriers that will service or provide enhanced air service routes that will service certain airports in this State and for the purpose of conducting a study of the development of intrastate and interstate air service in this State.~~

Section 1.6 of this bill provides that the Nevada Air Service Development Commission is part of the Office of Economic Development. Section 1.6 also maintains the Executive Director of the Office of Economic Development as a member of the Nevada Air Service Development Commission, but revises the membership of the Nevada Air Service Development Commission to include: (1) one member of the Commission on Tourism who is appointed by the Governor rather than all of the members of the Commission on Tourism; (2) one member who represents the Nevada Aviation Association; (3) one member who represents the department of aviation in a county whose population is 700,000 or more (currently only Clark County); (4) one member who represents the Reno-Tahoe Airport Authority; (5) one member who represents the Nevada Resort Association; (6) one member who represents the Nevada League of Cities; and (7) one member who represents the Nevada Association of Counties. Section 1.6 further provides that the terms of office for the members of the Nevada Air Service Development Commission are 2 years and must be staggered.

Section 1.9 of this bill revises the entities to which the Nevada Air Service Development Commission is authorized to award grants to include governmental entities. Sections 1.1, 1.2, 1.9 and 1.91 of this bill: (1) remove the limitation that the Commission is authorized to award grants only to air carriers that will establish or enhance air service routes to nonhub or small hub airports or to large hub airports that service nonhub or small hub airports; and (2) instead, authorize the Commission to award grants to air carriers for the purpose of establishing or enhancing air service routes that service any public use airport in this State that are part of the National Plan of Integrated Airport Systems published by the United States Secretary of Transportation. Section 1.5 of this bill clarifies that the air carriers eligible to receive such grants include, without limitation, air taxi operators. Section 2.7 of this bill repeals the statutory definitions of "large hub airport," "nonhub

airport" and "small hub airport" because those terms would no longer be used for the purpose of determining eligibility for the award of a grant from the Commission.

Existing law creates the Fund for Aviation in the State Treasury and authorizes the Director of the Department of Transportation to award grants to counties, cities and other local governments, except for facilities owned or controlled by the Reno-Tahoe Airport Authority or a county whose population is 700,000 or more (currently Clark County) for the planning, establishment, development, construction, enlargement, improvement or maintenance of any airport, landing area or air navigation facility owned or controlled by the county, city or other local government. (NRS 494.048) Section 2.5 of this bill makes an appropriation to the Fund for Aviation in the amount of \$1,000,000 for Fiscal Year 2023-2024 and \$1,000,000 for Fiscal Year 2024-2025 for these purposes.

Section 1.3 of this bill requires the Commission to prepare and submit an annual report to the Director of the Legislative Counsel Bureau relating to applications for grants received and grants awarded by the Commission during the immediately preceding calendar year.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 231 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.1, 1.2 and 1.3 of this act.

Sec. 1.1. "National Plan of Integrated Airport Systems public airport" or "NPIAS airport" means an airport in this State that is part of the most recent version of the National Plan of Integrated Airport Systems published by the United States Secretary of Transportation pursuant to 49 U.S.C. § 47103.

Sec. 1.2. "Public use airport" has the meaning ascribed to it in 49 U.S.C. § 47102.

Sec. 1.3. On or before February 1 of each year, the Commission shall prepare and submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature, or if the Legislature is not in session, the Legislative Commission, a report detailing for the immediately preceding calendar year:

1. The total number of applications for grants of money from the Fund that were received;

2. The total amount of grants from the Fund that were awarded by the Commission to air carriers; and

3. For each grant of money awarded from the Fund, the amount of each grant and an explanation of how the grant will be used by the air carrier to provide or enhance air service to an airport.

Sec. 1.4. NRS 231.600 is hereby amended to read as follows:

231.600 As used in NRS 231.600 to 231.720, inclusive, and sections 1.1, 1.2 and 1.3 of this act, unless the context otherwise requires, the words and terms defined in NRS 231.610 to ~~231.670~~ 231.650, inclusive, and sections 1.1 and 1.2 of this act have the meanings ascribed to them in those

sections.

Sec. 1.5. NRS 231.610 is hereby amended to read as follows:

231.610 "Air carrier" means a person who provides commercial air transportation to passengers. The term includes, without limitation, an air taxi operator designated pursuant to 14 C.F.R. § 298.3.

Sec. 1.6. NRS 231.680 is hereby amended to read as follows:

231.680 1. There is hereby created within the Office of Economic Development the Nevada Air Service Development Commission, consisting of:

(a) The Executive Director; and

(b) ~~The members;~~ One member appointed by the Governor who is a member of the Commission on Tourism ~~as provided in NRS 231.170.1;~~

(c) One member appointed by the Governor who represents the Nevada Aviation Association or its successor organization;

(d) One member appointed by the Governor who represents the department of aviation in a county whose population is 700,000 or more;

(e) One member appointed by the Governor who represents the Reno-Tahoe Airport Authority;

(f) One member appointed by the Governor who represents the Nevada Resort Association or its successor organization;

(g) One member appointed by the Governor who represents the Nevada Association of Counties or its successor organization; and

(h) One member appointed by the Governor who represents the Nevada League of Cities or its successor organization.

2. The Governor shall ensure that at least one member appointed pursuant to subsection 1 is a resident of a county whose population is less than 100,000.

3. The terms of office for the members of the Commission appointed pursuant to paragraphs (b) to (h), inclusive, of subsection 1 are 2 years, which terms must be staggered.

4. At the first meeting of each fiscal year, the Commission shall elect from among its members a Chair, a Vice Chair and a Secretary.

~~{3.}~~ 5. The Commission shall meet at least once each calendar quarter and at other times at the call of the Chair or a majority of its members.

~~{4.}~~ 6. A majority of the members of the Commission constitutes a quorum for the transaction of all business.

~~{Section 1.}~~ Sec. 1.8. NRS 231.690 is hereby amended to read as follows:

231.690 1. There is hereby created as a special revenue fund in the State Treasury the Nevada Air Service Development Fund. *Any money in the Fund remaining at the end of a fiscal year does not revert to the State General Fund, and the balance in the Fund must be carried forward to the next fiscal year.*

2. The Commission may accept gifts, bequests, grants, appropriations and donations from any source for deposit in the Fund.

3. The money in the Fund must be invested as other state funds are invested. All interest earned on the deposit or investment of the money in the Fund, after deducting any applicable charges, must be credited to the Fund. Claims against the Fund must be paid as other claims against the State are paid.

4. The Commission may make grants of money from the Fund to air carriers that satisfy the criteria set forth in NRS 231.710.

Sec. 1.9. NRS 231.710 is hereby amended to read as follows:

231.710 1. The Commission shall develop a program to provide grants of money from the Fund to an air carrier ~~[that will]~~ or any governmental entity for the purpose of establishing air service or [provide] providing enhanced air service routes that service ~~[an airport that is:~~

~~(a) A small hub airport, a nonhub airport or, if the air carrier provides air service through a large hub airport that services small hub airports and nonhub airports, a large hub airport; and~~

~~(b) Certified by the Federal Aviation Administration of the United States Department of Transportation pursuant to 14 C.F.R. Part 139.]~~ a public use airport that is an NPIAS airport.

2. An application for a grant of money from the Fund must be in the form prescribed by the Commission and must include, without limitation:

(a) A statement designating the ~~[small hub airport, nonhub airport or large hub]~~ airport described in subsection 1 for which the air carrier will commence or continue air service if the grant is awarded;

(b) Commitments from the air carrier that if the Commission awards the grant to the air carrier, the air carrier will enter into a written agreement with the Commission that provides for the air carrier to commence or continue air service to the airport designated in the application in exchange for receiving from the Commission one of the guarantees set forth in subsection 2 of NRS 231.720; and

(c) Letters of support from each airport that participates in the air service route offered by an air carrier pursuant to subsection 1.

Sec. 1.91. NRS 231.720 is hereby amended to read as follows:

231.720 1. The Commission may make a grant of money from the Fund if the Commission finds that the grant will:

(a) Enable an air carrier to commence or continue air service to ~~to a small hub airport, nonhub airport or large hub]~~ an airport described in subsection 1 of NRS 231.710; and

(b) Provide economic benefit to this State.

2. The Commission may make a grant of money from the Fund only to:

(a) Guarantee that an air carrier will receive an agreed amount of revenue per flight that the air carrier operates into or out of the airport designated in the application pursuant to paragraph (a) of subsection 2 of NRS 231.710; or

(b) Guarantee a profit goal for the air carrier that is established by agreement between the air carrier and the Commission.

Sec. 2. There is hereby appropriated from the State General Fund to the

Nevada Air Service Development Fund created pursuant to NRS 231.690 the following sums to conduct a study of the development of intrastate air service in this State and interstate air service to and from this State and to make grants of money to air carriers that satisfy the criteria set forth in NRS 231.710:

For the Fiscal Year 2023-2024\$5,000,000

For the Fiscal Year 2024-2025\$5,000,000

Sec. 2.5. 1. There is hereby appropriated from the State General Fund to the Fund for Aviation created by NRS 494.048 the following sums:

For the Fiscal Year 2023-2024\$1,000,000

For the Fiscal Year 2024-2025\$1,000,000

2. The money appropriated by subsection 1 must be used by rural airports to match money that is available from the Federal Aviation Administration.

Sec. 2.6. 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. 2.7. NRS 231.640, 231.660 and 231.670 are hereby repealed.

Sec. 3. This act becomes effective on July 1, 2023.

TEXT OF REPEALED SECTIONS

231.640 "Large hub airport" has the meaning ascribed to it in 49 U.S.C. § 47102.

231.660 "Nonhub airport" has the meaning ascribed to it in 49 U.S.C. 47102.

231.670 "Small hub airport" has the meaning ascribed to it in 49 U.S.C. § 47102.

Senator Dondero Loop moved the adoption of the amendment.

Remarks by Senator Dondero Loop.

Amendment No. 981 to Assembly Bill No. 58, as amended, deletes section 2 in its entirety and revises provisions relating to regional commercial air service in this State.

Amendment adopted.

The following amendment was proposed by Senator Dondero Loop:

Amendment No. 1000.

SUMMARY—Revises provisions relating to regional commercial air service in this State. (BDR 18-369)

AN ACT relating to economic development; ~~[providing that money remaining in the Nevada Air Service Development Fund does not revert to the State General Fund at the end of a fiscal year; making an appropriation to the Nevada Air Service Development Fund;]~~ making an appropriation to the Fund for Aviation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~—[Existing law creates the Nevada Air Service Development Commission, which consists of the Executive Director of the Office of Economic Development in the Office of the Governor and the members of the~~

~~Commission on Tourism. (NRS 231.680) Existing law also creates the Nevada Air Service Development Fund and requires the Commission to develop a program to make grants of money from the Fund to air carriers that will service or provide enhanced air service routes that will service certain airports in this State. (NRS 231.690, 231.710) Section 1 of this bill provides that money remaining in the Nevada Air Service Development Fund does not revert to the State General Fund at the end of a fiscal year and must be carried forward to the next fiscal year. Section 2 of this bill makes an appropriation from the State General Fund to the Nevada Air Service Development Fund in the amount of \$5,000,000 for Fiscal Year 2023-2024 and \$5,000,000 for Fiscal Year 2024-2025.]~~

Existing law creates the Fund for Aviation in the State Treasury and authorizes the Director of the Department of Transportation to award grants to counties, cities and other local governments, except for facilities owned or controlled by the Reno-Tahoe Airport Authority or a county whose population is 700,000 or more (currently Clark County) for the planning, establishment, development, construction, enlargement, improvement or maintenance of any airport, landing area or air navigation facility owned or controlled by the county, city or other local government. (NRS 494.048) Section 2.5 of this bill makes an appropriation to the Fund for Aviation in the amount of \$1,000,000 for Fiscal Year 2023-2024 and \$1,000,000 for Fiscal Year 2024-2025 for these purposes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~{NRS 231.690 is hereby amended to read as follows:~~

~~231.690 1. There is hereby created as a special revenue fund in the State Treasury the Nevada Air Service Development Fund. Any money in the Fund remaining at the end of a fiscal year does not revert to the State General Fund, and the balance in the Fund must be carried forward to the next fiscal year.~~

~~2. The Commission may accept gifts, bequests, grants, appropriations and donations from any source for deposit in the Fund.~~

~~3. The money in the Fund must be invested as other state funds are invested. All interest earned on the deposit or investment of the money in the Fund, after deducting any applicable charges, must be credited to the Fund. Claims against the Fund must be paid as other claims against the State are paid.~~

~~4. The Commission may make grants of money from the Fund to air carriers that satisfy the criteria set forth in NRS 231.710.] (Deleted by amendment.)~~

Sec. 2. ~~{There is hereby appropriated from the State General Fund to the Nevada Air Service Development Fund created pursuant to NRS 231.690 the following sums to make grants of money to air carriers that satisfy the criteria set forth in NRS 231.710:~~

~~For the Fiscal Year 2023-2024\$5,000,000~~

~~For the Fiscal Year 2024-2025 ..\$5,000,000 (Deleted by amendment.)~~

Sec. 2.5. 1. There is hereby appropriated from the State General Fund to the Fund for Aviation created by NRS 494.048 the following sums:

For the Fiscal Year 2023-2024\$1,000,000

For the Fiscal Year 2024-2025\$1,000,000

2. The money appropriated by subsection 1 must be used by rural airports to match money that is available from the Federal Aviation Administration.

Sec. 3. This act becomes effective on July 1, 2023.

Senator Dondero Loop moved the adoption of the amendment.

Remarks by Senator Dondero Loop.

Senate Amendment No. 1000 to Assembly Bill No. 58, as amended, deletes section 2 in its entirety.

Amendment adopted.

Bill read third time.

Remarks by Senators Goicoechea and Dondero Loop.

SENATOR GOICOECHEA:

I have a floor statement, but the amendments have completely changed it. So in this appropriation, it was \$5 million for the commercial air and \$1 million a year for the Fund for Aviation for the rural airports. The amendment has changed that completely, so I need an explanation.

SENATOR DONDERO LOOP:

In an abundance of being prudent with our funds, we needed to make some deliberate decisions and changes in some of our finances. This was one of those that we did.

Roll call on Assembly Bill No. 58:

YEAS—13.

NAYS—Buck, Goicoechea, Hammond, Hansen, Krasner, Seevers Gansert, Stone, Titus—8.

Assembly Bill No. 58 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 448.

Bill read third time.

Remarks by Senators Neal and Seevers Gansert.

SENATOR NEAL:

Assembly Bill No. 448 removes the exemption from the Real Property Transfer Tax that is applicable to certain transfers of real property between business entities if a transfer of real property is made to a business entity formed for the purpose of evading the tax on transfers of real property.

SENATOR SEEVERS GANSERT:

I believe this is the bill that removes an exemption for certain entities, correct?

SENATOR NEAL:

Yes.

SENATOR SEEVERS GANSERT:

Yes. Okay. So this bill, whenever you take an exemption out, somebody else is going to pay the tax. If you are no longer exempting them, they have to pay the tax. So this is an expansion of taxes in the State of Nevada, so I will be opposed.

Roll call on Assembly Bill No. 448:

YEAS—13.

NAYS—Buck, Goicoechea, Hammond, Hansen, Krasner, Seevers Gansert, Stone, Titus—8.

Assembly Bill No. 448 having failed to receive a two-thirds majority, Mr. President declared it lost.

Assembly Bill No. 480.

Bill read third time.

The following amendment was proposed by Senator Dondero Loop:

Amendment No. 999.

SUMMARY—Makes an appropriation to the Interim Finance Committee to allocate to certain state agencies to implement language access plans. (BDR S-1155)

AN ACT making an appropriation to the Interim Finance Committee to allocate to certain state agencies to implement language access plans; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. There is hereby appropriated from the State General Fund to the Interim Finance Committee the sum of \$25,000,000 for allocation in Fiscal Year 2024-2025 to agencies of the Executive Department of the State Government, as defined in NRS 232.0081, for the implementation of language access plans required pursuant to NRS 232.0081.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.

Sec. 2. This act becomes effective ~~on July 1, 2024.~~ upon passage and approval.

Senator Dondero Loop moved the adoption of the amendment.

Remarks by Senator Dondero Loop.

Amendment No. 999 to Assembly Bill No. 480 revises the effective date from July 1, 2024, to upon passage and approval.

Amendment adopted.

Bill read third time.

Remarks by Senator Cannizzaro.

Assembly Bill No. 480 makes General Fund appropriations to the Interim Finance Committee for allocation to the Executive Department of the State Government for language access plans.

Roll call on Assembly Bill No. 480:

YEAS—21.

NAYS—None.

Assembly Bill No. 480 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 527.

Bill read third time.

The following amendment was proposed by Senator Dondero Loop:

Amendment No. 993.

SUMMARY—Revises provisions relating to state financial administration. (BDR 31-1199)

AN ACT relating to state financial administration; revising requirements relating to the preparation of the state budget; ~~revising provisions relating to revisions of work programs in the state budget;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Chief of the Budget Division of the Office of Finance in the Office of the Governor to prepare a proposed budget for the Executive Department of the State Government. (NRS 353.185) Existing law requires the Judicial and Legislative Departments of the State Government, the Public Employees' Retirement System and the Tahoe Regional Planning Agency to submit to the Chief of the Budget Division for his or her information a copy of the budgets that they propose to submit to the Legislature. (NRS 353.210) Under existing law, the proposed budget for each fiscal year of a biennium is required to include a reserve of not less than 5 percent or more than 10 percent of the total of all proposed appropriations from the State General Fund for the operation of the State Government and authorized expenditures from the State General Fund for the regulation of gaming for that fiscal year. (NRS 353.213) ~~Section 1 of this~~ This bill requires the Chief of the Budget Division to include the total amount of appropriations included in the budgets submitted by the Judicial and Legislative Departments of the State Government, the Public Employees' Retirement System and the Tahoe Regional Planning Agency in the calculation of the reserve in the proposed budget.

~~[Under the State Budget Act, the head of a department, institution or other agency of the Executive Department of the State Government, with certain exceptions, is authorized, as a result of changed conditions, to request a revision to a work program within its budget. Such a revision is required to be approved or disapproved by the Governor or the Chief of the Budget Division. In addition, the department, institution or agency is required to~~

~~obtain the approval of the Interim Finance Committee, or the Governor in certain emergency or expeditious circumstances, before revising a work program in an amount more than \$30,000 if the revision will increase or decrease by 10 percent or \$75,000, whichever is less, the expenditure level approved by the Legislature for any of the allotments within the work program. (NRS 353.220) Section 2 of this bill eliminates the initial monetary threshold of \$30,000 for the additional required approval of a work program and increases the dollar amount of the other threshold in existing law to \$100,000. Thus, under section 2, an agency must obtain additional approval of its work program from the Interim Finance Committee, or the Governor in certain emergency or expeditious circumstances, if the revision will increase or decrease by 10 percent or \$100,000, whichever is less, the expenditure level approved by the Legislature for any of the allotments within the work program.~~

~~Under existing law, if the Governor approves a work program that meets the monetary threshold level in the case of an emergency or for the protection of life or property, the Governor is required to report his or her approval of the work program to the Interim Finance Committee at its next meeting. (NRS 353.220) Section 2 eliminates this reporting requirement and instead requires the Governor to notify the Chair of the Interim Finance Committee before approving the work program.~~

~~Under existing law, the Interim Finance Committee is required to consider a request for the revision of a work program within 45 days after its submission or the request is deemed approved. (NRS 353.220) Section 2 eliminates that requirement and instead requires, with an exception, the placement of the request on the agenda of the next meeting of the Interim Finance Committee.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 353.210 is hereby amended to read as follows:

353.210 1. Except as otherwise provided in subsections 6 and 7, on or before September 1 of each even-numbered year, all departments, institutions and other agencies of the Executive Department of the State Government, and all agencies of the Executive Department of the State Government receiving state money, fees or other money under the authority of the State, including those operating on money designated for specific purposes by the Nevada Constitution or otherwise, shall prepare, on blanks furnished them by the Chief, and submit to the Chief:

(a) The number of full-time equivalent positions within the department, institution or agency.

(b) The number of full-time equivalent positions within the department, institution or agency that have been vacant for at least 12 months, the number of months each such position has been vacant and the reasons for each such vacancy.

(c) Any existing contracts for services the department, institution or

agency has with temporary employment services or other persons, the proposed expenditures for such contracts in the next 2 fiscal years and the reasons for the use of such services. If such contracts include any privatization contracts, a copy of each of those privatization contracts together with:

- (1) A statement specifying the duration of the privatization contracts;
- (2) The number of privatization contracts proposed for the next 2 fiscal years and the estimated expenditures for the privatization contracts; and
- (3) An analysis of each of the privatization contracts, which includes, without limitation:

- (I) For the preceding, current and next fiscal years, the annual amount required to perform each of the privatization contracts; and

- (II) For the preceding and current fiscal years, the number of persons the department, institution or agency employed pursuant to the privatization contracts, reflected as the equivalent full-time position if the persons were regularly employed by the department, institution or agency, including the equivalent hourly wage and the cost of benefits for each job classification.

- (d) If the department, institution or agency has any existing performance contracts that it has entered into pursuant to chapter 333A of NRS, any request to reinvest any savings realized under such a contract for the next 2 fiscal years.

- (e) Estimates of expenditure requirements of the department, institution or agency, together with all anticipated income from fees and all other sources, for the next 2 fiscal years compared with the corresponding figures of the last completed fiscal year and the estimated figures for the current fiscal year.

2. The Chief shall direct that one copy of the forms submitted pursuant to subsection 1, accompanied by every supporting schedule and any other related material, be delivered directly to the Fiscal Analysis Division of the Legislative Counsel Bureau on or before September 1 of each even-numbered year.

3. The Budget Division of the Office of Finance shall give advance notice to the Fiscal Analysis Division of the Legislative Counsel Bureau of any conference between the Budget Division of the Office of Finance and personnel of other state agencies regarding budget estimates. A Fiscal Analyst of the Legislative Counsel Bureau or his or her designated representative may attend any such conference.

4. The estimates of expenditure requirements submitted pursuant to subsection 1 must be classified to set forth the data of funds, organizational units, and the character and objects of expenditures by program or budgetary account and by category of expense, and must include a mission statement and measurement indicators in adequate detail to comply with the requirements of subparagraph (3) of paragraph (b) of subsection 1 of NRS 353.205. The organizational units may be subclassified by functions and by agencies, bureaus or commissions, or in any other manner at the discretion of the Chief.

5. If any department, institution or other agency of the Executive Department of the State Government, whether its money is derived from state money or from other money collected under the authority of the State, fails or neglects to submit estimates of its expenditure requirements as provided in this section, the Chief may, from any data at hand in the Chief's office or which the Chief may examine or obtain elsewhere, make and enter a proposed budget for the department, institution or agency in accordance with the data.

6. Agencies, bureaus, commissions and officers of the Legislative Department, the Public Employees' Retirement System and the Judicial Department of the State Government shall submit to the Chief for his or her information in preparing the proposed executive budget the budgets which they propose to submit to the Legislature. *The Chief shall include the total amount of appropriations included in the budgets submitted pursuant to this subsection in the calculation of the reserve required pursuant to subsection 3 of NRS 353.213.*

7. On or before September 1 of each even-numbered year, the Tahoe Regional Planning Agency shall submit the budget which the Agency proposes to submit to the Legislature to:

(a) The Chief for his or her information in preparing the proposed executive budget. *The Chief shall include the total amount of appropriations included in the budget submitted pursuant to this subsection in the calculation of the reserve required pursuant to subsection 3 of NRS 353.213.*

(b) The Fiscal Analysis Division of the Legislative Counsel Bureau.

8. The information provided by a department, institution or agency pursuant to paragraph (c) of subsection 1 is a public record and must be open to public inspection.

9. As used in this section, "privatization contract" means a contract executed by or on behalf of a department, institution or agency which authorizes a private entity to provide public services which are:

(a) Substantially similar to the services performed by the public employees of the department, institution or agency; and

(b) In lieu of the services otherwise authorized or required to be provided by the department, institution or agency.

~~Sec. 2. [NRS 353.220 is hereby amended to read as follows:
353.220 1. The head of any department, institution or agency of the Executive Department of the State Government, whenever he or she deems it necessary because of changed conditions, may request the revision of the work program of his or her department, institution or agency at any time during the fiscal year, and submit the revised program to the Governor through the Chief with a request for revision of the allotments for the remainder of that fiscal year.~~

~~2. Every request for revision must be submitted to the Chief on the form and with supporting information as the Chief prescribes.~~

~~3. Before encumbering any appropriated or authorized money, every~~

~~request for revision must be approved or disapproved in writing by the Governor or the Chief, if the Governor has by written instrument delegated this authority to the Chief.~~

~~4. Except as otherwise provided in subsection 8, whenever a request for the revision of a work program of a department, institution or agency [in an amount more than \$30,000] would, when considered with all other changes in allotments for that work program made pursuant to subsections 1, 2 and 3 and NRS 353.215, increase or decrease by 10 percent or [\$75,000,] \$100,000, whichever is less, the expenditure level approved by the Legislature for any of the allotments within the work program, the request must be approved as provided in subsection 5 before any appropriated or authorized money may be encumbered for the revision.~~

~~5. If a request for the revision of a work program requires additional approval as provided in subsection 4 and:~~

~~(a) Is necessary because of an emergency as defined in NRS 353.263 or for the protection of life or property, the Governor shall take reasonable and proper action to approve it [and shall report the action, and] after notifying the Chair of Interim Finance Committee of his or her reasons for determining that immediate action [was] is necessary . [, to the Interim Finance Committee at its first meeting after the action is taken.] Action by the Governor pursuant to this paragraph constitutes approval of the revision, and other provisions of this chapter requiring approval before encumbering money for the revision do not apply.~~

~~(b) The Governor determines that the revision is necessary and requires expeditious action, he or she may certify that the request requires expeditious action by the Interim Finance Committee. Whenever the Governor so certifies, the Interim Finance Committee has 15 days after the request is submitted to its Secretary within which to consider the revision. Any request for revision which is not considered within the 15-day period shall be deemed approved.~~

~~(c) Does not qualify pursuant to paragraph (a) or (b), it must be submitted to the Interim Finance Committee. [The Interim Finance Committee has 45 days after the request is submitted to its Secretary within which to consider the revision. Any request which is not considered within the 45-day period shall be deemed approved.]~~

~~6. [The] Except as otherwise provided in this subsection, the Secretary shall place each request submitted pursuant to paragraph (b) or (c) of subsection 5 on the agenda of the [next] first meeting of the Interim Finance Committee [,] after the submission of the request. If a request is submitted pursuant to paragraph (c) of subsection 5 within 30 days before the first meeting of the Interim Finance Committee after the submission of the request, the Secretary shall place the request on the agenda of the second meeting of the Interim Finance Committee after the submission of the request.~~

~~7. In acting upon a proposed revision of a work program, the Interim~~

~~Finance Committee shall consider, among other things:~~

~~—(a) The need for the proposed revision; and~~

~~—(b) The intent of the Legislature in approving the budget for the present biennium and originally enacting the statutes which the work program is designed to effectuate.~~

~~—8. The provisions of subsection 4 do not apply to any request for the revision of a work program which is required:~~

~~—(a) As a result of the acceptance of a gift or grant of property or services pursuant to subsection 5 of NRS 353.335; or~~

~~—(b) To carry forward to a fiscal year, without a change in purpose, the unexpended balance of any money authorized for expenditure in the immediately preceding fiscal year.] (Deleted by amendment.)~~

Sec. 3. This act becomes effective on July 1, 2023.

Senator Dondero Loop moved the adoption of the amendment.

Remarks by Senator Dondero Loop.

Senate Amendment No. 993 to Assembly Bill No. 527 eliminates section 2 in its entirety.

Amendment adopted.

Bill read third time.

Remarks by Senator Nguyen.

Assembly Bill No. 527 revises requirements relating to the preparation of the state budget and revises provisions relating to revisions of work programs in the state budget.

Roll call on Assembly Bill No. 527:

YEAS—16.

NAYS—Goicoechea, Hansen, Krasner, Stone, Titus—5.

Assembly Bill No. 527 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Cannizzaro moved that the action whereby Assembly Bill No. 448 was lost be reconsidered.

Motion carried.

Senator Cannizzaro moved that Assembly Bill No. 448 be taken from its position on the General File and placed at the top of the General File and considered next.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 448.

Bill read third time.

Remarks by Senators Cannizzaro and SeEVERS Gansert.

SENATOR CANNIZZARO:

Assembly Bill No. 448 revises provisions governing the Real Property Transfer Tax.

SENATOR SEEVERS GANSERT:

I support Assembly Bill No. 448. It closes a loophole that has existed for a while. There was

another bill that was related to the Commerce Tax, and I confused it with this one. Anyway, I want to make sure we close that loophole, so I urge support.

Roll call on Assembly Bill No. 448:

YEAS—21.

NAYS—None.

Assembly Bill No. 448 having received a two-thirds majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS
CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 301.

The following Assembly amendment was read:

Amendment No. 949.

SUMMARY—Revises provisions governing public works. (BDR 28-967)

AN ACT relating to public works; revising provisions governing the circumstances under which a worker is deemed to be employed on a public work; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires that mechanics and workers employed on certain public works be paid, at minimum, the prevailing wage for the type of work that the mechanic or worker performs in the region in which the public work is located. (NRS 338.020) With certain exceptions, existing law deems a worker to be employed on a public work if the worker is: (1) employed at the site of a public work; and (2) necessary in the execution of the contract for the public work. (NRS 338.040) Section 1 of this bill provides that a worker who is: (1) employed by delivering or removing construction material or structures to or from the site of a public work; and (2) necessary in the execution of the contract for the public work is also deemed to be employed on the public work for purposes of the payment of prevailing wages. Section 1 further defines "construction material or structures" to mean aggregate, asphalt and concrete.

Section 1.3 of this bill makes an appropriation to the Office of the Labor Commissioner in the Department of Business and Industry for personnel, operating, travel and information services costs for compliance and enforcement duties related to the provisions of this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 338.040 is hereby amended to read as follows:

338.040 1. Except as otherwise provided by specific statute, workers who are:

(a) Employed at the site of a public work ~~to or from the site of a public work~~ *or employed by delivering or removing construction material or structures to or from the site of a public work*; and

(b) Necessary in the execution of the contract for the public work,
 ➔ are deemed to be employed on public works.

2. The Labor Commissioner shall adopt regulations to define the circumstances under which a worker is:

(a) Employed at the site of a public work ~~[-] or employed by delivering or removing construction material or structures to or from the site of a public work;~~ and

(b) Necessary in the execution of the contract for the public work.

3. *For the purposes of this section, "construction material or structures" means aggregate, asphalt and concrete.*

Sec. 1.3. 1. There is hereby appropriated from the State General Fund to the Office of the Labor Commissioner in the Department of Business and Industry the sum of \$144,576 for personnel, operating, travel and information services costs for compliance and enforcement duties related to the provisions of this act. ~~[the following sums:~~

~~For the Fiscal Year 2023-2024 \$86,357~~

~~For the Fiscal Year 2024-2025 \$144,576]~~

2. Any remaining balance of the [sums appropriated] appropriation made by subsection 1 ~~[remaining at the end of the respective fiscal years]~~ must not be committed for expenditure after June ~~[30 of the respective fiscal years]~~ 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 20, 2024, and]~~ September 19, 2025, ~~[respectively,]~~ by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before ~~[September 20, 2024, and]~~ September 19, 2025. ~~[, respectively.]~~

Sec. 2. Any regulations adopted by the Labor Commissioner that conflict with NRS 338.040, as amended by section 1 of this act, are void. The Legislative Counsel shall remove those regulations from the Nevada Administrative Code as soon as practicable after the date on which this section becomes effective.

Sec. 3. 1. This section ~~[and section 2 of this act become]~~ becomes effective upon passage and approval.

2. Section 1.3 of this act becomes effective on July 1, ~~[2023,]~~ 2024.

3. ~~[Section]~~ Sections 1 and 2 of this act [becomes] become effective [-]
~~— (a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and~~

~~— (b) On January 1, 2024, for all other purposes.] on July 1, 2025.~~

Senator Flores moved that the Senate do not concur in Assembly Amendment No. 949 to Senate Bill No. 301.

Motion carried.

Bill ordered transmitted to the Assembly.

Senate Bill No. 72.

The following Assembly amendment was read:

Amendment No. 910.

SUMMARY—Directs the Joint Interim Standing Committee on Education to conduct certain studies during the 2023-2024 interim. (BDR S-441)

AN ACT relating to education; directing the Joint Interim Standing Committee on Education to conduct certain studies during the 2023-2024 interim and report its findings to the Legislature; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Joint Interim Standing Committee on Education. (NRS 218E.320) Existing law authorizes the Committee to: (1) evaluate, review and comment upon issues related to education in Nevada; (2) conduct investigations and hold hearings; (3) conduct studies as directed by the Legislature or the Legislative Commission; and (4) make certain recommendations to the Legislature. (NRS 218E.330, 218E.615) This bill directs the Committee to conduct ~~five~~ six separate studies during the 2023-2024 interim and report its findings for each study to the Legislature. Specifically, this bill directs the Committee to study: (1) the mental health and wellness of pupils; (2) the workload of teachers, including any relevant statutory and regulatory requirements; (3) requirements governing the licensing and authorization to work of teachers and administrators and the effect of such requirements on the diversity and effectiveness of teachers and administrators and the recruitment of local teachers and administrators; (4) trends in graduation and achievement of pupils enrolled in high school and any divergence between those trends; ~~and~~ (5) groups of pupils that may require additional resources, and policies and strategies that may address the needs of such groups ~~;~~ and (6) waivers of registration fees, laboratory fees and other fees at institutions within the Nevada System of Higher Education.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. The Joint Interim Standing Committee on Education shall, during the 2023-2024 interim:

(a) Conduct a study concerning the mental health and wellness of pupils in this State and programs to improve the mental health and wellness of such pupils, including, without limitation, evidence-based mental health therapies and practices.

(b) Conduct a study concerning the workload of teachers in this State, including, without limitation, provisions of law and regulations that affect the workload of teachers in this State, to better understand and evaluate the workload of teachers in this State.

(c) Conduct a study concerning requirements governing the licensing and authorization to work of teachers and administrators in this State, including, without limitation, ~~any requirement that an applicant for a license as a teacher or administrator, as applicable, must pass the "Praxis Core Academic~~

~~Skills for Educators" examination in reading, mathematics and writing, prepared and administered by the Educational Testing Service, and requirements for the authorization of a holder of a J-1 visa issued pursuant to 8 U.S.C. § 1101(a)(15)(J) to work as a teacher or administrator, in order to:~~

(1) Identify whether such requirements are barriers to increasing the diversity of teachers or administrators, as applicable, in this State and increasing the number of pupils in the public schools in this State and students at institutions of higher education in this State who eventually become teachers and administrators in this State; and

(2) Ensure that requirements concerning the competency of applicants for a license as a teacher or administrator, as applicable, are reasonable indicators of the future effectiveness of such an applicant as a teacher or administrator.

(d) Conduct a study concerning:

(1) Trends in the graduation rates of, and the types of diplomas awarded to, pupils enrolled in high school in this State, based on the information included in the annual report of accountability pursuant to NRS 385A.260;

(2) Trends in achievement of pupils enrolled in high school in this State, including, without limitation, information relating to such trends that is included in the annual report of accountability pursuant to NRS 385A.200;

(3) A comparison of the trends described in subparagraphs (1) and (2); and

(4) Any factors which may be responsible for the trends described in subparagraphs (1) and (2) and any divergence between the trends described in subparagraph (1) and the trends described in subparagraph (2).

(e) Conduct a study concerning:

(1) Groups of pupils who may require additional resources to receive a reasonably equal educational opportunity;

(2) The specific educational needs of such groups of pupils;

(3) Policies and strategies that target such groups of pupils, address specific needs and provide specific interventions, including, without limitation, policies and strategies to increase enrollment in postsecondary education or vocational training; and

(4) Long-term strategies to fund and implement such policies and programs.

(f) Conduct a study concerning waivers of registration fees, laboratory fees and other fees at institutions within the Nevada System of Higher Education, including, without limitation, any such waivers granted by the Board of Regents of the University of Nevada pursuant to NRS 396.544 to 396.54495, inclusive.

2. On or before February 1, 2025, for each study listed in subsection 1, the Joint Interim Standing Committee on Education shall submit a report of its findings and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmittal to the 83rd Session of the Legislature.

Sec. 2. This act becomes effective on July 1, 2023.

Senator Lange moved that the Senate concur in Assembly Amendment No. 910 to Senate Bill No. 72.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 82.

The following Assembly amendments were read:

Amendment No. 623.

SUMMARY—Revises provisions related to public works. (BDR 28-535)

AN ACT relating to public works; revising provisions relating to the use of apprentices on public works; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires contractors or subcontractors engaged on public works to use one or more apprentices for a certain percentage of the total hours performed on a public work, depending on the number of workers employed on the public work, and to enter into an apprenticeship agreement for all apprentices so required. (NRS 338.01165) Section 1 of this bill: (1) eliminates the threshold number of workers for the applicability of the requirements for using apprentices; (2) applies those requirements based on all public works performed by a contractor or subcontractor during a calendar year instead of based on each public work; and (3) limits the requirement to enter into an apprenticeship agreement to those contractors or subcontractors who are not signatories to a collective bargaining agreement with a sponsoring union.

Existing law: (1) sets forth a procedure that authorizes the Labor Commissioner, upon request by a public body, to grant a modification or waiver from the requirements for using apprentices upon a finding of good cause; and (2) defines the circumstances that constitute "good cause." (NRS 338.01165) Section 1: (1) eliminates that procedure; (2) requires a contractor or subcontractor to maintain and provide to the Labor Commissioner any supporting documentation to show that the contractor or subcontractor made a good faith effort to comply with the annual requirements to use one or more apprentices for a certain percentage of the total hours performed on public works; and (3) sets forth certain requirements for such supporting documentation.

Existing law provides that an apprentice who graduates from an apprenticeship program while employed on a public work is deemed to be an apprentice on the public work for purposes of the requirements for using apprentices and a journeyman for certain purposes, including the payment of wages. (NRS 338.01165) Section 1 expands the circumstances under which a person is treated as an apprentice for those requirements.

Section 1 also requires, on or before February 15 of each year, a contractor or subcontractor to submit certain information to the Labor Commissioner

regarding the hours that were worked in a calendar year on vertical or horizontal construction for each apprenticed craft or type of work performed. Section 2 of this bill requires that the first such annual report be submitted on or before February 15, 2025, and address calendar year 2024.

Finally, section 1 sets forth a penalty schedule for violations of certain provisions relating to the requirements for a contractor or subcontractor to use one or more apprentices for a certain percentage of the total hours performed on a public work.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 338.01165 is hereby amended to read as follows:

338.01165 1. Notwithstanding any other provision of this chapter and except as otherwise provided in this section, a contractor or subcontractor engaged in vertical construction who employs ~~one worker~~ workers on ~~a~~ one or more public ~~work~~ works during a calendar year pursuant to NRS 338.040 shall use one or more apprentices for at least 10 percent , or any increased percentage established pursuant to subsection 3, of the total hours of labor worked for each apprenticed craft or type of work to be performed on ~~the~~ those public ~~work for which more than three workers are employed.~~ works.

2. Notwithstanding any other provision of this chapter and except as otherwise provided in this section, a contractor or subcontractor engaged in horizontal construction who employs ~~one worker~~ workers on ~~a~~ one or more public ~~work~~ works during a calendar year pursuant to NRS 338.040 shall use one or more apprentices for at least 3 percent , or any increased percentage established pursuant to subsection 3, of the total hours of labor worked for each apprenticed craft or type of work to be performed on ~~the~~ those public ~~work for which more than three workers are employed.~~ works.

3. On or after January 1, 2021, the Labor Commissioner, in collaboration with the State Apprenticeship Council, may adopt regulations to increase the percentage of total hours of labor required to be performed by an apprentice pursuant to subsection 1 or 2 by not more than 2 percentage points.

4. An apprentice who graduates from an apprenticeship program while employed on a public work shall:

(a) Be deemed an apprentice on the public work for the purposes of subsections 1 and 2.

(b) Be deemed a journeyman for all other purposes, including, without limitation, the payment of wages or the payment of wages and benefits to a journeyman covered by a collective bargaining agreement.

5. If a contractor or subcontractor who is a signatory to a collective bargaining agreement with a union that sponsors an apprenticeship program for an apprenticed craft or type of work for which the term of apprenticeship is not more than 3 years requests an apprentice from that apprenticeship program and an apprentice in the appropriate craft or type of work is not available, the ~~apprenticeship program~~ contractor or subcontractor may

~~provide~~ utilize a person who graduated from the apprenticeship program in that craft or type of work within the 3 years immediately preceding the request from the contractor or subcontractor. Such a person:

(a) Shall be deemed an apprentice on the public work for the purposes of subsections 1 and 2.

(b) Shall be deemed a journeyman for all other purposes, including, without limitation, the payment of wages and benefits to a journeyman pursuant to the collective bargaining agreement.

6. A contractor or subcontractor engaged on a public work is not required to use an apprentice in a craft or type of work performed in a jurisdiction recognized by the State Apprenticeship Council as not having apprentices in that craft or type of work.

~~[6.— A public body may, upon the request of a contractor or subcontractor, submit a request]~~

7. A contractor or subcontractor engaged on a public work shall maintain and provide to the Labor Commissioner any supporting documentation to show that the contractor or subcontractor made a good faith effort to comply with subsection 1 or 2, as applicable ~~for~~ as determined by the Labor Commissioner. For purposes of this subsection, a contractor or subcontractor:

(a) Makes a good faith effort to comply with subsection 1 or 2, as applicable, if the contractor or subcontractor:

(1) Submits to the apprenticeship program, on the form prescribed by the Labor Commissioner ~~[to modify or waive the percentage of hours of labor provided by one or more apprentices required pursuant to subsection 1 or 2 for good cause. A public body must submit such a request, before an advertisement for bids has been placed, the opening of bids or the award of a contract for a public work or after the public body has commenced work on the public work. Such a request must include any supporting documentation, including, without limitation, proof of denial of or failure to approve a request for apprentices pursuant to subparagraph (3) of paragraph (d) of subsection 10.~~

~~—7.]~~ , a request for an apprentice not earlier than 10 days before the contractor or subcontractor is scheduled to begin work on the public work and not later than 5 days after the contractor or subcontractor actually begins work on the public work.

(2) If the apprenticeship program does not provide an apprentice for the appropriate apprenticed craft or type of work upon a request pursuant to subparagraph (1), submits additional requests to the apprenticeship program, on the form prescribed by the Labor Commissioner, at least once every 30 days during the period that the contractor or subcontractor is working on the public work. If a contractor or subcontractor does not work continuously on the public work, the contractor or subcontractor shall submit an additional request each time that the contractor or subcontractor resumes work on the public work not earlier than 10 days before the

contractor or subcontractor is scheduled to resume work on the public work and not later than 5 days after the contractor or subcontractor actually resumes work on the public work. The requirement for the submission of an additional request in this subparagraph does not apply whenever a contractor or subcontractor has one or more apprentices employed for that apprenticed craft or type of work.

(b) Does not make a good faith effort to comply with subsection 1 or 2, as applicable, as determined by the Labor Commissioner, if the contractor or subcontractor is required to enter into an apprenticeship agreement pursuant to subsection 16 and refuses to do so.

8. The supporting documentation required pursuant to subsection 7 ~~(must)~~ may include, without limitation:

(a) Documentation of the submission by the contractor or subcontractor of one or more requests, as applicable, pursuant to subsection 7; and

(b) Documentation that the apprenticeship program denied such a request, did not respond to such a request or responded that the program was unable to provide the requested apprentice.

9. The contractor or subcontractor and the apprenticeship program shall coordinate the starting date for any apprentice provided by the program.

10. On or before February 15 of each year, a contractor or subcontractor engaged in vertical or horizontal construction, as applicable, who employs a worker on one or more public works pursuant to NRS 338.040 shall report to the Labor Commissioner, on the form prescribed by the Labor Commissioner ~~(shall issue a determination of whether to grant a modification or waiver requested pursuant to subsection 6 within 15 days after the receipt of such request. The Labor Commissioner may grant such a request if he or she makes a finding that there is good cause to modify or waive the percentage of hours of labor provided by one or more apprentices required pursuant to subsection 1 or 2.~~

~~—8.]~~ , the following information regarding those public works for the previous calendar year:

(a) For each apprenticed craft or type of work, the total number of hours worked on vertical construction.

(b) For each apprenticed craft or type of work, the total number of hours worked on horizontal construction.

(c) For each apprenticed craft or type of work, the total number of hours worked by apprentices on vertical construction.

(d) For each apprenticed craft or type of work, the total number of hours worked by apprentices on horizontal construction.

(e) For each apprenticed craft or type of work, the percentage of the total number of hours worked on vertical construction that were worked by apprentices.

(f) For each apprenticed craft or type of work, the percentage of the total number of hours worked on horizontal construction that were worked by apprentices.

11. The information required to be reported pursuant to subsection 10 must not include any identifying information about a public work or an apprentice or employee.

12. If the Labor Commissioner, on his or her own initiative or based on a complaint, makes a determination based on the information submitted pursuant to subsection 10 that a contractor or subcontractor did not make a good faith effort to comply with the provisions of subsection 1 or 2, as applicable, the Labor Commissioner shall notify the contractor or subcontractor in writing of the determination and:

(a) Except as otherwise provided in paragraph (b), shall assess a penalty as follows:

(1) If the apprentice utilization rate by the contractor or subcontractor on vertical construction of a public work is:

(I) Seven and one-half percent or more but less than 10 percent of the total hours of labor worked for an apprenticed craft or type of work, a penalty of \$2,500 or \$2 for each hour below the percentage required, whichever is higher.

(II) More than 4 percent but less than 7.5 percent of the total hours of labor worked for an apprenticed craft or type of work, a penalty of \$3,000 or \$4 for each hour below the percentage required, whichever is higher.

(III) Four percent or less of the total hours of labor worked for an apprenticed craft or type of work, a penalty of \$5,000 or \$6 for each hour below the percentage required, whichever is higher.

(2) If the apprentice utilization rate by the contractor or subcontractor on horizontal construction of a public work is:

(I) Two percent or more but less than 3 percent of the total hours of labor worked for an apprenticed craft or type of work, a penalty of \$2,500 or \$2 for each hour below the percentage required, whichever is higher.

(II) More than 1 percent but less than 2 percent of the total hours of labor worked for an apprenticed craft or type of work, a penalty of \$3,000 or \$4 for each hour below the percentage required, whichever is higher.

(III) One percent or less of the total hours of labor worked for an apprenticed craft or type of work, a penalty of \$5,000 or \$6 for each hour below the percentage required, whichever is higher.

(b) Shall not assess a penalty if the total number of hours of labor required to be worked by apprentices:

(1) On vertical construction pursuant to subsection 1, as applicable, during the previous calendar year is less than 40 hours.

(2) On horizontal construction pursuant to subsection 2, as applicable, during the previous calendar year is less than 24 hours.

13. Except for good cause, the Labor Commissioner may not initiate his or her own investigation or accept a complaint based on the information submitted by a contractor or subcontractor pursuant to subsection 10 after May 1 immediately following the date on which the report was received by the Labor Commissioner.

14. In addition to the penalties set forth in subsection 12, if the Labor Commissioner, on his or her own initiative or based on a complaint, makes a determination that a contractor or subcontractor did not submit the report required pursuant to subsection 10 or ~~did not make a good faith effort~~ made no attempt to comply with the provisions of subsection 1 or 2, as applicable, the Labor Commissioner shall:

(a) Impose a penalty of not less than \$10,000 but not more than \$75,000;
or

(b) Disqualify the contractor or subcontractor from being awarded a contract for a public work for at least 180 days but not more than 2 years.

15. A ~~public body,~~ contractor or subcontractor may request a hearing on the determination of the Labor Commissioner pursuant to subsection 12 or 14 within 10 days after receipt of the determination of the Labor Commissioner. The hearing must be conducted in accordance with regulations adopted by the Labor Commissioner. If the Labor Commissioner does not receive a request for a hearing pursuant to this subsection, the determination of the Labor Commissioner is a final decision for the purposes of judicial review pursuant to chapter 233B of NRS.

~~{9.}~~ 16. A contractor or subcontractor who is not a signatory to a collective bargaining agreement with the union sponsoring the apprenticeship program for an apprenticed craft or type of work engaged on a public work shall enter into an apprenticeship agreement for ~~all apprentices~~ each apprentice required to be used in the construction of a public work. ~~{If the Labor Commissioner granted a modification or waiver pursuant to subsection 7 because the Labor Commissioner finds that a request for apprentices was denied or the request was not approved within 5 business days as described in subparagraph (3) of paragraph (d) of subsection 10 and apprentices are later provided, then the contractor or subcontractor shall enter into an apprenticeship agreement for all apprentices later provided.~~

~~10.}~~ 17. As used in this section:

(a) "Apprentice" means a person enrolled in an apprenticeship program recognized by the State Apprenticeship Council.

(b) "Apprenticed craft or type of work" means a craft or type of work for which there is an existing apprenticeship program recognized by the State Apprenticeship Council.

(c) "Apprenticeship program" means an apprenticeship program recognized by the State Apprenticeship Council.

(d) ~~"Good cause" means:~~

~~—(1) There are no apprentices available from an apprenticeship program within the jurisdiction where the public work is to be completed as recognized by the State Apprenticeship Council;~~

~~—(2) The contractor or subcontractor is required to perform uniquely complex or hazardous tasks on the public work that require the skill and expertise of a greater percentage of journeymen; or~~

~~—(3) The contractor or subcontractor has requested apprentices from an apprenticeship program and the request has been denied or the request has not been approved within 5 business days.~~

~~→ The term does not include the refusal of a contractor or subcontractor to enter into an apprenticeship agreement pursuant to subsection 9.~~

~~—(e)}~~ "Journeyman" has the meaning ascribed to it in NRS 624.260.

~~{{(f)}}~~ (e) "State Apprenticeship Council" means the State Apprenticeship Council created by NRS 610.030.

Sec. 2. The initial report required pursuant to subsection 10 of NRS 338.01165, as amended by section 1 of this act, must be submitted on or before February 15, 2025, and must include information for the period which begins on January 1, 2024, and ends on December 31, 2024.

Sec. 3. 1. This section becomes effective upon passage and approval.

2. Sections 1 and 2 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Amendment No. 953.

SUMMARY—Revises provisions related to public works. (BDR 28-535)

AN ACT relating to public works; revising provisions relating to the use of apprentices on public works; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires contractors or subcontractors engaged on public works to use one or more apprentices for a certain percentage of the total hours performed on a public work, depending on the number of workers employed on the public work, and to enter into an apprenticeship agreement for all apprentices so required. (NRS 338.01165) Section 1 of this bill: (1) eliminates the threshold number of workers for the applicability of the requirements for using apprentices; (2) applies those requirements based on all public works performed by a contractor or subcontractor during a calendar year instead of based on each public work; and (3) limits the requirement to enter into an apprenticeship agreement to those contractors or subcontractors who are not signatories to a collective bargaining agreement with a sponsoring union.

Existing law: (1) sets forth a procedure that authorizes the Labor Commissioner, upon request by a public body, to grant a modification or waiver from the requirements for using apprentices upon a finding of good cause; and (2) defines the circumstances that constitute "good cause." (NRS 338.01165) Section 1: (1) eliminates that procedure; (2) requires a contractor or subcontractor to maintain and provide to the Labor Commissioner any supporting documentation to show that the contractor or subcontractor made a good faith effort to comply with the annual

requirements to use one or more apprentices for a certain percentage of the total hours performed on public works; and (3) sets forth certain requirements for such supporting documentation.

Existing law provides that an apprentice who graduates from an apprenticeship program while employed on a public work is deemed to be an apprentice on the public work for purposes of the requirements for using apprentices and a journeyman for certain purposes, including the payment of wages. (NRS 338.01165) Section 1 expands the circumstances under which a person is treated as an apprentice for those requirements.

Section 1 also requires, on or before February 15 of each year, a contractor or subcontractor to submit certain information to the Labor Commissioner regarding the hours that were worked in a calendar year on vertical or horizontal construction for each apprenticed craft or type of work performed. Section 2 of this bill requires that the first such annual report be submitted on or before February 15, 2025, and address calendar year 2024.

Finally, section 1 sets forth a penalty schedule for violations of certain provisions relating to the requirements for a contractor or subcontractor to use one or more apprentices for a certain percentage of the total hours performed on a public work.

Section 1.5 of this bill makes an appropriation to the Office of Labor Commissioner in the Department of Business and Industry for certain expenses to carry out the provisions of this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 338.01165 is hereby amended to read as follows:

338.01165 1. Notwithstanding any other provision of this chapter and except as otherwise provided in this section, a contractor or subcontractor engaged in vertical construction who employs ~~a worker~~ workers on ~~a~~ one or more public ~~work~~ works during a calendar year pursuant to NRS 338.040 shall use one or more apprentices for at least 10 percent , or any increased percentage established pursuant to subsection 3, of the total hours of labor worked for each apprenticed craft or type of work to be performed on ~~the~~ those public ~~work for which more than three workers are employed.~~ works.

2. Notwithstanding any other provision of this chapter and except as otherwise provided in this section, a contractor or subcontractor engaged in horizontal construction who employs ~~a worker~~ workers on ~~a~~ one or more public ~~work~~ works during a calendar year pursuant to NRS 338.040 shall use one or more apprentices for at least 3 percent , or any increased percentage established pursuant to subsection 3, of the total hours of labor worked for each apprenticed craft or type of work to be performed on ~~the~~ those public ~~work for which more than three workers are employed.~~ works.

3. On or after January 1, 2021, the Labor Commissioner, in collaboration with the State Apprenticeship Council, may adopt regulations to increase the percentage of total hours of labor required to be performed by an apprentice

pursuant to subsection 1 or 2 by not more than 2 percentage points.

4. An apprentice who graduates from an apprenticeship program while employed on a public work shall:

(a) Be deemed an apprentice on the public work for the purposes of subsections 1 and 2.

(b) Be deemed a journeyman for all other purposes, including, without limitation, the payment of wages or the payment of wages and benefits to a journeyman covered by a collective bargaining agreement.

5. *If a contractor or subcontractor who is a signatory to a collective bargaining agreement with a union that sponsors an apprenticeship program for an apprenticed craft or type of work for which the term of apprenticeship is not more than 3 years requests an apprentice from that apprenticeship program and an apprentice in the appropriate craft or type of work is not available, the contractor or subcontractor may utilize a person who graduated from the apprenticeship program in that craft or type of work within the 3 years immediately preceding the request from the contractor or subcontractor. Such a person:*

(a) Shall be deemed an apprentice on the public work for the purposes of subsections 1 and 2.

(b) Shall be deemed a journeyman for all other purposes, including, without limitation, the payment of wages and benefits to a journeyman pursuant to the collective bargaining agreement.

6. A contractor or subcontractor engaged on a public work is not required to use an apprentice in a craft or type of work performed in a jurisdiction recognized by the State Apprenticeship Council as not having apprentices in that craft or type of work.

~~[6. A public body may, upon the request of a contractor or subcontractor, submit a request]~~

7. A contractor or subcontractor engaged on a public work shall maintain and provide to the Labor Commissioner any supporting documentation to show that the contractor or subcontractor made a good faith effort to comply with subsection 1 or 2, as applicable, as determined by the Labor Commissioner. For purposes of this subsection, a contractor or subcontractor:

(a) Makes a good faith effort to comply with subsection 1 or 2, as applicable, if the contractor or subcontractor:

(1) Submits to the apprenticeship program, on the form prescribed by the Labor Commissioner ~~to modify or waive the percentage of hours of labor provided by one or more apprentices required pursuant to subsection 1 or 2 for good cause. A public body must submit such a request, before an advertisement for bids has been placed, the opening of bids or the award of a contract for a public work or after the public body has commenced work on the public work. Such a request must include any supporting documentation, including, without limitation, proof of denial of or failure to approve a request for apprentices pursuant to subparagraph (3) of paragraph (d) of~~

~~subsection 10.~~

~~—7.1~~ , a request for an apprentice not earlier than 10 days before the contractor or subcontractor is scheduled to begin work on the public work and not later than 5 days after the contractor or subcontractor actually begins work on the public work.

(2) If the apprenticeship program does not provide an apprentice for the appropriate apprenticed craft or type of work upon a request pursuant to subparagraph (1), submits additional requests to the apprenticeship program, on the form prescribed by the Labor Commissioner, at least once every 30 days during the period that the contractor or subcontractor is working on the public work. If a contractor or subcontractor does not work continuously on the public work, the contractor or subcontractor shall submit an additional request each time that the contractor or subcontractor resumes work on the public work not earlier than 10 days before the contractor or subcontractor is scheduled to resume work on the public work and not later than 5 days after the contractor or subcontractor actually resumes work on the public work. The requirement for the submission of an additional request in this subparagraph does not apply whenever a contractor or subcontractor has one or more apprentices employed for that apprenticed craft or type of work.

(b) Does not make a good faith effort to comply with subsection 1 or 2, as applicable, as determined by the Labor Commissioner, if the contractor or subcontractor is required to enter into an apprenticeship agreement pursuant to subsection 16 and refuses to do so.

8. The supporting documentation required pursuant to subsection 7 may include, without limitation:

(a) Documentation of the submission by the contractor or subcontractor of one or more requests, as applicable, pursuant to subsection 7; and

(b) Documentation that the apprenticeship program denied such a request, did not respond to such a request or responded that the program was unable to provide the requested apprentice.

9. The contractor or subcontractor and the apprenticeship program shall coordinate the starting date for any apprentice provided by the program.

10. On or before February 15 of each year, a contractor or subcontractor engaged in vertical or horizontal construction, as applicable, who employs a worker on one or more public works pursuant to NRS 338.040 shall report to the Labor Commissioner, on the form prescribed by the Labor Commissioner ~~[shall issue a determination of whether to grant a modification or waiver requested pursuant to subsection 6 within 15 days after the receipt of such request. The Labor Commissioner may grant such a request if he or she makes a finding that there is good cause to modify or waive the percentage of hours of labor provided by one or more apprentices required pursuant to subsection 1 or 2.~~

~~—8.1~~ , the following information regarding those public works for the previous calendar year:

(a) For each apprenticed craft or type of work, the total number of hours worked on vertical construction.

(b) For each apprenticed craft or type of work, the total number of hours worked on horizontal construction.

(c) For each apprenticed craft or type of work, the total number of hours worked by apprentices on vertical construction.

(d) For each apprenticed craft or type of work, the total number of hours worked by apprentices on horizontal construction.

(e) For each apprenticed craft or type of work, the percentage of the total number of hours worked on vertical construction that were worked by apprentices.

(f) For each apprenticed craft or type of work, the percentage of the total number of hours worked on horizontal construction that were worked by apprentices.

11. The information required to be reported pursuant to subsection 10 must not include any identifying information about a public work or an apprentice or employee.

12. If the Labor Commissioner, on his or her own initiative or based on a complaint, makes a determination based on the information submitted pursuant to subsection 10 that a contractor or subcontractor did not make a good faith effort to comply with the provisions of subsection 1 or 2, as applicable, the Labor Commissioner shall notify the contractor or subcontractor in writing of the determination and:

(a) Except as otherwise provided in paragraph (b), shall assess a penalty as follows:

(1) If the apprentice utilization rate by the contractor or subcontractor on vertical construction of a public work is:

(I) Seven and one-half percent or more but less than 10 percent of the total hours of labor worked for an apprenticed craft or type of work, a penalty of \$2,500 or \$2 for each hour below the percentage required, whichever is higher.

(II) More than 4 percent but less than 7.5 percent of the total hours of labor worked for an apprenticed craft or type of work, a penalty of \$3,000 or \$4 for each hour below the percentage required, whichever is higher.

(III) Four percent or less of the total hours of labor worked for an apprenticed craft or type of work, a penalty of \$5,000 or \$6 for each hour below the percentage required, whichever is higher.

(2) If the apprentice utilization rate by the contractor or subcontractor on horizontal construction of a public work is:

(I) Two percent or more but less than 3 percent of the total hours of labor worked for an apprenticed craft or type of work, a penalty of \$2,500 or \$2 for each hour below the percentage required, whichever is higher.

(II) More than 1 percent but less than 2 percent of the total hours of labor worked for an apprenticed craft or type of work, a penalty of \$3,000 or \$4 for each hour below the percentage required, whichever is higher.

(III) One percent or less of the total hours of labor worked for an apprenticed craft or type of work, a penalty of \$5,000 or \$6 for each hour below the percentage required, whichever is higher.

(b) Shall not assess a penalty if the total number of hours of labor required to be worked by apprentices:

(1) On vertical construction pursuant to subsection 1, as applicable, during the previous calendar year is less than 40 hours.

(2) On horizontal construction pursuant to subsection 2, as applicable, during the previous calendar year is less than 24 hours.

13. Except for good cause, the Labor Commissioner may not initiate his or her own investigation or accept a complaint based on the information submitted by a contractor or subcontractor pursuant to subsection 10 after May 1 immediately following the date on which the report was received by the Labor Commissioner.

14. In addition to the penalties set forth in subsection 12, if the Labor Commissioner, on his or her own initiative or based on a complaint, makes a determination that a contractor or subcontractor did not submit the report required pursuant to subsection 10 or made no attempt to comply with the provisions of subsection 1 or 2, as applicable, the Labor Commissioner shall:

(a) Impose a penalty of not less than \$10,000 but not more than \$75,000; or

(b) Disqualify the contractor or subcontractor from being awarded a contract for a public work for at least 180 days but not more than 2 years.

15. A ~~{public body,}~~ contractor or subcontractor may request a hearing on the determination of the Labor Commissioner pursuant to subsection 12 or 14 within 10 days after receipt of the determination of the Labor Commissioner. The hearing must be conducted in accordance with regulations adopted by the Labor Commissioner. If the Labor Commissioner does not receive a request for a hearing pursuant to this subsection, the determination of the Labor Commissioner is a final decision for the purposes of judicial review pursuant to chapter 233B of NRS.

~~{9.}~~ 16. A contractor or subcontractor who is not a signatory to a collective bargaining agreement with the union sponsoring the apprenticeship program for an apprenticed craft or type of work engaged on a public work shall enter into an apprenticeship agreement for ~~{all apprentices}~~ each apprentice required to be used in the construction of a public work. ~~{If the Labor Commissioner granted a modification or waiver pursuant to subsection 7 because the Labor Commissioner finds that a request for apprentices was denied or the request was not approved within 5 business days as described in subparagraph (3) of paragraph (d) of subsection 10 and apprentices are later provided, then the contractor or subcontractor shall enter into an apprenticeship agreement for all apprentices later provided.}~~

~~—10.~~ 17. As used in this section:

(a) "Apprentice" means a person enrolled in an apprenticeship program recognized by the State Apprenticeship Council.

(b) "Apprenticed craft or type of work" means a craft or type of work for which there is an existing apprenticeship program recognized by the State Apprenticeship Council.

(c) "Apprenticeship program" means an apprenticeship program recognized by the State Apprenticeship Council.

(d) ~~["Good cause" means:~~

~~—(1) There are no apprentices available from an apprenticeship program within the jurisdiction where the public work is to be completed as recognized by the State Apprenticeship Council;~~

~~—(2) The contractor or subcontractor is required to perform uniquely complex or hazardous tasks on the public work that require the skill and expertise of a greater percentage of journeymen; or~~

~~—(3) The contractor or subcontractor has requested apprentices from an apprenticeship program and the request has been denied or the request has not been approved within 5 business days.~~

~~→ The term does not include the refusal of a contractor or subcontractor to enter into an apprenticeship agreement pursuant to subsection 9.~~

~~—(e)}~~ "Journeyman" has the meaning ascribed to it in NRS 624.260.

~~{{f}}~~ (e) "State Apprenticeship Council" means the State Apprenticeship Council created by NRS 610.030.

Sec. 1.5. 1. There is hereby appropriated from the State General Fund to the Office of Labor Commissioner in the Department of Business and Industry the sum of \$376,876 for personnel, travel, operating, equipment and information services expenses to carry out the provisions of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.

Sec. 2. The initial report required pursuant to subsection 10 of NRS 338.01165, as amended by section 1 of this act, must be submitted on or before February 15, 2025, and must include information for the period which begins on January 1, 2024, and ends on December 31, 2024.

Sec. 3. 1. This section becomes effective upon passage and approval.

2. Sections 1 and 2 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

3. Section 1.5 of this act becomes effective on July 1, 2024.

Senator Flores moved that the Senate concur in Assembly Amendments Nos. 623 and 953 to Senate Bill No. 82.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 231.

The following Assembly amendment was read:

Amendment No. 970.

SUMMARY—Makes appropriations to the Interim Finance Committee for allocation to school districts that budget salary increases for certain employees and to the Department of Education for certain personnel costs. (BDR S-508)

AN ACT making an appropriation to the Interim Finance Committee for allocation to school districts that budget salary increases for certain employees; making an appropriation to the Department of Education for certain personnel costs; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. There is hereby appropriated from the State General Fund to the Interim Finance Committee the sum of \$250,000,000 for allocation to school districts for the support of public schools.

2. Money appropriated by subsection 1 may only be allocated to a school district upon the determination of the Interim Finance Committee that:

(a) Sufficient documentation has been submitted to demonstrate that:

(1) The school district has budgeted for Fiscal Years 2023-2024 and 2024-2025 an increase to the salary of teachers and education support professionals employed by the school district from sources other than the appropriation made by subsection 1, which is in addition to any increase in salary for teachers or education support professionals which was planned or bargained for before the effective date of this act; and

(2) The increase in salary budgeted pursuant to subparagraph (1) does not replace or supplant any other form of compensation which was provided to teachers or education support professionals of the school district before Fiscal Year 2023-2024 or which was bargained for or planned for Fiscal Year 2023-2024 or any succeeding fiscal year before the effective date of this act.

(b) The school district has submitted to the Committee a statement of the amount and percentage of the budgeted increase in salary for teachers and education support professionals described in subparagraph (1) of paragraph (a) and the total cost to the school district to provide the budgeted increase in salary.

(c) The superintendent of the school district has submitted to the Committee a signed statement certifying that, to the best of his or her knowledge or belief, the information submitted pursuant to paragraph (b) is

accurate and that the school district will provide the budgeted salary increases set forth therein.

3. The money allocated to a school district pursuant to subsection 2 must not exceed the lesser of:

(a) The total amount of the budgeted increase to salaries for teachers and education support professionals of the school district for Fiscal Years 2023-2024 and 2024-2025 from sources other than the appropriation made by subsection 1, not including any increase in salary which was planned or bargained for before the effective date of this act; or

(b) An amount which is equal to \$250,000,000 multiplied by a percentage which is the number of teachers and education support professionals employed by the school district on July 1, 2023, expressed as a percentage of the total number of teachers and education support professionals employed in all of the school districts in this State on July 1, 2023.

4. On or before August 1, 2023, each school district in this State shall report to the Department of Education the number of teachers and education support professionals employed by the school district on July 1, 2023. The Department of Education shall compile this information and submit it to the Interim Finance Committee not later than August 15, 2023.

5. The money appropriated by subsection 1 must be used to supplement and not supplant or cause to be reduced any other source of funding for the support of public schools or for the salary and compensation of teachers or education support professionals employed by any public school.

6. On or before August 1, 2024, and August 1, 2025, each school district in this State that is allocated money pursuant to subsection 2 during Fiscal Year 2023-2024 and Fiscal Year 2024-2025, respectively, shall submit a report to the Interim Finance Committee which includes, without limitation:

(a) Detailed information on how all money allocated pursuant to subsection 2 was spent by the school district;

(b) The actual increase to the salary of teachers and education support professionals employed by the school district during the immediately preceding fiscal year and the amount of such an increase for which money allocated pursuant to subsection 2 was spent; and

(c) Any other information relating to the use by the school district of the money allocated pursuant to subsection 2, or the operations of the school district to provide appropriate context for such use, which is requested by the Interim Finance Committee.

7. 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.

~~7.~~ 8. As used in this section:

(a) "Administrator" has the meaning ascribed to it in NRS 385A.430.

(b) "Education support professional" means a person, other than a teacher or administrator, who is employed to work at a public school, including, without limitation:

- (1) Paraprofessionals;
- (2) School police officers, school resource officers and other providers of security services at a school;
- (3) School nurses;
- (4) School counselors;
- (5) School psychologists;
- (6) School social workers;
- (7) Drivers of school buses;
- (8) Secretaries;
- (9) Members of the custodial or maintenance staff; and
- (10) Workers in food services.

(c) "Teacher" has the meaning ascribed to it in NRS 385A.430.

Sec. 1.5. 1. There is hereby appropriated from the State General Fund to the Department of Education the sum of \$41,694 for personnel costs to carry out the provisions of section 1 of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2024, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024.

Sec. 2. 1. This section and section 1 of this act become effective upon passage and approval.

2. Section 1.5 of this act becomes effective on July 1, 2023.

Senator Dondero Loop moved that the Senate concur in Assembly Amendment No. 970 to Senate Bill No. 231.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 276.

The following Assembly amendment was read:

Amendment No. 926.

SUMMARY—Revises provisions related to collection agencies. (BDR 54-158)

AN ACT relating to collection agencies; requiring a collection agency to

display certain information on the Internet website of the collection agency; authorizing a collection agent to work from a remote location under certain circumstances; revising certain terminology related to collection agencies; revising the entities required to obtain a license as a collection agency and the circumstances under which such a license is required; revising provisions governing certain records and an application for and the issuance of a license as a collection agency; revising the frequency of the determination of the amount of the bond or substitute for a bond that a collection agency is required to maintain; eliminating certain examinations; removing a requirement that a collection agency obtain a permit for a branch office; revising provisions relating to the application and issuance of a compliance manager's certificate; prohibiting the compliance manager of a collection agency from being simultaneously employed by another collection agency or exempt entity as a compliance manager; exempting certain debt buyers from certain provisions governing collection agencies; revising provisions related to certain annual reports; prohibiting certain actions by a collection agency, compliance manager or collection agent; repealing certain provisions governing foreign collection agencies and certificates; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensure and regulation of collection agencies and collection agents. (Chapter 649 of NRS) Section 3 of this bill defines the term "debt buyer" to mean a person that is regularly engaged in the business of purchasing claims that have been charged off for the purpose of collecting such claims. Section 14 of this bill includes a debt buyer within the definition of "collection agency," thereby requiring a debt buyer to obtain a license as a collection agency and comply with existing law governing collection agencies. Sections 18 and 39 of this bill authorize a debt buyer and an affiliate of the debt buyer to share a license. Sections 34, 35 and 38 of this bill exempt debt buyers from provisions of existing law governing the relationship between a collection agency and a customer when debt buyers do not also collect claims on behalf of parties who are not affiliated with the debt buyer.

Section 5 of this bill defines the term "remote location" to mean a location separate from either the principal place of business or a branch office of a collection agency. Sections 7-10 of this bill establish requirements governing collection agents who work from remote locations. Specifically, section 10 requires a collection agency to maintain certain records concerning such collection agents. Before a collection agent begins working from a remote location, section 7 requires the collection agent to: (1) sign a written agreement to perform certain duties, authorize certain monitoring by the employer and refrain from certain activities while working from the remote location; (2) complete certain training; and (3) work ~~in an office of~~ for the collection agency for at least 7 days ~~and~~ under direct oversight and mentoring from a supervisor. Section 8 of this bill requires the remote location from

which a collection agent works to satisfy certain requirements to protect data and enable the collection agent to work safely and effectively. Section 8 also prohibits: (1) multiple collection agents who do not reside in the same residence from working from the same remote location; and (2) a collection agent from printing or storing physical records at a remote location. Section 9 of this bill requires a collection agency to develop and implement a written security policy for work from a remote location and sets forth certain requirements for the security policy. Section 10 imposes certain additional requirements relating to the work of collection agents from a remote location.

Section 13 of this bill revises the definition of the term "claim" to include any obligation for the payment of money or its equivalent that is delinquent or in default and assigned to a collection agency. Sections 33, 37 and 40 of this bill replace the term "debt" with "claim" to more accurately state the property interest on which the collection agency may act.

Section 14 revises the definition of the term "collection agency" to exclude certain financial institutions, employees of such institutions, persons collecting claims that they originated on their own behalf and various other persons and entities deemed not to be debt collectors under federal law, thereby exempting such persons and entities from requirements governing collection agencies. Section 15 of this bill amends the term "collection agent" to mean a person who performs certain activities on behalf of a collection agency outside the place of business of a collection agency, thereby exempting persons who do not act on behalf of a collection agency from requirements governing collection agents. Sections 2 and 4 of this bill define certain other terms. Section 12 of this bill makes a conforming change to indicate the proper placement of sections 2-5 in the Nevada Revised Statutes.

Section 18 prescribes the circumstances under which a person is required to obtain a license as a collection agency. Section 52 of this bill repeals provisions governing foreign collection agencies, thereby requiring such collection agencies to be licensed in the same manner as domestic collection agencies. Sections 17 and 48 of this bill make certain information provided to the Commissioner of Financial Institutions by an applicant for a license confidential. Sections 19 and 20 of this bill revise the required contents of an application to operate a collection agency. Sections 22, 24, 31 and 52 of this bill revise provisions governing the procedure for issuing a license or removing a business location from the place of business as stated in the license, including by removing a requirement that the Commissioner issue a physical license to a successful applicant.

Existing law requires a collection agency to employ a manager who is: (1) certified as a manager; and (2) jointly responsible for the operation of the collection agency. (NRS 649.035, 649.095, 649.305) Sections 16, 20, 26-30, 32, 36, 37, 40 and 51 of this bill revise the term "manager" to "compliance manager." Section 16 also provides that a compliance manager is required to equally share responsibility only for the collection operation of the collection agency. Section 26 of this bill revises the requirements to apply for a

compliance manager's certificate. Section 30 of this bill prohibits a compliance manager from being employed as a compliance manager by more than one collection agency at a time, or by a collection agency and an exempt entity at the same time. Sections 22, 23, 29 and 52 of this bill remove a requirement that an applicant for a license to operate a collection agency pass an examination and references to that requirement. Section 26.5 of this bill requires the Commissioner to waive the examination for a certificate as a compliance manager if the applicant and collection agency that employs the applicant hold certain certifications.

Existing law requires: (1) an applicant for a license to operate a collection agency to file a bond or an appropriate substitute with the Commissioner; and (2) the Commissioner to determine the appropriate amount of the bond or appropriate substitute 3 months after submission and semiannually thereafter. (NRS 649.105) Section 21 of this bill instead requires the Commissioner to review the amount of that bond or substitute annually.

Existing law requires an applicant to state the location of the business and to obtain a permit to operate a branch office. (NRS 649.095, 649.167) Section 25 of this bill removes the requirement to obtain a permit and instead requires a collection agency to notify the Commissioner of the location of the branch office. Section 29 of this bill makes a conforming change to remove the fees for the issuance and renewal of a permit to operate a branch office.

Existing law requires a license or certificate issued by the Commissioner to be displayed on the wall of the place of business of the collection agency. (NRS 649.315) Sections 6, 49 and 52 of this bill remove this requirement and instead require a collection agency to display its license number and the certificate identification number of the certificate issued to the compliance manager of the collection agency on an Internet website maintained by the collection agency.

Existing law requires a collection agency to submit a report to the Commissioner on or before January 31 of each year relating to the money due to all creditors by the collection agency and the total sum in the customer trust fund accounts of the collection agency. (NRS 649.345) Section 36 requires this report to be submitted on or before April 15 of each year.

Existing law prohibits a collection agency or its agents or employees from engaging in certain practices. (NRS 649.375) Section 40 additionally prohibits a collection agency or its compliance manager, agents or employees from: (1) filing a civil action to collect a debt when the collection agency, compliance manager, agent or employee knows or should know that the applicable limitation period for filing such an action has expired; and (2) selling an interest in a resolved claim or any personal or financial information related to the resolved claim. Any person who violates these provisions is guilty of a gross misdemeanor and subject to an administrative fine. (NRS 649.435, 649.440)

Existing law prescribes the time within which certain civil actions may be filed. (NRS 11.190) Existing law provides that, for an action based on

indebtedness, the relevant time period begins on the date on which the last payment was made. (NRS 11.200) Section 41 of this bill provides that a payment made on a debt or certain other activity relating to the debt after the time period for filing an action based on a debt has expired does not revive the applicable limitation. Section 33 requires certain notice provided to a medical debtor to notify the debtor that such a payment does not revive the applicable limitation.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 649 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 11, inclusive, of this act.

Sec. 2. *"Collection activities" means activities performed by a collection agency or collection agents related to the collection of or attempt to collect a claim.*

Sec. 3. *"Debt buyer" means a person who is regularly engaged in the business of purchasing claims that have been charged off for the purpose of collecting such claims, including, without limitation, by personally collecting claims, hiring a third party to collect claims or hiring an attorney to engage in litigation for the purpose of collecting claims.*

Sec. 4. *"Exempt entity" means an entity described in paragraphs (b) to (k), inclusive, of subsection 2 of NRS 649.020.*

Sec. 5. *"Remote location" means a location separate from either the principal place of business or a branch office of a collection agency.*

Sec. 6. A collection agency shall display on any Internet website maintained by the collection agency:

1. The license number issued to the collection agency by the Commissioner pursuant to NRS 649.135; and

2. The certificate identification number of the certificate issued to the compliance manager of the collection agency by the Commissioner pursuant to NRS 649.225.

Sec. 7. Before a collection agent begins working from a remote location, the collection agent must:

1. Sign a written agreement prepared by the collection agency that requires a collection agent working from a remote location to:

(a) Maintain data concerning debtors in a confidential manner and refrain from printing or otherwise reproducing such data into a physical record while working from the remote location;

(b) Read and comply with the security policy established pursuant to section 9 of this act and any policy to ensure the safety of the equipment of the collection agency that the collection agent is authorized to use;

(c) Review a description of the work that the collection agent is authorized to perform from the remote location and only perform work included in that description;

(d) Refrain from disclosing to a debtor that the collection agent is working from a remote location or that the remote location is a place of business of

the collection agency;

(e) Authorize the employer to monitor the collection agent while he or she is working from the remote location, including, without limitation, recording any calls to and from the remote location relating to collection activities; and

(f) Refrain from conducting any activities related to his or her work with the collection agency with a debtor or customer in person at the remote location;

2. Complete a program of training ~~at the office of the principal place of business of the collection agency~~ regarding compliance with applicable laws and regulations, privacy, confidentiality, monitoring, security and any other issue relevant to the work the collection agent will perform from the remote location; and

3. Work ~~at the office of the principal place of business or a branch office of~~ for the collection agency ~~with~~ under direct oversight and mentoring from a supervisor for at least 7 days.

Sec. 8. 1. The remote location from which a collection agent works must:

(a) Be capable of providing the same degree of oversight and monitoring of the collection agent as if the collection agent was working in the principal place of business or a branch office of the collection agency;

(b) Be fully connected to the technological systems, including, without limitation, any computer system, of the office at the principal place of business or a branch office of the collection agency;

(c) Allow the collection agency to:

(1) Record calls made to and from the remote location; and

(2) Monitor calls to and from the remote location in real time;

(d) Be a private location where confidentiality can be maintained; and

(e) Have the equipment necessary for the collection agent to perform his or her work safely and effectively.

2. Each collection agent who works from a remote location must be connected to the principal place of business or a branch office of the collection agency in a manner that requires the collection agent to use unique credentials to access the technological systems of the collection agency.

3. Except as otherwise provided in this subsection, two or more collection agents shall not work from the same remote location. Two or more collection agents who reside in the same residence may each work remotely from that residence.

4. A collection agent shall not print or store any physical records of a collection agency at a remote location.

5. A remote location from which a collection agent works shall be deemed to be an extension of the principal place of business or branch office to which the collection agent is connected pursuant to paragraph (b) of subsection 1 for the purposes of this chapter and any other relevant

purposes.

Sec. 9. 1. A collection agency shall develop and implement a written security policy for collection agents who work from a remote location to ensure that the data of debtors, customers and the collection agency is secure and protected from unauthorized disclosure, access, use, modification, duplication or destruction. The security policy must include, without limitation:

(a) Access to the technological systems of the collection agency through a virtual private network or other similar network or system which:

(1) Utilizes multifactor authentication, data encryption and frequent password changes; and

(2) Automatically locks a collection agent out of his or her account if suspicious activity is detected;

(b) A procedure to immediately update and repair any security network or system to ensure that current security technologies are utilized;

(c) A requirement to store all data of debtors, customers and the collection agency on designated drives that are safe, secure and expandable;

(d) A requirement that collection agents work on electronic devices that are secured with software and hardware protections including, without limitation, antivirus software and a firewall;

(e) A requirement that collection agents access any system of the collection agency through an electronic device that has been issued by the collection agency and a prohibition on using such an electronic device for personal purposes;

(f) A procedure for the containment and disclosure of any breach of data that occurs, including, without limitation, the issuance of any disclosure that is required by law;

(g) A procedure for the protection of data during a natural disaster or other emergency that has the potential to impact the data or electronic devices of the collection agency at a remote location and the recovery of data after such a natural disaster or other emergency;

(h) A procedure for the secure disposal of data in accordance with any applicable law or contract;

(i) A procedure for conducting an annual risk assessment concerning the protection of the data of debtors, customers and the collection agency and a plan to implement new policies based on the results of the risk assessment; and

(j) Procedures to:

(1) Prevent a former collection agent from accessing any system of the collection agency; and

(2) Remotely disable or remove all data from an electronic device owned by the collection agency at the remote location.

2. A collection agency that complies with the requirements of 16 C.F.R. Part 314 satisfies the requirements of this section.

Sec. 10. 1. A collection agent working from a remote location shall

comply with any applicable federal and state laws, including, without limitation, the provisions of this chapter, including, without limitation, NRS 649.335, and the Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692 et seq.

2. A collection agency shall:

(a) Record calls performed by a collection agent conducting collection activities from a remote location and maintain such recordings for at least ~~44~~ 3 years; and

(b) Monitor calls performed by a collection agent conducting collection activities from a remote location in real time on a regular basis.

3. A collection agency or collection agent shall not:

(a) Represent to any person that the collection agent is working independently of the collection agency;

(b) Use the remote location from which a collection agent is working and any related address, telephone number or facsimile number in advertising for the collection agency;

(c) Require or invite a debtor to come to a remote location from which a collection agent is working for the purpose of collection activities; or

(d) Hold out a remote location from which a collection agent is working in such a manner that a debtor is likely to believe that the remote location is the principal place of business or a branch office of the collection agency, including, without limitation, by receiving mail at the remote location, storing records at the remote location or stating to a debtor or customer that the collection agent is working from the remote location.

4. A collection agency shall:

(a) Maintain a record of collection agents who are authorized to work from a remote location which must include, for each such collection agent:

(1) The name, telephone number and electronic mail address of the collection agent; and

(2) The address of the remote location;

(b) Maintain a record of equipment supplied to collection agents for use at a remote location;

(c) Review its policies and procedures governing remote work for compliance with sections 7 to 10, inclusive, of this act at least annually and upon request of the Commissioner; and

(d) Establish a procedure to ensure that a collection agent working from a remote location does so without acting in any illegal, unethical or unsafe manner.

Sec. 11. (Deleted by amendment.)

Sec. 12. NRS 649.005 is hereby amended to read as follows:

649.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 649.010 to 649.042, inclusive, and sections 2 to 5, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 13. NRS 649.010 is hereby amended to read as follows:

649.010 "Claim" means any obligation for the payment of money or its equivalent that is past due ~~[-]~~, *delinquent or in default and assigned to a collection agency*.

Sec. 14. NRS 649.020 is hereby amended to read as follows:

649.020 1. "Collection agency" means all persons engaging, directly or indirectly, and as a primary or a secondary object, business or pursuit, in the collection of or in soliciting or obtaining in any manner the payment of a claim owed or due or asserted to be owed or due to another.

2. "Collection agency" does not include any of the following unless they are conducting collection ~~[agencies;-]~~ *activities in a capacity other than that described in this subsection:*

(a) ~~[Individuals]~~ *Natural persons regularly employed by an exempt entity on a regular wage or salary [-, in the capacity of credit men or in other similar capacity upon the staff of employees of any person] who, on behalf of the exempt entity, collect a claim owed to the exempt entity provided that such persons are not engaged in the business of a collection agency or making or attempting to make collections as an incident to the usual practices of their primary business or profession.*

(b) Banks ~~[-]~~, *savings banks, credit unions, thrift companies or trust companies.*

(c) Nonprofit cooperative associations.

(d) Unit-owners' associations and the board members, officers, employees and units' owners of those associations when acting under the authority of and in accordance with chapter 116 or 116B of NRS and the governing documents of the association, except for those community managers included within the term "collection agency" pursuant to subsection 3.

(e) Abstract companies doing an escrow business.

(f) Duly licensed real estate brokers, except for those real estate brokers who are community managers included within the term "collection agency" pursuant to subsection 3.

(g) Attorneys and counselors at law licensed to practice in this State, so long as they are retained by their clients to collect or to solicit or obtain payment of such clients' claims in the usual course of the practice of their profession.

(h) *A mortgage servicer licensed pursuant to chapter 645F of NRS, except where such a mortgage servicer is attempting to collect a claim that was assigned when the relevant loan was in default.*

(i) *Any person collecting in his or her own name on a claim that he or she originated.*

(j) *Any person servicing a claim that he or she originated and sold.*

(k) *Any person or entity described in 15 U.S.C. § 1692a(6)(A) to 1692a(6)(F), inclusive.*

3. "Collection ~~[agency;-]~~ *agency" includes:*

(a) ~~[Includes a]~~ *A community manager while engaged in the management of a common-interest community or the management of an association of a*

condominium hotel if the community manager, or any employee, agent or affiliate of the community manager, performs or offers to perform any act associated with the foreclosure of a lien pursuant to NRS 116.31162 to 116.31168, inclusive, or 116B.635 to 116B.660, inclusive; and

(b) ~~Does~~ A debt buyer.

4. "Collection agency" does not include any ~~other~~ community manager, other than a community manager described in paragraph (a) of subsection 3, while engaged in the management of a common-interest community or the management of an association of a condominium hotel.

~~{4.}~~ 5. As used in this section:

(a) "Community manager" has the meaning ascribed to it in NRS 116.023 or 116B.050.

(b) "Unit-owners' association" has the meaning ascribed to it in NRS 116.011 or 116B.030.

Sec. 15. NRS 649.025 is hereby amended to read as follows:

649.025 "Collection agent" means any person, ~~[whether or not regularly employed at a regular wage or salary, who in the capacity of a credit man or in any other similar capacity]~~ who, on behalf of a collection agency, makes a collection, solicitation or investigation of a claim at a place or location other than the business premises of the collection agency, but does not include:

1. Employees of a collection agency whose activities and duties are restricted to the business premises of the collection agency.

2. The individuals, corporations and associations enumerated in subsection 2 of NRS 649.020.

Sec. 16. NRS 649.035 is hereby amended to read as follows:

649.035 ~~["Manager"]~~ "Compliance manager" means a person who:

1. Holds a *compliance* manager's certificate;

2. Is designated as the *compliance* manager of a collection agency;

3. Shares equally with the holder of a license to conduct a collection agency the responsibility for the collection operation of the collection agency; and

4. Devotes a majority of the hours he or she works as an employee of the agency to the actual ~~[management, operation and administration]~~ oversight and compliance of that collection agency.

Sec. 17. NRS 649.065 is hereby amended to read as follows:

649.065 1. The Commissioner shall keep in the Office of the Commissioner, in a suitable record provided for the purpose, all applications for certificates, licenses and all bonds required to be filed under this chapter. The record must state the date of issuance or denial of the license or certificate and the date and nature of any action taken against any of them.

2. All licenses and certificates issued must be sufficiently identified in the record.

3. All renewals must be recorded in the same manner as originals, except that, in addition, the number of the preceding license or certificate issued must be recorded.

4. Except ~~for confidential information contained therein, the record must be open for inspection as a public record in the Office of the Commissioner.]~~ as otherwise provided in NRS 239.0115, any application and personal or financial records submitted by a person pursuant to the provisions of this chapter and any personal or financial records or other documents obtained by the Division of Financial Institutions of the Department of Business and Industry pursuant to an examination, audit or investigation conducted by the Division are confidential and may be disclosed only to:

(a) The Division, any authorized employee of the Division and any state or federal agency investigating activity covered by this chapter.

(b) The Department of Taxation for its use in carrying out the provisions of chapter 363C of NRS.

Sec. 18. NRS 649.075 is hereby amended to read as follows:

649.075 1. Except as otherwise provided in this section, a person shall not ~~conduct within this State a collection agency or~~ engage in the business of a collection agency within this State ~~in the business of collecting claims for others, or of soliciting the right to collect or receive payment for another of any claim, or advertise, or solicit, either in print, by letter, in person or otherwise, the right to collect or receive payment for another of any claim, or seek to make collection or obtain payment of any claim on behalf of another]~~ without having first applied for and obtained a license as a collection agency from the Commissioner.

2. ~~[A person is not required to obtain a license if the person holds a certificate of registration as a foreign collection agency issued by the Commissioner pursuant to NRS 649.171.]~~ A person engages in the business of a collection agency in this State for the purposes of subsection 1 if the person is located:

(a) In this State and is seeking to collect a claim, regardless of whether the debtor resided or currently resides in this State or another state;

(b) In another state and is seeking to collect a claim from a debtor that resides in this State; or

(c) In another state and is seeking to collect a claim on behalf of a person or entity that resides in this State.

3. A person engaging in the business of a collection agency shall obtain a license for the office of the principal place of business of the person. A person is not required to obtain a license for a branch office or remote location.

4. A debt buyer may share a single license as a collection agency with a person affiliated with the debt buyer if the affiliated person does not engage in any collection activities other than purchasing claims.

Sec. 19. NRS 649.085 is hereby amended to read as follows:

649.085 Every individual applicant, every officer and director of a corporate applicant, and every member of a firm or partnership applicant for a license as a collection agency or collection agent must submit proof satisfactory to the Commissioner that he or she:

1. Has a good reputation for honesty, trustworthiness and integrity and is competent to transact the business of a collection agency in a manner which protects the interests of the general public.

2. Has not had a collection agency license suspended or revoked within the 10 years immediately preceding the date of the application ~~[-]~~ , *unless the license was suspended for a minor violation that did not harm a debtor and the license was subsequently restored.*

3. Has not been convicted of, or entered a plea of nolo contendere to:

(a) A felony relating to the practice of collection agencies or collection agents; or

(b) Any crime involving fraud, misrepresentation or moral turpitude.

4. Has not made a false statement of material fact on the application.

5. Will maintain ~~{one or more offices in this State or one or more offices in another state for the transaction of the business of his or her collection agency.}~~ *a physical office as the principal place of business. If a collection agent of the applicant will be working from a remote location, the principal place of business of the applicant must be located in the United States.*

6. Has established a plan to ensure that his or her collection agency will provide the services of a collection agency adequately and efficiently.

Sec. 20. NRS 649.095 is hereby amended to read as follows:

649.095 1. An application for a license must be in writing and filed with the Commissioner on a form provided for that purpose.

2. The application must state:

(a) The name of the applicant and the name under which the applicant does business or expects to do business.

(b) The address of the applicant's business and residence, including street and number.

(c) The character of the business sought to be carried on.

(d) ~~{The}~~ *Except as otherwise provided in this paragraph, the locations by street and number where the business will be transacted [-] , including, without limitation, the location of any branch office. The application is not required to include any remote location from which a collection agent will work.*

(e) In the case of a firm or partnership, the full names and residential addresses of all members or partners and the name and residential address of the *compliance* manager.

(f) In the case of a corporation or voluntary association, the name and residential address of each of the directors and officers and the name and residential address of the *compliance* manager.

(g) Any other information reasonably related to the applicant's qualifications for the license which the Commissioner determines to be necessary.

(h) *If the applicant plans to have one or more collection agents work from a remote location, evidence that the applicant is able to comply with the provisions of sections 7 to 10, inclusive, of this act.*

(i) All information required to complete the application.

3. In addition to any other requirements, each applicant or member, partner, director, officer or *compliance* manager of an applicant shall submit to the Commissioner a complete set of fingerprints and written permission authorizing the Division of Financial Institutions of the Department of Business and Industry to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

4. The application must be subscribed by the applicant and acknowledged.

5. Every applicant may be examined concerning the applicant's competency, experience, character and qualifications by the Commissioner or the Commissioner's authorized agent, and if the examination reveals that the applicant lacks any of the required qualifications, issuance of the license must be denied. Every application must have attached to it a financial statement showing the assets, liabilities and net worth of the applicant.

6. The Commissioner shall consider an application to be withdrawn if the Commissioner has not received all information and fees required to complete the application within 6 months after the date the application is first submitted to the Commissioner or within such later period as the Commissioner determines in accordance with any existing policies of joint regulatory partners. If an application is deemed to be withdrawn pursuant to this subsection or if an applicant otherwise withdraws an application, the Commissioner may not issue a license to the applicant unless the applicant submits a new application and pays any required fees.

Sec. 21. NRS 649.105 is hereby amended to read as follows:

649.105 1. An applicant for a license must file with the Commissioner, concurrently with the application, a bond in the sum of \$35,000, or an appropriate substitute pursuant to NRS 649.119, which must run to the State of Nevada. The bond must be made and executed by the principal and a surety company authorized to write bonds in the State of Nevada.

2. The bonds must be conditioned:

(a) That the principal, who must be the applicant, must, upon demand in writing, pay any customer from whom any claim for collection is received, the proceeds of the collection, in accordance with the terms of the agreement made between the principal and the customer; and

(b) That the principal must comply with all requirements of this or any other statute with respect to the duties, obligations and liabilities of collection agencies.

3. ~~[Not later than 3 months after the issuance of the license and semiannually thereafter, the]~~ The Commissioner shall *annually* determine the appropriate amount of bond or appropriate substitute which must be maintained by the licensee. ~~in]~~ *If applicable, such a determination must be in accordance with the licensee's average monthly balance in the trust account maintained pursuant to NRS 649.355:*

AMOUNT OF AVERAGE MONTHLY BALANCE	BOND REQUIRED
Less than \$100,000	\$35,000
\$100,000 or more but less than \$150,000	40,000
\$150,000 or more but less than \$200,000	50,000
\$200,000 or more	60,000

Sec. 22. NRS 649.135 is hereby amended to read as follows:

649.135 1. The Commissioner shall ~~enter an order approving the~~ approve an application for a license ~~[,] and keep on file his or her findings of fact pertaining thereto [, and permit the applicant to take the required examination,]~~ if the Commissioner finds that the applicant has met all the other requirements of this chapter pertaining to the applicant's qualifications and application.

2. *Upon the approval of the application, the payment of any required fees and the submission of any required information, the Commissioner shall:*

(a) Notify the applicant of the approval and issue a unique license number to the applicant; and

(b) Update any applicable public record maintained by the Commissioner to show that the person holds an active license that authorizes the person to conduct collection activities in this State.

Sec. 23. NRS 649.155 is hereby amended to read as follows:

649.155 1. If the Commissioner finds that any application or applicant for a collection agency license does not meet the requirements of NRS 649.135 , ~~for the applicant fails to pass the required examination,]~~ the Commissioner shall enter an order denying the application.

2. Within 10 days after the entry of such an order, the Commissioner shall mail or deliver to the applicant written notice of the denial in which all the reasons for such denial are stated.

Sec. 24. NRS 649.165 is hereby amended to read as follows:

649.165 Upon ~~receipt~~ notification of the ~~[license,]~~ approval of the application by the Commissioner pursuant to NRS 649.135, the licensee shall have the right to conduct the business of a collection agency with all the powers and privileges contained in, but subject to, the provisions of this chapter.

Sec. 25. NRS 649.167 is hereby amended to read as follows:

649.167 1. ~~[A collection agency licensed in this State may apply to the Commissioner for a permit] A license as a collection agency granted pursuant to NRS 649.135 is valid for the principal place of business and any branch office of the licensee.~~

2. ~~Immediately upon beginning to operate a branch office [in this State] in a location not [previously approved by its license.~~

~~2. The Commissioner shall not issue a permit for a branch office until the principal office of the collection agency has been examined by the Commissioner and found to be satisfactory.~~

~~3. A branch office must have a manager on the premises during regular business hours.~~

~~4. The Commissioner shall adopt regulations concerning an application for a permit to operate a branch office.] provided to the Commissioner on the application submitted pursuant to NRS 649.095, a collection agency shall notify the Commissioner in writing of the location of the branch office.~~

Sec. 26. NRS 649.196 is hereby amended to read as follows:

649.196 1. Each applicant for a *compliance* manager's certificate must submit proof satisfactory to the Commissioner that the applicant:

(a) Is at least 21 years of age.

(b) Has a good reputation for honesty, trustworthiness and integrity and is competent to ~~transact the business~~ *oversee the compliance* of a collection agency in a manner which protects the interests of the general public. *An applicant may demonstrate competency to oversee the compliance of a collection agency by:*

(1) Holding a certification from a national association that is a nonprofit organization with expertise in the business of collections, compliance or financial services;

(2) Having 3 years of experience working in compliance for a collection agency;

(3) Holding a professional degree or accreditation relating to compliance of a collection agency; or

(4) Serving as a compliance manager on or before October 1, 2023.

(c) Has not committed any of the acts specified in NRS 649.215.

(d) Has not had a collection agency license or *compliance* manager's certificate suspended or revoked within the 10 years immediately preceding the date of filing the application ~~[-]~~ *, unless the license or certificate was suspended for a minor violation that did not harm a debtor and was subsequently restored.*

(e) Has not been convicted of, or entered a plea of nolo contendere to, a felony or any crime involving fraud, misrepresentation or moral turpitude.

(f) Has had not less than 2 years' full-time experience with a collection agency in the collection of accounts ~~assigned by creditors who were not affiliated with the collection agency except as assignors of accounts.] or with a financial institution or as a compliance manager.~~ At least 1 year of the 2 years of experience must have been within the 18-month period preceding the date of filing the application.

2. Each applicant must:

(a) Pass the examination or reexamination provided for in NRS 649.205 ~~[-(b)]~~ *, unless the examination or reexamination is waived pursuant to subsection 4 of NRS 649.205.*

(b) Pay the required fees.

~~[(c) Submit, in such form as the Commissioner prescribes;~~

~~—(1) Three recent photographs; and~~

~~—(2) Three complete sets of fingerprints which the Commissioner may~~

~~forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.~~

~~—(d)}~~ (c) Submit such ~~other~~ information reasonably related to his or her qualifications for the *compliance* manager's certificate as the Commissioner determines to be necessary.

3. The Commissioner may refuse to issue a *compliance* manager's certificate if the applicant does not meet the requirements of subsections 1 and 2.

4. If the Commissioner refuses to issue a *compliance* manager's certificate pursuant to this section, the Commissioner shall notify the applicant in writing by certified mail stating the reasons for the refusal. The applicant may submit a written request for a hearing within 20 days after receiving the notice. If the applicant fails to submit a written request within the prescribed period, the Commissioner shall enter a final order.

5. The Commissioner shall consider an application to be withdrawn if the Commissioner has not received all information and fees required to complete the application within 6 months after the date the application is first submitted to the Commissioner or within such later period as the Commissioner determines in accordance with any existing policies of joint regulatory partners. If an application is deemed to be withdrawn pursuant to this subsection or if an applicant otherwise withdraws an application, the Commissioner may not issue a ~~license~~ *certificate* to the applicant unless the applicant submits a new application and pays any required fees.

Sec. 26.5. NRS 649.205 is hereby amended to read as follows:

649.205 1. The Commissioner shall provide for *compliance* managers' examinations at such times and places as the Commissioner may direct, at least twice each year.

2. The examinations must be of a length, scope and character which the Commissioner deems reasonably necessary to determine the fitness of the applicants to act as *compliance* managers of collection agencies.

3. If an applicant does not pass the examination, the applicant must reapply to take the examination and pay a reexamination fee of not more than \$100 for each subsequent examination. The Commissioner shall adopt regulations establishing the amount of the reexamination fee required pursuant to this subsection.

4. *If the applicant and collection agency that employs or seeks to employ the applicant are both certified by a national association that is a nonprofit with expertise in the business of collections which the Commissioner determines proves the competence of the applicant, the Commissioner must waive the examination for the applicant.*

5. The Commissioner may make such rules and regulations as may be necessary to carry out the purposes of this section.

Sec. 27. NRS 649.215 is hereby amended to read as follows:

649.215 The Commissioner may refuse to permit an applicant for a *compliance* manager's certificate to take the examination, or, after a hearing,

may suspend or revoke a *compliance* manager's certificate if the applicant or *compliance* manager has:

1. Committed or participated in any act which, if committed or done by a licensee, would be grounds for the suspension or revocation of a license.
2. Been refused a license or certificate pursuant to this chapter or had such a license or certificate suspended or revoked.
3. Participated in any act, which act was a basis for the refusal or revocation of a collection agency license.
4. Falsified any of the information submitted to the Commissioner in support of an application pursuant to this chapter.
5. Impersonated, or permitted or aided and abetted another to impersonate, a law enforcement officer or employee of the United States, a state or any political subdivision thereof.
6. Made any statement in connection with his or her employment with a collection agency with the intent to give an impression that he or she was a law enforcement officer of the United States, a state or political subdivision thereof.

Sec. 28. NRS 649.225 is hereby amended to read as follows:

649.225 1. The Commissioner shall issue a *compliance* manager's certificate to any applicant who meets the requirements of this chapter for the certificate. *Each certificate must have a unique identification number.*

2. Each *compliance* manager holding a *compliance* manager's certificate issued pursuant to this chapter shall notify the Commissioner in writing of any change in his or her residence address within 10 days after the change.

Sec. 29. NRS 649.295 is hereby amended to read as follows:

649.295 1. A nonrefundable fee of not more than \$500 for the application ~~and survey~~ must accompany each new application for a license as a collection agency. Each applicant shall also pay any additional expenses incurred in the process of investigation. All money received by the Commissioner pursuant to this subsection must be placed in the Investigative Account created by NRS 232.545.

2. A fee of not less than \$200 or more than \$600, prorated on the basis of the licensing year as provided by the Commissioner, must be charged for each original license issued. A fee of not more than \$500 must be charged for each annual renewal of a license.

3. A fee of not more than \$20 must be charged for each ~~duplicate license or~~ license for a transfer of location issued.

4. A nonrefundable application fee of not more than \$500 and a nonrefundable investigation fee of not more than \$150 must accompany each application for a *compliance* manager's certificate.

5. A fee of not more than \$40 must be charged for each *compliance* manager's certificate issued and for each annual renewal of such a certificate.

6. A fee of not more than \$60 must be charged for the reinstatement of a *compliance* manager's certificate.

7. A fee of not more than \$10 must be charged for each day an

application for the renewal of a license or certificate, or a required report, is filed late, unless the fee or portion thereof is excused by the Commissioner for good cause shown.

~~8. [A nonrefundable fee of not more than \$250 for the application and an examination must accompany each application for a permit to operate a branch office of a licensed collection agency. A fee of not more than \$500 must be charged for each annual renewal of such a permit.]~~

~~9.]~~ For each examination the Commissioner shall charge and collect from the licensee a fee for conducting the examination and preparing and typing the report of the examination at the rate established and, if applicable, adjusted pursuant to NRS 658.101. Failure to pay the fee within 30 days after receipt of the bill is a ground for revoking the collection agency's license.

~~[10.]~~ 9. Except as otherwise provided in NRS 658.101, the Commissioner shall adopt regulations establishing the amount of the fees required pursuant to this section.

~~[11.]~~ 10. Except as otherwise provided in subsection 1, all money received by the Commissioner pursuant to this chapter must be deposited in the State Treasury pursuant to the provisions of NRS 658.091.

Sec. 30. NRS 649.305 is hereby amended to read as follows:

649.305 1. No collection agency may operate its business without a *compliance* manager who holds a valid *compliance* manager's certificate issued under the provisions of this chapter.

2. *Except as otherwise provided in this subsection, a compliance manager must not be employed as a compliance manager by more than one collection agency or employed by a collection agency and an exempt entity at the same time. A compliance manager may be simultaneously employed as a compliance manager by a collection agency and an affiliate of that collection agency.*

Sec. 31. NRS 649.325 is hereby amended to read as follows:

649.325 1. A collection agency shall not remove its business location from the place of business as stated in the ~~[license]~~ *record of the licensee* except upon prior approval by the Commissioner in writing.

2. If the removal is approved, the Commissioner shall note the change ~~[upon the face of the license and enter in his or her records a notation of that change.]~~ *in the record of the licensee.*

Sec. 32. NRS 649.330 is hereby amended to read as follows:

649.330 1. A collection agency shall immediately notify the Commissioner of any change:

(a) Of the *compliance* manager of the agency; or
(b) If the agency is a corporation, in the ownership of 5 percent or more of its outstanding voting stock.

2. An application must be submitted to the Commissioner, pursuant to NRS 649.095, by:

(a) The person who replaces the *compliance* manager; and
(b) A person who acquires:

(1) At least 25 percent of the outstanding voting stock of an agency; or

(2) Any outstanding voting stock of an agency if the change will result in a change in the control of the agency.

➡ Except as otherwise provided in subsection 4, the Commissioner shall conduct an investigation to determine whether the applicant has the competence, experience, character and qualifications necessary for the licensing of a collection agency. If the Commissioner denies the application, the Commissioner may ~~in his or her order~~ forbid the applicant from participating in the business of the collection agency.

3. The collection agency with which the applicant is affiliated shall pay such expenses incurred in the investigation as the Commissioner deems necessary. All money received by the Commissioner pursuant to this subsection must be placed in the Investigative Account created by NRS 232.545.

4. A collection agency may submit a written request to the Commissioner to waive an investigation pursuant to subsection 2. The Commissioner may grant a waiver if the applicant has undergone a similar investigation by a state or federal agency in connection with the licensing of or the applicant's employment with a financial institution.

Sec. 33. NRS 649.332 is hereby amended to read as follows:

649.332 1. To verify a ~~debt~~ *claim*, a collection agency shall:

(a) Obtain or attempt to obtain from the creditor any document that is not in the possession of the collection agency and is reasonably responsive to the dispute of the debtor, if any; and

(b) If such a document is obtained, mail the document to the debtor.

2. When collecting a ~~debt~~ *claim* on behalf of a hospital, within 5 days after the initial communication with the debtor in connection with the collection of the ~~debt~~ *claim*, a collection agency shall, unless the following information is included in the initial communication, send a written notice to the debtor that includes a statement indicating that:

(a) If the debtor pays or agrees to pay the ~~debt~~ *claim* or any portion of the ~~debt~~ *claim*, the payment or agreement to pay ~~may~~ :

(1) May be construed as ~~is~~

~~—(1) An~~ an acknowledgment of the ~~debt~~ *claim* by the debtor; and

(2) ~~[A]~~ As provided in NRS 11.200, does not constitute a waiver by the debtor of any applicable statute of limitations set forth in NRS 11.190 that otherwise precludes the collection of the ~~debt~~ *claim*; and

(b) If the debtor does not understand or has questions concerning his or her legal rights or obligations relating to the ~~debt~~ *claim*, the debtor should seek legal advice.

3. As used in this section, "hospital" has the meaning ascribed to it in NRS 449.012.

Sec. 34. NRS 649.334 is hereby amended to read as follows:

649.334 1. The terms and conditions of any written agreement between a collection agency and a customer must be specific, intelligible and

unambiguous. In the absence of a written agreement, unless the conduct of the parties indicates a different mutual understanding, the understanding of the customer concerning the terms of the agreement must govern in any dispute between the customer and the collection agency.

2. Unless a written agreement between the parties otherwise provides, any money collected on a claim, after court costs have been recovered, must first be credited to the principal amount of the claim. Any interest charged and collected on the claim must be allocated pursuant to the agreement between the customer and the collection agency.

3. Except with the consent of its customer, a collection agency shall not accept less than the full amount of a claim in settlement of an assigned claim.

4. A collection agency shall, at the time it remits to the customer the money it collected on behalf of the customer, give each customer an accounting in writing of the money it collected on behalf of the customer in connection with a claim.

5. *This section does not apply to a debt buyer who is not also collecting claims on behalf of parties who are not affiliated with the debt buyer.*

Sec. 35. NRS 649.3345 is hereby amended to read as follows:

649.3345 1. Unless a written agreement between the parties otherwise provides, a customer may withdraw, without obligation, any claim assigned to a collection agency at any time 6 months after the date of the assignment if:

(a) The customer gives written notice of the withdrawal to the collection agency not less than 60 days before the effective date of the withdrawal; and

(b) The claim is not in the process of being collected.

2. As used in this section, "in the process of being collected," means that:

(a) A payment on the claim has been received after the date of the assignment;

(b) An action on the claim has been filed by or on behalf of the collection agency;

(c) The claim has been forwarded to another collection agency for collection;

(d) A lawful and sufficient claim or notice of lien has been filed by the collection agency on behalf of the customer to ensure payment from money distributed in connection with the probate of an estate, proceeding in bankruptcy, assignment for the benefit of creditors or any similar proceeding; or

(e) The collection agency has obtained from the debtor an enforceable written promise to make payment.

3. Upon the withdrawal of any claim, the collection agency shall return to the customer any documents, records or other items relating to the claim that have been supplied by the customer.

4. *This section does not apply to a debt buyer who is not also collecting claims on behalf of parties who are not affiliated with the debt buyer.*

Sec. 36. NRS 649.345 is hereby amended to read as follows:

649.345 1. Each licensed collection agency shall file with the Commissioner a written report, signed and sworn to by its *compliance* manager, no later than ~~January 31~~ April 15 of each year, unless the Commissioner determines that there is good cause for later filing of the report. The report must include:

(a) ~~The~~ If applicable, the total sum of money due to all creditors as of the close of the last business day of the preceding month.

(b) ~~The~~ If applicable, the total sum on deposit in customer trust fund accounts and available for immediate distribution as of the close of the last business day of the preceding month, the title of the trust account or accounts, and the name of the banks or credit unions where the money is deposited.

(c) ~~The~~ If applicable, the total amount of creditors' or forwarders' share of money collected more than 60 days before the last business day of the preceding month and not remitted by that date.

(d) When the total sum under paragraph (c) exceeds \$10, the name of each creditor or forwarder and the respective share of each in that sum.

(e) Such other information, audit or reports as the Commissioner may require.

2. The filing of any report required by this section which is known by the collection agency to contain false information or statements constitutes grounds for the suspension of the agency's license or the *compliance* manager's certificate, or both.

Sec. 37. NRS 649.347 is hereby amended to read as follows:

649.347 1. Each licensed collection agency shall file with the Commissioner a written report not later than January 31 of each year, unless the Commissioner determines that there is good cause for later filing of the report. The report must include:

(a) The number of cases in which the collection agency collected a ~~debt~~ claim for a unit-owners' association during the immediately preceding year;

(b) The name of each unit-owners' association for which the collection agency collected a ~~debt~~ claim during the immediately preceding year and the amount of money collected for each such unit-owners' association;

(c) The total amount of money collected by the collection agency for unit-owners' associations during the immediately preceding year;

(d) The zip code of each debtor from whom the collection agency collected a ~~debt~~ claim for a unit-owners' association during the immediately preceding year; and

(e) A statement, signed by the *compliance* manager of the collection agency, affirming that the collection agency did not collect a ~~debt~~ claim against any person during the immediately preceding year in violation of the provisions of paragraph (i) of subsection 1 of NRS 649.375.

2. As used in this section, "unit-owners' association" has the meaning ascribed to it in NRS 116.011 or 116B.030.

Sec. 38. NRS 649.355 is hereby amended to read as follows:

649.355 1. Every collection agency and collection agent shall openly, fairly and honestly conduct the collection agency business and shall at all times conform to the accepted business ethics and practices of the collection agency business.

2. Every licensee shall at all times maintain a separate account in a bank or credit union in which must be deposited all money collected. ~~Except as otherwise provided in regulations adopted by the Commissioner pursuant to NRS 649.054, the~~ The account must be maintained in a bank or credit union located in this State and bear some title sufficient to distinguish it from the licensee's personal or general checking account and to designate it as a trust account, such as "customer's trust fund account." The trust account must at all times contain sufficient money to pay all money due or owing to all customers, and no disbursement may be made from the account except to customers or to pay costs advanced for those customers, except that a licensee may periodically withdraw from the account such money as may accrue to the licensee from collections deposited or from adjustments resulting from costs advanced and payments made directly to customers.

3. Every licensee maintaining a separate custodial or trust account shall keep a record of all money deposited in the account, which must indicate clearly the date and from whom the money was received, the date deposited, the dates of withdrawals and other pertinent information concerning the transaction, and must show clearly for whose account the money is deposited and to whom the money belongs. The money must be remitted to the creditors respectively entitled thereto within 30 days following the end of the month in which payment is received. The records and money are subject to inspection by the Commissioner or the Commissioner's authorized representative. The records must be maintained at the premises in this State at which the licensee is authorized to conduct business.

4. If the Commissioner finds that a licensee's records are not maintained pursuant to subsections 2 and 3, the Commissioner may require the licensee to deliver an audited financial statement prepared from his or her records by a certified public accountant who holds a certificate to engage in the practice of public accounting in this State. The statement must be submitted within 60 days after the Commissioner requests it. The Commissioner may grant a reasonable extension for the submission of the financial statement if an extension is requested before the statement is due.

5. *Subsections 2, 3 and 4 do not apply to a debt buyer who is not also collecting claims on behalf of parties who are not affiliated with the debt buyer.*

Sec. 39. NRS 649.365 is hereby amended to read as follows:

649.365 1. A collection agency licensed under this chapter must obtain the approval of the Commissioner before using or changing a business name.

2. A collection agency licensed under this chapter shall not:

(a) ~~Use~~ *Except as authorized for a debt buyer in NRS 649.075, use any business name which is identical or similar to a business name used by*

another collection agency licensed under this chapter or which may mislead or confuse the public.

(b) Use any printed forms which may mislead or confuse the public.

(c) Use the term "credit bureau" in its name unless it operates a bona fide credit bureau in conjunction with its collection agency business. For purposes of this paragraph, "credit bureau" means any person engaged in gathering, recording and disseminating information relative to the creditworthiness, financial responsibility, paying habits or character of persons being considered for credit extension for prospective creditors.

Sec. 40. NRS 649.375 is hereby amended to read as follows:

649.375 1. A collection agency, or its *compliance* manager, agents or employees, shall not:

(a) Use any device, subterfuge, pretense or deceptive means or representations to collect any ~~debt~~ *claim*, nor use any collection letter, demand or notice which simulates a legal process or purports to be from any local, city, county, state or government authority or attorney.

(b) Collect or attempt to collect any interest, charge, fee or expense incidental to the principal obligation unless:

(1) Any such interest, charge, fee or expense as authorized by law or contract or as agreed to by the parties has been added to the principal of the ~~debt~~ *claim* by the creditor before receipt of the item of collection;

(2) Any such interest, charge, fee or expense as authorized by law or contract or as agreed to by the parties has been added to the principal of the ~~debt~~ *claim* by the collection agency and described as such in the first written communication with the debtor; or

(3) The interest, charge, fee or expense has been judicially determined as proper and legally due from and chargeable against the debtor.

(c) Assign or transfer any claim or account upon termination or abandonment of its collection business unless prior written consent by the customer is given for the assignment or transfer. The written consent must contain an agreement with the customer as to all terms and conditions of the assignment or transfer, including the name and address of the intended assignee. Prior written consent of the Commissioner must also be obtained for any bulk assignment or transfer of claims or accounts, and any assignment or transfer may be regulated and made subject to such limitations or conditions as the Commissioner by regulation may reasonably prescribe.

(d) Operate its business or solicit claims for collection from any location, address or post office box other than that listed on its license or as may be prescribed by the Commissioner ~~to~~ , *except for employees of a collection agency working from a remote location pursuant to sections 7 to 10, inclusive, of this act.*

(e) Harass a debtor's employer in collecting or attempting to collect a claim, nor engage in any conduct that constitutes harassment as defined by regulations adopted by the Commissioner.

(f) Advertise for sale or threaten to advertise for sale any claim as a means

to enforce payment of the claim, unless acting under court order.

(g) Publish or post, or cause to be published or posted, any list of debtors except for the benefit of its stockholders or membership in relation to its internal affairs.

(h) Conduct or operate, in conjunction with its collection agency business, a debt counseling or prorater service for a debtor who has incurred a ~~debt~~ *claim* primarily for personal, family or household purposes whereby the debtor assigns or turns over to the counselor or prorater any of the debtor's earnings or other money for apportionment and payment of the ~~debtor's debts~~ *claim* or obligations ~~of the debtor~~. This section does not prohibit the conjunctive operation of a business of commercial debt adjustment with a collection agency if the business deals exclusively with the collection of commercial debt.

(i) Collect a ~~debt~~ *claim* from a person who owes fees to:

(1) A unit-owners' association, if the collection agency is:

(I) Owned or operated by or is an affiliate of a person or entity who is the community manager for the unit-owners' association; or

(II) Owned or operated by a relative of a person who is the community manager for the unit-owners' association.

(2) A person or entity who is an operator of a tow car, if the collection agency is:

(I) Owned or operated by or is an affiliate of a person or entity who is the operator of a tow car; or

(II) Owned or operated by a relative of a person who is the operator of a tow car.

(3) A person or entity who engages in the business of, acts in the capacity of or assumes to act as a property manager of an apartment building, if the collection agency is:

(I) Owned or operated by or is an affiliate of the person or entity who engages in the business of, acts in the capacity of or assumes to act as the property manager of an apartment building; or

(II) Owned or operated by a relative of the person who engages in the business of, acts in the capacity of or assumes to act as the property manager of an apartment building.

(j) *File a civil action to collect a debt when the collection agency, compliance manager, agent or employee knows or should know that the applicable limitation period for filing such an action has expired.*

(k) *Sell an interest in a resolved claim or any personal or financial information related to the resolved claim.*

2. As used in this section:

(a) "Affiliate" means a person who directly or indirectly, through one or more intermediaries, controls or is controlled by or is under common control with another designated person.

(b) "Community manager" has the meaning ascribed to it in NRS 116.023 or 116B.050.

(c) "Operator of a tow car" means a person or entity required by NRS 706.4463 to obtain a certificate of public convenience and necessity.

(d) "Property manager" has the meaning ascribed to it in NRS 645.0195.

(e) "Relative" means a person who is related by blood, adoption, marriage or domestic partnership within the third degree of consanguinity or affinity.

(f) "Unit-owners' association" has the meaning ascribed to it in NRS 116.011 or 116B.030.

Sec. 41. NRS 11.200 is hereby amended to read as follows:

11.200 1. The time in NRS 11.190 shall be deemed to date from the last transaction or the last item charged or last credit given; and whenever any payment on principal or interest has been or shall be made upon an existing contract, whether it be a bill of exchange, promissory note or other evidence of indebtedness if such payment be made after the same shall have become due, the limitation shall commence from the time the last payment was made.

2. *Notwithstanding any other provision of law, any payment on a debt, affirmation of a debt or other activity taken relating to a debt by a debtor after the time in NRS 11.190 has expired does not revive ~~for extend~~ the applicable limitation.*

Sec. 42. (Deleted by amendment.)

Sec. 43. (Deleted by amendment.)

Sec. 44. (Deleted by amendment.)

Sec. 45. (Deleted by amendment.)

Sec. 46. (Deleted by amendment.)

Sec. 47. (Deleted by amendment.)

Sec. 48. 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, 649.095, 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, 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. 49. Section 6 of this act is hereby amended to read as follows:

Sec. 6. 1. A collection agency shall display on any Internet website maintained by the collection agency:

~~—[1.] (a) The [license number issued to] unique identifier registered with the Registry for the collection agency . By the Commissioner pursuant to NRS 649.135.~~

~~—[2.] (b) The certificate identification number of the certificate issued to the compliance manager of the collection agency by the Commissioner pursuant to NRS 649.225.~~

(c) The unique identifier registered with the Registry for the compliance manager of the collection agency.

2. As used in this section, "unique identifier" has the meaning ascribed to it in NRS 649.281.

Sec. 50. 1. Notwithstanding the amendatory provisions of this act, a debt buyer who is operating in this State on October 1, 2023, may continue such operations until January 1, 2024, without applying for a license as a collection agency pursuant to NRS 649.095, as amended by section 20 of this act. If the debt buyer applies for such a license on or before January 1, 2024, the debt buyer may continue such operation in this State without holding such a license until the license is issued or the application is denied.

2. The amendatory provisions of this act do not apply to an action or arbitration commenced or a judgment entered before October 1, 2023.

3. As used in this section:

(a) "Collection agency" has the meaning ascribed to it in NRS 649.020, as amended by section 14 of this act.

(b) "Debt buyer" has the meaning ascribed to it in section 3 of this act.

Sec. 51. The Legislative Counsel shall:

1. In preparing the Nevada Revised Statutes, use the authority set forth in subsection 10 of NRS 220.120 to substitute appropriately the term "compliance manager" for the term "manager" as previously used in reference to the person responsible for a collection agency.

2. In preparing supplements to the Nevada Administrative Code, substitute appropriately the term "compliance manager" for the term

"manager" as previously used in reference to the person responsible for a collection agency.

Sec. 52. NRS 649.054, 649.145, 649.171 and 649.315 are hereby repealed.

Sec. 53. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 48, inclusive, 50, 51 and 52 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On October 1, 2023, for all other purposes.

3. Section 49 of this act becomes effective on the date on which the Commissioner of Financial Institutions notifies the Governor and the Director of the Legislative Counsel Bureau that the Nationwide Multistate Licensing System and Registry has sufficient capabilities to allow the Commissioner to carry out the provisions of chapter 347, Statutes of Nevada 2021, at page 2030.

LEADLINES OF REPEALED SECTIONS

649.054 Regulations authorizing collection from location outside of Nevada; standards for trust accounts.

649.145 Conditions for issuance of license; contents of license.

649.171 Certificate of registration; limitations on business practices; fees; disciplinary action; regulations.

649.315 Display of license or certificate.

Senator Spearman moved that the Senate concur in Assembly Amendment No. 926 to Senate Bill No. 276.

Motion carried by a two-thirds majority.

Bill ordered enrolled.

Senate Bill No. 294.

The following Assembly amendment was read:

Amendment No. 812.

SUMMARY—Revises provisions relating to the safe storage of firearms. (BDR 15-47)

AN ACT relating to firearms; requiring a licensed dealer to provide a locking device capable of securing a firearm with each sale or transfer of a firearm; requiring a licensed gun dealer to post a notice on the premises which informs a buyer that the unlawful storage of a firearm may result in imprisonment or a fine; requiring the board of trustees of each school district and the governing body of each charter school to include certain provisions related to active assailants in a plan for responding to a crisis, emergency or suicide; requiring certain school police officers to receive training in active assailant movement techniques; requiring the Department of Health and Human Services to develop and implement a safe firearm storage education campaign; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) prohibits a person from aiding or knowingly permitting a child to handle, possess or control a firearm under certain circumstances; (2) provides that a person does not aid or knowingly permit a child to violate such existing law if the firearm was stored in a securely locked container or at a location which a reasonable person would have believed to be secure; and (3) makes it a misdemeanor to negligently store or leave a firearm at a location under his or her control, if a person knows or has reason to know that there is a substantial risk that a child, who is otherwise prohibited from handling, possessing or controlling a firearm, may obtain such a firearm. (NRS 202.300)

Section 4 of this bill requires a licensed dealer to: (1) provide with each firearm sold or otherwise transferred a locking device capable of securing the firearm; and (2) post in a conspicuous location on its premises a notice which informs a buyer that the negligent storage of a firearm may result in imprisonment or a fine. A licensed dealer who violates a requirement of section 4 is guilty of a misdemeanor punishable by a fine of not more than \$500. Section 5 of this bill makes a conforming change to indicate the proper placement of section 4 in the Nevada Revised Statutes.

Existing law requires the board of trustees of each school district and the governing body of each charter school to establish a development committee to develop a plan to be used by the schools in the district or the charter school in responding to a crisis, emergency or suicide. Such a committee, under existing law, is required to develop a plan which constitutes the minimum requirements of a plan for a school to use. (NRS 388.241, 388.243)

Section 9.1 of this bill requires such a plan to include, if the school district has school police officers, a plan to coordinate with local law enforcement agencies to train school police officers in active assailant movement techniques. ~~[In a school district which has more than 50,000 pupils enrolled in its schools, section]~~ Section 9.1 additionally requires the plan to include a plan to: (1) coordinate with local law enforcement agencies or public safety organizations to provide active assailant trainings to ~~[certain]~~ employees of ~~[the] a school; [district]~~; (2) provide certain support to pupils, ~~[,]~~ and members of the faculty and staff who have experienced a crisis or emergency; (3) ensure that members of the faculty and staff and a pupil's parents or legal guardians are notified of the occurrence, development and conclusion of a crisis or an emergency through any communication method established by a school; and (4) inform a pupil's parent or legal guardian of any state requirement related to the storage of firearms.

Existing law authorizes: (1) the board of trustees of a school district to employ, appoint or contract for the provision of school police officers; and (2) the governing body of a charter school to contract with the board of trustees of the school district in which the charter school is located to provide school police officers. (NRS 388A.384, 391.281) Sections 9.2 and 9.3 of this bill require school police officers to receive training in active assailant

movement techniques before beginning their service as a school police officer. Section 9.1 defines the terms "active assailant movement techniques" and "active assailant training" for the purpose of sections 9.1-9.3.

Existing law creates within the Department of Health and Human Services a Statewide Program for Suicide Prevention and requires the Coordinator of the Program to develop and maintain an Internet or network site with links to certain resources for suicide prevention. (NRS 439.511) Section 10 of this bill requires the Program, in consultation with the Department and to the extent that money is available, to develop and implement a safe firearm storage education campaign to inform and educate certain persons about certain information relating to the safe storage of firearms. Section 10 authorizes the Program to: (1) develop and provide to local law enforcement agencies and health care providers certain materials relating to the safe storage of firearms; (2) provide owners of firearms with information relating to the cost of purchasing locking devices, gun safes or other secure storage containers for firearms; and (3) use any advertising medium or form of messaging deemed appropriate by the Department in furtherance of the goals of the education campaign. Under section 10, the Department of Health and Human Services is required to post on the Internet or network site certain information about community programs that allow owners of firearms to voluntarily and temporarily store a firearm at certain secure locations outside of their homes.

Section 11 of this bill further requires the Coordinator to post on the Internet or network site information relating to: (1) the crime of negligent storage of a firearm; (2) the penalties for such an offense; and (3) the requirement that a licensed dealer provide a locking device with each firearm transferred. Section 11 also requires the Coordinator to develop and provide to certain persons an informational pamphlet which includes certain information about the offense of negligent storage of a firearm.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 202 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. 1. *Every licensed dealer shall:*

(a) *Provide with each firearm sold or otherwise transferred a locking device capable of securing the firearm; and*

(b) *Post in a conspicuous location on its premises and at any other location at which the dealer sells a firearm a sign which is not less than 8.5 inches wide by 11 inches high and which contains, in at least 24-point boldface type, the following:*

NOTICE

Negligent storage of a firearm may result in imprisonment or fine.

2. *A licensed dealer who violates any provision of subsection 1 is guilty*

of a misdemeanor and shall be punished by a fine of not more than \$500.

3. *The provisions of this section do not apply to ~~storing~~ an antique firearm or a firearm that has been determined to be a curio or relic pursuant to 18 U.S.C. Chapter 44.*

4. *As used in this section:*

(a) *"Licensed dealer" has the meaning ascribed to it in NRS 202.2546.*

(b) *"Locking device" means a device which prohibits the operation or discharge of a firearm and which can only be disabled with the use of a key, a combination, biometric data or other similar means.*

Sec. 5. NRS 202.253 is hereby amended to read as follows:

202.253 As used in NRS 202.253 to 202.369, inclusive ~~[+]~~, and section 4 of this act:

1. "Antique firearm" has the meaning ascribed to it in 18 U.S.C. § 921(a)(16).

2. "Explosive or incendiary device" means any explosive or incendiary material or substance that has been constructed, altered, packaged or arranged in such a manner that its ordinary use would cause destruction or injury to life or property.

3. "Firearm" means any device designed to be used as a weapon from which a projectile may be expelled through the barrel by the force of any explosion or other form of combustion.

4. "Firearm capable of being concealed upon the person" applies to and includes all firearms having a barrel less than 12 inches in length.

5. "Firearms importer or manufacturer" means a person licensed to import or manufacture firearms pursuant to 18 U.S.C. Chapter 44.

6. "Machine gun" means any weapon which shoots, is designed to shoot or can be readily restored to shoot more than one shot, without manual reloading, by a single function of the trigger.

7. "Motor vehicle" means every vehicle that is self-propelled.

8. "Semiautomatic firearm" means any firearm that:

(a) Uses a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next shell or round;

(b) Requires a separate function of the trigger to fire each cartridge; and

(c) Is not a machine gun.

9. "Unfinished frame or receiver" means a blank, a casting or a machined body that is intended to be turned into the frame or lower receiver of a firearm with additional machining and which has been formed or machined to the point at which most of the major machining operations have been completed to turn the blank, casting or machined body into a frame or lower receiver of a firearm even if the fire-control cavity area of the blank, casting or machined body is still completely solid and unmachined.

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 9.1. NRS 388.243 is hereby amended to read as follows:

388.243 1. Each emergency operations plan development committee established by the board of trustees of a school district shall develop one plan, which constitutes the minimum requirements of a plan, to be used by all the public schools other than the charter schools in the school district in responding to a crisis, emergency or suicide and all other hazards. Each emergency operations plan development committee established by the governing body of a charter school shall develop a plan, which constitutes the minimum requirements of a plan, to be used by the charter school in responding to a crisis, emergency or suicide and all other hazards. Each emergency operations plan development committee shall, when developing the plan:

(a) Consult with local social service agencies and local public safety agencies in the county in which its school district or charter school is located.

(b) If the school district has an emergency manager designated pursuant to NRS 388.262, consult with the emergency manager.

(c) If the school district has school resource officers, consult with the school resource officer or a person designated by him or her.

(d) If the school district has school police officers, consult with the chief of school police of the school district or a person designated by him or her.

(e) Consult with the director of the local organization for emergency management or, if there is no local organization for emergency management, with the Chief of the Division of Emergency Management of the Office of the Military or his or her designee.

(f) Consult with the State Fire Marshal or his or her designee and a representative of a local government responsible for enforcement of the ordinances, codes or other regulations governing fire safety.

(g) Determine which persons and organizations in the community, including, without limitation, a provider of mental health services which is operated by a state or local agency, that could be made available to assist pupils and staff in recovering from a crisis, emergency or suicide.

2. The plan developed pursuant to subsection 1 must include, without limitation:

(a) The plans, procedures and information included in the model plan developed by the Department pursuant to NRS 388.253;

(b) A procedure for responding to a crisis or an emergency and for responding during the period after a crisis or an emergency has concluded, including, without limitation, a crisis or an emergency that results in immediate physical harm to a pupil or employee of a school in the school district or the charter school;

(c) A procedure for enforcing discipline within a school in the school district or the charter school and for obtaining and maintaining a safe and orderly environment during a crisis or an emergency;

(d) The names of persons and organizations in the community, including, without limitation, a provider of mental health services which is operated by

a state or local agency, that are available to provide counseling and other services to pupils and staff of the school to assist them in recovering from a crisis, emergency or suicide;

(e) A plan for making the persons and organizations described in paragraph (d) available to pupils and staff after a crisis, emergency or suicide;

(f) A procedure for responding to a crisis or an emergency that occurs during an extracurricular activity which takes place on school grounds;

(g) A plan which includes strategies to assist pupils and staff at a school in recovering from a suicide; ~~and~~

(h) A description of the organizational structure which ensures there is a clearly defined hierarchy of authority and responsibility used by the school for the purpose of responding to a crisis, emergency or suicide ; ~~and~~

(i) *If the school district has school police officers, a plan to coordinate with local law enforcement agencies to train school police officers in active assailant movement techniques ; ~~and~~*

(j) ~~In a school district which has more than 50,000 pupils enrolled in its schools, a~~ A plan to ~~for~~

~~— (1) Coordinate~~ coordinate with local law enforcement agencies or public safety organizations to provide active assailant trainings to each employee of the school ~~district;~~

~~— (2) Provide~~ ;

~~— (k) A plan to provide support to:~~

~~— (4) (1) Pupils who have experienced a crisis or emergency by using trauma-informed and age-appropriate resources ~~for~~~~

~~— (II) Faculty~~ ; and

~~— (2) Members of the faculty and staff who have experienced a crisis or emergency by using trauma-informed resources ~~for~~~~

~~— (3) Ensure~~ ;

~~— (l) A plan to ensure that members of the faculty and staff and a pupil's parents or legal guardians are notified of~~ the occurrence, development and conclusion of a crisis or an emergency through any communication method established by a school, including, without limitation, communicating through text message or electronic mail ~~for~~

~~— (4) At~~ ; and

~~— (m) A plan to inform, at least twice each academic year, ~~inform~~~~ a pupil's parent or legal guardian of any state requirement related to the storage of firearms, including, without limitation, the crimes and penalties described in subsection 5 of NRS 202.300 and section 4 of this act.

3. Each emergency operations plan development committee shall provide for review a copy of the plan that it develops pursuant to this section to the board of trustees of the school district that established the committee or the governing body of the charter school that established the committee.

4. The board of trustees of the school district that established the committee or the governing body of the charter school that established the

committee shall submit for review to the Division of Emergency Management of the Office of the Military the plan developed pursuant to this section.

5. Except as otherwise provided in NRS 388.249 and 388.251, each public school must comply with the plan developed for it pursuant to this section.

6. *As used in this section:*

(a) *"Active assailant movement techniques" means any training in the technical and tactical skills necessary for school police officers to respond to a crisis or emergency concerning an active assailant.*

(b) *"Active assailant training" means any training in responding to a crisis or emergency concerning an active assailant that is necessary to evacuate or secure the school.*

Sec. 9.2. NRS 388A.384 is hereby amended to read as follows:

388A.384 1. If the governing body of a charter school makes a request to the board of trustees of the school district in which the charter school is located for the provision of school police officers pursuant to NRS 388A.378, the board of trustees of the school district must enter into a contract with the governing body for that purpose. Such a contract must provide for payment by the charter school for the provision of school police officers by the school district which must be in an amount not to exceed the actual cost to the school district of providing the officers, including, without limitation, any other costs associated with providing the officers. If the school district is the sponsor of the charter school, the contract entered into pursuant to this section must be separate from any other contract or agreement with the sponsor.

2. Any contract for the provision of school police officers pursuant to this section must be entered into between the governing body of the charter school and the board of trustees of the school district by not later than March 15 for the next school year and must provide for the provision of school police officers for not less than 3 school years.

3. A school district that enters into a contract pursuant to this section with a charter school for the provision of school police officers is immune from civil and criminal liability for any act or omission of a school police officer that provides services to the charter school pursuant to the contract.

4. *The governing body of a charter school shall ensure that each school police officer receives training in active assailant movement techniques before beginning his or her service as a school police officer.*

5. *As used in this section, "active assailant movement techniques" has the meaning ascribed to it in NRS 388.243.*

Sec. 9.3. NRS 391.281 is hereby amended to read as follows:

391.281 1. Each applicant for employment or appointment pursuant to this section or employee, except a teacher or other person licensed by the Superintendent of Public Instruction, must, before beginning his or her employment or appointment and at least once every 5 years thereafter, submit

to the school district:

(a) A full set of the applicant's or employee's fingerprints and written permission authorizing the school district to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant or employee and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant or employee.

(b) Written authorization for the board of trustees of the school district to obtain any information concerning the applicant or employee that may be available from the Statewide Central Registry and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant or employee has resided within the immediately preceding 5 years.

2. In conducting an investigation into the background of an applicant or employee, a school district may cooperate with any appropriate law enforcement agency to obtain information relating to the criminal history of the applicant or employee, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant or employee.

3. The board of trustees of a school district may use a substantiated report of the abuse or neglect of a child, as defined in NRS 392.281, or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:

(a) In making determinations concerning assignments, requiring retraining, imposing discipline, hiring or termination; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

4. The board of trustees of a school district:

(a) May accept any gifts, grants and donations to carry out the provisions of subsections 1 and 2.

(b) May not be held liable for damages resulting from any action of the board of trustees authorized by subsection 2 or 3.

5. The board of trustees of a school district may employ or appoint persons to serve as school police officers. If the board of trustees of a school district employs or appoints persons to serve as school police officers, the board of trustees shall employ a law enforcement officer to serve as the chief of school police who is supervised by the superintendent of schools of the school district. The chief of school police shall supervise each person appointed or employed by the board of trustees as a school police officer, including any school police officer that provides services to a charter school pursuant to a contract entered into with the board of trustees pursuant to NRS 388A.384. In addition, persons who provide police services pursuant to subsection 6 or 7 shall be deemed school police officers.

6. The board of trustees of a school district in a county that has a metropolitan police department created pursuant to chapter 280 of NRS may

contract with the metropolitan police department for the provision and supervision of police services in the public schools within the jurisdiction of the metropolitan police department and on property therein that is owned by the school district and on property therein that is owned or occupied by a charter school if the board of trustees has entered into a contract with the charter school for the provision of school police officers pursuant to NRS 388A.384. If a contract is entered into pursuant to this subsection, the contract must make provision for the transfer of each school police officer employed by the board of trustees to the metropolitan police department. If the board of trustees of a school district contracts with a metropolitan police department pursuant to this subsection, the board of trustees shall, if applicable, cooperate with appropriate local law enforcement agencies within the school district for the provision and supervision of police services in the public schools within the school district, including, without limitation, any charter school with which the school district has entered into a contract for the provision of school police officers pursuant to NRS 388A.384, and on property owned by the school district and, if applicable, the property owned or occupied by the charter school, but outside the jurisdiction of the metropolitan police department.

7. The board of trustees of a school district in a county that does not have a metropolitan police department created pursuant to chapter 280 of NRS may contract with the sheriff of that county for the provision of police services in the public schools within the school district, including, without limitation, in any charter school with which the board of trustees has entered into a contract for the provision of school police officers pursuant to NRS 388A.384, and on property therein that is owned by the school district and, if applicable, the property owned or occupied by the charter school.

8. The board of trustees of a school district shall ensure that each school police officer receives training in ~~the~~ :

- (a) The prevention of suicide ; and
- (b) Active assailant movement techniques,

➡ before beginning his or her service as a school police officer.

9. As used in this section, "active assailant movement techniques" has the meaning ascribed to it in NRS 388.243.

Sec. 10. Chapter 439 of NRS is hereby amended by adding thereto a new section to read as follows:

1. To the extent that money is available, and in consultation with the Department, the Statewide Program for Suicide Prevention shall develop and implement a safe firearm storage education campaign to inform and educate purchasers of firearms, licensed dealers, shooting ranges and safety instructors about the safe storage of firearms and state requirements related to the safe storage of firearms.

2. As part of the education campaign, the Statewide Program for Suicide Prevention may:

- (a) Develop and provide materials to local law enforcement agencies and

health care providers to assist with educating the public about the safe storage of firearms and state requirements related to the storage of firearms;

(b) Provide information to owners of firearms about programs that assist with the cost of purchasing locking devices for firearms, gun safes or other secure storage containers for firearms, including, without limitation, programs that provide free or reduced-price locking devices; and

(c) In furtherance of the goals of the education campaign, use any publishing, radio or other advertising medium or any other form of messaging deemed appropriate by the Department.

3. The Department shall provide information on the Internet or network site developed pursuant to paragraph (i) of subsection 3 of NRS 439.511, information about community programs that allow owners of firearms to voluntarily and temporarily store a firearm at a secure location outside of the home, including, without limitation, a licensed dealer, gun range or law enforcement agency.

4. The Department may provide assistance to any local entity that facilitates a program described in subsection 3.

5. The Department may accept gifts, grants and donations from any source for the purpose of carrying out the provisions of this section.

Sec. 11. NRS 439.511 is hereby amended to read as follows:

439.511 1. There is hereby created within the Department a Statewide Program for Suicide Prevention. The Department shall implement the Statewide Program for Suicide Prevention, which must, without limitation:

(a) Create public awareness for issues relating to suicide prevention;

(b) Build community networks; and

(c) Carry out training programs for suicide prevention for law enforcement personnel, providers of health care, school employees, family members of veterans, members of the military and other persons at risk of suicide and other persons who have contact with persons at risk of suicide.

2. The Director shall employ a Coordinator of the Statewide Program for Suicide Prevention. The Coordinator:

(a) Must have at least the following education and experience:

(1) A bachelor's degree in social work, psychology, sociology, counseling or a closely related field and 5 years or more of work experience in behavioral health or a closely related field; or

(2) A master's degree or a doctoral degree in social work, psychology, sociology, counseling, public health or a closely related field and 2 years or more of work experience in behavioral health or a closely related field.

(b) Should have as many of the following characteristics as possible:

(1) Significant professional experience in social services, mental health or a closely related field;

(2) Knowledge of group behavior and dynamics, methods of facilitation, community development, behavioral health treatment and prevention programs, and community-based behavioral health problems;

(3) Experience in working with diverse community groups and

constituents; and

(4) Experience in writing grants and technical reports.

3. The Coordinator shall:

(a) Provide educational activities to the general public relating to suicide prevention;

(b) Provide training to persons who, as part of their usual routine, have face-to-face contact with persons who may be at risk of suicide, including, without limitation, training to recognize persons at risk of suicide and providing information on how to refer those persons for treatment or supporting services, as appropriate;

(c) To the extent that money is available for this purpose, provide training to family members of veterans, members of the military and other persons at risk of suicide, including, without limitation, training in recognizing and productively interacting with persons at risk of suicide and the manner in which to refer those persons to persons professionally trained in suicide intervention and prevention;

(d) Develop and carry out public awareness and media campaigns in each county targeting groups of persons who are at risk of suicide;

(e) Enhance crisis services relating to suicide prevention;

(f) Link persons trained in the assessment of and intervention in suicide with schools, public community centers, nursing homes and other facilities serving persons most at risk of suicide;

(g) Coordinate the establishment of local advisory groups in each county to support the efforts of the Statewide Program;

(h) Work with groups advocating suicide prevention, community coalitions, managers of existing crisis hotlines that are nationally accredited or certified, and staff members of mental health agencies in this State to identify and address the barriers that interfere with providing services to groups of persons who are at risk of suicide, including, without limitation, elderly persons, Native Americans, youths and residents of rural communities;

(i) Develop and maintain an Internet or network site with links to appropriate resource documents, suicide hotlines that are nationally accredited or certified, licensed professional personnel, state and local mental health agencies and appropriate national organizations;

(j) *Post on the Internet or network site developed and maintained pursuant to paragraph (i) any applicable law relating to the negligent storage of a firearm, including, without limitation, the crimes and penalties described in subsection 5 of NRS 202.300 and section 4 of this act;*

(k) Review current research on data collection for factors related to suicide and develop recommendations for improved systems of surveillance and uniform collection of data;

~~((k))~~ (l) Develop and submit proposals for funding from agencies of the Federal Government and nongovernmental organizations; ~~and~~

~~((l))~~ (m) Oversee and provide technical assistance to each person employed

to act as a trainer for suicide prevention pursuant to NRS 439.513 ~~[-]~~; and

(n) *Develop and provide to licensed dealers, shooting ranges, safety instructors and health care providers an information pamphlet which includes information about any applicable law relating to the negligent storage of a firearm, including, without limitation, subsection 5 of NRS 202.300 and section 4 of this act.*

4. As used in this section:

(a) "Internet or network site" means any identifiable site on the Internet or on a network and includes, without limitation:

(1) A website or other similar site on the World Wide Web;

(2) A site that is identifiable through a Uniform Resource Locator; and

(3) A site on a network that is owned, operated, administered or controlled by a provider of Internet service.

(b) "Systems of surveillance" means systems pursuant to which the health conditions of the general public are regularly monitored through systematic collection, evaluation and reporting of measurable information to identify and understand trends relating to suicide.

Sec. 12. (Deleted by amendment.)

Sec. 13. This act becomes effective on July 1, 2023.

Senator Scheible moved that the Senate concur in Assembly Amendment No. 812 to Senate Bill No. 294.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 327.

The following Assembly amendment was read:

Amendment No. 930.

SUMMARY—Revises provisions relating to elections. (BDR 24-892)

AN ACT relating to elections; revising provisions relating to the establishment of a polling place, ballot drop box and temporary branch polling place for early voting within an Indian reservation or Indian colony for an election; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes an Indian tribe to submit a request for the establishment within the boundaries of an Indian reservation or Indian colony of: (1) a polling place, a ballot drop box, or both, for the day of a primary election, presidential preference primary election or general election; and (2) a temporary branch polling place for early voting. A county clerk or city clerk is not required to establish a polling place or ballot drop box if the county or city clerk establishes a temporary branch polling place for early voting. (NRS 293.2733, 293.3572, 293C.2675, 293C.3572) Sections 1 and 3 of this bill require a county clerk and city clerk, respectively, to establish a polling place and ballot drop box within the boundaries of an Indian reservation or Indian colony unless an Indian tribe: (1) elects not to have the polling place and ballot drop box established by submitting notice to the

county clerk or city clerk; or (2) does not provide certain information relating to the establishment of the polling place and ballot drop box. Sections 2 and 4 of this bill require a county clerk and city clerk, respectively, to also establish a temporary branch polling place for early voting and ballot drop box within the boundaries of an Indian reservation or Indian colony unless an Indian tribe: (1) elects not to have the temporary branch polling place and ballot drop box established by submitting notice to the county clerk or city clerk; or (2) does not provide certain information relating to the establishment of the temporary branch polling place ~~and~~ and ballot drop box.

Sections 1 and 2 also authorize a county clerk to establish additional polling places, ballot drop boxes and temporary branch polling places within the boundaries of an Indian reservation or Indian colony upon the request of an Indian tribe.

Sections 1-4 set forth the dates by which an Indian tribe must submit a request to elect not to have a polling place, ballot drop box and temporary branch polling place established.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 293.2733 is hereby amended to read as follows:

293.2733 1. If an Indian reservation or Indian colony is located in whole or in part within a county, ~~the Indian tribe may submit a request to~~ the county clerk ~~for the establishment~~ :

(a) *Shall, except as otherwise provided in subsections 2 and 5, establish within the boundaries of the Indian reservation or Indian colony at a location ~~for locations, as applicable,~~ approved by the Indian tribe for the day of a primary election, presidential preference primary election or general election ~~of:~~*

~~—(a) A polling place;~~

~~—(b) A ballot drop box; or~~

~~—(c) Both~~ a polling place and a ballot drop box ~~and~~ ; and

(b) *May establish additional polling places or ballot drop boxes , or both, within the boundaries of the Indian reservation or Indian colony for the day of a primary election, presidential preference primary election or general election upon the request of an Indian tribe submitted not later than the dates set forth in subsection 2 to elect not to have a polling place and ballot drop box established within the boundaries of the Indian reservation or Indian colony.*

2. ~~{A request for the establishment of} An Indian tribe may elect not to have a polling place ~~, a or~~ and ballot drop box ~~for both a polling place and a ballot drop box~~ established within the boundaries of an Indian reservation or Indian colony for the day of a primary election, presidential preference primary election or general election ~~for~~~~

~~—(a) Must be submitted} by submitting notice to the county clerk ~~by the Indian tribe~~ on or before:~~

~~{(1)} (a) If the ~~request~~ notice is for a primary election, ~~{March 1}~~~~

January 15 of the year in which the primary election is to be held.

~~{{(2)}} (b) If the {request} notice is for a presidential preference primary election, {the first Friday in November} September 15 of the year immediately preceding the year of the presidential preference primary election.~~

~~{{(3)}} (c) If the {request} notice is for a general election, {August 1} June 15 of the year in which the general election is to be held.~~

~~{{(b)} May include one or more proposed locations within the boundaries of the Indian reservation or Indian colony for the polling place or ballot drop box.}~~

3. Any ~~{proposed}~~ location of a polling place or ballot drop box established pursuant to subsection 1 must satisfy the criteria the county clerk uses for the establishment of any other polling place ~~for~~ and ballot drop box, as applicable.

~~{3. Except as otherwise provided in this subsection, if the county clerk receives a request that satisfies the requirements set forth in subsection 2, the county clerk must establish at least one polling place or ballot box, as applicable, within the boundaries of the Indian reservation or Indian colony at a location or locations, as applicable, approved by the Indian tribe for the day of a primary election, presidential preference primary election or general election. The county clerk is not required to establish a polling place within the boundaries of an Indian reservation or Indian colony for the day of a primary election, presidential preference primary election or general election if the county clerk established a temporary branch polling place for early voting pursuant to NRS 293.3572 within the boundaries of the Indian reservation or Indian colony for the same election.}~~

4. ~~{If the county clerk establishes one or more polling places or ballot drop boxes within the boundaries of an Indian reservation or Indian colony pursuant to subsection 3 for the day of a primary election, presidential preference primary election or general election, the} Except as otherwise provided in subsection 5, the county clerk must continue to establish one ~~for more~~ polling ~~{places or} place and ballot drop {boxes} box~~ within the boundaries of the Indian reservation or Indian colony at a location ~~for locations}~~ approved by the Indian tribe for the day of any future primary election, presidential preference primary election or general election unless otherwise ~~{requested}~~ notified by the Indian tribe ~~{,} pursuant to subsection 2.~~~~

5. Not later than the dates set forth in subsection 2 to elect not to have a polling place and ballot drop box established within the boundaries of the Indian reservation or Indian colony, an Indian tribe that elects to have a polling place and ballot drop box established must submit to the county clerk and the tribal liaison designated by the Office of the Secretary of State pursuant to NRS 233A.260:

(a) The location ~~for locations}~~ for the polling place and ballot drop box and whether ~~each~~ the location ~~for locations}~~ will have only a polling place or ballot drop box or both a polling place and ballot drop box;

(b) Whether the Indian tribe will select registered voters to be appointed to act as election board officers to staff the polling place within the boundaries of the Indian reservation or Indian colony; and

(c) The proposed days and hours for the operation of the polling place ~~and~~

~~(d) The proposed number of ballot drop boxes to be established and any other information necessary for establishing such ballot drop boxes.~~

➔ If an Indian tribe does not submit the information required pursuant to this subsection, the Indian tribe shall be deemed to have elected not to have a polling place and ballot drop box established within the boundaries of the Indian reservation or Indian colony.

Sec. 2. NRS 293.3572 is hereby amended to read as follows:

293.3572 1. In addition to permanent polling places for early voting, ~~[except as otherwise provided in subsection 4,]~~ the county clerk may establish temporary branch polling places for early voting which may include, without limitation, the clerk's office pursuant to NRS 293.3561.

2. If an Indian reservation or Indian colony is located in whole or in part within a county, the ~~[Indian tribe may submit a request to the]~~ county clerk ~~[for the establishment of]~~ :

(a) Shall, except as otherwise provided in subsections 3 and 6, establish a temporary branch polling place for early voting and a ballot drop box at a location ~~[for locations, as applicable,]~~ approved by the Indian tribe within the boundaries of the Indian reservation or Indian colony ~~[;]~~ ; and

(b) May establish additional temporary branch polling places for early voting or ballot drop boxes, or both, within the boundaries of the Indian reservation or Indian colony upon the request of an Indian tribe submitted not later than the dates set forth in subsection 3 to elect not to have a polling place and ballot drop box established within the boundaries of the Indian reservation or Indian colony.

3. ~~[A request for the establishment of]~~ An Indian tribe may elect not to have a temporary branch polling place for early voting and ballot drop box established within the boundaries of the Indian reservation or Indian colony ~~[;]~~

~~—(a) Must be submitted]~~ by submitting notice to the county clerk ~~[by the Indian tribe]~~ on or before:

~~[(1)]~~ (a) If the ~~[request]~~ notice is for a primary election, ~~[March 1]~~ January 15 of the year in which the general election is to be held.

~~[(2)]~~ (b) If the ~~[request]~~ notice is for a presidential preference primary election, ~~[the first Friday in November]~~ September 15 of the year immediately preceding the year of the presidential preference primary election.

~~[(3)]~~ (c) If the ~~[request]~~ notice is for a general election, ~~[August 1]~~ June 15 of the year in which the general election is to be held.

~~[(b) May include one or more proposed locations within the boundaries of the Indian reservation or Indian colony for the temporary branch polling~~

~~place and proposed hours of operation thereof.]~~

4. Any ~~[proposed]~~ location of a temporary branch polling place for early voting or ballot drop box established pursuant to subsection 2 must satisfy the criteria established by the county clerk for the selection of temporary branch polling places and ballot drop boxes pursuant to NRS 293.3561.

~~[4.— Except as otherwise provided in this subsection, if the county clerk receives a request that satisfies the requirements set forth in subsection 3, the county clerk must establish at least one temporary branch polling place for early voting within the boundaries of the Indian reservation or Indian colony. The location and hours of operation of such a temporary branch polling place for early voting must be approved by the Indian tribe. The county clerk is not required to establish a temporary branch polling place within the boundaries of the Indian reservation or Indian colony if the county clerk determines that it is not logistically feasible to establish a temporary branch polling place within the boundaries of the Indian reservation or Indian colony.]~~

5. ~~[If the county clerk establishes one or more temporary branch polling places within the boundaries of an Indian reservation or Indian colony pursuant to subsection 4 for early voting, the]~~ Except as otherwise provided in subsection 6, the county clerk must continue to establish one ~~for more]~~ temporary branch polling ~~[places]~~ place and ballot drop box within the boundaries of the Indian reservation or Indian colony at a location ~~for locations]~~ approved by the Indian tribe for early voting in future elections unless otherwise ~~requested]~~ notified by the Indian tribe ~~[.]~~ pursuant to subsection 3.

6. Not later than the dates set forth in subsection 3 to elect not to have a polling place and ballot drop box established within the boundaries of the Indian reservation or Indian colony, an Indian tribe that elects to have a temporary branch polling place and ballot drop box established must submit to the county clerk and the tribal liaison designated by the Office of the Secretary of State pursuant to NRS 233A.260:

(a) ~~The location for locations]~~ for the temporary branch polling place ~~[.]~~ and ballot drop box and whether the location will have only a temporary branch polling place or ballot drop box or both a temporary branch polling place and ballot drop box;

(b) Whether the Indian tribe will select registered voters to be appointed to act as election board officers to staff the temporary branch polling place within the boundaries of the Indian reservation or Indian colony; and

(c) The proposed days and hours for the operation of the temporary branch polling place.

➡ If an Indian tribe does not submit the information required pursuant to this subsection, the Indian tribe shall be deemed to have elected not to have a temporary branch polling place and ballot drop box established within the boundaries of the Indian reservation or Indian colony.

7. The provisions of subsection 3 of NRS 293.3568 do not apply to a temporary branch polling place. Voting at a temporary branch polling place

may be conducted on any one or more days and during any hours within the period for early voting by personal appearance, as determined by the county clerk.

~~{7.}~~ 8. The schedules for conducting voting are not required to be uniform among the temporary branch polling places.

~~{8.}~~ 9. The legal rights and remedies which inure to the owner or lessor of private property are not impaired or otherwise affected by the leasing of the property for use as a temporary branch polling place for early voting, except to the extent necessary to conduct early voting at that location.

Sec. 3. NRS 293C.2675 is hereby amended to read as follows:

293C.2675 1. If an Indian reservation or Indian colony is located in whole or in part within a city, the ~~{Indian tribe may submit a request to the}~~ city clerk ~~{for the establishment}~~ shall, *except as otherwise provided in subsections 2 and 5, establish* within the boundaries of the Indian reservation or Indian colony ~~at a location~~ ~~{for locations, as applicable,}~~ approved by the Indian tribe for the day of a primary city election or general city election ~~{of:~~

~~—(a) A polling place;~~

~~—(b) A ballot drop box; or~~

~~—(c) Both} a polling place and a ballot drop box.~~

2. ~~{A request for the establishment of}~~ *An Indian tribe may elect not to have a polling place* ~~{, a or} and ballot drop box~~ ~~{for both a polling place and a ballot drop box}~~ established within the boundaries of an Indian reservation or Indian colony for the day of a primary city election or general city election ~~{:~~

~~—(a) Must be submitted}~~ by submitting notice to the city clerk ~~{by the Indian tribe}~~ on or before:

~~{{(1)}~~ (a) If the ~~{request}~~ notice is for a primary city election, ~~{March 1}~~ January 15 of the year in which the primary city election is to be held.

~~{{(2)}~~ (b) If the ~~{request}~~ notice is for a general city election, ~~{August 1}~~ June 15 of the year in which the general city election is to be held.

~~{{(b) May include one or more proposed locations within the boundaries of the Indian reservation or Indian colony for the polling place or ballot drop box.}}~~

3. Any ~~{proposed}~~ location ~~{for}~~ of a polling place ~~{or}~~ and ballot drop box established pursuant to subsection 1 must satisfy the criteria the city clerk uses for the establishment of any other polling place ~~{or}~~ and ballot drop box, as applicable.

~~{3. Except as otherwise provided in this subsection, if the city clerk receives a request that satisfies the requirements set forth in subsection 2, the city clerk must establish at least one polling place or ballot drop box within the boundaries of the Indian reservation or Indian colony at a location or locations, as applicable, approved by the Indian tribe for the day of a primary city election or general city election. The city clerk is not required to establish a polling place within the boundaries of the Indian reservation or Indian colony for the day of a primary city election or general city election if~~

the city clerk established a temporary branch polling place for early voting pursuant to NRS 293C.3572 within the boundaries of the Indian reservation or Indian colony for the same election.]

4. ~~[If the city clerk establishes one or more polling places or ballot drop boxes within the boundaries of an Indian reservation or Indian colony pursuant to subsection 3 for the day of a primary city election or general city election, the]~~ Except as otherwise provided in subsection 5, the city clerk must continue to establish one ~~[for more]~~ polling ~~[places or]~~ place and ballot drop ~~[boxes]~~ box within the boundaries of the Indian reservation or Indian colony at a location ~~[or locations]~~ approved by the Indian tribe for the day of any future primary city election or general city election unless otherwise ~~[requested]~~ notified by the Indian tribe ~~[.] pursuant to subsection 2.~~

5. Not later than the dates set forth in subsection 2 to elect not to have a polling place and ballot drop box established within the boundaries of the Indian reservation or Indian colony, an Indian tribe that elects to have a polling place and ballot drop box established must submit to the city clerk and the tribal liaison designated by the Office of the Secretary of State pursuant to NRS 233A.260:

(a) The location ~~[or locations]~~ for the polling place and ballot drop box and whether ~~[each]~~ the location ~~[or locations]~~ will have only a polling place or ballot drop box or both a polling place and ballot drop box;

(b) Whether the Indian tribe will select registered voters to be appointed to act as election board officers to staff the polling place within the boundaries of the Indian reservation or Indian colony; and

(c) The proposed days and hours for the operation of the polling place ~~.,~~ + ~~and~~

~~— (d) The proposed number of ballot drop boxes to be established and any other information necessary for establishing such ballot drop boxes.]~~

➡ If an Indian tribe does not submit the information required pursuant to this subsection, the Indian tribe shall be deemed to have elected not to have a polling place and ballot drop box established within the boundaries of the Indian reservation or Indian colony.

Sec. 4. NRS 293C.3572 is hereby amended to read as follows:

293C.3572 1. In addition to permanent polling places for early voting, ~~[except as otherwise provided in subsection 4,]~~ the city clerk may establish temporary branch polling places for early voting pursuant to NRS 293C.3561.

2. If an Indian reservation or Indian colony is located in whole or in part within a city, the ~~[Indian tribe may submit a request to the]~~ city clerk ~~[for the establishment of]~~ shall, except as otherwise provided in subsections 3 and 6, establish a temporary branch polling place for early voting and a ballot drop box at a location ~~[or locations, as applicable,]~~ approved by the Indian tribe within the boundaries of the Indian reservation or Indian colony.

3. ~~[A request for the establishment of]~~ An Indian tribe may elect not to have a temporary branch polling place for early voting and ballot drop box

established within the boundaries of an Indian reservation or Indian colony ~~[- (a) Must be submitted]~~ by submitting notice to the city clerk ~~[by the Indian tribe]~~ on or before:

~~[(1)]~~ (a) If the ~~[request]~~ notice is for a primary city election, ~~[March 1]~~ January 15 of the year in which the primary city election is to be held.

~~[(2)]~~ (b) If the ~~[request]~~ notice is for a general city election, ~~[August 1]~~ June 15 of the year in which the general city election is to be held.

~~[(b) May include one or more proposed locations within the boundaries of the Indian reservation or Indian colony for the temporary branch polling place and proposed hours thereof.]~~

4. Any ~~[proposed]~~ location of a temporary branch polling place for early voting and ballot drop box established pursuant to subsection 2 must satisfy the criteria established by the city clerk pursuant to NRS 293C.3561.

~~[4. Except as otherwise provided in this subsection, if the city clerk receives a request that satisfies the requirements set forth in subsection 3, the city clerk must establish at least one temporary branch polling place for early voting within the boundaries of the Indian reservation or Indian colony. The location and hours of operation of such a temporary branch polling place for early voting must be approved by the Indian tribe. The city clerk is not required to establish a temporary branch polling place within the boundaries of the Indian reservation or Indian colony if the city clerk determines that it is not logistically feasible to establish a temporary branch polling place within the boundaries of the Indian reservation or Indian colony.]~~

5. ~~[If the city clerk establishes one or more temporary branch polling places within the boundaries of an Indian reservation or Indian colony pursuant to subsection 4 for early voting, the]~~ Except as otherwise provided in subsection 6, the city clerk must continue to establish one ~~[or more]~~ temporary branch polling ~~[places]~~ place and ballot drop box within the boundaries of the Indian reservation or Indian colony at a location ~~[or locations]~~ approved by the Indian tribe for early voting in future elections unless otherwise ~~[requested]~~ notified by the Indian tribe ~~[-]~~ pursuant to subsection 3.

6. Not later than the dates set forth in subsection 3 to elect not to have a temporary branch polling place and ballot drop box established within the boundaries of the Indian reservation or Indian colony, an Indian tribe that elects to have a temporary branch polling place and ballot drop box established must submit to the city clerk and the tribal liaison designated by the Office of the Secretary of State pursuant to NRS 233A.260:

(a) The location ~~[or locations]~~ for the temporary branch polling place ~~[-]~~ and ballot drop box and whether the location will have only a temporary branch polling place or ballot drop box or both a temporary branch polling place and ballot drop box;

(b) Whether the Indian tribe will select registered voters to be appointed to act as election board officers to staff the temporary branch polling place within the boundaries of the Indian reservation or Indian colony; and

(c) *The proposed days and hours for the operation of the temporary branch polling place.*

➡ *If an Indian tribe does not submit the information required pursuant to this subsection, the Indian tribe shall be deemed to have elected not to have a temporary branch polling place and ballot drop box established within the boundaries of the Indian reservation or Indian colony.*

7. The provisions of subsection 3 of NRS 293C.3568 do not apply to a temporary branch polling place. Voting at a temporary branch polling place may be conducted on any one or more days and during any hours within the period for early voting by personal appearance, as determined by the city clerk.

~~{7.}~~ 8. The schedules for conducting voting are not required to be uniform among the temporary branch polling places.

~~{8.}~~ 9. The legal rights and remedies which inure to the owner or lessor of private property are not impaired or otherwise affected by the leasing of the property for use as a temporary branch polling place for early voting, except to the extent necessary to conduct early voting at that location.

Sec. 5. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Senator Ohrenschall moved that the Senate concur in Assembly Amendment No. 930 to Senate Bill No. 327.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 371.

The following Assembly amendment was read:

Amendment No. 923.

SUMMARY—Revises provisions governing local governments. (BDR 20-681)

AN ACT relating to local governments; authorizing a board of county commissioners and the governing body of an incorporated city to, with certain exceptions, enact an ordinance or measure relating to affordable housing; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a board of county commissioners or a governing body of an incorporated city, with certain exceptions, to exercise all powers necessary or proper to address matters of local concern for the effective operation of county or city government, as applicable, whether or not the powers are expressly granted to the board or governing body. (NRS 244.146, 268.0035) This bill authorizes a board of county commissioners and a governing body of an incorporated city, except as expressly prohibited by statute, to enact any ordinance or measure relating to affordable housing ~~including, without limitation, rent control.~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

Except as expressly prohibited by statute, a board of county commissioners may enact any ordinance or measure relating to affordable housing ~~including, without limitation, rent control.~~

Sec. 2. Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

Except as expressly prohibited by statute, the governing body of an incorporated city may enact any ordinance or measure relating to affordable housing ~~including, without limitation, rent control.~~

Sec. 3. This act becomes effective on July 1, 2023.

Senator Flores moved that the Senate concur in Assembly Amendment No. 923 to Senate Bill No. 371.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 439.

The following Assembly amendment was read:

Amendment No. 929.

SUMMARY—Revises provisions relating to communicable diseases. (BDR 40-987)

AN ACT relating to communicable diseases; requiring certain state and local agencies to develop policies to provide uninterrupted services during a public health emergency to certain persons; requiring a public or private detention facility to take certain measures to ensure the access of prisoners to treatment for and methods to prevent the acquisition of human immunodeficiency virus; revising provisions governing certain crimes committed by prisoners; requiring certain public and private health insurers to provide certain coverage; requiring such an insurer to reimburse an advanced practice registered nurse or physician assistant at the same rate as a physician for certain services; authorizing providers of health care to receive credit toward requirements for continuing education for certain training relating to the human immunodeficiency virus; requiring certain providers of health care to complete such training; providing that the repeal or revision of certain crimes applies retroactively; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Division of Public and Behavioral Health of the Department of Health and Human Services and district, county and city health departments to perform certain functions relating to public health in this State, including certain duties relating to the control of communicable diseases. (NRS 439.150-439.265, 439.340, 439.350, 439.360, 439.366, 439.367, 439.3675, 439.405, 439.410, 439.460, 439.470) Existing law also requires a district health officer or the Chief Medical Officer to perform certain duties relating to the control of communicable diseases.

(Chapter 441A of NRS) Existing law prescribes certain responsibilities of the Division of Health Care Financing and Policy of the Department concerning the administration of the Medicaid program. (NRS 422.061, 422.063) Section 1 of this bill requires the Department and all district, county and city boards of health to develop policies to provide uninterrupted services during a public health emergency to persons who have been diagnosed with the human immunodeficiency virus or persons who are at a high risk of acquiring the human immunodeficiency virus. Section 2 of this bill makes a conforming change to indicate the proper placement of section 1 in the Nevada Revised Statutes.

Existing law requires the Director of the Department of Corrections to establish standards for the medical and dental services of each institution or facility under the control of the Department. (NRS 209.381) Existing law also requires a sheriff, chief of police or town marshal to arrange for the administration of medical care required by prisoners while in his or her custody. (NRS 211.140) Sections 11 and 12 of this bill impose certain requirements on the operators of public and private prisons, jails and detention facilities to ensure the access of prisoners to treatment for human immunodeficiency virus and methods of preventing the acquisition of human immunodeficiency virus.

Existing law prohibits a prisoner from using, propelling, discharging, spreading or concealing human excrement or bodily fluid with intent or under circumstances where it is reasonably likely that the excrement or fluid will come in contact with another person. Under most circumstances, a violation is a gross misdemeanor, a category D felony or a category B felony, depending on the circumstances of the prisoner's confinement. However, if the prisoner knew at the time of the offense that any portion of the excrement or bodily fluid contained a communicable disease that causes or is reasonably likely to cause substantial bodily harm, the violation is a category A felony, regardless of whether the communicable disease was transmitted. (NRS 212.189) Section 13 of this bill instead provides that such a violation is only a category A felony where: (1) the communicable disease was likely to be transmitted by his or her conduct; and (2) the communicable disease was actually transmitted as a result of the conduct. Section 78 of this bill provides that the provisions of section 13 apply retroactively to violations that occurred before the effective date of that section, if the person who committed the violation has not been convicted before that date.

Existing law requires public and private health plans, including Medicaid and health plans for state government employees, to cover an examination and testing of a pregnant woman for *Chlamydia trachomatis*, gonorrhea, hepatitis B, hepatitis C and syphilis. (NRS 287.04335, 422.27173, 689A.0412, 689B.0315, 689C.1675, 695A.1856, 695B.1913, 695C.1737, 695G.1714) Sections 16, 22, 34, 42, 47, 52, 55, 60, 65, 67 and 72 of this bill additionally require such insurance plans to cover: (1) testing for, treatment of and prevention of sexually transmitted diseases; and (2) condoms for

certain covered persons.

Existing law requires certain public and private health plans, including health plans for state government employees, to cover drugs that prevent the acquisition of human immunodeficiency virus and any related laboratory or diagnostic procedures. (NRS 287.010, 287.04335, 689A.0437, 689B.0312, 689C.1671, 695A.1843, 695B.1924, 695C.1743, 695G.1705) Sections 31, 37, 44, 51, 57, 62, 68 and 74 of this bill require such insurance plans to cover all such drugs approved by the United States Food and Drug Administration and all drugs approved by the Food and Drug Administration for treating human immunodeficiency virus or hepatitis C without restrictions, other than step therapy. Sections 23, 37, 44, 51, 57, 62, 68 and 74 of this bill require such insurance plans to: (1) cover any service to test for, prevent or treat those diseases provided by a provider of primary care if the service is covered when provided by a specialist and certain other requirements are met; and (2) reimburse an advanced practice registered nurse or a physician assistant for such services at a rate equal to that provided to a physician. Sections 16, 20, 31, 33, 41, 46, 52, 54, 59, 64, 67 and 71 impose similar requirements regarding: (1) coverage of certain drugs approved by the Food and Drug Administration to treat substance use disorder; (2) coverage of services for the treatment of substance use disorder provided by a provider of primary care; and (3) reimbursement for such services provided by an advanced practice registered nurse. Sections 14.5-15.5 of this bill make conforming changes to exempt local governmental agencies that provide health insurance to employees through a plan of self-insurance from the amendatory provisions of section 44 while maintaining existing requirements that apply to such insurance. Sections 36, 38, 49 and 50 of this bill make conforming changes to indicate that the coverage required by sections 33 and 46 is in addition to certain coverage of services for the treatment of substance use disorder that certain insurers are required by existing law to provide. Sections 14 and 39 of this bill make conforming changes to indicate the proper placement of sections 20, 22, 33 and 34 in the Nevada Revised Statutes. Section 69 of this bill authorizes the Commissioner of Insurance to suspend or revoke the certificate of a health maintenance organization that fails to comply with the requirements of section 64 or 65. The Commissioner would also be authorized to take such action against any health insurer who fails to comply with the requirements of sections 33, 34, 37, 41-44, 46, 47, 50, 54-57, 59-62, 67, 68 or 71-74 of this bill. (NRS 680A.200, 695C.330)

Existing law requires the Department of Health and Human Services to develop a list of preferred prescription drugs to be used for the Medicaid program. Existing law requires the Department to: (1) include on that list drugs for the prevention of human immunodeficiency virus; and (2) include drugs prescribed to treat the human immunodeficiency virus on a list of drugs that are excluded from the restrictions imposed on drugs that are on the list of preferred prescription drugs. (NRS 422.4025) Section 25 of this bill requires the Medicaid program to cover a prescription drug that is not on the list of

preferred prescription drugs if the drug is: (1) used to treat hepatitis C, used to provide medication-assisted treatment for opioid use disorder, used to support safe withdrawal from substance use disorder or is in the same class as a prescription drug on the list of preferred prescription drugs; and (2) is unsuitable for a recipient of Medicaid for certain reasons.

Existing law requires physicians, osteopathic physicians, physician assistants and nurses to complete certain continuing education in order to renew their licenses. (NRS 630.253, 632.343, 633.471) Sections 28-30 and 75 of this bill require such a provider of health care who provides or supervises the provision of emergency medical care or primary care in a hospital to complete before the first renewal of their license or, for currently practicing providers, the next renewal of their license, at least 2 hours of training in stigma, discrimination and unrecognized bias toward persons who have acquired or are at a high risk of acquiring human immunodeficiency virus. Section 27 of this bill authorizes any provider of health care to use training in that subject in place of not more than 2 hours of any other training that the provider is required to complete, other than continuing education relating to ethics.

Senate Bill No. 275 of the 2021 Legislative Session repealed certain criminal offenses for which an element of the offense was having the human immunodeficiency virus. (Section 24, chapter 491, Statutes of Nevada 2021, at page 3199) Section 77 of this bill provides that the repeal of those offenses applies retroactively to violations that occurred before the effective date of Senate Bill No. 275.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 441A of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Department of Health and Human Services and all district, county and city boards of health shall develop policies to provide uninterrupted services during a public health emergency to persons who have been diagnosed with the human immunodeficiency virus or who are at a high risk of acquiring the human immunodeficiency virus and who are receiving services from the Department or any division thereof or the district, county or city health department, as applicable. Such policies may provide, without limitation, for the delivery of such services during a public health emergency:*

(a) *Over the Internet;*
(b) *Using an application for a mobile device; or*
(c) *By calling or sending text messages from a telephone number that is not generally blocked or identified as a source of unwanted calls or messages.*

2. *As used in this section:*

(a) *"Mobile device" includes, without limitation, a smartphone or a tablet computer.*

(b) "Public health emergency" means:

(1) A public health emergency or other health event identified by a health authority pursuant to NRS 439.970; or

(2) A state of emergency or declaration of disaster proclaimed pursuant to NRS 414.070 that relates to or affects public health.

Sec. 2. NRS 441A.334 is hereby amended to read as follows:

441A.334 As used in this section and NRS 441A.335 and 441A.336, and section 1 of this act, "provider of health care" means a physician, nurse or physician assistant licensed in accordance with state law.

Sec. 3. (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. Chapter 209 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department or the operator of a private facility or institution shall not enter into a contract or other agreement with any person or entity to provide medical services to offenders who are diagnosed with human immunodeficiency virus unless the person or entity demonstrates that at least 95 percent of the patients who are diagnosed with human immunodeficiency virus to whom the person or entity provides medical services:

(a) Are offered treatment on the same day as the diagnosis; and

(b) Are able to begin such treatment not later than 7 days after diagnosis.

2. Except as otherwise provided in subsection 3, an institution, facility or private facility or institution shall take reasonable measures to ensure the availability of:

(a) Any drug prescribed for treating the human immunodeficiency virus in the form recommended by the prescribing practitioner to each offender who has been diagnosed with human immunodeficiency virus to the same extent and under the same conditions as other medical care for offenders.

(b) Methods of preventing the acquisition of human immunodeficiency virus, including, without limitation, drugs approved by the United States Food and Drug Administration for that purpose, to all offenders free of charge.

3. An institution, facility or private facility or institution:

(a) Is not required to make available a drug described in subsection 2 for which a prescription is required to an offender for whom such a prescription has not been issued.

(b) Shall take reasonable measures to make available to all offenders a provider of health care who is authorized to issue a prescription for a drug described in subsection 2.

(c) Shall not demand, request or suggest that a provider of health care refrain from issuing a prescription for a drug described in subsection 2 to an offender or take any other measure to prevent a provider of health care from issuing such a prescription.

4. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 12. Chapter 211 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A sheriff, chief of police or town marshal who is responsible for a county, city or town jail or detention facility shall not enter into a contract or other agreement with any person or entity to provide medical services to prisoners who are diagnosed with human immunodeficiency virus unless the person or entity demonstrates that at least 95 percent of the patients who are diagnosed with human immunodeficiency virus to whom the person or entity provides medical services:

(a) Are offered treatment on the same day as the diagnosis; and

(b) Are able to begin such treatment not later than 7 days after diagnosis.

2. Except as otherwise provided in subsection 3, a county, city or town jail or detention facility shall take reasonable measures to ensure the availability of:

(a) Any drug prescribed for treating the human immunodeficiency virus in the form recommended by the prescribing practitioner to each prisoner who has been diagnosed with human immunodeficiency virus to the same extent and under the same conditions as other medical care for prisoners.

(b) Methods of preventing the acquisition of human immunodeficiency virus, including, without limitation, drugs approved by the United States Food and Drug Administration for that purpose, to all prisoners free of charge.

3. A county, city or town jail or detention facility:

(a) Is not required to make available a drug described in subsection 2 for which a prescription is required to a prisoner for whom such a prescription has not been issued.

(b) Shall take reasonable measures to make available to all prisoners a provider of health care who is authorized to issue a prescription for a drug described in subsection 2.

(c) Shall not demand, request or suggest that a provider of health care refrain from issuing a prescription for a drug described in subsection 2 to an offender or take any other measure to prevent a provider of health care from issuing such a prescription.

4. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 13. NRS 212.189 is hereby amended to read as follows:

212.189 1. Except as otherwise provided in subsection 10, a prisoner who is under lawful arrest, in lawful custody or in lawful confinement shall not knowingly:

- (a) Store or stockpile any human excrement or bodily fluid;
- (b) Sell, supply or provide any human excrement or bodily fluid to any other person;
- (c) Buy, receive or acquire any human excrement or bodily fluid from any other person; or
- (d) Use, propel, discharge, spread or conceal, or cause to be used, propelled, discharged, spread or concealed, any human excrement or bodily fluid:

(1) With the intent to have the excrement or bodily fluid come into physical contact with any portion of the body of another person, including, without limitation, an officer or employee of a prison or law enforcement agency, whether or not such physical contact actually occurs; or

(2) Under circumstances in which the excrement or bodily fluid is reasonably likely to come into physical contact with any portion of the body of another person, including, without limitation, an officer or employee of a prison or law enforcement agency, whether or not such physical contact actually occurs.

2. Except as otherwise provided in subsection 4, if a prisoner who is under lawful arrest or in lawful custody violates any provision of subsection 1, the prisoner is guilty of:

- (a) For a first offense, a gross misdemeanor.
- (b) For a second offense or any subsequent offense, a category D felony and shall be punished as provided in NRS 193.130.

3. Except as otherwise provided in subsection 4, if a prisoner who is in lawful confinement, other than residential confinement, violates any provision of subsection 1, the prisoner is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than \$10,000.

4. If a prisoner who is under lawful arrest, in lawful custody or in lawful confinement violates any provision of paragraph (d) of subsection 1 and, at the time of the offense, the prisoner knew that any portion of the excrement or bodily fluid involved in the offense contained a communicable disease that causes or is reasonably likely to cause substantial bodily harm, ~~whether or not the communicable disease is likely to be transmitted as a result of the offense~~ and the communicable disease was *actually* transmitted to a victim as a result of the offense, the prisoner is guilty of a category A felony and shall be punished by imprisonment in the state prison:

- (a) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or
 - (b) For a definite term of 25 years, with eligibility for parole beginning when a minimum of 10 years has been served,
- ➔ and may be further punished by a fine of not more than \$50,000.

5. A sentence imposed upon a prisoner pursuant to subsection 2, 3 or 4:

- (a) Is not subject to suspension or the granting of probation; and

(b) Must run consecutively after the prisoner has served any sentences imposed upon the prisoner for the offense or offenses for which the prisoner was under lawful arrest, in lawful custody or in lawful confinement when the prisoner violated the provisions of subsection 1.

6. In addition to any other penalty, the court shall order a prisoner who violates any provision of paragraph (d) of subsection 1 to reimburse the appropriate person or governmental body for the cost of any examinations or testing:

(a) Conducted pursuant to paragraphs (a) and (b) of subsection 8; or

(b) Paid for pursuant to subparagraph (2) of paragraph (c) of subsection 8.

7. The warden, sheriff, administrator or other person responsible for administering a prison shall immediately and fully investigate any act described in subsection 1 that is reported or suspected to have been committed in the prison.

8. If there is probable cause to believe that an act described in paragraph (d) of subsection 1 has been committed in a prison:

(a) Each prisoner believed to have committed the act or to have been the bodily source of any portion of the excrement or bodily fluid involved in the act shall submit to any appropriate examinations and testing to determine whether each such prisoner has any communicable disease.

(b) If possible, a sample of the excrement or bodily fluid involved in the act must be recovered and tested to determine whether any communicable disease is present in the excrement or bodily fluid.

(c) If the excrement or bodily fluid involved in the act came into physical contact with any portion of the body of an officer or employee of a prison or law enforcement agency:

(1) The results of any examinations or testing conducted pursuant to paragraphs (a) and (b) must be provided to each such officer, employee or other person; and

(2) For each such officer or employee:

(I) Of a prison, the person or governmental body operating the prison where the act was committed shall pay for any appropriate examinations and testing requested by the officer or employee to determine whether a communicable disease was transmitted to the officer or employee as a result of the act; and

(II) Of any law enforcement agency, the law enforcement agency that employs the officer or employee shall pay for any appropriate examinations and testing requested by the officer or employee to determine whether a communicable disease was transmitted to the officer or employee as a result of the act.

(d) The results of the investigation conducted pursuant to subsection 7 and the results of any examinations or testing conducted pursuant to paragraphs (a) and (b) must be submitted to the district attorney of the county in which the act was committed or to the Office of the Attorney General for possible prosecution of each prisoner who committed the act.

9. If a prisoner is charged with committing an act described in paragraph (d) of subsection 1 and a victim or an intended victim of the act was an officer or employee of a prison or law enforcement agency, the prosecuting attorney shall not dismiss the charge in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless the prosecuting attorney knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial.

10. The provisions of this section do not apply to a prisoner who is in residential confinement or to a prisoner who commits an act described in subsection 1 if the act:

(a) Is otherwise lawful and is authorized by the warden, sheriff, administrator or other person responsible for administering the prison, or his or her designee, and the prisoner performs the act in accordance with the directions or instructions given to the prisoner by that person;

(b) Involves the discharge of human excrement or bodily fluid directly from the body of the prisoner and the discharge is the direct result of a temporary or permanent injury, disease or medical condition afflicting the prisoner that prevents the prisoner from having physical control over the discharge of his or her own excrement or bodily fluid; or

(c) Constitutes voluntary sexual conduct with another person in violation of the provisions of NRS 212.187.

Sec. 14. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

(1) The Administrator of the Aging and Disability Services Division;

(2) The Administrator of the Division of Welfare and Supportive Services;

(3) The Administrator of the Division of Child and Family Services;

(4) The Administrator of the Division of Health Care Financing and Policy; and

(5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, *and section 20 of this act*, 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department.

Sec. 14.5. Chapter 287 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance shall provide coverage for:*

(a) *Drugs approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus;*

(b) *Laboratory testing that is necessary for therapy that uses such a drug; and*

(c) *The services described in NRS 639.28085, when provided by a pharmacist who participates in the network plan of the governing body.*

2. *The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance*

through a plan of self-insurance shall reimburse a pharmacist who participates in the network plan of the governing body for the services described in NRS 639.28085 at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

3. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance may subject the benefits required by subsection 1 to reasonable medical management techniques.

4. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the governing body.

5. A plan of self-insurance described in subsection 1 that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a plan of self-insurance provided by the governing body of a local governmental agency under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the governing body. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 15. NRS 287.010 is hereby amended to read as follows:

287.010 1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada may:

(a) Adopt and carry into effect a system of group life, accident or health insurance, or any combination thereof, for the benefit of its officers and employees, and the dependents of officers and employees who elect to accept the insurance and who, where necessary, have authorized the governing body to make deductions from their compensation for the payment of premiums on the insurance.

(b) Purchase group policies of life, accident or health insurance, or any

combination thereof, for the benefit of such officers and employees, and the dependents of such officers and employees, as have authorized the purchase, from insurance companies authorized to transact the business of such insurance in the State of Nevada, and, where necessary, deduct from the compensation of officers and employees the premiums upon insurance and pay the deductions upon the premiums.

(c) Provide group life, accident or health coverage through a self-insurance reserve fund and, where necessary, deduct contributions to the maintenance of the fund from the compensation of officers and employees and pay the deductions into the fund. The money accumulated for this purpose through deductions from the compensation of officers and employees and contributions of the governing body must be maintained as an internal service fund as defined by NRS 354.543. The money must be deposited in a state or national bank or credit union authorized to transact business in the State of Nevada. Any independent administrator of a fund created under this section is subject to the licensing requirements of chapter 683A of NRS, and must be a resident of this State. Any contract with an independent administrator must be approved by the Commissioner of Insurance as to the reasonableness of administrative charges in relation to contributions collected and benefits provided. The provisions of NRS 686A.135, 687B.352, 687B.408, 687B.723, 687B.725, 689B.030 to 689B.031, *inclusive*, 689B.0313 to 689B.050, *inclusive*, 689B.265, 689B.287 and 689B.500 apply to coverage provided pursuant to this paragraph, except that the provisions of NRS 689B.0378, 689B.03785 and 689B.500 only apply to coverage for active officers and employees of the governing body, or the dependents of such officers and employees.

(d) Defray part or all of the cost of maintenance of a self-insurance fund or of the premiums upon insurance. The money for contributions must be budgeted for in accordance with the laws governing the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada.

2. If a school district offers group insurance to its officers and employees pursuant to this section, members of the board of trustees of the school district must not be excluded from participating in the group insurance. If the amount of the deductions from compensation required to pay for the group insurance exceeds the compensation to which a trustee is entitled, the difference must be paid by the trustee.

3. In any county in which a legal services organization exists, the governing body of the county, or of any school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada in the county, may enter into a contract with the legal services organization pursuant to which the officers and employees of the legal services organization, and the dependents of those officers and employees, are eligible for any life, accident or health insurance provided pursuant to this section to the officers and employees, and the

dependents of the officers and employees, of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency.

4. If a contract is entered into pursuant to subsection 3, the officers and employees of the legal services organization:

(a) Shall be deemed, solely for the purposes of this section, to be officers and employees of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency with which the legal services organization has contracted; and

(b) Must be required by the contract to pay the premiums or contributions for all insurance which they elect to accept or of which they authorize the purchase.

5. A contract that is entered into pursuant to subsection 3:

(a) Must be submitted to the Commissioner of Insurance for approval not less than 30 days before the date on which the contract is to become effective.

(b) Does not become effective unless approved by the Commissioner.

(c) Shall be deemed to be approved if not disapproved by the Commissioner within 30 days after its submission.

6. As used in this section, "legal services organization" means an organization that operates a program for legal aid and receives money pursuant to NRS 19.031.

Sec. 15.5. NRS 287.040 is hereby amended to read as follows:

287.040 The provisions of NRS 287.010 to 287.040, inclusive, *and section 14.5 of this act* do not make it compulsory upon any governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada, except as otherwise provided in NRS 287.021 or subsection 4 of NRS 287.023 or in an agreement entered into pursuant to subsection 3 of NRS 287.015, to pay any premiums, contributions or other costs for group insurance, a plan of benefits or medical or hospital services established pursuant to NRS 287.010, 287.015, 287.020 or paragraph (b), (c) or (d) of subsection 1 of NRS 287.025, for coverage under the Public Employees' Benefits Program, or to make any contributions to a trust fund established pursuant to NRS 287.017, or upon any officer or employee of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of this State to accept any such coverage or to assign his or her wages or salary in payment of premiums or contributions therefor.

Sec. 16. NRS 287.04335 is hereby amended to read as follows:

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 686A.135, 687B.352, 687B.409, 687B.723, 687B.725, 689B.0353, 689B.255, 695C.1723, 695G.150, 695G.155, 695G.160, 695G.162, 695G.1635, 695G.164, 695G.1645, 695G.1665, 695G.167, 695G.1675, 695G.170 to

695G.174, inclusive, *and sections 71 and 72 of this act*, 695G.176, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, and 695G.405, in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Sec. 19. Chapter 422 of NRS is hereby amended by adding thereto the provisions set forth as sections 20 and 21 of this act.

Sec. 20. 1. *The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenses for any service for the treatment of substance use disorder provided by a provider of primary care if the service is included in the State Plan when provided by a specialist and:*

(a) *The service is within the scope of practice of the provider of primary care; or*

(b) *The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation.*

2. *As used in this section, "primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.*

Sec. 21. (Deleted by amendment.)

Sec. 22. NRS 422.27173 is hereby amended to read as follows:

422.27173 The Director shall include in the State Plan for Medicaid a requirement that the State must pay the nonfederal share of expenditures incurred for :

1. *Testing for and the treatment and prevention of sexually transmitted diseases, including, without limitation, Chlamydia trachomatis, gonorrhea, syphilis, human immunodeficiency virus and hepatitis B and C, for all recipients of Medicaid, regardless of age. Services covered pursuant to this section must include, without limitation, the examination of a pregnant woman for the discovery of:*

~~{1-}~~ (a) Chlamydia trachomatis, gonorrhea, hepatitis B and hepatitis C in accordance with NRS 442.013.

~~{2-}~~ (b) Syphilis in accordance with NRS 442.010.

2. *Condoms for recipients of Medicaid.*

Sec. 23. NRS 422.27235 is hereby amended to read as follows:

422.27235 1. The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for:

~~{1-}~~ (a) Any laboratory testing that is necessary for therapy that uses a drug approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus . ~~{-and-}~~

~~{2-}~~ (b) The services of a pharmacist described in NRS 639.28085. The State must provide reimbursement for such services at a rate equal to the rate

of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

(c) Any service to test for, prevent or treat human immunodeficiency virus or hepatitis C provided by a provider of primary care if the service is covered when provided by a specialist and:

(1) The service is within the scope of practice of the provider of primary care; or

(2) The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation.

2. The Director shall include in the State Plan for Medicaid a requirement that the State reimburse an advanced practice registered nurse or a physician assistant for any service to test for, prevent or treat human immunodeficiency virus or hepatitis C at a rate equal to the rate of reimbursement provided to a physician for similar services.

3. As used in this section, "primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.

Sec. 24. (Deleted by amendment.)

Sec. 25. NRS 422.4025 is hereby amended to read as follows:

422.4025 1. The Department shall:

(a) By regulation, develop a list of preferred prescription drugs to be used for the Medicaid program and the Children's Health Insurance Program, and each public or nonprofit health benefit plan that elects to use the list of preferred prescription drugs as its formulary pursuant to NRS 287.012, 287.0433 or 687B.407; and

(b) Negotiate and enter into agreements to purchase the drugs included on the list of preferred prescription drugs on behalf of the health benefit plans described in paragraph (a) or enter into a contract pursuant to NRS 422.4053 with a pharmacy benefit manager, health maintenance organization or one or more public or private entities in this State, the District of Columbia or other states or territories of the United States, as appropriate, to negotiate such agreements.

2. The Department shall, by regulation, establish a list of prescription drugs which must be excluded from any restrictions that are imposed by the Medicaid program on drugs that are on the list of preferred prescription drugs established pursuant to subsection 1. The list established pursuant to this subsection must include, without limitation:

(a) Prescription drugs that are prescribed for the treatment of the human immunodeficiency virus, including, without limitation, antiretroviral medications;

(b) Antirejection medications for organ transplants;

(c) Antihemophilic medications; and

(d) Any prescription drug which the Board identifies as appropriate for exclusion from any restrictions that are imposed by the Medicaid program on

drugs that are on the list of preferred prescription drugs.

3. The regulations must provide that the Board makes the final determination of:

(a) Whether a class of therapeutic prescription drugs is included on the list of preferred prescription drugs and is excluded from any restrictions that are imposed by the Medicaid program on drugs that are on the list of preferred prescription drugs;

(b) Which therapeutically equivalent prescription drugs will be reviewed for inclusion on the list of preferred prescription drugs and for exclusion from any restrictions that are imposed by the Medicaid program on drugs that are on the list of preferred prescription drugs; and

(c) Which prescription drugs should be excluded from any restrictions that are imposed by the Medicaid program on drugs that are on the list of preferred prescription drugs based on continuity of care concerning a specific diagnosis, condition, class of therapeutic prescription drugs or medical specialty.

4. The list of preferred prescription drugs established pursuant to subsection 1 must include, without limitation:

(a) Any prescription drug determined by the Board to be essential for treating sickle cell disease and its variants; and

(b) Prescription drugs to prevent the acquisition of human immunodeficiency virus.

5. The regulations must provide that each new pharmaceutical product and each existing pharmaceutical product for which there is new clinical evidence supporting its inclusion on the list of preferred prescription drugs must be made available pursuant to the Medicaid program with prior authorization until the Board reviews the product or the evidence.

6. *The Medicaid program must cover a prescription drug that is not included on the list of preferred prescription drugs as if the drug were included on that list if:*

(a) The drug is:

(1) Used to treat hepatitis C;

(2) Used to provide medication-assisted treatment for opioid use disorder;

(3) Used to support safe withdrawal from substance use disorder; or

(4) In the same class as a drug on the list of preferred prescription drugs; and

(b) All preferred prescription drugs within the same class as the drug are unsuitable for a recipient of Medicaid because:

(1) The recipient is allergic to all preferred prescription drugs within the same class as the drug;

(2) All preferred prescription drugs within the same class as the drug are contraindicated for the recipient or are likely to interact in a harmful manner with another drug that the recipient is taking;

(3) The recipient has a history of adverse reactions to all preferred

prescription drugs within the same class as the drug; or

(4) The drug has a unique indication that is supported by peer-reviewed clinical evidence or approved by the United States Food and Drug Administration.

7. On or before February 1 of each year, the Department shall:

(a) Compile a report concerning the agreements negotiated pursuant to paragraph (b) of subsection 1 and contracts entered into pursuant to NRS 422.4053 which must include, without limitation, the financial effects of obtaining prescription drugs through those agreements and contracts, in total and aggregated separately for agreements negotiated by the Department, contracts with a pharmacy benefit manager, contracts with a health maintenance organization and contracts with public and private entities from this State, the District of Columbia and other states and territories of the United States; and

(b) Post the report on an Internet website maintained by the Department and submit the report to the Director of the Legislative Counsel Bureau for transmittal to:

(1) In odd-numbered years, the Legislature; or

(2) In even-numbered years, the Legislative Commission.

Sec. 26. NRS 608.156 is hereby amended to read as follows:

608.156 1. ~~[(1)]~~ *In addition to any benefits required by NRS 608.1555, an employer provides health benefits for his or her employees, the employer shall provide benefits for the expenses for the treatment of alcohol and substance use disorders. The annual benefits provided by the employer must* ~~consist of:~~ *include, without limitation:*

(a) Treatment for withdrawal from the physiological effects of alcohol or drugs, with a maximum benefit of \$1,500 per calendar year.

(b) Treatment for a patient admitted to a facility, with a maximum benefit of \$9,000 per calendar year.

(c) Counseling for a person, group or family who is not admitted to a facility, with a maximum benefit of \$2,500 per calendar year.

2. The maximum amount which may be paid in the lifetime of the insured for any combination of the treatments listed in subsection 1 is \$39,000.

3. Except as otherwise provided in NRS 687B.409, these benefits must be paid in the same manner as benefits for any other illness covered by the employer are paid.

4. The employee is entitled to these benefits if treatment is received in any:

(a) Program for the treatment of alcohol or substance use disorders which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.

(b) Hospital or other medical facility or facility for the dependent which is licensed by the Division of Public and Behavioral Health of the Department of Health and Human Services, is accredited by The Joint Commission or

CARF International and provides a program for the treatment of alcohol or substance use disorders as part of its accredited activities.

Sec. 27. NRS 629.093 is hereby amended to read as follows:

629.093 Unless a specific statute or regulation requires or authorizes a greater number of hours, a provider of health care may use credit earned for continuing education relating to Alzheimer's disease *or the stigma, discrimination and unrecognized bias toward persons who have acquired or are at a high risk of acquiring human immunodeficiency virus* in place of not more than 2 hours each year of the continuing education that the provider of health care is required to complete, other than any continuing education relating to ethics that the provider of health care is required to complete.

Sec. 28. NRS 630.253 is hereby amended to read as follows:

630.253 1. The Board shall, as a prerequisite for the:

(a) Renewal of a license as a physician assistant; or
(b) Biennial registration of the holder of a license to practice medicine,
↪ require each holder to submit evidence of compliance with the requirements for continuing education as set forth in regulations adopted by the Board.

2. These requirements:

(a) May provide for the completion of one or more courses of instruction relating to risk management in the performance of medical services.

(b) Must provide for the completion of a course of instruction, within 2 years after initial licensure, relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction. The course must provide at least 4 hours of instruction that includes instruction in the following subjects:

- (1) An overview of acts of terrorism and weapons of mass destruction;
- (2) Personal protective equipment required for acts of terrorism;
- (3) Common symptoms and methods of treatment associated with exposure to, or injuries caused by, chemical, biological, radioactive and nuclear agents;
- (4) Syndromic surveillance and reporting procedures for acts of terrorism that involve biological agents; and
- (5) An overview of the information available on, and the use of, the Health Alert Network.

(c) Must provide for the completion by a holder of a license to practice medicine of a course of instruction within 2 years after initial licensure that provides at least 2 hours of instruction on evidence-based suicide prevention and awareness as described in subsection 6.

(d) Must provide for the completion of at least 2 hours of training in the screening, brief intervention and referral to treatment approach to substance use disorder within 2 years after initial licensure.

(e) Must provide for the biennial completion by each psychiatrist and each physician assistant practicing under the supervision of a psychiatrist of one or more courses of instruction that provide at least 2 hours of instruction

relating to cultural competency and diversity, equity and inclusion. Such instruction:

(1) May include the training provided pursuant to NRS 449.103, where applicable.

(2) Must be based upon a range of research from diverse sources.

(3) Must address persons of different cultural backgrounds, including, without limitation:

(I) Persons from various gender, racial and ethnic backgrounds;

(II) Persons from various religious backgrounds;

(III) Lesbian, gay, bisexual, transgender and questioning persons;

(IV) Children and senior citizens;

(V) Veterans;

(VI) Persons with a mental illness;

(VII) Persons with an intellectual disability, developmental disability or physical disability; and

(VIII) Persons who are part of any other population that a psychiatrist or a physician assistant practicing under the supervision of a psychiatrist may need to better understand, as determined by the Board.

(f) Must allow the holder of a license to receive credit toward the total amount of continuing education required by the Board for the completion of a course of instruction relating to genetic counseling and genetic testing.

(g) Must provide for the completion by a physician or physician assistant who provides or supervises the provision of emergency medical services in a hospital or primary care of at least 2 hours of training in the stigma, discrimination and unrecognized bias toward persons who have acquired or are at a high risk of acquiring human immunodeficiency virus within 2 years after beginning to provide or supervise the provision of such services or care.

3. The Board may determine whether to include in a program of continuing education courses of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction in addition to the course of instruction required by paragraph (b) of subsection 2.

4. The Board shall encourage each holder of a license who treats or cares for persons who are more than 60 years of age to receive, as a portion of their continuing education, education in geriatrics and gerontology, including such topics as:

(a) The skills and knowledge that the licensee needs to address aging issues;

(b) Approaches to providing health care to older persons, including both didactic and clinical approaches;

(c) The biological, behavioral, social and emotional aspects of the aging process; and

(d) The importance of maintenance of function and independence for older persons.

5. The Board shall encourage each holder of a license to practice medicine to receive, as a portion of his or her continuing education, training concerning methods for educating patients about how to effectively manage medications, including, without limitation, the ability of the patient to request to have the symptom or purpose for which a drug is prescribed included on the label attached to the container of the drug.

6. The Board shall require each holder of a license to practice medicine to receive as a portion of his or her continuing education at least 2 hours of instruction every 4 years on evidence-based suicide prevention and awareness, which may include, without limitation, instruction concerning:

(a) The skills and knowledge that the licensee needs to detect behaviors that may lead to suicide, including, without limitation, post-traumatic stress disorder;

(b) Approaches to engaging other professionals in suicide intervention; and

(c) The detection of suicidal thoughts and ideations and the prevention of suicide.

7. The Board shall encourage each holder of a license to practice medicine or as a physician assistant to receive, as a portion of his or her continuing education, training and education in the diagnosis of rare diseases, including, without limitation:

(a) Recognizing the symptoms of pediatric cancer; and

(b) Interpreting family history to determine whether such symptoms indicate a normal childhood illness or a condition that requires additional examination.

8. A holder of a license to practice medicine may not substitute the continuing education credits relating to suicide prevention and awareness required by this section for the purposes of satisfying an equivalent requirement for continuing education in ethics.

9. Except as otherwise provided in NRS 630.2535, a holder of a license to practice medicine may substitute not more than 2 hours of continuing education credits in pain management, care for persons with an addictive disorder or the screening, brief intervention and referral to treatment approach to substance use disorder for the purposes of satisfying an equivalent requirement for continuing education in ethics.

10. As used in this section:

(a) "Act of terrorism" has the meaning ascribed to it in NRS 202.4415.

(b) "Biological agent" has the meaning ascribed to it in NRS 202.442.

(c) "Chemical agent" has the meaning ascribed to it in NRS 202.4425.

(d) *"Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.*

(e) "Radioactive agent" has the meaning ascribed to it in NRS 202.4437.

~~{(e)}~~ (f) "Weapon of mass destruction" has the meaning ascribed to it in NRS 202.4445.

Sec. 29. NRS 632.343 is hereby amended to read as follows:

632.343 1. The Board shall not renew any license issued under this chapter until the licensee has submitted proof satisfactory to the Board of completion, during the 2-year period before renewal of the license, of 30 hours in a program of continuing education approved by the Board in accordance with regulations adopted by the Board. Except as otherwise provided in subsection 3, the licensee is exempt from this provision for the first biennial period after graduation from:

- (a) An accredited school of professional nursing;
- (b) An accredited school of practical nursing;
- (c) An approved school of professional nursing in the process of obtaining accreditation; or
- (d) An approved school of practical nursing in the process of obtaining accreditation.

2. The Board shall review all courses offered to nurses for the completion of the requirement set forth in subsection 1. The Board may approve nursing and other courses which are directly related to the practice of nursing as well as others which bear a reasonable relationship to current developments in the field of nursing or any special area of practice in which a licensee engages. These may include academic studies, workshops, extension studies, home study and other courses.

3. The program of continuing education required by subsection 1 must include:

- (a) For a person licensed as an advanced practice registered nurse:
 - (1) A course of instruction to be completed within 2 years after initial licensure that provides at least 2 hours of instruction on suicide prevention and awareness as described in subsection 6.
 - (2) The ability to receive credit toward the total amount of continuing education required by subsection 1 for the completion of a course of instruction relating to genetic counseling and genetic testing.
- (b) For each person licensed pursuant to this chapter, a course of instruction, to be completed within 2 years after initial licensure, relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction. The course must provide at least 4 hours of instruction that includes instruction in the following subjects:
 - (1) An overview of acts of terrorism and weapons of mass destruction;
 - (2) Personal protective equipment required for acts of terrorism;
 - (3) Common symptoms and methods of treatment associated with exposure to, or injuries caused by, chemical, biological, radioactive and nuclear agents;
 - (4) Syndromic surveillance and reporting procedures for acts of terrorism that involve biological agents; and
 - (5) An overview of the information available on, and the use of, the Health Alert Network.
- (c) For each person licensed pursuant to this chapter, one or more courses of instruction that provide at least 2 hours of instruction relating to cultural

competency and diversity, equity and inclusion to be completed biennially. Such instruction:

(1) May include the training provided pursuant to NRS 449.103, where applicable.

(2) Must be based upon a range of research from diverse sources.

(3) Must address persons of different cultural backgrounds, including, without limitation:

(I) Persons from various gender, racial and ethnic backgrounds;

(II) Persons from various religious backgrounds;

(III) Lesbian, gay, bisexual, transgender and questioning persons;

(IV) Children and senior citizens;

(V) Veterans;

(VI) Persons with a mental illness;

(VII) Persons with an intellectual disability, developmental disability or physical disability; and

(VIII) Persons who are part of any other population that a person licensed pursuant to this chapter may need to better understand, as determined by the Board.

(d) For a person licensed as an advanced practice registered nurse, at least 2 hours of training in the screening, brief intervention and referral to treatment approach to substance use disorder to be completed within 2 years after initial licensure.

(e) For each person licensed pursuant to this chapter who provides or supervises the provision of emergency medical services in a hospital or primary care, at least 2 hours of training in the stigma, discrimination and unrecognized bias toward persons who have acquired or are at a high risk of acquiring human immunodeficiency virus to be completed within 2 years after beginning to provide or supervise the provision of such services or care.

4. The Board may determine whether to include in a program of continuing education courses of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction in addition to the course of instruction required by paragraph (b) of subsection 3.

5. The Board shall encourage each licensee who treats or cares for persons who are more than 60 years of age to receive, as a portion of their continuing education, education in geriatrics and gerontology, including such topics as:

(a) The skills and knowledge that the licensee needs to address aging issues;

(b) Approaches to providing health care to older persons, including both didactic and clinical approaches;

(c) The biological, behavioral, social and emotional aspects of the aging process; and

(d) The importance of maintenance of function and independence for

older persons.

6. The Board shall require each person licensed as an advanced practice registered nurse to receive as a portion of his or her continuing education at least 2 hours of instruction every 4 years on evidence-based suicide prevention and awareness or another course of instruction on suicide prevention and awareness that is approved by the Board which the Board has determined to be effective and appropriate.

7. The Board shall encourage each person licensed as an advanced practice registered nurse to receive, as a portion of his or her continuing education, training and education in the diagnosis of rare diseases, including, without limitation:

- (a) Recognizing the symptoms of pediatric cancer; and
- (b) Interpreting family history to determine whether such symptoms indicate a normal childhood illness or a condition that requires additional examination.

8. As used in this section:

- (a) "Act of terrorism" has the meaning ascribed to it in NRS 202.4415.
- (b) "Biological agent" has the meaning ascribed to it in NRS 202.442.
- (c) "Chemical agent" has the meaning ascribed to it in NRS 202.4425.
- (d) *"Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.*
- (e) "Radioactive agent" has the meaning ascribed to it in NRS 202.4437.
- ~~{(e)}~~ (f) "Weapon of mass destruction" has the meaning ascribed to it in NRS 202.4445.

Sec. 30. NRS 633.471 is hereby amended to read as follows:

633.471 1. Except as otherwise provided in subsection ~~{14}~~ 15 and NRS 633.491, every holder of a license, except a physician assistant, issued under this chapter, except a temporary or a special license, may renew the license on or before January 1 of each calendar year after its issuance by:

- (a) Applying for renewal on forms provided by the Board;
- (b) Paying the annual license renewal fee specified in this chapter;
- (c) Submitting a list of all actions filed or claims submitted to arbitration or mediation for malpractice or negligence against the holder during the previous year;
- (d) Subject to subsection ~~{13,}~~ 14, submitting evidence to the Board that in the year preceding the application for renewal the holder has attended courses or programs of continuing education approved by the Board in accordance with regulations adopted by the Board totaling a number of hours established by the Board which must not be less than 35 hours nor more than that set in the requirements for continuing medical education of the American Osteopathic Association; and
- (e) Submitting all information required to complete the renewal.

2. The Secretary of the Board shall notify each licensee of the requirements for renewal not less than 30 days before the date of renewal.

3. The Board shall request submission of verified evidence of completion

of the required number of hours of continuing medical education annually from no fewer than one-third of the applicants for renewal of a license to practice osteopathic medicine or a license to practice as a physician assistant. Subject to subsection ~~[13,]~~ 14, upon a request from the Board, an applicant for renewal of a license to practice osteopathic medicine or a license to practice as a physician assistant shall submit verified evidence satisfactory to the Board that in the year preceding the application for renewal the applicant attended courses or programs of continuing medical education approved by the Board totaling the number of hours established by the Board.

4. The Board shall require each holder of a license to practice osteopathic medicine to complete a course of instruction within 2 years after initial licensure that provides at least 2 hours of instruction on evidence-based suicide prevention and awareness as described in subsection 9.

5. The Board shall encourage each holder of a license to practice osteopathic medicine to receive, as a portion of his or her continuing education, training concerning methods for educating patients about how to effectively manage medications, including, without limitation, the ability of the patient to request to have the symptom or purpose for which a drug is prescribed included on the label attached to the container of the drug.

6. The Board shall encourage each holder of a license to practice osteopathic medicine or as a physician assistant to receive, as a portion of his or her continuing education, training and education in the diagnosis of rare diseases, including, without limitation:

(a) Recognizing the symptoms of pediatric cancer; and

(b) Interpreting family history to determine whether such symptoms indicate a normal childhood illness or a condition that requires additional examination.

7. The Board shall require, as part of the continuing education requirements approved by the Board, the biennial completion by a holder of a license to practice osteopathic medicine of at least 2 hours of continuing education credits in ethics, pain management, care of persons with addictive disorders or the screening, brief intervention and referral to treatment approach to substance use disorder.

8. The continuing education requirements approved by the Board must allow the holder of a license as an osteopathic physician or physician assistant to receive credit toward the total amount of continuing education required by the Board for the completion of a course of instruction relating to genetic counseling and genetic testing.

9. The Board shall require each holder of a license to practice osteopathic medicine to receive as a portion of his or her continuing education at least 2 hours of instruction every 4 years on evidence-based suicide prevention and awareness which may include, without limitation, instruction concerning:

(a) The skills and knowledge that the licensee needs to detect behaviors that may lead to suicide, including, without limitation, post-traumatic stress disorder;

(b) Approaches to engaging other professionals in suicide intervention; and

(c) The detection of suicidal thoughts and ideations and the prevention of suicide.

10. A holder of a license to practice osteopathic medicine may not substitute the continuing education credits relating to suicide prevention and awareness required by this section for the purposes of satisfying an equivalent requirement for continuing education in ethics.

11. The Board shall require each holder of a license to practice osteopathic medicine to complete at least 2 hours of training in the screening, brief intervention and referral to treatment approach to substance use disorder within 2 years after initial licensure.

12. The Board shall require each psychiatrist or a physician assistant practicing under the supervision of a psychiatrist to biennially complete one or more courses of instruction that provide at least 2 hours of instruction relating to cultural competency and diversity, equity and inclusion. Such instruction:

(a) May include the training provided pursuant to NRS 449.103, where applicable.

(b) Must be based upon a range of research from diverse sources.

(c) Must address persons of different cultural backgrounds, including, without limitation:

(1) Persons from various gender, racial and ethnic backgrounds;

(2) Persons from various religious backgrounds;

(3) Lesbian, gay, bisexual, transgender and questioning persons;

(4) Children and senior citizens;

(5) Veterans;

(6) Persons with a mental illness;

(7) Persons with an intellectual disability, developmental disability or physical disability; and

(8) Persons who are part of any other population that a psychiatrist or physician assistant practicing under the supervision of a psychiatrist may need to better understand, as determined by the Board.

13. *The Board shall require each holder of a license to practice osteopathic medicine or as a physician assistant who provides or supervises the provision of emergency medical services in a hospital or primary care to complete at least 2 hours of training in the stigma, discrimination and unrecognized bias toward persons who have acquired or are at a high risk of acquiring human immunodeficiency virus within 2 years after beginning to provide or supervise the provision of such services or care.*

14. The Board shall not require a physician assistant to receive or maintain certification by the National Commission on Certification of Physician Assistants, or its successor organization, or by any other nationally recognized organization for the accreditation of physician assistants to satisfy any continuing education requirement pursuant to paragraph (d) of

subsection 1 and subsection 3.

~~[14.]~~ 15. Members of the Armed Forces of the United States and the United States Public Health Service are exempt from payment of the annual license renewal fee during their active duty status.

16. *As used in this section, "primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.*

Sec. 31. NRS 687B.225 is hereby amended to read as follows:

687B.225 1. Except as otherwise provided in NRS 689A.0405, 689A.0412, 689A.0413, 689A.0437, 689A.044, 689A.0445, 689B.031, 689B.0312, 689B.0313, 689B.0315, 689B.0317, 689B.0374, 689C.1671, 689C.1675, 695A.1843, 695A.1856, 695B.1912, 695B.1913, 695B.1914, 695B.1924, 695B.1925, 695B.1942, 695C.1713, 695C.1735, 695C.1737, 695C.1743, 695C.1745, 695C.1751, 695G.170, 695G.1705, 695G.171, 695G.1714 and 695G.177, *and sections 33, 41, 46, 54, 59, 64 and 71 of this act*, any contract for group, blanket or individual health insurance or any contract by a nonprofit hospital, medical or dental service corporation or organization for dental care which provides for payment of a certain part of medical or dental care may require the insured or member to obtain prior authorization for that care from the insurer or organization. The insurer or organization shall:

(a) File its procedure for obtaining approval of care pursuant to this section for approval by the Commissioner; and

(b) Respond to any request for approval by the insured or member pursuant to this section within 20 days after it receives the request.

2. The procedure for prior authorization may not discriminate among persons licensed to provide the covered care.

Sec. 32. Chapter 689A of NRS is hereby amended by adding thereto the provisions set forth as sections 33, 34 and 35 of this act.

Sec. 33. 1. *An insurer that offers or issues a policy of health insurance shall include in the policy coverage for:*

(a) *All drugs approved by the United States Food and Drug Administration to:*

(1) *Provide medication-assisted treatment for opioid use disorder, including, without limitation, buprenorphine, methadone and naltrexone.*

(2) *Support safe withdrawal from substance use disorder, including, without limitation, lofexidine.*

(b) *Any service for the treatment of substance use disorder provided by a provider of primary care if the service is covered when provided by a specialist and:*

(1) *The service is within the scope of practice of the provider of primary care; or*

(2) *The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation.*

2. An insurer shall provide the coverage required by paragraph (a) of subsection 1 regardless of whether the drug is included in the formulary of the insurer.

3. An insurer shall not:

(a) Subject the benefits required by paragraph (a) of subsection 1 to medical management techniques, other than step therapy;

(b) Limit the covered amount of a drug described in paragraph (a) of subsection 1; or

(c) Refuse to cover a drug described in paragraph (a) of subsection 1 because the drug is dispensed by a pharmacy through mail order service.

4. An insurer shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

5. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 34. 1. An insurer that offers or issues a policy of health insurance shall include in the policy:

(a) Coverage of testing for and the treatment and prevention of sexually transmitted diseases, including, without limitation, Chlamydia trachomatis, gonorrhea, syphilis, human immunodeficiency virus and hepatitis B and C, for all insureds, regardless of age. Such coverage must include, without limitation, the coverage required by NRS 689A.0412 and 689A.0437.

(b) Unrestricted coverage of condoms for insureds who are 13 years of age or older.

2. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and

any provision of the policy that conflicts with the provisions of this section is void.

Sec. 35. (Deleted by amendment.)

Sec. 36. NRS 689A.030 is hereby amended to read as follows:

689A.030 A policy of health insurance must not be delivered or issued for delivery to any person in this State unless it otherwise complies with this Code, and complies with the following:

1. The entire money and other considerations for the policy must be expressed therein.

2. The time when the insurance takes effect and terminates must be expressed therein.

3. It must purport to insure only one person, except that a policy may insure, originally or by subsequent amendment, upon the application of an adult member of a family, who shall be deemed the policyholder, any two or more eligible members of that family, including the husband, wife, domestic partner as defined in NRS 122A.030, dependent children, from the time of birth, adoption or placement for the purpose of adoption as provided in NRS 689A.043, or any child on or before the last day of the month in which the child attains 26 years of age, and any other person dependent upon the policyholder.

4. The style, arrangement and overall appearance of the policy must not give undue prominence to any portion of the text, and every printed portion of the text of the policy and of any endorsements or attached papers must be plainly printed in light-faced type of a style in general use, the size of which must be uniform and not less than 10 points with a lowercase unspaced alphabet length not less than 120 points. "Text" includes all printed matter except the name and address of the insurer, the name or the title of the policy, the brief description, if any, and captions and subcaptions.

5. The exceptions and reductions of indemnity must be set forth in the policy and, other than those contained in NRS 689A.050 to 689A.290, inclusive, must be printed, at the insurer's option, with the benefit provision to which they apply or under an appropriate caption such as "Exceptions" or "Exceptions and Reductions," except that if an exception or reduction specifically applies only to a particular benefit of the policy, a statement of that exception or reduction must be included with the benefit provision to which it applies.

6. Each such form, including riders and endorsements, must be identified by a number in the lower left-hand corner of the first page thereof.

7. The policy must not contain any provision purporting to make any portion of the charter, rules, constitution or bylaws of the insurer a part of the policy unless that portion is set forth in full in the policy, except in the case of the incorporation of or reference to a statement of rates or classification of risks, or short-rate table filed with the Commissioner.

8. The policy must provide benefits for expense arising from care at home or health supportive services if that care or service was prescribed by a

physician and would have been covered by the policy if performed in a medical facility or facility for the dependent as defined in chapter 449 of NRS.

9. ~~The~~ *Except as otherwise provided in this subsection, the policy must provide ~~at the option of the applicant,~~ benefits for expenses incurred for the treatment of alcohol or substance use disorder . ~~unless~~ Except for the benefits required by section 34 of this act, such benefits must be provided:*

(a) At the option of the applicant; and

(b) Unless the policy provides coverage only for a specified disease or provides for the payment of a specific amount of money if the insured is hospitalized or receiving health care in his or her home.

10. The policy must provide benefits for expense arising from hospice care.

Sec. 37. NRS 689A.0437 is hereby amended to read as follows:

689A.0437 1. An insurer that offers or issues a policy of health insurance shall include in the policy coverage for:

~~(a) ~~Drugs~~~~ *All drugs approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus ~~or treating human immunodeficiency virus or hepatitis C in the form recommended by the prescribing practitioner, regardless of whether the drug is included in the formulary of the insurer;~~*

~~(b)~~ *Laboratory testing that is necessary for therapy that uses ~~such~~ a drug ~~to prevent the acquisition of human immunodeficiency virus;~~*

~~(c)~~ *Any service to test for, prevent or treat human immunodeficiency virus or hepatitis C provided by a provider of primary care if the service is covered when provided by a specialist and:*

(1) The service is within the scope of practice of the provider of primary care; or

(2) The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation; and

~~(c)~~ *(d) The services described in NRS 639.28085, when provided by a pharmacist who participates in the network plan of the insurer.*

2. An insurer that offers or issues a policy of health insurance shall reimburse ~~at~~ :

(a) A pharmacist who participates in the network plan of the insurer for the services described in NRS 639.28085 at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

(b) An advanced practice registered nurse or a physician assistant who participates in the network plan of the insurer for any service to test for, prevent or treat human immunodeficiency virus or hepatitis C at a rate equal to the rate of reimbursement provided to a physician for similar services.

3. An insurer ~~may subject~~ shall not:

(a) Subject the benefits required by subsection 1 to ~~reasonable~~ medical

management techniques ~~[-]~~, other than step therapy;

(b) Limit the covered amount of a drug described in paragraph (a) of subsection 1;

(c) Refuse to cover a drug described in paragraph (a) of subsection 1 because the drug is dispensed by a pharmacy through mail order service; or

(d) Prohibit or restrict access to any service or drug to treat human immunodeficiency virus or hepatitis C on the same day on which the insured is diagnosed.

4. An insurer shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

5. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~{October}~~ January 1, ~~{2021,}~~ 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 38. NRS 689A.046 is hereby amended to read as follows:

689A.046 1. ~~{The}~~ In addition to the benefits required by section 33 of this act, the benefits provided by a policy for health insurance for treatment of alcohol or substance use disorder must ~~{consist of:}~~ include, without limitation:

(a) Treatment for withdrawal from the physiological effect of alcohol or drugs, with a minimum benefit of \$1,500 per calendar year.

(b) Treatment for a patient admitted to a facility, with a minimum benefit of \$9,000 per calendar year.

(c) Counseling for a person, group or family who is not admitted to a facility, with a minimum benefit of \$2,500 per calendar year.

2. Except as otherwise provided in NRS 687B.409, these benefits must be paid in the same manner as benefits for any other illness covered by a similar policy are paid.

3. The insured person is entitled to these benefits if treatment is received in any:

(a) Facility for the treatment of alcohol or substance use disorder which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.

(b) Hospital or other medical facility or facility for the dependent which is licensed by the Division of Public and Behavioral Health of the Department of Health and Human Services, accredited by The Joint Commission or CARF International and provides a program for the treatment of alcohol or substance use disorder as part of its accredited activities.

Sec. 39. NRS 689A.330 is hereby amended to read as follows:

689A.330 If any policy is issued by a domestic insurer for delivery to a person residing in another state, and if the insurance commissioner or corresponding public officer of that other state has informed the Commissioner that the policy is not subject to approval or disapproval by that officer, the Commissioner may by ruling require that the policy meet the standards set forth in NRS 689A.030 to 689A.320, inclusive ~~[-]~~ , and sections 33 and 34 of this act.

Sec. 40. Chapter 689B of NRS is hereby amended by adding thereto the provisions set forth as sections 41, 42 and 43 of this act.

Sec. 41. 1. *An insurer that offers or issues a policy of group health insurance shall include in the policy coverage for:*

(a) *All drugs approved by the United States Food and Drug Administration to:*

(1) *Provide medication-assisted treatment for opioid use disorder, including, without limitation, buprenorphine, methadone and naltrexone.*

(2) *Support safe withdrawal from substance use disorder, including, without limitation, lofexidine.*

(b) *Any service for the treatment of substance use disorder provided by a provider of primary care if the service is covered when provided by a specialist and:*

(1) *The service is within the scope of practice of the provider of primary care; or*

(2) *The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation.*

2. *An insurer shall provide the coverage required by paragraph (a) of subsection 1 regardless of whether the drug is included in the formulary of the insurer.*

3. *An insurer shall not:*

(a) *Subject the benefits required by paragraph (a) of subsection 1 to medical management techniques, other than step therapy;*

(b) *Limit the covered amount of a drug described in paragraph (a) of subsection 1; or*

(c) *Refuse to cover a drug described in paragraph (a) of subsection 1*

because the drug is dispensed by a pharmacy through mail order service.

4. An insurer shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

5. A policy of group health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of group health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 42. 1. An insurer that offers or issues a policy of group health insurance shall include in the policy:

(a) Coverage of testing for and the treatment of and prevention of sexually transmitted diseases, including, without limitation, Chlamydia trachomatis, gonorrhea, syphilis, human immunodeficiency virus and hepatitis B and C, for all insureds, regardless of age. Such coverage must include, without limitation, the coverage required by NRS 689B.0312 and 689B.0315.

(b) Unrestricted coverage of condoms for insureds who are 13 years of age or older.

2. A policy of group health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

Sec. 43. (Deleted by amendment.)

Sec. 44. NRS 689B.0312 is hereby amended to read as follows:

689B.0312 1. An insurer that offers or issues a policy of group health insurance shall include in the policy coverage for:

(a) ~~{Drugs}~~ All drugs approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus ~~{;}~~ or treating human immunodeficiency virus or hepatitis C in the form

recommended by the prescribing practitioner, regardless of whether the drug is included in the formulary of the insurer;

(b) Laboratory testing that is necessary for therapy that uses ~~such~~ a drug ~~to~~ to prevent the acquisition of human immunodeficiency virus;

(c) Any service to test for, prevent or treat human immunodeficiency virus or hepatitis C provided by a provider of primary care if the service is covered when provided by a specialist and:

(1) The service is within the scope of practice of the provider of primary care; or

(2) The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation; and

~~{{e}}~~ *(d) The services described in NRS 639.28085, when provided by a pharmacist who participates in the network plan of the insurer.*

2. An insurer that offers or issues a policy of group health insurance shall reimburse ~~at~~ :

(a) A pharmacist who participates in the network plan of the insurer for the services described in NRS 639.28085 at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

(b) An advanced practice registered nurse or a physician assistant who participates in the network plan of the insurer for any service to test for, prevent or treat human immunodeficiency virus or hepatitis C at a rate equal to the rate of reimbursement provided to a physician for similar services.

3. An insurer ~~may subject~~ shall not:

(a) Subject the benefits required by subsection 1 to ~~reasonable~~ medical management techniques ~~to~~, other than step therapy;

(b) Limit the covered amount of a drug described in paragraph (a) of subsection 1;

(c) Refuse to cover a drug described in paragraph (a) of subsection 1 because the drug is dispensed by a pharmacy through mail order service; or

(d) Prohibit or restrict access to any service or drug to treat human immunodeficiency virus or hepatitis C on the same day on which the insured is diagnosed.

4. An insurer shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

5. A policy of group health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~October~~ January 1, ~~2021,~~ 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term

includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of group health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 45. Chapter 689C of NRS is hereby amended by adding thereto the provisions set forth as sections 46, 47 and 48 of this act.

Sec. 46. 1. A carrier that offers or issues a health benefit plan shall include in the plan coverage for:

(a) All drugs approved by the United States Food and Drug Administration to:

(1) Provide medication-assisted treatment for opioid use disorder, including, without limitation, buprenorphine, methadone and naltrexone.

(2) Support safe withdrawal from substance use disorder, including, without limitation, lofexidine.

(b) Any service for the treatment of substance use disorder provided by a provider of primary care if the service is covered when provided by a specialist and:

(1) The service is within the scope of practice of the provider of primary care; or

(2) The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation.

2. A carrier shall provide the coverage required by paragraph (a) of subsection 1 regardless of whether the drug is included in the formulary of the carrier.

3. A carrier shall not:

(a) Subject the benefits required by paragraph (a) of subsection 1 to medical management techniques, other than step therapy;

(b) Limit the covered amount of a drug described in paragraph (a) of subsection 1; or

(c) Refuse to cover a drug described in paragraph (a) of subsection 1 because the drug is dispensed by a pharmacy through mail order service.

4. A carrier shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the carrier.

5. A health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the

legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health benefit plan offered by a carrier under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the carrier. The term does not include an arrangement for the financing of premiums.

(c) "Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 47. 1. A carrier that offers or issues a health benefit plan shall include in the plan:

(a) Coverage of testing for and the treatment and prevention of sexually transmitted diseases, including, without limitation, Chlamydia trachomatis, gonorrhea, syphilis, human immunodeficiency virus and hepatitis B and C, for all insureds, regardless of age. Such coverage must include, without limitation, the coverage required by NRS 689C.1671 and 689C.1675.

(b) Unrestricted coverage of condoms for insureds who are 13 years of age or older.

2. A health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

Sec. 48. (Deleted by amendment.)

Sec. 49. NRS 689C.166 is hereby amended to read as follows:

689C.166 Each group health insurance policy must contain in substance a provision for benefits payable for expenses incurred for the treatment of alcohol or substance use disorder, as provided in NRS 689C.167 ~~[-]~~ and section 46 of this act.

Sec. 50. NRS 689C.167 is hereby amended to read as follows:

689C.167 1. ~~[The]~~ In addition to the benefits required by section 46 of this act, the benefits provided by a group policy for health insurance, as required by NRS 689C.166, for the treatment of alcohol or substance use disorders must ~~[consist of:]~~ include, without limitation:

(a) Treatment for withdrawal from the physiological effects of alcohol or drugs, with a minimum benefit of \$1,500 per calendar year.

(b) Treatment for a patient admitted to a facility, with a minimum benefit of \$9,000 per calendar year.

(c) Counseling for a person, group or family who is not admitted to a facility, with a minimum benefit of \$2,500 per calendar year.

2. Except as otherwise provided in NRS 687B.409, these benefits must be paid in the same manner as benefits for any other illness covered by a similar policy are paid.

3. The insured person is entitled to these benefits if treatment is received in any:

(a) Facility for the treatment of alcohol or substance use disorders which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.

(b) Hospital or other medical facility or facility for the dependent which is licensed by the Division of Public and Behavioral Health of the Department of Health and Human Services, is accredited by The Joint Commission or CARF International and provides a program for the treatment of alcohol or substance use disorders as part of its accredited activities.

Sec. 51. NRS 689C.1671 is hereby amended to read as follows:

689C.1671 1. A carrier that offers or issues a health benefit plan shall include in the plan coverage for:

(a) ~~{Drugs}~~ All drugs approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus ~~{;}~~ or treating human immunodeficiency virus or hepatitis C in the form recommended by the prescribing practitioner, regardless of whether the drug is included in the formulary of the carrier;

(b) Laboratory testing that is necessary for therapy that uses ~~{such}~~ a drug ~~{;}~~ to prevent the acquisition of human immunodeficiency virus;

(c) Any service to test for, prevent or treat human immunodeficiency virus or hepatitis C provided by a provider of primary care if the service is covered when provided by a specialist and:

(1) The service is within the scope of practice of the provider of primary care; or

(2) The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation; and

~~{(c)}~~ (d) The services described in NRS 639.28085, when provided by a pharmacist who participates in the health benefit plan of the carrier.

2. A carrier that offers or issues a health benefit plan shall reimburse ~~{a}~~ :

(a) A pharmacist who participates in the health benefit plan of the carrier for the services described in NRS 639.28085 at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

(b) An advanced practice registered nurse or a physician assistant who participates in the network plan of the carrier for any service to test for, prevent or treat human immunodeficiency virus or hepatitis C at a rate equal to the rate of reimbursement provided to a physician for similar services.

3. A carrier ~~{may subject}~~ shall not:

(a) Subject the benefits required by subsection 1 to ~~reasonable~~ medical management techniques ~~[-], other than step therapy;~~

(b) Limit the covered amount of a drug described in paragraph (a) of subsection 1;

(c) Refuse to cover a drug described in paragraph (a) of subsection 1 because the drug is dispensed by a pharmacy through mail order service; or

(d) Prohibit or restrict access to any service or drug to treat human immunodeficiency virus or hepatitis C on the same day on which the insured is diagnosed.

4. A carrier shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the carrier.

5. A health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~October~~ January 1, ~~[2021]~~ 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health benefit plan offered by a carrier under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the carrier. The term does not include an arrangement for the financing of premiums.

(c) "Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 52. NRS 689C.425 is hereby amended to read as follows:

689C.425 A voluntary purchasing group and any contract issued to such a group pursuant to NRS 689C.360 to 689C.600, inclusive, are subject to the provisions of NRS 689C.015 to 689C.355, inclusive, *and sections 46 and 47 of this act* to the extent applicable and not in conflict with the express provisions of NRS 687B.408 and 689C.360 to 689C.600, inclusive.

Sec. 53. Chapter 695A of NRS is hereby amended by adding thereto the provisions set forth as sections 54, 55 and 56 of this act.

Sec. 54. 1. A society that offers or issues a benefit contract shall include in the contract coverage for:

(a) All drugs approved by the United States Food and Drug Administration to:

(1) Provide medication-assisted treatment for opioid use disorder,

including, without limitation, buprenorphine, methadone and naltrexone.

(2) Support safe withdrawal from substance use disorder, including, without limitation, lofexidine.

(b) Any service for the treatment of substance use disorder provided by a provider of primary care if the service is covered when provided by a specialist and:

(1) The service is within the scope of practice of the provider of primary care; or

(2) The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation.

2. A society shall provide the coverage required by paragraph (a) of subsection 1 regardless of whether the drug is included in the formulary of the society.

3. A society shall not:

(a) Subject the benefits required by paragraph (a) of subsection 1 to medical management techniques, other than step therapy;

(b) Limit the covered amount of a drug described in paragraph (a) of subsection 1; or

(c) Refuse to cover a drug described in paragraph (a) of subsection 1 because the drug is dispensed by a pharmacy through mail order service.

4. A society shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the society.

5. A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the contract that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a benefit contract offered by a society under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the society. The term does not include an arrangement for the financing of premiums.

(c) "Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 55. 1. A society that offers or issues a benefit contract shall

include in the contract:

(a) Coverage of testing for and the treatment and prevention of sexually transmitted diseases, including, without limitation, *Chlamydia trachomatis*, gonorrhea, syphilis, human immunodeficiency virus and hepatitis B and C, for all insureds, regardless of age. Such coverage must include, without limitation, the coverage required by NRS 695A.1843 and 695A.1856.

(b) Unrestricted coverage of condoms for insureds who are 13 years of age or older.

2. A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the contract that conflicts with the provisions of this section is void.

Sec. 56. (Deleted by amendment.)

Sec. 57. NRS 695A.1843 is hereby amended to read as follows:

695A.1843 1. A society that offers or issues a benefit contract shall include in the benefit coverage for:

(a) ~~{Drugs}~~ All approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus ~~{;}~~ or treating human immunodeficiency virus or hepatitis C in the form recommended by the prescribing practitioner, regardless of whether the drug is included in the formulary of the society;

(b) Laboratory testing that is necessary for therapy that uses ~~{such}~~ a drug ~~{;}~~ to prevent the acquisition of human immunodeficiency virus;

(c) Any service to test for, prevent or treat human immunodeficiency virus or hepatitis C provided by a provider of primary care if the service is covered when provided by a specialist and:

(1) The service is within the scope of practice of the provider of primary care; or

(2) The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation; and

~~{(c)}~~ (d) The services described in NRS 639.28085, when provided by a pharmacist who participates in the network plan of the society.

2. A society that offers or issues a benefit contract shall reimburse ~~{a}~~ :

(a) A pharmacist who participates in the network plan of the society for the services described in NRS 639.28085 at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

(b) An advanced practice registered nurse or a physician assistant who participates in the network plan of the society for any service to test for, prevent or treat human immunodeficiency virus or hepatitis C at a rate equal to the rate of reimbursement provided to a physician for similar services.

3. A society ~~{may subject}~~ shall not:

(a) Subject the benefits required by subsection 1 to ~~{reasonable}~~ medical

management techniques ~~[-]~~, other than step therapy;

(b) Limit the covered amount of a drug described in paragraph (a) of subsection 1;

(c) Refuse to cover a drug described in paragraph (a) of subsection 1 because the drug is dispensed by a pharmacy through mail order service; or

(d) Prohibit or restrict access to any service or drug to treat human immunodeficiency virus or hepatitis C on the same day on which the insured is diagnosed.

4. A society shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the society.

5. A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~{October}~~ January 1, ~~{2021,}~~ 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a benefit contract offered by a society under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the society. The term does not include an arrangement for the financing of premiums.

(c) "Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 58. Chapter 695B of NRS is hereby amended by adding thereto the provisions set forth as sections 59, 60 and 61 of this act.

Sec. 59. 1. A hospital or medical services corporation that offers or issues a policy of health insurance shall include in the policy coverage for:

(a) All drugs approved by the United States Food and Drug Administration to:

(1) Provide medication-assisted treatment for opioid use disorder, including, without limitation, buprenorphine, methadone and naltrexone.

(2) Support safe withdrawal from substance use disorder, including, without limitation, lofexidine.

(b) Any service for the treatment of substance use disorder provided by a provider of primary care if the service is covered when provided by a specialist and:

(1) The service is within the scope of practice of the provider of primary

care; or

(2) *The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation.*

2. *A hospital or medical services corporation shall provide the coverage required by paragraph (a) of subsection 1 regardless of whether the drug is included in the formulary of the hospital or medical services corporation.*

3. *A hospital or medical services corporation shall not:*

(a) *Subject the benefits required by paragraph (a) of subsection 1 to medical management techniques, other than step therapy;*

(b) *Limit the covered amount of a drug described in paragraph (a) of subsection 1; or*

(c) *Refuse to cover a drug described in paragraph (a) of subsection 1 because the drug is dispensed by a pharmacy through mail order service.*

4. *A hospital or medical services corporation shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the hospital or medical services corporation.*

5. *A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.*

6. *As used in this section:*

(a) *"Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.*

(b) *"Network plan" means a policy of health insurance offered by a hospital or medical services corporation under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the hospital or medical services corporation. The term does not include an arrangement for the financing of premiums.*

(c) *"Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.*

(d) *"Provider of health care" has the meaning ascribed to it in NRS 629.031.*

Sec. 60. 1. *A hospital or medical services corporation that offers or issues a policy of health insurance shall include in the policy:*

(a) *Coverage of testing for and the treatment and prevention of sexually transmitted diseases, including, without limitation, Chlamydia trachomatis, gonorrhea, syphilis, human immunodeficiency virus and hepatitis B and C, for all insureds, regardless of age. Such coverage must include, without*

limitation, the coverage required by NRS 695B.1913 and 695B.1924.

(b) Unrestricted coverage of condoms for insureds who are 13 years of age or older.

2. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

Sec. 61. (Deleted by amendment.)

Sec. 62. NRS 695B.1924 is hereby amended to read as follows:

695B.1924 1. A hospital or medical services corporation that offers or issues a policy of health insurance shall include in the policy coverage for:

(a) ~~{Drugs}~~ All drugs approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus ~~{;}~~ or treating human immunodeficiency virus or hepatitis C in the form recommended by the prescribing practitioner, regardless of whether the drug is included in the formulary of the hospital or medical services organization;

(b) Laboratory testing that is necessary for therapy using ~~{such}~~ a drug ~~{;}~~ to prevent the acquisition of human immunodeficiency virus;

(c) Any service to test for, prevent or treat human immunodeficiency virus or hepatitis C provided by a provider of primary care if the service is covered when provided by a specialist and:

(1) The service is within the scope of practice of the provider of primary care; or

(2) The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation; and

~~{(c)}~~ (d) The services described in NRS 639.28085, when provided by a pharmacist who participates in the network plan of the hospital or medical services corporation.

2. A hospital or medical services corporation that offers or issues a policy of health insurance shall reimburse ~~{a}~~ :

(a) A pharmacist who participates in the network plan of the hospital or medical services corporation for the services described in NRS 639.28085 at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

(b) An advanced practice registered nurse or a physician assistant who participates in the network plan of the hospital or medical services corporation for any service to test for, prevent or treat human immunodeficiency virus or hepatitis C at a rate equal to the rate of reimbursement provided to a physician for similar services.

3. A hospital or medical services corporation ~~{may subject}~~ shall not:

(a) Subject the benefits required by subsection 1 to ~~{reasonable}~~ medical management techniques ~~{;}~~, other than step therapy;

(b) Limit the covered amount of a drug described in paragraph (a) of

subsection 1;

(c) *Refuse to cover a drug described in paragraph (a) of subsection 1 because the drug is dispensed by a pharmacy through mail order service; or*

(d) *Prohibit or restrict access to any service or drug to treat human immunodeficiency virus or hepatitis C on the same day on which the insured is diagnosed.*

4. A hospital or medical services corporation shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the hospital or medical services corporation.

5. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~{October}~~ January 1, ~~{2021,}~~ 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of health insurance offered by a hospital or medical services corporation under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the hospital or medical services corporation. The term does not include an arrangement for the financing of premiums.

(c) *"Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.*

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 63. Chapter 695C of NRS is hereby amended by adding thereto the provisions set forth as sections 64, 65 and 66 of this act.

Sec. 64. 1. *A health maintenance organization that offers or issues a health care plan shall include in the plan coverage for:*

(a) *All drugs approved by the United States Food and Drug Administration to:*

(1) *Provide medication-assisted treatment for opioid use disorder, including, without limitation, buprenorphine, methadone and naltrexone.*

(2) *Support safe withdrawal from substance use disorder, including, without limitation, lofexidine.*

(b) *Any service for the treatment of substance use disorder provided by a provider of primary care if the service is covered when provided by a specialist and:*

(1) *The service is within the scope of practice of the provider of primary*

care; or

(2) *The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation.*

2. *A health maintenance organization shall provide the coverage required by paragraph (a) of subsection 1 regardless of whether the drug is included in the formulary of the health maintenance organization.*

3. *A health maintenance organization shall not:*

(a) *Subject the benefits required by paragraph (a) of subsection 1 to medical management techniques, other than step therapy;*

(b) *Limit the covered amount of a drug described in paragraph (a) of subsection 1; or*

(c) *Refuse to cover a drug described in paragraph (a) of subsection 1 because the drug is dispensed by a pharmacy through mail order service.*

4. *A health maintenance organization shall ensure that the benefits required by subsection 1 are made available to an enrollee through a provider of health care who participates in the network plan of the health maintenance organization.*

5. *A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.*

6. *As used in this section:*

(a) *"Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.*

(b) *"Network plan" means a health care plan offered by a health maintenance organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the health maintenance organization. The term does not include an arrangement for the financing of premiums.*

(c) *"Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.*

(d) *"Provider of health care" has the meaning ascribed to it in NRS 629.031.*

Sec. 65. 1. *A health maintenance organization that offers or issues a health care plan shall include in the plan:*

(a) *Coverage of testing for and the treatment and prevention of sexually transmitted diseases, including, without limitation, Chlamydia trachomatis, gonorrhea, syphilis, human immunodeficiency virus and hepatitis B and C, for all enrollees, regardless of age. Such coverage must include, without limitation, the coverage required by NRS 695C.1737 and 695C.1743.*

(b) Unrestricted coverage of condoms for enrollees who are 13 years of age or older.

2. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

Sec. 66. (Deleted by amendment.)

Sec. 67. NRS 695C.050 is hereby amended to read as follows:

695C.050 1. Except as otherwise provided in this chapter or in specific provisions of this title, the provisions of this title are not applicable to any health maintenance organization granted a certificate of authority under this chapter. This provision does not apply to an insurer licensed and regulated pursuant to this title except with respect to its activities as a health maintenance organization authorized and regulated pursuant to this chapter.

2. Solicitation of enrollees by a health maintenance organization granted a certificate of authority, or its representatives, must not be construed to violate any provision of law relating to solicitation or advertising by practitioners of a healing art.

3. Any health maintenance organization authorized under this chapter shall not be deemed to be practicing medicine and is exempt from the provisions of chapter 630 of NRS.

4. The provisions of NRS 695C.110, 695C.125, 695C.1691, 695C.1693, 695C.170, 695C.1703, 695C.1705, 695C.1709 to 695C.173, inclusive, 695C.1733, 695C.17335, 695C.1734, 695C.1751, 695C.1755, 695C.1759, 695C.176 to 695C.200, inclusive, and 695C.265 do not apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

5. The provisions of NRS 695C.1694 to 695C.1698, inclusive, 695C.1701, 695C.1708, 695C.1728, 695C.1731, 695C.17333, 695C.17345, 695C.17347, 695C.1735, 695C.1737, 695C.1743, 695C.1745 and 695C.1757 and sections 64 and 65 of this act apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid.

Sec. 68. NRS 695C.1743 is hereby amended to read as follows:

695C.1743 1. A health maintenance organization that offers or issues a health care plan shall include in the plan coverage for:

(a) ~~Drugs~~ All drugs approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus ~~[-]~~ or treating human immunodeficiency virus or hepatitis C in the form recommended by the prescribing practitioner, regardless of whether the drug

is included in the formulary of the health maintenance organization;

(b) Laboratory testing that is necessary for therapy that uses ~~such~~ a drug ~~to prevent the acquisition of human immunodeficiency virus;~~

(c) Any service to test for, prevent or treat human immunodeficiency virus or hepatitis C provided by a provider of primary care if the service is covered when provided by a specialist and:

(1) The service is within the scope of practice of the provider of primary care; or

(2) The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation; and

~~((c))~~ (d) The services described in NRS 639.28085, when provided by a pharmacist who participates in the network plan of the health maintenance organization.

2. A health maintenance organization that offers or issues a health care plan shall reimburse ~~at~~ :

(a) A pharmacist who participates in the network plan of the health maintenance organization for the services described in NRS 639.28085 at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

(b) An advanced practice registered nurse or a physician assistant who participates in the network plan of the health maintenance organization for any service to test for, prevent or treat human immunodeficiency virus or hepatitis C at a rate equal to the rate of reimbursement provided to a physician for similar services.

3. A health maintenance organization ~~may subject~~ shall not:

(a) Subject the benefits required by subsection 1 to ~~reasonable~~ medical management techniques ~~to~~, other than step therapy;

(b) Limit the covered amount of a drug described in paragraph (a) of subsection 1;

(c) Refuse to cover a drug described in paragraph (a) of subsection 1 because the drug is dispensed by a pharmacy through mail order service; or

(d) Prohibit or restrict access to any service or drug to treat human immunodeficiency virus or hepatitis C on the same day on which the enrollee is diagnosed.

4. A health maintenance organization shall ensure that the benefits required by subsection 1 are made available to an enrollee through a provider of health care who participates in the network plan of the health maintenance organization.

5. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~October~~ January 1, ~~2021,~~ 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health care plan offered by a health maintenance organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the health maintenance organization. The term does not include an arrangement for the financing of premiums.

(c) "*Primary care*" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 69. NRS 695C.330 is hereby amended to read as follows:

695C.330 1. The Commissioner may suspend or revoke any certificate of authority issued to a health maintenance organization pursuant to the provisions of this chapter if the Commissioner finds that any of the following conditions exist:

(a) The health maintenance organization is operating significantly in contravention of its basic organizational document, its health care plan or in a manner contrary to that described in and reasonably inferred from any other information submitted pursuant to NRS 695C.060, 695C.070 and 695C.140, unless any amendments to those submissions have been filed with and approved by the Commissioner;

(b) The health maintenance organization issues evidence of coverage or uses a schedule of charges for health care services which do not comply with the requirements of NRS 695C.1691 to 695C.200, inclusive, *and sections 64 and 65 of this act* or 695C.207;

(c) The health care plan does not furnish comprehensive health care services as provided for in NRS 695C.060;

(d) The Commissioner certifies that the health maintenance organization:

(1) Does not meet the requirements of subsection 1 of NRS 695C.080;

or

(2) Is unable to fulfill its obligations to furnish health care services as required under its health care plan;

(e) The health maintenance organization is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees;

(f) The health maintenance organization has failed to put into effect a mechanism affording the enrollees an opportunity to participate in matters relating to the content of programs pursuant to NRS 695C.110;

(g) The health maintenance organization has failed to put into effect the system required by NRS 695C.260 for:

(1) Resolving complaints in a manner reasonably to dispose of valid complaints; and

(2) Conducting external reviews of adverse determinations that comply with the provisions of NRS 695G.241 to 695G.310, inclusive;

(h) The health maintenance organization or any person on its behalf has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive or unfair manner;

(i) The continued operation of the health maintenance organization would be hazardous to its enrollees or creditors or to the general public;

(j) The health maintenance organization fails to provide the coverage required by NRS 695C.1691; or

(k) The health maintenance organization has otherwise failed to comply substantially with the provisions of this chapter.

2. A certificate of authority must be suspended or revoked only after compliance with the requirements of NRS 695C.340.

3. If the certificate of authority of a health maintenance organization is suspended, the health maintenance organization shall not, during the period of that suspension, enroll any additional groups or new individual contracts, unless those groups or persons were contracted for before the date of suspension.

4. If the certificate of authority of a health maintenance organization is revoked, the organization shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs and shall conduct no further business except as may be essential to the orderly conclusion of the affairs of the organization. It shall engage in no further advertising or solicitation of any kind. The Commissioner may, by written order, permit such further operation of the organization as the Commissioner may find to be in the best interest of enrollees to the end that enrollees are afforded the greatest practical opportunity to obtain continuing coverage for health care.

Sec. 70. Chapter 695G of NRS is hereby amended by adding thereto the provisions set forth as sections 71, 72 and 73 of this act.

Sec. 71. 1. *A managed care organization that offers or issues a health care plan shall include in the plan coverage for:*

(a) All drugs approved by the United States Food and Drug Administration to:

(1) Provide medication-assisted treatment for opioid use disorder, including, without limitation, buprenorphine, methadone and naltrexone.

(2) Support safe withdrawal from substance use disorder, including, without limitation, lofexidine.

(b) Any service for the treatment of substance use disorder provided by a provider of primary care if the service is covered when provided by a specialist and:

(1) The service is within the scope of practice of the provider of primary care; or

(2) The provider of primary care is capable of providing the service

safely and effectively in consultation with a specialist and the provider engages in such consultation.

2. A managed care organization shall provide the coverage required by paragraph (a) of subsection 1 regardless of whether the drug is included in the formulary of the managed care organization.

3. A managed care organization shall not:

(a) Subject the benefits required by paragraph (a) of subsection 1 to medical management techniques, other than step therapy;

(b) Limit the covered amount of a drug described in paragraph (a) of subsection 1; or

(c) Refuse to cover a drug described in paragraph (a) of subsection 1 because the drug is dispensed by a pharmacy through mail order service.

4. A managed care organization shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the managed care organization.

5. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health care plan offered by a managed care organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the managed care organization. The term does not include an arrangement for the financing of premiums.

(c) "Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 72. 1. A managed care organization that offers or issues a health care plan shall include in the plan:

(a) Coverage of testing for, treatment of and prevention of sexually transmitted diseases, including, without limitation, Chlamydia trachomatis, gonorrhea, syphilis, human immunodeficiency virus and hepatitis B and C, for all insureds, regardless of age. Such coverage must include, without limitation, the coverage required by NRS 695G.1705 and 695G.1714.

(b) Unrestricted coverage of condoms for insureds who are 13 years of age or older.

2. *A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.*

Sec. 73. (Deleted by amendment.)

Sec. 74. NRS 695G.1705 is hereby amended to read as follows:

695G.1705 1. A managed care organization that offers or issues a health care plan shall include in the plan coverage for:

(a) ~~{Drugs}~~ *All drugs approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus ~~{;}~~ or treating human immunodeficiency virus or hepatitis C in the form recommended by the prescribing practitioner, regardless of whether the drug is included in the formulary of the managed care organization;*

(b) Laboratory testing that is necessary for therapy that uses ~~{such}~~ a drug ~~{;}~~ *to prevent the acquisition of human immunodeficiency virus;*

(c) *Any service to test for, prevent or treat human immunodeficiency virus or hepatitis C provided by a provider of primary care if the service is covered when provided by a specialist and:*

(1) *The service is within the scope of practice of the provider of primary care; or*

(2) *The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation; and*

~~{(c)}~~ (d) *The services described in NRS 639.28085, when provided by a pharmacist who participates in the network plan of the managed care organization.*

2. A managed care organization that offers or issues a health care plan shall reimburse ~~{a}~~ :

(a) A pharmacist who participates in the network plan of the managed care organization for the services described in NRS 639.28085 at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

(b) *An advanced practice registered nurse or a physician assistant who participates in the network plan of the managed care organization for any service to test for, prevent or treat human immunodeficiency virus or hepatitis C at a rate equal to the rate of reimbursement provided to a physician for similar services.*

3. A managed care organization ~~{may subject}~~ shall not:

(a) *Subject the benefits required by subsection 1 to ~~{reasonable}~~ medical management techniques ~~{;}~~, other than step therapy;*

(b) *Limit the covered amount of a drug described in paragraph (a) of subsection 1;*

(c) *Refuse to cover a drug described in paragraph (a) of subsection 1 because the drug is dispensed by a pharmacy through mail order service; or*

(d) *Prohibit or restrict access to any service or drug to treat human*

immunodeficiency virus or hepatitis C on the same day on which the insured is diagnosed.

4. A managed care organization shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the managed care organization.

5. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~October~~ January 1, ~~2021,~~ 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health care plan offered by a managed care organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the managed care organization. The term does not include an arrangement for the financing of premiums.

(c) *"Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.*

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 75. 1. The first application that a physician, osteopathic physician or physician assistant licensed pursuant to chapter 630 or 633 of NRS or a nurse who provides or supervises the provision of emergency medical services in a hospital or primary care and who is licensed on January 1, 2024, submits to renew his or her license on or after that date must include, without limitation, proof that the applicant has completed at least 2 hours of training in the stigma, discrimination and unrecognized bias toward persons who have acquired or are at a high risk of acquiring human immunodeficiency virus, as required by NRS 630.253, 632.343 and 633.471, as amended by sections 28, 29 and 30 of this act, respectively, as applicable.

2. As used in this section, "primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.

Sec. 76. The Legislature hereby finds and declares that:

1. In *Lapinski v. State*, 84 Nev. 611, 613 (1968), the Nevada Supreme Court held that "the power to define crimes and penalties lies exclusively in the legislature."

2. The Nevada Supreme Court has further held in *Tellis v. State*, 84 Nev. 587, 591 (1968), *Sparkman v. State*, 95 Nev. 76, 82 (1979) and *State v. Dist.*

Ct. (Pullin), 124 Nev. 564, 567-68 (2008), that the penalty for a crime is determined by the law in effect at the time the offender committed the crime and not the law in effect at the time the offender is sentenced unless the Legislature has expressed its clear intent that a statute ameliorating the penalty apply retroactively.

3. NRS 441A.118 states that "[t]he Legislature hereby finds and declares that the spread of communicable diseases is best addressed through public health measures rather than criminalization."

4. For those reasons, the Legislature is exercising its exclusive power to define the acts which subject a person to criminal penalties by:

(a) Retroactively applying the provisions of section 24 of chapter 491, Statutes of Nevada 2021, at page 3199, which repealed certain criminal offenses that were based on a person having the human immunodeficiency virus, to apply to conduct that occurred before those offenses were repealed; and

(b) Making certain offenses which were punishable as category A felonies before the effective date of section 13 of this act based on the potential to spread a communicable disease instead punishable as category B felonies, category D felonies or gross misdemeanors.

Sec. 77. 1. The provisions of section 24 of chapter 491, Statutes of Nevada 2021, at page 3199, apply to any violation of NRS 201.205 or 201.358, as those sections existed before the enactment of section 24 of chapter 491, Statutes of Nevada 2021, at page 3199, if the violation occurred before, on or after June 6, 2021, and the person was convicted on or after the effective date of this section.

2. If, before June 6, 2021, a person committed a violation of a NRS 201.205 or 201.358, as those sections existed before the enactment of section 24 of chapter 491, Statutes of Nevada 2021, at page 3199, and the person was not charged for that violation before the effective date of this section, the person must not be charged for that violation.

3. Each court in this State shall cancel each outstanding bench warrant issued by the court for a person who failed to appear in court in relation to an alleged violation of NRS 201.205 or 201.358, as those sections existed before the enactment of section 24 of chapter 491, Statutes of Nevada 2021, at page 3199.

4. The Central Repository for Nevada Records of Criminal History shall remove from each database or compilation of records of criminal history maintained by the Central Repository all records of bench warrants issued for a person who failed to appear in court in relation to an alleged violation of NRS 201.205 or 201.358, as those sections existed before the enactment of section 24 of chapter 491, Statutes of Nevada 2021, at page 3199.

Sec. 78. 1. The provisions of NRS 212.189, as amended by section 13 of this act, apply to any violation of that section, that occurred before, on or after the effective date of that section, if the person was not convicted before the effective date of that section.

2. If a person commits a violation of a NRS 212.189 which is punishable as a category A felony before the effective date of section 13 of this act, and the violation is punishable as a category B felony, a category D felony or a gross misdemeanor pursuant to NRS 212.189, as amended by section 13 of this act, the person must not be charged with or convicted of a category A felony, if the violation occurs on or after the effective date of section 13 of this act, and may only be charged with and convicted of a category B felony, category D felony or gross misdemeanor, as applicable, on or after the effective date of section 13 of this act.

Sec. 79. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 80. 1. This section and sections 3 to 10, inclusive, 13, 76, 77 and 78 of this act become effective upon passage and approval.

2. Sections 1, 2, 11, 12, 14 to 75, inclusive, and 79 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Senator Doñate moved that the Senate concur in Assembly Amendment No. 929 to Senate Bill No. 439.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 11.

The following Assembly amendment was read:

Amendment No. 599.

SUMMARY—Requires the Department of Public Safety to adopt certain regulations relating to unmanned aerial vehicles. (BDR 44-370)

AN ACT relating to unmanned aerial vehicles; requiring the Department of Public Safety to adopt certain regulations relating to unmanned aerial vehicles; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law governs the usage of unmanned aerial vehicles by the State and its political subdivisions and private citizens. (NRS 493.103-493.118) A public agency other than a law enforcement agency may, for specified public purposes prescribed in regulations adopted by the Department of Public Safety, employ an unmanned aerial vehicle that has been registered with the Department. (NRS 493.118; NAC 493.100) Section ~~1.7~~ 1.9 of this bill requires the Department to adopt regulations to establish: (1) a list of countries, businesses and entities from which a public agency or law enforcement agency shall not purchase or acquire any unmanned aerial vehicle or other equipment or service relating to the operation of an unmanned aerial vehicle; and (2) a list of unmanned aerial vehicles and other related equipment or services that a public agency or law enforcement

agency shall not operate, purchase or acquire. Sections 1 and 1.3 of this bill prohibit effective January 1, 2025, a public agency or law enforcement agency from operating, purchasing or acquiring any unmanned aerial vehicle or other equipment or service relating to the operation of an unmanned aerial vehicle in violation of the regulations adopted by the Department.

Section 1.7 of this bill requires the Department to adopt regulations to: (1) authorize a public agency to conduct scheduled inspections to ensure compliance with building and fire codes and laws, ordinances, regulations and rules adopting or establishing building and fire codes; (2) prohibit a public agency from collecting any photograph, image or recording through the operation of an unmanned aerial vehicle during the scheduled inspection; and (3) provide that if a photograph, image or recording or other information is collected through the operation of an unmanned aerial vehicle during a scheduled inspection, such photograph, image, recording or other information is not admissible and must not be disclosed in any proceeding other than a proceeding relating to the purpose of the scheduled inspection.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 493.112 is hereby amended to read as follows:

493.112 1. Except as otherwise provided in this section, nothing in this section shall be deemed to otherwise prohibit the operation of an unmanned aerial vehicle by a law enforcement agency for any lawful purpose in this State.

2. Except as otherwise provided in subsection 3, a law enforcement agency shall not operate an unmanned aerial vehicle for the purpose of gathering evidence or other information within the curtilage of a residence or at any other location or upon any property in this State at which a person has a reasonable expectation of privacy, unless the law enforcement agency first obtains a warrant from a court of competent jurisdiction authorizing the use of the unmanned aerial vehicle for that purpose. A warrant authorizing the use of an unmanned aerial vehicle must specify the period for which operation of the unmanned aerial vehicle is authorized. A warrant must not authorize the use of an unmanned aerial vehicle for a period of more than 10 days. Upon motion and a showing of probable cause, a court may renew a warrant after the expiration of the period for which the warrant was initially issued.

3. A law enforcement agency may operate an unmanned aerial vehicle without obtaining a warrant issued pursuant to subsection 2:

(a) If the law enforcement agency has probable cause to believe that a person has committed a crime, is committing a crime or is about to commit a crime, and exigent circumstances exist that make it unreasonable for the law enforcement agency to obtain a warrant authorizing the use of the unmanned aerial vehicle.

(b) If a person provides written consent to the law enforcement agency authorizing the law enforcement agency to acquire information about the

person or the real or personal property of the person. The written consent must specify the information to be gathered and the time, place and manner in which the information is to be gathered by the law enforcement agency.

(c) For the purpose of conducting search and rescue operations for persons and property in distress.

(d) Under circumstances in which the law enforcement agency believes that an imminent threat exists to the life and safety of an individual person or to the public at large, including, without limitation, the threat of an act of terrorism. A law enforcement agency that operates an unmanned aerial vehicle pursuant to this paragraph shall document the factual basis for its belief that such an imminent threat exists and shall, not later than 2 business days after initiating operation, file a sworn statement with a court of competent jurisdiction describing the nature of the imminent threat and the need for the operation of the unmanned aerial vehicle.

(e) Upon the declaration of a state of emergency or disaster by the Governor. A law enforcement agency that operates an unmanned aerial vehicle pursuant to this paragraph shall not use the unmanned aerial vehicle outside of the geographic area specified in the declaration or for any purpose other than the preservation of public safety, the protection of property, or the assessment and evaluation of environmental or weather-related damage, erosion or contamination.

4. Any photograph, image, recording or other information that is acquired by a law enforcement agency through the operation of an unmanned aerial vehicle in violation of this section, or that is acquired from any other person or governmental entity, including, without limitation, a public agency and any department or agency of the Federal Government, that obtained the photograph, image, recording or other information in a manner inconsistent with the requirements of this section, and any evidence that is derived therefrom:

(a) Is not admissible in and must not be disclosed in a judicial, administrative or other adjudicatory proceeding; and

(b) May not be used to establish reasonable suspicion or probable cause as the basis for investigating or prosecuting a crime or offense.

5. ~~4A~~ Except as otherwise provided in this subsection, a law enforcement agency shall not operate, purchase or acquire any unmanned aerial vehicle or other equipment or service relating to the operation of an unmanned aerial vehicle in violation of the regulations adopted by the Department pursuant to subsection 6 of NRS 493.118. A law enforcement agency may operate or use an unmanned aerial vehicle or other equipment or service relating to the operation of an unmanned aerial vehicle that was purchased or acquired before the effective date of the regulations adopted by the Department pursuant to subsection 6 of NRS 493.118.

Sec. 1.3. NRS 493.115 is hereby amended to read as follows:

493.115 1. A public agency:

(a) May operate an unmanned aerial vehicle only if:

(1) Before the operation of the unmanned aerial vehicle, the public agency registers the unmanned aerial vehicle with the Department pursuant to subsection 2 of NRS 493.118.

(2) The public agency operates the unmanned aerial vehicle in accordance with the regulations adopted by the Department pursuant to subsection 4 of NRS 493.118.

(b) Must not operate an unmanned aerial vehicle for the purposes of assisting a law enforcement agency with law enforcement or conducting a criminal prosecution.

2. Any photograph, image, recording or other information that is acquired by a public agency through the operation of an unmanned aerial vehicle in violation of this section, and any evidence that is derived therefrom:

(a) Is not admissible in, and must not be disclosed in, a judicial, administrative or other adjudicatory proceeding; and

(b) May not be used to establish reasonable suspicion or probable cause as the basis for investigating or prosecuting a crime or offense.

3. ~~4A~~ Except as otherwise provided in this subsection, a public agency shall not operate, purchase or acquire any unmanned aerial vehicle or other equipment or service relating to the operation of an unmanned aerial vehicle in violation of the regulations adopted by the Department pursuant to subsection 6 of NRS 493.118. A public agency may operate or use an unmanned aerial vehicle or other equipment or service relating to the operation of an unmanned aerial vehicle that was purchased or acquired before the effective date of the regulations adopted by the Department pursuant to subsection 6 of NRS 493.118.

Sec. 1.7. NRS 493.118 is hereby amended to read as follows:

493.118 1. The Department shall, to the extent that money is available for this purpose, establish and maintain a registry of unmanned aerial vehicles that are operated by public agencies in this State. The Department shall include on its Internet website the information that is maintained in the registry.

2. A public agency shall, for each unmanned aerial vehicle the public agency intends to operate, submit to the Department, on a form provided by the Department, for inclusion in the registry:

(a) The name of the public agency;

(b) The name and contact information of each operator of the unmanned aerial vehicle;

(c) Sufficient information to identify the unmanned aerial vehicle; and

(d) A statement describing the use of the unmanned aerial vehicle by the public agency.

3. The Department shall, on or before February 1 of each year, prepare and submit to the Director of the Legislative Counsel Bureau for submission to the Legislature, or to the Legislative Commission when the Legislature is not in regular session, a report outlining the activities of public agencies with

respect to the operation of unmanned aerial vehicles in this State.

4. The Department shall adopt regulations prescribing the public purposes for which a public agency may operate an unmanned aerial vehicle that is registered with the Department pursuant to this section, including, without limitation:

- (a) The provision of fire services.
- (b) The provision of emergency medical services.
- (c) The protection of a critical facility that is public property.
- (d) Search and rescue operations conducted for persons and property in distress.

5. *The regulations adopted by the Department pursuant to subsection 4 must include provisions that:*

(a) *Authorize, as a public purpose, a public agency to operate an unmanned aerial vehicle that is registered with the Department in order to conduct a scheduled inspection to ensure compliance with building or fire codes or laws, ordinances, regulations or rules adopting or establishing building or fire codes that are enforced by the public agency.*

(b) *Prohibit a public agency from collecting any photograph, image or recording through the operation of an unmanned aerial vehicle during a scheduled inspection described in paragraph (a). If any photograph, image or recording is collected in violation of such a regulation or if any other information is collected through the operation of an unmanned aerial vehicle during such a scheduled inspection, the photograph, image, recording or other information:*

(1) *Is not admissible and must not be disclosed in any judicial, administrative or other adjudicatory proceeding other than a proceeding relating to the purpose of the scheduled inspection; and*

(2) *May not be used to establish reasonable suspicion or probable cause as the basis for the investigation or prosecution of a crime or other offense.*

~~{6. In addition to the regulations adopted pursuant to subsection 4, the Department shall adopt regulations to establish:~~

~~—(a) A list of countries, businesses and entities from which a public agency or law enforcement agency shall not purchase or acquire any unmanned aerial vehicle or other equipment or service relating to the operation of an unmanned aerial vehicle; and~~

~~—(b) A list of unmanned aerial vehicles and other related equipment or services that a public agency or law enforcement agency shall not operate, purchase or acquire.~~

~~7. The lists established pursuant to subsection 6 must include, without limitation:~~

~~—(a) Any country, business or entity from which a federal agency or contractor is prohibited from purchasing or acquiring an unmanned aerial vehicle, or other equipment or service relating to the operation of an unmanned aerial vehicle pursuant to any federal law, rule, regulation or~~

~~order; and~~

~~—(b) Any unmanned aerial vehicle or other equipment or service relating to the operation of an unmanned aerial vehicle which has been prohibited for use by a federal agency or contractor pursuant to any federal law, rule, regulation or order.~~

Sec. 1.9. NRS 493.118 is hereby amended to read as follows:

493.118 1. The Department shall, to the extent that money is available for this purpose, establish and maintain a registry of unmanned aerial vehicles that are operated by public agencies in this State. The Department shall include on its Internet website the information that is maintained in the registry.

2. A public agency shall, for each unmanned aerial vehicle the public agency intends to operate, submit to the Department, on a form provided by the Department, for inclusion in the registry:

- (a) The name of the public agency;
- (b) The name and contact information of each operator of the unmanned aerial vehicle;
- (c) Sufficient information to identify the unmanned aerial vehicle; and
- (d) A statement describing the use of the unmanned aerial vehicle by the public agency.

3. The Department shall, on or before February 1 of each year, prepare and submit to the Director of the Legislative Counsel Bureau for submission to the Legislature, or to the Legislative Commission when the Legislature is not in regular session, a report outlining the activities of public agencies with respect to the operation of unmanned aerial vehicles in this State.

4. The Department shall adopt regulations prescribing the public purposes for which a public agency may operate an unmanned aerial vehicle that is registered with the Department pursuant to this section, including, without limitation:

- (a) The provision of fire services.
- (b) The provision of emergency medical services.
- (c) The protection of a critical facility that is public property.
- (d) Search and rescue operations conducted for persons and property in distress.

5. The regulations adopted by the Department pursuant to subsection 4 must include provisions that:

(a) Authorize, as a public purpose, a public agency to operate an unmanned aerial vehicle that is registered with the Department in order to conduct a scheduled inspection to ensure compliance with building or fire codes or laws, ordinances, regulations or rules adopting or establishing building or fire codes that are enforced by the public agency.

(b) Prohibit a public agency from collecting any photograph, image or recording through the operation of an unmanned aerial vehicle during a scheduled inspection described in paragraph (a). If any photograph, image or recording is collected in violation of such a regulation or if any other

information is collected through the operation of an unmanned aerial vehicle during such a scheduled inspection, the photograph, image, recording or other information:

(1) Is not admissible and must not be disclosed in any judicial, administrative or other adjudicatory proceeding other than a proceeding relating to the purpose of the scheduled inspection; and

(2) May not be used to establish reasonable suspicion or probable cause as the basis for the investigation or prosecution of a crime or other offense.

6. In addition to the regulations adopted pursuant to subsection 4, the Department shall adopt regulations to establish:

(a) A list of countries, businesses and entities from which a public agency or law enforcement agency shall not purchase or acquire any unmanned aerial vehicle or other equipment or service relating to the operation of an unmanned aerial vehicle; and

(b) A list of unmanned aerial vehicles and other related equipment or services that a public agency or law enforcement agency shall not operate, purchase or acquire.

7. The lists established pursuant to subsection 6 must include, without limitation:

(a) Any country, business or entity identified by the Secretary of Defense of the United States Department of Defense pursuant to Section 1260H of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021, Public Law 116-283, any amendments thereto or any subsequent federal law establishing such a list;

(b) Any unmanned aerial vehicle or other equipment or service relating to the operation of an unmanned aerial vehicle sold, manufactured or distributed by an entity identified by the Secretary of Defense of the United States Department of Defense pursuant to Section 1260H of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021, Public Law 116-283, any amendments thereto or any subsequent federal law establishing such a list;

(c) Any hardware, software, vendor or service prohibited from being used by a state agency in Nevada by a regulation, guideline or policy adopted by the Division of Enterprise Information Technology Services of the Department of Administration pursuant to NRS 242.111 and 242.115; and

(d) Any other unmanned aerial vehicle or other equipment or service relating to the operation of an unmanned aerial vehicle, as determined by the Department.

Sec. 2. 1. This section becomes effective upon passage and approval.

2. ~~Sections 1, 1.3 and~~ Section 1.7 of this act becomes effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On October 1, 2023, for all other purposes.

3. Sections 1, 1.3 and 1.9 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2025, for all other purposes.

Senator Harris moved that the Senate concur in Assembly Amendment No. 599 to Senate Bill No. 11.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 225.

The following Assembly amendment was read:

Amendment No. 965.

SUMMARY—Revises provisions governing peace officers. (BDR 23-651)

AN ACT relating to peace officers; revising provisions relating to the required contents of an application for certification as a peace officer; requiring a law enforcement agency to provide to the Peace Officers' Standards and Training Commission certain notice and information concerning peace officers employed by the agency; prohibiting a law enforcement agency from requiring a peace officer to make certain attestations concerning cannabis as a condition precedent to employment; prescribing requirements for certain standards adopted by regulation of the Commission; disqualifying certain persons from serving as peace officers; requiring the Executive Director of the Commission to report certain information to the National Decertification Index of the International Association of Directors of Law Enforcement Standards and Training or an equivalent database; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth provisions governing peace officers and creates the Peace Officers' Standards and Training Commission, which generally provides for the training, education and certification of peace officers. (Chapter 289 of NRS) Existing law requires an application for certification as a peace officer to include the social security number of the applicant and a statement regarding the payment of child support. (NRS 289.560, 289.570) Section 2 of this bill additionally requires an application for certification as a peace officer to include an affidavit stating that the applicant: (1) is not disqualified from serving as a peace officer; (2) has not been discharged, disciplined or asked to resign from employment with a law enforcement agency for certain conduct; and (3) has not resigned from employment or otherwise separated from employment with a law enforcement agency while an investigation concerning certain alleged conduct was pending. Section 2 also requires the Commission to: (1) deny an application for certification that does not include the required affidavit; and (2) search the National Decertification Index of the International Association of Directors of Law Enforcement Standards and Training, or an equivalent database, to ensure

that the name of the applicant does not appear in any such index or database. Section 6 of this bill makes a conforming change to indicate the proper placement of sections 2 and 3 of this bill in the Nevada Revised Statutes.

Section 3 requires a law enforcement agency to immediately notify the Commission if a peace officer employed by the agency: (1) is charged with certain crimes; or (2) resigns from employment or otherwise separates from employment with the agency while an investigation concerning alleged misconduct is pending. Section 3 also requires a law enforcement agency to provide certain information to the Commission concerning a peace officer who resigns or otherwise separates from employment with the agency while an investigation concerning alleged misconduct is pending.

With certain exceptions, existing law prohibits a law enforcement agency from requiring a peace officer to disclose certain information as a condition precedent to a promotion, job assignment or other personnel action. (NRS 289.030) Section 5 of this bill additionally prohibits a law enforcement agency from requiring a peace officer to provide an oral or written attestation concerning any use of cannabis by the peace officer that occurred before the peace officer submitted his or her application for employment with the law enforcement agency as a condition precedent to employment as a peace officer.

Existing law requires the Commission to adopt regulations establishing minimum standards for the certification and decertification, recruitment, selection and training of peace officers. (NRS 289.510) Section 7 of this bill provides that the standards prescribed by regulations adopted by the Commission: (1) must not prohibit the certification of an applicant solely on the basis that the applicant has engaged in the adult use of cannabis or the medical use of cannabis; (2) must not require the decertification of a peace officer solely on the basis that the peace officer has engaged in the adult use of cannabis or the medical use of cannabis; and (3) must require the decertification of a peace officer upon a determination by the Commission that the peace officer knowingly provided false or misleading information in his or her application for certification. Section 7 also makes conforming changes to reorganize certain provisions relating to regulations adopted by the Commission. Section 4 of this bill defines certain terms for the purposes of certain requirements relating to cannabis prescribed by sections 5 and 7.

Existing law provides that a person who has been convicted of a felony in this State or any other state is not qualified to serve as a peace officer. (NRS 289.555) Section 9 of this bill makes this prohibition applicable regardless of whether the person has had the conviction expunged or sealed. Section 9 also provides that a person is not qualified to serve as a peace officer if the person has been: (1) convicted of domestic violence in this State or any other state, regardless of whether such a conviction was sealed or expunged; (2) reported to the National Decertification Index or an equivalent database; or (3) decertified or has had his or her certificate or license to practice or serve as a peace officer revoked or annulled by the Commission

or a certifying or licensing authority in any other state.

Existing law requires the Commission to appoint an Executive Director of the Commission and authorizes the Executive Director to perform certain acts relating to the certification of peace officers. (NRS 289.520, 289.530) Section 8 of this bill requires the Executive Director to report to the National Decertification Index or an equivalent database: (1) the name of each decertified peace officer; and (2) any other information required by the Index or database, as applicable.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 289 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. *An application for certification as a peace officer must include an affidavit stating that the applicant:*

(a) Is not disqualified from serving as a peace officer pursuant to NRS 289.555;

(b) Has not been discharged, disciplined or asked to resign from employment with a law enforcement agency in this State or any other state for conduct which would, under the regulations adopted by the Commission pursuant to NRS

289.510, constitute grounds for denying certification or revoking the certificate of a peace officer; and

(c) Has not resigned from employment or otherwise separated from employment with a law enforcement agency in this State or any other state while an investigation concerning allegations of conduct which would, under the regulations adopted by the Commission pursuant to NRS 289.510, constitute grounds for denying certification or revoking the certificate of a peace officer, was pending.

2. *The Commission shall summarily deny any application for certification as a peace officer if the application does not include the affidavit required by subsection 1.*

3. *The Commission shall, for each applicant for certification as a peace officer, search the National Decertification Index of the International Association of Directors of Law Enforcement Standards and Training, or an equivalent database maintained for the purpose of serving as a national registry of certificate or license revocation actions relating to peace officer misconduct, to ensure that the name of the applicant does not appear in any such index or database.*

Sec. 3. A law enforcement agency shall:

1. *Immediately notify the Commission if a peace officer employed by the agency:*

(a) Is charged with a crime for which the regulations adopted by the Commission pursuant to NRS 289.510 authorize the Commission to revoke or suspend the certificate of the peace officer; or

(b) Resigns from employment or otherwise separates from employment

with the agency while an investigation concerning alleged misconduct is pending; and

2. *If a peace officer resigns or otherwise separates from employment while an investigation concerning alleged misconduct is pending, provide to the Commission a written summary of the outcome of the investigation as soon as practicable after completing the investigation.*

Sec. 4. NRS 289.010 is hereby amended to read as follows:

289.010 As used in this chapter, unless the context otherwise requires:

1. "Administrative file" means any file of a peace officer containing information, comments or documents about the peace officer. The term does not include any file relating to an investigation conducted pursuant to NRS 289.057 or a criminal investigation of a peace officer.

2. *"Adult use of cannabis" has the meaning ascribed to it in NRS 678A.075.*

3. "Law enforcement agency" means any agency, office, bureau, department, unit or division created by any statute, ordinance or rule which:

(a) Has a duty to enforce the law; and

(b) Employs any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.

~~{3-}~~ 4. *"Medical use of cannabis" has the meaning ascribed to it in NRS 678A.215.*

5. "Peace officer" means any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.

~~{4-}~~ 6. "Punitive action" means any action which may lead to dismissal, demotion, suspension, reduction in salary, written reprimand or transfer of a peace officer for purposes of punishment.

7. *"Screening test" means a test of a person's blood, urine, hair or saliva to detect the general presence of a controlled substance or other drug.*

Sec. 5. NRS 289.030 is hereby amended to read as follows:

289.030 1. A law enforcement agency shall not require any peace officer to ~~{disclose}~~ :

(a) *Disclose* the peace officer's assets, debts, sources of income or other financial information or make such a disclosure a condition precedent to a promotion, job assignment or other personnel action unless that information is necessary to:

~~{1-}~~ (1) Determine the peace officer's credentials for transfer to a specialized unit;

~~{2-}~~ (2) Prevent any conflict of interest which may result in any new assignment; or

~~{3-}~~ (3) Determine whether the peace officer is engaged in unlawful activity.

(b) *Provide an oral or written attestation concerning any use of cannabis by the peace officer that occurred before the peace officer submitted his or her application for employment with the law enforcement agency as a*

condition precedent to employment with the agency as a peace officer.

2. Nothing in this section shall be construed to prohibit a law enforcement agency from:

(a) Requiring a peace officer to provide an oral or written attestation concerning any use of cannabis by the peace officer that has occurred after the submission of his or her application for employment with the law enforcement agency as a condition precedent to employment with the agency as a peace officer; or

(b) Adopting a policy that requires a peace officer to submit to a screening test as:

(1) A condition precedent to employment; or

(2) A condition for continued employment.

3. As used in this section, "use of cannabis" includes the adult use of cannabis and the medical use of cannabis.

Sec. 6. NRS 289.450 is hereby amended to read as follows:

289.450 As used in NRS 289.450 to 289.680, inclusive, and sections 2 and 3 of this act, unless the context otherwise requires, the words and terms defined in NRS 289.460 to 289.490, inclusive, have the meanings ascribed to them in those sections.

Sec. 7. NRS 289.510 is hereby amended to read as follows:

289.510 1. The Commission:

(a) Shall meet at the call of the Chair, who must be elected by a majority vote of the members of the Commission.

(b) Shall provide for and encourage the training and education of persons whose primary duty is law enforcement to ensure the safety of the residents of and visitors to this State.

(c) ~~Shall adopt regulations establishing minimum standards for the certification and decertification, recruitment, selection and training of peace officers. The regulations must establish:~~

~~— (1) Requirements for evaluations to be conducted during the recruitment and selection of peace officers, which must identify implicit bias on the part of a peace officer on the basis of race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression;~~

~~— (2) Requirements for basic training for category I, category II and category III peace officers and reserve peace officers;~~

~~— (3) Standards for programs for the continuing education of peace officers, including minimum courses of study and requirements concerning attendance, which must require that all peace officers annually complete not less than 12 hours of continuing education in courses that address:~~

~~— (I) Racial profiling;~~

~~— (II) Mental health, including, without limitation, crisis intervention;~~

~~— (III) The well being of officers;~~

~~— (IV) Implicit bias recognition;~~

~~— (V) De-escalation;~~

~~—(VI) Human trafficking; and~~

~~—(VII) Firearms.~~

~~—(4) Qualifications for instructors of peace officers;~~

~~—(5) Requirements for the certification of a course of training; and~~

~~—(6) Standards for an annual behavioral wellness visit for peace officers to aid in preserving the emotional and mental health of the peace officer and assessing conditions that may affect the performance of duties by the peace officer.~~

~~—(d) Shall, when necessary, present courses of training and continuing education courses for category I, category II and category III peace officers and reserve peace officers.~~

~~—(e)}~~ May make necessary inquiries to determine whether the agencies of this State and of the local governments are complying with standards set forth in ~~its~~ the regulations ~~that~~ adopted pursuant to subsection 2.

~~{(f)}~~ (d) Shall carry out the duties required of the Commission pursuant to NRS 432B.610 and 432B.620.

~~{(g)}~~ (e) May perform any other acts that may be necessary and appropriate to the functions of the Commission as set forth in NRS 289.450 to 289.680, inclusive ~~that~~, and sections 2 and 3 of this act.

~~{(h)}~~ (f) May enter into an interlocal agreement with an Indian tribe to provide training to and certification of persons employed as police officers by that Indian tribe.

~~{(i)}~~ (g) Shall develop and approve a standard curriculum of certified training programs in crisis intervention, which may be made available in an electronic format, and which address specialized responses to persons with mental illness and train peace officers to identify the signs and symptoms of mental illness, to de-escalate situations involving persons who appear to be experiencing a behavioral health crisis and, if appropriate, to connect such persons to treatment. A peace officer who completes any program developed pursuant to this paragraph must be issued a certificate of completion.

2. ~~{Regulations}~~ The Commission shall adopt regulations establishing minimum standards for:

(a) The certification and decertification, recruitment, selection and training of peace officers. The standards adopted pursuant to this paragraph must:

(1) Establish requirements for evaluations to be conducted during the recruitment and selection of peace officers, which must identify implicit bias on the part of a peace officer on the basis of race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression;

(2) Establish requirements for basic training for category I, category II and category III peace officers and reserve peace officers;

(3) Establish standards for programs for the continuing education of peace officers, including minimum courses of study and requirements concerning attendance, which must require that all peace officers annually

complete not less than 12 hours of continuing education in courses that address:

- (I) Racial profiling;
- (II) Mental health, including, without limitation, crisis intervention;
- (III) The well-being of officers;
- (IV) Implicit bias recognition;
- (V) De-escalation;
- (VI) Human trafficking; and
- (VII) Firearms;
- (4) Establish qualifications for instructors of peace officers;
- (5) Establish requirements for the certification of a course of training;
- (6) Require all peace officers to receive training in the handling of cases involving abuse or neglect of children or missing children;
- (7) Require all peace officers to receive training in the handling of cases involving abuse, neglect, exploitation, isolation and abandonment of older persons or vulnerable persons;
- (8) Not prohibit the certification of an applicant solely on the basis that the applicant has engaged in the adult use of cannabis or the medical use of cannabis;
- (9) Not require the decertification of a peace officer solely on the basis that the peace officer has engaged in the adult use of cannabis or the medical use of cannabis; and
- (10) Require the decertification of a peace officer upon a determination by the Commission that the peace officer knowingly provided false or misleading information in his or her application for certification.

(b) An annual behavioral wellness visit for peace officers to aid in preserving the emotional and mental health of the peace officer and assessing any conditions that may affect the performance of duties by the peace officer.

3. The regulations adopted by the Commission ~~to~~ pursuant to subsection 2:

(a) Apply to all agencies of this State and of local governments in this State that employ persons as peace officers; and

(b) ~~Must require that all peace officers receive training in the handling of cases involving abuse or neglect of children or missing children;~~

~~—(c) Must require that all peace officers receive training in the handling of cases involving abuse, neglect, exploitation, isolation and abandonment of older persons or vulnerable persons; and~~

~~—(d)~~ May require that training be carried on at institutions which it approves in those regulations.

4. Nothing in this section shall be construed to prohibit a law enforcement agency from adopting a policy that requires a peace officer to submit to a screening test as:

- (a) A condition precedent to employment; or
- (b) A condition for continued employment.

Sec. 8. NRS 289.530 is hereby amended to read as follows:

289.530 1. With the advice of the Commission, the Executive Director of the Commission may:

~~{1.}~~ (a) Appoint employees, agents, consultants and other staff of the Commission and prescribe their duties;

~~{2.}~~ (b) Administer and direct the daily operation of the staff and resources of the Commission;

~~{3.}~~ (c) Inspect academies for training peace officers, and issue and revoke certificates of approval to such academies;

~~{4.}~~ (d) Certify qualified instructors for approved courses of training for peace officers and issue appropriate certificates to instructors;

~~{5.}~~ (e) Certify peace officers who have satisfactorily completed courses of training for peace officers and issue basic, intermediate, advanced and management professional certificates to peace officers;

~~{6.}~~ (f) Make recommendations to the Commission concerning the issuance of executive certificates;

~~{7.}~~ (g) Cause annual audits to be made relating to the operation of academies for training peace officers;

~~{8.}~~ (h) Consult and cooperate with academies for training peace officers concerning the development of the basic and advanced training programs for peace officers;

~~{9.}~~ (i) Consult and cooperate with academies for training peace officers concerning the development of specialized courses of study in this State for peace officers in the areas of police science, police administration, corrections, probation, the social sciences and other related areas;

~~{10.}~~ (j) Consult and cooperate with other departments and agencies of this State and of local governments concerning the training of peace officers;

~~{11.}~~ (k) Report to the Commission at the regular meetings of the Commission and at such other times as the Commission may require, and recommend the denial, suspension or revocation of certification of a peace officer to the Commission as deemed necessary;

~~{12.}~~ (l) Execute contracts on behalf of the Commission; and

~~{13.}~~ (m) Perform any other acts necessary and appropriate to the carrying out of the duties of the Executive Director of the Commission.

2. *The Executive Director of the Commission shall, as soon as reasonably practicable after revoking the certification of a peace officer, report to the National Decertification Index of the International Association of Directors of Law Enforcement Standards and Training or an equivalent database maintained for the purpose of serving as a national registry of certificate or license revocation actions relating to peace officer misconduct:*

(a) The name of the decertified peace officer; and

(b) Any other information possessed by the Commission and required by the Index or database, as applicable.

Sec. 9. NRS 289.555 is hereby amended to read as follows:

289.555 A person ~~who has been convicted of a felony in this State or~~

~~any other state]~~ is not qualified to serve as a category I peace officer, category II peace officer or category III peace officer, regardless of whether the person has ~~been]~~ had his or her civil rights restored ~~[to]~~, if the ~~[person's civil rights.]~~ person has been:

1. Convicted of:

(a) A felony in this State or any other state, regardless of whether such a conviction was expunged or sealed;

(b) A battery which constitutes domestic violence pursuant to NRS 200.485, regardless of whether such a conviction was expunged or sealed; or

(c) A misdemeanor crime of domestic violence, as defined in 18 U.S.C. § 921(a)(33), in any other state, regardless of whether such a conviction was expunged or sealed.

2. Reported to the National Decertification Index of the International Association of Directors of Law Enforcement and Training or an equivalent database maintained for the purpose of serving as a national registry of certificate or license revocation actions relating to peace officer misconduct.

3. Decertified or has had his or her certificate or license to practice or serve as a peace officer revoked or annulled by:

(a) The Commission; or

(b) A certifying or licensing authority in any other state.

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 October 1, 2023, for all other purposes.

Senator Scheible moved that the Senate concur in Assembly Amendment No. 965 to Senate Bill No. 225.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 226.

The following Assembly amendment was read:

Amendment No. 967.

SUMMARY—Revises provisions governing ~~[public works.]~~ governmental financial administration. (BDR 28-494)

AN ACT relating to ~~[public works;]~~ governmental financial administration; providing a declaration of legislative intent regarding the payment of prevailing wages on public works projects; ~~[providing that certain projects require the payment of prevailing wages; revising the definition of "public work";]~~ establishing certain requirements relating to certain organizations that partner with certain public bodies for the construction of hospitals, medical education buildings or medical research buildings; requiring the payment of prevailing wages on certain leases and

lease-purchase and installment-purchase agreements entered into by local governments; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that every contract to which a public body of this State is a party, requiring the employment of skilled mechanics, skilled workers, semiskilled mechanics, semiskilled workers or unskilled labor in the performance of a public work, must contain in express terms the hourly and daily rate of wages to be paid to each of the classes of mechanics and workers. The hourly and daily rate of wages must not be less than the prevailing wage in the region in which the public work is located, as determined by the Labor Commissioner. (NRS 338.020)

Section 2 of this bill makes a declaration of legislative intent finding that: (1) the payment of prevailing wages to workers on public works projects that are funded in whole or in part by public money is essential to the economic well-being of this State, increasing the number of skilled construction workers in this State, enhancing the workforce of the State and increasing redevelopment opportunities in the State; and (2) careful scrutiny of novel leasing and financial arrangements entered into and incentives offered by a public body is necessary to ensure workers are paid the prevailing wage. Section 8 of this bill provides that any regulation adopted by the Labor Commissioner relating to public works must be consistent with the declaration of legislative intent set forth in section 2.

Existing law sets forth certain requirements relating to state financial administration and local financial administration. (Chapters 353 and 354 of NRS) Sections 10.5 and 12.3 of this bill authorize an organization to partner with a state agency or local government and provide private financing only for the construction of a hospital, medical education building or medical research building in this State if the organization: (1) qualifies as a tax-exempt organization and a supporting organization under certain provisions of the Internal Revenue Code; and (2) is organized and operated to support a state agency or local government in the construction of hospitals or such medical buildings.

Existing law makes the prevailing wage requirements applicable to certain, specific construction projects. (NRS 244.286, 244A.058, 244A.763, 268.568, 271.710, 271.800, 278C.240, 279.500, 318.140, 318.144, 321.416, 332.390, 333A.120, 349.670, 349.956, 349.981, 388A.635, 408.3886, 543.545, 701B.265, 701B.625) ~~{Section 3 of this bill requires, with certain exceptions,} Sections 10.5 and 12.3 require the payment of prevailing wages on [any project if, pursuant to certain agreements or partnerships between a developer and a public body: (1) the property or premises on which the project will be constructed or developed is owned by a public body; (2) the property or premises on which a project will be constructed or developed is, in whole or in part, subject to a lease or lease-purchase agreement by a public body; (3) a public body pays money or other compensation directly to or on behalf of the developer or contractor of the project or any subcontractor who~~

~~performs any work on the project; (4) a public body pays, credits, reduces, forgives or waives any fee, cost, rent, insurance premium, bond premium, obligation or expense, including, without limitation, an incidental expense, in relation to the project that is normally required in the execution of a contract for a public work on which the estimated cost exceeds \$100,000; (5) a public body loans money in relation to the project that is required to be repaid to the public body; (6) a public body retains any right to ownership of the property or premises after construction work begins on the project; (7) in relation to the project, a public body sells, leases or otherwise transfers for less than fair market value any developed or undeveloped real property or any other property or asset; or (8) in relation to the project, a public body transfers property of the State or political subdivision for less than fair market value. Section 3 exempts from these provisions airport authorities, single family residential housing and certain projects relating to affordable housing.~~

~~Existing law defines the term "public work" to mean any project for the new construction, repair or reconstruction of a project financed in whole or in part from public money for certain publicly owned works and property. (NRS 338.010) Section 5 of this bill amends the definition of "public work" to include a project financed in whole or in part from public money. Projects developed by such organizations. Sections 10.5 and 12.3 also provide that projects developed by such organizations are exempt from certain provisions of existing law governing the award of contracts and the oversight and involvement of the State Public Works Division of the Department of Administration. Sections 10.5 and 12.3 require subcontracts for such projects to be competitively bid and authorize an eligible subcontractor who bids on such a project to receive certain bidding preferences. Lastly, sections 10.5 and 12.3 require a contract or agreement entered into with a prime contractor for such a project to include provisions requiring: (1) at least 15 percent of the subcontracts for the project to be awarded to local small businesses; and (2) the use of apprentices in accordance with certain provisions of existing law.~~

Existing law sets forth a legislative declaration regarding the importance of the use of lease-purchase agreements and installment-purchase agreements by local governments, including the use of such agreements for the construction, alteration, repair or remodeling of an improvement. (NRS 354.740) Sections 12.7 and 12.9 of this bill move this language regarding the use of such agreements for the construction, alteration, repair or remodeling of an improvement from the legislative declaration. Section 12.7 provides that if a local government uses such agreements or leases for the construction, alteration, repair or remodeling of an improvement: (1) the person or entity that executes one or more contracts or agreements for the work must include provisions in the contract or agreement requiring the payment of prevailing wages; and (2) the local government, the contractor and any subcontractor must pay prevailing wages. Section 12.5 of this bill defines "agreement" for the purposes of these provisions.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 338 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. *The Legislature hereby finds and declares that:*

1. *The payment of prevailing wages to workers on public works projects that are funded in whole or in part by public money is essential to:*

- (a) The economic well-being of this State;*
- (b) Increasing the number of skilled construction workers in this State;*
- (c) Enhancing the workforce in this State; and*
- (d) Increasing redevelopment opportunities in this State.*

2. *To ensure the intentions set forth in subsection 1 are upheld, careful scrutiny of novel leasing and financing arrangements entered into or incentives offered by public bodies for the construction of public works is necessary to ensure that workers on public works projects are paid prevailing wages.*

Sec. 3. ~~1. The provisions of NRS 338.013 to 338.090, inclusive, apply to any project if, pursuant to the provisions of a contract or a lease agreement, lease purchase agreement, development agreement, improvement district, redevelopment project or public-private partnership between a private developer and a public body:~~

~~—(a) The property or premises on which a project will be constructed or developed is owned by a public body;~~

~~—(b) The property or premises on which a project will be constructed or developed are, in whole or in part, subject to a lease or lease purchase agreement by a public body;~~

~~—(c) A public body pays money or other compensation directly to or on behalf of the developer or contractor of the project or any subcontractor who performs any work on the project; or~~

~~—(d) Except as otherwise provided in subsection 2, a public body:~~

~~—(1) Pays, credits, reduces, forgives or waives any fee, cost, rent, insurance premium, bond premium, obligation or expense, including, without limitation, an incidental expense, in relation to the project that is normally required in the execution of a contract for a public work on which the estimated cost exceeds \$100,000;~~

~~—(2) Loans money in relation to the project that is required to be repaid to the public body, regardless of the terms of the loan or the interest charged;~~

~~—(3) Retains any right, including, without limitation, a contingent right, to retake ownership of the property or premises after construction work begins on the project;~~

~~—(4) In relation to the project, a public body sells, leases or otherwise transfers for less than fair market value any developed or undeveloped real property or any other property or asset; or~~

~~—(5) In relation to the project, a public body transfers property for less~~

~~than fair market value.~~

~~2. The provisions of paragraph (d) of subsection 1 are not applicable to:~~
~~(a) A local government that takes an action set forth in paragraph (d) of subsection 1 for the construction of:~~

~~(1) Single-family residential housing; or~~

~~(2) Affordable housing if such affordable housing is four floors or less, regardless of whether each or any floor is above or below ground; or~~

~~(b) An airport authority operating in this State or a department of aviation which is operated by a political subdivision of this State.~~

~~3. As used in this section:~~

~~(a) "Affordable housing" means multifamily housing that is:~~

~~(1) Tier one affordable housing or tier two affordable housing; and~~

~~(2) Subject to a legally binding agreement or other instrument that includes restrictions for the resale of the property to require that such property continue to be used as tier one affordable housing, tier two affordable housing or tier three affordable housing.~~

~~(b) "Improvement district" has the meaning ascribed to it in NRS 271.130.~~

~~(c) "Tier one affordable housing" has the meaning ascribed to it in NRS 278.01902.~~

~~(d) "Tier three affordable housing" has the meaning ascribed to it in NRS 278.01904.~~

~~(e) "Tier two affordable housing" has the meaning ascribed to it in NRS 278.01906.} (Deleted by amendment.)~~

Sec. 4. (Deleted by amendment.)

Sec. 5. [NRS 338.010 is hereby amended to read as follows:

~~338.010 As used in this chapter:~~

~~1. "Authorized representative" means a person designated by a public body to be responsible for the development, solicitation, award or administration of contracts for public works pursuant to this chapter.~~

~~2. "Bona fide fringe benefit" means a benefit in the form of a contribution that is made not less frequently than monthly to an independent third party pursuant to a fund, plan or program:~~

~~(a) Which is established for the sole and exclusive benefit of a worker and his or her family and dependents; and~~

~~(b) For which none of the assets will revert to, or otherwise be credited to, any contributing employer or sponsor of the fund, plan or program.~~

~~* The term includes, without limitation, benefits for a worker that are determined pursuant to a collective bargaining agreement and included in the determination of the prevailing wage by the Labor Commissioner pursuant to NRS 338.030.~~

~~3. "Contract" means a written contract entered into between a contractor and a public body for the provision of labor, materials, equipment or supplies for a public work.~~

~~4. "Contractor" means:~~

~~(a) A person who is licensed pursuant to the provisions of chapter 624 of~~

NRS.

~~—(b) A design-build team.~~

~~—5. "Day labor" means all cases where public bodies, their officers, agents or employees, hire, supervise and pay the wages thereof directly to a worker or workers employed by them on public works by the day and not under a contract in writing.~~

~~—6. "Design-build contract" means a contract between a public body and a design-build team in which the design-build team agrees to design and construct a public work.~~

~~—7. "Design-build team" means an entity that consists of:~~

~~—(a) At least one person who is licensed as a general engineering contractor or a general building contractor pursuant to chapter 624 of NRS; and~~

~~—(b) For a public work that consists of:~~

~~—(1) A building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS.~~

~~—(2) Anything other than a building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS or landscape architecture pursuant to chapter 623A of NRS or who is licensed as a professional engineer pursuant to chapter 625 of NRS.~~

~~—8. "Design professional" means:~~

~~—(a) A person who is licensed as a professional engineer pursuant to chapter 625 of NRS;~~

~~—(b) A person who is licensed as a professional land surveyor pursuant to chapter 625 of NRS;~~

~~—(c) A person who holds a certificate of registration to engage in the practice of architecture, interior design or residential design pursuant to chapter 623 of NRS;~~

~~—(d) A person who holds a certificate of registration to engage in the practice of landscape architecture pursuant to chapter 623A of NRS; or~~

~~—(e) A business entity that engages in the practice of professional engineering, land surveying, architecture or landscape architecture.~~

~~—9. "Discrete project" means one or more public works which are undertaken on a single construction site for a single public body. The term does not include one or more public works that are undertaken on multiple construction sites regardless of whether the public body which sponsors or finances the public works bundles the public works together.~~

~~—10. "Division" means the State Public Works Division of the Department of Administration.~~

~~—11. "Eligible bidder" means a person who is:~~

~~—(a) Found to be a responsible and responsive contractor by a local government or its authorized representative which requests bids for a public work in accordance with paragraph (b) of subsection 1 of NRS 338.1373; or~~

~~—(b) Determined by a public body or its authorized representative which awarded a contract for a public work pursuant to NRS 338.1375 to 338.139,~~

~~inclusive, to be qualified to bid on that contract pursuant to NRS 338.1379 or 338.1382.~~

~~12. "General contractor" means a person who is licensed to conduct business in one, or both, of the following branches of the contracting business:~~

~~(a) General engineering contracting, as described in subsection 2 of NRS 624.215.~~

~~(b) General building contracting, as described in subsection 3 of NRS 624.215.~~

~~13. "Governing body" means the board, council, commission or other body in which the general legislative and fiscal powers of a local government are vested.~~

~~14. "Horizontal construction" means any construction, alteration, repair, renovation, demolition or remodeling necessary to complete a public work, including, without limitation, any irrigation, drainage, water supply, flood control, harbor, railroad, highway, tunnel, airport or airway, sewer, sewage disposal plant or water treatment facility and any ancillary vertical components thereof, bridge, inland waterway, pipeline for the transmission of petroleum or any other liquid or gaseous substance, pier, and any other work incidental thereto. The term does not include vertical construction, the construction of any terminal or other building of an airport or airway, or the construction of any other building.~~

~~15. "Local government" means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to chapters 244A, 318, 318A, 379, 474, 538, 541, 543 and 555 of NRS, NRS 450.550 to 450.750, inclusive, and any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision. The term includes a person who has been designated by the governing body of a local government to serve as its authorized representative.~~

~~16. "Offense" means:~~

~~(a) Failing to:~~

~~(1) Pay the prevailing wage required pursuant to this chapter;~~

~~(2) Pay the contributions for unemployment compensation required pursuant to chapter 612 of NRS;~~

~~(3) Provide and secure compensation for employees required pursuant to chapters 616A to 617, inclusive, of NRS; or~~

~~(4) Comply with subsection 5 or 6 of NRS 338.070.~~

~~(b) Discharging an obligation to pay wages in a manner that violates the provisions of NRS 338.035.~~

~~17. "Prime contractor" means a contractor who:~~

~~(a) Contracts to construct an entire project;~~

~~(b) Coordinates all work performed on the entire project;~~

~~— (c) Uses his or her own workforce to perform all or a part of the public work; and~~

~~— (d) Contracts for the services of any subcontractor or independent contractor or is responsible for payment to any contracted subcontractors or independent contractors;~~

~~→ The term includes, without limitation, a general contractor or a specialty contractor who is authorized to bid on a project pursuant to NRS 338.139 or 338.148.~~

~~— 18. "Public body" means the State, county, city, town, school district or any public agency of this State or its political subdivisions sponsoring or financing a public work;~~

~~— 19. "Public work" means any project [for the new construction, repair or reconstruction of a project] financed in whole or in part from public money for;~~

~~— (a) Public buildings;~~

~~— (b) Jails and prisons;~~

~~— (c) Public roads;~~

~~— (d) Public highways;~~

~~— (e) Public streets and alleys;~~

~~— (f) Public utilities;~~

~~— (g) Publicly owned water mains and sewers;~~

~~— (h) Public parks and playgrounds;~~

~~— (i) Public convention facilities which are financed at least in part [with] from public money; and~~

~~— (j) All other publicly owned works and property.~~

~~— 20. "Specialty contractor" means a person who is licensed to conduct business as described in subsection 4 of NRS 624.215.~~

~~— 21. "Stand alone underground utility project" means an underground utility project that is not integrated into a larger project, including, without limitation:~~

~~— (a) An underground sewer line or an underground pipeline for the conveyance of water, including facilities appurtenant thereto; and~~

~~— (b) A project for the construction or installation of a storm drain, including facilities appurtenant thereto;~~

~~→ that is not located at the site of a public work for the design and construction of which a public body is authorized to contract with a design build team pursuant to subsection 2 of NRS 338.1711.~~

~~— 22. "Subcontract" means a written contract entered into between:~~

~~— (a) A contractor and a subcontractor or supplier; or~~

~~— (b) A subcontractor and another subcontractor or supplier;~~

~~→ for the provision of labor, materials, equipment or supplies for a construction project.~~

~~— 23. "Subcontractor" means a person who:~~

~~— (a) Is licensed pursuant to the provisions of chapter 624 of NRS or performs such work that the person is not required to be licensed pursuant to~~

chapter 624 of NRS; and

~~— (b) Contracts with a contractor, another subcontractor or a supplier to provide labor, materials or services for a construction project.~~

~~— 24. "Supplier" means a person who provides materials, equipment or supplies for a construction project.~~

~~— 25. "Vertical construction" means any construction, alteration, repair, renovation, demolition or remodeling necessary to complete a public work for any building, structure or other improvement that is predominantly vertical, including, without limitation, a building, structure or improvement for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind, and any other work or improvement appurtenant thereto.~~

~~— 26. "Wages" means:~~

~~— (a) The basic hourly rate of pay; and~~

~~— (b) The amount of pension, health and welfare, vacation and holiday pay, the cost of apprenticeship training or other bona fide fringe benefits which are a benefit to the worker.~~

~~— 27. "Worker" means a skilled mechanic, skilled worker, semiskilled mechanic, semiskilled worker or unskilled worker in the service of a contractor or subcontractor under any appointment or contract of hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed. The term does not include a design professional.]~~
(Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. NRS 338.012 is hereby amended to read as follows:

338.012 1. The Labor Commissioner may adopt such regulations as are necessary to enable the Labor Commissioner to carry out his or her duties pursuant to the provisions of this chapter.

2. *Any regulation adopted by the Labor Commissioner pursuant to this chapter must be consistent with the declaration of legislative intent set forth in section 2 of this act.*

Sec. 9. (Deleted by amendment.)

Sec. 10. NRS 338.050 is hereby amended to read as follows:

338.050 For the purpose of NRS 338.010 to 338.090, inclusive, ~~and [sections] section 2 [and 3] of this act~~, except as otherwise provided by specific statute, every worker who performs work for a public work covered by a contract therefor is subject to all of the provisions of NRS 338.010 to 338.090, inclusive, ~~and [sections] section 2 [and 3] of this act~~, regardless of any contractual relationship alleged to exist between such worker and his or her employer.

Sec. 10.5. Chapter 353 of NRS is hereby amended by adding thereto a new section to read as follows:

1. An organization may partner with a state agency and provide private financing only for the construction of a hospital, medical education building

or medical research building in this State if the organization:

(a) Qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c) and a supporting organization pursuant to 26 U.S.C. § 509(a)(3); and

(b) Is organized and operated to support the state agency in the construction of a hospital, medical education building or medical research building in this State.

2. An organization that meets the criteria set forth in subsection 1:

(a) Is exempt from the provisions of NRS 338.1375 to 338.139, inclusive, in selecting a contractor for a project developed by the organization;

(b) Shall comply with the provisions of NRS 338.013 to 338.090, inclusive; and

(c) Is exempt from the provisions of chapter 341 of NRS and not subject to the oversight or involvement of the State Public Works Division of the Department of Administration, except for any authority of the Deputy Administrator of the Public Works - Compliance and Code Enforcement Section exercised pursuant to subsection 2 of NRS 341.145.

3. All subcontracts for a project developed by an organization that meets the criteria set forth in subsection 1 must be competitively bid pursuant to NRS 338.1685 to 338.16995, inclusive. An eligible subcontractor who bids on such a project is entitled to receive a preference in bidding pursuant to subsection 3 or 4 NRS 338.1389.

4. Any contract or agreement entered into with a prime contractor for a project developed by an organization that meets the criteria set forth in subsection 1 must, without limitation, include provisions requiring:

(a) That at least 15 percent of the subcontracts for the project will be awarded to local small businesses; and

(b) The prime contractor to comply with the requirements of NRS 338.01165 for the use of apprentices.

5. As used in this section, "state agency" means an agency, board, bureau, commission, department, division, elected officer or any other unit of the Executive Department of the State Government. The term includes the Nevada System of High Education.

~~Sec. 11. [NRS 338.070 is hereby amended to read as follows:~~

~~338.070 1. Any public body awarding a contract shall:~~

~~(a) Investigate possible violations of the provisions of NRS 338.010 to 338.090, inclusive, and sections 2 and 3 of this act committed in the course of the execution of the contract, and determine whether a violation has been committed and inform the Labor Commissioner of any such violations; and~~

~~(b) When making payments to the contractor engaged on the public work of money becoming due under the contract, withhold and retain all sums forfeited pursuant to the provisions of NRS 338.010 to 338.090, inclusive [.] and sections 2 and 3 of this act~~

~~2. No sum may be withheld, retained or forfeited, except from the final payment, without a full investigation being made by the awarding public body.~~

~~3. Except as otherwise provided in subsection 7, it is lawful for any contractor engaged on a public work to withhold from any subcontractor engaged on the public work sufficient sums to cover any penalties withheld from the contractor by the awarding public body on account of the failure of the subcontractor to comply with the terms of NRS 338.010 to 338.090, inclusive [.] , and sections 2 and 3 of this act. If payment has already been made to the subcontractor, the contractor may recover from the subcontractor the amount of the penalty or forfeiture in a suit at law.~~

~~4. A contractor engaged on a public work and each subcontractor engaged on the public work shall:~~

~~(a) Inquire of each worker employed by the contractor or subcontractor in connection with the public work:~~

~~(1) Whether the worker wishes to specify voluntarily his or her gender; and~~

~~(2) Whether the worker wishes to specify voluntarily his or her ethnicity; and~~

~~(b) For each response the contractor or subcontractor receives pursuant to paragraph (a):~~

~~(1) If the worker chose voluntarily to specify his or her gender or ethnicity, or both, record the worker's responses; and~~

~~(2) If the worker declined to specify his or her gender or ethnicity, or both, record that the worker declined to specify such information.~~

~~↗ A contractor or subcontractor shall not compel or coerce a worker to specify his or her gender or ethnicity and shall not penalize or otherwise take any adverse action against a worker who declines to specify his or her gender or ethnicity. Before inquiring as to whether a worker wishes to specify voluntarily his or her gender or ethnicity, the applicable contractor or subcontractor must inform the worker that such information, if provided, will be open to public inspection as set forth in subsection 6.~~

~~5. A contractor engaged on a public work and each subcontractor engaged on the public work shall keep or cause to be kept:~~

~~(a) An accurate record showing, for each worker employed by the contractor or subcontractor in connection with the public work:~~

~~(1) The name of the worker;~~

~~(2) The occupation of the worker;~~

~~(3) The gender of the worker, if the worker voluntarily agreed to specify that information pursuant to subsection 4, or an entry indicating that the worker declined to specify such information;~~

~~(4) The ethnicity of the worker, if the worker voluntarily agreed to specify that information pursuant to subsection 4, or an entry indicating that the worker declined to specify such information;~~

~~(5) If the worker has a driver's license or identification card, an indication of the state or other jurisdiction that issued the license or card; and~~

~~(6) The actual per diem, wages and benefits paid to the worker; and~~

~~(b) An additional accurate record showing, for each worker employed by~~

~~the contractor or subcontractor in connection with the public work who has a driver's license or identification card:~~

- ~~— (1) The name of the worker;~~
- ~~— (2) The driver's license number or identification card number of the worker; and~~
- ~~— (3) The state or other jurisdiction that issued the license or card.~~

~~6. The records maintained pursuant to subsection 5 must be open at all reasonable hours to the inspection of the public body awarding the contract. The contractor engaged on the public work or subcontractor engaged on the public work shall ensure that a copy of each record for each calendar month is received by the public body awarding the contract no later than 15 days after the end of the month. The copy of the record maintained pursuant to paragraph (a) of subsection 5 must be open to public inspection as provided in NRS 239.010. The copy of the record maintained pursuant to paragraph (b) of subsection 5 is confidential and not open to public inspection. The records in the possession of the public body awarding the contract may be discarded by the public body 2 years after final payment is made by the public body for the public work. The Labor Commissioner shall adopt regulations authorizing and prescribing the procedures for the electronic filing of the copies of the records required to be provided monthly by a contractor or subcontractor to a public body pursuant to this subsection.~~

~~7. A contractor engaged on a public work shall not withhold from a subcontractor engaged on the public work the sums necessary to cover any penalties provided pursuant to subsection 3 of NRS 238.060 that may be withheld from the contractor by the public body awarding the contract because the public body did not receive a copy of the record maintained by the subcontractor pursuant to subsection 5 for a calendar month by the time specified in subsection 6 if:~~

~~— (a) The subcontractor provided to the contractor, for submission to the public body by the contractor, a copy of the record not later than the later of:~~

- ~~— (1) Ten days after the end of the month; or~~
- ~~— (2) A date agreed upon by the contractor and subcontractor; and~~

~~— (b) The contractor failed to submit the copy of the record to the public body by the time specified in subsection 6.~~

~~Nothing in this subsection prohibits a subcontractor from submitting a copy of a record for a calendar month directly to the public body by the time specified in subsection 6.~~

~~8. Any contractor or subcontractor, or agent or representative thereof, performing work for a public work who neglects to comply with the provisions of this section is guilty of a misdemeanor.] (Deleted by amendment.)~~

Sec. 12. ~~[NRS 238.090 is hereby amended to read as follows:~~

~~238.090 1. Except as otherwise provided in subsection 5, any person, including the officers, agents or employees of a public body, who violates any provision of NRS 238.010 to 238.090, inclusive, and sections 2 and 3 of~~

~~this act or any regulation adopted pursuant thereto, is guilty of a misdemeanor.~~

~~2. The Labor Commissioner, in addition to any other remedy or penalty provided in this chapter:~~

~~(a) Shall, except as otherwise provided in subsection 4, assess a person who, after an opportunity for a hearing, is found to have failed to pay the prevailing wage required pursuant to NRS 338.020 to 338.090, inclusive, an amount equal to the difference between the prevailing wages required to be paid and the wages that the contractor or subcontractor actually paid; and~~

~~(b) May, in addition to any other administrative penalty, impose an administrative penalty not to exceed the costs incurred by the Labor Commissioner to investigate and prosecute the matter.~~

~~3. If the Labor Commissioner finds that a person has failed to pay the prevailing wage required pursuant to NRS 338.020 to 338.090, inclusive, the public body may, in addition to any other remedy or penalty provided in this chapter, require the person to pay the actual costs incurred by the public body to investigate the matter.~~

~~4. The Labor Commissioner is not required to assess a person an amount equal to the difference between the prevailing wages required to be paid and the wages that the contractor or subcontractor actually paid if the contractor or subcontractor has already paid that amount to a worker pursuant to paragraph (c) of subsection 4 of NRS 338.035.~~

~~5. The provisions of subsection 1 do not apply to a subcontractor specified in NRS 338.072. (Deleted by amendment.)~~

Sec. 12.2. Chapter 354 of NRS is hereby amended by adding thereto the provisions set forth as sections 12.3, 12.5 and 12.7 of this act.

Sec. 12.3. 1. An organization may partner with a local government and provide private financing only for the construction of a hospital, medical education building or medical research building in this State if the organization:

(a) Qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c) and a supporting organization pursuant to 26 U.S.C. § 509(a)(3); and

(b) Is organized and operated to support the local government in the construction of a hospital, medical education building or medical research building in this State.

2. An organization that meets the criteria set forth in subsection 1:

(a) Is exempt from the provisions of NRS 338.1375 to 338.139, inclusive, in selecting a contractor for a project developed by the organization;

(b) Shall comply with the provisions of NRS 338.013 to 338.090, inclusive; and

(c) Is exempt from the provisions of chapter 341 of NRS and not subject to the oversight or involvement of the State Public Works Division of the Department of Administration, except for any authority of the Deputy Administrator of the Public Works - Compliance and Code Enforcement Section exercised pursuant to subsection 2 of NRS 341.145.

3. All subcontracts for a project developed by an organization that meets the criteria set forth in subsection 1 must be competitively bid pursuant to NRS 338.1685 to 338.16995, inclusive. An eligible subcontractor who bids on such a project is entitled to receive a preference in bidding pursuant to subsection 3 or 4 NRS 338.1389.

4. Any contract or agreement entered into with a prime contractor for a project developed by an organization that meets the criteria set forth in subsection 1 must, without limitation, include provisions requiring:

(a) That at least 15 percent of the subcontracts for the project will be awarded to local small businesses; and

(b) The prime contractor to comply with the requirements of NRS 338.01165 for the use of apprentices.

Sec. 12.5. As used in NRS 354.740 and section 12.7 of this act, "agreement" means an agreement to purchase property in the form of a lease or an agreement to pay in installments, pursuant to which a local government may pay the purchase price of real or personal property over a period of time which extends beyond the biennium in which the agreement is executed, including, without limitation:

1. An agreement pursuant to which a local government may acquire the property that is the subject of the agreement at the end of the term of the agreement or at the end of the term of a renewal of the agreement upon payment of no additional consideration or nominal additional consideration; and

2. An agreement that, for the purposes of federal income tax, is treated as an agreement for conditional sale.

Sec. 12.7. If a local government enters into a lease, lease-purchase or installment-purchase agreement which involves the construction, alteration, repair or remodeling of an improvement:

1. The person or entity that executes one or more contracts or agreements for the actual construction, alteration, repair or remodeling of the improvement shall include in such a contract or agreement the contractual provisions and stipulations that are required to be included in a contract for a public work pursuant to the provisions of NRS 338.013 to 338.090, inclusive.

2. The local government, the contractor who is awarded the contract or entered into the agreement to perform the construction, alteration, repair or remodeling of the improvement and any subcontractor on the project shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if the local government had undertaken the project or had awarded the contract.

Sec. 12.9. NRS 354.740 is hereby amended to read as follows:

354.740 The Legislature hereby finds and declares that:

1. The authority provided by other specific statutes for the government of this State and the political subdivisions of this State to use *leases and* lease-purchase and installment-purchase agreements provides an important

and valuable option for these governmental entities and, when this authority is used properly, provides great benefit to the residents of this State.

2. The statutory provisions governing the use of leases and lease-purchase and installment-purchase agreements should be interpreted to allow the process of entering into and carrying out these agreements to be as streamlined and efficient as possible.

3. The government of this State and the political subdivisions of this State should not use leases and lease-purchase and installment-purchase agreements to:

- (a) Engage in or allow bid-shopping; or
- (b) Avoid or circumvent any requirement regarding the payment of prevailing wages for public works.

4. When using leases and lease-purchase and installment-purchase agreements, the government of this State and the political subdivisions of this State should provide for the preferential hiring of Nevada residents to the extent otherwise required by law.

~~5. If a lease-purchase or installment-purchase agreement pursuant to this section involves the construction, alteration, repair or remodeling of an improvement:~~

~~—(a) The person or entity that executes one or more contracts or agreements for the actual construction, alteration, repair or remodeling of the improvement shall include in such a contract or agreement the contractual provisions and stipulations that are required to be included in a contract for a public work pursuant to the provisions of NRS 338.013 to 338.090, inclusive.~~

~~—(b) The government of this State or a political subdivision of this State, the contractor who is awarded the contract or entered into the agreement to perform the construction, alteration, repair or remodeling of the improvement and any subcontractor on the project shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if the government of this State or a political subdivision of this State had undertaken the project or had awarded the contract.]~~

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 16.5. The amendatory provisions of this act do not apply to any contract, lease or other agreement entered into before the effective date of this act.

Sec. 17. This act becomes effective upon passage and approval.

Senator Flores moved that the Senate concur in Assembly Amendment No. 967 to Senate Bill No. 226.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 266.

The following Assembly amendment was read:

Amendment No. 942.

SUMMARY—Revises various provisions relating to ~~the inclusion of entry fees for participation in certain contests or tournaments as gross revenue of gaming licensees and the reports required by gaming licensees participating in foreign~~ gaming. (BDR 41-943)

AN ACT relating to gaming; excluding certain portions of entry fees paid to participate in certain contests or tournaments from the gross revenue of certain gaming licensees for the purpose of calculating gaming license fees and for certain other purposes; revising provisions relating to the designation of gaming enterprise districts; revising requirements relating to the filing of certain information concerning foreign gaming with the Nevada Gaming Control Board; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Nevada Gaming Commission to charge and collect from each licensee a monthly license fee in an amount equal to a certain percentage of the gross revenue of the licensee. (NRS 463.370) Under existing law, the gross revenue on which the monthly license fee is imposed includes entry fees for the right to participate in contests and tournaments, minus certain enumerated deductions. (NRS 463.0161) Section 1 of this bill excludes from the gross revenue on which the monthly license fee is imposed any portion of entry fees for the right to participate in contests and tournaments conducted on the premises of a licensed gaming establishment with the participants physically present at those premises when participating if the portion of those fees is designated as: (1) employee compensation and used to pay an employee of a licensee additional compensation for being involved in the organization or operation of the contest or tournament; (2) a donation and remitted to certain tax-exempt organizations; (3) an addition to a payoff schedule of the contest or tournament that is paid as a prize to a participant in a present or future contest or tournament; or (4) an addition to an account to pay guaranteed payouts of future contests or tournaments. Section 1 also clarifies that cash from an entry fee excluded from gross revenue: (1) may not be deducted from gross revenue when paid out or distributed for a purpose other than the purpose for which an exclusion is authorized; and (2) must be included in the calculation of gross revenue for the month in which it is paid out or distributed for a purpose other than the purpose for which an exclusion is authorized.

For the purposes of the regulation of gaming in this State, a nonrestricted licensee is a licensee who is licensed to operate: (1) 16 or more slot machines; (2) any number of slot machines together with any other game, gaming device, race book or sports pool at one establishment; or (3) a slot machine route. (NRS 463.0177) Under existing law, the Commission is: (1) authorized to require nonrestricted licensees with an annual gross revenue of \$1,000,000 or more to report and keep records of all transactions involving

cash; and (2) required to adopt regulations requiring audits of the financial statements of nonrestricted licensees whose annual gross revenue is \$5,000,000 or more, as adjusted annually based on the Consumer Price Index (All Items) for the preceding year. (NRS 463.125, 463.159) Because section 1 excludes from gross revenue certain portions of the entry fee for the right to participate in contests or tournaments, that revenue would be excluded for the purposes of these calculations.

Existing law prohibits the Nevada Gaming Commission from approving a nonrestricted license for an establishment in a county whose population is 700,000 or more (currently only Clark County) unless the establishment is located in a gaming enterprise district, which is defined as "an area that has been approved by a county, city or town as suitable for operating an establishment that has been issued a nonrestricted license." (NRS 463.0158, 463.308) If the location of a proposed establishment is within the Las Vegas Boulevard gaming corridor or the rural Clark County gaming zone, but not within an area already designated as a gaming enterprise district, the Commission is prohibited from approving a nonrestricted license for the proposed establishment unless the location of the proposed establishment is first designated a gaming enterprise district pursuant to the criteria set forth in NRS 463.3084. (NRS 463.3082) However, if the location of the proposed establishment is not within the Las Vegas Boulevard gaming corridor or the rural Clark County gaming zone and not within an area already designated as a gaming enterprise district, the Commission is prohibited from approving a nonrestricted license for the proposed establishment unless the location of the proposed establishment is first designated a gaming enterprise district pursuant to the criteria set forth in NRS 463.3086, which contains certain additional requirements that are not contained in NRS 463.3084, such as: (1) the property line of the proposed establishment must be not less than 500 feet from the property line of a developed residential district and not less than 1,500 feet from the property line of a public school, private school or structure used primarily for religious services or worship; and (2) a three-fourths vote of the governing body of the county, city or town is required for designation of the location as a gaming enterprise district. (NRS 463.3086) Section 1.3 of this bill provides that a proposed establishment that meets certain criteria is not subject to certain requirements of existing law related to the designation of the location of the proposed establishment as a gaming enterprise district.

Existing law requires certain persons licensed to operate gaming establishments in this State who also conduct gaming operations outside this State to file certain documents with the Nevada Gaming Control Board as soon as the licensee begins participating in gaming outside this State. Thereafter, the licensee is required to file annual and quarterly reports containing certain information concerning the gaming operations outside this State. (NRS 463.710) Section 1.5 of this bill revises those filing requirements to: (1) require a notice to be filed when participation in gaming outside this

State begins and terminates; (2) eliminate the requirement to file certain annual reports; and (3) revise the content that is required to be included in the required quarterly reports.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 463.0161 is hereby amended to read as follows:

463.0161 1. "Gross revenue" means the total of all:

(a) Cash received as winnings;
(b) ~~{Cash}~~ *Except as otherwise provided in paragraph (g) of subsection 2,* cash received as entry fees for the right to participate in contests and tournaments;

(c) Cash received in payment for credit extended by a licensee to a patron for purposes of gaming; and

(d) Compensation received for conducting any game in which the licensee is not party to a wager,

➡ less the total of all cash paid out as losses to patrons, all cash and the cost of any noncash prizes paid out to participants in contests or tournaments not to exceed the total cash or cash equivalents received for the right to participate in the contests or tournaments, those amounts paid to fund periodic payments and any other items made deductible as losses by NRS 463.3715.

2. The term does not include:

(a) Counterfeit facsimiles of money, chips, tokens, wagering instruments or wagering credits;

(b) Coins of other countries which are received in gaming devices;

(c) Any portion of the face value of any chip, token or other representative of value won by a licensee from a patron for which the licensee can demonstrate that it or its affiliate has not received cash;

(d) Cash taken in fraudulent acts perpetrated against a licensee for which the licensee is not reimbursed;

(e) Uncollected baccarat commissions; ~~{or}~~

(f) Cash provided by the licensee to a patron and subsequently won by the licensee, for which the licensee can demonstrate that it or its affiliate has not been reimbursed ~~{or}~~; or

(g) *Cash received as entry fees for the right to participate in a contest or tournament conducted on the premises of a licensed gaming establishment with the participants physically present at those premises when participating, if the cash is designated:*

(1) *As employee compensation and paid as compensation to an employee of a licensee who is involved in the organization or operation of the contest or tournament, in addition to the regular compensation of the employee;*

(2) *As a donation to a nonprofit, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c) or a nonprofit corporation organized or existing pursuant*

to chapter 82 of NRS and the amount is remitted to the designated organization;

(3) As an addition to a payoff schedule of the contest or tournament that is fixed, or increases automatically over time or as the contest or tournament is played, and that is paid as a prize to a patron participating in the present or a future contest or tournament; or

(4) As an addition to an account to fund guaranteed payouts of future contests or tournaments and the disbursement of funds from the account are used to fund guaranteed payouts of future contests or tournaments.

➡ The Commission may adopt regulations authorizing the exclusion from gross revenue set forth in paragraph (g) to apply to cash received as entry fees for the right to participate in a contest or tournament other than a contest or tournament conducted on the premises of a licensed gaming establishment with contestants physically present at those premises when participating.

3. The amount of cash received as entry fees for the right to participate in a contest or tournament that is excluded from gross revenue pursuant to paragraph (g) of subsection 2:

(a) May not be deducted from the amount of the entry fees included in gross revenue pursuant to subsection 1 if the amount is paid or distributed for any purpose other than a purpose set forth in paragraph (g) of subsection 2;

(b) Must be included in gross revenue for the month in which the amount is paid out or distributed for a purpose other than a purpose set forth in paragraph (g) of subsection 2.

4. As used in this section, "baccarat commission" means:

(a) A fee assessed by a licensee on cash paid out as a loss to a patron at baccarat to modify the odds of the game; or

(b) A rate or fee charged by a licensee for the right to participate in a baccarat game.

Sec. 1.3. NRS 463.3086 is hereby amended to read as follows:

463.3086 1. If the location of a proposed establishment:

(a) Is not within the Las Vegas Boulevard gaming corridor or the rural Clark County gaming zone; and

(b) Is not within a gaming enterprise district,

➡ the Commission shall not approve a nonrestricted license for the establishment unless the location of the establishment is designated a gaming enterprise district pursuant to this section.

2. If a person is proposing to operate an establishment with a nonrestricted license and the location of the proposed establishment:

(a) Is not within the Las Vegas Boulevard gaming corridor or the rural Clark County gaming zone; and

(b) Is not within a gaming enterprise district,

➡ the person may petition the county, city or town having jurisdiction over the location of the proposed establishment to designate the location of the

proposed establishment a gaming enterprise district pursuant to this section.

3. If a person files a petition pursuant to subsection 2, the county, city or town shall, at least 10 days before the date of the hearing on the petition, mail a notice of the hearing to:

(a) Each owner of real property whose property line is less than 2,500 feet from the property line of the proposed establishment;

(b) The owner, as listed on the county assessor's records, of each of the 30 separately owned parcels nearest the proposed establishment, to the extent this notice does not duplicate the notice given pursuant to paragraph (a);

(c) Each tenant of a mobile home park whose property line is less than 2,500 feet from the property line of the proposed establishment; and

(d) Any advisory board that represents one or more owners of real property or tenants of a mobile home park whose property line is less than 2,500 feet from the property line of the proposed establishment.

↪ The notice must be written in language that is easy to understand and must set forth the date, time, place and purpose of the hearing and contain a physical description or map of the location of the proposed establishment. The petitioner shall pay the costs of providing the notice that is required by this subsection.

4. Any interested person is entitled to be heard at the hearing on the petition.

5. The county, city or town shall cause the hearing on the petition to be reported by a court reporter who is certified pursuant to chapter 656 of NRS. The petitioner shall pay the costs of having the hearing reported.

6. At the hearing, the petitioner must prove by clear and convincing evidence that:

(a) The roads, water, sanitation, utilities and related services to the location are adequate;

(b) The proposed establishment will not unduly impact public services, consumption of natural resources and the quality of life enjoyed by residents of the surrounding neighborhoods;

(c) The proposed establishment will enhance, expand and stabilize employment and the local economy;

(d) The proposed establishment will be located in an area planned or zoned for that purpose pursuant to NRS 278.010 to 278.630, inclusive;

(e) The proposed establishment will not be detrimental to the health, safety or general welfare of the community or be incompatible with the surrounding area;

(f) ~~On~~ Except as otherwise provided in subsection 7, on the date that the petition was filed, the property line of the proposed establishment was not less than:

(1) Five hundred feet from the property line of a developed residential district; and

(2) Fifteen hundred feet from the property line of a public school, private school or structure used primarily for religious services or worship;

and

(g) ~~[(The)]~~ Except as otherwise provided in subsection 7, the proposed establishment will not adversely affect:

(1) A developed residential district; or

(2) A public school, private school or structure used primarily for religious services,

➔ whose property line is within 2,500 feet from the property line of the proposed establishment.

7. The provisions of paragraphs (f) and (g) of subsection 6 do not apply if:

(a) The location of the proposed establishment consists of 20 or more contiguous acres;

(b) The property line of the proposed establishment is separated by an interstate highway from the property line of any developed residential district, public school, private school or structure used primarily for religious services; and

(c) Part of the location of the proposed establishment is within the Las Vegas Boulevard gaming corridor.

8. A three-fourths vote of the governing body of the county, city or town is required to grant the petition to designate the location of the proposed establishment a gaming enterprise district pursuant to this section.

~~8.9.~~ 9. A county, city or town that denies a petition submitted pursuant to this section shall not consider another petition concerning the same location or any portion thereof for 1 year after the date of the denial.

~~9.10.~~ 10. As used in this section:

(a) "Developed residential district" means a parcel of land zoned primarily for residential use in which at least one completed residential unit has been constructed on the date that the petitioner files a petition pursuant to this section.

(b) "Private school" has the meaning ascribed to it in NRS 394.103.

(c) "Public school" has the meaning ascribed to it in NRS 385.007.

Sec. 1.5. NRS 463.710 is hereby amended to read as follows:

463.710 Unless otherwise ordered by the Board or Commission, a licensee who participates in foreign gaming shall file with the Board:

1. As soon as participation in foreign gaming begins, ~~[all documents filed by the licensee or by an affiliate with the foreign jurisdiction.]~~ a notice indicating that fact.

2. ~~[Annual operational and regulatory reports describing compliance with regulations, procedures for audit, and procedures for surveillance relating to the foreign gaming operation.]~~

~~—3.]~~ Quarterly reports regarding any of the following information which is within the knowledge of the licensee:

(a) Any changes in ownership or control of any interest in the foreign gaming operation;

(b) Any changes in officers, directors or key employees ; ~~[of the foreign~~

~~gaming operation;}~~

(c) All complaints, disputes, orders to show cause and disciplinary actions, related to gaming, instituted or presided over by an entity of the United States, a state or any other governmental jurisdiction ~~{concerning the foreign gaming operation;}~~ outside this State;

(d) Any arrest of an employee ~~{of the foreign gaming operation}~~ involving cheating or theft, related to gaming, in the foreign jurisdiction; and

(e) Any arrest or conviction of an officer, director, key employee or owner of equity in the foreign gaming operation for an offense that would constitute a gross misdemeanor or felony in this state.

3. *As soon as participation in foreign gaming has entirely ceased, a notice indicating that fact.*

4. Such other information as the Commission requires by regulation.

Sec. 2. This act becomes effective on July 1, 2023.

Senator Scheible moved that the Senate concur in Assembly Amendment No. 942 to Senate Bill No. 266.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 368.

The following Assembly amendments were read:

Amendment No. 662.

SUMMARY—Revises provisions relating to real property. (BDR 10-989)

AN ACT relating to real property; prescribing a procedure for removing certain discriminatory restrictions or prohibitions from a written instrument relating to real property; requiring the Real Estate Division of the Department of Business and Industry to prescribe a restrictive covenant modification form; eliminating certain provisions relating to a declaration of removal of a discriminatory restriction or prohibition; requiring each county recorder in this State to provide certain notice to each owner who recorded a declaration of removal of a discriminatory restriction or prohibition with the office of the county recorder; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that any restriction or prohibition in a written instrument relating to real property that purports to forbid or restrict the conveyance, encumbrance, leasing or mortgaging of the real property or purports to limit, restrict or prohibit the use or occupation of the real property on the basis of race, color, religion, ancestry, national origin, disability, familial status, sex, sexual orientation or gender identity or expression is void and unenforceable by operation of law. Existing law authorizes an owner of real property that is subject to such a restriction or prohibition to record a declaration of removal of the discriminatory restriction or prohibition by filing a declaration form with the county recorder of the county in which the real property is located. If an owner files such a form, existing law requires

the county recorder to attach the declaration form to the original recorded instrument to indicate that the discriminatory restriction or prohibition is void. (NRS 111.237)

Section 1.3 of this bill eliminates provisions relating to the filing and recordation of a declaration of removal of a discriminatory restriction or prohibition. Instead, section 1.3 prescribes a procedure for removing a discriminatory restriction or prohibition from a written instrument relating to real property. Section 1.3 requires an interested person who wishes to remove a discriminatory restriction or prohibition from a written instrument to file a petition in the district court requesting that the court issue an order directing the county recorder to record a restrictive covenant modification document, which redacts from a written instrument any discriminatory restriction or prohibition identified by the court in its order. If, after considering such a petition and any objections, the district court determines that a restriction or prohibition identified in a petition is void and unenforceable by operation of law, section 1.3 requires the district court to issue an order directing the appropriate county recorder to record a restrictive covenant modification document. If the district court issues such an order, section 1.3 authorizes an interested person to record a restrictive covenant modification document by filing with the appropriate county recorder: (1) a restrictive covenant modification form; (2) a certified copy of the written instrument; and (3) a certified copy of the court order. Upon receipt of these documents, section 1.3 requires the county recorder to: (1) redact from the written instrument any language identified in the court order; (2) record and index the restrictive covenant modification document and restrictive covenant modification form; and (3) retain the original written instrument as a public record for historical purposes.

Section 1 of this bill defines certain terms relating to the procedure prescribed by section 1.3. Section 2 of this bill makes a conforming change relating to the recordation of a restrictive covenant modification document or restrictive covenant modification form.

Section 1.5 of this bill requires the Real Estate Division of the Department of Business and Industry to: (1) solicit recommendations concerning the design and contents of a restrictive covenant modification form; and (2) prescribe such a form.

Section 3 of this bill requires each county recorder in this State to provide certain notice to each owner who recorded a declaration of removal of a discriminatory restriction or prohibition with the office of the county recorder.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 111.010 is hereby amended to read as follows:

111.010 As used in this chapter:

1. "Conveyance" shall be construed to embrace every instrument in writing, except a last will and testament, whatever may be its form, and by

whatever name it may be known in law, by which any estate or interest in lands is created, aliened, assigned or surrendered.

2. "Estate and interest in lands" shall be construed and embrace every estate and interest, present and future, vested and contingent, in lands as defined in subsection 3.

3. "Lands" shall be construed as coextensive in meaning with lands, tenements and hereditaments, and shall include in its meaning all possessory right to the soil for mining and other purposes.

4. "Restrictive covenant modification document" means a certified copy of a written instrument which redacts from the written instrument any language identified in a court order issued pursuant to NRS 111.237.

5. "Restrictive covenant modification form" means the form prescribed by the Real Estate Division of the Department of Business and Industry pursuant to NRS 111.2375.

Sec. 1.3. NRS 111.237 is hereby amended to read as follows:

111.237 1. Every provision in a written instrument relating to real property which purports to forbid or restrict the conveyance, encumbrance, leasing or mortgaging of such real property to any person of a specified race, color, religion, ancestry, national origin, disability, familial status, sex, sexual orientation, or gender identity or expression is void and unenforceable and every restriction or prohibition as to the use or occupation of real property because of the user's or occupier's race, color, religion, ancestry, national origin, disability, familial status, sex, sexual orientation, or gender identity or expression is void and unenforceable.

2. Every restriction or prohibition, whether by way of covenant, condition upon use or occupation, or upon transfer of title to real property, which restriction or prohibition directly or indirectly limits the acquisition, use or occupation of such property because of the acquirer's, user's or occupier's race, color, religion, ancestry, national origin, disability, familial status, sex, sexual orientation, or gender identity or expression is void and unenforceable.

3. ~~{The owner or owners of any real property subject to a}~~ A restriction or prohibition that is void and unenforceable by operation of law pursuant to subsection 1 or 2 may ~~{record}~~ be removed from a written instrument using the restrictive covenant modification procedure provided in this section.

4. An interested person who wishes to remove from a written instrument any restriction or prohibition that is void and unenforceable by operation of law must file a petition in the district court requesting that the court issue an order directing the county recorder to record a restrictive covenant modification document. Any such petition must:

(a) Be made on a form prescribed by the ~~{Real Estate Division}~~ clerk of the ~~{Department of Business and Industry}~~ pursuant to NRS 111.2375 ~~declaring that all such restrictions}~~ court;

(b) Specifically identify any restriction or ~~{prohibitions are removed from}~~ prohibition the ~~{referenced original}~~ interested person seeks to have redacted

from the written instrument ~~[-~~

~~—4. The form must be completed and signed by]; and~~

(c) Be accompanied by:

(1) An affidavit that states that the petitioner meets the definition of "interested person" set forth in subsection 14, if the petitioner is not the owner or owners of the real property; and

(2) A copy of the written instrument.

5. If the petitioner is not the owner or owners of the real property ~~and],~~ a copy of the petition must be served upon each owner of the property by mailing a copy of the petition by certified mail, return receipt requested, to each owner at his or her place of residence or to the registered agent of each owner at the address of the registered agent.

6. If, within 10 days after service of the petition:

(a) No written objection is filed, ~~in] the [office of]~~ district court may consider the petition without a hearing.

(b) A written objection is filed, the district court shall set the matter for a hearing.

7. After considering the petition and any objections, if the district court determines that a restriction or prohibition identified in the petition is void and unenforceable by operation of law pursuant to subsection 1 or 2, the district court shall issue an order directing the county recorder of the county in which the real property is located ~~[-~~

~~—5.] to record a restrictive covenant modification document. An order issued pursuant to this subsection must clearly identify the language that must be redacted in the restrictive covenant modification document.~~

8. If the ~~[form is filed with the appropriate county recorder]~~ district court issues an order pursuant to subsection ~~[4.]~~ 7, an interested person may record a restrictive covenant modification document by filing with the appropriate county recorder:

(a) A completed, signed restrictive covenant modification form;

(b) A certified copy of the written instrument; and

(c) A certified copy of a court order issued pursuant to subsection 7.

9. Upon receipt of the documents required by subsection 8, the county recorder shall ~~[record and index the form with any other restriction or prohibition upon real property, including, without limitation, real property within a common interest community pursuant to chapter 116 of NRS.]~~

~~—6. If the form is not filed with the county recorder of the appropriate county pursuant to subsection 4, the county recorder shall transfer the form to the county recorder of the appropriate county for recording and indexing in the manner described in subsection 5.~~

~~—7.] :~~

(a) Redact from the certified copy of the written instrument any language identified in the order;

(b) Record and index:

(1) The restrictive covenant modification document; and

(2) *The restrictive covenant modification form; and*
 (c) *Retain the original written instrument as a public record for historical purposes.*

10. *The decision of the district court is not appealable.*

11. *No fee may be charged by:*

(a) *The clerk of the court for:*

(1) *The filing of a petition or written objection pursuant to this section;*

or

(2) *Providing a certified copy of a court order issued pursuant to subsection 7; or*

(b) *The county recorder for any filing, indexing or recording required pursuant to subsection 9.*

12. *The filing of a petition pursuant to subsection 4 does not constitute grounds for delaying any probate proceeding, divorce proceeding or bankruptcy proceeding to which an owner is a party.*

13. Nothing in this section regarding familial status shall be construed to apply to housing for older persons so long as such housing complies with the requirements of 42 U.S.C. § 3607.

~~13.~~ 14. As used in this section:

(a) "Disability" means, with respect to a person:

(1) A physical or mental impairment that substantially limits one or more of the major life activities of the person;

(2) A record of such an impairment; or

(3) Being regarded as having such an impairment.

(b) "Familial status" means the fact that a person:

(1) Lives with a child under the age of 18 and has:

(I) Lawful custody of the child; or

(II) Written permission to live with the child from the person who has lawful custody of the child;

(2) Is pregnant; or

(3) Has begun the proceeding to adopt or otherwise obtain lawful custody of a child.

(c) "Interested person" includes:

(1) *The owner or owners of the real property.*

(2) *A representative of a common-interest community, if the real property is located within a common-interest community.*

(3) *A nonprofit organization or academic institution whose mission, in whole or in part, is to combat discrimination based upon race, color, religion, ancestry, national origin, disability, familial status, sex, sexual orientation, or gender identity or expression.*

Sec. 1.5. NRS 111.2375 is hereby amended to read as follows:

111.2375 1. The Real Estate Division of the Department of Business and Industry shall:

(a) Solicit recommendations from the county recorder of each county concerning the design and contents of a *restrictive covenant modification*

form that may be used ~~[to make a declaration of removal of]~~ *for the purpose of redacting and removing* a discriminatory restriction pursuant to NRS 111.237.

(b) Prescribe such a form after considering all recommendations solicited pursuant to paragraph (a).

2. ~~{The form must provide for the inclusion of the following:~~

~~—(a) Identifying information concerning the original written instrument that contains a prohibition or restriction that is void and unenforceable pursuant to NRS 111.237;~~

~~—(b) The name or names of the owner or owners of the property;~~

~~—(c) The assessor's parcel number;~~

~~—(d) The legal description of the real property as provided in the original written instrument;~~

~~—(e) The mailing address of the owner or owners of the property; and~~

~~—(f) The following statements in 14 point font, in substantially the following form:~~

~~——(1) The referenced original written instrument contains discriminatory restrictions that are void and unenforceable pursuant to NRS 111.237. This declaration removes from the referenced original instrument all provisions that are void and unenforceable pursuant to NRS 111.237 and is valid solely for that purpose; and~~

~~——(2) All persons in this State shall have an equal opportunity to inherit, purchase, lease, rent, sell, hold and convey real property without discrimination, distinction or restriction because of race, color, religion, ancestry, national origin, disability, familial status, sex, sexual orientation or gender identity or expression pursuant to chapter 118 of NRS.~~

~~—3.} The form must be made available, free of charge:~~

(a) By the Real Estate Division at its principal office designated pursuant to NRS 645.170 and at each branch office established pursuant to NRS 645.170 and on any Internet website maintained by the Division; and

(b) By the county recorder at the office of the county recorder and on any Internet website maintained by the county recorder in his or her official capacity.

Sec. 2. NRS 111.312 is hereby amended to read as follows:

111.312 1. The county recorder shall not record with respect to real property, a notice of completion, a declaration of homestead, a ~~{declaration of removal of discriminatory restriction,}~~ *restrictive covenant modification form, a restrictive covenant modification document*, a lien or notice of lien, an affidavit of death, a mortgage or deed of trust, any conveyance of real property or instrument in writing setting forth an agreement to convey real property or a notice pursuant to NRS 111.3655 unless the document being recorded contains:

(a) The mailing address of the grantee or, if there is no grantee, the mailing address of the person who is requesting the recording of the document; and

(b) Except as otherwise provided in subsection 2, the assessor's parcel number of the property at the top left corner of the first page of the document, if the county assessor has assigned a parcel number to the property. The parcel number must comply with the current system for numbering parcels used by the county assessor's office. The county recorder is not required to verify that the assessor's parcel number is correct.

2. Any document relating exclusively to the transfer of water rights may be recorded without containing the assessor's parcel number of the property.

3. The county recorder shall not record with respect to real property any deed, including, without limitation:

- (a) A grant, bargain and sale deed;
- (b) Quitclaim deed;
- (c) Warranty deed; or
- (d) Trustee's deed upon sale,

↪ unless the document being recorded contains the name and address of the person to whom a statement of the taxes assessed on the real property is to be mailed.

4. The assessor's parcel number shall not be deemed to be a complete legal description of the real property conveyed.

5. Except as otherwise provided in subsection 6, if a document that is being recorded includes a legal description of real property that is provided in metes and bounds, the document must include the name and mailing address of the person who prepared the legal description. The county recorder is not required to verify the accuracy of the name and mailing address of such a person.

6. If a document including the same legal description described in subsection 5 previously has been recorded, the document must include all information necessary to identify and locate the previous recording, but the name and mailing address of the person who prepared the legal description is not required for the document to be recorded. The county recorder is not required to verify the accuracy of the information concerning the previous recording.

Sec. 3. As soon as reasonably practicable on or after October 1, 2023, each county recorder in this State shall provide notice of the provisions of this act to each owner who, before October 1, 2023, recorded a form declaring that a restriction or prohibition is removed from an original written instrument.

Sec. 4. (Deleted by amendment.)

Amendment No. 951.

SUMMARY—Revises provisions relating to real property. (BDR 10-989)

AN ACT relating to real property; prescribing a procedure for removing certain discriminatory restrictions or prohibitions from a written instrument relating to real property; requiring the Real Estate Division of the Department of Business and Industry to prescribe a restrictive covenant

modification form; eliminating certain provisions relating to a declaration of removal of a discriminatory restriction or prohibition; requiring each county recorder in this State to provide certain notice to each owner who recorded a declaration of removal of a discriminatory restriction or prohibition with the office of the county recorder; making appropriations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that any restriction or prohibition in a written instrument relating to real property that purports to forbid or restrict the conveyance, encumbrance, leasing or mortgaging of the real property or purports to limit, restrict or prohibit the use or occupation of the real property on the basis of race, color, religion, ancestry, national origin, disability, familial status, sex, sexual orientation or gender identity or expression is void and unenforceable by operation of law. Existing law authorizes an owner of real property that is subject to such a restriction or prohibition to record a declaration of removal of the discriminatory restriction or prohibition by filing a declaration form with the county recorder of the county in which the real property is located. If an owner files such a form, existing law requires the county recorder to attach the declaration form to the original recorded instrument to indicate that the discriminatory restriction or prohibition is void. (NRS 111.237)

Section 1.3 of this bill eliminates provisions relating to the filing and recordation of a declaration of removal of a discriminatory restriction or prohibition. Instead, section 1.3 prescribes a procedure for removing a discriminatory restriction or prohibition from a written instrument relating to real property. Section 1.3 requires an interested person who wishes to remove a discriminatory restriction or prohibition from a written instrument to file a petition in the district court requesting that the court issue an order directing the county recorder to record a restrictive covenant modification document, which redacts from a written instrument any discriminatory restriction or prohibition identified by the court in its order. If, after considering such a petition and any objections, the district court determines that a restriction or prohibition identified in a petition is void and unenforceable by operation of law, section 1.3 requires the district court to issue an order directing the appropriate county recorder to record a restrictive covenant modification document. If the district court issues such an order, section 1.3 authorizes an interested person to record a restrictive covenant modification document by filing with the appropriate county recorder: (1) a restrictive covenant modification form; (2) a certified copy of the written instrument; and (3) a certified copy of the court order. Upon receipt of these documents, section 1.3 requires the county recorder to: (1) redact from the written instrument any language identified in the court order; (2) record and index the restrictive covenant modification document and restrictive covenant modification form; and (3) retain the original written instrument as a public record for historical purposes.

Section 1 of this bill defines certain terms relating to the procedure prescribed by section 1.3. Section 2 of this bill makes a conforming change relating to the recordation of a restrictive covenant modification document or restrictive covenant modification form.

Section 1.5 of this bill requires the Real Estate Division of the Department of Business and Industry to: (1) solicit recommendations concerning the design and contents of a restrictive covenant modification form; and (2) prescribe such a form.

Section 2.5 of this bill makes appropriations to the University of Nevada, Las Vegas, and the University of Nevada, Reno, to pay costs associated with: (1) identifying, locating and mapping certain real property subject to a discriminatory restriction or prohibition; (2) removing discriminatory restrictions or prohibitions from written instruments using the procedure prescribed by section 1.3; (3) documenting certain information; and (4) providing education or outreach concerning the procedure prescribed by section 1.3.

Section 3 of this bill requires each county recorder in this State to provide certain notice to each owner who recorded a declaration of removal of a discriminatory restriction or prohibition with the office of the county recorder.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 111.010 is hereby amended to read as follows:

111.010 As used in this chapter:

1. "Conveyance" shall be construed to embrace every instrument in writing, except a last will and testament, whatever may be its form, and by whatever name it may be known in law, by which any estate or interest in lands is created, aliened, assigned or surrendered.

2. "Estate and interest in lands" shall be construed and embrace every estate and interest, present and future, vested and contingent, in lands as defined in subsection 3.

3. "Lands" shall be construed as coextensive in meaning with lands, tenements and hereditaments, and shall include in its meaning all possessory right to the soil for mining and other purposes.

4. *"Restrictive covenant modification document" means a certified copy of a written instrument which redacts from the written instrument any language identified in a court order issued pursuant to NRS 111.237.*

5. *"Restrictive covenant modification form" means the form prescribed by the Real Estate Division of the Department of Business and Industry pursuant to NRS 111.2375.*

Sec. 1.3. NRS 111.237 is hereby amended to read as follows:

111.237 1. Every provision in a written instrument relating to real property which purports to forbid or restrict the conveyance, encumbrance, leasing or mortgaging of such real property to any person of a specified race, color, religion, ancestry, national origin, disability, familial status, sex, sexual

orientation, or gender identity or expression is void and unenforceable and every restriction or prohibition as to the use or occupation of real property because of the user's or occupier's race, color, religion, ancestry, national origin, disability, familial status, sex, sexual orientation, or gender identity or expression is void and unenforceable.

2. Every restriction or prohibition, whether by way of covenant, condition upon use or occupation, or upon transfer of title to real property, which restriction or prohibition directly or indirectly limits the acquisition, use or occupation of such property because of the acquirer's, user's or occupier's race, color, religion, ancestry, national origin, disability, familial status, sex, sexual orientation, or gender identity or expression is void and unenforceable.

3. ~~{The owner or owners of any real property subject to a}~~ A restriction or prohibition that is void and unenforceable by operation of law pursuant to subsection 1 or 2 may ~~{record}~~ be removed from a written instrument using the restrictive covenant modification procedure provided in this section.

4. An interested person who wishes to remove from a written instrument any restriction or prohibition that is void and unenforceable by operation of law must file a petition in the district court requesting that the court issue an order directing the county recorder to record a restrictive covenant modification document. Any such petition must:

(a) Be made on a form prescribed by the ~~{Real Estate Division}~~ clerk of the ~~{Department of Business and Industry}~~ pursuant to NRS 111.2375 declaring that all such restrictions} court;

(b) Specifically identify any restriction or ~~{prohibitions are removed from}~~ prohibition the ~~{referenced original}~~ interested person seeks to have redacted from the written instrument ~~{-~~

~~4. The form must be completed and signed by} ; and~~

(c) Be accompanied by:

(1) An affidavit that states that the petitioner meets the definition of "interested person" set forth in subsection 14, if the petitioner is not the owner or owners of the real property; and

(2) A copy of the written instrument.

5. If the petitioner is not the owner or owners of the real property ~~{and}~~, a copy of the petition must be served upon each owner of the property by mailing a copy of the petition by certified mail, return receipt requested, to each owner at his or her place of residence or to the registered agent of each owner at the address of the registered agent.

6. If, within 10 days after service of the petition:

(a) No written objection is filed, ~~{in}~~ the ~~{office of}~~ district court may consider the petition without a hearing.

(b) A written objection is filed, the district court shall set the matter for a hearing.

7. After considering the petition and any objections, if the district court determines that a restriction or prohibition identified in the petition is void

and unenforceable by operation of law pursuant to subsection 1 or 2, the district court shall issue an order directing the county recorder of the county in which the real property is located ~~[-~~

~~—5.] to record a restrictive covenant modification document. An order issued pursuant to this subsection must clearly identify the language that must be redacted in the restrictive covenant modification document.~~

8. If the ~~[form is filed with the appropriate county recorder]~~ district court issues an order pursuant to subsection ~~[4,]~~ 7, an interested person may record a restrictive covenant modification document by filing with the appropriate county recorder:

- (a) A completed, signed restrictive covenant modification form;
- (b) A certified copy of the written instrument; and
- (c) A certified copy of a court order issued pursuant to subsection 7.

9. Upon receipt of the documents required by subsection 8, the county recorder shall ~~[record and index the form with any other restriction or prohibition upon real property, including, without limitation, real property within a common interest community pursuant to chapter 116 of NRS.~~

~~—6. If the form is not filed with the county recorder of the appropriate county pursuant to subsection 4, the county recorder shall transfer the form to the county recorder of the appropriate county for recording and indexing in the manner described in subsection 5.~~

~~—7.] :~~

(a) Redact from the certified copy of the written instrument any language identified in the order;

(b) Record and index:

- (1) The restrictive covenant modification document; and
- (2) The restrictive covenant modification form; and

(c) Retain the original written instrument as a public record for historical purposes.

10. The decision of the district court is not appealable.

11. No fee may be charged by:

(a) The clerk of the court for:

- (1) The filing of a petition or written objection pursuant to this section;

or

(2) Providing a certified copy of a court order issued pursuant to subsection 7; or

(b) The county recorder for any filing, indexing or recording required pursuant to subsection 9.

12. The filing of a petition pursuant to subsection 4 does not constitute grounds for delaying any probate proceeding, divorce proceeding or bankruptcy proceeding to which an owner is a party.

13. Nothing in this section regarding familial status shall be construed to apply to housing for older persons so long as such housing complies with the requirements of 42 U.S.C. § 3607.

~~{8,}~~ 14. As used in this section:

- (a) "Disability" means, with respect to a person:
 - (1) A physical or mental impairment that substantially limits one or more of the major life activities of the person;
 - (2) A record of such an impairment; or
 - (3) Being regarded as having such an impairment.
- (b) "Familial status" means the fact that a person:
 - (1) Lives with a child under the age of 18 and has:
 - (I) Lawful custody of the child; or
 - (II) Written permission to live with the child from the person who has lawful custody of the child;
 - (2) Is pregnant; or
 - (3) Has begun the proceeding to adopt or otherwise obtain lawful custody of a child.
- (c) "Interested person" includes:
 - (1) *The owner or owners of the real property.*
 - (2) *A representative of a common-interest community, if the real property is located within a common-interest community.*
 - (3) *A nonprofit organization or academic institution whose mission, in whole or in part, is to combat discrimination based upon race, color, religion, ancestry, national origin, disability, familial status, sex, sexual orientation, or gender identity or expression.*

Sec. 1.5. NRS 111.2375 is hereby amended to read as follows:

111.2375 1. The Real Estate Division of the Department of Business and Industry shall:

(a) Solicit recommendations from the county recorder of each county concerning the design and contents of a *restrictive covenant modification* form that may be used ~~to make a declaration of removal of~~ *for the purpose of redacting and removing* a discriminatory restriction pursuant to NRS 111.237.

(b) Prescribe such a form after considering all recommendations solicited pursuant to paragraph (a).

2. ~~The form must provide for the inclusion of the following:~~
- ~~—(a) Identifying information concerning the original written instrument that contains a prohibition or restriction that is void and unenforceable pursuant to NRS 111.237;~~
 - ~~—(b) The name or names of the owner or owners of the property;~~
 - ~~—(c) The assessor's parcel number;~~
 - ~~—(d) The legal description of the real property as provided in the original written instrument;~~
 - ~~—(e) The mailing address of the owner or owners of the property; and~~
 - ~~—(f) The following statements in 14 point font, in substantially the following form:~~
 - ~~—(1) The referenced original written instrument contains discriminatory restrictions that are void and unenforceable pursuant to NRS 111.237. This declaration removes from the referenced original instrument all provisions~~

that are void and unenforceable pursuant to NRS 111.237 and is valid solely for that purpose; and

~~—(2) All persons in this State shall have an equal opportunity to inherit, purchase, lease, rent, sell, hold and convey real property without discrimination, distinction or restriction because of race, color, religion, ancestry, national origin, disability, familial status, sex, sexual orientation or gender identity or expression pursuant to chapter 118 of NRS.~~

~~—3.]~~ The form must be made available, free of charge:

(a) By the Real Estate Division at its principal office designated pursuant to NRS 645.170 and at each branch office established pursuant to NRS 645.170 and on any Internet website maintained by the Division; and

(b) By the county recorder at the office of the county recorder and on any Internet website maintained by the county recorder in his or her official capacity.

Sec. 2. NRS 111.312 is hereby amended to read as follows:

111.312 1. The county recorder shall not record with respect to real property, a notice of completion, a declaration of homestead, a ~~[declaration of removal of discriminatory restriction,]~~ *restrictive covenant modification form, a restrictive covenant modification document*, a lien or notice of lien, an affidavit of death, a mortgage or deed of trust, any conveyance of real property or instrument in writing setting forth an agreement to convey real property or a notice pursuant to NRS 111.3655 unless the document being recorded contains:

(a) The mailing address of the grantee or, if there is no grantee, the mailing address of the person who is requesting the recording of the document; and

(b) Except as otherwise provided in subsection 2, the assessor's parcel number of the property at the top left corner of the first page of the document, if the county assessor has assigned a parcel number to the property. The parcel number must comply with the current system for numbering parcels used by the county assessor's office. The county recorder is not required to verify that the assessor's parcel number is correct.

2. Any document relating exclusively to the transfer of water rights may be recorded without containing the assessor's parcel number of the property.

3. The county recorder shall not record with respect to real property any deed, including, without limitation:

- (a) A grant, bargain and sale deed;
- (b) Quitclaim deed;
- (c) Warranty deed; or
- (d) Trustee's deed upon sale,

↪ unless the document being recorded contains the name and address of the person to whom a statement of the taxes assessed on the real property is to be mailed.

4. The assessor's parcel number shall not be deemed to be a complete legal description of the real property conveyed.

5. Except as otherwise provided in subsection 6, if a document that is being recorded includes a legal description of real property that is provided in metes and bounds, the document must include the name and mailing address of the person who prepared the legal description. The county recorder is not required to verify the accuracy of the name and mailing address of such a person.

6. If a document including the same legal description described in subsection 5 previously has been recorded, the document must include all information necessary to identify and locate the previous recording, but the name and mailing address of the person who prepared the legal description is not required for the document to be recorded. The county recorder is not required to verify the accuracy of the information concerning the previous recording.

Sec. 2.5. 1. There is hereby appropriated from the State General Fund to the University of Nevada, Las Vegas, for the purposes set forth in subsection 3 the following sums:

For the Fiscal Year 2023-2024 \$75,000

For the Fiscal Year 2024-2025 \$75,000

2. There is hereby appropriated from the State General Fund to the University of Nevada, Reno, for the purposes set forth in subsection 3 the following sums:

For the Fiscal Year 2023-2024 \$75,000

For the Fiscal Year 2024-2025 \$75,000

3. The money appropriated by subsections 1 and 2 must be used by the University of Nevada, Las Vegas, or the University of Nevada, Reno, as applicable, to pay costs associated with:

(a) Identifying, locating and mapping any real property subject to a restriction or prohibition that is void and unenforceable by operation of the law pursuant to NRS 111.237, as amended by section 1.3 of this act;

(b) Removing restrictions or prohibitions that are void and unenforceable by operation of the law from written instruments using the restrictive covenant modification procedure set forth in NRS 111.237, as amended by section 1.3 of this act;

(c) Documenting the history of structural racism in this State, the harm wrought by restrictive covenants and the perseverance of the residents of this State affected by restrictive covenants; and

(d) Providing education or outreach concerning the restrictive covenant modification procedure set forth in NRS 111.237, as amended by section 1.3 of this act.

4. Any balance of the sums appropriated by subsections 1 and 2 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any

purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

Sec. 3. As soon as reasonably practicable on or after October 1, 2023, each county recorder in this State shall provide notice of the provisions of this act to each owner who, before October 1, 2023, recorded a form declaring that a restriction or prohibition is removed from an original written instrument.

Sec. 4. (Deleted by amendment.)

Sec. 5. 1. This section and section 4 of this act become effective upon passage and approval.

2. Section 2.5 of this act becomes effective on July 1, 2023.

3. Sections 1 to 2, inclusive, and 3 of this act become effective on October 1, 2023.

Senator Scheible moved that the Senate concur in Assembly Amendments Nos. 662 and 951 to Senate Bill No. 368.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 395.

The following Assembly amendment was read:

Amendment No. 971.

SUMMARY—Revises provisions relating to real property. (BDR 10-288)

AN ACT relating to real property; limiting, with certain exceptions, the total aggregate number of units of residential real property in this State that may be purchased in any 1 calendar year by certain corporate investors; requiring the registration of certain corporate investors in residential property in this State with the Securities Division of the Office of the Secretary of State; requiring that certain deeds relating to residential real property include certain information about corporate investors; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill provides, with certain exceptions, that: (1) the total aggregate number of units of residential real property in this State that may be purchased in any 1 calendar year by corporations, limited-liability companies and any affiliates of such entities must not exceed 1,000 units; and (2) a corporation, limited-liability company or affiliate of such an entity is prohibited from purchasing any unit of residential real property in this State if, as a result of the purchase, the total aggregate number of units of residential real property purchased in this State during the current calendar year by corporations, limited-liability companies or any affiliates of such entities would exceed 1,000 units.

Section 1 also requires the creation and maintenance of a registry of

corporations, limited-liability companies and any affiliates of such entities that purchase or own residential real property in this State by the Securities Division of the Office of the Secretary of State. ~~[A]~~ Section 1 requires, with certain exceptions, a corporation, limited-liability company or any affiliate of such an entity ~~is required~~ to register with the Securities Division before purchasing any residential real property in this State. Section 1: (1) authorizes the Secretary of State to charge a fee to each such corporation, limited-liability company or any affiliate of such an entity; and (2) requires the Secretary of State to adopt regulations necessary to carry out the provisions of section 1. For the purposes of section 1, the term "corporation" does not include a family trust company or a housing authority.

Section 2 of this bill provides , with certain exceptions, that if a corporation, limited-liability company or any affiliate of such an entity purchases residential real property, the deed must: (1) be accompanied by a copy of the certificate of registration issued by the Secretary of State; and (2) clearly set forth that the residential real property is not the primary residence of the owner. Section 2 also prohibits the county recorder from recording the deed unless the deed: (1) contains information about the ownership of the corporation, limited liability company or any affiliate of such an entity, as set forth in the registry created pursuant to section 1; and (2) clearly sets forth that the residential real property is not the primary residence of the owner.

Section 3 of this bill makes an appropriation to the Office of the Secretary of State for personnel, travel, operating, equipment, information services and contractor costs to carry out the provisions of section 1.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 111 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in subsection 2:*

(a) *The total aggregate number of units of residential real property in this State that may be purchased in any 1 calendar year by corporations, limited-liability companies and affiliates of such entities must not exceed 1,000 units.*

(b) *A corporation, limited-liability company or affiliate of such an entity shall not purchase any unit of residential real property in this State if, as a result of the purchase, the total aggregate number of units of residential real property purchased in this State during the current calendar year by corporations, limited-liability companies or affiliates of such entities would exceed 1,000 units.*

2. *The provisions of subsection 1 do not apply to:*

(a) *The intracorporate sale or transfer of units of residential property; or*

(b) *The sale of newly constructed units of residential property.*

3. *The Securities Division of the Office of the Secretary of State shall create and maintain a registry of corporations, limited-liability companies and affiliates of such entities that purchase or own residential real property*

in this State. The Securities Division shall make such registry available on the Internet website of the Office of the Secretary of State.

4. ~~4A~~ Except as otherwise provided in this subsection, a corporation, limited-liability company or affiliate of such an entity must register with the Securities Division of the Office of the Secretary of State before purchasing any unit of residential real property in this State. The registration requirement does not apply to a corporation, limited-liability company or affiliate of such an entity that owns less than 10 units of residential real property in this State.

5. The Secretary of State shall issue a certificate of registration to each corporation, limited liability company or affiliate of such an entity that registers pursuant to this section.

6. The Secretary of State may charge a fee to each corporation, limited-liability company or affiliate of such an entity that registers with the Securities Division pursuant to subsection 4.

7. The Secretary of State shall adopt any regulations necessary to carry out the provisions of this section.

8. As used in this section, the term:

(a) "Corporation" does not include:

(1) A family trust company, as defined in NRS 669.042.

(2) A housing authority, as defined in NRS 315.021.

(b) "Limited-liability company" has the meaning ascribed to it in NRS 86.061.

Sec. 2. NRS 111.312 is hereby amended to read as follows:

111.312 1. The county recorder shall not record with respect to real property, a notice of completion, a declaration of homestead, a declaration of removal of discriminatory restriction, a lien or notice of lien, an affidavit of death, a mortgage or deed of trust, any conveyance of real property or instrument in writing setting forth an agreement to convey real property or a notice pursuant to NRS 111.3655 unless the document being recorded contains:

(a) The mailing address of the grantee or, if there is no grantee, the mailing address of the person who is requesting the recording of the document; and

(b) Except as otherwise provided in subsection 2, the assessor's parcel number of the property at the top left corner of the first page of the document, if the county assessor has assigned a parcel number to the property. The parcel number must comply with the current system for numbering parcels used by the county assessor's office. The county recorder is not required to verify that the assessor's parcel number is correct.

2. Any document relating exclusively to the transfer of water rights may be recorded without containing the assessor's parcel number of the property.

3. The county recorder shall not record with respect to real property any deed, including, without limitation:

(a) A grant, bargain and sale deed;

- (b) Quitclaim deed;
- (c) Warranty deed; or
- (d) Trustee's deed upon sale,

↪ unless the document being recorded contains the name and address of the person to whom a statement of the taxes assessed on the real property is to be mailed.

4. The assessor's parcel number shall not be deemed to be a complete legal description of the real property conveyed.

5. Except as otherwise provided in subsection 6, if a document that is being recorded includes a legal description of real property that is provided in metes and bounds, the document must include the name and mailing address of the person who prepared the legal description. The county recorder is not required to verify the accuracy of the name and mailing address of such a person.

6. If a document including the same legal description described in subsection 5 previously has been recorded, the document must include all information necessary to identify and locate the previous recording, but the name and mailing address of the person who prepared the legal description is not required for the document to be recorded. The county recorder is not required to verify the accuracy of the information concerning the previous recording.

7. ~~FFF~~ Except as otherwise provided in subsection 8, if a corporation, limited-liability company or affiliate of such an entity purchases residential real property:

(a) *The county recorder shall not record the deed unless:*

(1) *The deed contains the information about the ownership of the corporation, limited-liability company or affiliate of such an entity set forth in the registry created pursuant to section 1 of this act; and*

(2) *The corporation, limited-liability company or affiliate of such an entity submits to the county recorder a copy of the certificate of registration issued by the Secretary of State pursuant to section 1 of this act and the name of the corporation, limited-liability company or affiliate of such an entity on the deed matches the name on the certificate of registration accompanying the deed; and*

(b) *The deed must clearly set forth that the residential real property is not the primary residence of the owner.*

8. The provisions of subsection 7 do not apply to a corporation, limited-liability company or affiliate of such an entity that owns less than 10 units of residential real property in this State.

9. As used in this section, the terms "corporation" and "limited-liability company" have the meanings ascribed to them in section 1 of this act.

Sec. 3. 1. There is hereby appropriated from the State General Fund to the Office of the Secretary of State for personnel, travel, operating, equipment, information services and contractor costs to carry out the provisions of section 1 of this act the following sums:

For the Fiscal Year 2023-2024 \$476,004

For the Fiscal Year 2024-2025 \$81,705

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

Sec. 4. 1. This section becomes effective upon passage and approval.

2. Section 3 of this act becomes effective on July 1, 2023.

3. Sections 1 and 2 of this act become effective on October 1, 2023.

Senator Scheible moved that the Senate concur in Assembly Amendment No. 971 to Senate Bill No. 395.

Motion carried by a two-thirds majority.

Bill ordered enrolled.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, June 6, 2023

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day adopted the report of the Conference Committee concerning Senate Bills Nos. 35, 60, 104, 161, 196, 283, 355 and 444.

CAROL AIELLO-SALA

Assistant Chief Clerk of the Assembly

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. President:

The Conference Committee concerning Senate Bill No. 35, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 734 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 1, which is attached to and hereby made a part of this report.

Conference Amendment No. 1.

SUMMARY—Revises provisions relating to controlled substances. (BDR 40-423)

AN ACT relating to controlled substances; establishing the crimes of trafficking and high-level trafficking in illicitly manufactured fentanyl, any derivative of fentanyl or any mixture which contains illicitly manufactured fentanyl ~~or~~ or any derivative of fentanyl; establishing the crime of intentional misrepresentation of a fentanyl product; requiring each state and local law enforcement agency and the Nevada Sentencing Commission to submit certain reports to the Joint Interim Standing Committee on the Judiciary; requiring, to the extent that money is available, the establishment of certain programs to provide certain offenders or prisoners who have a substance use disorder with medication-assisted treatment; requiring the Joint Interim Standing Committee on the Judiciary to conduct an interim study concerning certain matters relating to forensic laboratories; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a person who knowingly or intentionally sells, manufactures,

delivers or brings into this State or is knowingly or intentionally in actual or constructive possession of a schedule I controlled substance, other than marijuana, a schedule II controlled substance or certain other controlled substances is guilty of: (1) low-level trafficking if the quantity of the controlled substance is 100 grams or more but less than 400 grams; and (2) high-level trafficking if the quantity of the controlled substance is 400 grams or more. A person who commits the crime of: (1) low-level trafficking is guilty of a category B felony and subject to certain prescribed penalties; and (2) high-level trafficking is guilty of a category A felony and subject to certain prescribed penalties. (NRS 453.3385)

Existing regulations of the State Board of Pharmacy include fentanyl in the list of controlled substances in schedule II and various derivatives of fentanyl in the list of controlled substances in schedule I. (NAC 453.510, as amended by LCB File No. R023-21, NAC 453.520) Section 1.5 of this bill establishes the crimes of trafficking and high-level trafficking in illicitly manufactured fentanyl, any derivative of fentanyl or any mixture which contains illicitly manufactured fentanyl ~~or any derivative of fentanyl~~. Under section 1.5, a person who knowingly or intentionally sells, manufactures, delivers or brings into this State or is knowingly or intentionally in actual or constructive possession of illicitly manufactured fentanyl, any derivative of fentanyl or any mixture which contains illicitly manufactured fentanyl ~~or any derivative of fentanyl~~ is guilty of: (1) trafficking if the quantity involved is 28 grams or more but less than 42 grams; and (2) high-level trafficking if the quantity involved is 42 grams or more but less than 100 grams. Under section 1.5, a person who commits the crime of trafficking or high-level trafficking is guilty of a category B felony and subject to certain prescribed penalties.

Section 1.7 of this bill establishes the crime of intentional misrepresentation of a fentanyl product. Under section 1.7, a person who sells to another person a mixture containing fentanyl and another controlled substance is guilty of intentional misrepresentation of a fentanyl product if the person: (1) knows that the mixture contains fentanyl; and (2) intentionally fails to inform the purchaser that the mixture contains fentanyl. Section 1.7 provides that such a person is guilty of a category B felony and subject to certain prescribed penalties.

Sections ~~1.9~~ 2, 5 and 6 of this bill provide that a person found guilty of intentional misrepresentation of a fentanyl product or trafficking or high-level trafficking in illicitly manufactured fentanyl, any derivative of fentanyl or any mixture which contains illicitly manufactured fentanyl ~~or any derivative of fentanyl~~ is subject to the greater penalty for that crime if the acts constituting the crime could subject the person to a lesser punishment under another statute.

Sections 3-13 of this bill add references to section 1.5 so that the crimes of trafficking and high-level trafficking in illicitly manufactured fentanyl, any derivative of fentanyl or any mixture which contains illicitly manufactured fentanyl ~~or any derivative of fentanyl~~ are treated the same as the crimes of low-level and high-level trafficking involving schedule I controlled substances, other than marijuana, and schedule II controlled substances for certain purposes. Section 12 adds a reference to section 1.7 so that the crime of intentional misrepresentation of a fentanyl product is treated the same as the crime of selling other controlled substances for certain purposes.

Existing law prohibits, with certain exceptions, a court from suspending the sentence of a person convicted of trafficking in a controlled substance. (NRS 453.3405) Section 9 extends this prohibition to a person found guilty of trafficking or high-level trafficking in illicitly manufactured fentanyl, any derivative of fentanyl or any mixture which contains illicitly manufactured fentanyl ~~or any derivative of fentanyl~~. Section 9 provides an exemption from this prohibition if the person convicted establishes, by a preponderance of the evidence, that he or she did not know that the mixture at issue contained illicitly manufactured fentanyl.

Existing law provides that a person who, in good faith, seeks medical assistance for a person who is experiencing a drug or alcohol overdose or other medical emergency or who seeks such assistance for himself or herself, or who is the subject of a good faith request for such assistance may not be arrested, charged, prosecuted or convicted, or have his or her property subjected to forfeiture, or be otherwise penalized for violating certain provisions of existing law governing controlled substances if the evidence to support the penalty was obtained as a result of the person seeking medical assistance. (NRS 453C.150) Section 10 of this bill includes trafficking and high-level trafficking in ~~the~~ illicitly manufactured fentanyl, any derivative of fentanyl or mixture

that contains illicitly manufactured fentanyl or any derivative of fentanyl among the offenses for which a person may not be penalized under such circumstances.

Existing law requires the Director of the Department of Corrections to establish one or more programs of treatment for offenders with substance use or co-occurring disorders who have been sentenced to imprisonment in the state prison. (NRS 209.4236, 209.425) Existing law additionally provides that the treatment of a prisoner in a local jail or detention facility who has a substance use disorder may include medication-assisted treatment. (NRS 211.140) Section 12.3 of this bill requires the Director, to the extent that money is available, to establish a program to provide for the treatment of offenders with a substance use disorder using medication-assisted treatment. Section 12.3 requires: (1) the program to provide each eligible offender who participates in the program with appropriate medication-assisted treatment for the period in which the offender is incarcerated; and (2) each offender who the Director has determined has a substance use disorder for which a medication-assisted treatment exists and who meets any reasonable conditions imposed by the Director to be deemed eligible to participate in the program and offered the opportunity to participate. Section 12.3 prohibits the Director from denying an offender the ability to participate in the program or terminating his or her participation in the program for certain reasons. Finally, section 12.3 provides that an offender who participates in the program is not subject to discipline on the basis that the results of a screening test administered to the offender indicated the presence of a controlled substance. Section 12.7 of this bill requires, to the extent that money is available, a sheriff, chief of police or town marshal who is responsible for a county, city or town jail or detention facility to establish a program similar to that set forth in section 12.3 to provide for the treatment of prisoners with a substance use disorder using medication-assisted treatment.

Section 1.8 of this bill requires each state and local law enforcement agency and the Nevada Sentencing Commission to submit to the Joint Interim Standing Committee on the Judiciary on or before March 1 and October 1 of each even-numbered year a report containing certain information regarding: (1) persons who have been charged with trafficking or high-level trafficking in illicitly manufactured fentanyl, any derivative of fentanyl or any mixture that contains illicitly manufactured fentanyl or any derivative of fentanyl or intentional misrepresentation of a fentanyl product; (2) programs for the treatment of persons incarcerated in the state prison or a county, city or town jail or detention facility; and (3) drug overdoses that resulted in the death of certain persons which were due to fentanyl or a controlled substance analog for fentanyl.

Section 14 of this bill requires the Joint Interim Standing Committee on the Judiciary to conduct a study during the 2023-2024 interim concerning the possible upgrading of forensic laboratories in this State to enable such laboratories to perform quantitative testing involving controlled substances.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 453 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.5, 1.7 and 1.8 of this act.

Sec. 1.5. *Except as otherwise authorized by the provisions of NRS 453.011 to 453.552, inclusive, a person who knowingly or intentionally sells, manufactures, delivers or brings into this State or who is knowingly or intentionally in actual or constructive possession of illicitly manufactured fentanyl, any derivative of fentanyl or any mixture which contains illicitly manufactured fentanyl, ~~or~~ or any derivative of fentanyl, unless a greater penalty is provided pursuant to NRS 453.322, if the quantity involved:*

1. *Is 28 grams or more, but less than 42 grams, is guilty of trafficking and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years.*

2. *Is 42 grams or more, but less than 100 grams, is guilty of high-level trafficking and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years.*

Sec. 1.7. *Unless a greater penalty is provided pursuant to NRS 453.333 or 453.334, a person who sells to another person a mixture containing fentanyl and another controlled substance and who:*

1. Knows that the mixture contains fentanyl; and
 2. Intentionally fails to inform the purchaser that the mixture contains fentanyl,
- ↪ is guilty of intentional misrepresentation of a fentanyl product and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and by a fine of not more than \$50,000.

Sec. 1.8. 1. On or before March 1 and October 1 of each even-numbered year, each law enforcement agency and the Nevada Sentencing Commission, with the assistance of the Department of Sentencing Policy, shall submit to the Joint Interim Standing Committee on the Judiciary a report which must contain the following information, to the extent that such information is in the possession of the agency:

(a) The number of persons that were charged with a violation of section 1.5 or 1.7 of this act in the period since the last report;

(b) For each person who has ever been charged with a violation of section 1.5 or 1.7 of this act, the following information, if the information has not been included in a previous report:

(1) The race, gender, zip code, employment status and age of the person;

(2) Whether another criminal charge was filed in the person's case and, if so, what charge;

(3) Whether the person was represented by court-appointed counsel or otherwise determined to be indigent;

(4) The disposition of the case, including, without limitation, any sentence imposed on the person;

(5) Whether any portion of the sentence of the person was suspended or the person was granted probation and, if so:

(I) Whether the person has successfully completed the suspended sentence or probation; and

(II) Whether the suspension of sentence or probation has been revoked and, if so, whether the revocation was a result of a technical violation or a new criminal case; and

(6) Whether the court ordered the person to complete treatment for a substance use disorder and, if so, the type of treatment so ordered;

(c) The number of deaths in the period since the last report caused by a drug overdose due to fentanyl or a controlled substance analog for fentanyl that occurred in the state prison or any county or city jail or detention facility or other correctional facility in this State or while the deceased person was under a suspended sentence or on probation, parole or pretrial release; and

(d) Any significant developments in the period since the last report concerning any program of treatment implemented for the treatment of persons incarcerated in the state prison or any county, city or town jail or detention facility or other correctional facility in this State who have a substance use disorder using medication-assisted treatment and other appropriate withdrawal management care.

2. As used in this section, "law enforcement agency" means an agency, office or bureau of this State or a political subdivision of this State, the primary duty of which is to enforce the law.

Sec. 1.9. NRS 453.321 is hereby amended to read as follows:

453.321 1. Except as authorized by the provisions of NRS 453.011 to 453.552, inclusive, it is unlawful for a person to:

(a) Import, transport, sell, exchange, barter, supply, prescribe, dispense, give away or administer a controlled or counterfeit substance;

(b) Manufacture or compound a counterfeit substance; or

(c) Offer or attempt to do any act set forth in paragraph (a) or (b).

2. Unless a greater penalty is provided in NRS 453.333 or 453.334, or section 1.7 of this act, if a person violates subsection 1 and the controlled substance is classified in schedule I or II, the person shall be punished:

(a) For the first offense, for a category C felony as provided in NRS 193.130.

(b) For a second offense, or if, in the case of a first conviction under this subsection, the offender has previously been convicted of an offense under this section or of any offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to an offense under this section, for a category B felony by imprisonment in the

state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than \$20,000.

(c) For a third or subsequent offense, or if the offender has previously been convicted two or more times under this section or of any offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to an offense under this section, for a category B felony by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than \$20,000 for each offense.

3. Unless mitigating circumstances exist that warrant the granting of probation, the court shall not grant probation to or suspend the sentence of a person convicted under subsection 2 and punishable pursuant to paragraph (b) or (c) of subsection 2.

4. Unless a greater penalty is provided in NRS 453.333 or 453.334, if a person violates subsection 1, and the controlled substance is classified in schedule III, IV or V, the person shall be punished:

(a) For the first offense, for a category D felony as provided in NRS 193.130.

(b) For a second offense, or if, in the case of a first conviction of violating this subsection, the offender has previously been convicted of violating this section or of any offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to a violation of this section, for a category C felony as provided in NRS 193.130.

(c) For a third or subsequent offense, or if the offender has previously been convicted two or more times of violating this section or of any offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to a violation of this section, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than \$15,000 for each offense.

5. Unless mitigating circumstances exist that warrant the granting of probation, the court shall not grant probation to or suspend the sentence of a person convicted under subsection 4 and punishable pursuant to paragraph (b) or (c) of subsection 4.

Sec. 2. NRS 453.322 is hereby amended to read as follows:

453.322 1. Except as authorized by the provisions of NRS 453.011 to 453.552, inclusive, it is unlawful for a person to knowingly or intentionally:

(a) Manufacture or compound a controlled substance other than marijuana.

(b) Possess, with the intent to manufacture or compound a controlled substance other than marijuana, or sell, exchange, barter, supply, prescribe, dispense or give away, with the intent that the chemical be used to manufacture or compound a controlled substance other than marijuana:

(1) Any chemical identified in subsection 5; or

(2) Any other chemical which is proven by expert testimony to be commonly used in manufacturing or compounding a controlled substance other than marijuana. The district attorney may present expert testimony to provide a prima facie case that any chemical, whether or not it is a chemical identified in subsection 5, is commonly used in manufacturing or compounding such a controlled substance.

↪ The provisions of this paragraph do not apply to a person who, without the intent to commit an unlawful act, possesses any chemical at a laboratory that is licensed to store the chemical.

(c) Offer or attempt to do any act set forth in paragraph (a) or (b).

2. Unless a greater penalty is provided in subsection 3 or NRS 453.3385, or *section 1.5 of this act*, a person who violates any provision of subsection 1 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than \$100,000.

3. If a person violates any provision of subsection 1 by engaging in the manufacturing or compounding of a controlled substance other than marijuana, or by attempting to do so, and the violation causes a fire or explosion, the person is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 20 years, and may be further punished by a fine of not more than \$100,000.

4. The court shall not grant probation to a person convicted pursuant to this section.

5. The following chemicals are identified for the purposes of subsection 1:

- (a) Acetic anhydride.
- (b) Acetone.
- (c) N-Acetylanthranilic acid, its esters and its salts.
- (d) Anthranilic acid, its esters and its salts.
- (e) Benzaldehyde, its salts, isomers and salts of isomers.
- (f) Benzyl chloride.
- (g) Benzyl cyanide.
- (h) 1,4-Butanediol.
- (i) 2-Butanone (or methyl ethyl ketone or MEK).
- (j) Ephedrine, its salts, isomers and salts of isomers.
- (k) Ergonovine and its salts.
- (l) Ergotamine and its salts.
- (m) Ethylamine, its salts, isomers and salts of isomers.
- (n) Ethyl ether.
- (o) Gamma butyrolactone.
- (p) Hydriodic acid, its salts, isomers and salts of isomers.
- (q) Hydrochloric gas.
- (r) Iodine.
- (s) Isosafrole, its salts, isomers and salts of isomers.
- (t) Lithium metal.
- (u) Methylamine, its salts, isomers and salts of isomers.
- (v) 3,4-Methylenedioxy-phenyl-2-propanone.
- (w) N-Methylephedrine, its salts, isomers and salts of isomers.
- (x) Methyl isobutyl ketone (MIBK).
- (y) N-Methylpseudoephedrine, its salts, isomers and salts of isomers.
- (z) Nitroethane, its salts, isomers and salts of isomers.
- (aa) Norpseudoephedrine, its salts, isomers and salts of isomers.
- (bb) Phenylacetic acid, its esters and its salts.
- (cc) Phenylpropanolamine, its salts, isomers and salts of isomers.
- (dd) Piperidine and its salts.
- (ee) Piperonal, its salts, isomers and salts of isomers.
- (ff) Potassium permanganate.
- (gg) Propionic anhydride, its salts, isomers and salts of isomers.
- (hh) Pseudoephedrine, its salts, isomers and salts of isomers.
- (ii) Red phosphorous.
- (jj) Safrole, its salts, isomers and salts of isomers.
- (kk) Sodium metal.
- (ll) Sulfuric acid.
- (mm) Toluene.

Sec. 3. NRS 453.333 is hereby amended to read as follows:

453.333 If the death of a person is proximately caused by a controlled substance which was sold, given, traded or otherwise made available to him or her by another person in violation of this chapter, the person who sold, gave or traded or otherwise made the substance available to him or her is guilty of murder. If convicted of murder in the second degree, the person is guilty of a category A felony and shall be punished as provided in subsection 5 of NRS 200.030. If convicted of murder in the first degree, the person is guilty of a category A felony and shall be punished as provided in subsection 4 of NRS 200.030, except that the punishment of death may be imposed only if the requirements of paragraph (a) of subsection 4 of that section have been met and if the defendant is or has previously been convicted of violating NRS 453.3385 or 453.339 or *section 1.5 of this act* or a law of any other jurisdiction which prohibits the same conduct.

Sec. 4. NRS 453.3353 is hereby amended to read as follows:

453.3353 1. Unless a greater penalty is provided by law, and except as otherwise provided in this section and NRS 193.169, if:

- (a) A person violates NRS 453.322 or 453.3385, or *section 1.5 of this act*, and the violation

involves the manufacturing or compounding of any controlled substance other than marijuana; and

(b) During the discovery or cleanup of the premises at, on or in which the controlled substance was manufactured or compounded, another person suffers substantial bodily harm other than death as the proximate result of the manufacturing or compounding of the controlled substance,

➡ the person who committed the offense shall be punished by imprisonment in the state prison for a term equal to and in addition to the term of imprisonment prescribed by statute for the offense. The sentence prescribed by this subsection runs consecutively with the sentence prescribed by statute for the offense.

2. Unless a greater penalty is provided by law, and except as otherwise provided in NRS 193.169, if:

(a) A person violates NRS 453.322 or 453.3385, *or section 1.5 of this act*, and the violation involves the manufacturing or compounding of any controlled substance other than marijuana; and

(b) During the discovery or cleanup of the premises at, on or in which the controlled substance was manufactured or compounded, another person suffers death as the proximate result of the manufacturing or compounding of the controlled substance,

➡ the offense shall be deemed a category A felony and the person who committed the offense shall be punished by imprisonment in the state prison:

(1) For life without the possibility of parole;

(2) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 20 years has been served; or

(3) For a definite term of 50 years, with eligibility for parole beginning when a minimum of 20 years has been served.

3. Subsection 1 does not create a separate offense but provides an additional penalty for the primary offense, the imposition of which is contingent upon the finding of the prescribed fact. Subsection 2 does not create a separate offense but provides an alternative penalty for the primary offense, the imposition of which is contingent upon the finding of the prescribed fact.

4. As used in this section:

(a) "Marijuana" does not include concentrated cannabis.

(b) "Premises" means:

(1) Any temporary or permanent structure, including, without limitation, any building, house, room, apartment, tenement, shed, carport, garage, shop, warehouse, store, mill, barn, stable, outhouse or tent; or

(2) Any conveyance, including, without limitation, any vessel, boat, vehicle, airplane, glider, house trailer, travel trailer, motor home or railroad car,

➡ whether located aboveground or underground and whether inhabited or not.

Sec. 5. NRS 453.336 is hereby amended to read as follows:

453.336 1. Except as otherwise provided in subsection 6, a person shall not knowingly or intentionally possess a controlled substance, unless the substance was obtained directly from, or pursuant to, a prescription or order of a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician, optometrist, advanced practice registered nurse or veterinarian while acting in the course of his or her professional practice, or except as otherwise authorized by the provisions of NRS 453.005 to 453.552, inclusive.

2. Except as otherwise provided in subsections 3, 4 and 5 and in NRS 453.3363, and unless a greater penalty is provided in NRS 212.160, 453.3385 or 453.339, *or section 1.5 of this act*, a person who violates this section:

(a) For a first or second offense, if the controlled substance is listed in schedule I or II and the quantity possessed is less than 14 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is less than 28 grams, is guilty of possession of a controlled substance and shall be punished for a category E felony as provided in NRS 193.130. In accordance with NRS 176.211, the court shall defer judgment upon the consent of the person.

(b) For a third or subsequent offense, if the controlled substance is listed in schedule I or II, and the quantity possessed is less than 14 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is less than 28 grams, or if the offender has

previously been convicted two or more times in the aggregate of any violation of the law of the United States or of any state, territory or district relating to a controlled substance, is guilty of possession of a controlled substance and shall be punished for a category D felony as provided in NRS 193.130, and may be further punished by a fine of not more than \$20,000.

(c) If the controlled substance is listed in schedule I or II and the quantity possessed is 14 grams or more, but less than 28 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is 28 grams or more, but less than 200 grams, is guilty of low-level possession of a controlled substance and shall be punished for a category C felony as provided in NRS 193.130.

(d) If the controlled substance is listed in schedule I or II and the quantity possessed is 28 grams or more, but less than 42 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is 200 grams or more, is guilty of mid-level possession of a controlled substance and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years and by a fine of not more than \$50,000.

(e) If the controlled substance is listed in schedule I or II and the quantity possessed is 42 grams or more, but less than 100 grams, is guilty of high-level possession of a controlled substance and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years and by a fine of not more than \$50,000.

3. Unless a greater penalty is provided in NRS 212.160, 453.337 or 453.3385, a person who is convicted of the possession of flunitrazepam or gamma-hydroxybutyrate, or any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.

4. Unless a greater penalty is provided pursuant to NRS 212.160, a person who is convicted of the possession of 1 ounce or less of marijuana is guilty of a misdemeanor and shall be punished by:

(a) Performing not more than 24 hours of community service;

(b) Attending the live meeting described in paragraph (a) of subsection 2 of NRS 484C.530 and complying with any other requirements set forth in that section; or

(c) Being required to undergo an evaluation in accordance with subsection 1 of NRS 484C.350,

➡ or any combination thereof.

5. Unless a greater penalty is provided pursuant to NRS 212.160, a person who is convicted of the possession of more than 1 ounce, but less than 50 pounds, of marijuana or more than one-eighth of an ounce, but less than one pound, of concentrated cannabis is guilty of a category E felony and shall be punished as provided in NRS 193.130.

6. It is not a violation of this section if a person possesses a trace amount of a controlled substance and that trace amount is in or on a hypodermic device obtained from a sterile hypodermic device program pursuant to NRS 439.985 to 439.994, inclusive.

7. The court may grant probation to or suspend the sentence of a person convicted of violating this section.

8. If a person fulfills the terms and conditions imposed for a violation of subsection 4, the court shall, without a hearing, order sealed all documents, papers and exhibits in that person's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order. The court shall cause a copy of the order to be sent to each agency or officer named in the order. Each such agency or officer shall notify the court in writing of its compliance with the order.

9. As used in this section:

(a) "Controlled substance" includes flunitrazepam, gamma-hydroxybutyrate and each substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor.

(b) "Marijuana" does not include concentrated cannabis.

(c) "Sterile hypodermic device program" has the meaning ascribed to it in NRS 439.986.

Sec. 6. NRS 453.337 is hereby amended to read as follows:

453.337 1. Except as otherwise authorized by the provisions of NRS 453.011 to 453.552,

inclusive, it is unlawful for a person to possess for the purpose of sale flunitrazepam, gamma-hydroxybutyrate, any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor or any controlled substance classified in schedule I or II.

2. Unless a greater penalty is provided in NRS 453.3385 or 453.339, *or section 1.5 of this act*, a person who violates this section shall be punished:

(a) For the first offense, for a category D felony as provided in NRS 193.130.

(b) For a second offense, or if, in the case of a first conviction of violating this section, the offender has previously been convicted of a felony under the Uniform Controlled Substances Act or of an offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to a felony under the Uniform Controlled Substances Act, for a category C felony as provided in NRS 193.130.

(c) For a third or subsequent offense, or if the offender has previously been convicted two or more times of a felony under the Uniform Controlled Substances Act or of any offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to a felony under the Uniform Controlled Substances Act, for a category B felony by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than \$20,000 for each offense.

3. Except as otherwise provided in this subsection, unless mitigating circumstances exist that warrant the granting of probation, the court shall not grant probation to or suspend the sentence of a person convicted of violating this section and punishable pursuant to paragraph (b) or (c) of subsection 2. The court shall not grant probation to or suspend the sentence of a person convicted of violating this section, even if mitigating circumstances exist that would otherwise warrant the granting of probation, if the person violated this section by possessing flunitrazepam, gamma-hydroxybutyrate or any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor.

Sec. 7. NRS 453.3383 is hereby amended to read as follows:

453.3383 For the purposes of NRS 453.3385 and 453.339, *and section 1.5 of this act*, the weight of the controlled substance as represented by the person selling or delivering it is determinative if the weight as represented is greater than the actual weight of the controlled substance.

Sec. 8. (Deleted by amendment.)

Sec. 9. NRS 453.3405 is hereby amended to read as follows:

453.3405 1. Except as otherwise provided in ~~subsection~~ *subsections 2 [,-] and 4*, the adjudication of guilt and imposition of sentence of a person found guilty of trafficking in a controlled substance in violation of NRS 453.3385 or 453.339 *or section 1.5 of this act* must not be suspended and the person is not eligible for parole until the person has actually served the mandatory minimum term of imprisonment prescribed by the section under which the person was convicted.

2. The court, upon an appropriate motion, may reduce or suspend the sentence of any person convicted of violating any of the provisions of NRS 453.3385 or 453.339 *or section 1.5 of this act* if the court finds that the convicted person rendered substantial assistance in the investigation or prosecution of any offense. The arresting agency must be given an opportunity to be heard before the motion is granted. Upon good cause shown, the motion may be heard in camera.

3. Any appropriate reduction or suspension of a sentence pursuant to subsection 2 must be determined by the court, for reasons stated by the court that may include, without limitation, consideration of the following:

(a) The court's evaluation of the significance and usefulness of the convicted person's assistance, taking into consideration the prosecuting attorney's evaluation of the assistance rendered;

(b) The truthfulness, completeness and reliability of any information or testimony provided by the convicted person;

(c) The nature and extent of the convicted person's assistance;

(d) Any injury suffered or any danger or risk of injury to the convicted person or his or her family resulting from his or her assistance; and

(e) The timeliness of the convicted person's assistance.

4. *The court may suspend the sentence of any person convicted of violating any provision of section 1.5 of this act if the person establishes, by a preponderance of the evidence, that the person did not know that the mixture at issue contained illicitly manufactured fentanyl. If a person convicted of violating any provision of section 1.5 of this act claims that he or she did not know that the mixture at issue contained illicitly manufactured fentanyl, the court shall, at sentencing, make findings of fact and state its reasoning on the record as to whether the person has met the burden of proof pursuant to this subsection.*

Sec. 10. NRS 453C.150 is hereby amended to read as follows:

453C.150 1. Notwithstanding any other provision of law, a person who, in good faith, seeks medical assistance for a person who is experiencing a drug or alcohol overdose or other medical emergency or who seeks such assistance for himself or herself, or who is the subject of a good faith request for such assistance may not be arrested, charged, prosecuted or convicted, or have his or her property subjected to forfeiture, or be otherwise penalized for violating:

(a) Except as otherwise provided in subsection 4, ~~the~~ *section 1.5 of this act or any other provision of chapter 453 of NRS relating to:*

(1) Drug paraphernalia, including, without limitation, NRS 453.554 to 453.566, inclusive;

(2) Possession, unless it is for the purpose of sale or violates the provisions of NRS 453.3385, subsection 2 of NRS 453.3393 or 453.3405; or

(3) Use of a controlled substance, including, without limitation, NRS 453.336;

(b) A local ordinance as described in NRS 453.3361 that establishes an offense that is similar to an offense set forth in NRS 453.336;

(c) A restraining order; or

(d) A condition of the person's parole or probation,

↪ if the evidence to support the arrest, charge, prosecution, conviction, seizure or penalty was obtained as a result of the person seeking medical assistance.

2. A court, before sentencing a person who has been convicted of a violation of chapter 453 of NRS for which immunity is not provided by this section, shall consider in mitigation any evidence or information that the defendant, in good faith, sought medical assistance for a person who was experiencing a drug or alcohol overdose or other life-threatening emergency in connection with the events that constituted the violation.

3. For the purposes of this section, a person seeks medical assistance if the person:

(a) Reports a drug or alcohol overdose or other medical emergency to a member of a law enforcement agency, a 911 emergency service, a poison control center, a medical facility or a provider of emergency medical services;

(b) Assists another person making such a report;

(c) Provides care to a person who is experiencing a drug or alcohol overdose or other medical emergency while awaiting the arrival of medical assistance; or

(d) Delivers a person who is experiencing a drug or alcohol overdose or other medical emergency to a medical facility and notifies the appropriate authorities.

4. The provisions of this section do not prohibit any governmental entity from taking any actions required or authorized by chapter 432B of NRS relating to the abuse or neglect of a child.

5. As used in this section, "drug or alcohol overdose" means a condition, including, without limitation, extreme physical illness, a decreased level of consciousness, respiratory depression, coma, mania or death which is caused by the consumption or use of a controlled substance or alcohol, or another substance with which a controlled substance or alcohol was combined, or that an ordinary layperson would reasonably believe to be a drug or alcohol overdose that requires medical assistance.

Sec. 11. NRS 179A.075 is hereby amended to read as follows:

179A.075 1. The Central Repository for Nevada Records of Criminal History is hereby created within the Records, Communications and Compliance Division of the Department.

2. Each agency of criminal justice and any other agency dealing with crime shall:

(a) Collect and maintain records, reports and compilations of statistical data required by the Department; and

(b) Submit the information collected to the Central Repository:

(1) In the manner approved by the Director of the Department; and
 (2) In accordance with the policies, procedures and definitions of the Uniform Crime Reporting Program of the Federal Bureau of Investigation.

3. Each agency of criminal justice shall submit the information relating to records of criminal history that it creates, issues or collects, and any information in its possession relating to the DNA profile of a person from whom a biological specimen is obtained pursuant to NRS 176.09123 or 176.0913, to the Division. The information must be submitted to the Division:

(a) Through an electronic network;
 (b) On a medium of magnetic storage; or
 (c) In the manner prescribed by the Director of the Department,
 ➤ within 60 days after the date of the disposition of the case. If an agency has submitted a record regarding the arrest of a person who is later determined by the agency not to be the person who committed the particular crime, the agency shall, immediately upon making that determination, so notify the Division. The Division shall delete all references in the Central Repository relating to that particular arrest.

4. Each state and local law enforcement agency shall submit Uniform Crime Reports to the Central Repository:

(a) In the manner prescribed by the Director of the Department;
 (b) In accordance with the policies, procedures and definitions of the Uniform Crime Reporting Program of the Federal Bureau of Investigation; and
 (c) Within the time prescribed by the Director of the Department.

5. The Division shall, in the manner prescribed by the Director of the Department:

(a) Collect, maintain and arrange all information submitted to it relating to:
 (1) Records of criminal history; and
 (2) The DNA profile of a person from whom a biological specimen is obtained pursuant to NRS 176.09123 or 176.0913.

(b) When practicable, use a record of the personal identifying information of a subject as the basis for any records maintained regarding him or her.

(c) Upon request, provide, in paper or electronic form, the information that is contained in the Central Repository to the Committee on Domestic Violence appointed pursuant to NRS 228.470 when, pursuant to NRS 228.495, the Committee is reviewing the death of the victim of a crime that constitutes domestic violence pursuant to NRS 33.018.

6. The Division may:

(a) Disseminate any information which is contained in the Central Repository to any other agency of criminal justice;

(b) Enter into cooperative agreements with repositories of the United States and other states to facilitate exchanges of information that may be disseminated pursuant to paragraph (a); and

(c) Request of and receive from the Federal Bureau of Investigation information on the background and personal history of any person whose record of fingerprints or other biometric identifier the Central Repository submits to the Federal Bureau of Investigation and:

(1) Who has applied to any agency of the State of Nevada or any political subdivision thereof for a license which it has the power to grant or deny;

(2) With whom any agency of the State of Nevada or any political subdivision thereof intends to enter into a relationship of employment or a contract for personal services;

(3) Who has applied to any agency of the State of Nevada or any political subdivision thereof to attend an academy for training peace officers approved by the Peace Officers' Standards and Training Commission;

(4) For whom such information is required or authorized to be obtained pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183, 449.123 and 449.4329; or

(5) About whom any agency of the State of Nevada or any political subdivision thereof is authorized by law to have accurate personal information for the protection of the agency or the persons within its jurisdiction.

7. To request and receive information from the Federal Bureau of Investigation concerning a person pursuant to subsection 6, the Central Repository must receive:

- (a) The person's complete set of fingerprints for the purposes of:
 - (1) Booking the person into a city or county jail or detention facility;
 - (2) Employment;
 - (3) Contractual services; or
 - (4) Services related to occupational licensing;
- (b) One or more of the person's fingerprints for the purposes of mobile identification by an agency of criminal justice; or
- (c) Any other biometric identifier of the person as it may require for the purposes of:
 - (1) Arrest; or
 - (2) Criminal investigation,

➤ from the agency of criminal justice or agency of the State of Nevada or any political subdivision thereof and submit the received data to the Federal Bureau of Investigation for its report.
- 8. The Central Repository shall:
 - (a) Collect and maintain records, reports and compilations of statistical data submitted by any agency pursuant to subsection 2.
 - (b) Tabulate and analyze all records, reports and compilations of statistical data received pursuant to this section.
 - (c) Disseminate to federal agencies engaged in the collection of statistical data relating to crime information which is contained in the Central Repository.
 - (d) Investigate the criminal history of any person who:
 - (1) Has applied to the Superintendent of Public Instruction for the issuance or renewal of a license;
 - (2) Has applied to a county school district, charter school or private school for employment or to serve as a volunteer; or
 - (3) Is employed by or volunteers for a county school district, charter school or private school,

➤ and immediately notify the superintendent of each county school district, the governing body of each charter school and the Superintendent of Public Instruction, or the administrator of each private school, as appropriate, if the investigation of the Central Repository indicates that the person has been convicted of a violation of NRS 200.508, 201.230, 453.3385 or 453.339, or *section 1.5 of this act*, or convicted of a felony or any offense involving moral turpitude.
 - (e) Upon discovery, immediately notify the superintendent of each county school district, the governing body of each charter school or the administrator of each private school, as appropriate, by providing the superintendent, governing body or administrator with a list of all persons:
 - (1) Investigated pursuant to paragraph (d); or
 - (2) Employed by or volunteering for a county school district, charter school or private school whose fingerprints were sent previously to the Central Repository for investigation,

➤ who the Central Repository's records indicate have been convicted of a violation of NRS 200.508, 201.230, 453.3385 or 453.339, or *section 1.5 of this act*, or convicted of a felony or any offense involving moral turpitude since the Central Repository's initial investigation. The superintendent of each county school district, the governing body of a charter school or the administrator of each private school, as applicable, shall determine whether further investigation or action by the district, charter school or private school, as applicable, is appropriate.
 - (f) Investigate the criminal history of each person who submits one or more fingerprints or other biometric identifier or has such data submitted pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183, 449.122, 449.123 or 449.4329.
 - (g) Provide an electronic means to access on the Central Repository's Internet website statistical data relating to crime.
 - (h) Provide an electronic means to access on the Central Repository's Internet website statistical data about domestic violence in this State.
 - (i) Identify and review the collection and processing of statistical data relating to criminal justice by any agency identified in subsection 2 and make recommendations for any necessary changes in the manner of collecting and processing statistical data by any such agency.
 - (j) Adopt regulations governing biometric identifiers and the information and data derived

from biometric identifiers, including, without limitation:

(1) Their collection, use, safeguarding, handling, retention, storage, dissemination and destruction; and

(2) The methods by which a person may request the removal of his or her biometric identifiers from the Central Repository and any other agency where his or her biometric identifiers have been stored.

9. The Central Repository may:

(a) In the manner prescribed by the Director of the Department, disseminate compilations of statistical data and publish statistical reports relating to crime.

(b) Charge a reasonable fee for any publication or special report it distributes relating to data collected pursuant to this section. The Central Repository may not collect such a fee from an agency of criminal justice or any other agency dealing with crime which is required to submit information pursuant to subsection 2. All money collected pursuant to this paragraph must be used to pay for the cost of operating the Central Repository.

(c) In the manner prescribed by the Director of the Department, use electronic means to receive and disseminate information contained in the Central Repository that it is authorized to disseminate pursuant to the provisions of this chapter.

10. As used in this section:

(a) "Mobile identification" means the collection, storage, transmission, reception, search, access or processing of a biometric identifier using a handheld device.

(b) "Personal identifying information" means any information designed, commonly used or capable of being used, alone or in conjunction with any other information, to identify a person, including, without limitation:

(1) The name, driver's license number, social security number, date of birth and photograph or computer-generated image of a person; and

(2) A biometric identifier of a person.

(c) "Private school" has the meaning ascribed to it in NRS 394.103.

Sec. 12. NRS 207.360 is hereby amended to read as follows:

207.360 "Crime related to racketeering" means the commission of, attempt to commit or conspiracy to commit any of the following crimes:

1. Murder;
2. Manslaughter, except vehicular manslaughter as described in NRS 484B.657;
3. Mayhem;
4. Battery which is punished as a felony;
5. Kidnapping;
6. Sexual assault;
7. Arson;
8. Robbery;
9. Taking property from another under circumstances not amounting to robbery;
10. Extortion;
11. Statutory sexual seduction;
12. Extortionate collection of debt in violation of NRS 205.322;
13. Forgery, including, without limitation, forgery of a credit card or debit card in violation of NRS 205.740;
14. Obtaining and using personal identifying information of another person in violation of NRS 205.463;
15. Establishing or possessing a financial forgery laboratory in violation of NRS 205.46513;
16. Any violation of NRS 199.280 which is punished as a felony;
17. Burglary;
18. Grand larceny;
19. Bribery or asking for or receiving a bribe in violation of chapter 197 or 199 of NRS which is punished as a felony;
20. Battery with intent to commit a crime in violation of NRS 200.400;
21. Assault with a deadly weapon;
22. Any violation of NRS 453.232, 453.316 to 453.339, inclusive, *and sections 1.5 and 1.7 of this act*, or NRS 453.375 to 453.401, inclusive;

23. Receiving or transferring a stolen vehicle;
24. Any violation of NRS 202.260, 202.275 or 202.350 which is punished as a felony;
25. Any violation of subsection 2 or 3 of NRS 463.360 or chapter 465 of NRS;
26. Receiving, possessing or withholding stolen goods valued at \$650 or more;
27. Embezzlement of money or property valued at \$650 or more;
28. Obtaining possession of money or property valued at \$650 or more, or obtaining a signature by means of false pretenses;
29. Perjury or subornation of perjury;
30. Offering false evidence;
31. Any violation of NRS 201.300, 201.320, 201.360 or 201.395;
32. Any violation of NRS 90.570, 91.230 or 686A.290, or insurance fraud pursuant to NRS 686A.291;
33. Any violation of NRS 205.506, 205.920 or 205.930;
34. Any violation of NRS 202.445 or 202.446;
35. Any violation of NRS 205.377;
36. Involuntary servitude in violation of any provision of NRS 200.463 or 200.464 or a violation of any provision of NRS 200.465; or
37. Trafficking in persons in violation of any provision of NRS 200.467 or 200.468.

Sec. 12.3. Chapter 209 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *To the extent that money is available, the Director shall, with the approval of the Board, establish a program of treatment for offenders with a substance use disorder using medication-assisted treatment.*

2. *The program established pursuant to subsection 1 must:*

(a) *Provide each eligible offender who participates in the program with appropriate medication-assisted treatment for the period in which the offender is incarcerated; and*

(b) *Require that all decisions regarding the type, dosage or duration of any medication administered to an eligible offender as part of his or her medication-assisted treatment be made by a treating physician and the eligible offender.*

3. *Except as otherwise provided in this section, any offender who the Director has determined has a substance use disorder for which a medication-assisted treatment exists and who meets any reasonable conditions imposed by the Director pursuant to subsection 4 is eligible to participate in the program established pursuant to subsection 1 and must be offered the opportunity to participate. If an offender received medication-assisted treatment immediately preceding his or her incarceration, the offender is eligible to continue that medication-assisted treatment as a participant in the program. Participation in the program must be voluntary.*

4. *Except as otherwise provided in this subsection, the Director may impose reasonable conditions for an offender to be eligible to participate in the program established pursuant to subsection 1 and to continue his or her participation in the program. The Director shall not deny an offender the ability to participate in the program or terminate the participation of an offender in the program on the basis that:*

(a) *The results of a screening test administered to the offender upon the commencement of his or her incarceration or upon the commencement of his or her participation in the program indicated the presence of a controlled substance; or*

(b) *The offender committed an infraction of the rules of the institution or facility before or during the participation of the offender in the program.*

5. *An offender who participates in the program established pursuant to subsection 1 is not subject to discipline on the basis that the results of a screening test administered to the offender during his or her participation in the program indicated the presence of a controlled substance.*

6. *As used in this section, "medication-assisted treatment" means treatment for a substance use disorder using medication approved by the United States Food and Drug Administration for that purpose.*

Sec. 12.7. Chapter 211 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *To the extent that money is available, a sheriff, chief of police or town marshal who is responsible for a county, city or town jail or detention facility shall establish a program to*

provide for the treatment of prisoners with a substance use disorder using medication-assisted treatment.

2. The program established pursuant to subsection 1 must:

(a) Provide each eligible prisoner who participates in the program with appropriate medication-assisted treatment for the period in which the prisoner is incarcerated; and

(b) Require that all decisions regarding the type, dosage or duration of any medication administered to an eligible prisoner as part of his or her medication-assisted treatment be made by a treating physician and the eligible prisoner.

3. Except as otherwise provided in this section, any prisoner who the sheriff, chief of police or town marshal has determined has a substance use disorder for which a medication-assisted treatment exists and who meets any reasonable conditions imposed by the sheriff, chief of police or town marshal pursuant to subsection 4 is eligible to participate in the program established pursuant to subsection 1 and must be offered the opportunity to participate. If a prisoner received medication-assisted treatment immediately preceding his or her incarceration, the prisoner is eligible to continue that medication-assisted treatment as a participant in the program. Participation in the program must be voluntary.

4. Except as otherwise provided in this subsection, the sheriff, chief of police or town marshal may impose reasonable conditions for a prisoner to be eligible to participate in the program established pursuant to subsection 1 and to continue his or her participation in the program. The sheriff, chief of police or town marshal shall not deny a prisoner the ability to participate in the program or terminate the participation of a prisoner in the program on the basis that:

(a) The results of a screening test administered to the prisoner upon the commencement of his or her incarceration or upon the commencement of his or her participation in the program indicated the presence of a controlled substance; or

(b) The prisoner committed an infraction of the rules of the county, city or town jail or detention facility before or during the participation of the prisoner in the program.

5. A prisoner who participates in the program established pursuant to subsection 1 is not subject to discipline on the basis that the results of a screening test administered to the prisoner during his or her participation in the program indicated the presence of a controlled substance.

6. As used in this section, "medication-assisted treatment" means treatment for a substance use disorder using medication approved by the United States Food and Drug Administration for that purpose.

Sec. 13. NRS 391.650 is hereby amended to read as follows:

391.650 As used in NRS 391.650 to 391.826, inclusive, unless the context otherwise requires:

1. "Administrator" means any employee who holds a license as an administrator and who is employed in that capacity by a school district.

2. "Board" means the board of trustees of the school district in which a licensed employee affected by NRS 391.650 to 391.826, inclusive, is employed.

3. "Demotion" means demotion of an administrator to a position of lesser rank, responsibility or pay and does not include transfer or reassignment for purposes of an administrative reorganization.

4. "Immorality" means:

(a) An act forbidden by NRS 200.366, 200.368, 200.400, 200.508, 201.180, 201.190, 201.210, 201.220, 201.230, 201.265, 201.540, 201.560, 207.260, 453.316 to 453.336, inclusive, except an act forbidden by NRS 453.337, 453.338, 453.3385 to 453.3405, inclusive, and section 1.5 of this act, 453.560 or 453.562; or

(b) An act forbidden by NRS 201.540 or any other sexual conduct or attempted sexual conduct with a pupil enrolled in an elementary or secondary school. As used in this paragraph, "sexual conduct" has the meaning ascribed to it in NRS 201.520.

5. "Postprobationary employee" means an administrator or a teacher who has completed the probationary period as provided in NRS 391.820 and has been given notice of reemployment. The term does not include a person who is deemed to be a probationary employee pursuant to NRS 391.730.

6. "Probationary employee" means:

(a) An administrator or a teacher who is employed for the period set forth in NRS 391.820; and

(b) A person who is deemed to be a probationary employee pursuant to NRS 391.730.

7. "Superintendent" means the superintendent of a school district or a person designated by the board or superintendent to act as superintendent during the absence of the superintendent.

8. "Teacher" means a licensed employee the majority of whose working time is devoted to the rendering of direct educational service to pupils of a school district.

Sec. 14. 1. The Joint Interim Standing Committee on the Judiciary shall conduct a study during the 2023-2024 interim concerning the possible upgrading of forensic laboratories in this State to enable such laboratories to perform quantitative testing involving controlled substances. The study must include, without limitation, an analysis of:

(a) The costs and benefits of performing such upgrades; and

(b) The impact of such upgrades on this State.

2. The Committee shall include its finding and recommendations for legislation relating to the study in the report required by subsection 4 of NRS 218E.330 to be prepared and submitted to the Director of the Legislative Counsel Bureau for transmittal to the 83rd Session of the Legislature.

Sec. 15. Notwithstanding the provisions of section 1.8 of this act, each law enforcement agency and the Nevada Sentencing Commission shall submit to the Joint Interim Standing Committee on the Judiciary the first report required by that section on or before March 1, 2024. For the purposes of the first report submitted by an agency pursuant to this section, any reference in section 1.8 of this act to the period since the last report shall be deemed to refer to the period beginning on October 1, 2023, and ending on the date on which the first report is submitted by the agency.

Sec. 16. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

MELANIE SCHEIBLE

ROCHELLE NGUYEN

JEFF STONE

Senate Conference Committee

BRITTNEY MILLER

VENICIA CONSIDINE

MELISSA HARDY

Assembly Conference Committee

Senator Scheible moved that the Senate adopt the report of the Conference Committee concerning Senate Bill No. 35.

Motion carried by a constitutional majority.

Mr. President:

The Conference Committee concerning Senate Bill No. 104, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment Nos. 634 and 737 of the Assembly be concurred in.

ROCHELLE NGUYEN

MELANIE SCHEIBLE

IRA HANSEN

Senate Conference Committee

ELAINE MARZOLA

VENICIA CONSIDINE

ALEXIS HANSEN

Assembly Conference Committee

Senator Nguyen moved that the Senate adopt the report of the Conference Committee concerning Senate Bill No. 104.

Motion carried by a constitutional majority.

Mr. President:

The Conference Committee concerning Senate Bill No. 196, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 602 of the Assembly be concurred in.

ROBERTA LANGE

MELANIE SCHEIBLE

SCOTT HAMMOND

Senate Conference Committee

NATHA ANDERSON

ANGIE TAYLOR

GREGORY KOENIG

Assembly Conference Committee

Senator Lange moved that the Senate adopt the report of the Conference Committee concerning Senate Bill No. 196.

Motion carried by a constitutional majority.

Mr. President:

The Conference Committee concerning Senate Bill No. 283, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 681 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 5, which is attached to and hereby made a part of this report.

Conference Amendment No. 5.

SUMMARY—Revises certain provisions relating to health care ~~. [records.]~~ (BDR 54-555)

AN ACT relating to health care; requiring a custodian of health care records to furnish health care records electronically under certain circumstances; prohibiting a custodian of health care records from charging a fee that exceeds a certain amount to furnish health care records electronically if the health care records are maintained electronically; authorizing a person to disclose the genetic information of another person in accordance with certain federal law; revising the circumstances under which a physician is authorized to prescribe or recommend and a manufacturer is authorized to provide or make available an investigational drug, biological product or device; authorizing a physician to prescribe or recommend an individualized investigational treatment under certain circumstances; requiring the reporting of certain information concerning individualized investigational treatments and investigational drugs, biological products and devices to certain governmental entities; revising the method by which a collection agency must notify a medical debtor before taking any action to collect a medical debt; authorizing a manufacturer to provide or make available an individualized investigational treatment to a patient under certain circumstances; authorizing the imposition of administrative penalties for certain violations; prohibiting an officer, employee or agent of this State from preventing or attempting to prevent a patient from accessing an individualized investigational treatment; requiring an insurer, third-party administrator or employer to furnish health care records in certain circumstances; prescribing the maximum amount of any fee charged to furnish health care records in those circumstances; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each custodian of health care records to make health care records available for inspection by a patient, certain representatives of a patient and certain government officials. (NRS 629.061) Upon request of such a person, section 1 of this bill requires a custodian of health care records to electronically transmit the health care records to the person or, if the patient has provided written authorization for records to be furnished to another person or entity, to that person or entity.

Existing law authorizes a custodian of health care records to charge certain fees for furnishing a copy of health care records. (NRS 629.061) Section 1: (1) generally prohibits a custodian of health care records from charging a fee that exceeds \$40 or other amounts prescribed by existing law for furnishing a copy of health care records electronically if the custodian of health care records maintains such health care records electronically; and (2) authorizes a custodian of health care records, other than the health care records of a state or local governmental entity, to charge certain additional fees in certain circumstances. Section 2 of this bill makes a conforming change to indicate the proper placement of section 1 in the Nevada Revised Statutes.

Existing law prohibits a person from disclosing or compelling a person to disclose the identity of a person who was the subject of a genetic test or any genetic information of another person, with certain exceptions, without first obtaining the informed consent of that person or his or her

legal guardian. (NRS 629.171) Section 1.5 of this bill adds an exception to this prohibition to authorize a person to disclose such information as permitted by the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191.

Existing federal law prohibits the introduction of a drug or biological product into interstate commerce if the drug or biological product has not received approval from the United States Food and Drug Administration. (21 U.S.C. § 355; 42 U.S.C. § 262) Existing federal regulations allow expanded access to investigational drugs and biological products for patients who have a life-threatening or severely debilitating disease or condition, or a serious or immediately life-threatening illness, under certain circumstances. (21 C.F.R. Part 312, Subparts E and I) Existing Nevada law authorizes the manufacturer of an investigational drug, biological product or device, upon the prescription or recommendation of a physician, to provide or make available the investigational drug, biological product or device to a patient who has been diagnosed with a terminal condition that will, without the administration of life-sustaining treatment, result in death within 1 year. (NRS 454.690) Existing law authorizes a physician to issue a prescription or recommendation for an investigational drug, biological product or device if the physician has: (1) diagnosed the patient with a terminal condition; (2) consulted with the patient and the patient and physician have determined that no treatment currently approved by the United States Food and Drug Administration is adequate to treat the terminal condition; and (3) obtained informed, written consent to the use of the investigational drug, biological product or device from the patient or his or her representative, parent or guardian. (NRS 630.3735, 633.6945) Sections 1.6, 1.9 and 2.7 of this bill: (1) remove the requirement that a patient be diagnosed with a terminal condition before a physician is authorized to prescribe or recommend, and a manufacturer is authorized to provide, an investigational drug, biological product or device; and (2) instead require the patient to be diagnosed with a life-threatening or severely debilitating disease or condition before such actions are authorized. Section 2.7 additionally: (1) authorizes the manufacturer of an individualized investigational treatment to make the treatment available to such a patient under similar conditions to an investigational drug, biological product or device if the manufacturer operates in a facility that meets certain federal requirements for the protection of human subjects; and (2) defines "individualized investigational treatment" to mean a drug, biological product or device that is unique to and produced exclusively for use by an individual patient based on the genetic profile of the patient. Sections 1.6 and 1.9 authorize a physician to prescribe or recommend an individualized investigational treatment under similar conditions to those under which a physician is authorized to recommend an investigational drug, biological product or device, except that sections 1.6 and 1.9 require the physician to additionally conduct certain biochemical analyses.

Section 2.7 requires a manufacturer that provides or makes available an individualized investigational treatment or investigational drug, biological product or device to establish a hotline for patients who develop adverse effects or symptoms. Section 2.7 also requires such a manufacturer to submit quarterly reports to the Board of Medical Examiners and the State Board of Osteopathic Medicine summarizing the individualized investigational treatments or investigational drugs, biological products or devices provided to patients of physicians who are licensed by those boards. Section 2.7 establishes an administrative penalty to be imposed against a manufacturer that fails to submit the required report. Section 2.7 also provides that if a patient dies while being treated with an individualized investigational treatment or investigational drug, biological product or device, the heir or heirs of the deceased patient are not personally liable for any outstanding debt related to such treatment.

Existing law makes it a misdemeanor for any officer, employee or agent of this State to prevent or attempt to prevent a patient from accessing an investigational drug, biological product or device if certain requirements are met. (NRS 454.690) Section 2.7 additionally: (1) provides that counseling, advice or a recommendation from a physician consistent with medical standards of care is not a violation; and (2) makes it a misdemeanor for such an officer, employee or agent to prevent or attempt to prevent a patient from accessing an individualized investigational treatment if the same requirements are met.

Sections 1.6 and 1.9 revise the requirements concerning the informed, written consent that a physician is required to obtain before prescribing or recommending an individualized investigational treatment or an investigational drug, biological product or device. Sections 1.6

and 1.9 also require a physician who prescribes or recommends an individualized investigational treatment or an investigational drug, biological product or device to provide the patient with a form that contains certain information concerning: (1) the individualized investigational treatment or investigational drug, biological product or device; and (2) the treatment of adverse effects or symptoms caused by the individualized investigational treatment or investigational drug, biological product or device. Sections 1.6 and 1.9 require such a physician to report to the Board of Medical Examiners or the State Board of Osteopathic Medicine, as appropriate, if a patient dies or is hospitalized as the result of using an individualized investigational treatment or investigational drug, biological product or device. Sections 1.6 and 1.9 require those boards to submit to the Legislature a biennial summary of the information reported to those boards pursuant to sections 1.6, 1.9 and 2.7 concerning individualized investigational treatments and investigational drugs, biological products and devices. Sections 1.6 and 1.9 additionally authorize those boards to adopt regulations to ensure the safety and efficacy of individualized investigational treatments and investigational drugs, biological products and devices.

Existing law: (1) generally makes it a misdemeanor for any person to possess, procure, obtain, process, produce, derive, manufacture, sell, offer for sale, give away or otherwise furnish any drug which may not be lawfully introduced into interstate commerce under the Federal Food, Drug and Cosmetic Act; and (2) exempts from that criminal penalty a person who engages in certain acts to make an investigational drug or biological product available when certain requirements are met. (NRS 454.351) Section 2.5 of this bill additionally exempts from the criminal penalty a manufacturer who provides an individualized investigational treatment.

Existing law provides that a physician or person engaged in the practice of professional nursing who procures or administers a controlled substance or dangerous drug is not subject to professional discipline if the controlled substance or dangerous drug is an investigative drug or biological product prescribed by a physician. (NRS 630.306, 632.347, 633.511) Sections 1.55, 1.7 and 1.8 of this bill additionally exempt such persons from professional discipline if the substance is an individualized investigational treatment.

Existing law requires a collection agency, not less than 60 days before taking any action to collect a medical debt, to send by registered or certified mail to the medical debtor written notification setting forth certain information. (NRS 649.366) Section 2.3 of this bill removes the requirement that the written notification be sent by mail that is registered or certified.

Existing law provides for the payment of compensation to employees who are injured or disabled as a result of an occupational injury or disease. (Chapters 616A-616D and 617 of NRS) Existing law entitles any injured employee or a person who has been authorized by the injured employee to information from the records of an insurer or employer to the extent necessary for the proper presentation of such a claim. (NRS 616B.012) Existing regulations: (1) prescribe a process for an injured employee or person who has been authorized by the injured employee to request such information from the records of an insurer or employer; and (2) prohibit an insurer or employer from charging a fee that is more than 30 cents per page when providing the requested information. (NAC 616B.008)

Upon receiving such a request for health care records, section 3 of this bill requires an insurer, third-party administrator or employer to furnish any health care records to the injured employee or his or her legal representative. Section 3 authorizes an insurer, third-party administrator or employer to electronically transmit such health care records using a method of secure electronic transmission. Section 3 prescribes the maximum amounts of fees for furnishing health care records in response to such a request, which depend on whether the records are furnished by electronic mail, through a secure electronic method of file sharing or in a nonelectronic format. Section 4 of this bill makes a conforming change to clarify that section 3 provides an exception to the general requirement that information obtained from an insurer or employer remain confidential.

Section 8 of this bill provides that the provisions of sections 1.55-1.9, 2.5 and 2.7 expire on July 1, 2027. Section 6 of this bill authorizes a patient who is being treated with an individualized investigational treatment or an investigational drug, biological product or device on June 30, 2027, to continue to receive such treatment on and after July 1, 2027, regardless of whether the patient remains eligible to receive such treatment.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 629 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *If a person who is authorized to request a copy of health care records of a patient pursuant to NRS 629.061 requests that a copy of such records be furnished electronically, the custodian of health care records must electronically transmit a copy of the requested records to the person or, if the patient has provided written authorization for records to be furnished to another person or entity, to that person or entity. Such records must be furnished in an electronic format using a method of secure electronic transmission that complies with applicable federal and state law.*

2. *Except as otherwise provided in subsections 3 and 4, if a custodian of health care records maintains health care records electronically, any fee to furnish those records electronically pursuant to subsection 1 must not exceed \$40 or the amount per page prescribed by NRS 629.061, whichever is less.*

3. *If the total amount of the fee chargeable pursuant to subsection 2 for the furnishing of health care records electronically is less than \$5, a custodian of health care records, other than a custodian of the health care records of a state or local governmental entity, may charge a fee of \$5 for the furnishing of those health care records.*

4. *A custodian of health care records, other than a custodian of the health care records of a state or local governmental entity, may charge the following fees to furnish health care records electronically, in addition to the total amount of the fee charged pursuant to subsection 2 or 3:*

(a) A fee of \$5 for written confirmation that no health care records were found.

(b) A fee of \$5 for furnishing a copy of a certificate of the custodian of health care records.

(c) A fee of \$20 for a copy of a printed film sheet.

(d) A fee of \$25 for furnishing a copy of radiologic images in any form other than a printed film sheet.

5. *As used in this section:*

(a) "Custodian of health care records" has the meaning ascribed to it in NRS 629.016 and additionally includes a covered entity or business associate, as those terms are defined in 45 C.F.R. § 160.103.

(b) "Health care records" has the meaning ascribed to it in NRS 629.021 and additionally includes individually identifiable health information, as defined in 45 C.F.R. § 160.103.

(c) "Secure electronic transmission" means the sending of information from one computer system to another computer system in such a manner as to ensure that:

(1) No person other than the intended recipient receives the information;

(2) The identity and signature of the sender of the information can be authenticated; and

(3) The information which is received by the intended recipient is identical to the information that was sent.

Sec. 1.5. NRS 629.171 is hereby amended to read as follows:

629.171 It is unlawful to disclose or to compel a person to disclose the identity of a person who was the subject of a genetic test or to disclose genetic information of that person in a manner that allows identification of the person, without first obtaining the informed consent of that person or his or her legal guardian pursuant to NRS 629.181, unless the information is disclosed:

1. To conduct a criminal investigation, an investigation concerning the death of a person or a criminal or juvenile proceeding;

2. To determine the parentage or identity of a person pursuant to NRS 56.020;

3. To determine the paternity of a person pursuant to NRS 126.121 or 425.384;

4. Pursuant to an order of a court of competent jurisdiction;

5. By a physician and is the genetic information of a deceased person that will assist in the medical diagnosis of persons related to the deceased person by blood;

6. To a federal, state, county or city law enforcement agency to establish the identity of a person or dead human body;

7. To determine the presence of certain preventable or inheritable disorders in an infant pursuant to NRS 442.008 or a provision of federal law;

8. To carry out the provisions of NRS 442.300 to 442.330, inclusive; ~~{or}~~
9. By an agency of criminal justice pursuant to NRS 179A.075 ~~{-}~~ ; or
10. *As permitted by the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and the regulations adopted pursuant thereto.*

Sec. 1.55. NRS 630.306 is hereby amended to read as follows:

630.306 1. The following acts, among others, constitute grounds for initiating disciplinary action or denying licensure:

(a) Inability to practice medicine with reasonable skill and safety because of illness, a mental or physical condition or the use of alcohol, drugs, narcotics or any other substance.

(b) Engaging in any conduct:

(1) Which is intended to deceive;

(2) Which the Board has determined is a violation of the standards of practice established by regulation of the Board; or

(3) Which is in violation of a provision of chapter 639 of NRS, or a regulation adopted by the State Board of Pharmacy pursuant thereto, that is applicable to a licensee who is a practitioner, as defined in NRS 639.0125.

(c) Administering, dispensing or prescribing any controlled substance, or any dangerous drug as defined in chapter 454 of NRS, to or for himself or herself or to others except as authorized by law.

(d) Performing, assisting or advising the injection of any substance containing liquid silicone into the human body, except for the use of silicone oil to repair a retinal detachment.

(e) Practicing or offering to practice beyond the scope permitted by law or performing services which the licensee knows or has reason to know that he or she is not competent to perform or which are beyond the scope of his or her training.

(f) Performing, without first obtaining the informed consent of the patient or the patient's family, any procedure or prescribing any therapy which by the current standards of the practice of medicine is experimental.

(g) Continual failure to exercise the skill or diligence or use the methods ordinarily exercised under the same circumstances by physicians in good standing practicing in the same specialty or field.

(h) Having an alcohol or other substance use disorder.

(i) Making or filing a report which the licensee or applicant knows to be false or failing to file a record or report as required by law or regulation.

(j) Failing to comply with the requirements of NRS 630.254.

(k) Failure by a licensee or applicant to report in writing, within 30 days, any disciplinary action taken against the licensee or applicant by another state, the Federal Government or a foreign country, including, without limitation, the revocation, suspension or surrender of a license to practice medicine in another jurisdiction. The provisions of this paragraph do not apply to any disciplinary action taken by the Board or taken because of any disciplinary action taken by the Board.

(l) Failure by a licensee or applicant to report in writing, within 30 days, any criminal action taken or conviction obtained against the licensee or applicant, other than a minor traffic violation, in this State or any other state or by the Federal Government, a branch of the Armed Forces of the United States or any local or federal jurisdiction of a foreign country.

(m) Failure to be found competent to practice medicine as a result of an examination to determine medical competency pursuant to NRS 630.318.

(n) Operation of a medical facility at any time during which:

(1) The license of the facility is suspended or revoked; or

(2) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➡ This paragraph applies to an owner or other principal responsible for the operation of the facility.

(o) Failure to comply with the requirements of NRS 630.373.

(p) Engaging in any act that is unsafe or unprofessional conduct in accordance with regulations adopted by the Board.

(q) Knowingly or willfully 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:

- (1) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;
- (2) 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;
- (3) Is cannabis being used for medical purposes in accordance with chapter 678C of NRS;

or

- (4) Is an *individualized investigational treatment or* investigational drug or biological product prescribed to a patient pursuant to NRS 630.3735 or 633.6945.

(r) Failure to supervise adequately a medical assistant pursuant to the regulations of the Board.

(s) Failure to comply with the provisions of NRS 630.3745.

(t) Failure to obtain any training required by the Board pursuant to NRS 630.2535.

(u) Failure to comply with the provisions of NRS 454.217 or 629.086.

(v) Failure to comply with the provisions of NRS 441A.315 or any regulations adopted pursuant thereto.

(w) Performing or supervising the performance of a pelvic examination in violation of NRS 629.085.

2. As used in this section ~~[, "investigational"]~~ :

(a) "Individualized investigational treatment" has the meaning ascribed to it in NRS 454.690.

(b) "Investigational drug or biological product" has the meaning ascribed to it in NRS 454.351.

Sec. 1.6. NRS 630.3735 is hereby amended to read as follows:

630.3735 1. A physician may prescribe or recommend an *individualized investigational treatment or* investigational drug, biological product or device to a patient if the physician has:

(a) Diagnosed the patient with a ~~(terminal)~~ *life-threatening or severely debilitating disease or* condition;

(b) Discussed with the patient all available methods of treating the ~~(terminal)~~ *life-threatening or severely debilitating disease or* condition that have been approved by the United States Food and Drug Administration and the patient and the physician have determined that no such method of treatment is adequate to treat the ~~(terminal)~~ *life-threatening or severely debilitating disease or* condition of the patient; ~~and~~

(c) *For an individualized investigational treatment, conducted an analysis of the patient's genomic sequence, human chromosomes, deoxyribonucleic acid, ribonucleic acid, genes, gene products or metabolites or an immunity panel, as applicable to the individualized investigational treatment; and*

(d) Obtained informed, written consent to the use of the individualized investigational treatment or investigational drug, biological product or device , as applicable, from:

(1) The patient;

(2) If the patient is incompetent, the representative of the patient; or

(3) If the patient is less than 18 years of age, a parent or legal guardian of the patient.

2. An informed, written consent must be recorded on a form signed by the patient, or the representative or parent or legal guardian of the patient, as applicable ~~[, that contains:]~~ The form must:

(a) ~~[An]~~ To the extent practicable, be in the preferred language of the patient, or the representative or parent or legal guardian of the patient, as applicable.

(b) Be in language that is at the reading level of an eighth grader or a pupil enrolled in a lower grade.

(c) Include or be accompanied by:

(1) An overview of the provisions of this section and NRS 454.690, including, without limitation, a detailed description of the provisions of subsection 1 and the terms defined in subsection 8;

(2) A comprehensive explanation of all methods of treating the ~~(terminal)~~ life-threatening or severely debilitating disease or condition of the patient that are currently approved by the United States Food and Drug Administration ~~[,]~~ , including, without limitation, information

concerning such methods published by the United States Food and Drug Administration, the National Institutes of Health or other federal agencies;

~~((b))~~ (3) A statement that the patient, or the representative or parent or legal guardian of the patient, as applicable, and the physician agree that no such method is likely to ~~significantly prolong the life~~ adequately treat the life-threatening or severely debilitating disease or condition of the patient;

~~((c))~~ (4) Clear identification of the specific individualized investigational treatment or investigational drug, biological product or device proposed to treat the ~~terminal~~ life-threatening or severely debilitating disease or condition of the patient;

~~((d))~~ (5) A detailed description of the consequences of using the individualized investigational treatment or investigational drug, biological product or device, which must include, without limitation:

~~((1))~~ (I) A detailed description of the best and worst possible outcomes;

~~((2))~~ (II) A realistic and detailed description of the most likely outcome, in the opinion of the physician;

(III) A detailed description of relevant information that is not known about the individualized investigational treatment or investigational drug, biological product or device;
and

~~((3))~~ (IV) A statement of the possibility that using the individualized investigational treatment or investigational drug, biological product or device may result in new, unanticipated, different or worse symptoms or the death of the patient occurring sooner than if the individualized investigational treatment or investigational drug, biological product or device is not used ~~it~~ and a detailed description of any known new, different or worse symptoms the patient may suffer;

(6) A statement of the rights of the patient, including, without limitation, the rights to:

(I) Make an informed decision concerning the use of the individualized investigational treatment or investigational drug, biological product or device; and

(II) Withdraw from or refuse treatment using the individualized investigational treatment or investigational drug, biological product or device at any time;

(7) Information concerning resources that may be useful to the patient, including, without limitation, the contact information for agencies or organizations that may be able to provide support to the patient;

(8) A means by which the patient may contact the manufacturer of the individualized investigational treatment or investigational drug, biological product or device with any additional questions or concerns;

~~((e))~~ (9) A statement that a health insurer of the patient may not be required to pay for care or treatment of any condition resulting from the use of the individualized investigational treatment or investigational drug, biological product or device unless such care or treatment is specifically included in the policy of insurance covering the patient and that future benefits under the policy of insurance covering the patient may be affected by the patient's use of the individualized investigational treatment or investigational drug, biological product or device; and

~~((f))~~ (10) A statement that the patient, or the representative or parent or legal guardian of the patient, as applicable, understands that the patient is liable for all costs resulting from the use of the individualized investigational treatment or investigational drug, biological product or device, including, without limitation, costs resulting from care or treatment of any condition resulting from the use of the individualized investigational treatment or investigational drug, biological product or device, and that such liability will be passed on to the estate of the patient upon the death of the patient.

3. A physician who prescribes or recommends an individualized investigational treatment or investigational drug, biological product or device to a patient shall provide to the patient a form that:

(a) To the extent practicable, is in the preferred language of the patient; and

(b) Contains:

(1) The name of the individualized investigational treatment or investigational drug, biological product or device;

(2) The instructions for use and, where applicable, the recommended dosage of the

individualized investigational treatment or investigational drug, biological product or device:

(3) Where applicable, the investigational new drug number assigned by the United States Food and Drug Administration;

(4) The telephone number for the hotline established pursuant to subsection 4 of NRS 454.690;

(5) The contact information, telephone number, hours of operation and physical address of an emergency room or urgent care facility that is easily accessible to the patient if the patient experiences an adverse effect or symptom; and

(6) Any other information concerning the individualized investigational treatment or investigational drug, biological product or device that is relevant to the care of the patient.

4. Not later than 72 hours after the death or hospitalization of a patient which results from the use of an individualized investigational treatment or investigational drug, biological product or device, the physician who prescribed or recommended the individualized investigational treatment or investigational drug, biological product or device shall notify the Board.

5. On or before January 31 of each odd-numbered year, the Board shall submit to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a summary of the information reported to the Board pursuant to subsection 4 and subsection 4 of NRS 454.690 during the immediately preceding biennium.

6. A physician is not subject to disciplinary action for prescribing or recommending an individualized investigational treatment or investigational drug, biological product or device when authorized to do so pursuant to subsection 1.

7. The Board may adopt regulations to ensure the safety and efficacy of individualized investigational treatments and investigational drugs, biological products and devices prescribed or recommended pursuant to this section.

~~{4.}~~ 8. As used in this section:

(a) "Individualized investigational treatment" has the meaning ascribed to it in NRS 454.690.

(b) "Investigational drug, biological product or device" has the meaning ascribed to it in NRS 454.690.

~~{(b)} "Terminal condition"~~

(c) "Life-threatening disease or condition" has the meaning ascribed to it in NRS 454.690.

(d) "Severely debilitating disease or condition" has the meaning ascribed to it in NRS 454.690.

Sec. 1.7. NRS 632.347 is hereby amended to read as follows:

632.347 1. The Board may deny, revoke or suspend any license or certificate applied for or issued pursuant to this chapter, or take other disciplinary action against a licensee or holder of a certificate, upon determining that the licensee or certificate holder:

(a) Is guilty of fraud or deceit in procuring or attempting to procure a license or certificate pursuant to this chapter.

(b) Is guilty of any offense:

(1) Involving moral turpitude; or

(2) Related to the qualifications, functions or duties of a licensee or holder of a certificate, in which case the record of conviction is conclusive evidence thereof.

(c) Has been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

(d) Is unfit or incompetent by reason of gross negligence or recklessness in carrying out usual nursing functions.

(e) Uses any controlled substance, dangerous drug as defined in chapter 454 of NRS, or intoxicating liquor to an extent or in a manner which is dangerous or injurious to any other person or which impairs his or her ability to conduct the practice authorized by the license or certificate.

(f) Is a person with mental incompetence.

(g) Is guilty of unprofessional conduct, which includes, but is not limited to, the following:

(1) Conviction of practicing medicine without a license in violation of chapter 630 of NRS, in which case the record of conviction is conclusive evidence thereof.

(2) Impersonating any applicant or acting as proxy for an applicant in any examination required pursuant to this chapter for the issuance of a license or certificate.

- (3) Impersonating another licensed practitioner or holder of a certificate.
- (4) Permitting or allowing another person to use his or her license or certificate to practice as a licensed practical nurse, registered nurse, nursing assistant or medication aide - certified.
- (5) Repeated malpractice, which may be evidenced by claims of malpractice settled against the licensee or certificate holder.
- (6) Physical, verbal or psychological abuse of a patient.
- (7) Conviction for the use or unlawful possession of a controlled substance or dangerous drug as defined in chapter 454 of NRS.
- (h) Has willfully or repeatedly violated the provisions of this chapter. The voluntary surrender of a license or certificate issued pursuant to this chapter is prima facie evidence that the licensee or certificate holder has committed or expects to commit a violation of this chapter.
 - (i) Is guilty of aiding or abetting any person in a violation of this chapter.
 - (j) Has falsified an entry on a patient's medical chart concerning a controlled substance.
 - (k) Has falsified information which was given to a physician, pharmacist, podiatric physician or dentist to obtain a controlled substance.
 - (l) Has knowingly procured or administered 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:
 - (1) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;
 - (2) 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;
 - (3) Is cannabis being used for medical purposes in accordance with chapter 678C of NRS;
- or
- (4) Is an *individualized investigational treatment or* investigational drug or biological product prescribed to a patient pursuant to NRS 630.3735 or 633.6945.
- (m) Has been disciplined in another state in connection with a license to practice nursing or a certificate to practice as a nursing assistant or medication aide - certified, or has committed an act in another state which would constitute a violation of this chapter.
- (n) Has engaged in conduct likely to deceive, defraud or endanger a patient or the general public.
- (o) Has willfully failed to comply with a regulation, subpoena or order of the Board.
- (p) Has operated a medical facility at any time during which:
 - (1) The license of the facility was suspended or revoked; or
 - (2) An act or omission occurred which resulted in the suspension or revocation of the license pursuant to NRS 449.160.
- ☛ This paragraph applies to an owner or other principal responsible for the operation of the facility.
- (q) Is an advanced practice registered nurse who has failed to obtain any training required by the Board pursuant to NRS 632.2375.
- (r) Is an advanced practice registered nurse who has failed 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.
- (s) Has engaged in the fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, administering or dispensing of a controlled substance listed in schedule II, III or IV.
- (t) Has violated the provisions of NRS 454.217 or 629.086.
- (u) Has performed or supervised the performance of a pelvic examination in violation of NRS 629.085.
- (v) Has failed to comply with the provisions of NRS 441A.315 or any regulations adopted pursuant thereto.
- 2. For the purposes of this section, a plea or verdict of guilty or guilty but mentally ill or a plea of nolo contendere constitutes a conviction of an offense. The Board may take disciplinary action pending the appeal of a conviction.
- 3. A licensee or certificate holder is not subject to disciplinary action solely for administering auto-injectable epinephrine pursuant to a valid order issued pursuant to NRS 630.374 or 633.707.

4. As used in this section [~~,"investigational"]~~:

(a) *"Individualized investigational treatment" has the meaning ascribed to it in NRS 454.690.*

(b) *"Investigational drug or biological product" has the meaning ascribed to it in NRS 454.351.*

Sec. 1.8. NRS 633.511 is hereby amended to read as follows:

633.511 1. The grounds for initiating disciplinary action pursuant to this chapter are:

(a) Unprofessional conduct.

(b) Conviction of:

(1) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

(2) A felony relating to the practice of osteopathic medicine or practice as a physician assistant;

(3) A violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

(4) Murder, voluntary manslaughter or mayhem;

(5) Any felony involving the use of a firearm or other deadly weapon;

(6) Assault with intent to kill or to commit sexual assault or mayhem;

(7) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;

(8) Abuse or neglect of a child or contributory delinquency; or

(9) Any offense involving moral turpitude.

(c) The suspension of a license to practice osteopathic medicine or to practice as a physician assistant by any other jurisdiction.

(d) Malpractice or gross malpractice, which may be evidenced by a claim of malpractice settled against a licensee.

(e) Professional incompetence.

(f) Failure to comply with the requirements of NRS 633.527.

(g) Failure to comply with the requirements of subsection 3 of NRS 633.471.

(h) Failure to comply with the provisions of NRS 633.694.

(i) Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(1) The license of the facility is suspended or revoked; or

(2) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➡ This paragraph applies to an owner or other principal responsible for the operation of the facility.

(j) Failure to comply with the provisions of subsection 2 of NRS 633.322.

(k) Signing a blank prescription form.

(l) Knowingly or willfully 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:

(1) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(2) 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;

(3) Is cannabis being used for medical purposes in accordance with chapter 678C of NRS; or

(4) Is an *individualized investigational treatment or* investigational drug or biological product prescribed to a patient pursuant to NRS 630.3735 or 633.6945.

(m) Attempting, directly or indirectly, by intimidation, coercion or deception, to obtain or retain a patient or to discourage the use of a second opinion.

(n) Terminating the medical care of a patient without adequate notice or without making other arrangements for the continued care of the patient.

(o) In addition to the provisions of subsection 3 of NRS 633.524, making or filing a report which the licensee knows to be false, failing to file a record or report that is required by law or knowingly or willfully obstructing or inducing another to obstruct the making or filing of such a record or report.

(p) Failure to report any person the licensee knows, or has reason to know, is in violation of the provisions of this chapter, except for a violation of NRS 633.4717, or the regulations of the Board within 30 days after the date the licensee knows or has reason to know of the violation.

(q) Failure by a licensee or applicant to report in writing, within 30 days, any criminal action taken or conviction obtained against the licensee or applicant, other than a minor traffic violation, in this State or any other state or by the Federal Government, a branch of the Armed Forces of the United States or any local or federal jurisdiction of a foreign country.

(r) Engaging in any act that is unsafe in accordance with regulations adopted by the Board.

(s) Failure to comply with the provisions of NRS 629.515.

(t) Failure to supervise adequately a medical assistant pursuant to the regulations of the Board.

(u) Failure to obtain any training required by the Board pursuant to NRS 633.473.

(v) Failure to comply with the provisions of NRS 633.6955.

(w) 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.

(x) Fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, administering or dispensing of a controlled substance listed in schedule II, III or IV.

(y) Failure to comply with the provisions of NRS 454.217 or 629.086.

(z) Failure to comply with the provisions of NRS 441A.315 or any regulations adopted pursuant thereto.

(aa) Performing or supervising the performance of a pelvic examination in violation of NRS 629.085.

2. As used in this section ~~["investigational"]~~ :

(a) "Individualized investigational treatment" has the meaning ascribed to it in NRS 454.690.

(b) "Investigational drug or biological product" has the meaning ascribed to it in NRS 454.351.

Sec. 1.9. NRS 633.6945 is hereby amended to read as follows:

633.6945 1. An osteopathic physician may prescribe or recommend an individualized investigational treatment or investigational drug, biological product or device to a patient if the osteopathic physician has:

(a) Diagnosed the patient with a ~~terminal~~ life-threatening or severely debilitating disease or condition;

(b) Discussed with the patient all available methods of treating the ~~terminal~~ life-threatening or severely debilitating disease or condition that have been approved by the United States Food and Drug Administration and the patient and the osteopathic physician have determined that no such method of treatment is adequate to treat the ~~terminal~~ life-threatening or severely debilitating disease or condition of the patient; ~~and~~

(c) For an individualized investigational treatment, conducted an analysis of the patient's genomic sequence, human chromosomes, deoxyribonucleic acid, ribonucleic acid, genes, gene products or metabolites or an immunity panel, as applicable to the individualized investigational treatment; and

(d) Obtained informed, written consent to the use of the individualized investigational treatment or investigational drug, biological product or device ,as applicable, from:

(1) The patient;

(2) If the patient is incompetent, the representative of the patient; or

(3) If the patient is less than 18 years of age, a parent or legal guardian of the patient.

2. An informed, written consent must be recorded on a form signed by the patient, or the representative or parent or legal guardian of the patient, as applicable ~~["that contains"]~~ The form must:

(a) ~~["An"]~~ To the extent practicable, be in the preferred language of the patient, or the representative or parent or legal guardian of the patient, as applicable.

(b) Be in language that is at the reading level of an eighth grader or a pupil enrolled in a lower grade.

(c) Include or be accompanied by:

(1) An overview of the provisions of this section and NRS 454.690, including, without

limitation, a detailed description of the provisions of subsection 1 and the terms defined in subsection 8:

(2) A comprehensive explanation of all methods of treating the ~~terminal~~ life-threatening or severely debilitating disease or condition of the patient that are currently approved by the United States Food and Drug Administration ~~that~~, including, without limitation, information concerning such methods published by the United States Food and Drug Administration, the National Institutes of Health or other federal agencies;

~~((b))~~ (3) A statement that the patient, or the representative or parent or legal guardian of the patient, as applicable, and the osteopathic physician agree that no such method is likely to ~~significantly prolong the life~~ adequately treat the life-threatening or severely debilitating disease or condition of the patient;

~~((c))~~ (4) Clear identification of the specific *individualized investigational treatment or* investigational drug, biological product or device proposed to treat the ~~terminal~~ life-threatening or severely debilitating disease or condition of the patient;

~~((d))~~ (5) A *detailed* description of the consequences of using the *individualized investigational treatment or* investigational drug, biological product or device, which must include, without limitation:

~~((1))~~ (I) A *detailed* description of the best and worst possible outcomes;

~~((2))~~ (II) A realistic *and detailed* description of the most likely outcome, in the opinion of the osteopathic physician;

(III) A *detailed* description of relevant information that is not known about the individualized investigational treatment or investigational drug, biological product or device;
and

~~((3))~~ (IV) A statement of the possibility that using the *individualized investigational treatment or* investigational drug, biological product or device may result in new, unanticipated, different or worse symptoms or the death of the patient occurring sooner than if the *individualized investigational treatment or* investigational drug, biological product or device is not used ~~that~~ and a detailed description of any known new, different or worse symptoms the patient may suffer;

(6) A statement of the rights of the patient, including, without limitation, the rights to:

(I) Make an informed decision concerning the use of the individualized investigational treatment or investigational drug, biological product or device; and

(II) Withdraw from or refuse treatment using the individualized investigational treatment or investigational drug, biological product or device at any time;

(7) Information concerning resources that may be useful to the patient, including, without limitation, the contact information for agencies or organizations that may be able to provide support to the patient;

(8) A means by which the patient may contact the manufacturer of the individualized investigational treatment or investigational drug, biological product or device with any additional questions or concerns;

~~((e))~~ (9) A statement that a health insurer of the patient may not be required to pay for care or treatment of any condition resulting from the use of the *individualized investigational treatment or* investigational drug, biological product or device unless such care or treatment is specifically included in the policy of insurance covering the patient and that future benefits under the policy of insurance covering the patient may be affected by the patient's use of the *individualized investigational treatment or* investigational drug, biological product or device; and

~~((f))~~ (10) A statement that the patient, or the representative or parent or legal guardian of the patient, as applicable, understands that the patient is liable for all costs resulting from the use of the *individualized investigational treatment or* investigational drug, biological product or device, including, without limitation, costs resulting from care or treatment of any condition resulting from the use of the *individualized investigational treatment or* investigational drug, biological product or device, and that such liability will be passed on to the estate of the patient upon the death of the patient.

3. An osteopathic physician who prescribes or recommends an individualized investigational treatment or investigational drug, biological product or device to a patient shall provide to the patient a form that:

- (a) To the extent practicable, is in the preferred language of the patient; and
- (b) Contains:
- (1) The name of the individualized investigational treatment or investigational drug, biological product or device;
- (2) The instructions for use and, where applicable, the recommended dosage of the individualized investigational treatment or investigational drug, biological product or device;
- (3) Where applicable, the investigational new drug number assigned by the United States Food and Drug Administration;
- (4) The telephone number for the hotline established pursuant to subsection 4 of NRS 454.690;
- (5) The contact information, telephone number, hours of operation and physical address of an emergency room or urgent care facility that is easily accessible to the patient if the patient experiences an adverse effect or symptom; and
- (6) Any other information concerning the individualized investigational treatment or investigational drug, biological product or device that is relevant to the care of the patient.
4. Not later than 72 hours after the death or hospitalization of a patient which results from the use of an individualized investigational treatment or investigational drug, biological product or device, the osteopathic physician who prescribed or recommended the individualized investigational treatment or investigational drug, biological product or device shall notify the Board.
5. On or before January 31 of each odd-numbered year, the Board shall submit to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a summary of the information reported to the Board pursuant to subsection 4 and subsection 4 of NRS 454.690 during the immediately preceding biennium.
6. An osteopathic physician is not subject to disciplinary action for prescribing or recommending an individualized investigational treatment or investigational drug, biological product or device when authorized to do so pursuant to subsection 1.
7. The Board may adopt regulations to ensure the safety and efficacy of individualized investigational treatments and investigational drugs, biological products and devices prescribed or recommended pursuant to this section.
- ~~4.8.~~ As used in this section:
- (a) "Individualized investigational treatment" has the meaning ascribed to it in NRS 454.690.
- (b) "Investigational drug, biological product or device" has the meaning ascribed to it in NRS 454.690.
- ~~((b) "Terminal condition")~~
- (c) "Life-threatening disease or condition" has the meaning ascribed to it in NRS 454.690.
- (d) "Severely debilitating disease or condition" has the meaning ascribed to it in NRS 454.690.

Sec. 2. NRS 641.2291 is hereby amended to read as follows:

641.2291 1. A program of education for mental health professionals approved by the Board, a mental health professional or a person receiving training for mental health professionals is not required to retain a recording of the provision of mental health services by a psychologist to a patient that meets the requirements of subsection 2 if:

- (a) The recording is used for a training activity that is part of a program of education for mental health professionals approved by the Board;
- (b) The patient has provided informed consent in writing on a form that meets the requirements prescribed by the Board pursuant to subsection 3 to the use of the recording in the training activity;
- (c) Destroying the recording does not result in noncompliance with the obligations described in subsection 4; and
- (d) The recording is destroyed after the expiration of the period of time prescribed by the Board pursuant to paragraph (b) of subsection 3.

2. A recording of the provision of mental health services by a psychologist to a patient used for the purpose described in paragraph (a) of subsection 1:

- (a) Must meet all requirements of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and any regulations adopted pursuant thereto, that are designed to

prevent the reproduction, copying or theft of the recording; and

(b) Must not contain any personally identifiable information relating to the patient unless the patient has provided informed consent in writing specifically authorizing the inclusion of that information in the recording.

3. The Board shall adopt regulations:

(a) Prescribing requirements governing the provision of informed written consent pursuant to paragraph (b) of subsection 1, including, without limitation, requirements governing:

(1) The form on which such informed written consent must be provided; and

(2) The length of time that a psychologist who obtains such informed written consent must maintain the informed written consent;

(b) Prescribing the length of time that a program of education for mental health professionals, a mental health professional or a person receiving training for mental health professionals that uses a recording of the provision of mental health services by a psychologist to a patient for the purposes described in paragraph (a) of subsection 1 may retain the recording before destroying it; and

(c) Defining "training activity" for the purposes of this section.

4. The provisions of this section do not abrogate, alter or otherwise affect the obligation of a psychologist to comply with the applicable requirements of chapter 629 of NRS, including, without limitation, the requirement to retain records concerning the mental health services that he or she provides to patients in accordance with NRS 629.051 to 629.069, inclusive ~~[]~~ , and *section 1 of this act*.

5. Except where necessary for compliance with subsection 4, a recording of the provision of mental health services by a psychologist to a patient that is used for a training activity by a program of education for mental health professionals, a mental health professional or a person receiving training for mental health professionals in accordance with the provisions of this section is not a health care record for the purposes of chapter 629 of NRS.

6. As used in this section, "mental health professional" means a psychologist, a marriage and family therapist, a clinical professional counselor, a social worker, a master social worker, an independent social worker, a clinical social worker, a clinical alcohol and drug counselor, an alcohol and drug counselor or problem gambling counselor.

Sec. 2.3. NRS 649.366 is hereby amended to read as follows:

649.366 1. Not less than 60 days before taking any action to collect a medical debt, a collection agency shall send by ~~(registered or certified)~~ mail to the medical debtor written notification that sets forth:

(a) The name of the medical facility, provider of health care or provider of emergency medical services that provided the goods or services for which the medical debt is owed;

(b) The date on which those goods or services were provided; and

(c) The principal amount of the medical debt.

2. The written notification required by subsection 1 must:

(a) Identify the name of the collection agency; and

(b) Inform the medical debtor that, as applicable:

(1) The medical debt has been assigned to the collection agency for collection; or

(2) The collection agency has otherwise obtained the medical debt for collection.

Sec. 2.5. NRS 454.351 is hereby amended to read as follows:

454.351 1. Any person within this State who possesses, procures, obtains, processes, produces, derives, manufactures, sells, offers for sale, gives away or otherwise furnishes any drug which may not be lawfully introduced into interstate commerce under the Federal Food, Drug and Cosmetic Act is guilty of a misdemeanor.

2. The provisions of this section do not apply:

(a) To physicians licensed to practice in this State who have been authorized by the United States Food and Drug Administration to possess experimental drugs for the purpose of conducting research to evaluate the effectiveness of such drugs and who maintain complete and accurate records of the use of such drugs and submit clinical reports as required by the United States Food and Drug Administration.

(b) To any substance which has been licensed by the State Board of Health for manufacture in this State but has not been approved as a drug by the United States Food and Drug

Administration. The exemption granted in this paragraph does not grant authority to transport such a substance out of this State.

(c) To any person or governmental entity who possesses, procures, obtains, processes, produces, derives, manufactures, sells, offers for sale, gives away or otherwise furnishes an individualized investigational treatment or investigational drug or biological product when authorized pursuant to NRS 454.690.

(d) To any physician who prescribes or recommends an individualized investigational treatment or investigational drug or biological product pursuant to NRS 630.3735 or 633.6945.

3. As used in this section:

(a) "Biological product" has the meaning ascribed to it in NRS 454.690.

(b) "Individualized investigational treatment" has the meaning ascribed to it in NRS 454.690.

(c) "Investigational drug or biological product" means a drug or biological product that:

(1) Has successfully completed Phase 1 of a clinical trial;

(2) Has not been approved by the United States Food and Drug Administration; and

(3) Is currently being tested in a clinical trial that has been approved by the United States Food and Drug Administration.

Sec. 2.7. NRS 454.690 is hereby amended to read as follows:

454.690 1. The manufacturer of an investigational drug, biological product or device may provide or make available the investigational drug, biological product or device to a patient in this State who has been diagnosed with a ~~terminal~~ life-threatening or severely debilitating disease or condition if a physician has prescribed or recommended the investigational drug, biological product or device to the patient as authorized pursuant to NRS 630.3735 or 633.6945.

2. The manufacturer of an individualized investigational treatment may provide or make available the individualized investigational treatment to a patient in this State who has been diagnosed with a life-threatening or severely debilitating disease or condition if:

(a) The manufacturer operates within a health care institution that:

(1) Operates under a Federalwide Assurance for the protection of human subjects pursuant to 45 C.F.R. Part 46; and

(2) Is subject to all Federalwide Assurance regulations, policies and guidelines, including, without limitation, renewals and updates; and

(b) A physician has prescribed or recommended the individualized investigational treatment to the patient as authorized pursuant to NRS 630.3735 or 633.6945.

3. A manufacturer who provides or makes available an individualized investigational treatment or investigational drug, biological product or device, as applicable, to a patient pursuant to subsection 1 may:

(a) Provide the investigational drug, biological product or device to the patient without charge; or

(b) Charge the patient only for the costs associated with the manufacture of the individualized investigational treatment or investigational drug, biological product or device ~~to~~, as applicable.

4. A manufacturer that provides or makes available an individualized investigational treatment or investigational drug, biological product or device to a patient pursuant to subsection 1 or 2 shall:

(a) Establish a hotline that operates 24 hours a day, 7 days a week, including holidays, for patients who develop adverse effects or symptoms.

(b) On or before January 1, April 1, July 1 and October 1 of each year, or, if that date falls on a Saturday, Sunday or legal holiday, the next business day thereafter, submit to the Board of Medical Examiners and the State Board of Osteopathic Medicine a report summarizing information concerning the individualized investigational treatments or the investigational drugs, biological products or devices provided or made available to patients of physicians licensed by the board to which the report is submitted during the immediately preceding calendar quarter. The report must include, without limitation:

(1) The number of patients who received the individualized investigational treatment or the investigational drug, biological product or device;

(2) Where applicable, the average number of doses received by patients;

(3) The name of the individualized investigational treatment or the investigational drug,

biological product or device and, where applicable, the investigational new drug number assigned by the United States Food and Drug Administration;

(4) The disease or condition that the individualized investigational treatment or the investigational drug, biological product or device is intended to treat;

(5) The uses for which the individualized investigational treatment or the investigational drug, biological product or device was provided or made available; and

(6) Any known adverse effects or symptoms associated with the administration of the individualized investigational treatment or the investigational drug, biological product or device.

~~{3-}~~ 5. An officer, employee or agent of this State shall not prevent or attempt to prevent a patient from accessing an individualized investigational treatment or investigational drug, biological product or device that is authorized to be provided or made available to a patient pursuant to this section. Counseling, advice or a recommendation from a physician consistent with medical standards of care is not a violation of this subsection.

6. This section does not create a private cause of action against the manufacturer of an individualized investigational treatment or investigational drug, biological product or device, or against any other person or entity involved in the care of a patient who uses an individualized investigational treatment or investigational drug, biological product or device for any harm done to the patient resulting from the individualized investigational treatment or investigational drug, biological product or device, if the manufacturer or other person or entity is complying in good faith with the provisions of this section and has exercised reasonable care.

7. Notwithstanding any provision of law to the contrary, if a patient dies while being treated with an individualized investigational treatment or investigational drug, biological product or device, the heir or heirs of the deceased patient must not be held personally liable for any outstanding debt related to such treatment.

~~{4-}~~ 8. A violation of any provision of this section, except for subsection 4, is a misdemeanor.

9. If a manufacturer fails to comply with the provisions of subsection 4 and such failure is not caused by excusable neglect, technical problems or other extenuating circumstances, the manufacturer is liable for a civil penalty to be recovered by the Attorney General in an amount of \$5,000 for each day of such failure. The Attorney General shall deposit any civil penalties collected pursuant to this subsection with the State Treasurer for credit to the State General Fund.

~~{5-}~~ 10. As used in this section:

(a) "Biological product" has the meaning ascribed to it in 42 U.S.C. § 262.

(b) "Individualized investigational treatment" means a drug, biological product or device that is unique to and produced exclusively for use by an individual patient based on the genetic profile of the patient, including, without limitation, by an analysis of the genomic sequence of the patient, human chromosomes, deoxyribonucleic acid, ribonucleic acid, genes, gene products such as enzymes and other types of proteins or metabolites. The term includes, without limitation, individualized gene therapy, antisense oligonucleotides and individualized neoantigen vaccines.

(c) "Investigational drug, biological product or device" means a drug, biological product or device that:

(1) Has successfully completed Phase 1 of a clinical trial;

(2) Has not been approved by the United States Food and Drug Administration; and

(3) Is currently being tested in a clinical trial that has been approved by the United States Food and Drug Administration.

~~{(c)} "Terminal condition" means an incurable and irreversible condition that, without the administration of life-sustaining treatment, will, in the opinion of the attending physician, result in death within 1 year.~~

(d) "Life-threatening disease or condition" has the meaning ascribed to it in 21 C.F.R. § 312.81, as interpreted by any guidance of the United States Food and Drug Administration.

(e) "Severely debilitating disease or condition" has the meaning ascribed to it in 21 C.F.R. § 312.81, as interpreted by any guidance of the United States Food and Drug Administration.

Sec. 3. Chapter 616B of NRS is hereby amended by adding thereto a new section to read as

follows:

1. *If an injured employee or his or her legal representative requests health care records from an insurer, third-party administrator or employer pursuant to subsection 2 of NRS 616B.012, any other provision of chapters 616A to 616D, inclusive, or chapter 617 of NRS or any regulation adopted pursuant thereto, the insurer, third-party administrator or employer shall furnish a copy of the requested records to the injured employee or legal representative. Such records may be furnished in an electronic format using a method of secure electronic transmission that complies with applicable federal and state law.*

2. *If an insurer, third-party administrator or employer maintains health care records electronically, any fee to furnish those records in an electronic format pursuant to subsection 1 must not exceed:*

(a) *Fifteen dollars for records able to be delivered by electronic mail; or*

(b) *Twenty-five dollars for records required to be delivered using a secure electronic method of file sharing.*

3. *Any fee to furnish health care records in a form that is not electronic pursuant to subsection 1 must not exceed 30 cents per page.*

4. *As used in this section:*

(a) *"Health care records" has the meaning ascribed to it in NRS 629.021 and additionally includes individually identifiable health information, as defined in 45 C.F.R. § 160.103.*

(b) *"Secure electronic transmission" has the meaning ascribed to it in section 1 of this act.*

Sec. 4. NRS 616B.012 is hereby amended to read as follows:

616B.012 1. Except as otherwise provided in this section and NRS 239.0115, 607.217, 616B.015, 616B.021 and 616C.205, *and section 3 of this act*, information obtained from any insurer, employer or employee is confidential and may not be disclosed or be open to public inspection in any manner which would reveal the person's identity.

2. Any claimant or legal representative of the claimant is entitled to information from the records of the insurer, to the extent necessary for the proper presentation of a claim in any proceeding under chapters 616A to 616D, inclusive, or chapter 617 of NRS.

3. The Division and Administrator are entitled to information from the records of the insurer which is necessary for the performance of their duties. The Administrator may, by regulation, prescribe the manner in which otherwise confidential information may be made available to:

(a) Any agency of this or any other state charged with the administration or enforcement of laws relating to industrial insurance, unemployment compensation, public assistance or labor law and industrial relations;

(b) Any state or local agency for the enforcement of child support;

(c) The Internal Revenue Service of the Department of the Treasury;

(d) The Department of Taxation; and

(e) The State Contractors' Board in the performance of its duties to enforce the provisions of chapter 624 of NRS.

➤ Information obtained in connection with the administration of a program of industrial insurance may be made available to persons or agencies for purposes appropriate to the operation of a program of industrial insurance.

4. Upon written request made by a public officer of a local government, an insurer shall furnish from its records the name, address and place of employment of any person listed in its records. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by proper authority of the local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or obligation owed to the local government. Except as otherwise provided in NRS 239.0115, the information obtained by the local government is confidential and may not be used or disclosed for any purpose other than the collection of a debt or obligation owed to the local government. The insurer may charge a reasonable fee for the cost of providing the requested information.

5. To further a current criminal investigation, the chief executive officer of any law enforcement agency of this State may submit to the Administrator a written request for the name, address and place of employment of any person listed in the records of an insurer. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the chief executive officer certifying that the request is made to

further a criminal investigation currently being conducted by the agency. Upon receipt of a request, the Administrator shall instruct the insurer to furnish the information requested. Upon receipt of such an instruction, the insurer shall furnish the information requested. The insurer may charge a reasonable fee to cover any related administrative expenses.

6. Upon request by the Department of Taxation, the Administrator shall provide:

(a) Lists containing the names and addresses of employers; and

(b) Other information concerning employers collected and maintained by the Administrator or the Division to carry out the purposes of chapters 616A to 616D, inclusive, or chapter 617 of NRS,

➡ to the Department for its use in verifying returns for the taxes imposed pursuant to chapters 363A, 363B, 363C and 363D of NRS. The Administrator may charge a reasonable fee to cover any related administrative expenses.

7. Any person who, in violation of this section, discloses information obtained from files of claimants or policyholders or obtains a list of claimants or policyholders under chapters 616A to 616D, inclusive, or chapter 617 of NRS and uses or permits the use of the list for any political purposes, is guilty of a gross misdemeanor.

8. All letters, reports or communications of any kind, oral or written, from the insurer, or any of its agents, representatives or employees are privileged and must not be the subject matter or basis for any lawsuit if the letter, report or communication is written, sent, delivered or prepared pursuant to the requirements of chapters 616A to 616D, inclusive, or chapter 617 of NRS.

9. The provisions of this section do not prohibit the Administrator or the Division from:

(a) Disclosing any nonproprietary information relating to an uninsured employer or proof of industrial insurance; or

(b) Notifying an injured employee or the surviving spouse or dependent of an injured employee of benefits to which such persons may be entitled in addition to those provided pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS but only if:

(1) The notification is solely for the purpose of informing the recipient of benefits that are available to the recipient; and

(2) The content of the notification is limited to information concerning services which are offered by nonprofit entities.

Sec. 5. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 6. 1. A patient who is being treated with an individualized investigational treatment or an investigational drug, biological product or device on June 30, 2027, may continue to receive such treatment on and after July 1, 2027, regardless of whether the patient remains eligible to receive such treatment.

2. As used in this section:

(a) "Individualized investigational treatment" has the meaning ascribed to it in NRS 454.690, as amended by section 2.7 of this act.

(b) "Investigational drug, biological product or device" has the meaning ascribed to it in NRS 454.690, as amended by section 2.7 of this act.

~~{Sec. 5.}~~ Sec. 7. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 8. 1. This section and sections 1.55 to 1.9, inclusive, 2.5, 2.7, 5 and 6 of this act become effective on July 1, 2023.

2. Sections 1, 1.5, 2, 2.3, 3, 4 and 7 of this act become effective on October 1, 2023.

3. Sections 1.55 to 1.9, inclusive, 2.5 and 2.7 of this act expire by limitation on July 1, 2027.

PAT SPEARMAN

JULIE PAZINA

JEFF STONE

Senate Conference Committee

SARAH PETERS

SELENA TORRES

GREGORY HAFEN

Assembly Conference Committee

Senator Spearman moved that the Senate adopt the report of the Conference Committee concerning Senate Bill No. 283.

Motion carried by a constitutional majority.

Mr. President:

The Conference Committee concerning Senate Bill No. 355, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 669 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 6, which is attached to and hereby made a part of this report.

Conference Amendment No. 6.

SUMMARY—Revises provisions relating to ~~(financial services;)~~ commerce. (BDR 55-59)

AN ACT relating to ~~(financial services;)~~ commerce; prohibiting the Commissioner of Financial Institutions from requiring an applicant for a license to establish a new depository institution to identify the physical address of the proposed depository institution in the application for the license; authorizing certain persons employed by financial institutions to temporarily delay certain financial transactions involving the suspected exploitation of an older person or vulnerable person; exempting certain persons from liability for certain actions relating to the suspected exploitation of an older person or vulnerable person; authorizing ~~(the employee of a person licensed to engage in the business of lending in this State)~~ certain persons to perform certain work from a remote location under certain circumstances; setting forth various requirements concerning such work performed at a remote location; requiring a person licensed to engage in the business of lending in this State to provide notice to the Attorney General and certain other persons of certain breaches of security involving personal information; revising the circumstances under which a person is not required to accept an acknowledged power of attorney; prohibiting certain deceptive service agreements between an owner of residential property and a service provider; revising provisions governing persons who hold a permit to engage in property management; revising the method by which a collection agency must notify a medical debtor before taking any action to collect a medical debt; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensure and regulation of various types of financial institutions, including, without limitation, depository institutions, by the Commissioner of Financial Institutions. (Title 55 of NRS) Existing law requires the Commissioner, during the process for the organization and licensing of a banking corporation or company, to examine all the facts connected with the formation of the proposed banking corporation or company, including its location. (NRS 659.045) Similarly, existing law requires a person who desires to organize a savings bank to submit to the Commissioner an application that contains, among other things, the location of the proposed main office of the savings bank. (NRS 673.080) Section 1 of this bill prohibits the Commissioner from requiring an applicant for a license to establish a new depository institution to identify in the application for the license the physical address where the main office of the proposed depository institution will be located. Section 1 authorizes the Commissioner to require such an applicant to: (1) identify the location of the proposed main office, described in general terms, in the application; and (2) provide the physical address of the proposed main office before the depository institution commences business. Section 2 of this bill makes a conforming change to indicate the proper placement of section 1 in the Nevada Revised Statutes.

Existing law prohibits a person from engaging in the business of lending in this State without having first obtained a license from the Commissioner for each office or other place of business in which the person engages in the business of lending. (NRS 675.060) Section 5 of this bill authorizes an employee of a licensee to engage in the business of lending in this State at a remote location if authorized by the licensee. Section 5 requires a licensee: (1) to enter into a written agreement with an employee before authorizing the employee to work at a remote location; and (2) to ensure that the employee and the remote location meet certain requirements. Section 6 of this bill requires a licensee who authorizes an employee to engage in the business of

lending in this State at a remote location to develop and adhere to a written data security policy meeting certain requirements. Section 7 of this bill sets forth certain prohibited acts with respect to an employee who engages in the business of lending in this State at a remote location. Section 8 of this bill requires a licensee who authorizes any employee to engage in the business of lending in this State at a remote location to conduct an annual review and evaluation of the operations of the licensee which are conducted by employees working at remote locations. Section 11 of this bill defines words and terms for the purposes of this bill. Sections 12-16 of this bill make certain changes to provisions governing the licensing of persons engaged in the business of lending to account for the provisions of sections 5-8 which authorize an employee of a licensee to engage in the business of lending in this State at a remote location.

Existing law requires a data collector that owns, licenses or maintains computerized data which includes personal information to, after discovery or notification of a breach of security in which personal information maintained by the data collector was, or is reasonably believed to have been, acquired by an unauthorized person, notify each affected resident of this State and certain other persons. (NRS 603A.220) Section 17 of this bill exempts a person licensed to engage in the business of lending in this State from those requirements. Section 9 of this bill instead sets forth similar provisions which require a licensee, after discovery or notification of a breach of security in which personal information maintained by the licensee was, or is reasonably believed to have been, acquired by an unauthorized person, to notify each affected resident if the breach is reasonably likely to subject the resident to a risk of harm and certain other conditions are met. Section 9 sets forth certain requirements for such a notification. Section 10 of this bill requires a licensee who is required to notify more than 500 residents of this State pursuant to section 9 as the result of a single breach also to notify the Attorney General.

Existing law requires certain financial institutions to designate a person to whom an officer or employee of the financial institution must report known or suspected exploitation of an older person or vulnerable person. (NRS 657.290) Section 3 of this bill authorizes a designated reporter to delay a requested disbursement or transaction involving an older person or vulnerable person if the designated reporter knows or has reasonable cause to believe that the older person or vulnerable person has been exploited. Section 3 sets forth procedures and requirements for the imposition of such a delay. Additionally, section 3 provides that a financial institution and its officers, employees and designated reporters are immune from criminal, civil and administrative liability for: (1) making a report concerning the known or suspected exploitation of an older person or vulnerable person; (2) delaying a requested disbursement or transaction involving such exploitation pursuant to section 3; and (3) taking certain other actions relating to known or suspected exploitation of an older person or vulnerable person.

Under existing law, a person who refuses to accept an acknowledged power of attorney, with certain exceptions, is subject to: (1) a court order mandating acceptance of the power of attorney; and (2) liability for reasonable attorney's fees and costs incurred in any action or proceeding that confirms the validity of the power of attorney or mandates acceptance of the power of attorney. (NRS 162A.370) Section 16.5 of this bill provides that a designated reporter who delays a requested disbursement or transaction pursuant to section 3 or certain other persons who make a report concerning the exploitation of an older person or vulnerable person are not required to accept an acknowledged power of attorney under certain circumstances.

Section 16.3 of this bill prohibits a service provider from entering into or recording a service agreement with an owner of residential property that provides for the performance of the agreement more than 1 year from the date of the execution of the agreement if the service agreement: (1) purports to run with the land or bind future owners; (2) allows for the assignment of the right to provide service without requiring notice to and the agreement of the owner; or (3) purports to create a security interest in residential property. Section 16.3 provides that such a service agreement is void and unenforceable. Section 16.3 also: (1) provides that a county recorder may refuse to record such an agreement; (2) provides that any person who attempts to record such an agreement is guilty of a misdemeanor; and (3) authorizes a person with an interest in residential property subject to such a service agreement to bring a civil action. Additionally, section 16.3 requires a service provider that has entered into a service agreement on or before the passage and approval of this bill to record a notice of the service agreement with

the county recorder of the county in which the real property that is subject to the service agreement is located. Finally, section 16.3 provides that a service provider who enters into or records a service agreement prohibited by section 16.3 is engaged in a deceptive trade practice.

Existing law authorizes a person licensed as a real estate broker, real estate broker-salesperson or real estate salesperson to apply to the Real Estate Division of the Department of Business and Industry for a permit to engage in property management. (NRS 645.6052) A real estate broker who holds a permit to engage in property management is prohibited from acting as a property manager unless the broker has first obtained a property management agreement signed by the broker and the client for whom the broker will manage the property. (NRS 645.6056) Section 18 of this bill sets forth certain duties of a person who acts as a property manager when entering into a property management agreement and performing his or her duties pursuant to such agreement. Section 22 of this bill prohibits a property manager from waiving any of those duties. Section 23 of this bill authorizes a person who has suffered damages as the proximate result of a property manager's failure to perform any of those duties to bring an action against the property manager.

Section 19 of this bill revises the definition of the term "agency" to include a relationship arising out of a property management agreement. Section 20 of this bill requires the Division to prepare and distribute certain forms to property managers.

Existing law provides that if a real estate broker assigns different licensees affiliated with his or her brokerage to separate parties to a real estate transaction, the licensees are not required to obtain the written consent of each party to the transaction. (NRS 645.252, 645.253) Section 21 of this bill provides that property managers affiliated with a brokerage who are assigned to separate parties to a property management agreement are also not required to obtain such written consent.

Existing law requires an applicant for a license as a mortgage company to state in the application: (1) for an applicant who is not a wholesale lender, the location of each principal office and branch office at which the mortgage company will conduct business in this State; and (2) the location of any principal office, office or other place of business located outside this State from which the mortgage company will conduct business in this State. Existing law also requires a mortgage company that will conduct business at one or more branch offices to apply for a license for each branch office. (NRS 645B.020)

Section 24 of this bill authorizes an employee of a mortgage company, including, without limitation, a mortgage loan originator employed by or associated with the mortgage company, to conduct the business of the mortgage company at a remote location if authorized by the mortgage company. Section 24 defines "remote location" to mean, in general, any location, including the residence of an employee, that is not a location for which a license as a mortgage company has been issued. Section 24 sets forth certain requirements for a mortgage company to authorize an employee to conduct the business of the mortgage company at a remote location. Additionally, section 24 prohibits: (1) an employee from interacting with a customer in person at the residence of the employee; and (2) the maintenance of physical records at a remote location. Finally, section 24 requires: (1) a mortgage company to maintain certain records relating to business conducted at a remote location at its principal office or a branch office; and (2) the Commissioner of Mortgage Lending to adopt regulations governing the conducting of the business of a mortgage company at a remote location.

Existing law requires each mortgage company to keep and maintain at each location where the mortgage company conducts business in this State records of all mortgage transactions made by the mortgage company at that location. (NRS 645B.080) Section 25 of this bill exempts a remote location from that requirement and instead requires a mortgage company to keep and maintain records of all mortgage transactions made by an employee at a remote location in accordance with the requirements established by the Commissioner of Mortgage Lending by regulation.

Existing law requires a collection agency, not less than 60 days before taking any action to collect a medical debt, to send by registered or certified mail to the medical debtor written notification setting forth certain information. (NRS 649.366) Section 26 of this bill removes the requirement that the written notification be sent by mail that is registered or certified.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 657 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Commissioner shall not require an applicant for a license to establish a new depository institution to identify in the application for the license the physical address where the main office of the proposed depository institution will be located.*

2. *The Commissioner may require an applicant for a license to establish a new depository institution to:*

(a) Identify in the application for the license the location, described in general terms, where the main office of the proposed depository institution will be located; and

(b) Provide to the Commissioner the physical address of the main office of the proposed depository institution before the depository institution commences business.

Sec. 2. NRS 657.150 is hereby amended to read as follows:

657.150 As used in NRS 657.150 to 657.290, inclusive, *and section 1 of this act*, unless the context otherwise requires, the words and terms defined in NRS 657.160 and 657.170 have the meanings ascribed to them in those sections.

Sec. 3. NRS 657.290 is hereby amended to read as follows:

657.290 1. Each financial institution shall designate a person or persons to whom an officer or employee of the financial institution must report known or suspected exploitation of an older person or vulnerable person.

2. If an officer or employee reports known or suspected exploitation of an older person or vulnerable person to a designated reporter and, based on such a report or based on his or her own observations or knowledge, the designated reporter knows or has reasonable cause to believe that an older person or vulnerable person has been exploited, the designated reporter : ~~{shall}~~

(a) Except as otherwise provided in subsection 3, *shall* report the known or suspected exploitation of the older person or vulnerable person to:

(1) The local office of the Aging and Disability Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office;

(3) The county's office for protective services, if one exists in the county where the suspected action occurred; or

(4) A toll-free telephone service designated by the Aging and Disability Services Division of the Department of Health and Human Services; ~~{and}~~

(b) ~~{Make}~~ *Shall* make such a report as soon as reasonably practicable ~~{; and}~~

(c) *May temporarily delay a requested disbursement from, or a requested transaction involving, an account of an older person or vulnerable person or an account to which an older person or vulnerable person is a beneficiary if the designated reporter:*

(1) *Not later than 2 business days after the date on which the requested disbursement or transaction is delayed:*

(I) Provides written notification of the delay and the reason for the delay to all parties authorized to transact business on the account, except a party who is reasonably believed to have engaged in the suspected exploitation; and

(II) Notifies the local office of the Aging and Disability Services Division of the Department of Health and Human Services and a local law enforcement agency of the delay; and

(2) Notifies the local office of the Aging and Disability Services Division of the Department of Health and Human Services and the appropriate local law enforcement agency of any new information that is relevant to the delay within a reasonable time after becoming aware of the information.

3. If the designated reporter knows or has reasonable cause to believe that the exploitation of the older person or vulnerable person involves an act or omission of the Aging and Disability Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the designated reporter shall make the report to an agency other than the one alleged to have committed the act or omission.

4. In accordance with the provisions of subsection 3 of NRS 239A.070, in making a report

pursuant to this section, a designated reporter may:

(a) Disclose any facts or information that form the basis of the determination that the designated reporter knows or has reasonable cause to believe that an older person or vulnerable person has been exploited, including, without limitation, the identity of any person believed to be involved in the exploitation of the older person or vulnerable person; and

(b) Provide any financial records or other documentation relating to the exploitation of the older person or vulnerable person.

5. ~~{An officer, employee}~~ A financial institution and any of its officers, employees and ~~{the}~~ designated ~~{reporter}~~ reporters are ~~{entitled to the immunity}~~ immune from civil, criminal and administrative liability ~~{set forth in NRS 200.5096 for making a report in good faith.}~~ arising from:

(a) Making a report in good faith pursuant to this section;

(b) Delaying a requested disbursement or transaction involving the known or suspected exploitation of an older person or vulnerable person pursuant to this section; or

(c) Taking any reasonable action which is:

(1) Performed in furtherance of a duty or authorization created by subsection 2, 3 or 4;

and

(2) Based upon a reasonable belief that an older person or vulnerable person has been exploited.

6. Except as otherwise provided in this subsection and subsections 7 and 8, a delay in a requested disbursement or transaction authorized by paragraph (c) of subsection 2 expires 15 business days after the date on which the requested disbursement or transaction was delayed. If the local office of the Aging and Disability Services Division of the Department of Health and Human Services or a local law enforcement agency requests in writing that the designated reporter extend the delay, the delay expires upon the earlier of:

(a) Twenty-five business days after the date on which the requested disbursement or transaction was delayed; or

(b) Upon the written request of the local office of the Aging and Disability Services Division of the Department of Health and Human Services or the local law enforcement agency that requested the extension of the delay or upon the order of a court of competent jurisdiction.

7. A delay in a requested disbursement or transaction authorized by paragraph (c) of subsection 2 may expire before the period set forth in subsection 6 and the designated reporter may proceed with the requested disbursement or transaction if the designated reporter reasonably believes that the requested disbursement or transaction will not result in exploitation of the older person or vulnerable person.

8. A court of competent jurisdiction may issue an order extending a delay of a requested disbursement or transaction authorized by paragraph (c) of subsection 2 based on the petition of the local office of the Aging and Disability Services Division of the Department of Health and Human Services, a local law enforcement agency or any other interested party.

9. When determining whether an older person or vulnerable person has been exploited, a designated reporter may consider any of the following circumstances, if applicable and without limitation:

(a) A requested disbursement from, or a requested transaction involving, an account of an older person or vulnerable person or an account to which an older person or vulnerable person is a beneficiary that the older person or vulnerable person cannot explain;

(b) A request to close a certificate of deposit of an older person or vulnerable person that is made:

(1) Before the date of maturity of the certificate of deposit; and

(2) With apparent disregard for any penalty associated with closing the certificate of deposit before the date of maturity of the certificate of deposit;

(c) A check written by an older person or vulnerable person under suspicious circumstances;

(d) An uncharacteristic attempt by an older person or vulnerable person to initiate a wire transfer of a significant sum of money;

(e) A suspicious signature on documentation relating to an account of an older person or vulnerable person;

(f) A suspicious alteration to a:

(1) Trust to which an older person or vulnerable person is a beneficiary; or
(2) Will or trust for which an older person or vulnerable person is a testator or trustee;
(g) A suspicious alteration in a power of attorney relating to an older person or a vulnerable person; and

(h) A person attempting to initiate a financial transaction on behalf of an older person or vulnerable person without proper documentation.

Sec. 4. Chapter 675 of NRS is hereby amended by adding thereto the provisions set forth as sections 5 to 10, inclusive, of this act.

Sec. 5. 1. An employee of a licensee may engage in the business of lending in this State at a remote location in accordance with sections 5 to 8, inclusive, of this act if authorized by the licensee.

2. Before authorizing an employee to engage in the business of lending in this State at a remote location, a licensee must enter into a written agreement with the employee that is signed by the employee in which the employee:

(a) Agrees to:

(1) Maintain the confidentiality of data concerning borrowers and potential borrowers while working at the remote location;

(2) Maintain all data of the licensee electronically while working at the remote location;

(3) Read and comply with the data security policy adopted by the licensee pursuant to section 6 of this act; and

(4) Keep any equipment provided to the employee by the licensee for use at the remote location safe and secure in the manner prescribed by the licensee;

(b) Agrees not to:

(1) Print or otherwise reproduce physical documents containing any data of the licensee at the remote location;

(2) Except as authorized by section 7 of this act, disclose to a borrower or potential borrower that the employee is working at a remote location;

(3) Convey to a borrower or potential borrower that the remote location at which the licensee is working is the place of business of the licensee; and

(4) Conduct any interactions with a borrower or potential borrower in person at the remote location.

3. A licensee shall not authorize an employee to engage in the business of lending in this State at a remote location unless the remote location:

(a) Is located in the United States;

(b) Is secure and sufficiently closed off from the public to enable the employee to maintain the confidentiality of borrowers and potential borrowers; and

(c) Contains all the equipment necessary for the employee to perform his or her work for the licensee, which must:

(1) Be sufficiently connected to the systems used by the licensee, including, without limitation, telephone systems, computerized data systems and other computer systems, to allow the licensee to monitor and oversee the work of the employee as though the employee were performing the same work at the place of business of the licensee; and

(2) Require the employee to enter unique credentials, passwords or similar information to access the computerized data system of the licensee and other computer systems used by the licensee to conduct business.

4. A licensee shall ensure that each employee of the licensee who engages in the business of lending at a remote location:

(a) Before beginning work at a remote location, completes a training program at the place of business of the licensee that includes, without limitation, instruction on privacy, confidentiality, monitoring and security in the context of remote work and compliance with applicable laws and the policies of the licensee;

(b) Receives the same level of communication, management, oversight and monitoring he or she would receive while working at the place of business of the licensee; and

(c) Complies with the provisions of this chapter and the regulations adopted pursuant thereto.

5. As used in this section, "place of business" means an office or place of business for which

a license has been issued pursuant to this chapter.

Sec. 6. A licensee who authorizes any employee to engage in the business of lending in this State at a remote location shall develop and adhere to a written data security policy. The data security policy must set forth procedures and requirements to ensure that:

1. Data of the licensee that is stored at or accessible from a remote location is protected against unauthorized or accidental disclosure, access, use, modification, duplication or destruction;

2. An employee working at a remote location is able to access the computerized data system of the licensee and other computer systems of the licensee only through the use of a virtual private network or other system that:

(a) Requires the use of a username and password, frequent password changes, multifactor authentication, a system that automatically prevents a person from accessing an account upon the failure of the person to enter the appropriate credentials after a set number of attempts or any combination thereof; and

(b) Uses data encryption;

3. Any updates or repairs necessary to keep data and equipment secure are installed or implemented immediately;

4. All data of the licensee is stored in a safe and secure manner and the computerized data system of the licensee is capable of being modified to accommodate the storage of data necessary for an employee working at a remote location to perform his or her work;

5. Each remote location at which an employee works contains computers or other electronic devices which make use of reasonable security measures, such as antivirus software and firewalls;

6. The computerized data system of the licensee and other computer systems of the licensee may only be accessed through computers or other electronic devices which:

(a) Are issued by the licensee; and

(b) May only be used by an employee while performing activities approved by the licensee;

7. An internal or external risk assessment is performed annually on the protection of the data of the licensee from reasonably foreseeable internal or external risks;

8. After the performance of a risk assessment pursuant to subsection 7, the data security policy is updated to correct any deficiencies identified in the risk assessment;

9. The licensee has procedures in place which establish the actions that must be taken upon the:

(a) Discovery of a breach of the security of the computerized data system, including, without limitation, any actions that must be taken concerning the disclosure of the breach as required by section 9 of this act or other applicable law; and

(b) Occurrence of an emergency, including, without limitation, a fire or natural disaster, that has the potential to impact the storage of or access to data of the licensee;

10. The data of the licensee is disposed of in a timely and secure manner as required by applicable law and contractual requirements; and

11. The licensee is able, without the licensee or an agent of the licensee being physically present at a remote location, to disconnect any computer or device provided to an employee at a remote location from the computerized data system of the licensee or other computer systems of the licensee and disable and erase any data from such a computer or device upon termination of the employee's employment with the licensee.

Sec. 7. 1. An employee who engages in the business of lending in this State at a remote location shall not print or store physical records containing any data of the licensee at the remote location.

2. Except as otherwise provided in subsection 3, an employee who engages in the business of lending in this State at a remote location or the licensee who employs such an employee shall not represent in any manner to a borrower, potential borrower or any other person that the employee is working at a remote location, including, without limitation, by:

(a) Advertising in any form the address of the remote location where the employee works or a personal telephone number or facsimile number associated with the remote location;

(b) Meeting a borrower or potential borrower at, or inviting a borrower or potential borrower to, the remote location; or

(c) Directly or indirectly suggesting or holding out in any manner that the address of the remote location is the address of the place of business of the licensee, including, without limitation, by receiving mail intended for the licensee at the remote location or storing physical records of the licensee at the remote location.

3. An employee may respond to an inquiry concerning his or her location by stating that he or she is working remotely or working at a remote location.

4. As used in this section, "place of business" has the meaning ascribed to it in section 5 of this act.

Sec. 8. A licensee who authorizes any employee to engage in the business of lending in this State at a remote location shall, at least once each year, conduct a review and evaluation of the operations of the licensee which are conducted by employees working at remote locations to determine whether such operations comply with the provisions of sections 5 to 8, inclusive, of this act. The Commissioner may require a licensee to conduct such a review and evaluation at such other times as the Commissioner deems necessary.

Sec. 9. 1. If a licensee that owns or licenses computerized data that includes personal information discovers or is notified of a breach of the security of the computerized data system of the licensee, the licensee shall notify any resident of this State whose personal information was, or is reasonably believed to have been, acquired by an unauthorized person if:

(a) The breach is reasonably likely to subject the resident to a risk of harm; and

(b) Either:

(1) The personal information acquired or believed to have been acquired was not encrypted; or

(2) The breach resulted in, or is reasonably believed to have resulted in, an unauthorized person acquiring an encryption key or other means of converting encrypted personal information acquired by the person into an unencrypted or otherwise intelligible form.

2. Except as otherwise provided in this subsection and subsection 4, the notification required by subsection 1 must be made in the most expedient time possible and not more than 30 days after the date on which the licensee discovered or was notified of the breach. A licensee may delay providing the notification beyond the period required by this subsection, as authorized by subsection 4 or if the delay is caused by any measures necessary to determine the scope of the breach and restore the reasonable integrity of the computerized data system of the licensee.

3. Except as otherwise provided in subsection 4, a licensee that maintains data which includes personal information that the licensee does not own shall notify the owner of the information of any breach of the security of the computerized data system of the licensee immediately following discovery if the personal information was, or is reasonably believed to have been, acquired by an unauthorized person.

4. A notification required by this section may be delayed if a law enforcement agency determines that the notification will impede a criminal investigation. The notification must be made after the law enforcement agency determines that the notification will not impede a criminal investigation.

5. Except as otherwise provided in subsections 6 and 8, a notification required by this section may be provided by any of the following methods:

(a) Written notification.

(b) Electronic notification, if the notification provided is consistent with the provisions of the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. §§ 7001 et seq.

(c) Substitute notification, if the licensee demonstrates that the cost of providing notification would exceed \$250,000, the affected class of subject persons to be notified exceeds 500,000 or the licensee does not have sufficient contact information. Substitute notification must consist of all the following:

(1) Notification by electronic mail when the licensee has electronic mail addresses for the subject persons.

(2) Conspicuous posting of the notification on the Internet website of the licensee, if the licensee maintains an Internet website.

(3) Notification to major statewide media.

6. If a breach involves a username, password or other login credentials to an electronic

mail account furnished by the licensee, the licensee shall not provide the notification required pursuant to this section to that electronic mail account.

7. A notification provided by a licensee pursuant to this section must be written in plain language and contain, at a minimum, the following information:

- (a) The name and contact information of the licensee;
- (b) A list of the types of personal information that were or are reasonably believed to have been subject to the breach;
- (c) The period of time, if known, in which personal information was potentially subject to acquisition by unauthorized persons as a result of the breach, including, without limitation, the date of the breach and the date upon which the licensee discovered or was notified of the breach;
- (d) The toll-free telephone numbers and addresses of the major credit reporting agencies; and
- (e) If the breach involved personal information that includes a username, password or other login credentials to an online account, an advisement to the person whose personal information was, or is reasonably believed to have been, acquired by an unauthorized person to promptly change any relevant passwords or security questions or answers associated with the online account and to take any other appropriate steps to protect the online account and any other online account for which the person uses any of the same information to access.

8. A licensee who maintains his or her own notification procedures as part of a data security policy for the treatment of personal information that are otherwise consistent with the timing requirements of this section shall be deemed to be in compliance with the notification requirements of this section if the licensee notifies subject persons in accordance with its policies and procedures in the event of a breach of the security of the computerized data system of the licensee.

Sec. 10. 1. A licensee who is required to notify more than 500 residents of this State pursuant to section 9 of this act as the result of a single breach shall notify the Attorney General of the breach not more than 30 days after the date on which the licensee discovered or was notified of the breach. The notification must include, without limitation:

- (a) The number of residents of this State affected or estimated to be affected by the breach.
- (b) A list of the types of personal information that were or are reasonably believed to have been subject to the breach.
- (c) The period of time, if known, in which personal information was potentially subject to acquisition by unauthorized persons as a result of the breach, including, without limitation, the date of the breach and the date upon which the licensee discovered or was notified of the breach.
- (d) A summary of the actions taken to contain the breach.
- (e) A sample copy of the notification the licensee provided to persons affected or reasonably believed to be affected by the breach which excludes any personally identifiable information.

2. If any of the information described in subsection 1 is unavailable to a licensee at the time the licensee submits the notification to the Attorney General, the licensee shall promptly provide the information to the Attorney General after the information becomes available to the licensee.

Sec. 11. NRS 675.020 is hereby amended to read as follows:

675.020 As used in this chapter, unless the context otherwise requires:

- 1. "Amount of cash advance" means the amount of cash or its equivalent actually received by a borrower or paid out at his or her direction or on his or her behalf.
- 2. "Amount of loan obligation" means the amount of cash advance plus the aggregate of charges added thereto pursuant to authority of this chapter.
- 3. "Breach of the security of the computerized data system" or "breach" means the unauthorized acquisition of computerized data from the computerized data system of the licensee that compromises the security, confidentiality or integrity of personal information maintained by the licensee. The term does not include the good faith acquisition of personal information by an employee or agent of a licensee for a legitimate purpose of the licensee, so long as the personal information is not used for a purpose unrelated to the licensee or subject to further authorized disclosure.
- 4. "Business of lending in this State" means that a person:
 - (a) Solicits loans in this State or makes loans to persons in this State, unless these are

isolated, incidental or occasional transactions; or

(b) Is located in this State and solicits loans outside of this State or makes loans to persons located outside of this State, unless these are isolated, incidental or occasional transactions.

5. "Commissioner" means the Commissioner of Financial Institutions.

~~{4-}~~ 6. "Community" means a contiguous area of the same economic unit or metropolitan area as determined by the Commissioner, and may include all or part of a city or several towns or cities.

~~{5-}~~ 7. "Computerized data system" means a system of software, hardware or firmware, including, without limitation, a system of web-based applications, that:

(a) Is owned, leased or licensed by a licensee;

(b) Is located at the place of business of the licensee or hosted remotely; and

(c) Stores or provides access to personal information, financial information or other data related to borrowers or potential borrowers.

8. "Consumer credit" has the meaning ascribed to it in NRS 604A.036.

~~{6-}~~ 9. "Covered service member" has the meaning ascribed to it in NRS 604A.038.

~~{7-}~~ 10. "Dependent" has the meaning ascribed to it in NRS 604A.057.

~~{8-}~~ 11. "Internet business lender" means a person who makes business loans exclusively through the Internet.

~~{9-}~~ 12. "License" means a license, issued under the authority of this chapter, to make loans in accordance with the provisions of this chapter, at a single place of business.

~~{10-}~~ 13. "Licensee" means a person to whom one or more licenses have been issued.

~~{11-}~~ 14. "Nationwide Multistate Licensing System and Registry" or "Registry" has the meaning ascribed to it in NRS 604A.083.

15. "Personal information" has the meaning ascribed to it in NRS 603A.040.

16. "Remote location" means a location other than an office or place of business for which a license has been issued pursuant to this chapter and at which the employee of a licensee engages in the business of lending in this State pursuant to sections 5 to 8, inclusive, of this act.

Sec. 12. NRS 675.060 is hereby amended to read as follows:

675.060 ~~{1-}~~ No person may engage in the business of lending in this State without first having obtained a license from the Commissioner pursuant to this chapter for each office or other place of business at which the person engages in such business, except that ~~{ff}~~ :

1. If a person intends to engage in the business of lending in this State as a deferred deposit loan service, high-interest loan service or title loan service, as those terms are defined in chapter 604A of NRS, the person must obtain a license from the Commissioner pursuant to chapter 604A of NRS before the person may engage in any such business.

2. ~~{For the purpose of this section, a person engages in the business of lending in this State if he or she:~~

~~—(a) Solicits loans in this State or makes loans to persons in this State, unless these are isolated, incidental or occasional transactions; or~~

~~—(b) Is located in this State and solicits loans outside of this State or makes loans to persons located outside of this State, unless these are isolated, incidental or occasional transactions.} An employee of a licensee may engage in the business of lending in this State at a remote location in accordance with sections 5 to 8, inclusive, of this act.~~

Sec. 13. NRS 675.120 is hereby amended to read as follows:

675.120 If the Commissioner finds:

1. That the financial responsibility, experience, character and general fitness of the applicant are such as to command the confidence of the public and to warrant belief that the business will be operated lawfully, honestly, fairly and efficiently, within the purposes of this chapter; and

2. That the applicant, unless he or she will function solely as a loan broker, has available for the operation of the business at the specified location *identified in the application* liquid assets of at least \$50,000,

➤ he or she shall thereupon enter an order granting the application, and file his or her findings of fact together with the transcript of any hearing held under this chapter, and forthwith issue and deliver a license to the applicant.

Sec. 14. NRS 675.130 is hereby amended to read as follows:

675.130 Each license shall:

1. State the address at which the business is to be conducted ~~[-]~~, *not including any remote location*; and

2. State fully the name of the licensee, and if the licensee is a copartnership or association, the names of its members, and if a corporation, the date and place of its incorporation.

Sec. 15. NRS 675.210 is hereby amended to read as follows:

675.210 Not more than one place of business may be maintained under the same license. The Commissioner may issue additional licenses to the same licensee for other business locations upon compliance with all the provisions of this chapter governing issuance of a single license. Nothing herein requires a license for ~~any~~:

1. Any place of business devoted to accounting, recordkeeping or administrative purposes only ~~[-]~~; or

2. A remote location.

Sec. 16. NRS 675.240 is hereby amended to read as follows:

675.240 No licensee shall conduct the business of making loans provided for by this chapter under any name or at any place other than that stated in the license. Nothing herein shall prevent ~~the~~:

1. The making of loans by mail nor prohibit accommodations to individual borrowers when necessitated by hours of employment, sickness or other emergency situations ~~[-]~~; or

2. A licensee from authorizing an employee to engage in the business of lending in this State at a remote location in accordance with sections 5 to 8, inclusive, of this act.

Sec. 16.3. Chapter 111 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A service provider shall not enter into or record a service agreement with an owner of residential property that provides for performance of the service agreement more than 1 year from the date of execution of the service agreement if the service agreement:

(a) Purports to run with the land or bind future owners of interests in the residential property;

(b) Allows for the assignment of the right to provide service without requiring notice to and agreement of the owner of the residential property; or

(c) Purports to create a security interest in the residential property, including, without limitation, a lien or encumbrance.

2. The provisions of this section do not apply to:

(a) A home warranty or similar product that covers the cost of maintenance of a major housing system, including, without limitation, a plumbing or electrical system, for a set period of time;

(b) An insurance contract;

(c) An option to purchase or right of refusal;

(d) A maintenance or repair agreement entered into by a homeowners' association in a common interest community;

(e) A mechanic's lien;

(f) A mortgage loan or a commitment to make or receive a mortgage loan;

(g) A security agreement relating to the sale or rental of personal property or fixtures;

(h) Any utility service provided by a public utility, including, without limitation, water, sewer, electrical, telephone or cable; or

(i) A declaration created in the formation of a common-interest community or an amendment thereto.

3. A service agreement prohibited pursuant to this section that is recorded on or after the effective date of this act is void and unenforceable. A county recorder may refuse to record any written instrument that contains a service agreement that is prohibited pursuant to this section. A person who submits a written instrument for recordation to the county recorder that contains such a service agreement is guilty of a misdemeanor.

4. The recording of a service agreement prohibited pursuant to this section does not provide actual or constructive notice to a bona fide purchaser or creditor of residential property.

5. A violation of subsection 1 constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive. Any person with an interest in a residential property for

which a service agreement prohibited pursuant to this section is recorded may bring a civil action in any court of competent jurisdiction for such a violation. If a person brings such an action, the court may award the person:

(a) Any equitable relief that the court deems appropriate;

(b) Actual damages; and

(c) Actual costs and attorney's fees.

6. On or before July 31, 2023, a service provider that has entered into a service agreement on or before the effective date of this act shall record a notice of service agreement with the county recorder of the county in which the real property that is the subject of the service agreement is located, which must include, without limitation:

(a) The title "Notice of Service Agreement" in not less than 14-point boldface type;

(b) A legal description of the real property;

(c) The amount of the fee provided in the service agreement or the method by which the fee must be calculated;

(d) The date or circumstances under which the obligation set forth in the service agreement expires;

(e) The name, address and telephone number of the service provider; and

(f) If the service provider is:

(1) A natural person, the notarized signature of the service provider; or

(2) A business entity, the notarized signature of an authorized officer or employee of the business entity.

7. If a service provider fails to record the notice required pursuant to subsection 6 on or before July 31, 2023, the service agreement is hereby declared void and unenforceable and any interest in the real property that is subject to the service agreement may be conveyed free and clear of the service agreement.

8. As used in this section:

(a) "Residential property" means any land in this State which is primarily used for personal, family or household purposes to which is affixed not less than one nor more than four dwelling units.

(b) "Service agreement" means a contract under which a person agrees to provide services in connection with the maintenance, purchase or sale of residential property.

(c) "Service provider" means a person who provides services to another party.

Sec. 16.5. NRS 162A.370 is hereby amended to read as follows:

162A.370 1. Except as otherwise provided in subsection 2:

(a) A person shall either accept an acknowledged power of attorney, or request a certification, a translation or an opinion of counsel pursuant to NRS 162A.360, not later than 10 business days after presentation of the power of attorney for acceptance;

(b) If a person requests a certification, a translation or an opinion of counsel pursuant to NRS 162A.360, the person shall accept the power of attorney not later than 5 business days after receipt of the certification, translation or opinion of counsel; and

(c) A person may not require an additional or different form of power of attorney for authority granted in the power of attorney presented.

2. A person is not required to accept an acknowledged power of attorney if:

(a) The person is not otherwise required to engage in a transaction with the principal in the same circumstances;

(b) Engaging in a transaction with the agent or the principal in the same circumstances would be inconsistent with federal law;

(c) The person has actual knowledge of the termination of the agent's authority or of the power of attorney before exercise of the power;

(d) A request for a certification, a translation or an opinion of counsel pursuant to NRS 162A.360 is refused;

(e) The person in good faith believes that the power is not valid or that the agent does not have the authority to perform the act requested, whether or not a certification, a translation or an opinion of counsel has been requested or provided pursuant to NRS 162A.360; ~~{or}~~

(f) The person makes, or has actual knowledge that another person has made, a report pursuant to NRS 200.5093 stating a good faith belief that the principal may be subject to abuse,

neglect, exploitation, isolation or abandonment by the agent or a person acting for or with the agent [-] ; or

(g) *The person:*

(1) *Makes, or has actual knowledge that another person has made, a report pursuant to NRS 657.290 of the known or suspected exploitation by the agent, or a person acting for or with the agent, of the principal who is an older person or vulnerable person; or*

(2) *Is a designated reporter of a financial institution who, pursuant to NRS 657.290, delays a requested disbursement or transaction involving a principal who is an older person or vulnerable person whom the designated reporter knows or has reasonable cause to believe is being exploited.*

3. A person that refuses in violation of this section to accept an acknowledged power of attorney is subject to:

(a) A court order mandating acceptance of the power of attorney; and

(b) Liability for reasonable attorney's fees and costs incurred in any action or proceeding that confirms the validity of the power of attorney or mandates acceptance of the power of attorney.

4. *As used in this section:*

(a) *"Designated reporter" has the meaning ascribed to it in NRS 657.230.*

(b) *"Older person" has the meaning ascribed to it in NRS 657.250.*

(c) *"Vulnerable person" has the meaning ascribed to it in NRS 657.270.*

Sec. 17. NRS 603A.220 is hereby amended to read as follows:

603A.220 1. ~~Any~~ *Except as otherwise provided in subsection 7, a data collector that owns or licenses computerized data which includes personal information shall disclose any breach of the security of the system data following discovery or notification of the breach to any resident of this State whose unencrypted personal information was, or is reasonably believed to have been, acquired by an unauthorized person. The disclosure must be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement, as provided in subsection 3, or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the system data.*

2. Any data collector that maintains computerized data which includes personal information that the data collector does not own shall notify the owner or licensee of the information of any breach of the security of the system data immediately following discovery if the personal information was, or is reasonably believed to have been, acquired by an unauthorized person.

3. The notification required by this section may be delayed if a law enforcement agency determines that the notification will impede a criminal investigation. The notification required by this section must be made after the law enforcement agency determines that the notification will not compromise the investigation.

4. For purposes of this section, except as otherwise provided in subsection 5, the notification required by this section may be provided by one of the following methods:

(a) Written notification.

(b) Electronic notification, if the notification provided is consistent with the provisions of the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. §§ 7001 et seq.

(c) Substitute notification, if the data collector demonstrates that the cost of providing notification would exceed \$250,000, the affected class of subject persons to be notified exceeds 500,000 or the data collector does not have sufficient contact information. Substitute notification must consist of all the following:

(1) Notification by electronic mail when the data collector has electronic mail addresses for the subject persons.

(2) Conspicuous posting of the notification on the Internet website of the data collector, if the data collector maintains an Internet website.

(3) Notification to major statewide media.

5. A data collector which:

(a) Maintains its own notification policies and procedures as part of an information security policy for the treatment of personal information that is otherwise consistent with the timing requirements of this section shall be deemed to be in compliance with the notification requirements of this section if the data collector notifies subject persons in accordance with its policies and procedures in the event of a breach of the security of the system data.

(b) Is subject to and complies with the privacy and security provisions of the Gramm-Leach-Bliley Act, 15 U.S.C. §§ 6801 et seq., shall be deemed to be in compliance with the notification requirements of this section.

6. If a data collector determines that notification is required to be given pursuant to the provisions of this section to more than 1,000 persons at any one time, the data collector shall also notify, without unreasonable delay, any consumer reporting agency that compiles and maintains files on consumers on a nationwide basis, as that term is defined in 15 U.S.C. § 1681a(p), of the time the notification is distributed and the content of the notification.

7. *The provisions of this section do not apply to a person licensed pursuant to chapter 675 of NRS.*

Sec. 18. Chapter 645 of NRS is hereby amended by adding thereto a new section to read as follows:

A person who holds a permit to engage in property management when entering into a property management agreement and performing his or her duties pursuant to such property management agreement, as applicable:

1. Shall disclose to each party to the property management agreement as soon as practicable:

(a) Any material and relevant facts, data or information which the property manager knows, or which by the exercise of reasonable care and diligence should have known, relating to the property which is the subject of the property management agreement.

(b) Each source from which the property manager will receive compensation as a result of the agreement.

(c) That the property manager is a principal to the agreement or has an interest in a principal to the agreement.

(d) That the property manager is acting for more than one party to the agreement. If a property manager makes such a disclosure, he or she must obtain the written consent of each party to the agreement for whom the property manager is acting before he or she may continue to act in his or her capacity as an agent. The written consent must include:

(1) A description of the property management agreement.

(2) A statement that the property manager is acting for two or more parties to the agreement who have an adverse interest and that in acting for these parties, the property manager has a conflict of interest.

(3) A statement that the property manager will not disclose any confidential information for 1 year after the revocation or termination of any property management agreement entered into with a party to the agreement, unless he or she is required to do so by a court of competent jurisdiction or is given written permission to do so by that party.

(4) A statement that a party is not required to consent to the property manager acting on behalf of the party.

(5) A statement that the party is giving consent without coercion and understands the terms of the consent given.

(6) Any changes in the property manager's relationship to a party to the agreement or activity.

2. Shall exercise reasonable skill and care with respect to all parties to the property management agreement in carrying out the terms of the property management agreement and performing his or her duties.

3. Shall provide the appropriate form prepared by the Division pursuant to NRS 645.193 to:

(a) Each party for whom the property manager is acting as a property manager in the property management agreement; and

(b) Each unrepresented party to the property management agreement, if any.

4. Shall seek a rental or lease of real property at the price and terms stated in the property management agreement or at a price acceptable to the client.

5. Shall advise the client to obtain advice from an expert relating to matters which are beyond the expertise of the property manager.

6. Shall account for all money and property the property manager receives in which the client may have an interest as soon as is practicable.

7. Unless otherwise agreed upon in writing, owes no duty to:

(a) Independently verify the accuracy of a statement made by an inspector certified pursuant to chapter 645D of NRS or another appropriate licensed or certified expert.

(b) Conduct an independent inspection of the financial condition of a party to the property management agreement.

(c) Conduct an investigation of the condition of the property which is the subject of the property management agreement.

Sec. 19. NRS 645.0045 is hereby amended to read as follows:

645.0045 1. "Agency" means a relationship between a principal and an agent arising out of a brokerage agreement or property management agreement whereby the agent is engaged to do certain acts on behalf of the principal in dealings with a third party.

2. The term does not include a relationship arising solely from negotiations or communications with a client of another broker with the written permission of the broker in accordance with the provisions of subsection 2 of NRS 645.635.

Sec. 20. NRS 645.193 is hereby amended to read as follows:

645.193 The Division shall prepare and distribute to licensees ~~and~~ and property managers:

1. A form which sets forth the duties owed by a licensee or property manager who is acting for only one party to a real estate transaction ~~or~~ or property management agreement, as applicable.

2. A form which sets forth the duties owed by a licensee or property manager who is acting for more than one party to a real estate transaction ~~or~~ or property management agreement, as applicable.

3. A form which sets forth the duties owed by a real estate broker who assigns different licensees or property managers affiliated with his or her brokerage to separate parties to a real estate transaction ~~or~~ or property management agreement, as applicable.

Sec. 21. NRS 645.253 is hereby amended to read as follows:

645.253 If a real estate broker assigns different ~~licensees~~ :

1. Licensees affiliated with his or her brokerage to separate parties to a real estate transaction, the licensees are not required to obtain the written consent required pursuant to paragraph (d) of subsection 1 of NRS 645.252. Each licensee shall not disclose, except to the real estate broker, confidential information relating to a client in violation of NRS 645.254.

2. Licensees affiliated with his or her brokerage who hold permits to engage in property management to separate parties to a property management agreement, the property managers are not required to obtain the written consent required pursuant to paragraph (d) of subsection 1 of section 18 of this act. Each property manager shall not disclose, except to the real estate broker, confidential information relating to a client in violation of section 18 of this act.

Sec. 22. NRS 645.255 is hereby amended to read as follows:

645.255 Except as otherwise provided in subsection 4 of NRS 645.254, no duty of a licensee set forth in NRS 645.252 or 645.254 or a property manager set forth in section 18 of this act may be waived.

Sec. 23. NRS 645.257 is hereby amended to read as follows:

645.257 1. A person who has suffered damages as the proximate result of a licensee's or property manager's failure to perform any duties required by NRS 645.252, 645.253 or 645.254 or section 18 of this act or the regulations adopted to carry out those sections may bring an action against the licensee or property manager for the recovery of the person's actual damages.

2. In such an action, any knowledge of the client ~~of~~ :

(a) Of the licensee of material facts, data or information relating to the real property which is the subject of the real estate transaction may not be imputed to the licensee ~~or~~ ; and

(b) Of the property manager of material facts, data or information relating to the real property which is the subject of the property management agreement may not be imputed to the property manager.

3. In an action brought by a person ~~against a licensee~~ pursuant to subsection 1 ~~of the~~ :

(a) The standard of care owed by a licensee is the degree of care that a reasonably prudent real estate licensee would exercise and is measured by the degree of knowledge required to be obtained by a real estate licensee pursuant to NRS 645.343 and 645.345 ~~or~~ ; and

(b) The standard of care owed by a property manager is the degree of care that a reasonably

prudent property manager would exercise and is measured by the degree of knowledge required to be obtained by a permit to engage in property management pursuant to NRS 645.6052.

Sec. 24. Chapter 645B of NRS is hereby amended by adding thereto a new section to read as follows:

1. An employee of a mortgage company may conduct the business of the mortgage company at a remote location if authorized by the mortgage company.

2. A mortgage company may authorize an employee to conduct the business of the mortgage company at a remote location if the mortgage company:

(a) Has adopted written policies and procedures for the supervision of employees working at a remote location to ensure that:

(1) Each employee working from a remote location complies with the provisions of this section and the regulations adopted pursuant thereto; and

(2) The mortgage company exercises reasonable supervision and control over the activities of his or her mortgage loan originators pursuant to NRS 645B.460;

(b) Has adopted a comprehensive written plan for the security of the information systems of the mortgage company and any customer information collected and maintained by the mortgage company, which must contain specific provisions regarding cybersecurity and the use of a virtual private network or other secure connection at the remote location that requires:

(1) Multifactor authentication;

(2) A backup system and data recovery system; and

(3) Protocols in the event of a cybersecurity incident; and

(c) Ensures that the information systems of the mortgage company and any customer information collected and maintained by the mortgage company are accessed by employees working at a remote location only in accordance with the security plan adopted pursuant to paragraph (b).

3. An employee of a mortgage company shall not interact with a customer of the mortgage company in person at the residence of the employee unless a license has been issued for that residence pursuant to NRS 645B.020.

4. Any physical records of a mortgage company must not be maintained at a remote location. Any underlying origination records obtained through the conduct of the business of a mortgage company at a remote location must be maintained at the principal office or a branch office of the mortgage company.

5. The Commissioner shall adopt regulations governing the conducting of the business of a mortgage company at a remote location. The regulations:

(a) Must include, without limitation, requirements for the keeping and maintenance of complete and suitable records of all mortgage transactions made by an employee of a mortgage company at a remote location; and

(b) May include, without limitation, any additional requirements for an employee of a mortgage company to conduct the business of a mortgage company from a remote location.

6. As used in this section:

(a) "Business of a mortgage company" includes, without limitation, any activity for which a license is required pursuant to this chapter that is conducted by an employee who is a mortgage loan originator employed by or associated with a mortgage company.

(b) "Employee" includes, without limitation, a mortgage loan originator who is employed by or associated with a mortgage company.

(c) "Remote location" means a location, other than a principal office, branch office or other office or place of business for which a license has been issued pursuant to NRS 645B.020, at which an employee of a mortgage company conducts the business of the mortgage company pursuant to this section. The term includes, without limitation, the residence of an employee.

Sec. 25. NRS 645B.080 is hereby amended to read as follows:

645B.080 1. Each mortgage company shall keep and maintain at all times at each location, other than a remote location, where the mortgage company conducts business in this state complete and suitable records of all mortgage transactions made by the mortgage company at that location. Each mortgage company shall also keep and maintain at all times at each such location all original books, papers and data, or copies thereof, clearly reflecting the financial condition of the business of the mortgage company. Each mortgage company shall keep and

maintain complete and suitable records of all mortgage transactions made by an employee of the mortgage company at a remote location in accordance with the requirements established by the Commissioner by regulation pursuant to section 24 of this act.

2. Except as otherwise provided in subsection 3, each mortgage company shall submit to the Commissioner each month a report of the mortgage company's activity for the previous month. The report must:

(a) Specify the volume of loans arranged and loans made by the mortgage company for the month or state that no loans were arranged or made in that month;

(b) Include any information required pursuant to NRS 645B.260 or pursuant to the regulations adopted by the Commissioner; and

(c) Be submitted to the Commissioner by the 15th day of the month following the month for which the report is made.

3. The Commissioner may waive the requirement to submit a report pursuant to subsection 2 if substantially similar information is available to the Commissioner from another source.

4. The Commissioner may adopt regulations prescribing accounting procedures for mortgage companies handling trust accounts and the requirements for keeping records relating to such accounts.

5. Each mortgage company who is required to register or voluntarily registers with the Registry shall submit to the Registry and the Commissioner a report of condition or any other report required by the Registry in the form and at the time required by the Registry.

6. As used in this section, "remote location" has the meaning ascribed to it in section 24 of this act.

Sec. 26. NRS 649.366 is hereby amended to read as follows:

649.366 1. Not less than 60 days before taking any action to collect a medical debt, a collection agency shall send by ~~(registered or certified)~~ mail to the medical debtor written notification that sets forth:

(a) The name of the medical facility, provider of health care or provider of emergency medical services that provided the goods or services for which the medical debt is owed;

(b) The date on which those goods or services were provided; and

(c) The principal amount of the medical debt.

2. The written notification required by subsection 1 must:

(a) Identify the name of the collection agency; and

(b) Inform the medical debtor that, as applicable:

(1) The medical debt has been assigned to the collection agency for collection; or

(2) The collection agency has otherwise obtained the medical debt for collection.

~~{Sec. 18.}~~ Sec. 27. 1. This section ~~(becomes)~~ and section 16.3 of this act become effective upon passage and approval.

2. Sections 1 to ~~{17,}~~ 16, inclusive, 16.5 to 23, inclusive, and 26 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On October 1, 2023, for all other purposes.

3. Sections 24 and 25 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.

ROBERTA LANGE

PAT SPEARMAN

SCOTT HAMMOND

Senate Conference Committee

SANDRA JAUREGUI

ELAINE MARZOLA

TOBY YUREK

Assembly Conference Committee

Senator Lange moved that the Senate adopt the report of the Conference Committee concerning Senate Bill No. 355.

Motion carried by a constitutional majority.

Mr. President:

The Conference Committee concerning Senate Bill No. 370, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment Nos. 679 and 742 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA2, which is attached to and hereby made a part of this report.

Conference Amendment No. 2.

SUMMARY—Revises provisions relating to the protection of consumer information. (BDR 52-42)

AN ACT relating to data privacy; requiring certain entities to develop, maintain and make available on the Internet a policy concerning the privacy of consumer health data; prohibiting such an entity from collecting or sharing consumer health data without the affirmative, voluntary consent of a consumer in certain circumstances; requiring such an entity to perform certain actions upon the request of a consumer; requiring such an entity to establish a process to appeal the denial of such a request; requiring such an entity to take certain actions to protect the security of consumer health data; limiting the circumstances under which a processor is authorized to process consumer health data; requiring a processor to assist certain entities in complying with certain requirements; prohibiting a person from selling or offering to sell consumer health data under certain circumstances; prohibiting the implementation of a geofence under certain circumstances; prohibiting discrimination against a consumer for certain reasons; authorizing certain civil enforcement; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law and regulations contain various protections for health information maintained or used: (1) by a person or entity that provides health care, an insurer or a business associate of a person or entity that provides health care or an insurer; or (2) for scientific research. (42 U.S.C. §§ 11101 et seq.; Pub. L. No. 104-191, 100 Stat. 2548; 21 C.F.R. Parts 46, 50 and 56, 42 C.F.R. Parts 2 and 3, 45 C.F.R. Parts 160 and 164) Sections 2-34 of this bill prescribe various protections for consumer health data that is maintained and used by other persons and nongovernmental entities and for other purposes. Section 7 of this bill defines the term "consumer" to mean a natural person who has requested a product or service from a regulated entity and who resides in this State or whose consumer health data is collected in this State, except for a natural person acting in an employment context or as an agent of a governmental entity. Section 8 of this bill defines the term "consumer health data" to mean personally identifiable information that is linked or reasonably capable of being linked to a consumer and is used by a regulated entity to identify the health status of the consumer. Section 15 of this bill defines the term "regulated entity" to refer to a person who: (1) conducts business in this State or produces or provides products or services that are targeted to consumers in this State; and (2) determines the purpose and means of processing, sharing or selling consumer health data. Sections 3-6, 9-14 and 16-19 of this bill define certain other terms. Section 20 of this bill provides that the provisions of sections 2-34 do not apply to certain persons, entities and data, including: (1) certain persons and entities whose collection and disclosure of data is specifically regulated by federal law; and (2) certain data that is collected or disclosed under certain provisions of federal law or regulations or state law.

Section 21 of this bill requires a regulated entity to develop, maintain and make available a policy concerning the privacy of consumer health data. Section 21 also prohibits a regulated entity from: (1) taking certain actions with regard to consumer health data that are inconsistent with the policy without the affirmative, voluntary consent of the consumer; or (2) entering into a contract for the processing of consumer health data that is inconsistent with the policy. Section 22 of this bill generally prohibits a regulated entity from collecting or sharing consumer

health data without the affirmative, voluntary consent of the consumer to whom the data relates, except to the extent necessary to provide a product or service that the consumer has requested from the regulated entity. Section 22 of this bill prescribes certain requirements governing such consent.

Section 24 of this bill requires a regulated entity, upon the request of a consumer, to: (1) confirm whether the regulated entity is collecting, sharing or selling consumer health data concerning the consumer; (2) provide the consumer with a list of all third parties with whom the regulated entity has shared or to whom the regulated entity has sold consumer health data relating to the consumer; (3) cease collecting or sharing consumer health data relating to the consumer; or (4) delete consumer health data concerning the consumer. Section 24 also requires a regulated entity to establish a secure and reliable means of making such a request. Section 25 of this bill prescribes requirements governing the response to such a request, including a requirement that a regulated entity provide information in response to such a request free of charge in most circumstances. However, if a consumer submits more than two requests in a year and those requests are manifestly unfounded, excessive or repetitive, section 25 authorizes the regulated entity to charge a reasonable fee to provide such information. Section 26 of this bill prescribes requirements governing the time within which a regulated entity or an affiliate, processor or other third party with which a regulated entity has shared data must delete consumer health data in response to a request for such deletion. Section 27 of this bill requires a regulated entity to establish a process to appeal the refusal of the regulated entity to act on a request made pursuant to section 24.

Section 28 of this bill requires a regulated entity to limit access to and establish, implement and maintain policies and procedures to protect the security of consumer health data. Section 29 of this bill requires a processor who processes consumer health data on behalf of a regulated entity to only process such data in accordance with a written contract between the processor and the regulated entity. Section 29 also requires such a processor to assist the regulated entity in complying with the provisions of sections 2-34.

Section 30 of this bill prohibits a person from selling or offering to sell consumer health data without the written authorization of the consumer to whom the data pertains or beyond the scope of such authorization, with certain exceptions. Section 30 also prohibits a person from conditioning the provision of goods or services on a consumer providing such authorization. Section 30 requires a person who sells consumer health data to: (1) establish a means by which a consumer may revoke such written authorization; and (2) provide a copy of such written authorization to the consumer and purchaser. Section 30 also requires both a seller and a purchaser of consumer health data to maintain such written authorization for at least 6 years after the expiration of the written authorization. Section 17 of this bill exempts certain activity from the definition of the term "sell," thereby exempting such activity from the requirements of section 30.

Section 31 of this bill prohibits a person from implementing a geofence within 1,750 feet of any person or entity that provides in-person health care services or products for certain purposes. Section 33 of this bill prohibits a regulated entity from discriminating against a consumer for taking any action authorized by sections 2-34 or to enforce those provisions.

Existing law provides that a variety of actions constitute deceptive trade practices. (NRS 118A.275, 205.377, 228.620, 370.695, 597.997, 603.170, 604B.910, 676A.770; chapter 598 of NRS) Existing law authorizes a court to impose a civil penalty of not more than \$12,500 for each violation upon a person whom the court finds has engaged in a deceptive trade practice directed toward an elderly person or a person with a disability. (NRS 598.0973) Additionally, existing law authorizes a court to make such additional orders or judgments as may be necessary to restore to any person in interest any money or property which may have been acquired by means of any deceptive trade practice. (NRS 598.0993) In addition to these enforcement mechanisms, existing law provides that when the Commissioner of Consumer Affairs or the Director of the Department of Business and Industry has cause to believe that a person has engaged or is engaging in any deceptive trade practice, the Commissioner or Director may request that the Attorney General represent him or her in instituting an appropriate legal proceeding, including an application for an injunction or temporary restraining order. (NRS 598.0979) Existing law provides that if a person violates a court order or injunction

resulting from a complaint brought by the Commissioner, the Director, the district attorney of any county of this State or the Attorney General, the person is required to pay a civil penalty of not more than \$10,000 for each violation. Furthermore, if a court finds that a person has willfully engaged in a deceptive trade practice, the person who committed the violation: (1) may be required to pay an additional civil penalty not more than \$5,000 for each violation; and (2) is guilty of a felony or misdemeanor, depending on the value of the property or services lost as a result of the deceptive trade practice. (NRS 598.0999) With certain exceptions, section 34 of this bill provides that a person who violates any provision of sections 2-34 is guilty of a deceptive trade practice. Sections 1 and 34 of this bill provide that a person injured by such a violation does not have a private right of action. Section 34 additionally provides that the provisions of sections 2-34 must not be construed to affect any other provision of law.

Section 35 of this bill exempts consumer health data from provisions of existing law governing information collected on the Internet from consumers because those provisions are less stringent than the provisions of sections 2-34.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 598.0977 is hereby amended to read as follows:

598.0977 ~~[(1)]~~ *Except as otherwise provided in section 34 of this act, an elderly person or a person with a disability suffers damage or injury as a result of a deceptive trade practice, he or she or his or her legal representative, if any, may commence a civil action against any person who engaged in the practice to recover the actual damages suffered by the elderly person or person with a disability, punitive damages, if appropriate, and reasonable attorney's fees. The collection of any restitution awarded pursuant to this section has a priority over the collection of any civil penalty imposed pursuant to NRS 598.0973.*

Sec. 1.5. Chapter 603A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 34.9, inclusive, of this act.

Sec. 2. *As used in sections 2 to 34, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 19, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Affiliate" means an entity that shares common branding with another entity and controls, is controlled by or is under common control with the other entity. For the purposes of this section, an entity shall be deemed to control another entity if the entity:*

1. *Owns or has the power to vote at least half of the outstanding shares of any class of voting security in the other entity;*

2. *Controls in any manner the election of a majority of the directors or persons exercising similar functions to directors of the other entity; or*

3. *Has the power to exercise controlling influence over the management of the other entity.*

Sec. 4. *"Authenticate" means to ascertain the identity of the originator of an electronic or physical document and establish a link between the document and the originator.*

Sec. 5. *"Biometric data" means data which is generated from the measurement or technical processing of the physiological, biological or behavioral characteristics of a person and, alone or in combination with other data, is capable of being used to identify the person. The term includes, without limitation:*

1. *Imagery of the fingerprint, palm print, hand print, scar, bodily mark, tattoo, voiceprint, face, retina, iris or vein pattern of a person; and*

2. *Keystroke patterns or rhythms and gait patterns or rhythms that contain identifying information.*

Sec. 6. *"Collect" means to buy, rent, access, retain, receive, acquire, infer, derive or otherwise process consumer health data in any manner.*

Sec. 7. *"Consumer" means a natural person who has requested a product or service from a regulated entity and who resides in this State or whose consumer health data is collected in this State. The term does not include a natural person acting in an employment context or as an agent of a governmental entity.*

Sec. 8. *"Consumer health data" means personally identifiable information that is linked or reasonably capable of being linked to a consumer and that a regulated entity uses to identify the past, present or future health status of the consumer. The term:*

1. Includes, without limitation:

(a) Information relating to:

- (1) Any health condition or status, disease or diagnosis;
- (2) Social, psychological, behavioral or medical interventions;
- (3) Surgeries or other health-related procedures;
- (4) The use or acquisition of medication;
- (5) Bodily functions, vital signs or symptoms;
- (6) Reproductive or sexual health care; and
- (7) Gender-affirming care;

(b) Biometric data or genetic data related to information described in paragraph (a);

(c) Information related to the precise geolocation information of a consumer that a regulated entity uses to indicate an attempt by a consumer to receive health care services or products; and

(d) Any information described in paragraph (a), (b) or (c) that is derived or extrapolated from information that is not consumer health data, including, without limitation, proxy, derivative, inferred or emergent data derived through an algorithm, machine learning or any other means.

2. Does not include information that is used to ~~provide~~ :

~~(a) Provide access to or enable gameplay by a person on a video game platform ~~+~~; or~~

~~(b) Identify the shopping habits or interests of a consumer, if that information is not used to identify the specific past, present or future health status of the consumer.~~

Sec. 9. "Gender-affirming care" means health services or products that support and affirm the gender identity of a person, including, without limitation:

1. Treatments for gender dysphoria;
2. Gender-affirming hormone therapy; and
3. Gender-affirming surgery.

Sec. 10. "Genetic data" means any data that concerns the genetic characteristics of a person. The term includes, without limitation:

1. Data directly resulting from the sequencing of all or a portion of the deoxyribonucleic acid of a person;
2. Genotypic and phenotypic information that results from analyzing the information described in subsection 1; and
3. Data concerning the health of a person that is analyzed in connection with the information described in subsection 1.

Sec. 11. "Health care services or products" means any service or product provided to a person to assess, measure, improve or learn about the health of a person. The term includes, without limitation:

1. Services relating to any health condition or status, disease or diagnosis;
2. Social, psychological, behavioral or medical interventions;
3. Surgeries or other health-related procedures;
4. Medication or services related to the use or acquisition of medication; or
5. Monitoring or measurement related to bodily functions, vital signs or symptoms.

Sec. 12. (Deleted by amendment.)

Sec. 12.5. "Precise geolocation information" means information derived from technology, including, without limitation, latitude and longitude coordinates at the level of detail typically provided by a global positioning system, that directly identifies the specific location of a natural person with precision and accuracy within a radius of 1,750 feet. The term does not include:

1. The content of any communication; or
2. Any data generated by or connected to advanced metering infrastructure for utilities or other equipment used by a utility.

Sec. 13. "Process" means any operation or set of operations performed on consumer health data.

Sec. 14. "Processor" means a person who processes consumer health data on behalf of a regulated entity.

Sec. 15. "Regulated entity" means any person who:

1. Conducts business in this State or produces or provides products or services that are targeted to consumers in this State; and

2. Alone or with other persons, determines the purpose and means of processing, sharing or selling consumer health data.

Sec. 16. "Reproductive or sexual health care" means health care services or products that support or relate to the reproductive system or sexual well-being of a person. The term includes, without limitation, abortion, the provision of medication to induce an abortion and any medical or nonmedical services associated with an abortion.

Sec. 17. "Sell" means to exchange consumer health data for money or other valuable consideration. The term does not include the exchange of consumer health data for money or other valuable consideration:

1. With a processor in a manner consistent with the purpose for which the consumer health data was collected, as disclosed to the consumer to whom the consumer health data pertains pursuant to section 22 of this act.

2. With a third party as an asset that is part of a merger, acquisition, bankruptcy or other transaction through which the third party assumes control of all or part of the assets of the regulated entity.

3. With a third party for the purpose of providing a product or service requested by the consumer to whom the consumer health data pertains.

4. With an affiliate of the person who is providing or disclosing the consumer health data.

5. As directed by the consumer to whom the consumer health data pertains or where the consumer to whom the consumer health data pertains intentionally uses the person who is providing or disclosing the consumer health data to interact with the third party to whom the consumer health data is provided or disclosed.

6. Where the consumer has intentionally made the consumer health data available to the general public through mass media that was not restricted to a specific audience.

Sec. 18. "Share" means to release, disclose, disseminate, divulge, make available, provide access to, license or otherwise communicate consumer health data orally, in writing or by electronic or other means.

Sec. 19. "Third party" means a person who is not a consumer, regulated entity, processor or affiliate of a regulated entity.

Sec. 20. 1. The provisions of sections 2 to 34, inclusive, of this act do not apply to:

(a) Any person or entity that is subject to the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and the regulations adopted pursuant thereto.

(b) A financial institution or an affiliate of a financial institution that is subject to the provisions of the Gramm-Leach-Bliley Act, 15 U.S.C. §§ 6801 et seq., or any personally identifiable information regulated by that Act which is collected, maintained or sold as provided in that Act.

(c) Patient identifying information, as defined in 42 C.F.R. § 2.11, that is collected, used or disclosed in accordance with 42 C.F.R. Part 2.

(d) Patient safety work product, as defined in 42 C.F.R. § 3.20, that is collected, used or disclosed in accordance with 42 C.F.R. Part 3.

(e) Identifiable private information, as defined in 45 C.F.R. § 46.102, that is collected, used or disclosed in accordance with 45 C.F.R. Part 46.

(f) Information used or shared as part of research conducted pursuant to 45 C.F.R. Part 46 or 21 C.F.R. Parts 50 and 56 ~~for~~ or in accordance with the version of the Guideline for Good Clinical Practice prescribed by the International Council for Harmonisation of Technical Requirements for Pharmaceuticals for Human Use published on November 9, 2016.

(g) Information used only for public health activities and purposes, as described in 45 C.F.R. § 164.512(b), regardless of whether such information is subject to the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and the regulations adopted pursuant thereto.

(h) Personally identifiable information that is governed by and collected, used or disclosed pursuant to:

(1) Part C of Title XI of the Social Security Act, 42 U.S.C. §§ 1320d et seq.;

(2) The Fair Credit Reporting Act, 15 U.S.C. §§ 1681 et seq.; or

(3) The Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and the regulations adopted pursuant thereto.

(i) Information and documents created for the purposes of compliance with the federal Health Care Quality Improvement Act of 1986, 42 U.S.C. §§ 11101 et seq., and any regulations adopted pursuant thereto.

(j) The collection or sharing of consumer health data where expressly authorized by any provision of federal or state law.

(k) Information processed by or for any governmental or tribal entity for civic or governmental purposes and operations or related services and operations.

(l) Any person who holds a nonrestricted license, as defined in NRS 463.0177, or an affiliate, as defined in NRS 463.0133, of such a person.

(m) Law enforcement agencies, contractors of law enforcement agencies and law enforcement activities.

(n) Information that has been de-identified in accordance with the requirements for de-identification set forth in 45 C.F.R. § 164.514.

2. A third party that obtains consumer health data from a regulated entity through a merger, acquisition, bankruptcy or other transaction through which the third party assumes control of all or part of the assets of the regulated entity is deemed to assume all obligations of the regulated entity to comply with the provisions of sections 2 to 34, inclusive, of this act.

Sec. 21. 1. A regulated entity shall develop and maintain a policy concerning the privacy of consumer health data that clearly and conspicuously establishes:

(a) The categories of consumer health data being collected by the regulated entity and the manner in which the consumer health data will be used;

(b) The categories of sources from which consumer health data is collected;

(c) The categories of consumer health data that are shared by the regulated entity;

(d) The categories of third parties and affiliates with whom the regulated entity shares consumer health data;

(e) The purposes of collecting, using and sharing consumer health data;

(f) The manner in which consumer health data will be processed;

(g) The procedure for submitting a request pursuant to section 24 of this act;

(h) The process, if any such process exists, for a consumer to review and request changes to any of his or her consumer health data that is collected by the regulated entity;

(i) The process by which the regulated entity notifies consumers whose consumer health data is collected by the regulated entity of material changes to the privacy policy;

(j) Whether a third party may collect consumer health data over time and across different Internet websites or online services when the consumer uses any Internet website or online service of the regulated entity; and

(k) The effective date of the privacy policy.

2. A regulated entity shall post conspicuously on the main Internet website maintained by the regulated entity a hyperlink to the policy developed pursuant to subsection 1 or otherwise provide that policy to consumers in a manner that is clear and conspicuous.

3. A regulated entity shall not:

(a) Collect, use or share categories of consumer health data, other than those included in the privacy policy pursuant to paragraph (c) of subsection 1, without disclosing those additional categories to each consumer whose data will be collected, used or shared and obtaining the affirmative, voluntary consent of the consumer;

(b) Share consumer health data with a third party or affiliate, other than those included in the privacy policy pursuant to paragraph (d) of subsection 1, without disclosing those additional third parties or affiliates to each consumer whose data will be shared and obtaining the affirmative, voluntary consent of the consumer;

(c) Collect, use or share consumer health data for purposes other than those included in the privacy policy pursuant to paragraph (e) of subsection 1 without disclosing those additional purposes to each consumer whose data will be collected, used or shared and obtaining the affirmative, voluntary consent of the consumer; or

(d) Enter into a contract pursuant to section 29 of this act with a processor to process consumer health data that is inconsistent with the privacy policy.

Sec. 22. 1. A regulated entity shall not collect consumer health data except:

(a) With the affirmative, voluntary consent of the consumer; or

(b) To the extent necessary to provide a product or service that the consumer to whom the consumer health data relates has requested from the regulated entity.

2. A regulated entity shall not share consumer health data except:

(a) With the affirmative, voluntary consent of the consumer to whom the consumer health data relates, which must be separate and distinct from the consent provided pursuant to subsection 1 for the collection of the data;

(b) To the extent necessary to provide a product or service that the consumer to whom the consumer health data relates has requested from the regulated entity; or

(c) Where required or authorized by another provision of law.

3. Any consent required by this section must be obtained before the collection or sharing, as applicable, of consumer health data. The request for such consent must clearly and conspicuously disclose:

(a) The categories of consumer health data to be collected or shared, as applicable;

(b) The purpose for collecting or sharing, as applicable, the consumer health data including, without limitation, the manner in which the consumer health data will be used;

(c) If the consumer health data will be shared, the categories of persons and entities with whom the consumer health data will be shared; and

(d) The manner in which the consumer may withdraw consent for the collection or sharing, as applicable, of consumer health data relating to the consumer and request that the regulated entity cease such collection or sharing pursuant to section 24 of this act.

Sec. 23. (Deleted by amendment.)

Sec. 24. 1. Except as otherwise provided in section 25 of this act, upon the request of a consumer, a regulated entity shall:

(a) Confirm whether the regulated entity is collecting, sharing or selling consumer health data relating to the consumer.

(b) Provide the consumer with a list of all third parties with whom the regulated entity has shared consumer health data relating to the consumer or to whom the regulated entity has sold such consumer health data.

(c) Cease collecting, sharing or selling consumer health data relating to the consumer.

(d) Delete consumer health data concerning the consumer.

2. A regulated entity shall establish a secure and reliable means of making a request pursuant to this section. When establishing the means for making such a request, the regulated entity must consider:

(a) The need for the safe and reliable communication of such requests; and

(b) The ability of the regulated entity to authenticate the identity of the consumer making the request.

Sec. 25. 1. Except as otherwise provided in this section, a regulated entity shall respond to a request made pursuant to section 24 of this act without undue delay and not later than 45 days after authenticating the request. If reasonably necessary based on the complexity and number of requests from the same consumer, the regulated entity may extend the period prescribed by this section not more than an additional 45 days. A regulated entity that grants itself such an extension must, not later than 45 days after authenticating the request, provide the consumer with notice of the extension and the reasons therefor.

2. If a regulated entity is not able to authenticate a request made pursuant to section 24 of this act after making commercially reasonable efforts, the regulated entity:

(a) Is not required to comply with the request; and

(b) May request that the consumer provide such additional information as is reasonably necessary to authenticate the request.

3. A regulated entity:

(a) Shall provide information free of charge to a consumer in response to:

(1) Requests made pursuant to section 24 of this act at least twice each year; and

(2) Additional requests that are not manifestly unfounded, excessive or repetitive.

(b) Except as otherwise provided in paragraph (a), may charge a reasonable fee to provide information to a consumer in response to requests made pursuant to section 24 of this act that are manifestly unfounded, excessive or repetitive.

4. In any civil proceeding challenging the validity of a fee charged pursuant to

paragraph (b) of subsection 3, the regulated entity has the burden of demonstrating by a preponderance of the evidence that the request to which the fee pertained was manifestly unfounded, excessive or repetitive.

Sec. 26. 1. Not later than 30 days after authenticating a request made pursuant to paragraph (d) of subsection 1 of section 24 of this act for the deletion of consumer health data, a regulated entity shall, except as otherwise provided in subsection 3:

(a) Delete all consumer health data described in the request from the records and network of the regulated entity; and

(b) Notify each affiliate, processor, contractor or other third party with which the regulated entity has shared consumer health data of the deletion request.

2. Not later than 30 days after receiving notification of a deletion request pursuant to paragraph (b) of subsection 1, an affiliate, processor, contractor or other third party shall, except as otherwise provided in subsection 3, delete the consumer health data described in the request from the records and network of the affiliate, processor, contractor or other third party.

3. If data described in a deletion request made pursuant to paragraph (d) of subsection 1 of section 24 of this act is stored or archived on backup systems, a regulated entity or an affiliate, processor, contractor or other third party may delay the deletion of the data for not more than 2 years after the request is authenticated, as necessary to restore the archived or backup system.

Sec. 27. 1. A regulated entity shall establish a process by which a consumer may appeal the refusal of the regulated entity to act on a request made pursuant section 24 of this act. The process must be:

(a) Conspicuously available on the Internet website of the regulated entity; and

(b) Similar to the process for making a request pursuant to section 24 of this act.

2. Not later than 45 days after receiving an appeal pursuant to subsection 1, a regulated entity shall inform the consumer in writing of:

(a) Any action taken in response to the appeal or any decision not to take such action;

(b) The reasons for any such action or decision; and

(c) If the regulated entity decided not to take the action requested in the appeal, the contact information for the Office of the Attorney General.

Sec. 28. 1. A regulated entity shall only authorize the employees and processors of the regulated entity to access consumer health data where reasonably necessary to:

(a) Further the purpose for which the consumer consented to the collection or sharing of the consumer data pursuant to section 22 of this act; or

(b) Provide a product or service that the consumer to whom the consumer health data relates has requested from the regulated entity.

2. A regulated entity shall establish, implement and maintain policies and practices for the administrative, technical and physical security of consumer health data. The policies must:

(a) Satisfy the standard of care in the industry in which the regulated entity operates to protect the confidentiality, integrity and accessibility of consumer health data;

(b) Comply with the provisions of NRS 603A.010 to 603A.290, inclusive, where applicable; and

(c) Be reasonable, taking into account the volume and nature of the consumer health data at issue.

Sec. 29. 1. A processor shall only process consumer health data pursuant to a contract between the processor and a regulated entity. Such a contract must set forth the applicable processing instructions and the specific actions that the processor is authorized to take with regard to the consumer health data it possesses on behalf of the regulated entity.

2. To the extent practicable, a processor shall assist the regulated entity with which the processor has entered into a contract pursuant to subsection 1 in complying with the provisions of sections 2 to 34, inclusive, of this act.

3. If a processor processes consumer health data outside the scope of a contract described in subsection 1 or in a manner inconsistent with any provision of such a contract, the processor:

(a) Is not guilty of a deceptive trade practice pursuant to section 34 of this act solely because the processor violated the requirements of this section; and

(b) Shall be deemed a regulated entity for the purposes of sections 2 to 34, inclusive, of this act, for actions and omissions with regard to such consumer health data.

Sec. 30. 1. A person shall not sell or offer to sell consumer health data:

(a) Without the written authorization of the consumer to whom the data pertains; or
(b) If the consumer provides such written authorization, in a manner that is outside the scope of or inconsistent with the written authorization.

2. A person shall not condition the provision of goods or services on a consumer authorizing the sale of consumer health data pursuant to subsection 1.

3. Written authorization pursuant to subsection 1 must be provided in a form written in plain language which includes, without limitation:

(a) The name and contact information of the person selling the consumer health data;
(b) A description of the specific consumer health data that the person intends to sell;
(c) The name and contact information of the person purchasing the consumer health data;
(d) A description of the purpose of the sale, including, without limitation, the manner in which the consumer health data will be gathered and the manner in which the person described in paragraph (c) intends to use the consumer health data;
(e) A statement of the provisions of subsection 2;
(f) A statement that the consumer may revoke the written authorization at any time and a description of the means established pursuant to subsection 4 for revoking the authorization;
(g) A statement that any consumer health data sold pursuant to the written authorization may be disclosed to additional persons and entities by the person described in paragraph (c) and, after such disclosure, is no longer subject to the protections of this section;
(h) The date on which the written authorization expires pursuant to subsection 5; and
(i) The signature of the consumer to which the consumer health data pertains.

4. A person who sells consumer health data shall establish a means by which a consumer may revoke a written authorization made pursuant to subsection 1.

5. Written authorization provided pursuant to subsection 1 expires 1 year after the date on which the authorization is given.

6. A written authorization provided pursuant to subsection 1 is not valid if the written authorization:

(a) Was a condition for the provision of goods or services to the consumer in violation of subsection 2;
(b) Does not comply with the requirements of subsection 3;
(c) Has been revoked pursuant to subsection 4; or
(d) Has expired pursuant to subsection 5.

7. A person who sells consumer health data shall provide a copy of the written authorization provided pursuant to subsection 1 to the consumer who signed the written authorization and the purchaser of the consumer health data.

8. A seller and purchaser of consumer health data shall each retain a copy of the written authorization provided pursuant to subsection 1 for at least 6 years after the date on which the written authorization expired pursuant to subsection 5.

Sec. 31. 1. A person shall not implement a geofence within 1,750 feet of any medical facility, facility for the dependent or any other person or entity that provides in-person health care services or products for the purpose of:

(a) Identifying or tracking consumers seeking in-person health care services or products;
(b) Collecting consumer health data; or
(c) Sending notifications, messages or advertisements to consumers related to their consumer health data or health care services or products.

2. As used in this section:

(a) "Facility for the dependent" has the meaning ascribed to it in NRS 449.0045.
(b) "Geofence" means technology that uses coordinates for global positioning, connectivity to cellular towers, cellular data, radio frequency identification, wireless Internet data or any other form of detecting the physical location of a person to establish a virtual boundary with a radius of 1,750 feet or less around a specific physical location.
(c) "Medical facility" has the meaning ascribed to it in NRS 449.0151.

Sec. 32. (Deleted by amendment.)

Sec. 33. A regulated entity shall not discriminate against a consumer for taking:

1. Any action authorized by sections 2 to 34, inclusive, of this act; or

2. Any action to enforce the provisions of sections 2 to 34, inclusive, of this act.

Sec. 34. 1. Except as otherwise provided in this section and section 29 of this act, a violation of sections 2 to 34, inclusive, of this act constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.

2. The provisions of sections 2 to 34, inclusive, of this act:

(a) Do not create a private right of action; and

(b) Must not be construed to affect any other provision of law.

Sec. 34.1. (Deleted by amendment.)

Sec. 34.2. (Deleted by amendment.)

Sec. 34.3. (Deleted by amendment.)

Sec. 34.35. (Deleted by amendment.)

Sec. 34.4. (Deleted by amendment.)

Sec. 34.45. (Deleted by amendment.)

Sec. 34.5. (Deleted by amendment.)

Sec. 34.6. (Deleted by amendment.)

Sec. 34.7. (Deleted by amendment.)

Sec. 34.8. (Deleted by amendment.)

Sec. 34.9. (Deleted by amendment.)

Sec. 35. NRS 603A.338 is hereby amended to read as follows:

603A.338 The provisions of NRS 603A.300 to 603A.360, inclusive, do not apply to:

1. A consumer reporting agency, as defined in 15 U.S.C. § 1681a(f);

2. Any personally identifiable information regulated by the Fair Credit Reporting Act, 15 U.S.C. §§ 1681 et seq., and the regulations adopted pursuant thereto, which is collected, maintained or sold as provided in that Act;

3. A person who collects, maintains or makes sales of personally identifiable information for the purposes of fraud prevention;

4. Any personally identifiable information that is publicly available;

5. Any personally identifiable information protected from disclosure under the federal Driver's Privacy Protection Act of 1994, 18 U.S.C. §§ 2721 et seq., which is collected, maintained or sold as provided in that Act; {Ø}

6. Any consumer health data subject to the provisions of sections 2 to 34, inclusive, of this act; or

7. A financial institution or an affiliate of a financial institution that is subject to the provisions of the Gramm-Leach-Bliley Act, 15 U.S.C. §§ 6801 et seq., or any personally identifiable information regulated by that Act which is collected, maintained or sold as provided in that Act.

Sec. 36. This act becomes effective on March 31, 2024.

ROBERTA LANGE

PAT SPEARMAN

SCOTT HAMMOND

Senate Conference Committee

ELAINE MARZOLA

SHEA BACKUS

PHILIP P.K. O'NEILL

Assembly Conference Committee

Senator Lange moved that the Senate adopt the report of the Conference Committee concerning Senate Bill No. 370.

Motion carried by a constitutional majority.

MESSAGES FROM THE GOVERNOR

OFFICE OF THE GOVERNOR
101 NORTH CARSON STREET
CARSON CITY, NEVADA 89701

June 5, 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 239 of the 82nd Legislative Session

Dear Leader Cannizzaro:

I am returning Senate Bill No. 239 to the 82nd Session of the Nevada Legislature without my approval, accompanied by my letters of objections [*sic*].

Sincerely,
Joe Lombardo
Governor of Nevada

MOTIONS, RESOLUTIONS AND NOTICES

Senator Cannizzaro moved that consideration of vetoed Senate Bill No. 239 of the 82nd Session be made a Special Order of Business for Monday, June 5, 2023, at 10:58 p.m.

Motion carried.

SPECIAL ORDERS OF THE DAY
VETO MESSAGES OF THE GOVERNOR

The hour of 10:58 p.m. having arrived, vetoed Senate Bill No. 239 was considered.

Vetoed Senate Bill No. 239.

Bill read.

Governor's message stating his objections read.

MESSAGES FROM THE GOVERNOR
OFFICE OF THE GOVERNOR
101 NORTH CARSON STREET
CARSON CITY, NEVADA 89701

June 5, 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 239 of the 82nd Legislative Session

Dear Leader Cannizzaro:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Senate Bill 239 ("SB 239"), which is titled as follows:

AN ACT relating to health care; revising provisions concerning medical certificates of death relating to a person who self-administers a medication that is designed to end his or her life; authorizing a physician or advanced practice registered nurse to prescribe a medication that is designed to end the life of a patient under certain circumstances; prohibiting persons other than a patient from administering a medication that is designed to end the life of a patient; imposing requirements on certain providers of health care and health care facilities relating to the records of a

patient who requests a medication that is designed to end his or her life; providing immunity to certain providers of health care and health care facilities that take certain actions relating to prescribing or dispensing a medication that is designed to end the life of a patient; authorizing the owner or operator of a health care facility to prohibit certain persons from providing certain services relating to a medication that is designed to end the life of a patient; prohibiting a person from conditioning provisions of a will, contract, agreement or policy of life insurance on the request for or acquisition or administration of a medication that is designed to end the life of the person; prohibiting a person from denying benefits under a policy of life insurance to or imposing additional charge against a policyholder or beneficiary because the insured requested or revoked a request for a medication that is designed to end the life of a person; and providing other matters properly relating thereto.

SB 239 allows for physician assisted suicide in the State of Nevada. End of life decisions are never easy. Individuals and family members must often come together to face many challenges – including deciding what is the best course of medical treatment for a loved one. Fortunately, expansions in palliative care services and continued improvements in advanced pain management make the end-of-life provisions in SB 239 unnecessary.

Given recent progress in science and medicine and the fact that only a small number of states and jurisdictions allow for similar end-of-life protocols, I am not comfortable supporting this bill.

For these reasons, I veto this bill and return it without my signature or approval.

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

The question was put: "Shall the bill pass, notwithstanding the objections of the Governor?"

Senator Cannizzaro moved no further consideration of vetoed Senate Bill No. 239.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Cannizzaro moved that the action whereby Assembly Amendment No. 949 to Senate Bill No. 301 was not concurred in be reconsidered.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 301.

The following Assembly amendment was read:

Amendment No. 949.

SUMMARY—Revises provisions governing public works. (BDR 28-967)

AN ACT relating to public works; revising provisions governing the circumstances under which a worker is deemed to be employed on a public work; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires that mechanics and workers employed on certain public works be paid, at minimum, the prevailing wage for the type of work that the mechanic or worker performs in the region in which the public work

is located. (NRS 338.020) With certain exceptions, existing law deems a worker to be employed on a public work if the worker is: (1) employed at the site of a public work; and (2) necessary in the execution of the contract for the public work. (NRS 338.040) Section 1 of this bill provides that a worker who is: (1) employed by delivering or removing construction material or structures to or from the site of a public work; and (2) necessary in the execution of the contract for the public work is also deemed to be employed on the public work for purposes of the payment of prevailing wages. Section 1 further defines "construction material or structures" to mean aggregate, asphalt and concrete.

Section 1.3 of this bill makes an appropriation to the Office of the Labor Commissioner in the Department of Business and Industry for personnel, operating, travel and information services costs for compliance and enforcement duties related to the provisions of this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 338.040 is hereby amended to read as follows:

338.040 1. Except as otherwise provided by specific statute, workers who are:

(a) Employed at the site of a public work ~~or employed by delivering or removing construction material or structures to or from the site of a public work~~; and

(b) Necessary in the execution of the contract for the public work,
↪ are deemed to be employed on public works.

2. The Labor Commissioner shall adopt regulations to define the circumstances under which a worker is:

(a) Employed at the site of a public work ~~or employed by delivering or removing construction material or structures to or from the site of a public work~~; and

(b) Necessary in the execution of the contract for the public work.

3. For the purposes of this section, "construction material or structures" means aggregate, asphalt and concrete.

Sec. 1.3. 1. There is hereby appropriated from the State General Fund to the Office of the Labor Commissioner in the Department of Business and Industry the sum of \$144,576 for personnel, operating, travel and information services costs for compliance and enforcement duties related to the provisions of this act, ~~the following sums:~~

~~For the Fiscal Year 2023-2024 \$86,357~~
~~For the Fiscal Year 2024-2025 \$144,576~~

2. Any remaining balance of the [sums appropriated] appropriation made by subsection 1 ~~[remaining at the end of the respective fiscal years]~~ must not be committed for expenditure after June ~~[30 of the respective fiscal years]~~ 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 20, 2024, and]~~ September 19, 2025, ~~[respectively,]~~ by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before ~~[September 20, 2024, and]~~ September 19, 2025. ~~[, respectively.]~~

Sec. 2. Any regulations adopted by the Labor Commissioner that conflict with NRS 338.040, as amended by section 1 of this act, are void. The Legislative Counsel shall remove those regulations from the Nevada Administrative Code as soon as practicable after the date on which this section becomes effective.

Sec. 3. 1. This section ~~[and section 2 of this act become]~~ becomes effective upon passage and approval.

2. Section 1.3 of this act becomes effective on July 1, ~~[2023,]~~ 2024.

3. ~~[Section]~~ Sections 1 and 2 of this act [becomes] become effective [
~~(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and~~
~~(b) On January 1, 2024, for all other purposes.]~~ on July 1, 2025.

Senator Cannizzaro moved that the Senate concur in Assembly Amendment No. 949 to Senate Bill No. 301.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senator Cannizzaro moved that the Senate take a brief recess.

Motion carried.

Senate in recess at 11:05 p.m.

SENATE IN SESSION

At 11:18 p.m.

President Anthony presiding.

Quorum present.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, June 5, 2023

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Bill No. 10, Amendment No. 991; Senate Bill No. 24, Amendment No. 952; Senate Bill No. 246, Amendment No. 966; Senate Bill No. 274, Amendment No. 997, 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 Cannizzaro moved that Assembly Bills Nos. 158, 195, 203, 232, 260, 277, 346 and 521 be taken from the Secretary's Desk and placed on the General File.

Motion carried.

Senator Cannizzaro moved that Assembly Bill No. 521 be taken from its position on the General File and placed at the top of the General File and considered next.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 521.

Bill read third time.

The following amendment was proposed by Senator Cannizzaro:

Amendment No. 1001.

SUMMARY—Authorizes and provides funding for certain projects of capital improvement. (BDR S-1211)

AN ACT relating to projects of capital improvement; authorizing certain expenditures for such projects of the Executive and Legislative Departments of the State Government; levying a property tax to support the Consolidated Bond Interest and Redemption Fund; making appropriations; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the State General Fund to the State Public Works Division of the Department of Administration the sum of \$422,153,108 to support the Division in carrying out the program of capital improvements as summarized in this section. The amount is allocated to projects numbered and described in the Executive Budget for the 2023-2025 biennium or otherwise described as follows:

<u>Description</u>	<u>Project No.</u>	<u>Amount</u>
1. Capital Improvements for the Department of Administration:		
Demolition of Cottages, Northern Nevada Children's Home.....	23-C19	\$1,384,717
Bradley Building Demolition	23-C24	\$1,660,311
Improvements for Buildings Purchased in Las Vegas	23-C36	\$74,545,040
Building Purchase and Improvements, 3850 Arrowhead Drive, Carson City	23-C37	\$22,327,644
Deferred Maintenance, Department of Administration.....	23-M03	\$14,819,157
Rehabilitate Historic Fence and Lighting, State Capitol Plaza.....	23-M33	\$1,270,366
HVAC Systems Renovation, Governor's Mansion	23-M45	\$2,396,252
East Slope Transmission Main Upgrade, Marlette Lake Water System	23-M46	\$9,127,297

Door Hardware Replacement, Nevada		
State Capitol	23-M50	\$1,844,028
Advance Planning: Seismic Retrofit and Remodel, Old State Armory		
Building.....	23-P07	\$1,367,520
Statewide Roofing Program.....	23-S01	\$8,706,087
Reroof Plumb Lane Readiness Center.....	23-S01g	\$127,044
Statewide ADA Program.....	23-S02	\$4,410,352
Statewide Fire and Life Safety Program.....	23-S03	\$8,304,573
Statewide Fire and Life Safety Program, Nevada Army National Guard.....		
	23-S03g	\$1,456,639
Statewide Advance Planning Program	23-S04	\$2,605,703
Statewide Paving Program	23-S05	\$5,994,892
Statewide Paving Program, Nevada		
Army National Guard.....	23-S05g1	\$650,857
Apron Pavement Preservation, Harry Reid Training Center.....		
	23-S05g2	\$53,523
Statewide Indoor Air Quality, Environmental Program		
	23-S06	\$58,861
2. Capital Improvements for the State Department of Conservation and Natural Resources:		
Residence/Fire Station Demolition,		
Spring Creek Fire Station	23-C08	\$621,074
Replace Comfort Station #4, Sand		
Harbor State Park	23-M30	\$1,178,650
Replace Comfort Stations #5 and #6,		
Sand Harbor State Park	23-M31	\$1,997,316
Security Upgrades, Ely Industrial Shop.....	23-M34	\$830,047
Install Emergency Generator, Northern Region 2 Headquarters		
	23-M36	\$702,448
3. Capital Improvements for the Department of Corrections:		
Communications Room Expansion,		
Southern Desert Correctional Center	23-C14	\$1,009,060
Demolition of Silver Springs		
Conservation Camp	23-C34	\$2,958,399
Replace Doors, Locks, and Security Glazing, Southern Desert		
Correctional Center	23-M04	\$21,365,841
Install Security Cameras, High Desert		
State Prison.....	23-M08	\$5,527,956
Replace Surveillance Camera System, Northern Nevada Correctional Center		
	23-M13	\$3,182,837

Replace Surveillance Camera System, Lovelock Correctional Center 23-M14	\$3,160,020
Install Fiber Optic Loop, Southern Desert Correctional Center 23-M17	\$2,016,639
Boiler Plant Renovation, Regional Medical Facility, Northern Nevada Correctional Center 23-M24	\$1,212,846
Chilled and Hot Water Building Piping Renovation, Lovelock Correctional Center 23-M26	\$3,576,991
HVAC Systems Renovation, Multi- Purpose Building, Warm Springs Correctional Center 23-M27	\$903,742
Electrical Service Upgrade, Southern Desert Correctional Center 23-M29	\$1,303,647
Direct Digital Control System Upgrade, Lovelock Correctional Center 23-M35	\$2,772,885
Culinary Building Plumbing Replacement, Ely State Prison 23-M38	\$3,789,345
Water Controls Replacement, High Desert State Prison 23-M40	\$7,363,878
Recreation Yard Cages, Northern Nevada Correctional Center 23-M41	\$2,469,843
Upgrade Perimeter Security Fence, Southern Desert Correctional Center 23-M44	\$10,633,595
Housing Units 1 through 4 Plumbing Fixture Water Control Renovations, Lovelock Correctional Center 23-M48	\$5,585,892
Install Site Security Cameras, Ely State Prison.....23-M49	\$1,406,531
Advance Planning: Underground Piping Replacement, High Desert State Prison.....23-P08	\$2,452,028
4. Capital Improvements for the Department of Health and Human Services:	
Deferred Maintenance, Department of Health and Human Services 23-M02	\$37,818,389
Advance Planning: Southern Nevada Forensic Facility 23-P06	\$18,192,080
5. Capital Improvements for the Office of the Military:	
HVAC Systems Renovation, Combined Support Maintenance Shop 23-M18	\$1,041,259
Site Drainage Improvements, Las Vegas Readiness Center 23-M21	\$969,411

	HVAC Systems Renovation, Emergency Operations Center.....23-M47	\$4,434,955
6.	Capital Improvements for the Nevada System of Higher Education: Deferred Maintenance, Nevada System of Higher Education 23-M01	\$12,000,000
	Chilled Water Central Plant Renovation, Desert Research Institute, Northern Nevada Science Center 23-M37	\$5,382,593
	Additional Deferred Maintenance, Nevada System of Higher Education.....23-M51	\$50,000,000
7.	Capital Improvements for the Department of Public Safety: Advance Planning: Headquarters Building, Carson City, Department of Public Safety 23-P01	\$11,762,261
8.	Capital Improvements for the Department of Tourism and Cultural Affairs:	
	Life Safety, Security and Lighting Replacement, Nevada State Museum, Carson City.....23-M05	\$1,401,255
	Upgrade Security, Fire and Life Safety, and Electrical Systems, Nevada Historical Society 23-M10	\$1,919,083
	Building Seismic Retrofit and Envelope Maintenance, Nevada Historical Society 23-M16	\$1,434,832
	Repair Freight Elevator, Nevada State Museum, Las Vegas 23-M19	\$143,017
	Depot Building Foundation Stabilization, East Ely Railroad Museum.....23-M20	\$821,347
	Upgrade Heating and Air Conditioning, Marjorie Russell Clothing and Textile Research Center 23-M42	\$269,066
	HVAC Systems Renovation, Indian Hills Curatorial Center 23-M43	\$1,066,071
	Advance Planning: Old Gym Building Seismic Stabilization and Rehabilitation, Stewart Facility 23-P09	\$2,026,160
9.	Capital Improvements for the Department of Veterans Services: Walk-In Cooler and Freezer Replacement, Southern Nevada State Veterans Home.....23-M09	\$503,680

Replace Cooling Tower Piers, Southern Nevada State Veterans Home.....	23-M11	\$390,222
Chapel Remodel, Southern Nevada Veterans Memorial Cemetery.....	23-M15	\$894,842
Advance Planning: North Las Vegas State Veterans Home.....	23-P04	\$15,537,686
10. Capital Improvements for the Department of Wildlife:		
Hatchery Water Intrusion Repairs, Gallagher Fish Hatchery.....	23-M06	\$3,012,526

Sec. 2. Any remaining balance of any appropriation made by section 1 of this act must not be committed for expenditure after June 30, 2027, 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 17, 2027, 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 17, 2027.

Sec. 3. There is hereby appropriated from the State Highway Fund to the State Public Works Division of the Department of Administration the sum of \$11,462,536 to support the Division in carrying out the program of capital improvements summarized in this section. The amount is allocated to projects numbered and described in the Executive Budget for the 2023-2025 biennium or otherwise described as follows:

<u>Description</u>	<u>Project No.</u>	<u>Amount</u>
1. Capital Improvements for the Department of Administration:		
Warehouse Air Conditioning Upgrade, Department of Motor Vehicles, Flamingo	23-M07	\$535,254
Replace Surveillance Cameras, Door Access Controls and Security System, Department of Motor Vehicles, Flamingo.....	23-M28	\$2,224,781
Roofing Replacement, Express Office Building, Department of Motor Vehicles, Donovan	23-S01h	\$191,025
Statewide Paving Program, Highway Funds.....	23-S05h	\$1,796,090
2. Capital Improvements for the Department of Motor Vehicles:		
Construct Secure Parking, Department of Motor Vehicles, Las Vegas, West Flamingo	23-C10	\$922,033
3. Capital Improvements for the Department of Public Safety:		
Advance Planning: Headquarters Building, Carson City, Department		

of Public Safety 23-P01 \$5,793,353

Sec. 4. Any remaining balance of any appropriation made by section 3 of this act must not be committed for expenditure after June 30, 2027, 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 17, 2027, 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 Highway Fund on or before September 17, 2027.

Sec. 5. The amounts appropriated by section 3 of this act from the State Highway Fund must be allocated by the State Controller as the money is required for the projects listed in section 3 of this act and must not be transferred to those projects until required to make contract payments.

Sec. 6. The State Board of Finance shall issue general obligation bonds of the State of Nevada in the face amount of not more than \$533,695,336 for capital improvements summarized in this section and use proceeds of general obligation bonds of the State of Nevada previously issued in the amount of \$5,000,000 which are reallocated for capital improvements summarized in this section. The capital improvements summarized in this section are to be paid with proceeds of general obligation bonds of the State of Nevada in an amount not to exceed \$538,695,336, provided that \$5,000,000 of the proceeds of general obligation bonds of the State of Nevada issued pursuant to section 6 of chapter 542, Statutes of Nevada 2019, at page 3309, as amended by section 2 of chapter 3, Statutes of Nevada 2020, 31st Special Session, at page 18, shall be reallocated to the capital improvements summarized in this section and spent before the expenditure of the proceeds of general obligation bonds of the State of Nevada issued pursuant to this section. The provisions of the State Securities Law, NRS 349.150 to 349.364, inclusive, apply to the bonds authorized by this section. As used in this section, "proceeds of general obligation bonds" means amounts received from the sale of an issue and any accrued interest thereon. The amounts are allocated to projects numbered and identified in the Executive Budget for the 2023-2025 biennium or otherwise described as follows:

<u>Description</u>	<u>Project No.</u>	<u>Amount</u>
1. Capital Improvements for the Department of Administration:		
Construct Mail Services Building,		
Carson City.....	23-C01	\$16,676,099
Seismic Retrofit and Renovation,		
Heroes Memorial and Annex	23-C03	\$29,945,200
Basement Tenant Improvement,		
Nevada State Library, Archives and		
Public Records.....	23-C15	\$4,302,195
Office Renovation, Department of		
Education, Carson City.....	23-C16	\$2,190,806

Microwave Tower Relocation, Grant		
	Sawyer Office Building.....23-C17	\$4,260,281
Marlette Lake Dam Rehabilitation,		
	Marlette Lake Water System.....23-C22	\$9,864,119
Construct Administration Building,		
	Kinthead Building Site 23-C30	\$158,465,753
Purchase of Buildings for State Offices,		
	Las Vegas.....23-C35	\$213,892,608
Deferred Maintenance, Department of		
	Administration.....23-M03	\$5,000,000
2.	Capital Improvements for the State Department of Conservation and Natural Resources:	
	Reconfigure West Entrance, Valley of	
	Fire State Park 23-C23	\$1,243,590
3.	Capital Improvements for the Department of Corrections:	
	Wastewater System Improvements,	
	Lovelock Correctional Center 23-M32	\$10,652,825
4.	Capital Improvements for the Department of Health and Human Services:	
	Gymnasium Addition and Remodel,	
	Summit View Youth Center 23-C27	\$4,505,952
5.	Capital Improvements for the Office of the Military:	
	Remodel Army Aviation Support	
	Facility Administration Building,	
	Harry Reid Training Center.....23-C04	\$1,559,953
	Ground Support Equipment Shop,	
	Harry Reid Training Center.....23-C09	\$2,037,585
	Physical Training Facilities, Floyd	
	Edsall Training Center.....23-C11	\$3,887,595
	Field Maintenance Shop 1 Remodel,	
	Floyd Edsall Training Center 23-C25	\$7,816,439
	Southern Nevada Small Arms Range,	
	Nevada Army National Guard.....23-C33	\$17,000,000
6.	Capital Improvements for the Department of Tourism and Cultural Affairs:	
	Remodel Freight Barn,	
	East Ely Railroad Museum.....23-C12	\$4,014,224
7.	Capital Improvements for the Department of Veterans Services:	
	Remodel and Addition, Southern	
	Nevada State Veterans Home.....23-C06	\$35,831,018
	Committal Building, Northern Nevada	
	Veterans Memorial Cemetery.....23-C13	\$3,451,011
	Storage Building Installation, Northern	
	Nevada State Veterans Home.....23-C32	\$2,098,083

Sec. 7. Any remaining balance of the allocated amounts authorized in section 6 of this act must not be committed for expenditure after June 30, 2027, and must be reverted to the Bond Interest and Redemption Account in the Consolidated Bond Interest and Redemption Fund on or before September 17, 2027.

Sec. 8. 1. Except as otherwise provided in subsection 2, the State Board of Finance shall issue general obligation bonds of the State of Nevada in the face amount of not more than \$111,304,685, the proceeds of which must be used for projects identified in this subsection. The provisions of the State Securities Law, NRS 349.150 to 349.364, inclusive, apply to the bonds authorized by this subsection. As used in this subsection, "proceeds" means amounts received from the sale of an issue of the general obligation bonds and any accrued interest thereon. The amounts are allocated to projects numbered and identified in the Executive Budget for the 2023-2025 biennium or otherwise described as follows:

<u>Description</u>	<u>Project No.</u>	<u>Amount</u>
Capital Improvements for the Department of Administration:		
Seismic Replacement of Raised Server Room Floor, Department of Motor Vehicles, Carson City	23-M22	\$321,327
Central Plant Replacement, Department of Motor Vehicles, Decatur	23-M23	\$1,500,870
Replace Door Access Controls and Security System, Department of Motor Vehicles, Decatur	23-M25	\$925,434
Capital Improvements for the Department of Motor Vehicles:		
Construct New Department of Motor Vehicles Silverado Ranch Facility	23-C02	\$105,888,623
Renovate Customer Service Counters Millwork and Install Exterior Self-Service Kiosk, Department of Motor Vehicles, Carson City	23-C07	\$2,668,431

2. The State Board of Finance shall not issue the bonds described in subsection 1 unless the Board determines that the money budgeted or to be budgeted pursuant to subsection 3 will be sufficient to pay the bond repayment costs of the bonds authorized by subsection 1. In making its determination under this subsection, the State Board of Finance shall be entitled to rely on a certification of the Director of the Office of Finance in the Office of the Governor that the money budgeted and to be budgeted pursuant to subsection 3 will be sufficient to pay the bond repayment costs of the bonds authorized by subsection 1. Any determination made by the State Board of Finance under this subsection shall be conclusive. As used in this subsection, "bond repayment costs" means the principal of and interest on the bonds and any other costs related to the payment of the bonds or compliance with covenants made in connection with those bonds, as estimated by the

State Treasurer.

3. The Legislature intends that the annual bond repayment costs of the bonds authorized by subsection 1, and any bonds directly or indirectly, through a series of refundings, refunding those bonds, will be paid from annually available money in the State Highway Fund. The Director of the Office of Finance in the Office of the Governor is hereby directed to budget for payment of such bond repayment costs from the State Highway Fund in each budget or other spending plan presented to the Legislature for the expenditure of amounts in the State Highway Fund after the effective date of this section until the bonds authorized by subsection 1 and any bonds directly or indirectly refunding those bonds are no longer outstanding. The money so budgeted to pay the annual bond repayment costs of the bonds authorized by subsection 1, and any bonds directly or indirectly, through a series of refundings, refunding those bonds, are hereby appropriated in each year to the Consolidated Bond Interest and Redemption Fund to pay such bond repayment costs. As used in this subsection, "annually available money in the State Highway Fund" means money remaining in the State Highway Fund in any year after all amounts required to pay bonds issued pursuant to NRS 408.273 in that year have been paid or provision for such payment has been made.

Sec. 9. Any remaining balance of the allocated amounts authorized in section 8 of this act must not be committed for expenditure after June 30, 2027, and must be reverted to the Bond Interest and Redemption Account in the Consolidated Bond Interest and Redemption Fund on or before September 17, 2027.

Sec. 10. 1. The State Board of Finance may issue the bonds authorized pursuant to sections 6 and 8 of this act at the time deemed appropriate by the Board based on the schedule established for the completion of the projects described in those sections.

2. The State Controller may advance temporarily from the State General Fund, upon the approval of the Director of the Office of Finance in the Office of the Governor, to the State Public Works Division of the Department of Administration, until the date on which the bonds authorized by section 6 of this act are sold, amounts necessary to facilitate, as applicable, the purchase of buildings or the start of the projects enumerated in section 6 of this act. The amounts temporarily advanced by the State Controller must be advanced as the money is required for the projects and must not be transferred to the projects from the State General Fund until required to make contract payments. The advanced amounts must be repaid immediately to the State General Fund upon the issuance of the bonds or not later than the last business day in August immediately following the end of the fiscal year during which the advance is made.

3. The State Controller may advance temporarily from the State Highway Fund, upon the approval of the Director of the Office of Finance in the Office of the Governor, to the State Public Works Division of the Department of

Administration, until the date on which the bonds authorized by section 8 of this act are sold, amounts necessary to facilitate the start of the projects enumerated in section 8 of this act. The amounts temporarily advanced by the State Controller must be advanced as the money is required for the projects and must not be transferred to the projects from the State Highway Fund until required to make contract payments. The advanced amounts must be repaid immediately to the State Highway Fund upon the issuance of the bonds or not later than the last business day in August immediately following the end of the fiscal year during which the advance is made.

4. The Director of the Office of Finance in the Office of the Governor shall provide written notification to the State Controller, the State Treasurer and the Senate and Assembly Fiscal Analysts of the Fiscal Analysis Division of the Legislative Counsel Bureau of the approval of any advance from the State General Fund or the State Highway Fund to the State Public Works Division of the Department of Administration pursuant to subsection 2 or 3. The Director of the Office of Finance in the Office of the Governor shall provide a reconciliation to the Senate and Assembly Fiscal Analysts of the Fiscal Analysis Division of the Legislative Counsel Bureau of any advance authorized from the State General Fund or the State Highway Fund and any repayment to the State General Fund or the State Highway Fund made during any fiscal year during the 2023-2025 biennium. The reconciliation must be provided not later than the last business day in August immediately following the end of the fiscal year during which an advance is made.

Sec. 11. 1. Expenditure of the following sums not appropriated from the State General Fund or the State Highway Fund is hereby authorized for the following projects numbered and described in the Executive Budget for the 2023-2025 biennium or otherwise described as follows:

<u>Description</u>	<u>Project No.</u>	<u>Amount</u>
Capital Improvements for the Department of Administration:		
Marlette Lake Dam Rehabilitation,		
Marlette Lake Water System	23-C22	\$542,319
Reroof Plumb Lane Readiness Center	23-S01g	\$319,983
Statewide Fire and Life Safety		
Program, Nevada Army National		
Guard	23-S03g	\$1,974,389
Statewide Paving Program, Nevada		
Army National Guard	23-S05g1	\$552,562
Apron Pavement Preservation, Harry		
Reid Training Center	23-S05g2	\$713,378
Statewide Indoor Air Quality,		
Environmental Program	23-S06	\$100,000
Statewide Building Official Program	23-S09	\$4,502,500

Capital Improvements for the State Department of Conservation and Natural Resources:

Residence/Fire Station Demolition, Spring Creek Fire Station	23-C08	\$107,125
Replace Comfort Station #4, Sand Harbor State Park	23-M30	\$750,000

Capital Improvements for the Office of the Military:

Remodel Army Aviation Support Facility Administration Building, Harry Reid Training Center.....	23-C04	\$1,875,000

Capital Improvements for the Department of Tourism and Cultural Affairs:

Visitor's Center, Nevada State Railroad Museum, Boulder City	23-C20	\$23,309,936
Remodel Freight Barn, East Ely Railroad Museum	23-C12	\$3,690,064

Capital Improvements for the Department of Veterans Services:

Remodel and Addition, Southern Nevada State Veterans Home	23-C06	\$63,957,628

2. The State Public Works Division of the Department of Administration shall not execute a contract for the construction of a project listed in subsection 1 until the Division has determined that the funding authorized in subsection 1 for the project has been awarded or received and is available for expenditure for the project.

Sec. 12. If the Department of Veterans Services receives a grant from the United States Department of Veterans Affairs for the project numbered and described in the Executive Budget for the 2023-2025 biennium or otherwise described as Project 23-P04, Advance Planning: North Las Vegas State Veterans Home, the Department of Veterans Services shall immediately deposit the money so received in the State General Fund.

Sec. 13. The State Public Works Division of the Department of Administration shall carry out the provisions of sections 1, 3, 6, 8, 11 and 24 of this act as provided in chapter 341 of NRS. The Division shall ensure that qualified persons are employed to accomplish the authorized work. Every contract pertaining to the work must be approved by the Attorney General.

Sec. 14. All state and local governmental agencies involved in the design and construction of the projects enumerated in sections 1, 3, 6, 8, 11 and 24 of this act shall cooperate with the State Public Works Division of the Department of Administration to expedite completion of the project.

Sec. 15. 1. The State Board of Finance shall issue general obligation bonds of the State of Nevada in the face amount of not more than \$3,000,000 in the 2023-2025 biennium as provided in NRS 383.530, the proceeds of which must be used for the program for awarding financial assistance to pay the actual expenses of preserving or protecting historical buildings to be used to develop a network of cultural centers and activities.

2. As used in this section, "proceeds" means amounts received from the sale of an issue of the general obligation bonds and any accrued interest thereon.

Sec. 16. 1. The State Board of Finance shall issue general obligation bonds of the State of Nevada in the face amount of not more than \$13,000,000 in the 2023-2025 biennium, the proceeds of which must be used for the purposes described in section 1 of Assembly Bill No. 424 of the 82nd Session of the Nevada Legislature.

2. As used in this section, "proceeds" means amounts received from the sale of an issue of the general obligation bonds and any accrued interest thereon.

Sec. 17. The State Board of Finance shall issue general obligation bonds of the State of Nevada in the face amount of not more than \$43,309,936 in the 2023-2025 biennium, the proceeds of which must be used for the purposes described in:

1. Subsection 1 of section 2;
2. Subsection 2 of section 2;
3. Subsection 3 of section 2;
4. Subsection 4 of section 2;
5. Subsection 5 of section 2;
6. Subsection 8 of section 2; and
7. Subsection 10 of section 2,

↪ of chapter 480, Statutes of Nevada 2019, at page 2861. As used in this section, "proceeds" means amounts received from the sale of an issue of the general obligation bonds and any accrued interest thereon.

Sec. 18. The Legislature finds and declares that the issuance of securities and the incurrence of indebtedness pursuant to sections 16 and 17 of this act, except the use of the proceeds of those bonds pursuant to subsections 3, 5 and 7 of section 17 of this act:

1. Are necessary for the protection and preservation of the property and natural resources of this State and for the purpose of obtaining the benefits thereof; and

2. Constitute an exercise of the authority conferred by the second paragraph of Section 3 of Article 9 of the Nevada Constitution.

Sec. 19. 1. An ad valorem tax of 16.18 cents on each \$100 of assessed valuation of taxable property is hereby levied for Fiscal Year 2023-2024, and an ad valorem tax of 16.18 cents on each \$100 of assessed valuation of taxable property is hereby levied for Fiscal Year 2024-2025. The taxes levied must be collected in the manner provided in chapter 361 of NRS on all taxable property in this State, including, without limitation, the net proceeds of minerals, and excluding such property as is by law exempt from taxation. Notwithstanding the provisions of NRS 361.453 to the contrary, 1.18 cents of the levies imposed pursuant to this subsection must not be included in calculating the limitation set forth in subsection 1 of NRS 361.453 on the total ad valorem tax levied

for all public purposes.

2. An ad valorem tax of 0.82 cents on each \$100 of assessed valuation of taxable property is hereby levied for Fiscal Year 2023-2024, and an ad valorem tax of 0.82 cents on each \$100 of assessed valuation of taxable property is hereby levied for Fiscal Year 2024-2025. The taxes levied must be collected in the manner provided in chapter 361 of NRS on all taxable property in this State, including, without limitation, the net proceeds of minerals, and excluding such property as is by law exempt from taxation. The proceeds of the taxes levied pursuant to this subsection must be used exclusively for the repayment of bonded indebtedness issued pursuant to the provisions of:

(a) Chapter 6, Statutes of Nevada 2001, 17th Special Session, at page 104; or

(b) Chapter 480, Statutes of Nevada 2019, at page 2860.

↪ Notwithstanding the provisions of NRS 361.453 to the contrary, the levies imposed pursuant to this subsection must not be included in calculating the limitation set forth in subsection 1 of NRS 361.453 on the total ad valorem tax levied for all public purposes.

3. The proceeds of the taxes levied by this section are hereby appropriated in each fiscal year to the Consolidated Bond Interest and Redemption Fund to discharge the obligations of the State of Nevada as they are respectively due in that fiscal year. Any balance of the money appropriated by this section remaining at the end of the respective fiscal years does not revert to the State General Fund.

Sec. 20. 1. On or before July 1, 2023, and July 1, 2024, respectively, the State Treasurer shall estimate the amount of proceeds of the taxes levied by section 19 of this act. If the sum of that estimate and the balance of ad valorem reserves in the Consolidated Bond Interest and Redemption Fund is less than the total obligation of the State of Nevada for payment of the interest on and principal of bonds which will become due in the fiscal year, the State Treasurer shall request the State Controller to reserve in the State General Fund an amount which is sufficient to pay the remainder of the total obligation. The State Treasurer may revise the estimate and amount reserved.

2. If the money in the Consolidated Bond Interest and Redemption Fund is insufficient to pay those obligations as they become due, the State Controller shall cause the money in reserve to be transferred from the State General Fund to the Consolidated Bond Interest and Redemption Fund. The amount reserved is hereby contingently appropriated for that purpose. Any balance of the sums transferred pursuant to this subsection remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

3. The State Treasurer shall report to the Legislature or, if the Legislature is not in session, to the Interim Finance Committee:

(a) The amount of any estimate made pursuant to subsection 1 and the amount of money reserved in the State General Fund based upon the estimate;

(b) The amount of money transferred from the State General Fund pursuant to subsection 2; and

(c) The amount of money which reverts to the State General Fund pursuant to subsection 2.

Sec. 21. The State Board of Finance, in its capacity as the State General Obligation Bond Commission and to the extent that money is available, shall pay the expenses related to the issuance of general obligation bonds approved by the 82nd Session of the Nevada Legislature from the proceeds of those bonds.

Sec. 22. 1. Expenditure of the following sums not appropriated from the State General Fund or the State Highway Fund is hereby authorized from the Consolidated Bond Interest and Redemption Fund in the amount of \$174,512,014 for Fiscal Year 2023-2024, and in the amount of \$174,512,014 for Fiscal Year 2024-2025.

2. Notwithstanding the provisions of subsection 4 of NRS 353.220, the approval of the Interim Finance Committee is not required for any request for the revision of a work program for the Bond Interest and Redemption Account in the Consolidated Bond Interest and Redemption Fund for the bond repayment costs of the bonds approved by the Nevada Legislature pursuant to the provisions of this act. As used in this subsection, "bond repayment costs" means the principal, interest and related costs of issuance of the bonds and any other costs related to the payment of the bonds or compliance with covenants made in connection with those bonds, as estimated by the State Treasurer.

Sec. 23. 1. With the approval of the Interim Finance Committee, the State Public Works Division of the Department of Administration and the Nevada System of Higher Education may transfer appropriated, allocated and authorized money from one project to another within the same agency or within the Nevada System of Higher Education, respectively, for those projects listed in sections 1, 3, 6, 8 and 24 of this act.

2. Transfers of money pursuant to subsection 1 to or from projects that are also authorized in section 11 of this act must maintain the overall ratio of appropriated, allocated and authorized money in total for those projects.

Sec. 24. 1. The money collected pursuant to the annual tax on slot machines imposed pursuant to NRS 463.385 that is distributed to the Special Capital Construction Fund for Higher Education, except any amount of that money which is needed to pay the principal and interest on bonds, is appropriated to the State Public Works Division of the Department of Administration in the sum of \$3,000,000 for the project numbered and described in the Executive Budget for the 2023-2025 biennium or otherwise described as project 23-M01, Deferred Maintenance, Nevada System of Higher Education.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2027, 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 17, 2027, 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 Special Capital Construction Fund for Higher Education on or before September 17, 2027.

Sec. 25. Section 2 of chapter 542, Statutes of Nevada 2019, at page 3307, is hereby amended to read as follows:

Sec. 2. ~~{Any}~~

1. *Except as otherwise provided in subsection 2, any remaining balance of the appropriations made by section 1 of ~~this act~~ chapter 542, Statutes of Nevada 2019, at page 3305, must not be committed for expenditure after June 30, 2023, 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 15, 2023, 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 15, 2023.*

2. *Any remaining balance of the appropriations made by section 1 of chapter 542, Statutes of Nevada 2019, at page 3305, for the following projects, 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.*

<u>Description</u>	<u>Project No.</u>
Cemetery Expansion, Southern Nevada	
Veterans Memorial Cemetery.....	19-C03
Underground Piping and Boiler	
Replacement, Lovelock Correctional	
Center.....	19-M10
HVAC System Renovation, Capitol	
Building.....	19-M59
Statewide ADA Program	19-S02

Sec. 26. Section 7 of chapter 542, Statutes of Nevada 2019, at page 3311, is hereby amended to read as follows:

Sec. 7. ~~{Any}~~

1. *Except as otherwise provided in subsection 2, any remaining balance of the allocated amounts authorized in section 6 of ~~this act~~ chapter 542, Statutes of Nevada 2019, at page 3309, as amended by section 2 of chapter 3, Statutes of Nevada 2020, 31st Special Session, at page 18, must ~~not~~:*

(a) *Not be committed for expenditure after June 30, 2023, and must be reverted to the Bond Interest and Redemption Account in the Consolidated Bond Interest and Redemption Fund on or before September 15, 2023 ~~[-]~~; or*

(b) *Transferred for the projects numbered and described in the Executive Budget for the 2023-2025 biennium or otherwise described in section 6 of chapter 542, Statutes of Nevada 2019, at page 3309, as amended by section 2 of chapter 3, Statutes of Nevada 2020, 31st Special Session, at page 18.*

2. *Any remaining balance of the allocated amounts authorized in section 6 of chapter 542, Statutes of Nevada 2019, at page 3309, as amended by section 2 of chapter 3, Statutes of Nevada 2020, 31st Special Session, at page 18, for the following projects, must not be committed for expenditure after June 30, 2025, and must be reverted to the Bond Interest and Redemption Account in the Consolidated Bond Interest and Redemption Fund on or before September 19, 2025.*

<u>Description</u>	<u>Project No.</u>
Marlette Lake Dam Rehabilitation,	
Marlette Lake Water System	19-C08
Renovation of Collections Storage	
Building 19, Stewart Campus.....	19-C16
Replace Freezer, Purchasing	
Warehouse.....	19-M01
Emergency Generator and Service	
Entrance Upgrade, Reno	
Purchasing Warehouse	19-M07
Central Plant Renovation, Paul Laxalt	
State Office Building	19-M29
HVAC Systems Renovation, Washoe	
County Armory	19-M31
Construct Water Wells and Water	
Systems, Wildlife Management Area	
Sites.....	19-M40

Sec. 27. Section 5 of chapter 466, Statutes of Nevada 2021, at page 2884, is hereby amended to read as follows:

Sec. 5. ~~{Any}~~

1. *Except as otherwise provided in subsection 2, any remaining balance of the allocated amounts authorized in section 4 of ~~this act~~ chapter 466, Statutes of Nevada 2021, at page 2880, must not be committed for expenditure after June 30, 2025, and must be reverted to the Bond Interest and Redemption Account in the Consolidated Bond Interest and Redemption Fund on or before September 19, 2025.*

2. *Any remaining balance of the allocated amounts authorized in section 4 of chapter 466, Statutes of Nevada 2021, at page 2880, for project 21-C03, Washoe County Training Center Addition, Nevada Army National Guard, must not be committed for expenditure after June 30, 2027, and must be reverted to the Bond Interest and Redemption Account in the Consolidated Bond Interest and Redemption Fund on or before September 17, 2027.*

Sec. 28. There is hereby appropriated from the State General Fund to the Legislative Fund created by NRS 218A.150 the sum of \$114,187,514 for capital improvement projects for facilities.

Sec. 29. 1. The State Board of Finance shall issue general obligation bonds of the State of Nevada in the face amount of not more than \$100,000,000 in the 2023-2025 biennium, the proceeds of which must be used for capital improvements for the Legislative Counsel Bureau. The provisions of the State Securities Law, NRS 349.150 to 349.364, inclusive, apply to the bonds authorized by this subsection. As used in this subsection, "proceeds" means amounts received from the sale of an issue of the general obligation bonds and any accrued interest thereon.

2. All state and local governmental agencies involved in the design and construction of the capital improvement projects for the Legislative Counsel Bureau in this act shall cooperate with the Legislative Counsel Bureau to expedite completion of the projects.

3. Any remaining balance of the allocated amounts authorized in subsection 1 must not be committed for expenditure after June 30, 2027, and must be reverted to the Bond Interest and Redemption Account in the Consolidated Bond Interest and Redemption Fund on or before September 17, 2027.

Sec. 30. 1. The State Board of Finance may issue the bonds authorized pursuant to section 29 of this act at the time deemed appropriate by the Board based on the schedule established for the completion of the capital improvements described in that section.

2. The State Controller may advance temporarily from the State General Fund, upon the request of the Director of the Legislative Counsel Bureau, to the Legislative Fund until the date on which the bonds authorized by section 29 of this act are sold, amounts necessary to facilitate the start of the capital improvements described in section 29 of this act. The amounts temporarily advanced by the State Controller must be advanced as the money is required for the projects and must not be transferred to the Legislative

Fund from the State General Fund until required to make contract payments. The advanced amounts must be repaid immediately to the State General Fund upon the issuance of the bonds or not later than the last business day in August immediately following the end of the fiscal year during which the advance is made.

3. The Director of the Legislative Counsel Bureau shall provide written notification to the State Controller, the State Treasurer and the Senate and Assembly Fiscal Analysts of the Fiscal Analysis Division of the Legislative Counsel Bureau of the approval of any advance from the State General Fund to the Legislative Fund pursuant to subsection 2. The Director of the Legislative Counsel Bureau shall provide a reconciliation to the Legislative Commission and the Senate and Assembly Fiscal Analysts of the Fiscal Analysis Division of the Legislative Counsel Bureau of the advances authorized from the State General Fund and repayments to the State General Fund made during any fiscal year during the 2023-2025 biennium. The reconciliation must be provided not later than the last business day in August immediately following the end of the fiscal year during which an advance is made.

Sec. 31. NRS 331.135 is hereby amended to read as follows:

331.135 1. The Legislature reserves the supervision and control, both during and between legislative sessions, of:

(a) The entire Legislative Building, including its chambers, offices and other rooms, and its furnishings and equipment.

(b) A portion of the parcel of land bounded on the west by Carson Street, on the south by Fifth Street, on the east by a portion of the abandoned Fall and Plaza Streets, and on the north by the sidewalk along the south fence of the capitol grounds, situated in a portion of the Capitol Complex, as shown on the Record of Survey Map No. 297, Official Records of Carson City, Nevada, File No. 3043, section 17, T. 15 N., R. 20 E., M.D.M., more particularly described as follows:

Beginning at the southwest corner of block 36, Sears, Thompson and Sears Division, as shown on that record of survey;

Thence N 89°52'32" E, a distance of 443.93 feet;

Thence N 00°12'15" E, a distance of 302.14 feet;

Thence N 44°47'45" W, a distance of 327.16 feet to the east side of an existing sidewalk;

Thence N 00°14'26" E, along that sidewalk, a distance of 173.16 feet, more or less, to the north line of a sidewalk;

Thence N 89°47'45" W, along that sidewalk, a distance of 212.50 feet, to the east right-of-way line of Carson Street;

Thence S 00°13'08" W, along that line, a distance of 709.40 feet, more or less, to the true point of beginning.

Containing 5.68 acres, more or less.

(c) The entire parcel of land bounded on the north by Fifth Street, on the south by Sixth Street, on the east by Stewart Street and on the west by Plaza Street, also described as blocks 2 and 3, Pierson and Goodridge Addition; and that portion of Fall Street between Fifth Street and Sixth Street abandoned by Carson City on April 26, 1990, Meeting Agenda Item 9 M-89/90-10. Also the entire parcel of land bounded on the north by the south boundary line of block 2, Pierson and Goodridge Addition, on the south by Seventh Street, on the east by Stewart Street and on the west by Fall Street, and further described as block 7, Pierson and Goodridge Addition.

(d) The entire parcel of land bounded on the north by Sixth Street, on the south by Seventh Street, on the east by Fall Street, and on the west by Plaza Street, also described as block 6, Pierson and Goodridge Addition.

(e) The entire parcel of land bounded on the north by Fourth Street, on the west by Stewart Street, on the south by Fifth Street, and on the east by the abandoned right-of-way of Valley Street, also described as block 39 of Sears, Thompson and Sears Division of Carson City; and the west 30.00 feet of the abandoned right-of-way of Valley Street abutting block 39 of Sears, Thompson and Sears Division. Excepting therefrom that portion of Stewart and Fifth Streets deeded to the State of Nevada through its Department of Transportation as recorded in book 283, page 208, of Deeds, Carson City, Nevada.

(f) The entire parcel of land bounded on the north by Third Street, on the west by Stewart Street, on the south by Fourth Street, and on the east by Valley Street, also described as block 22 of Sears, Thompson and Sears Division of Carson City; and the land occupied by the state printing warehouse in block 21 of Sears, Thompson and Sears Division of Carson City; and the abandoned right-of-way of Fourth Street between block 22 of Sears, Thompson and Sears Division and block 39 of Sears, Thompson and Sears Division of Carson City. Excepting therefrom that portion of Stewart Street deeded to the State of Nevada through its Department of Transportation as recorded in book 283, page 208, of Deeds, Carson City, Nevada.

(g) *The entire area of land bounded on the west by Fall Street, on the south by Fifth Street, on the east by Stewart Street and on the north by the northern edge of the sidewalk along the northern side of the parking garage, also described as block 38 and a portion of block 23 of Sears, Thompson and Sears Division of Carson City (including the portion of Fourth Street abandoned on December 5, 1989).*

(h) *The following Clark County parcel numbers:*

- (1) 177-03-311-005;
- (2) 177-03-410-006;
- (3) 177-03-410-008;
- (4) 177-03-410-011; and
- (5) 177-03-410-014.

(i) Any other property acquired for the use of the Legislature or its staff.
 ➔ Title to the property described in this subsection must be held in the name of the Legislature of the State of Nevada.

2. The Director of the Legislative Counsel Bureau:

(a) Shall provide an individual office for each Legislator whose position as an officer or as a chair of a committee does not otherwise entitle the Legislator to occupy an assigned office.

(b) May assign the use of space in the Legislative Building or other legislative facilities or on the legislative grounds in such a manner as the Legislative Commission prescribes.

3. The Director of the Legislative Counsel Bureau shall cause the Legislative Building, chambers and grounds and other legislative facilities to be kept in good repair, clean, orderly and presentable as befits public property and the dignity of the Legislature. For this purpose he or she may, in addition to the general power of the Director to employ or contract for the services of personnel, contract with any private enterprise or governmental agency for the provision of appropriate services.

Sec. 32. As soon as practicable after the effective date of this act, the State Land Registrar shall quitclaim to the Legislature of the State of Nevada:

1. The entire parcel of land bounded on the west by Fall Street, on the south by Fifth Street, on the east by Stewart Street and on the north by the northern edge of the sidewalk along the northern side of the parking garage (including the portion of Fourth Street abandoned on December 5, 1989), also described as block 38 and a portion of block 23 of Sears, Thompson and Sears Division of Carson City; and

2. The following Clark County parcel numbers:

(a) 117-03-311-005;

(b) 117-03-410-006;

(c) 117-03-410-008;

(d) 117-03-410-011; and

(e) 117-03-410-014.

Sec. 33. 1. There is hereby appropriated from the State General Fund to the Culinary Academy of Las Vegas the sum of \$25,000,000 for a capital improvement project.

2. Upon acceptance of the money appropriated by subsection 1, the Culinary Academy of Las Vegas agrees to:

(a) Prepare and transmit a report to the Interim Finance Committee on or before December 20, 2024, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by the Culinary Academy of Las Vegas through December 1, 2024;

(b) Prepare and transmit a final report to the Interim Finance Committee on or before September 19, 2025, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by the Culinary Academy of Las Vegas through June 30, 2025; and

(c) Upon request of the Legislative Commission, make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, of the Culinary Academy of Las Vegas, regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of the money appropriated pursuant to subsection 1.

3. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.

~~[Sec. 33.]~~ Sec. 34. 1. This ~~[act becomes]~~ section and sections 1 to 32, inclusive, of this act become effective upon passage and approval.

2. Section 33 of this act becomes effective upon passage and approval if and only if Assembly Bill No. 525 of this session and Senate Bill No. 341 of this session are not enacted by the Legislature and approved by the Governor.

Senator Cannizzaro moved the adoption of the amendment.

Remarks by Senator Cannizzaro.

Amendment No. 1001 to Assembly Bill No. 521 adds an appropriation of \$25 million for a culinary training academy in the event that Assembly Bill No. 525 and Senate Bill No. 341 of this particular legislative session are not enacted by the Legislature and approved by the Governor.

Amendment not adopted.

Bill read third time.

Remarks by Senators Nguyen and Seevers Gansert.

SENATOR NGUYEN:

Assembly Bill No. 521 provides for the implementation of the 2023 Capital Improvement Program (CIP) as approved by the money committees. This bill includes funding in the amount of \$1.189 billion for the 2023 CIP and \$32.3 million in resource conservation and preservation programs of the State outside of the CIP. The bill includes some of the following: \$69.9 million in federal funds for the Office of the Military, the Department of Veterans Services and the Department of Administrative Projects; \$105.9 million to fund the construction of a 73,000 square foot, full service Department of Motor Vehicles facility in Silverado Ranch Boulevard in Las Vegas; \$99.8 million to construct homes for residents of Southern Nevada State Veterans Home in Boulder City; and \$213.9 million to purchase 18 office buildings including 15 of which are intended for future occupancy by the Executive Branch.

SENATOR SEEVERS GANSERT:

For days, including last night, we Republicans have not been bashful in expressing our disappointment with the amount of fiscal largesse in the appropriations bills. In the meantime, our pleas seemingly go unanswered, and we grow weary and frustrated at being ignored by the Majority. Tonight, Republican colleagues and I are taking a stand. With less than an hour remaining in this regular session, we will not vote to pass the CIP bill until our concerns are addressed. Yes, you heard that correctly. We are resolved. We are doubly resolved to stay here for as long as necessary to correct this inequity.

I gave the Majority a list of our priorities including three important issues: funding for charter school teachers and support staff for pay equity so that the money that has been added to pay for public school teachers in traditional schools and the charter schools will be the same. We are asking for some pay equity.

We have also asked for capital funding for charter schools. When you look at charter schools, they have to use the money they get not only to pay their employees and operating costs but also they have to pay for the buildings they are in, unlike traditional schools, where they have their local counties paying for the buildings they are in, including maintenance.

Also, some graduate medical education (GME), we have been working on the health care pipeline, I appreciate that, but we also wanted to add more GME because we know if we have physicians who do residency programs in our State, they are most likely to stay in our State.

With a total price tag of \$75 million, that is it. That is it: nothing complicated, nothing extraordinary, simply a call for parity and equality with our public schools. The Majority's response to our list has been disregard, disdain and dismissal. The irony is that we have seen pork bills, and there has been more bacon and lard tucked into those bills than what you can find in a Farmer John's packing plant. Now, we have a CIP where we have another \$25 million added to this, just in case one of the pork bills or maybe both of the pork bills do not pass. Twenty-five million dollars for the Culinary Academy of Las Vegas. So in the CIP, we had issues with it before, which we have discussed, with the largesse, and now we have had this added.

It is very frustrating to be in this place, and the answer is so simple. Our request is reasonable. Their answer can be very, very easy. So here we are, again, 11:26 at night. Our requests are simple. We have made it clear. We are looking for equity. We want to make sure charter schools get funding. We want to continue expanding the health care pipeline. For these reasons, we will be opposed to Assembly Bill No. 521.

Roll call on Assembly Bill No. 521:

YEAS—12.

NAYS—Buck, Cannizzaro, Goicoechea, Hammond, Hansen, Krasner, SeEVERS Gansert, Stone, Titus—9.

Assembly Bill No. 521 having failed to receive a two-thirds majority, Mr. President declared it lost.

Senator Cannizzaro moved that the action whereby Assembly Bill No. 521 was lost be reconsidered.

Motion carried.

Senator Cannizzaro moved that Assembly Bill No. 521 be taken from the General File and placed on the Secretary's Desk.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Cannizzaro moved that Assembly Bills Nos. 158, 195, 203, 232, 260, 277 and 346 be taken from the General File and placed on the Secretary's Desk.

Motion carried.

UNFINISHED BUSINESS REPORTS OF CONFERENCE COMMITTEES

Mr. President:

The Conference Committee concerning Senate Bill No. 161, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 648 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 3, which is attached to and hereby made a part of this report.

Conference Amendment No. 3.

SUMMARY—~~[Establishes programs to facilitate the purchase of menstrual products.]~~ Makes revisions relating to personal health and wellness. (BDR 38-811)

AN ACT relating to ~~[public assistance;]~~ personal health; expanding required insurance coverage of contraception; providing for the use of benefits under certain federal programs for persons with low incomes to purchase menstrual products; authorizing the establishment of a program to assist certain recipients of public assistance in the purchase of menstrual products; authorizing certain persons and entities to acquire controlled substances and dangerous drugs directly from an outsourcing facility; revising requirements governing the dispensing of a drug used for contraception; enacting the Interstate Massage Compact; increasing the number of members of the Board of Massage Therapy required to constitute a quorum for the purposes of transacting the business of the Board; clarifying that a pharmacy benefit manager is subject to certain provisions of law governing an insurer for which the pharmacy benefit manager manages prescription drug coverage; 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 coverage for up to a 12-month supply of contraceptive drugs. (NRS 287.010, 287.04335, 422.27172, 689A.0418, 689B.0378, 689C.1676, 695A.1865, 695B.1919, 695C.1696, 695G.1715) Sections 1, 11 and 14-20 of this bill prohibit an insurer from requiring an insured to obtain prior authorization before receiving a contraceptive drug. Sections 1 and 14-20 also require an insurer to: (1) cover certain contraceptive services when provided by a pharmacist to the same extent as if the services were provided by another provider of health care in certain circumstances; and (2) reimburse a pharmacist for providing such services at a rate that is not less than the rate provided to a physician, physician assistant or advanced practice registered nurse. Sections 1 and 14-20 additionally prescribe certain limitations on the imposition of a copayment or coinsurance for a drug for contraception. Section 10 of this bill requires an insurer to: (1) demonstrate the capacity to adequately deliver family planning services provided by pharmacists to covered persons; and (2) make available to covered persons a notice of pharmacists and pharmacies that are available to provide family planning services to covered persons through the network of the insurer. Sections 12 and 13 of this bill make conforming changes to indicate the proper placement of section 10 in the Nevada Revised Statutes.

Existing law imposes certain duties on a pharmacy benefit manager. (NRS 683A.178) Section 9 of this bill clarifies that a pharmacy benefit manager that manages prescription drug benefits for an insurer is required to comply with the same provisions of the Nevada Insurance Code as are applicable to the insurer.

Existing law authorizes the Department of Health and Human Services to enter into a contract with a pharmacy benefit manager or a health maintenance organization to manage, direct and coordinate all payments and rebates for prescription drugs and all other services and payments relating to the provision of prescription drugs under the State Plan for Medicaid and the Children's Health Insurance Program. (NRS 422.4053) Section 2 of this bill requires such a contract to require the pharmacy benefit manager or health maintenance organization to comply with certain provisions of law regarding the provision of prescription drugs under the State Plan for Medicaid and the Children's Health Insurance Program.

Existing federal law establishes the Supplemental Nutrition Assistance Program, which provides assistance to certain low-income families for the purchase of food. (7 U.S.C. §§ 2011 et seq.) Existing federal law also establishes the Special Supplemental Nutrition Program for Women, Infants and Children, which provides, through eligible local agencies, nutrition education and supplemental foods to pregnant women, mothers, infants and children less than 5 years of age with low household incomes. (42 U.S.C. § 1786) Existing law requires the Department of Health and Human Services to administer these programs within this State. (NRS 422A.338) ~~[This]~~ Section 3 of this bill requires the Department to authorize recipients of benefits provided under those programs to use such benefits to purchase menstrual products: (1) to the extent authorized by federal law; and (2) to the extent that federal funding is available. This bill also authorizes the Department to: (1) establish and administer a program to provide assistance for the purpose of purchasing menstrual products to recipients of benefits provided through programs for which the Division of Welfare and Supportive Services of the Department is responsible; and (2) accept gifts, grants and donations for the purposes of establishing such a

program.

Existing law imposes certain requirements governing the purchase and sale of controlled substances and dangerous drugs. (NRS 639.268) Existing regulations prescribe certain requirements concerning the operation of outsourcing facilities, which are federally registered facilities that engage in the compounding of drugs. (NAC 639.691-639.6916) Those requirements include requirements that an outsourcing facility: (1) be licensed by the State Board of Pharmacy as a manufacturer; and (2) comply with regulatory requirements governing manufacturers. (NAC 639.6915) Section 5 of this bill authorizes a person or entity authorized to dispense controlled substances and dangerous drugs to purchase or otherwise acquire controlled substances and dangerous drugs compounded or repackaged by an outsourcing facility directly from the outsourcing facility. Section 4 of this bill makes a conforming change to update an internal reference changed by section 5.

Existing law requires a pharmacist to dispense up to a 12-month supply of contraceptives or therapeutic equivalent or any amount which covers the remainder of the plan year, whichever is less, pursuant to a valid prescription or order if: (1) the patient has previously received a 3-month supply of the same drug; (2) the patient has previously received a 9-month supply of the same drug or a supply of the same drug for the balance of the plan year in which the 3-month supply was prescribed or ordered, whichever is less; (3) the patient is insured by the same health insurance plan; and (4) a provider of health care has not specified in the prescription or order that a different supply of the drug is necessary. (NRS 639.28075) If a patient is not currently using a contraceptive or therapeutic equivalent, section 6 of this bill requires a pharmacist to dispense a full 3-month supply or the amount designated by the prescription or order, whichever is less, pursuant to a valid prescription or order unless the patient is unable or unwilling to pay the applicable charge, copayment or coinsurance. If the patient is currently using the contraceptive or therapeutic equivalent, section 6 requires a pharmacist to dispense a full 9-month supply or a full 12-month supply, as applicable, any amount designated by the prescription or order or any amount which covers the remainder of the plan year, whichever is less, pursuant to a valid prescription or order unless the patient is unable or unwilling to pay the applicable charge, copayment or coinsurance.

Existing law authorizes the Board of Massage Therapy to issue a license to practice massage therapy and sets forth the requirements that an applicant for a license must satisfy in order to become licensed. (NRS 640C.580) Section 7 of this bill adopts the Interstate Massage Compact, creating a multistate license with uniform licensing requirements, including a national licensing examination, for use by licensees in all member states.

The Compact requires that, in order to be eligible to join the Compact and maintain eligibility as a member state, a state must: (1) license and regulate the practice of massage therapy; (2) have a mechanism or entity in place to receive and investigate complaints from the public, regulatory or law enforcement agencies or the Interstate Massage Compact Commission about licensees practicing in that state; (3) accept passage of a national licensing examination as a criterion for massage therapy licensure in that state; (4) require that licensees satisfy educational requirements before being licensed; (5) implement procedures for requiring background checks for a multistate license and other reporting requirements; (6) have continuing competence requirements; (7) participate in the Compact's data system; (8) notify the Commission and other member states of any disciplinary action taken against a licensee practicing under a multistate license; (9) comply with any rules of the Commission; and (10) accept licensees with valid multistate licenses from other member states. An applicant for a multistate license must: (1) hold a license to practice massage therapy in a member state; (2) complete 625 hours of massage therapy education or the substantial equivalent; (3) pass a national licensing examination or the substantial equivalent; (4) submit to and pass a background check; and (5) pay all required fees.

The Compact: (1) establishes the Interstate Massage Compact Commission as a joint governmental agency whose membership consists of all member states; and (2) provides for the Commission's rules and governance. The Compact also establishes a data system, provided for by the Commission, and requires member states to submit uniform data to the data system on all individuals to whom the Compact is applicable.

The Compact provides additional provisions to carry out the Compact, including providing procedures for the taking of adverse actions against licensees, provisions for active military

members or their spouses, provisions for rulemaking by the Commission, provisions for oversight and dispute resolution and procedures for amendments and withdrawals. The Compact takes effect on the date on which the Compact is enacted into law by the seventh member state.

Existing law provides that four members of the Board of Massage Therapy constitute a quorum for the purposes of transacting the business of the Board. (NRS 640C.180) Section 8 of this bill increases the number of board members needed to constitute a quorum from four to five.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN

SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 422.27172 is hereby amended to read as follows:

422.27172 1. The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Dispensed in accordance with NRS 639.28075;

(b) Any type of device for contraception which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration;

(c) Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to NRS 639.28078;

(d) Insertion or removal of a device for contraception;

(e) Education and counseling relating to the initiation of the use of contraceptives and any necessary follow-up after initiating such use;

(f) Management of side effects relating to contraception; and

(g) Voluntary sterilization for women.

2. Except as otherwise provided in subsections 4 and 5, to obtain any benefit provided in the Plan pursuant to subsection 1, a person enrolled in Medicaid must not be required to:

(a) Pay a higher deductible, any copayment or coinsurance; or

(b) Be subject to a longer waiting period or any other condition.

3. The Director shall ensure that the provisions of this section are carried out in a manner which complies with the requirements established by the Drug Use Review Board and set forth in the list of preferred prescription drugs established by the Department pursuant to NRS 422.4025.

4. The Plan may require a person enrolled in Medicaid to pay a higher deductible, copayment or coinsurance for a drug for contraception if the person refuses to accept a therapeutic equivalent of the contraceptive drug.

5. For each method of contraception which is approved by the Food and Drug Administration, the Plan must include at least one contraceptive drug or device for which no deductible, copayment or coinsurance may be charged to the person enrolled in Medicaid, but the Plan may charge a deductible, copayment or coinsurance for any other contraceptive drug or device that provides the same method of contraception. If the Plan requires a person enrolled in Medicaid to pay a copayment or coinsurance for a drug for contraception, the Plan may only require the person to pay the copayment or coinsurance:

(a) Once for the entire amount of the drug dispensed for the plan year; or

(b) Once for each 1-month supply of the drug dispensed.

6. The Plan must provide for the reimbursement of a pharmacist for providing services described in subsection 1 that are within the scope of practice of the pharmacist to the same extent as if the services were provided by another provider of health care. The Plan must not limit:

(a) Coverage for such services provided by a pharmacist to a number of occasions less than the coverage for such services when provided by another provider of health care.

(b) Reimbursement for such services provided by a pharmacist to an amount less than the amount reimbursed for similar services provided by a physician, physician assistant or advanced practice registered nurse.

7. The Plan must not require a recipient of Medicaid to obtain prior authorization for the benefits described in paragraphs (a) and (c) of subsection 1.

8. As used in this section:

(a) "Drug Use Review Board" has the meaning ascribed to it in NRS 422.402.

(b) *"Provider of health care" has the meaning ascribed to it in NRS 629.031.*

(c) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 2. NRS 422.4053 is hereby amended to read as follows:

422.4053 1. Except as otherwise provided in subsection 2, the Department shall directly manage, direct and coordinate all payments and rebates for prescription drugs and all other services and payments relating to the provision of prescription drugs under the State Plan for Medicaid and the Children's Health Insurance Program.

2. The Department may enter into a contract with:

(a) A pharmacy benefit manager for the provision of any services described in subsection 1.

(b) A health maintenance organization pursuant to NRS 422.273 for the provision of any of the services described in subsection 1 for recipients of Medicaid or recipients of insurance through the Children's Health Insurance Program who receive coverage through a Medicaid managed care program.

(c) One or more public or private entities from this State, the District of Columbia or other states or territories of the United States for the collaborative purchasing of prescription drugs in accordance with subsection 3 of NRS 277.110.

3. A contract entered into pursuant to paragraph (a) or (b) of subsection 2 must:

(a) Include the provisions required by NRS 422.4056; ~~and~~

(b) Require the pharmacy benefit manager or health maintenance organization, as applicable, to disclose to the Department any information relating to the services covered by the contract, including, without limitation, information concerning dispensing fees, measures for the control of costs, rebates collected and paid and any fees and charges imposed by the pharmacy benefit manager or health maintenance organization pursuant to the contract ~~+~~; and

(c) Require the pharmacy benefit manager or health maintenance organization to comply with the provisions of this chapter regarding the provision of prescription drugs under the State Plan for Medicaid and the Children's Health Insurance Program to the same extent as the Department.

4. In addition to meeting the requirements of subsection 3, a contract entered into pursuant to:

(a) Paragraph (a) of subsection 2 may require the pharmacy benefit manager to provide the entire amount of any rebates received for the purchase of prescription drugs, including, without limitation, rebates for the purchase of prescription drugs by an entity other than the Department, to the Department.

(b) Paragraph (b) of subsection 2 must require the health maintenance organization to provide to the Department the entire amount of any rebates received for the purchase of prescription drugs, including, without limitation, rebates for the purchase of prescription drugs by an entity other than the Department, less an administrative fee in an amount prescribed by the contract. The Department shall adopt policies prescribing the maximum amount of such an administrative fee.

~~{Section 1.}~~ Sec. 3. Chapter 422A of NRS is hereby amended by adding thereto a new section to read as follows:

1. *To the extent authorized by federal law and to the extent that federal funding is available, the Department shall authorize recipients of benefits provided under Supplemental Nutrition Assistance or the Special Supplemental Nutrition Program for Women, Infants and Children established by 42 U.S.C. § 1786 to use such benefits to purchase menstrual products.*

2. *The Department shall take any action necessary to obtain federal authorization and federal funding to carry out the provisions of subsection 1, including, without limitation, applying for any necessary federal waiver.*

3. *To the extent that money is available for this purpose, the Department, through the Division, may establish and administer a program to provide assistance for the purpose of purchasing menstrual products to recipients of benefits provided through programs for which the Division is responsible. The Department may accept gifts, grants and donations from any source for the purpose of establishing and administering such a program.*

4. *As used in this section, "menstrual products" includes, without limitation, sanitary napkins, tampons or similar products used in connection with the menstrual cycle.*

Sec. 4. NRS 454.221 is hereby amended to read as follows:

454.221 1. A person who furnishes any dangerous drug except upon the prescription of a practitioner is guilty of a category D felony and shall be punished as provided in NRS 193.130, unless the dangerous drug was obtained originally by a legal prescription.

2. The provisions of this section do not apply to the furnishing of any dangerous drug by:

(a) A practitioner to his or her patients;
(b) A physician assistant licensed pursuant to chapter 630 or 633 of NRS if authorized by the Board;

(c) A registered nurse while participating in a public health program approved by the Board, or an advanced practice registered nurse who holds a certificate from the State Board of Pharmacy permitting him or her to dispense dangerous drugs;

(d) A manufacturer or wholesaler or pharmacy to each other or to a practitioner or to a laboratory under records of sales and purchases that correctly give the date, the names and addresses of the supplier and the buyer, the drug and its quantity;

(e) A hospital pharmacy or a pharmacy so designated by a county health officer in a county whose population is 100,000 or more, or by a district health officer in any county within its jurisdiction or, in the absence of either, by the Chief Medical Officer or the Chief Medical Officer's designated Medical Director of Emergency Medical Services, to a person or agency described in subsection ~~4~~ 4 of NRS 639.268 to stock ambulances or other authorized vehicles or replenish the stock; or

(f) A pharmacy in a correctional institution to a person designated by the Director of the Department of Corrections to administer a lethal injection to a person who has been sentenced to death.

Sec. 5. NRS 639.268 is hereby amended to read as follows:

639.268 1. A practitioner may purchase supplies of controlled substances, poisons, dangerous drugs and devices from a pharmacy by:

(a) Making an oral order to the pharmacy or transmitting an oral order through his or her agent, except an order for a controlled substance in schedule II; or

(b) If the order is for a controlled substance, presenting to the pharmacy a written order signed by the practitioner which contains his or her registration number issued by the Drug Enforcement Administration.

2. Any person or entity authorized to dispense controlled substances and dangerous drugs, including, without limitation, a pharmacy, institutional pharmacy or practitioner, may:

(a) Purchase or otherwise acquire controlled substances and dangerous drugs compounded or repackaged by an outsourcing facility directly from the outsourcing facility without an order from a practitioner other than, where applicable, the practitioner purchasing or acquiring the controlled substance or dangerous drug; and

(b) Administer and dispense controlled substances and dangerous drugs purchased or acquired pursuant to paragraph (a) to the same extent as controlled substances and dangerous drugs acquired through other authorized means.

3. A hospital pharmacy or a pharmacy designated for this purpose by a county health officer in a county whose population is 100,000 or more, or by a district health officer in any county within its jurisdiction or, in the absence of either, by the Chief Medical Officer or his or her designated medical director of emergency medical services, may sell to a person or agency described in subsection ~~4~~ 4 supplies of controlled substances to stock the ambulances or other authorized vehicles of such a person or agency or replenish the stock if:

(a) The person or agency is registered with the Drug Enforcement Administration pursuant to 21 C.F.R. Part 1301;

(b) The person in charge of the controlled substances is:

(1) A paramedic appropriately certified by the health authority;
 (2) A registered nurse licensed by the State Board of Nursing; or
 (3) A person who holds equivalent certification or licensure issued by another state; and
 (c) Except as otherwise provided in this paragraph, the purchase order is countersigned by a physician or initiated by an oral order and may be made by the person or agency or transmitted by an agent of such a person or agency. An order for a controlled substance listed in schedule II must be made pursuant to NRS 453.251.

~~3.4~~ 4. A pharmacy, institutional pharmacy or other person licensed by the Board to furnish controlled substances and dangerous drugs may sell to:

(a) The holder of a permit issued pursuant to the provisions of NRS 450B.200 or 450B.210;
 (b) The holder of a permit issued by another state which is substantially similar to a permit issued pursuant to the provisions of NRS 450B.200 or 450B.210; and
 (c) An agency of the Federal Government that provides emergency care or transportation and is registered with the Drug Enforcement Administration pursuant to 21 C.F.R. Part 1301.

~~4.4~~ 5. A pharmacy, institutional pharmacy, *outsourcing facility* or other person licensed by the Board to furnish dangerous drugs who sells supplies pursuant to this section shall maintain a record of each sale which must contain:

(a) The date of sale;
 (b) The name, address and signature of the purchaser or the person receiving the delivery;
 (c) The name of the dispensing pharmacist ~~if~~, *where applicable*;
 (d) The name and address of the authorizing practitioner ~~if~~, *where applicable*; and
 (e) The name, strength and quantity of each drug sold.

~~5.4~~ 6. A pharmacy, institutional pharmacy or other person licensed by the Board to furnish dangerous drugs who supplies the initial stock for an ambulance or other emergency vehicle shall comply with any applicable regulations adopted by the State Board of Health, or a district board of health, pursuant to NRS 450B.120.

~~6.4~~ 7. The Board shall adopt regulations regarding the records a pharmacist shall keep of any purchase made pursuant to this section.

8. *As used in this section:*

(a) *"Compounding" includes, without limitation, the combining, admixing, mixing, pooling, reconstituting or other altering of a drug or bulk drug substance, as defined in 21 C.F.R. § 207.3, to create a drug.*

(b) *"Outsourcing facility" means a manufacturer at one geographic location or address that:*

(1) Is engaged in the compounding of sterile or nonsterile drugs for use by humans; and

(2) Has registered with the Secretary of Health and Human Services as an outsourcing facility pursuant to 21 U.S.C. § 353b.

Sec. 6. NRS 639.28075 is hereby amended to read as follows:

639.28075 1. Except as otherwise provided in ~~subsections~~ *subsection 2*, ~~and 3~~, pursuant to a valid prescription or order for a drug to be used for contraception or its therapeutic equivalent which has been approved by the Food and Drug Administration, a pharmacist shall:

(a) ~~The first time dispensing the drug or therapeutic equivalent to~~ *If the patient ~~is~~ is not currently using the drug or its therapeutic equivalent, dispense up to a 3-month supply of the drug or therapeutic equivalent ~~if~~ or any amount designated by the prescription or order, whichever is less.*

(b) ~~The second time dispensing~~ *If the drug or therapeutic equivalent ~~has only been dispensed~~ to the patient ~~if~~ once pursuant to paragraph (a), dispense up to a 9-month supply of the drug or therapeutic equivalent, any amount designated by the prescription or order or any amount which covers the remainder of the plan year if the patient is covered by a health care plan, whichever is less.*

(c) For a refill in a plan year following the initial dispensing of a drug or therapeutic equivalent pursuant to paragraphs (a) and (b), dispense ~~up to~~ a 12-month supply of the drug or therapeutic equivalent, *any amount designated by the prescription or order* or any amount which covers the remainder of the plan year if the patient is covered by a health care plan, whichever is less.

2. ~~The provisions of paragraphs (b) and (c) of subsection 1 only apply if:~~

~~(a) The drug for contraception or the therapeutic equivalent of such drug is the same drug or~~

~~therapeutic equivalent which was previously prescribed or ordered pursuant to paragraph (a) of subsection 1; and~~

~~— (b) The patient is covered by the same health care plan.~~

~~— 3. If a prescription or order for a drug for contraception or its therapeutic equivalent limits the dispensing of the drug or therapeutic equivalent to a quantity which is less than the amount otherwise authorized to be dispensed pursuant to subsection 1, the pharmacist must dispense the drug or therapeutic equivalent in accordance with the quantity specified in the prescription or order.~~

~~— 4. A pharmacist is not required to dispense an amount of a drug to be used for contraception or its therapeutic equivalent for which the patient is unable or unwilling to pay any applicable charge, copayment or coinsurance due to the pharmacy.~~

~~3. As used in this section:~~

~~(a) "Health care plan" means a policy, contract, certificate or agreement offered or issued by an insurer, including without limitation, the State Plan for Medicaid, to provide, deliver, arrange for, pay for or reimburse any of the costs of health care services.~~

~~(b) "Plan year" means the year designated in the evidence of coverage of a health care plan in which a person is covered by such plan.~~

~~(c) "Therapeutic equivalent" means a drug which:~~

~~(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;~~

~~(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and~~

~~(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.~~

~~Sec. 7. Chapter 640C of NRS is hereby amended by adding thereto a new section to read as follows:~~

INTERSTATE MESSAGE COMPACT

ARTICLE 1-PURPOSE

The purpose of this Compact is to reduce the burdens on State governments and to facilitate the interstate practice and regulation of Massage Therapy with the goal of improving public access to, and the safety of, Massage Therapy Services. Through this Compact, the Member States seek to establish a regulatory framework which provides for a new multistate licensing program. Through this additional licensing pathway, the Member States seek to provide increased value and mobility to licensed massage therapists in the Member States, while ensuring the provision of safe, competent, and reliable services to the public.

This Compact is designed to achieve the following objectives, and the Member States hereby ratify the same intentions by subscribing hereto:

A. Increase public access to Massage Therapy Services by providing for a multistate licensing pathway;

B. Enhance the Member States' ability to protect the public's health and safety;

C. Enhance the Member States' ability to prevent human trafficking and licensure fraud;

D. Encourage the cooperation of Member States in regulating the multistate Practice of Massage Therapy;

E. Support relocating military members and their spouses;

F. Facilitate and enhance the exchange of licensure, investigative, and disciplinary information between the Member States;

G. Create an Interstate Commission that will exist to implement and administer the Compact;

H. Allow a Member State to hold a Licensee accountable, even where that Licensee holds a Multistate License;

I. Create a streamlined pathway for Licensees to practice in Member States, thus increasing the mobility of duly licensed massage therapists; and

J. Serve the needs of licensed massage therapists and the public receiving their services; however,

K. Nothing in this Compact is intended to prevent a State from enforcing its own laws regarding the Practice of Massage Therapy.

ARTICLE 2-DEFINITIONS

As used in this Compact, except as otherwise provided and subject to clarification by the Rules of the Commission, the following definitions shall govern the terms herein:

A. "Active Military Member" - any person with full-time duty status in the armed forces of the United States, including members of the National Guard and Reserve.

B. "Adverse Action" - any administrative, civil, equitable, or criminal action permitted by a Member State's laws which is imposed by a Licensing Authority or other regulatory body against a Licensee, including actions against an individual's Authorization to Practice such as revocation, suspension, probation, surrender in lieu of discipline, monitoring of the Licensee, limitation of the Licensee's practice, or any other Encumbrance on licensure affecting an individual's ability to practice Massage Therapy, including the issuance of a cease and desist order.

C. "Alternative Program" - a non-disciplinary monitoring or prosecutorial diversion program approved by a Member State's Licensing Authority.

D. "Authorization to Practice" - a legal authorization by a Remote State pursuant to a Multistate License permitting the Practice of Massage Therapy in that Remote State, which shall be subject to the enforcement jurisdiction of the Licensing Authority in that Remote State.

E. "Background Check" - the submission of an applicant's criminal history record information, as further defined in 28 C.F.R. § 20.3(d), as amended from the Federal Bureau of Investigation and the agency responsible for retaining State criminal records in the applicant's Home State.

F. "Charter Member States" - Member States who have enacted legislation to adopt this Compact where such legislation predates the effective date of this Compact as defined in Article 12.

G. "Commission" - the government agency whose membership consists of all States that have enacted this Compact, which is known as the Interstate Massage Compact Commission, as defined in Article 8, and which shall operate as an instrumentality of the Member States.

H. "Continuing Competence" - a requirement, as a condition of license renewal, to provide evidence of participation in, and completion of, educational or professional activities that maintain, improve, or enhance Massage Therapy fitness to practice.

I. "Current Significant Investigative Information" - Investigative Information that a Licensing Authority, after an inquiry or investigation that complies with a Member State's due process requirements, has reason to believe is not groundless and, if proved true, would indicate a violation of that State's laws regarding the Practice of Massage Therapy.

J. "Data System" - a repository of information about Licensees who hold Multistate Licenses, which may include but is not limited to license status, Investigative Information, and Adverse Actions.

K. "Disqualifying Event" - any event which shall disqualify an individual from holding a Multistate License under this Compact, which the Commission may by Rule specify.

L. "Encumbrance" - a revocation or suspension of, or any limitation or condition on, the full and unrestricted Practice of Massage Therapy by a Licensing Authority.

M. "Executive Committee" - a group of delegates elected or appointed to act on behalf of, and within the powers granted to them by, the Commission.

N. "Home State" - means the Member State which is a Licensee's primary state of residence where the Licensee holds an active Single-State License.

O. "Investigative Information" - information, records, or documents received or generated by a Licensing Authority pursuant to an investigation or other inquiry.

P. "Licensing Authority" - a State's regulatory body responsible for issuing Massage Therapy licenses or otherwise overseeing the Practice of Massage Therapy in that State.

Q. "Licensee" - an individual who currently holds a license from a Member State to fully practice Massage Therapy, whose license is not a student, provisional, temporary, inactive, or other similar status.

R. "Massage Therapy", "Massage Therapy Services", and the "Practice of Massage Therapy" - the care and services provided by a Licensee as set forth in the Member State's statutes and regulations in the State where the services are being provided.

S. "Member State" - any State that has adopted this Compact.

T. "Multistate License" - a license that consists of Authorizations to Practice Massage Therapy in all Remote States pursuant to this Compact, which shall be subject to the enforcement jurisdiction of the Licensing Authority in a Licensee's Home State.

U. "National Licensing Examination" - A national examination developed by a national association of Massage Therapy regulatory boards, as defined by Commission Rule, that is derived from a practice analysis and is consistent with generally accepted psychometric principles of fairness, validity and reliability, and is administered under secure and confidential examination protocols.

V. "Remote State" - any Member State, other than the Licensee's Home State.

W. "Rule" - any opinion or regulation promulgated by the Commission under this Compact, which shall have the force of law.

X. "Single-State License" - a current, valid authorization issued by a Member State's Licensing Authority allowing an individual to fully practice Massage Therapy, that is not a restricted, student, provisional, temporary, or inactive practice authorization and authorizes practice only within the issuing State.

Y. "State" - a state, territory, possession of the United States, or the District of Columbia.

ARTICLE 3-MEMBER STATE REQUIREMENTS

A. To be eligible to join this Compact, and to maintain eligibility as a Member State, a State must:

1. License and regulate the Practice of Massage Therapy;

2. Have a mechanism or entity in place to receive and investigate complaints from the public, regulatory or law enforcement agencies, or the Commission about Licensees practicing in that State;

3. Accept passage of a National Licensing Examination as a criterion for Massage Therapy licensure in that State;

4. Require that Licensees satisfy educational requirements prior to being licensed to provide Massage Therapy Services to the public in that State;

5. Implement procedures for requiring the Background Check of applicants for a Multistate License, and for the reporting of any Disqualifying Events, including but not limited to obtaining and submitting, for each Licensee holding a Multistate License and each applicant for a Multistate License, fingerprint or other biometric-based information to the Federal Bureau of Investigation for Background Checks; receiving the results of the Federal Bureau of Investigation record search on Background Checks and considering the results of such a Background Check in making licensure decisions;

6. Have Continuing Competence requirements as a condition for license renewal;

7. Participate in the Data System, including through the use of unique identifying numbers as described herein;

8. Notify the Commission and other Member States, in compliance with the terms of the Compact and Rules of the Commission, of any disciplinary action taken by the State against a Licensee practicing under a Multistate License in that State, or of the existence of Investigative Information or Current Significant Investigative Information regarding a Licensee practicing in that State pursuant to a Multistate License;

9. Comply with the Rules of the Commission;

10. Accept Licensees with valid Multistate Licenses from other Member States as established herein;

B. Individuals not residing in a Member State shall continue to be able to apply for a Member State's Single-State License as provided under the laws of each Member State. However, the Single-State License granted to those individuals shall not be recognized as granting a Multistate License for Massage Therapy in any other Member State;

C. Nothing in this Compact shall affect the requirements established by a Member State for the issuance of a Single-State License; and

D. A Multistate License issued to a Licensee shall be recognized by each Remote State as an Authorization to Practice Massage Therapy in each Remote State.

ARTICLE 4-MULTISTATE LICENSE REQUIREMENTS

A. To qualify for a Multistate License under this Compact, and to maintain eligibility for such a license, an applicant must:

1. Hold an active Single-State License to practice Massage Therapy in the applicant's Home State;

2. Have completed at least six hundred and twenty-five (625) clock hours of Massage Therapy education or the substantial equivalent which the Commission may approve by Rule.

3. Have passed a National Licensing Examination or the substantial equivalent which the Commission may approve by Rule;

4. Submit to a Background Check;

5. Have not been convicted or found guilty, or have entered into an agreed disposition, of a felony offense under applicable State or federal criminal law, within five (5) years prior to the date of their application, where such a time period shall not include any time served for the offense, and provided that the applicant has completed any and all requirements arising as a result of any such offense;

6. Have not been convicted or found guilty, or have entered into an agreed disposition, of a misdemeanor offense related to the Practice of Massage Therapy under applicable State or federal criminal law, within two (2) years prior to the date of their application where such a time period shall not include any time served for the offense, and provided that the applicant has completed any and all requirements arising as a result of any such offense;

7. Have not been convicted or found guilty, or have entered into an agreed disposition, of any offense, whether a misdemeanor or a felony, under State or federal law, at any time, relating to any of the following:

a. Kidnapping;

b. Human trafficking;

c. Human smuggling;

d. Sexual battery, sexual assault, or any related offenses; or

e. Any other category of offense which the Commission may by Rule designate.

8. Have not previously held a Massage Therapy license which was revoked by, or surrendered in lieu of discipline to an applicable Licensing Authority;

9. Have no history of any Adverse Action on any occupational or professional license within two (2) years prior to the date of their application; and

10. Pay all required fees.

B. A Multistate License granted pursuant to this Compact may be effective for a definite period of time concurrent with the renewal of the Home State license.

C. A Licensee practicing in a Member State is subject to all scope of practice laws governing Massage Therapy Services in that State.

D. The Practice of Massage Therapy under a Multistate License granted pursuant to this Compact will subject the Licensee to the jurisdiction of the Licensing Authority, the courts, and the laws of the Member State in which the Massage Therapy Services are provided.

ARTICLE 5-AUTHORITY OF INTERSTATE

MESSAGE COMPACT COMMISSION AND

MEMBER STATE LICENSING AUTHORITIES

A. Nothing in this Compact, nor any Rule of the Commission, shall be construed to limit, restrict, or in any way reduce the ability of a Member State to enact and enforce laws, regulations, or other rules related to the Practice of Massage Therapy in that State, where those laws, regulations, or other rules are not inconsistent with the provisions of this Compact.

B. Nothing in this Compact, nor any Rule of the Commission, shall be construed to limit, restrict, or in any way reduce the ability of a Member State to take Adverse Action against a Licensee's Single-State License to practice Massage Therapy in that State.

C. Nothing in this Compact, nor any Rule of the Commission, shall be construed to limit, restrict, or in any way reduce the ability of a Remote State to take Adverse Action against a Licensee's Authorization to Practice in that State.

D. Nothing in this Compact, nor any Rule of the Commission, shall be construed to limit, restrict, or in any way reduce the ability of a Licensee's Home State to take Adverse Action against a Licensee's Multistate License based upon information provided by a Remote State.

E. Insofar as practical, a Member State's Licensing Authority shall cooperate with the Commission and with each entity exercising independent regulatory authority over the Practice of Massage Therapy according to the provisions of this Compact.

ARTICLE 6-ADVERSE ACTIONS

A. A Licensee's Home State shall have exclusive power to impose an Adverse Action against a Licensee's Multistate License issued by the Home State.

B. A Home State may take Adverse Action on a Multistate License based on the Investigative Information, Current Significant Investigative Information, or Adverse Action of a Remote State.

C. A Home State shall retain authority to complete any pending investigations of a Licensee practicing under a Multistate License who changes their Home State during the course of such an investigation. The Licensing Authority shall also be empowered to report the results of such an investigation to the Commission through the Data System as described herein.

D. Any Member State may investigate actual or alleged violations of the scope of practice laws in any other Member State for a massage therapist who holds a Multistate License.

E. A Remote State shall have the authority to:

1. Take Adverse Actions against a Licensee's Authorization to Practice.

2. Issue cease and desist orders or impose an Encumbrance on a Licensee's Authorization to Practice in that State.

3. Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses, as well as the production of evidence. Subpoenas issued by a Licensing Authority in a Member State for the attendance and testimony of witnesses or the production of evidence from another Member State shall be enforced in the latter State by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings before it. The issuing Licensing Authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the State in which the witnesses or evidence are located.

4. If otherwise permitted by State law, recover from the affected Licensee the costs of investigations and disposition of cases resulting from any Adverse Action taken against that Licensee.

5. Take Adverse Action against the Licensee's Authorization to Practice in that State based on the factual findings of another Member State.

F. If an Adverse Action is taken by the Home State against a Licensee's Multistate License or Single-State License to practice in the Home State, the Licensee's Authorization to Practice in all other Member States shall be deactivated until all Encumbrances have been removed from such license. All Home State disciplinary orders that impose an Adverse Action against a Licensee shall include a statement that the Massage Therapist's Authorization to Practice is deactivated in all Member States during the pendency of the order.

G. If Adverse Action is taken by a Remote State against a Licensee's Authorization to Practice, that Adverse Action applies to all Authorizations to Practice in all Remote States. A Licensee whose Authorization to Practice in a Remote State is removed for a specified period of time is not eligible to apply for a new Multistate License in any other State until the specific time for removal of the Authorization to Practice has passed and all encumbrance requirements are satisfied.

H. Nothing in this Compact shall override a Member State's authority to accept a Licensee's participation in an Alternative Program in lieu of Adverse Action. A Licensee's Multistate License shall be suspended for the duration of the Licensee's participation in any Alternative Program.

I. Joint Investigations

1. In addition to the authority granted to a Member State by its respective scope of practice laws or other applicable State law, a Member State may participate with other Member States in joint investigations of Licensees.

2. Member States shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the Compact.

ARTICLE 7-ACTIVE MILITARY MEMBERS AND THEIR SPOUSES

Active Military Members, or their spouses, shall designate a Home State where the individual has a current license to practice Massage Therapy in good standing. The individual may retain their Home State designation during any period of service when that individual or their spouse is on active duty assignment.

ARTICLE 8-ESTABLISHMENT AND OPERATION OF
INTERSTATE MASSAGE COMPACT COMMISSION

A. The Compact Member States hereby create and establish a joint government agency whose membership consists of all Member States that have enacted the Compact known as the Interstate Massage Compact Commission. The Commission is an instrumentality of the Compact States acting jointly and not an instrumentality of any one State. The Commission shall come into existence on or after the effective date of the Compact as set forth in Article 12.

B. Membership, Voting, and Meetings

1. Each Member State shall have and be limited to one (1) delegate selected by that Member State's State Licensing Authority.

2. The delegate shall be the primary administrative officer of the State Licensing Authority or their designee.

3. The Commission shall by Rule or bylaw establish a term of office for delegates and may by Rule or bylaw establish term limits.

4. The Commission may recommend removal or suspension of any delegate from office.

5. A Member State's State Licensing Authority shall fill any vacancy of its delegate occurring on the Commission within 60 days of the vacancy.

6. Each delegate shall be entitled to one vote on all matters that are voted on by the Commission.

7. The Commission shall meet at least once during each calendar year. Additional meetings may be held as set forth in the bylaws. The Commission may meet by telecommunication, video conference or other similar electronic means.

C. The Commission shall have the following powers:

1. Establish the fiscal year of the Commission;

2. Establish code of conduct and conflict of interest policies;

3. Adopt Rules and bylaws;

4. Maintain its financial records in accordance with the bylaws;

5. Meet and take such actions as are consistent with the provisions of this Compact, the Commission's Rules, and the bylaws;

6. Initiate and conclude legal proceedings or actions in the name of the Commission, provided that the standing of any State Licensing Authority to sue or be sued under applicable law shall not be affected;

7. Maintain and certify records and information provided to a Member State as the authenticated business records of the Commission, and designate an agent to do so on the Commission's behalf;

8. Purchase and maintain insurance and bonds;

9. Borrow, accept, or contract for services of personnel, including, but not limited to, employees of a Member State;

10. Conduct an annual financial review;

11. Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the Compact, and establish the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

12. Assess and collect fees;

13. Accept any and all appropriate gifts, donations, grants of money, other sources of revenue, equipment, supplies, materials, and services, and receive, utilize, and dispose of the same; provided that at all times the Commission shall avoid any appearance of impropriety or conflict of interest;

14. Lease, purchase, retain, own, hold, improve, or use any property, real, personal, or mixed, or any undivided interest therein;

15. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed;

16. Establish a budget and make expenditures;

17. Borrow money;

18. Appoint committees, including standing committees, composed of members, State regulators, State legislators or their representatives, and consumer representatives, and such

other interested persons as may be designated in this Compact and the bylaws;

19. Accept and transmit complaints from the public, regulatory or law enforcement agencies, or the Commission, to the relevant Member State(s) regarding potential misconduct of Licensees;

20. Elect a Chair, Vice Chair, Secretary and Treasurer and such other officers of the Commission as provided in the Commission's bylaws;

21. Establish and elect an Executive Committee, including a chair and a vice chair;

22. Adopt and provide to the Member States an annual report;

23. Determine whether a State's adopted language is materially different from the model Compact language such that the State would not qualify for participation in the Compact; and

24. Perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact.

D. The Executive Committee

1. The Executive Committee shall have the power to act on behalf of the Commission according to the terms of this Compact. The powers, duties, and responsibilities of the Executive Committee shall include:

a. Overseeing the day-to-day activities of the administration of the Compact including compliance with the provisions of the Compact, the Commission's Rules and bylaws, and other such duties as deemed necessary;

b. Recommending to the Commission changes to the Rules or bylaws, changes to this Compact legislation, fees charged to Compact Member States, fees charged to Licensees, and other fees;

c. Ensuring Compact administration services are appropriately provided, including by contract;

d. Preparing and recommending the budget;

e. Maintaining financial records on behalf of the Commission;

f. Monitoring Compact compliance of Member States and providing compliance reports to the Commission;

g. Establishing additional committees as necessary;

h. Exercise the powers and duties of the Commission during the interim between Commission meetings, except for adopting or amending Rules, adopting or amending bylaws, and exercising any other powers and duties expressly reserved to the Commission by Rule or bylaw; and

i. Other duties as provided in the Rules or bylaws of the Commission.

2. The Executive Committee shall be composed of seven voting members and up to two ex-officio members as follows:

a. The chair and vice chair of the Commission and any other members of the Commission who serve on the Executive Committee shall be voting members of the Executive Committee.

b. Other than the chair, vice-chair, secretary and treasurer, the Commission shall elect three voting members from the current membership of the Commission.

c. The Commission may elect ex-officio, nonvoting members as necessary as follows:

i. One ex-officio member who is a representative of the national association of State Massage Therapy regulatory boards.

ii. One ex-officio member as specified in the Commission's bylaws.

3. The Commission may remove any member of the Executive Committee as provided in the Commission's bylaws.

4. The Executive Committee shall meet at least annually.

a. Executive Committee meetings shall be open to the public, except that the Executive Committee may meet in a closed, non-public session of a public meeting when dealing with any of the matters covered under subsection F.4.

b. The Executive Committee shall give five business days advance notice of its public meetings, posted on its website and as determined to provide notice to persons with an interest in the public matters the Executive Committee intends to address at those meetings.

5. The Executive Committee may hold an emergency meeting when acting for the Commission to:

a. Meet an imminent threat to public health, safety, or welfare;

- b. Prevent a loss of Commission or Participating State funds; or
- c. Protect public health and safety.
- E. The Commission shall adopt and provide to the Member States an annual report.
- F. Meetings of the Commission
 - 1. All meetings of the Commission that are not closed pursuant to this subsection shall be open to the public. Notice of public meetings shall be posted on the Commission's website at least thirty (30) days prior to the public meeting.
 - 2. Notwithstanding subsection F.1 of this Article, the Commission may convene an emergency public meeting by providing at least twenty-four (24) hours prior notice on the Commission's website, and any other means as provided in the Commission's Rules, for any of the reasons it may dispense with notice of proposed rulemaking under Article 10.L. The Commission's legal counsel shall certify that one of the reasons justifying an emergency public meeting has been met.
 - 3. Notice of all Commission meetings shall provide the time, date, and location of the meeting, and if the meeting is to be held or accessible via telecommunication, video conference, or other electronic means, the notice shall include the mechanism for access to the meeting.
 - 4. The Commission may convene in a closed, non-public meeting for the Commission to discuss:
 - a. Non-compliance of a Member State with its obligations under the Compact;
 - b. The employment, compensation, discipline or other matters, practices or procedures related to specific employees or other matters related to the Commission's internal personnel practices and procedures;
 - c. Current or threatened discipline of a Licensee by the Commission or by a Member State's Licensing Authority;
 - d. Current, threatened, or reasonably anticipated litigation;
 - e. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;
 - f. Accusing any person of a crime or formally censuring any person;
 - g. Trade secrets or commercial or financial information that is privileged or confidential;
 - h. Information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
 - i. Investigative records compiled for law enforcement purposes;
 - j. Information related to any investigative reports prepared by or on behalf of or for use of the Commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the Compact;
 - k. Legal advice;
 - l. Matters specifically exempted from disclosure to the public by federal or Member State law; or
 - m. Other matters as promulgated by the Commission by Rule.
 - 5. If a meeting, or portion of a meeting, is closed, the presiding officer shall state that the meeting will be closed and reference each relevant exempting provision, and such reference shall be recorded in the minutes.
 - 6. The Commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release only by a majority vote of the Commission or order of a court of competent jurisdiction.
- G. Financing of the Commission
 - 1. The Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.
 - 2. The Commission may accept any and all appropriate sources of revenue, donations, and grants of money, equipment, supplies, materials, and services.
 - 3. The Commission may levy on and collect an annual assessment from each Member State and impose fees on Licensees of Member States to whom it grants a Multistate License to cover the cost of the operations and activities of the Commission and its staff, which must be in a total

amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount for Member States shall be allocated based upon a formula that the Commission shall promulgate by Rule.

4. The Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Commission pledge the credit of any Member States, except by and with the authority of the Member State.

5. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the financial review and accounting procedures established under its bylaws. All receipts and disbursements of funds handled by the Commission shall be subject to an annual financial review by a certified or licensed public accountant, and the report of the financial review shall be included in and become part of the annual report of the Commission.

H. Qualified Immunity, Defense, and Indemnification

1. The members, officers, executive director, employees and representatives of the Commission shall be immune from suit and liability, both personally and in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person. The procurement of insurance of any type by the Commission shall not in any way compromise or limit the immunity granted hereunder.

2. The Commission shall defend any member, officer, executive director, employee, and representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or as determined by the Commission that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining their own counsel at their own expense; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

3. The Commission shall indemnify and hold harmless any member, officer, executive director, employee, and representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

4. Nothing herein shall be construed as a limitation on the liability of any Licensee for professional malpractice or misconduct, which shall be governed solely by any other applicable State laws.

5. Nothing in this Compact shall be interpreted to waive or otherwise abrogate a Member State's State action immunity or State action affirmative defense with respect to antitrust claims under the Sherman Act, Clayton Act, or any other State or federal antitrust or anticompetitive law or regulation.

6. Nothing in this Compact shall be construed to be a waiver of sovereign immunity by the Member States or by the Commission.

ARTICLE 9-DATA SYSTEM

A. The Commission shall provide for the development, maintenance, operation, and utilization of a coordinated database and reporting system.

B. The Commission shall assign each applicant for a Multistate License a unique identifier, as determined by the Rules of the Commission.

C. Notwithstanding any other provision of State law to the contrary, a Member State shall submit a uniform data set to the Data System on all individuals to whom this Compact is

applicable as required by the Rules of the Commission, including:

1. Identifying information;
2. Licensure data;
3. Adverse Actions against a license and information related thereto;
4. Non-confidential information related to Alternative Program participation, the beginning and ending dates of such participation, and other information related to such participation;
5. Any denial of application for licensure, and the reason(s) for such denial (excluding the reporting of any criminal history record information where prohibited by law);
6. The existence of Investigative Information;
7. The existence presence of Current Significant Investigative Information; and
8. Other information that may facilitate the administration of this Compact or the protection of the public, as determined by the Rules of the Commission.

D. The records and information provided to a Member State pursuant to this Compact or through the Data System, when certified by the Commission or an agent thereof, shall constitute the authenticated business records of the Commission, and shall be entitled to any associated hearsay exception in any relevant judicial, quasi-judicial or administrative proceedings in a Member State.

E. The existence of Current Significant Investigative Information and the existence of Investigative Information pertaining to a Licensee in any Member State will only be available to other Member States.

F. It is the responsibility of the Member States to report any Adverse Action against a Licensee who holds a Multistate License and to monitor the database to determine whether Adverse Action has been taken against such a Licensee or License applicant. Adverse Action information pertaining to a Licensee or License applicant in any Member State will be available to any other Member State.

G. Member States contributing information to the Data System may designate information that may not be shared with the public without the express permission of the contributing State.

H. Any information submitted to the Data System that is subsequently expunged pursuant to federal law or the laws of the Member State contributing the information shall be removed from the Data System.

ARTICLE 10-RULEMAKING

A. The Commission shall promulgate reasonable Rules in order to effectively and efficiently implement and administer the purposes and provisions of the Compact. A Rule shall be invalid and have no force or effect only if a court of competent jurisdiction holds that the Rule is invalid because the Commission exercised its rulemaking authority in a manner that is beyond the scope and purposes of the Compact, or the powers granted hereunder, or based upon another applicable standard of review.

B. The Rules of the Commission shall have the force of law in each Member State, provided however that where the Rules of the Commission conflict with the laws of the Member State that establish the Member State's scope of practice as held by a court of competent jurisdiction, the Rules of the Commission shall be ineffective in that State to the extent of the conflict.

C. The Commission shall exercise its Rulemaking powers pursuant to the criteria set forth in this article and the Rules adopted thereunder. Rules shall become binding as of the date specified by the Commission for each Rule.

D. If a majority of the legislatures of the Member States rejects a Rule or portion of a Rule, by enactment of a statute or resolution in the same manner used to adopt the Compact within four (4) years of the date of adoption of the Rule, then such Rule shall have no further force and effect in any Member State or to any State applying to participate in the Compact.

E. Rules shall be adopted at a regular or special meeting of the Commission.

F. Prior to adoption of a proposed Rule, the Commission shall hold a public hearing and allow persons to provide oral and written comments, data, facts, opinions, and arguments.

G. Prior to adoption of a proposed Rule by the Commission, and at least thirty (30) days in advance of the meeting at which the Commission will hold a public hearing on the proposed Rule, the Commission shall provide a Notice of Proposed Rulemaking:

1. On the website of the Commission or other publicly accessible platform;
2. To persons who have requested notice of the Commission's notices of proposed

rulemaking, and

3. In such other way(s) as the Commission may by Rule specify.

H. The Notice of Proposed Rulemaking shall include:

1. The time, date, and location of the public hearing at which the Commission will hear public comments on the proposed Rule and, if different, the time, date, and location of the meeting where the Commission will consider and vote on the proposed Rule;

2. If the hearing is held via telecommunication, video conference, or other electronic means, the Commission shall include the mechanism for access to the hearing in the Notice of Proposed Rulemaking;

3. The text of the proposed Rule and the reason therefor;

4. A request for comments on the proposed Rule from any interested person; and

5. The manner in which interested persons may submit written comments.

I. All hearings will be recorded. A copy of the recording and all written comments and documents received by the Commission in response to the proposed Rule shall be available to the public.

J. Nothing in this article shall be construed as requiring a separate hearing on each Rule. Rules may be grouped for the convenience of the Commission at hearings required by this article.

K. The Commission shall, by majority vote of all Commissioners, take final action on the proposed Rule based on the Rulemaking record.

1. The Commission may adopt changes to the proposed Rule provided the changes do not enlarge the original purpose of the proposed Rule.

2. The Commission shall provide an explanation of the reasons for substantive changes made to the proposed Rule as well as reasons for substantive changes not made that were recommended by commenters.

3. The Commission shall determine a reasonable effective date for the Rule. Except for an emergency as provided in subsection L, the effective date of the Rule shall be no sooner than thirty (30) days after the Commission issuing the notice that it adopted or amended the Rule.

L. Upon determination that an emergency exists, the Commission may consider and adopt an emergency Rule with 24 hours' notice, provided that the usual Rulemaking procedures provided in the Compact and in this article shall be retroactively applied to the Rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the Rule. For the purposes of this provision, an emergency Rule is one that must be adopted immediately to:

1. Meet an imminent threat to public health, safety, or welfare;

2. Prevent a loss of Commission or Member State funds;

3. Meet a deadline for the promulgation of a Rule that is established by federal law or rule;

or

4. Protect public health and safety.

M. The Commission or an authorized committee of the Commission may direct revisions to a previously adopted Rule for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the Commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a Rule. A challenge shall be made in writing and delivered to the Commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

N. No Member State's rulemaking requirements shall apply under this Compact.

ARTICLE 11-OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

A. Oversight

1. The executive and judicial branches of State government in each Member State shall enforce this Compact and take all actions necessary and appropriate to implement the Compact.

2. Venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the

Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings. Nothing herein shall affect or limit the selection or propriety of venue in any action against a Licensee for professional malpractice, misconduct or any such similar matter.

3. The Commission shall be entitled to receive service of process in any proceeding regarding the enforcement or interpretation of the Compact and shall have standing to intervene in such a proceeding for all purposes. Failure to provide the Commission service of process shall render a judgment or order void as to the Commission, this Compact, or promulgated Rules.

B. Default, Technical Assistance, and Termination

1. If the Commission determines that a Member State has defaulted in the performance of its obligations or responsibilities under this Compact or the promulgated Rules, the Commission shall provide written notice to the defaulting State. The notice of default shall describe the default, the proposed means of curing the default, and any other action that the Commission may take, and shall offer training and specific technical assistance regarding the default.

2. The Commission shall provide a copy of the notice of default to the other Member States.

C. If a State in default fails to cure the default, the defaulting State may be terminated from the Compact upon an affirmative vote of a majority of the delegates of the Member States, and all rights, privileges and benefits conferred on that State by this Compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending State of obligations or liabilities incurred during the period of default.

D. Termination of membership in the Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Commission to the governor, the majority and minority leaders of the defaulting State's legislature, the defaulting State's State Licensing Authority and each of the Member States' State Licensing Authority.

E. A State that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

F. Upon the termination of a State's membership from this Compact, that State shall immediately provide notice to all Licensees who hold a Multistate License within that State of such termination. The terminated State shall continue to recognize all licenses granted pursuant to this Compact for a minimum of one hundred eighty (180) days after the date of said notice of termination.

G. The Commission shall not bear any costs related to a State that is found to be in default or that has been terminated from the Compact, unless agreed upon in writing between the Commission and the defaulting State.

H. The defaulting State may appeal the action of the Commission by petitioning the U.S. District Court for the District of Columbia or the federal district where the Commission has its principal offices. The prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees.

I. Dispute Resolution

1. Upon request by a Member State, the Commission shall attempt to resolve disputes related to the Compact that arise among Member States and between Member and non-Member States.

2. The Commission shall promulgate a Rule providing for both mediation and binding dispute resolution for disputes as appropriate.

J. Enforcement

1. The Commission, in the reasonable exercise of its discretion, shall enforce the provisions of this Compact and the Commission's Rules.

2. By majority vote as provided by Commission Rule, the Commission may initiate legal action against a Member State in default in the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices to enforce compliance with the provisions of the Compact and its promulgated Rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney's

fees. The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or the defaulting Member State's law.

3. A Member State may initiate legal action against the Commission in the U.S. District Court for the District of Columbia or the federal district where the Commission has its principal offices to enforce compliance with the provisions of the Compact and its promulgated Rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees.

4. No individual or entity other than a Member State may enforce this Compact against the Commission.

ARTICLE 12-EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

A. The Compact shall come into effect on the date on which the Compact statute is enacted into law in the seventh Member State.

1. On or after the effective date of the Compact, the Commission shall convene and review the enactment of each of the Charter Member States to determine if the statute enacted by each such Charter Member State is materially different than the model Compact statute.

a. A Charter Member State whose enactment is found to be materially different from the model Compact statute shall be entitled to the default process set forth in Article 11.

b. If any Member State is later found to be in default, or is terminated or withdraws from the Compact, the Commission shall remain in existence and the Compact shall remain in effect even if the number of Member States should be less than seven (7).

2. Member States enacting the Compact subsequent to the Charter Member States shall be subject to the process set forth in Article 8.C.23 to determine if their enactments are materially different from the model Compact statute and whether they qualify for participation in the Compact.

3. All actions taken for the benefit of the Commission or in furtherance of the purposes of the administration of the Compact prior to the effective date of the Compact or the Commission coming into existence shall be considered to be actions of the Commission unless specifically repudiated by the Commission.

4. Any State that joins the Compact shall be subject to the Commission's Rules and bylaws as they exist on the date on which the Compact becomes law in that State. Any Rule that has been previously adopted by the Commission shall have the full force and effect of law on the day the Compact becomes law in that State.

B. Any Member State may withdraw from this Compact by enacting a statute repealing that State's enactment of the Compact.

1. A Member State's withdrawal shall not take effect until one hundred eighty (180) days after enactment of the repealing statute.

2. Withdrawal shall not affect the continuing requirement of the withdrawing State's Licensing Authority to comply with the investigative and Adverse Action reporting requirements of this Compact prior to the effective date of withdrawal.

3. Upon the enactment of a statute withdrawing from this Compact, a State shall immediately provide notice of such withdrawal to all Licensees within that State. Notwithstanding any subsequent statutory enactment to the contrary, such withdrawing State shall continue to recognize all licenses granted pursuant to this Compact for a minimum of 180 days after the date of such notice of withdrawal.

C. Nothing contained in this Compact shall be construed to invalidate or prevent any licensure agreement or other cooperative arrangement between a Member State and a non-Member State that does not conflict with the provisions of this Compact.

D. This Compact may be amended by the Member States. No amendment to this Compact shall become effective and binding upon any Member State until it is enacted into the laws of all Member States.

ARTICLE 13. CONSTRUCTION AND SEVERABILITY

A. This Compact and the Commission's rulemaking authority shall be liberally construed so as to effectuate the purposes, and the implementation and administration of the Compact.

Provisions of the Compact expressly authorizing or requiring the promulgation of Rules shall not be construed to limit the Commission's rulemaking authority solely for those purposes.

B. The provisions of this Compact shall be severable and if any phrase, clause, sentence or provision of this Compact is held by a court of competent jurisdiction to be contrary to the constitution of any Member State, a State seeking participation in the Compact, or of the United States, or the applicability thereof to any government, agency, person or circumstance is held to be unconstitutional by a court of competent jurisdiction, the validity of the remainder of this Compact and the applicability thereof to any other government, agency, person or circumstance shall not be affected thereby.

C. Notwithstanding subsection B of this article, the Commission may deny a State's participation in the Compact or, in accordance with the requirements of Article 11.B, terminate a Member State's participation in the Compact, if it determines that a constitutional requirement of a Member State is a material departure from the Compact. Otherwise, if this Compact shall be held to be contrary to the constitution of any Member State, the Compact shall remain in full force and effect as to the remaining Member States and in full force and effect as to the Member State affected as to all severable matters.

ARTICLE 14. CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS

Nothing herein shall prevent or inhibit the enforcement of any other law of a Member State that is not inconsistent with the Compact.

Any laws, statutes, regulations, or other legal requirements in a Member State in conflict with the Compact are superseded to the extent of the conflict.

All permissible agreements between the Commission and the Member States are binding in accordance with their terms.

Sec. 8. NRS 640C.180 is hereby amended to read as follows:

640C.180 1. At the first meeting of each fiscal year, the members of the Board shall elect a Chair, Vice Chair and Secretary-Treasurer from among the members.

2. The Board shall meet at least quarterly and may meet at other times at the call of the Chair or upon the written request of a majority of the members of the Board.

3. The Board shall alternate the location of its meetings between the southern district of Nevada and the northern district of Nevada. For the purposes of this subsection:

(a) The southern district of Nevada consists of all that portion of the State lying within the boundaries of the counties of Clark, Esmeralda, Lincoln and Nye.

(b) The northern district of Nevada consists of all that portion of the State lying within the boundaries of Carson City and the counties of Churchill, Douglas, Elko, Eureka, Humboldt, Lander, Lyon, Mineral, Pershing, Storey, Washoe and White Pine.

4. A meeting of the Board may be conducted telephonically or by videoconferencing. A meeting conducted telephonically or by videoconferencing must meet the requirements of chapter 241 of NRS and any other applicable provisions of law.

5. ~~Four~~ Five members of the Board constitute a quorum for the purposes of transacting the business of the Board, including, without limitation, issuing, renewing, suspending, revoking or reinstating a license issued pursuant to this chapter.

Sec. 9. NRS 683A.178 is hereby amended to read as follows:

683A.178 1. A pharmacy benefit manager has an obligation of good faith and fair dealing toward a third party or pharmacy when performing duties pursuant to a contract to which the pharmacy benefit manager is a party. Any provision of a contract that waives or limits that obligation is against public policy, void and unenforceable.

2. A pharmacy benefit manager shall notify a third party with which it has entered into a contract in writing of any activity, policy or practice of the pharmacy benefit manager that presents a conflict of interest that interferes with the obligations imposed by subsection 1.

3. A pharmacy benefit manager that manages prescription drug benefits for an insurer licensed pursuant to this title shall comply with the provisions of this title which are applicable to the insurer when managing such benefits for the insurer.

Sec. 10. Chapter 687B of NRS is hereby amended by adding thereto a new section to read as follows:

1. A health carrier which offers or issues a network plan:

(a) Must demonstrate the capacity to adequately deliver family planning services provided by pharmacists or pharmacies to covered persons in accordance with the regulations adopted pursuant to subsection 2.

(b) Shall make available to each covered person in this State a notice that meets the requirements prescribed by the regulations adopted pursuant to subsection 2 of each pharmacist or pharmacy that has entered into a provider network contract with the carrier to provide family planning services to covered persons who participate in the relevant network plan.

2. The Commissioner shall adopt regulations to carry out the provisions of this section, including, without limitation, regulations prescribing requirements for:

(a) A health carrier to demonstrate compliance with paragraph (a) of subsection 1. Those regulations must not allow a health carrier to demonstrate the capacity to adequately deliver family planning services to covered persons by demonstrating that the health carrier has entered into a network contract with one or more pharmacies for the sole purpose of dispensing prescription drugs to covered persons.

(b) The form and contents of the notice required by paragraph (b) of subsection 1.

Sec. 11. 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.0418~~, 689A.044, 689A.0445, 689B.031, 689B.0313, 689B.0315, 689B.0317, 689B.0374, ~~689B.0378~~, 689C.1675, ~~689C.1676~~, 695A.1856, ~~695A.1865~~, 695B.1912, 695B.1913, 695B.1914, ~~695B.1919~~, 695B.1925, 695B.1942, ~~695C.1696~~, 695C.1713, 695C.1735, 695C.1737, 695C.1745, 695C.1751, 695G.170, 695G.171, 695G.1714, ~~695G.1715~~ 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 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. 12. NRS 687B.600 is hereby amended to read as follows:

687B.600 As used in NRS 687B.600 to 687B.850, inclusive, and section 11 of this act, unless the context otherwise requires, the words and terms defined in NRS 687B.602 to 687B.665, inclusive, have the meanings ascribed to them in those sections.

Sec. 13. NRS 687B.670 is hereby amended to read as follows:

687B.670 If a health carrier offers or issues a network plan, the health carrier shall, with regard to that network plan:

1. Comply with all applicable requirements set forth in NRS 687B.600 to 687B.850, inclusive ~~††~~, and section 11 of this act;

2. As applicable, ensure that each contract entered into for the purposes of the network plan between a participating provider of health care and the health carrier complies with the requirements set forth in NRS 687B.600 to 687B.850, inclusive ~~††~~, and section 11 of this act; and

3. As applicable, ensure that the network plan complies with the requirements set forth in NRS 687B.600 to 687B.850, inclusive ~~††~~, and section 11 of this act.

Sec. 14. NRS 689A.0418 is hereby amended to read as follows:

689A.0418 1. Except as otherwise provided in subsection ~~†7†~~ 8, an insurer that offers or issues a policy of health insurance shall include in the policy coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

- (1) Lawfully prescribed or ordered;
- (2) Approved by the Food and Drug Administration;
- (3) Listed in subsection ~~†10†~~ 11; and
- (4) Dispensed in accordance with NRS 639.28075;

- (b) Any type of device for contraception which is:
 - (1) Lawfully prescribed or ordered;
 - (2) Approved by the Food and Drug Administration; and
 - (3) Listed in subsection ~~10~~, 11;
 - (c) Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to NRS 639.28078;
 - (d) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same policy of health insurance;
 - (e) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;
 - (f) Management of side effects relating to contraception; and
 - (g) Voluntary sterilization for women.
2. An insurer shall provide coverage for any services listed in subsection 1 which are within the authorized scope of practice of a pharmacist when such services are provided by a pharmacist who is employed by or serves as an independent contractor of an in-network pharmacy and in accordance with the applicable provider network contract. Such coverage must be provided to the same extent as if the services were provided by another provider of health care, as applicable to the services being provided. The terms of the policy must not limit:
- (a) Coverage for services listed in subsection 1 and provided by such a pharmacist to a number of occasions less than the coverage for such services when provided by another provider of health care.
 - (b) Reimbursement for services listed in subsection 1 and provided by such a pharmacist to an amount less than the amount reimbursed for similar services provided by a physician, physician assistant or advanced practice registered nurse.
3. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.
- ~~3.~~ 4. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the insurer.
- ~~4.~~ 5. Except as otherwise provided in subsections ~~8~~, 9, 10 and ~~11~~, 12, an insurer that offers or issues a policy of health insurance shall not:
- (a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition for coverage to obtain any benefit included in the policy pursuant to subsection 1;
 - (b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;
 - (c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;
 - (d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;
 - (e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or
 - (f) Impose any other restrictions or delays on the access of an insured any such benefit.
- ~~5.~~ 6. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.
- ~~6.~~ 7. Except as otherwise provided in subsection ~~7~~, 8, a policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, ~~2022~~, 2024, has the legal effect of including the coverage required by ~~subsection 1~~, this section, and any provision of the policy or the renewal which is in conflict with this section is void.
- ~~7.~~ 8. An insurer that offers or issues a policy of health insurance and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of health insurance and before the renewal of such a policy, provide to the prospective insured written notice of the coverage that the insurer refuses to provide pursuant to this subsection.

~~§9.~~ 9. An insurer may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

~~§10.~~ 10. For each of the 18 methods of contraception listed in subsection ~~§10.~~ 11 that have been approved by the Food and Drug Administration, a policy of health insurance must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the insurer may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception. If the insurer charges a copayment or coinsurance for a drug for contraception, the insurer may only require an insured to pay the copayment or coinsurance:

(a) Once for the entire amount of the drug dispensed for the plan year; or

(b) Once for each 1-month supply of the drug dispensed.

~~§11.~~ 11. The following 18 methods of contraception must be covered pursuant to this section:

- (a) Voluntary sterilization for women;
- (b) Surgical sterilization implants for women;
- (c) Implantable rods;
- (d) Copper-based intrauterine devices;
- (e) Progesterone-based intrauterine devices;
- (f) Injections;
- (g) Combined estrogen- and progestin-based drugs;
- (h) Progestin-based drugs;
- (i) Extended- or continuous-regimen drugs;
- (j) Estrogen- and progestin-based patches;
- (k) Vaginal contraceptive rings;
- (l) Diaphragms with spermicide;
- (m) Sponges with spermicide;
- (n) Cervical caps with spermicide;
- (o) Female condoms;
- (p) Spermicide;
- (q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and
- (r) Ulipristal acetate for emergency contraception.

~~§12.~~ 12. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

~~§13.~~ 13. An insurer shall not ~~use~~ :

(a) Use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care ~~§13.~~ 14; or

(b) Require an insured to obtain prior authorization for the benefits described in paragraphs (a) and (c) of subsection 1.

~~§14.~~ 14. An insurer must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the insurer to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

~~§15.~~ 15. As used in this section:

(a) "In-network pharmacy" means a pharmacy that has entered into a contract with an insurer to provide services to insureds through a network plan offered or issued by the insurer.

(b) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

~~§16.~~ (c) "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.

~~{{(e)}} (d)~~ *"Provider network contract" means a contract between an insurer and a provider of health care or pharmacy specifying the rights and responsibilities of the insurer and the provider of health care or pharmacy, as applicable, for delivery of health care services pursuant to a network plan.*

~~(e)~~ "Provider of health care" has the meaning ascribed to it in NRS 629.031.

~~{{(d)}} (f)~~ "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 15. NRS 689B.0378 is hereby amended to read as follows:

689B.0378 1. Except as otherwise provided in subsection ~~{7,}~~ 8, an insurer that offers or issues a policy of group health insurance shall include in the policy coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection ~~{{44,}}~~ 12; and

(4) Dispensed in accordance with NRS 639.28075;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection ~~{{44,}}~~ 12;

(c) Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to NRS 639.28078;

(d) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same policy of group health insurance;

(e) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

(f) Management of side effects relating to contraception; and

(g) Voluntary sterilization for women.

2. *An insurer shall provide coverage for any services listed in subsection 1 which are within the authorized scope of practice of a pharmacist when such services are provided by a pharmacist who is employed by or serves as an independent contractor of an in-network pharmacy and in accordance with the applicable network contract. Such coverage must be provided to the same extent as if the services were provided by another provider of health care, as applicable to the services being provided. The terms of the policy must not limit:*

(a) Coverage for services listed in subsection 1 and provided by such a pharmacist to a number of occasions less than the coverage for such services when provided by another provider of health care.

(b) Reimbursement for services listed in subsection 1 and provided by such a pharmacist to an amount less than the amount reimbursed for similar services provided by a physician, physician assistant or advanced practice registered nurse.

3. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

~~{{3,}}~~ 4. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the insurer.

~~{{4,}}~~ 5. Except as otherwise provided in subsections ~~{{9,}}~~ 10, 11 and ~~{{12,}}~~ 13, an insurer that offers or issues a policy of group health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit included in the policy pursuant to

subsection 1;

(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement to the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

~~5.1~~ 6. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

~~6.1~~ 7. Except as otherwise provided in subsection ~~7.1~~ 8., a policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, ~~2022,~~ 2024, has the legal effect of including the coverage required by ~~subsection 1,~~ this section, and any provision of the policy or the renewal which is in conflict with this section is void.

~~7.1~~ 8. An insurer that offers or issues a policy of group health insurance and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of group health insurance and before the renewal of such a policy, provide to the group policyholder or prospective insured, as applicable, written notice of the coverage that the insurer refuses to provide pursuant to this subsection.

~~8.1~~ 9. If an insurer refuses, pursuant to subsection ~~7.1~~ 8., to provide the coverage required by subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.

~~9.1~~ 10. An insurer may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

~~10.1~~ 11. For each of the 18 methods of contraception listed in subsection ~~11.1~~ 12. that have been approved by the Food and Drug Administration, a policy of group health insurance must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the insurer may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception. If the insurer charges a copayment or coinsurance for a drug for contraception, the insurer may only require an insured to pay the copayment or coinsurance:

(a) Once for the entire amount of the drug dispensed for the plan year; or

(b) Once for each 1-month supply of the drug dispensed.

~~11.1~~ 12. The following 18 methods of contraception must be covered pursuant to this section:

- (a) Voluntary sterilization for women;
- (b) Surgical sterilization implants for women;
- (c) Implantable rods;
- (d) Copper-based intrauterine devices;
- (e) Progesterone-based intrauterine devices;
- (f) Injections;
- (g) Combined estrogen- and progestin-based drugs;
- (h) Progestin-based drugs;
- (i) Extended- or continuous-regimen drugs;
- (j) Estrogen- and progestin-based patches;
- (k) Vaginal contraceptive rings;
- (l) Diaphragms with spermicide;
- (m) Sponges with spermicide;
- (n) Cervical caps with spermicide;
- (o) Female condoms;

- (p) Spermicide;
- (q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and
- (r) Ulipristal acetate for emergency contraception.

~~12.1~~ 13. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

~~13.1~~ 14. An insurer shall not ~~use~~:

(a) Use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care ~~1.1~~; or

(b) Require an insured to obtain prior authorization for the benefits described in paragraphs (a) and (c) of subsection 1.

~~14.1~~ 15. An insurer must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the insurer to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

~~15.1~~ 16. As used in this section:

(a) "In-network pharmacy" means a pharmacy that has entered into a contract with an insurer to provide services to insureds through a network plan offered or issued by the insurer.

(b) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

~~(b)~~ (c) "Network plan" means a policy of group health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

~~(c)~~ (d) "Provider network contract" means a contract between an insurer and a provider of health care or pharmacy specifying the rights and responsibilities of the insurer and the provider of health care or pharmacy, as applicable, for delivery of health care services pursuant to a network plan.

(e) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

~~(d)~~ (f) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 16. NRS 689C.1676 is hereby amended to read as follows:

689C.1676 1. Except as otherwise provided in subsection ~~7.1~~ 8, a carrier that offers or issues a health benefit plan shall include in the plan coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

- (1) Lawfully prescribed or ordered;
- (2) Approved by the Food and Drug Administration;
- (3) Listed in subsection ~~10.1~~ 11; and
- (4) Dispensed in accordance with NRS 639.28075;

(b) Any type of device for contraception which is:

- (1) Lawfully prescribed or ordered;
- (2) Approved by the Food and Drug Administration; and
- (3) Listed in subsection ~~10.1~~ 11;

(c) Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to NRS 639.28078;

(d) Insertion of a device for contraception or removal of such a device if the device was

inserted while the insured was covered by the same health benefit plan;

(e) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

(f) Management of side effects relating to contraception; and

(g) Voluntary sterilization for women.

2. A carrier shall provide coverage for any services listed in subsection 1 which are within the authorized scope of practice of a pharmacist when such services are provided by a pharmacist who is employed by or serves as an independent contractor of an in-network pharmacy and in accordance with the applicable provider network contract. Such coverage must be provided to the same extent as if the services were provided by another provider of health care, as applicable to the services being provided. The terms of the policy must not limit:

(a) Coverage for services listed in subsection 1 and provided by such a pharmacist to a number of occasions less than the coverage for such services when provided by another provider of health care.

(b) Reimbursement for services listed in subsection 1 and provided by such a pharmacist to an amount less than the amount reimbursed for similar services provided by a physician, physician assistant or advanced practice registered nurse.

3. A carrier must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the carrier.

~~3.4.~~ 4. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the carrier.

~~4.1.~~ 5. Except as otherwise provided in subsections ~~8.9~~ 9, 10 and ~~11.12~~ 12, a carrier that offers or issues a health benefit plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit included in the health benefit plan pursuant to subsection 1;

(b) Refuse to issue a health benefit plan or cancel a health benefit plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement to the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

~~5.1.~~ 6. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

~~6.1.~~ 7. Except as otherwise provided in subsection ~~7.1~~ 8, a health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, ~~2022~~ 2024, has the legal effect of including the coverage required by ~~subsection 1.1~~ this section, and any provision of the plan or the renewal which is in conflict with this section is void.

~~7.1.~~ 8. A carrier that offers or issues a health benefit plan and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the carrier objects on religious grounds. Such a carrier shall, before the issuance of a health benefit plan and before the renewal of such a plan, provide to the prospective insured written notice of the coverage that the carrier refuses to provide pursuant to this subsection.

~~8.1.~~ 9. A carrier may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

~~9.1.~~ 10. For each of the 18 methods of contraception listed in subsection ~~10.1~~ 11 that have been approved by the Food and Drug Administration, a health benefit plan must include at least one drug or device for contraception within each method for which no deductible, copayment or

coinsurance may be charged to the insured, but the carrier may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception. If the carrier charges a copayment or coinsurance for a drug for contraception, the carrier may only require an insured to pay the copayment or coinsurance:

- (a) Once for the entire amount of the drug dispensed for the plan year; or
- (b) Once for each 1-month supply of the drug dispensed.

~~{10.}~~ 11. The following 18 methods of contraception must be covered pursuant to this section:

- (a) Voluntary sterilization for women;
- (b) Surgical sterilization implants for women;
- (c) Implantable rods;
- (d) Copper-based intrauterine devices;
- (e) Progesterone-based intrauterine devices;
- (f) Injections;
- (g) Combined estrogen- and progestin-based drugs;
- (h) Progestin-based drugs;
- (i) Extended- or continuous-regimen drugs;
- (j) Estrogen- and progestin-based patches;
- (k) Vaginal contraceptive rings;
- (l) Diaphragms with spermicide;
- (m) Sponges with spermicide;
- (n) Cervical caps with spermicide;
- (o) Female condoms;
- (p) Spermicide;
- (q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and
- (r) Ulipristal acetate for emergency contraception.

~~{11.}~~ 12. Except as otherwise provided in this section and federal law, a carrier may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

~~{12.}~~ 13. A carrier shall not ~~use~~ :

- (a) Use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care ~~{1.}~~ ; or
- (b) Require an insured to obtain prior authorization for the benefits described in paragraphs (a) and (c) of subsection 1.

~~{13.}~~ 14. A carrier must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the carrier to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

~~{14.}~~ 15. As used in this section:

(a) "In-network pharmacy" means a pharmacy that has entered into a contract with a carrier to provide services to insureds through a network plan offered or issued by the carrier.

(b) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

~~{(b)}~~ (c) "Network plan" means a health benefit plan offered by a carrier under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the carrier. The term does not include an arrangement for the financing of premiums.

~~{(c)}~~ (d) "Provider network contract" means a contract between a carrier and a provider of health care or pharmacy specifying the rights and responsibilities of the carrier and the provider of health care or pharmacy, as applicable, for delivery of health care services pursuant to a network plan.

(e) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

~~[(4)] (f)~~ "Therapeutic equivalent" means a drug which:

- (1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;
- (2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and
- (3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 17. NRS 695A.1865 is hereby amended to read as follows:

695A.1865 1. Except as otherwise provided in subsection ~~[7]~~ 8, a society that offers or issues a benefit contract which provides coverage for prescription drugs or devices shall include in the contract coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

- (1) Lawfully prescribed or ordered;
- (2) Approved by the Food and Drug Administration;
- (3) Listed in subsection ~~[10]~~ 11; and
- (4) Dispensed in accordance with NRS 639.28075;

(b) Any type of device for contraception which is:

- (1) Lawfully prescribed or ordered;
- (2) Approved by the Food and Drug Administration; and
- (3) Listed in subsection ~~[10]~~ 11;

(c) Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to NRS 639.28078;

(d) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same benefit contract;

(e) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

(f) Management of side effects relating to contraception; and

(g) Voluntary sterilization for women.

2. A society shall provide coverage for any services listed in subsection 1 which are within the authorized scope of practice of a pharmacist when such services are provided by a pharmacist who is employed by or serves as an independent contractor of an in-network pharmacy and in accordance with the applicable provider network contract. Such coverage must be provided to the same extent as if the services were provided by another provider of health care, as applicable to the services being provided. The terms of the policy must not limit:

(a) Coverage for services listed in subsection 1 and provided by such a pharmacist to a number of occasions less than the coverage for such services when provided by another provider of health care.

(b) Reimbursement for services listed in subsection 1 and provided by such a pharmacist to an amount less than the amount reimbursed for similar services provided by a physician, physician assistant or advanced practice registered nurse.

3. A society must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the society.

~~[3]~~ 4. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the society.

~~[4]~~ 5. Except as otherwise provided in subsections ~~[9]~~ 9, 10 and ~~[11]~~ 12, a society that offers or issues a benefit contract shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition for coverage for any benefit included in the benefit contract pursuant to subsection 1;

(b) Refuse to issue a benefit contract or cancel a benefit contract solely because the person applying for or covered by the contract uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement to the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

~~{5-}~~ 6. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

~~{6-}~~ 7. Except as otherwise provided in subsection ~~{7-}~~ 8, a benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, ~~{2022-}~~ 2024, has the legal effect of including the coverage required by ~~{subsection 1-}~~ this section, and any provision of the contract or the renewal which is in conflict with this section is void.

~~{7-}~~ 8. A society that offers or issues a benefit contract and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the society objects on religious grounds. Such a society shall, before the issuance of a benefit contract and before the renewal of such a contract, provide to the prospective insured written notice of the coverage that the society refuses to provide pursuant to this subsection.

~~{8-}~~ 9. A society may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

~~{9-}~~ 10. For each of the 18 methods of contraception listed in subsection ~~{10-}~~ 11 that have been approved by the Food and Drug Administration, a benefit contract must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the society may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception. If the society charges a copayment or coinsurance for a drug for contraception, the society may only require an insured to pay the copayment or coinsurance:

(a) Once for the entire amount of the drug dispensed for the plan year; or

(b) Once for each 1-month supply of the drug dispensed.

~~{10-}~~ 11. The following 18 methods of contraception must be covered pursuant to this section:

- (a) Voluntary sterilization for women;
- (b) Surgical sterilization implants for women;
- (c) Implantable rods;
- (d) Copper-based intrauterine devices;
- (e) Progesterone-based intrauterine devices;
- (f) Injections;
- (g) Combined estrogen- and progestin-based drugs;
- (h) Progestin-based drugs;
- (i) Extended- or continuous-regimen drugs;
- (j) Estrogen- and progestin-based patches;
- (k) Vaginal contraceptive rings;
- (l) Diaphragms with spermicide;
- (m) Sponges with spermicide;
- (n) Cervical caps with spermicide;
- (o) Female condoms;
- (p) Spermicide;
- (q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and
- (r) Ulipristal acetate for emergency contraception.

~~{11-}~~ 12. Except as otherwise provided in this section and federal law, a society may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

~~{12-}~~ 13. A society shall not ~~{use}~~ :

(a) Use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care ~~17~~; or

(b) Require an insured to obtain prior authorization for the benefits described in paragraphs (a) and (c) of subsection 1.

~~13~~ 14. A society must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the society to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

~~14~~ 15. As used in this section:

(a) "In-network pharmacy" means a pharmacy that has entered into a contract with a society to provide services to insureds through a network plan offered or issued by the society.

(b) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

~~(b)~~ (c) "Network plan" means a benefit contract offered by a society under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the society. The term does not include an arrangement for the financing of premiums.

~~(c)~~ (d) "Provider network contract" means a contract between a society and a provider of health care or pharmacy specifying the rights and responsibilities of the society and the provider of health care or pharmacy, as applicable, for delivery of health care services pursuant to a network plan.

(e) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

~~(d)~~ (f) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 18. NRS 695B.1919 is hereby amended to read as follows:

695B.1919 1. Except as otherwise provided in subsection ~~17~~ 8, an insurer that offers or issues a contract for hospital or medical service shall include in the contract coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection ~~11~~ 12; and

(4) Dispensed in accordance with NRS 639.28075;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection ~~11~~ 12;

(c) Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to NRS 639.28078;

(d) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same contract for hospital or medical service;

(e) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

(f) Management of side effects relating to contraception; and

(g) Voluntary sterilization for women.

2. An insurer shall provide coverage for any services listed in subsection 1 which are within the authorized scope of practice of a pharmacist when such services are provided by a pharmacist who is employed by or serves as an independent contractor of an in-network pharmacy and in accordance with the applicable provider network contract. Such coverage must

be provided to the same extent as if the services were provided by another provider of health care, as applicable to the services being provided. The terms of the policy must not limit:

(a) Coverage for services listed in subsection 1 and provided by such a pharmacist to a number of occasions less than the coverage for such services when provided by another provider of health care.

(b) Reimbursement for services listed in subsection 1 and provided by such a pharmacist to an amount less than the amount reimbursed for similar services provided by a physician, physician assistant or advanced practice registered nurse.

3. An insurer that offers or issues a contract for hospital or medical services must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

~~{3-}~~ 4. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the insurer.

~~{4-}~~ 5. Except as otherwise provided in subsections ~~{9-}~~ 10, ~~{12-}~~ 11 and ~~{12-}~~ 13, an insurer that offers or issues a contract for hospital or medical service shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit included in the contract for hospital or medical service pursuant to subsection 1;

(b) Refuse to issue a contract for hospital or medical service or cancel a contract for hospital or medical service solely because the person applying for or covered by the contract uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement to the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

~~{5-}~~ 6. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

~~{6-}~~ 7. Except as otherwise provided in subsection ~~{7-}~~ 8, a contract for hospital or medical service subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, ~~{2022-}~~ 2024, has the legal effect of including the coverage required by ~~{subsection 4-}~~ this section, and any provision of the contract or the renewal which is in conflict with this section is void.

~~{7-}~~ 8. An insurer that offers or issues a contract for hospital or medical service and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a contract for hospital or medical service and before the renewal of such a contract, provide to the prospective insured written notice of the coverage that the insurer refuses to provide pursuant to this subsection.

~~{8-}~~ 9. If an insurer refuses, pursuant to subsection ~~{7-}~~ 8, to provide the coverage required by subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.

~~{9-}~~ 10. An insurer may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

~~{10-}~~ 11. For each of the 18 methods of contraception listed in subsection ~~{11-}~~ 12 that have been approved by the Food and Drug Administration, a contract for hospital or medical service must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the insurer may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception. If the insurer charges a copayment or coinsurance for a drug for

contraception, the insurer may only require an insured to pay the copayment or coinsurance:

(a) Once for the entire amount of the drug dispensed for the plan year; or

(b) Once for each 1-month supply of the drug dispensed.

~~{14}~~ 12. The following 18 methods of contraception must be covered pursuant to this section:

- (a) Voluntary sterilization for women;
- (b) Surgical sterilization implants for women;
- (c) Implantable rods;
- (d) Copper-based intrauterine devices;
- (e) Progesterone-based intrauterine devices;
- (f) Injections;
- (g) Combined estrogen- and progestin-based drugs;
- (h) Progestin-based drugs;
- (i) Extended- or continuous-regimen drugs;
- (j) Estrogen- and progestin-based patches;
- (k) Vaginal contraceptive rings;
- (l) Diaphragms with spermicide;
- (m) Sponges with spermicide;
- (n) Cervical caps with spermicide;
- (o) Female condoms;
- (p) Spermicide;
- (q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and
- (r) Ulipristal acetate for emergency contraception.

~~{12}~~ 13. Except as otherwise provided in this section and federal law, an insurer that offers or issues a contract for hospital or medical services may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

~~{13}~~ 14. An insurer shall not ~~use~~ :

(a) Use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care ~~to~~ ; or

(b) Require an insured to obtain prior authorization for the benefits described in paragraphs (a) and (c) of subsection 1.

~~{14}~~ 15. An insurer must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the insurer to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

~~{15}~~ 16. As used in this section:

(a) "In-network pharmacy" means a pharmacy that has entered into a contract with an insurer to provide services to insureds through a network plan offered or issued by the insurer.

(b) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

~~{(b)}~~ (c) "Network plan" means a contract for hospital or medical service offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

~~{(c)}~~ (d) "Provider network contract" means a contract between an insurer and a provider of health care or pharmacy specifying the rights and responsibilities of the insurer and the provider of health care or pharmacy, as applicable, for delivery of health care services pursuant to a network plan.

(e) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

~~{(d)}~~ (f) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 19. NRS 695C.1696 is hereby amended to read as follows:

695C.1696 1. Except as otherwise provided in subsection ~~7~~, 8, a health maintenance organization that offers or issues a health care plan shall include in the plan coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection ~~11~~, 12; and

(4) Dispensed in accordance with NRS 639.28075;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection ~~11~~, 12;

(c) Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to NRS 639.28078;

(d) Insertion of a device for contraception or removal of such a device if the device was inserted while the enrollee was covered by the same health care plan;

(e) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

(f) Management of side effects relating to contraception; and

(g) Voluntary sterilization for women.

2. A health maintenance organization shall provide coverage for any services listed in subsection 1 which are within the authorized scope of practice of a pharmacist when such services are provided by a pharmacist who is employed by or serves as an independent contractor of an in-network pharmacy and in accordance with the applicable provider network contract. Such coverage must be provided to the same extent as if the services were provided by another provider of health care, as applicable to the services being provided. The terms of the policy must not limit:

(a) Coverage for services listed in subsection 1 and provided by such a pharmacist to a number of occasions less than the coverage for such services when provided by another provider of health care.

(b) Reimbursement for services listed in subsection 1 and provided by such a pharmacist to an amount less than the amount reimbursed for similar services provided by a physician, physician assistant or advanced practice registered nurse.

3. A health maintenance organization must ensure that the benefits required by subsection 1 are made available to an enrollee through a provider of health care who participates in the network plan of the health maintenance organization.

~~3~~ 4. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the health maintenance organization.

~~4~~ 5. Except as otherwise provided in subsections ~~9~~, 10, 11 and ~~12~~, 13, a health maintenance organization that offers or issues a health care plan shall not:

(a) Require an enrollee to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit included in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an enrollee to discourage the enrollee from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an enrollee, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an enrollee; or

(f) Impose any other restrictions or delays on the access of an enrollee to any such benefit.

~~{5-}~~ 6. Coverage pursuant to this section for the covered dependent of an enrollee must be the same as for the enrollee.

~~{6-}~~ 7. Except as otherwise provided in subsection ~~{7-}~~ 8, a health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, ~~{2022-}~~ 2024, has the legal effect of including the coverage required by ~~{subsection 1-}~~ this section, and any provision of the plan or the renewal which is in conflict with this section is void.

~~{7-}~~ 8. A health maintenance organization that offers or issues a health care plan and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the health maintenance organization objects on religious grounds. Such an organization shall, before the issuance of a health care plan and before the renewal of such a plan, provide to the prospective enrollee written notice of the coverage that the health maintenance organization refuses to provide pursuant to this subsection.

~~{8-}~~ 9. If a health maintenance organization refuses, pursuant to subsection ~~{7-}~~ 8, to provide the coverage required by subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.

~~{9-}~~ 10. A health maintenance organization may require an enrollee to pay a higher deductible, copayment or coinsurance for a drug for contraception if the enrollee refuses to accept a therapeutic equivalent of the drug.

~~{10-}~~ 11. For each of the 18 methods of contraception listed in subsection ~~{11-}~~ 12 that have been approved by the Food and Drug Administration, a health care plan must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the enrollee, but the health maintenance organization may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception. If the health maintenance organization charges a copayment or coinsurance for a drug for contraception, the health maintenance organization may only require an enrollee to pay the copayment or coinsurance:

(a) Once for the entire amount of the drug dispensed for the plan year; or

(b) Once for each 1-month supply of the drug dispensed.

~~{11-}~~ 12. The following 18 methods of contraception must be covered pursuant to this section:

- (a) Voluntary sterilization for women;
- (b) Surgical sterilization implants for women;
- (c) Implantable rods;
- (d) Copper-based intrauterine devices;
- (e) Progesterone-based intrauterine devices;
- (f) Injections;
- (g) Combined estrogen- and progestin-based drugs;
- (h) Progestin-based drugs;
- (i) Extended- or continuous-regimen drugs;
- (j) Estrogen- and progestin-based patches;
- (k) Vaginal contraceptive rings;
- (l) Diaphragms with spermicide;
- (m) Sponges with spermicide;
- (n) Cervical caps with spermicide;
- (o) Female condoms;
- (p) Spermicide;
- (q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and
- (r) Ulipristal acetate for emergency contraception.

~~{12.}~~ 13. Except as otherwise provided in this section and federal law, a health maintenance organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

~~{13.}~~ 14. A health maintenance organization shall not ~~use~~ :

~~(a) Use~~ medical management techniques to require an enrollee to use a method of contraception other than the method prescribed or ordered by a provider of health care ~~1.;~~ or

~~(b) Require an enrollee to obtain prior authorization for the benefits described in paragraphs (a) and (c) of subsection 1.~~

~~{14.}~~ 15. A health maintenance organization must provide an accessible, transparent and expedited process which is not unduly burdensome by which an enrollee, or the authorized representative of the enrollee, may request an exception relating to any medical management technique used by the health maintenance organization to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

~~{15.}~~ 16. As used in this section:

(a) *"In-network pharmacy" means a pharmacy that has entered into a contract with a health maintenance organization to provide services to enrollees through a network plan offered or issued by the health maintenance organization.*

(b) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

~~{(b)}~~ (c) "Network plan" means a health care plan offered by a health maintenance organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the health maintenance organization. The term does not include an arrangement for the financing of premiums.

~~{(c)}~~ (d) *"Provider network contract" means a contract between a health maintenance organization and a provider of health care or pharmacy specifying the rights and responsibilities of the health maintenance organization and the provider of health care or pharmacy, as applicable, for delivery of health care services pursuant to a network plan.*

(e) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

~~{(d)}~~ (f) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 20. NRS 695G.1715 is hereby amended to read as follows:

695G.1715 1. Except as otherwise provided in subsection ~~{7.}~~ 8, a managed care organization that offers or issues a health care plan shall include in the plan coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

- (1) Lawfully prescribed or ordered;
- (2) Approved by the Food and Drug Administration;
- (3) Listed in subsection ~~{10.}~~ 11; and
- (4) Dispensed in accordance with NRS 639.28075;

(b) Any type of device for contraception which is:

- (1) Lawfully prescribed or ordered;
- (2) Approved by the Food and Drug Administration; and
- (3) Listed in subsection ~~{10.}~~ 11;

(c) Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to NRS 639.28078;

(d) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same health care plan;

(e) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

(f) Management of side effects relating to contraception; and

(g) Voluntary sterilization for women.

2. A managed care organization shall provide coverage for any services listed in subsection 1 which are within the authorized scope of practice of a pharmacist when such services are provided by a pharmacist who is employed by or serves as an independent contractor of an in-network pharmacy and in accordance with the applicable provider network contract. Such coverage must be provided to the same extent as if the services were provided by another provider of health care, as applicable to the services being provided. The terms of the policy must not limit:

(a) Coverage for services listed in subsection 1 and provided by such a pharmacist to a number of occasions less than the coverage for such services when provided by another provider of health care.

(b) Reimbursement for services listed in subsection 1 and provided by such a pharmacist to an amount less than the amount reimbursed for similar services provided by a physician, physician assistant or advanced practice registered nurse.

3. A managed care organization must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the managed care organization.

~~{3}~~ 4. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the managed care organization.

~~{4}~~ 5. Except as otherwise provided in subsections ~~{8}~~ 9, 10 and ~~{11}~~ 12, a managed care organization that offers or issues a health care plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit included in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefits;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefits;

(d) Penalize a provider of health care who provides any such benefits to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefits to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefits.

~~{5}~~ 6. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

~~{6}~~ 7. Except as otherwise provided in subsection ~~{7}~~ 8, a health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, ~~{2022}~~ 2024, has the legal effect of including the coverage required by ~~{subsection 1}~~ this section, and any provision of the plan or the renewal which is in conflict with this section is void.

~~{7}~~ 8. A managed care organization that offers or issues a health care plan and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the managed care organization objects on religious grounds. Such an organization shall, before the issuance of a health care plan and before the renewal of such a plan, provide to the prospective insured written notice of the coverage that the managed care organization refuses to provide pursuant to this subsection.

~~{8}~~ 9. A managed care organization may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

~~{9}~~ 10. For each of the 18 methods of contraception listed in subsection ~~{10}~~ 11 that have

been approved by the Food and Drug Administration, a health care plan must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the managed care organization may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception. If the managed care organization charges a copayment or coinsurance for a drug for contraception, the managed care organization may only require an enrollee to pay the copayment or coinsurance:

(a) Once for the entire amount of the drug dispensed for the plan year; or

(b) Once for each 1-month supply of the drug dispensed.

~~{10.}~~ 11. The following 18 methods of contraception must be covered pursuant to this section:

- (a) Voluntary sterilization for women;
- (b) Surgical sterilization implants for women;
- (c) Implantable rods;
- (d) Copper-based intrauterine devices;
- (e) Progesterone-based intrauterine devices;
- (f) Injections;
- (g) Combined estrogen- and progestin-based drugs;
- (h) Progestin-based drugs;
- (i) Extended- or continuous-regimen drugs;
- (j) Estrogen- and progestin-based patches;
- (k) Vaginal contraceptive rings;
- (l) Diaphragms with spermicide;
- (m) Sponges with spermicide;
- (n) Cervical caps with spermicide;
- (o) Female condoms;
- (p) Spermicide;
- (q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and
- (r) Ulipristal acetate for emergency contraception.

~~{11.}~~ 12. Except as otherwise provided in this section and federal law, a managed care organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

~~{12.}~~ 13. A managed care organization shall not ~~use~~:

(a) Use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care ~~1.1~~; or

(b) Require an insured to obtain prior authorization for the benefits described in paragraphs (a) and (c) of subsection 1.

~~{13.}~~ 14. A managed care organization must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the managed care organization to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

~~{14.}~~ 15. As used in this section:

(a) "In-network pharmacy" means a pharmacy that has entered into a contract with a managed care organization to provide services to insureds through a network plan offered or issued by the managed care organization.

(b) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

~~{15.}~~ (c) "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.

~~[(e)]~~ (d) "Provider network contract" means a contract between a managed care organization and a provider of health care or pharmacy specifying the rights and responsibilities of the managed care organization and the provider of health care or pharmacy, as applicable, for delivery of health care services pursuant to a network plan.

(e) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

~~[(d)]~~ (f) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 21. 1. The provisions of NRS 422.4053, as amended by section 2 of this act, do not apply to a contract between the Department of Health and Human Services and a pharmacy benefit manager or a health maintenance organization entered into pursuant to NRS 422.4053 before January 1, 2024, but do apply to any renewal or extension of such a contract.

2. As used in this section:

(a) "Health maintenance organization" has the meaning ascribed to it in NRS 695C.030.

(b) "Pharmacy benefit manager" has the meaning ascribed to it in NRS 683A.174.

Sec. 22. 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. 2.]~~ Sec. 23. 1. This section ~~(becomes)~~ and sections 4 and 5 of this act become effective upon passage and approval.

2. ~~[Section 4]~~ Sections 1, 2, 3 and 6 to 22, inclusive, of this act ~~(becomes)~~ become effective:

(a) Upon passage and approval for the purpose of performing any preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

MELANIE SCHEIBLE

FABIAN DOÑATE

JEFF STONE

Senate Conference Committee

SHEA BACKUS

SARAH PETERS

MELISSA HARDY

Assembly Conference Committee

Senator Doñate moved that the Senate adopt the report of the Conference Committee concerning Senate Bill No. 161.

Motion carried by a constitutional majority.

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 10.

The following Assembly amendment was read:

Amendment No. 991.

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; 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. 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 ~~the provisions set forth as follows:~~ ~~new section to read~~ 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;]~~
Director of the Department of Business and Industry or his or her designee;

(c) *The Executive Director of the Office of Economic Development or his or her designee;*

(d) 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;}~~ the housing or the hospitality industry; and

(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}~~ organized labor within the building trades;

(e) 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;}~~ in banking; 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}~~ members who represent the general public, at least one of whom must reside in a county whose population is ~~{700,000 or more;}~~ less than 100,000, 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~~, *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; ~~for~~
- (e) A judgment of a court that is binding upon the State ~~for~~; 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 ~~for~~, *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. (Deleted by amendment.)

Sec. 16.7. The terms of the members of the Board of Directors of the Nevada State Infrastructure Bank who were appointed pursuant to paragraph (f) of subsection 3 of NRS 408.55069, as that section existed before July 1, 2023, expire on June 30, 2023. Those members may be appointed to the Board of Directors of the Nevada State Infrastructure Bank

pursuant to NRS 408.55069, as amended by section 10 of this act, to a position on the Board of Directors for which that person satisfies the qualifications for appointment.

Sec. 17. This act becomes effective on July 1, 2023.

Senator Harris moved that the Senate concur in Assembly Amendment No. 991 to Senate Bill No. 10.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 24.

The following Assembly amendment was read:

Amendment No. 952.

SUMMARY—Revises provisions relating to ~~[the Office of Small Business Advocacy within the Office of the Lieutenant Governor.]~~ governmental administration. (BDR 18-404)

AN ACT relating to ~~[the Office of the Lieutenant Governor.]~~ governmental administration; revising provisions governing the funding of the Office of Small Business Advocacy within the Office of the Lieutenant Governor; extending the prospective expiration of the Office of Small Business Advocacy; moving the Keep Nevada Working Task Force from the Office of the Lieutenant Governor to the Office of the Secretary of State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) creates within the Office of the Lieutenant Governor the Office of Small Business Advocacy; (2) eliminates the Office on June 30, 2023; and (3) authorizes the Lieutenant Governor to employ personnel as necessary to perform the functions and duties of the Office of Small Business Advocacy within the limits of money available from sources other than from the State General Fund. (NRS 224.160) Section 2 of this bill extends the prospective expiration of the Office on July 1, 2023, to July 1, 2025. (Chapter 240, Statutes of Nevada 2021, at page 1147) Section 1 of this bill: (1) eliminates the prohibition on employing personnel for the Office of Small Business Advocacy with money from the State General Fund; and (2) authorizes the Lieutenant Governor to employ personnel for the Office of Small Business Advocacy within the limits of money appropriated or authorized for such purposes.

Existing law creates the Keep Nevada Working Task Force within the Office of the Lieutenant Governor. (NRS 224.320) Existing law further prescribes the duties of the Task Force, which include, without limitation: (1) developing strategies with private sector businesses, labor organizations and immigrant advocacy groups to support current and future industries across this State; (2) conducting research on methods to strengthen career pathways for immigrants and creating enhanced partnerships with projected growth industries; (3) supporting the efforts of certain groups and entities to provide predictability and stability to the workforce of this State; (4) recommending

approaches to improve the ability of this State to attract and retain immigrant business owners that provide new business and trade opportunities; and (5) entering into a contract with a consultant to perform research necessary to carry out the duties of the Task Force. (NRS 224.340)

Sections 1.3-1.7 of this bill: (1) move the Task Force from the Office of Lieutenant Governor to the Office of the Secretary of State; (2) set forth the membership of the Task Force; and (3) set forth the duties of the Task Force, which are the same duties of the current Task Force. Sections 1.8, 1.9 and 2.7 of this bill make conforming changes related to moving the Task Force into the Office of the Secretary of State.

Section 2.3 of this bill provides that members of the existing Task Force continue to serve until the new members are appointed pursuant to section 1.5 of this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 224.160 is hereby amended to read as follows:

224.160 1. The Office of Small Business Advocacy is hereby created within the Office of the Lieutenant Governor.

2. The Lieutenant Governor may, within the limits of money ~~available other than from the State General Fund~~ *appropriated or authorized* for such purpose, employ such personnel as are necessary to perform the functions and duties of the Office of Small Business Advocacy set forth in NRS 224.100 to 224.250, inclusive. To be employed by the Lieutenant Governor pursuant to this section, a person must have the necessary training and experience to perform the duties for which he or she is hired. An employee of the Office of Small Business Advocacy is in the unclassified service of the State and serves at the pleasure of the Lieutenant Governor.

3. A state agency may cooperate with and assist the Office of Small Business Advocacy in the performance of its duties and functions.

Sec. 1.2. Chapter 225 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 to 1.7, inclusive, of this act.

Sec. 1.3. Sections 1.3 to 1.7, inclusive, of this act may be cited as the Keep Nevada Working Act.

Sec. 1.4. As used in sections 1.3 to 1.7, inclusive, of this act, "Task Force" means the Keep Nevada Working Task Force created by section 1.5 of this act.

Sec. 1.5. 1. The Keep Nevada Working Task Force is hereby created within the Office of the Secretary of State.

2. The Task Force consists of:

(a) The Secretary of State, or his or her designee;

(b) Seven members appointed by the Secretary of State; and

(c) One member appointed jointly by the Governor and the Office for New Americans created by NRS 223.910.

3. Every member appointed to the Task Force shall represent at least one of the following:

- (a) An immigrant advocacy group;
 - (b) A professional association representing business;
 - (c) A labor organization with a statewide presence;
 - (d) A workforce or economic development interest;
 - (e) A bar association or like association of lawyers which is involved in the advocacy of immigrants;
 - (f) A faith-based, nonprofit organization;
 - (g) An advocacy group which focuses on immigration and criminal justice;
 - (h) An institution of higher education; or
 - (j) A state or local law enforcement agency.
4. The members of the Task Force shall serve terms of 3 years. A member may be reappointed to the Task Force and any vacancy must be filled in the same manner as the original appointment.
5. The members of the Task Force serve without compensation.
- Sec. 1.6. 1. At the first meeting of each fiscal year, the Task Force shall elect from its members a Chair and Vice Chair.
2. The Task Force shall meet at least once each quarter and hold meetings at various locations throughout the State.
3. A majority of the members of the Task Force constitutes a quorum for the transaction of business, and a majority of these members present at any meeting is sufficient for any official action taken by the Task Force.
- Sec. 1.7. 1. The Task Force may:
- (a) Develop strategies with private sector businesses, labor organizations and immigrant advocacy groups to support current and future industries across this State;
 - (b) Conduct research on methods to strengthen career pathways for immigrants and create enhanced partnerships with projected growth industries;
 - (c) Support the efforts of business leadership, civic groups, government and immigrant advocacy groups to provide predictability and stability to the workforce in this State;
 - (d) Recommend approaches to improve the ability of this State to attract and retain immigrant business owners that provide new business and trade opportunities; and
 - (e) Enter into a contract with a consultant to perform research necessary to carry out the duties of the Task Force.
2. On or before July 1, 2024, and on or before July 1 of each subsequent year, the Task Force shall submit a written report to the Director of the Legislative Counsel Bureau for submission to the Legislative Commission. The report must include, without limitation, a summary of the work of the Task Force and any recommendations for legislation.
3. The Secretary of State may accept gifts, grants and donations from any source for the purpose of carrying out the provisions of sections 1.3 to 1.7, inclusive, of this act.

4. The Office of the Secretary of State shall provide personnel, facilities, equipment, funding and supplies as required by the Task Force to carry out its duties.

5. Each agency, board, commission, department, officer, employee or agent of this State, or a political subdivision thereof, shall provide the Task Force with such assistance as the Task Force may reasonably require in discharging its duties.

Sec. 1.8. NRS 228.206 is hereby amended to read as follows:

228.206 1. The Attorney General shall, in consultation with relevant stakeholders and the Keep Nevada Working Task Force created by ~~[NRS 224.320]~~ section 1.5 of this act, publish model policies which provide guidance and training recommendations to state or local law enforcement agencies. The model policies must prioritize guidance and training recommendations which:

(a) Foster trust between the community and state or local law enforcement agencies; and

(b) Limit, to the fullest extent practicable and consistent with any applicable law, the engagement of state or local law enforcement agencies with federal immigration authorities for the purpose of immigration enforcement.

2. Each state or local law enforcement agency shall:

(a) Adopt policies consistent with the model policies of the Attorney General published pursuant to subsection 1; or

(b) Notify the Attorney General that the state or local law enforcement agency is not adopting policies consistent with the model policies of the Attorney General.

3. The notification described in paragraph (b) of subsection 2 must include, without limitation:

(a) The reason that the state or local law enforcement agency is not adopting policies consistent with the model policies of the Attorney General; and

(b) A copy of the policies of the state or local law enforcement agency.

4. As used in this section, "state or local law enforcement agency" means:

(a) The sheriff's office of a county;

(b) A metropolitan police department;

(c) A police department of an incorporated city;

(d) Any entity authorized to operate a prison, jail or detention facility, including, without limitation, any facility for the detention of juveniles;

(e) The Division of Parole and Probation of the Department of Public Safety;

(f) Any department of alternative sentencing; and

(g) Any other state or local agency, office, bureau, department, unit or division created by any statute, ordinance or rule which:

(1) Has a duty to enforce the law; and

(2) Employs any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.

Sec. 1.9. NRS 228.208 is hereby amended to read as follows:

228.208 1. The Attorney General shall, in consultation with relevant stakeholders and the Keep Nevada Working Task Force created by ~~[NRS 224.320.]~~ *section 1.5 of this act*, publish model policies for limiting, to the fullest extent possible and consistent with any applicable law, immigration enforcement at public schools, institutions of higher education, health care facilities and courthouses to ensure that such places remain safe and accessible to residents of this State regardless of the immigration status or citizenship of such persons.

2. Each public school, institution of higher education, health care facility and courthouse in this State shall:

(a) Adopt policies consistent with the model policies of the Attorney General published pursuant to subsection 1; or

(b) Notify the Attorney General that the public school, institution of higher education, health care facility or courthouse, as applicable, is not adopting policies consistent with the model policies of the Attorney General.

3. Any organization that provides services relating to physical or mental health and wellness, education or access to justice is encouraged to adopt policies consistent with the model policies of the Attorney General published pursuant to subsection 1.

4. The notification described in paragraph (b) of subsection 2 must include, without limitation:

(a) The reason that the public school, institution of higher education, health care facility or courthouse, as applicable, is not adopting policies consistent with the model policies of the Attorney General; and

(b) A copy of the policies of the public school, institution of higher education, health care facility or courthouse, as applicable.

5. A policy adopted pursuant to this section must comply with:

(a) Any applicable law;

(b) Any policy, grant, waiver or other requirement necessary to maintain the funding of the public school, institution of higher education, health care facility, courthouse or other organization, as applicable; and

(c) Any agreement related to the operation and functions of the public school, institution of higher education, health care facility, courthouse or other organization, as applicable.

6. As used in this section:

(a) "Health care facility" means a facility licensed pursuant to chapter 449 of NRS and which is operated by this State or a political subdivision thereof.

(b) "Institution of higher education" has the meaning ascribed to it in NRS 179D.045.

(c) "Public school" means any school described in NRS 388.020.

Sec. 2. Section 20 of chapter 240, Statutes of Nevada 2021, at page 1154, is hereby amended to read as follows:

Sec. 20. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 19, inclusive, of this act:

(a) Become effective:

(1) 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

(2) On July 1, 2021, for all other purposes.

(b) Expire by limitation on June 30, ~~{2023,}~~ 2025.

Sec. 2.3. 1. The persons who are members of the Keep Nevada Working Task Force created by NRS 224.320, as that section existed on the effective date of this act, on July 1, 2023, continue to serve as members until the Secretary of State, Governor and the Office for New Americans appoint members to the Task Force pursuant to section 1.5 of this act.

2. Nothing in this act prohibits the Secretary of State from appointing a person who was appointed to the Task Force by the Lieutenant Governor pursuant to NRS 224.320, as that section existed on June 30, 2023, if the person meets the qualifications for appointment pursuant to section 1.5 of this act.

Sec. 2.4. 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. 2.5. 1. Any administrative regulations adopted by an officer or an agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remain in force until amended by the officer or agency to which the responsibility for the adoption of regulations has been transferred.

2. Any contracts or other agreements entered into by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency are binding upon the officer or agency to which the responsibility for the administration of the provisions of the contract or other agreement has been transferred. Such contracts and other agreements may be enforced by the officer or agency to which the responsibility for the enforcement of the provisions of the contract or other agreement has been transferred.

3. Any action taken by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remains in effect as if taken by the officer or agency to which the responsibility for the enforcement of such actions has been transferred.

Sec. 2.7. NRS 224.300, 224.310, 224.320, 224.330 and 224.340 are hereby repealed.

Sec. 3. 1. This ~~{act becomes}~~ section and sections 1, 2 and 2.4 of this act become effective upon passage and approval.

2. Sections 1.2 to 1.9, inclusive, 2.3, 2.5 and 2.7 of this act become

effective:

(a) Upon passage and approval for the purpose of appointing members of the Keep Nevada Working Task Force created by section 1.5 of this act and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) Only July 1, 2023, for all other purposes.

LEADLINES OF REPEALED SECTIONS

224.300 Short title.

224.310 "Task Force" defined.

224.320 Creation; membership; terms and reappointment of members; vacancies; service without compensation.

224.330 Election of Chair and Vice Chair; frequency and location of meetings; quorum.

224.340 Powers; annual report to Legislative Commission; acceptance of gifts, grants and donations; operational support; assistance from public agencies.

Senator Flores moved that the Senate concur in Assembly Amendment No. 952 to Senate Bill No. 24.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 246.

The following Assembly amendment was read:

Amendment No. 966.

SUMMARY—Revises provisions relating to governmental administration. (BDR S-1028)

AN ACT relating to governmental administration; requiring the City Councils of the City of Las Vegas and the City of North Las Vegas to establish a workforce development program; requiring the City Councils to receive updates on the programs and post information about the programs; requiring every public utility which is owned or operated by the City of Las Vegas or the City of North Las Vegas to include certain information in utility bills; requiring that certain information be posted in each building owned by the City of Las Vegas or the City of North Las Vegas; requiring the City Councils to submit an annual report to the Director of the Department of Employment, Training and Rehabilitation and the Director of the Legislative Counsel Bureau relating to the workforce development program; revising provisions relating to the Charter Committee, City Clerk and City Manager of the City of North Las Vegas; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The existing Charter of the City of Las Vegas authorizes the City Council of the City to exercise such powers and enact such ordinances, not in conflict with the laws of this State, as the City Council determines are necessary and proper for the development and provisions of programs relating to

employment and training. (Las Vegas City Charter § 3.300) Section 1 of this bill requires the City Council to establish a workforce development program, in coordination with all applicable agencies which provide workforce development services, to reduce the rate of unemployment in all areas of the City that have a high rate of poverty. Section 1 further requires: (1) the City Council to receive an update to the program on a quarterly basis; (2) the City Council to post information about the program in a conspicuous place on the Internet website of the City; (3) every public utility owned or operated by the City to include certain information regarding opportunities available in workforce development in each utility bill; (4) each building that is owned in the City to have posted in a clear and conspicuous place all job openings that are available in the building; and (5) the City Council to provide a written report each year to the Director of the Department of Employment, Training and Rehabilitation and the Director of the Legislative Counsel Bureau relating to the workforce development program. Section 3 of this bill sets forth the same requirements for the City of North Las Vegas.

Section 2 of this bill creates an exception to the provision that authorizes but does not require the City Council of the City of Las Vegas to exercise powers and enact ordinances relating to programs relating to employment and training.

The existing Charter of the City of North Las Vegas provides for the establishment of a Charter Committee by the City Council and requires the Charter Committee to meet at least once every 2 years before the beginning of each regular session of the Legislature. (North Las Vegas City Charter §§ 1.100, 1.110) Section 3.2 of this bill requires each member of the Charter Committee to ~~report any abuse of power by the City Council or City Manager to the Legislature or the Joint Interim Standing Committee on Government Affairs if the Legislature is not in session.~~ complete certain training. Section 3.2 also prohibits the City Council, officers and employees of the City ~~(Manager)~~ from interfering with the duties of the Charter Committee or committing any abuses of power with respect to the duties of the Charter Committee. Section 3.2 further requires the Charter Committee to meet at least ~~(quarterly),~~ four times between regular sessions of the Legislature.

The existing Charter of the City of North Las Vegas sets forth certain duties of the City Clerk. (North Las Vegas City Charter § 3.040) Section 3.4 of this bill ~~prohibits~~ requires the City Clerk ~~[from committing any violation of law relating to his or her duties and provides that the City Clerk may be subject to civil and criminal liability for any such violation. Section 3.4 also prohibits the City Council and City Manager of the City of North Las Vegas from threatening, coercing or harassing or conspiring to threaten, coerce or harass the City Clerk to violate any provision of law.]~~ to take and subscribe the constitutional oath of office before entering upon the duties of the office.

Section 3.6 of this bill requires the City Manager of the City of North Las Vegas to submit an annual report to the Committee on Local

Government Finance that contains certain information relating to special revenue funds of the City. Section 3.8 of this bill requires the City Manager to submit, on or before January 1, 2024, a similar report to the Committee for the period beginning July 1, 2013, and ending on June 30, 2024.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1391, is hereby amended by adding thereto a new section to be designated as section 3.310, immediately following section 3.300, to read as follows:

Sec. 3.310 Workforce development.

1. The City Council shall establish a workforce development program, in coordination with all applicable agencies which provide workforce development services, to reduce the rate of unemployment in all areas of the City that have a high rate of poverty. The workforce development program established pursuant to this section:

(a) Must prioritize outreach and assistance in neighborhoods that have historically had high rates of poverty;

(b) Must not prioritize any one minority group over another; and

(c) Must include, without limitation:

(1) Targets to share work opportunities for all economic development projects within the boundary of the City with residents of the City based on the priorities established pursuant to paragraph (a); and

(2) Engagement and outreach regarding work opportunities from the beginning of an economic development project until completion.

2. The City Council shall:

(a) Receive an update on the workforce development program established pursuant to subsection 1 on a quarterly basis.

(b) Post information about the workforce development program established pursuant to subsection 1 in a conspicuous place on the Internet website of the City.

3. Every public utility which is owned or operated by the City shall include in each utility bill sent to a customer clear and conspicuous notification of the Internet address that sets forth opportunities in workforce development available to residents of the City.

4. In each building that is owned by the City, there must be posted in a clear and conspicuous place all job openings that are available in the building.

5. The City Council shall provide a written report each year to the Director of the Department of Employment, Training and Rehabilitation and the Director of the Legislative Counsel Bureau for transmittal to the Legislature, or if the Legislature is not in session,

the Legislative Commission, describing the efforts made by the workforce development program established pursuant to subsection 1.

Sec. 2. Section 3.300 of the Charter of the City of Las Vegas, being chapter 338, Statutes of Nevada 2007, at page 1532, is hereby amended to read as follows:

Sec. 3.300 Programs: Employment and training.

1. Except as otherwise provided in subsection 2 *and section 3.310* and in addition to any other powers authorized by specific statute, the City Council may exercise such powers and enact such ordinances, not in conflict with the laws of this State, as the City Council determines are necessary and proper for the development and provision of programs relating to employment and training.

2. The City Council shall not impose or increase a tax for the purposes set forth in subsection 1 unless the tax or increase is otherwise authorized by specific statute.

Sec. 3. The Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, at page 1210, is hereby amended by adding thereto a new section to be designated as section 3.110, immediately following section 3.100, to read as follows:

Sec. 3.110 *Workforce development.*

1. *The City Council shall establish a workforce development program, in coordination with all applicable agencies which provide workforce development services, to reduce the rate of unemployment in areas of the City that have a high rate of poverty. The workforce development program established pursuant to this section:*

(a) Must prioritize outreach and assistance in neighborhoods that have historically had high rates of poverty;

(b) Must not prioritize any one minority group over another; and

(c) Must include, without limitation:

(1) Targets to share work opportunities for all economic development projects within the boundary of the City with residents of the City based on the priorities established pursuant to paragraph (a); and

(2) Engagement and outreach regarding work opportunities from the beginning of an economic development project until completion.

2. The City Council shall:

(a) Receive an update on the workforce development program established pursuant to subsection 1 on a quarterly basis.

(b) Post information about the workforce development program established pursuant to subsection 1 in a conspicuous place on the Internet website of the City.

3. Every public utility which is owned or operated by the City shall ~~include~~ *provide quarterly in each* a utility bill sent to a customer clear and conspicuous notification of the Internet address

that sets forth opportunities in workforce development available to residents of the City.

4. In each building that is owned by the City, there must be posted in a clear and conspicuous place all job openings that are available in the building.

5. The City Council shall provide a written report each year to the Director of the Department of Employment, Training and Rehabilitation and the Director of the Legislative Counsel Bureau for transmittal to the Legislature, or if the Legislature is not in session, the Legislative Commission, describing the efforts made by the workforce development program established pursuant to subsection 1.

Sec. 3.2. Section 1.110 of the Charter of the City of North Las Vegas, being chapter 254, Statutes of Nevada 2021, at page 1325, is hereby amended to read as follows:

Sec. 1.110 Charter Committee: Officers; meetings; duties.

1. The Charter Committee shall:

~~{1.}~~ (a) Elect a Chair and Vice Chair from among its members, who each serve for a term of 2 years;

~~{2.}~~ (b) Meet at least ~~once every 2 years before the beginning of each regular session~~ four times between regular sessions of the Legislature quarterly and at other times when requested by the City Council or the Chair of the Committee; ~~and~~

~~—3.—~~ (c) Set the agenda for every meeting of the Charter Committee. The City Council may request not more than four items be considered by the Charter Committee at a meeting of the Charter Committee; and

(d) Appear before the City Council on a date to be set after the final biennial meeting of the Charter Committee is conducted pursuant to paragraph (b) of subsection {2} 1 and before the beginning of the next regular session of the Legislature to advise the City Council with regard to the recommendations of the Charter Committee concerning necessary amendments to this Charter. ~~§~~

~~—(e) Report any abuse of authority by the City Council or City Manager to the Director of the Legislative Counsel Bureau for transmittal to the Legislature or if the Legislature is not in session, the Joint Interim Standing Committee on Government Affairs; and~~

~~—(f) Retain all records relating to the work of the Charter Committee.~~

2. The City Council, officers and employees of the City ~~[Manager,]~~ shall not interfere with the duties of the Charter Committee or commit any abuse of power with respect to the Charter Committee. ~~In addition to any criminal action, the Attorney General may bring a civil action in a court of competent jurisdiction for a violation of the provisions of this subsection by the City Council, Council Members or City Manager and may recover a civil penalty of~~

~~not more than \$1,000 for each violation.]~~

3. ~~For the purposes of this section, "abuse of power" includes, without limitation, preventing or threatening, coercing or conspiring to prevent.]~~ Each person who is appointed to serve as a member of the Charter Committee ~~from setting an agenda for a meeting or holding a meeting.]~~ shall complete training which must include, without limitation, instruction relating to:

(a) The Code of Ethical Standards set forth in chapter 281A of NRS, including, without limitation, how to file a complaint with the Commission on Ethics created pursuant to NRS 281A.200;

(b) The provisions of chapter 241 of NRS; and

(c) Responsibilities of the Charter Committee.

Sec. 3.4. Section 3.040 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 254, Statutes of Nevada 2021, at page 1331, is hereby amended to read as follows:

Sec. 3.040 City Clerk: Office; duties.

1. The City Clerk shall:

(a) *Before entering upon the duties of office, take and subscribe the constitutional oath of office.*

(b) Keep his or her office at the place of meeting of the City Council or some other place convenient thereto, as the City Council may direct.

~~[(b)]~~ (c) Keep the corporate seal and be the custodian of all official papers and records of the City, including, without limitation, contracts, agreements, documents, resolutions, ordinances, minutes and official city election records.

~~[(c)]~~ (d) Keep a record of the proceedings of, and be the Clerk of the City Council, whose meetings it shall be his or her duty to attend.

~~[(d)]~~ (e) Record votes of members of the City Council.

~~[(e)]~~ (f) Direct the transcription and keeping of minutes and official records and the making and keeping of audio recordings or transcripts of all City Council meetings.

~~[(f)]~~ (g) Countersign official contracts, bonds and other official City documents.

~~[(g)]~~ (h) Make arrangements for regular, special or emergency meetings of the City Council.

~~[(h)]~~ (i) Supervise the operation and maintenance of the records management system of the City.

~~[(i)]~~ (j) Supervise the printing of all ballots for city elections.

~~[(j)]~~ (k) Certify the election returns.

~~[(k)]~~ (l) Administer official oaths for the City.

2. Copies of all papers filed in the office of the City Clerk and transcripts from all records of the City Council certified by him or her, under the corporate seal, shall be evidence in all courts to the same effect as if the original were produced.

~~{3. The City Clerk shall not knowingly and willfully violate any provision of law governing elections, commit fraud, abuse the public trust, abuse his or her authority, falsify records or violate any other provision of law governing his or her duties. In addition to any criminal action, the Attorney General may bring a civil action for civil penalties for a violation of this prohibition not to exceed \$1,000 for each violation.~~

~~4. The City Council and City Manager shall not threaten, coerce or harass or conspire to threaten, coerce or harass the City Clerk to violate any provision of law.~~

Sec. 3.6. Section 3.020 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 254, Statutes of Nevada 2021, at page 1330, is hereby amended to read as follows:

Sec. 3.020 City Manager: Power and duties.

1. The City Manager is the Chief Administrative Officer of the City. He or she is responsible to the City Council for the efficient and proper administration of all City affairs placed in his or her charge by or under this Charter.

2. The City Manager shall:

(a) Except as otherwise provided by law, this Charter, or personnel rules adopted pursuant to this Charter, appoint, and when he or she deems it necessary for the good of the service, discharge or suspend all City employees and appointed administrative officers provided for by this Charter. He or she may authorize any administrative officer who is subject to his or her direction and supervision to exercise the powers enumerated in this paragraph with respect to subordinates in that officer's department, office or agency.

(b) Direct and supervise the administration of all departments, offices and agencies of the City, except:

(1) As otherwise provided by law; and

(2) For any department, office or agency whose head is not appointed by the City Manager.

(c) Attend all City Council meetings and have the right to take part in all discussions. The City Manager may not vote.

(d) Be responsible for the enforcement of all laws, provisions of this Charter and acts of the City Council subject to enforcement by the City Manager or by his or her officers subject to his or her direction and supervision.

(e) Prepare and submit the annual budget and capital program to the City Council.

(f) Submit to the City Council and make available to the public a complete report on the finances and administrative activities of the City as of the end of each fiscal year.

(g) Make such other reports as the City Council may require concerning the operations of City departments, offices and agencies

subject to his or her direction and supervision.

(h) Keep the City Council fully advised as to the financial condition and future needs of the City and make such recommendations to the City Council concerning the affairs as he or she deems desirable.

(i) Perform such other duties as are specified in this Charter or which may be required by the City Council.

3. *In addition to the duties set forth in subsection 2, on or before January 1 of each year, the City Manager shall submit to the Committee on Local Government Finance created by NRS 354.105 a report that compares the projected and actual budgets of each special revenue fund maintained by the City for the immediately preceding fiscal year. Such report must:*

(a) Identify each special revenue fund;

(b) Indicate in detail all revenue received in the special revenue fund for the immediately preceding fiscal year; and

(c) Indicate in detail all expenses for the immediately preceding fiscal year which were paid with money from the special revenue fund.

4. *The report submitted pursuant to this section to the Committee on Local Government Finance is a public record.*

Sec. 3.8. 1. On or before January 1, 2024, the City Manager of the City of the North Las Vegas shall submit to the Committee on Local Government Finance created by NRS 354.105 a report that compares the projected and actual budgets of each special revenue fund maintained by the City for each fiscal year of the period beginning July 1, 2013, and ending June 30, 2023. Such report must:

(a) Identify each special revenue fund;

(b) Indicate in detail all revenue received in the special revenue fund for each fiscal year in the reporting period; and

(c) Indicate in detail all expenses for the fiscal year which were paid with money from the special revenue fund.

2. The report submitted pursuant to this section to the Committee on Local Government Finance is a public record.

Sec. 4. (Deleted by amendment.)

Sec. 5. This act becomes effective upon passage and approval.

Senator Flores moved that the Senate concur in Assembly Amendment No. 966 to Senate Bill No. 246.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 274.

The following Assembly amendment was read:

Amendment No. 997.

SUMMARY—Revises provisions relating to industrial insurance. (BDR 53-946)

AN ACT relating to industrial insurance; ~~requiring~~ revising requirements for the administration of certain insurance claims and the maintenance and accessibility of certain insurance records; removing the requirement that certain entities maintain a telephone service to accept collect calls from injured employees; revising the circumstances under which the Administrator of the Division of Industrial Relations of the Department of Business and Industry is authorized to remove a physician or chiropractic physician from a list or panel of physicians and chiropractic physicians who may provide certain services relating to the Nevada Industrial Insurance Act; requiring the Administrator to publish certain reports; authorizing certain physicians and chiropractic physicians to decline to perform certain evaluations; revising procedures for the selection of a physician or chiropractic physician to perform certain evaluations and examinations; revising provisions relating to independent medical examinations; revising provisions relating to benefits for a permanent partial disability; revising provisions relating to an appeal of certain determinations of the Administrator; revising procedures for the reimbursement of an insurer that pays for an increase in certain compensation or benefits; requiring the Administrator to post certain information on the Internet website of the Division; increasing the amount of certain penalties for certain violations of the Nevada Industrial Insurance Act or the Nevada Occupational Diseases Act; revising provisions relating to the imposition and payment of benefit penalties; revising certain requirements for certain investigations conducted by the Administrator; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Nevada Industrial Insurance Act and the Nevada Occupational Diseases Act, which provide for the payment of compensation to employees who are injured or disabled as the result of an occupational injury or occupational disease. (Chapters 616A-616D and 617 of NRS)

Existing law requires certain insurers to maintain an office in this State that is operated by the insurer or its third-party administrator and to provide access to files relating to industrial insurance claims at that office. (NRS 616B.021, 616B.027) Section 3 of this bill requires the insurer to make such files available for inspection and reproduction by electronic means or at an office operated by the insurer or its third-party administrator located in this State. Section 3 also authorizes the insurer to keep physical records concerning a claim filed in this State at a location outside this State if those records are made available for inspection and reproduction in certain electronic forms or at an office located in this State.

Section 4 of this bill permits an insurer to keep reproductions of certain files rather than original copies at an office in this State operated by the insurer or its third-party administrator. Section 4 also removes the requirement that an insurer accept collect calls from injured employees.

Existing law requires a person who acts as a third-party administrator

pursuant to the Nevada Industrial Insurance Act or the Nevada Occupational Diseases Act to administer claims arising under each plan of insurance that the person administers from one or more offices located in this State and maintain in those offices all records concerning those claims. (NRS 616B.503) Section 5 of this bill removes that requirement. Instead, section 2 of this bill establishes certain authorizations and requirements concerning the administration of claims arising under the Nevada Industrial Insurance Act or the Nevada Occupational Diseases Act. Section 2 authorizes certain employees and third-party administrators of private carriers to administer such claims from a location outside this State and stipulates how records concerning such claims must be maintained. Section 2 also authorizes certain other employees of a private carrier and certain third-party administrators to administer such claims only from one or more offices located in this State and requires that records relating to such claims be maintained at those offices. Section 4 requires certain employees and third-party administrators who administer a claim from a location outside this State to make themselves available to communicate in real time with a claimant or a representative of the claimant at certain times.

Existing law requires the Commissioner of Insurance to take certain disciplinary action against a third-party administrator for certain violations. (NRS 616B.506) Section 6 of this bill requires the Commissioner to also take such disciplinary action against a third-party administrator who violates the provisions of section 2.

Existing law requires an insurer to keep a list of physicians and chiropractic physicians from which an injured employee may choose to receive treatment from a panel established and maintained by the Administrator of the Division of Industrial Relations of the Department of Business and Industry. Existing law also sets forth procedures and limitations governing the removal of a physician or chiropractic physician from an insurer's list. (NRS 616C.087, 616C.090) Section 9 of this bill expands the circumstances under which a physician or chiropractic physician may be involuntarily removed from an insurer's list and requires the Administrator to adopt certain regulations. Section 10 of this bill revises the reasons for which a physician or chiropractic physician may be removed from a panel and authorizes a physician or chiropractic physician who has been removed from a panel to reapply for inclusion under certain circumstances.

Existing law provides that an employee who is injured by an accident arising out of and in the course of employment is entitled to receive compensation under the Nevada Industrial Insurance Act for a permanent partial disability which is rated during an evaluation by certain physicians or chiropractic physicians. (NRS 616C.490) Section 17 of this bill revises the methodology by which those physicians or chiropractic physicians are selected to perform such an evaluation and authorizes such a physician or chiropractic physician to decline to perform an evaluation under certain circumstances. Sections 7 and 17 require the Administrator to prepare annual

and quarterly reports relating to the frequency with which those physicians and chiropractic physicians perform such evaluations and certain other examinations.

Existing law authorizes an injured employee, subject to various requirements and restrictions, to obtain an independent medical examination concerning an injury that is the subject of a claim filed pursuant to the Nevada Industrial Insurance Act. (NRS 616C.145) Section 12 of this bill provides that such an injured employee is entitled to request such an independent examination for a permanent partial disability under certain circumstances. Section 12 also identifies the method by which the rate of reimbursement relating to certain independent medical examinations must be determined and authorizes an insurer to recover the cost of certain examinations under certain circumstances.

Existing law sets forth the method by which a physician or chiropractic physician is selected under certain circumstances to determine the percentage of disability of an injured employee. (NRS 616C.100, 616C.330, 616C.360) Sections 11, 15 and 16 of this bill require, with certain exceptions, that such physicians and chiropractic physicians be selected at random from a list maintained by the Administrator.

Existing law provides that a claimant under the Nevada Industrial Insurance Act may elect to receive payment for a permanent partial disability in a lump sum under certain circumstances. (NRS 616C.495) Section 18 of this bill requires an insurer to use the actuarial annuity tables adopted by the Division that are in effect on the date on which the claimant elects payment in a lump sum to calculate the present value of the lump sum payable.

Existing law authorizes an insurer or employer who pays an annual increase in compensation for a permanent total disability to a claimant or dependent who is entitled to such compensation due to certain industrial injuries or disablements to obtain reimbursement from the Administrator and sets forth the procedure for obtaining such reimbursement. (NRS 616C.266) Similarly, existing law entitles an insurer who pays an increase in certain death benefits to be reimbursed annually for the amount of that increase and sets forth procedures for obtaining such reimbursement. (NRS 616C.268) Sections 13 and 14 of this bill revise the procedures governing the issuance of such reimbursement to an insurer and impose various requirements on the Administrator with respect to such reimbursement.

Existing law requires the Administrator ~~[of the Division of Industrial Relations of the Department of Business and Industry]~~ under certain circumstances to order an insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization to pay a claimant a benefit penalty in an amount not less than \$5,000 and not greater than \$50,000 for refusing to process a claim for compensation ~~[, refusing to pay or unreasonably delaying payment to a claimant of compensation or other relief found to be due]~~ or committing certain other violations of the Nevada Industrial Insurance Act or the Nevada

Occupational Diseases Act. (NRS 616D.120) Section ~~12~~ 20 of this bill increases the amount of that benefit penalty to not less than \$17,000 and not greater than \$120,000. Section ~~12~~ 20 also extends from 10 days to 15 days the time in which a benefit penalty must be paid to a claimant after the Administrator determines the amount of the benefit penalty. Section ~~14.5~~ 19 of this bill requires the Administrator to publish, maintain and make available to the public on the Internet website of the Division certain information relating to benefit penalties imposed by the Administrator.

Existing law sets forth procedures by which a person may contest a decision of the Administrator to impose or refuse to impose a benefit penalty. Under existing law, a person who is aggrieved by a failure of the Administrator to respond to a written request for a determination within 90 days after the request is mailed to the Administrator may appeal the failure to respond by filing a request for a hearing within 100 days after the unanswered written request was mailed to the Administrator. (NRS 616D.140) Section ~~14~~ 22 of this bill revises those provisions to instead authorize a person who is aggrieved by the failure of the Administrator to respond to a complaint alleging that an insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization has committed certain violations within 120 days after the Administrator receives the complaint to appeal the failure to respond by filing a request for a hearing within 150 days after the receipt of the complaint. Section ~~14~~ 22 also: (1) requires a party who unsuccessfully appeals the imposition of a benefit penalty to pay a claimant double the amount of the benefit penalty initially imposed; (2) establishes certain requirements for when a benefit penalty must be paid; and (3) authorizes the Commissioner of Insurance to suspend a certification issued to an insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization under certain circumstances.

Existing law requires the Administrator, upon receipt of a complaint or if the Administrator has reason to believe that certain provisions of the Nevada Industrial Insurance Act have been violated, to cause an investigation to be conducted and render a determination concerning those violations. (NRS 616D.130) Section ~~13~~ 21 of this bill broadens the circumstances under which the Administrator is required to cause an investigation to be conducted and requires the Administrator to: (1) provide the Commissioner and the suspected violator with a copy of the complaint or an explanation of the reason why the Administrator believes a violation has occurred and a copy of the determination rendered on the matter; and (2) include with the Administrator's determination any settlement agreement relating to the violation. Section ~~13~~ 21 also revises the time in which the Administrator must complete certain actions pursuant to the investigation.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. Chapter 616B of NRS is hereby amended by adding thereto a new section to read as follows:

1. An employee of a private carrier who is licensed as a company adjuster pursuant to chapter 684A of NRS or a person who acts as a third-party administrator pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS for a private carrier may administer claims arising under chapters 616A to 616D, inclusive, or chapter 617 of NRS from a location in or outside of this State. All records concerning a claim administered pursuant to this subsection must be maintained at one or more offices located in this State or by computer in a microphotographic, electronic or other similar format that produces an accurate reproduction of the original.

2. An employee of a private carrier who is not licensed as a company adjuster pursuant to chapter 684A of NRS or a person who acts as a third-party administrator pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS for a self-insured employer or an association of self-insured public or private employers may administer claims arising under chapters 616A to 616D, inclusive, or chapter 617 of NRS only from one or more offices located in this State. All records concerning a claim administered pursuant to this subsection must be maintained in those offices.

3. The Commissioner may:

(a) Under exceptional circumstances, waive the requirements of subsections 1 and 2; and

(b) Adopt regulations to carry out the provisions of this section.

Sec. 3. NRS 616B.021 is hereby amended to read as follows:

616B.021 1. An insurer shall ~~provide access to~~ make the files of claims available for inspection and reproduction:

(a) At an office operated by the insurer or its third-party administrator located in ~~its offices,~~ this State; or

(b) By electronic means.

2. The physical records in a file concerning a claim filed in this State may be kept at ~~an office located~~ a location outside this State if all records in the file are ~~accessible~~ made available for inspection and reproduction at ~~offices~~ an office operated by the insurer or its third-party administrator that is located in this State ~~on~~ or by computer in a microphotographic, electronic or other similar format that produces an accurate reproduction of the original. If a claim filed in this State is open, the records in the file must be reproduced and available for inspection during regular business hours within 24 hours after requested by the employee or the employee's designated agent, the employer or the employer's designated agent, or the Administrator or the Administrator's designated agent. If a claim filed in this State is closed, the records in the file must be reproduced and available for inspection during regular business hours within 14 days after requested by such persons.

3. Upon request, the insurer shall make copies or other reproductions of

anything in the file and may charge a reasonable fee for this service. Copies or other reproductions of materials in the file which are requested by the Administrator or the Administrator's designated agent, or the Nevada Attorney for Injured Workers or his or her designated agent must be provided free of charge.

4. The Administrator may adopt regulations concerning the:

- (a) Maintenance of records in a file on claims that are open or closed; and
- (b) Preservation, examination and use of records which have been stored on computer or in a microphotographic, electronic or similar format by an insurer.

5. This section does not require an insurer to allow inspection or reproduction of material regarding which a legal privilege against disclosure has been conferred.

Sec. 4. NRS 616B.027 is hereby amended to read as follows:

616B.027 1. Every insurer shall:

(a) Provide an office in this State operated by the insurer or its third-party administrator in which:

(1) A complete file , or a reproduction of the complete file, of each claim is accessible, in accordance with the provisions of NRS 616B.021;

(2) Persons authorized to act for the insurer and, if necessary, licensed pursuant to chapter 683A of NRS, may receive information related to a claim and provide the services to an employer and his or her employees required by chapters 616A to 617, inclusive, of NRS; and

(3) An employee or his or her employer, upon request, is provided with information related to a claim filed by the employee or a copy or other reproduction of the information from the file for that claim, in accordance with the provisions of NRS 616B.021.

(b) Provide statewide toll-free telephone service to the office maintained pursuant to paragraph (a). ~~[for accept collect calls from injured employees.]~~

2. Each private carrier shall provide:

- (a) Adequate services to its insured employers in controlling losses; and
- (b) Adequate information on the prevention of industrial accidents and occupational diseases.

3. An employee of a private carrier who is licensed as a company adjuster pursuant to chapter 684A of NRS or a person who acts as a third-party administrator pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS for a private carrier who administers a claim arising under chapters 616A to 616D, inclusive, or chapter 617 of NRS from a location outside of this State pursuant to subsection 1 of section 2 of this act shall make himself or herself available to communicate in real time with the claimant or a representative of the claimant Monday through Friday, 9 a.m. to 5 p.m. local time in this State, excluding any day declared to be a legal holiday pursuant to NRS 236.015.

Sec. 5. NRS 616B.503 is hereby amended to read as follows:

616B.503 1. A person shall not act as a third-party administrator for an

insurer without a certificate issued by the Commissioner pursuant to NRS 683A.08524.

2. A person who acts as a third-party administrator pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS shall:

~~(a) [Administer from one or more offices located in this State all of the claims arising under each plan of insurance that the person administers and maintain in those offices all of the records concerning those claims;~~

~~—(b)—~~ Administer each plan of insurance directly, without subcontracting with another third-party administrator; and

~~((c))~~ (b) Upon the termination of the person's contract with an insurer, transfer forthwith to a certified third-party administrator chosen by the insurer all of the records in the person's possession concerning claims arising under the plan of insurance.

3. The Commissioner may, under exceptional circumstances, waive the requirements of subsection 2.

Sec. 6. NRS 616B.506 is hereby amended to read as follows:

616B.506 The Commissioner shall impose an administrative fine, not to exceed \$1,000 for each violation, and may withdraw the certification of any third-party administrator who:

1. Fails to comply with regulations of the Commissioner regarding reports or other requirements necessary to carry out the purposes of chapters 616A to 616D, inclusive, or chapter 617 of NRS; or

2. Violates any provision of NRS 616B.503, *section 2 of this act* or any regulation adopted by the Commissioner or the Administrator concerning the administration of the plan of insurance.

Sec. 7. Chapter 616C of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Administrator shall, not later than 30 days after the end of each calendar quarter, publish and make publicly available on the Internet website of the Division a report containing:

(a) The name of each rating physician or chiropractic physician, listed in alphabetical order by last name, who conducted an examination or evaluation on an injured employee pursuant to NRS 616C.100, 616C.145, 616C.330, 616C.360 or 616C.490 in the immediately preceding calendar quarter; and

(b) For each rating physician or chiropractic physician identified pursuant to paragraph (a), the number of examinations or evaluations that were conducted by the rating physician or chiropractic physician as result of:

(1) The selection of the rating physician or chiropractic physician at random from the list of qualified physicians and chiropractic physicians maintained by the Administrator pursuant to subsection 2 of NRS 616C.490; and

(2) An agreement by an insurer and an injured employee.

2. The Administrator shall retain an archive of each report published

pursuant to subsection 1 which is accessible by the public.

Sec. 8. NRS 616C.050 is hereby amended to read as follows:

616C.050 1. An insurer shall provide to each claimant:

(a) Upon written request, one copy of any medical information concerning the claimant's injury or illness.

(b) A statement which contains information concerning the claimant's right to:

(1) Receive the information and forms necessary to file a claim;

(2) Select a treating physician or chiropractic physician and an alternative treating physician or chiropractic physician in accordance with the provisions of NRS 616C.090;

(3) Request the appointment of the Nevada Attorney for Injured Workers to represent the claimant before the appeals officer;

(4) File a complaint with the Administrator;

(5) When applicable, receive compensation for:

(I) Permanent total disability;

(II) Temporary total disability;

(III) Permanent partial disability;

(IV) Temporary partial disability;

(V) All medical costs related to the claimant's injury or disease; or

(VI) The hours the claimant is absent from the place of employment to receive medical treatment pursuant to NRS 616C.477;

(6) Receive services for rehabilitation if the claimant's injury prevents him or her from returning to gainful employment;

(7) Review by a hearing officer of any determination or rejection of a claim by the insurer within the time specified by statute; and

(8) Judicial review of any final decision within the time specified by statute.

2. The insurer's statement must include a copy of the form designed by the Administrator pursuant to subsection ~~10~~ 12 of NRS 616C.090 that notifies injured employees of their right to select an alternative treating physician or chiropractic physician. The Administrator shall adopt regulations for the manner of compliance by an insurer with the other provisions of subsection 1.

Sec. 9. NRS 616C.087 is hereby amended to read as follows:

616C.087 1. The Legislature hereby declares that:

(a) The choice of a treating physician or chiropractic physician is a substantive right and substantive benefit of an injured employee who has a claim under the Nevada Industrial Insurance Act or the Nevada Occupational Diseases Act.

(b) The injured employees of this State have a substantive right to an adequate choice of physicians and chiropractic physicians to treat their industrial injuries and occupational diseases.

2. Except as otherwise provided in this subsection and subsections 3 and 4, ~~and~~ :

(a) The panel maintained by the Administrator pursuant to NRS 616C.090 must not include a physician or chiropractic physician in a discipline or specialization if the physician or chiropractic physician does not accept and treat injured employees for industrial injuries or occupational diseases in that discipline or specialization; and

(b) An insurer's list of physicians and chiropractic physicians from which an injured employee may choose pursuant to NRS 616C.090 must include not less than 12 physicians or chiropractic physicians, as applicable, in each of the following disciplines and specializations, without limitation, from the panel of physicians and chiropractic physicians maintained by the Administrator pursuant to NRS 616C.090:

- ~~((a))~~ (1) Orthopedic surgery on spines;
- ~~((b))~~ (2) Orthopedic surgery on shoulders;
- ~~((c))~~ (3) Orthopedic surgery on elbows;
- ~~((d))~~ (4) Orthopedic surgery on wrists;
- ~~((e))~~ (5) Orthopedic surgery on hands;
- ~~((f))~~ (6) Orthopedic surgery on hips;
- ~~((g))~~ (7) Orthopedic surgery on knees;
- ~~((h))~~ (8) Orthopedic surgery on ankles;
- ~~((i))~~ (9) Orthopedic surgery on feet;
- ~~((j))~~ (10) Neurosurgery;
- ~~((k))~~ (11) Neurology;
- ~~((l))~~ (12) Cardiology;
- ~~((m))~~ (13) Pulmonology;
- ~~((n))~~ (14) Psychiatry;
- ~~((o))~~ (15) Pain management;
- ~~((p))~~ (16) Occupational medicine;
- ~~((q))~~ (17) Physiatry or physical medicine;
- ~~((r))~~ (18) General practice or family medicine; and
- ~~((s))~~ (19) Chiropractic medicine.

➔ If the panel of physicians and chiropractic physicians maintained by the Administrator pursuant to NRS 616C.090 contains fewer than 12 physicians or chiropractic physicians, as applicable, for a discipline or specialization specifically identified in this subsection, all of the physicians or chiropractic physicians, as applicable, on the panel for that discipline or specialization must be included on the insurer's list.

3. For any other discipline or specialization not specifically identified in subsection 2, the insurer's list must include not fewer than 8 physicians or chiropractic physicians, as applicable, unless the panel of physicians and chiropractic physicians maintained by the Administrator pursuant to NRS 616C.090 contains fewer than 8 physicians or chiropractic physicians, as applicable, for that discipline or specialization, in which case all of the physicians or chiropractic physicians, as applicable, on the panel for that discipline or specialization must be included on the insurer's list.

4. For each county whose population is 100,000 or more, an insurer's list

of physicians and chiropractic physicians must include for that county a number of physicians and chiropractic physicians, as applicable, that is not less than the number required pursuant to subsections 2 and 3 and that also maintain in that county:

- (a) An active practice; and
- (b) A physical office.

5. If an insurer fails to maintain a list of physicians and chiropractic physicians that complies with the requirements of subsections 2, 3 and 4, an injured employee may choose a physician or chiropractic physician from the panel of physicians and chiropractic physicians maintained by the Administrator pursuant to NRS 616C.090.

6. Each insurer shall, not later than October 1 of each year, update the list of physicians and chiropractic physicians and file the list with the Administrator. The list must be certified by an adjuster who is licensed pursuant to chapter 684A of NRS.

7. Upon receipt of a list of physicians and chiropractic physicians that is filed pursuant to subsection 6, the Administrator shall:

- (a) Stamp the list as having been filed; and
- (b) Indicate on the list the date on which it was filed.

8. The Administrator shall:

- (a) Provide a copy of an insurer's list of physicians and chiropractic physicians to any member of the public who requests a copy; or
- (b) Post a copy of each insurer's list of physicians and chiropractic physicians on an Internet website maintained by the Administrator and accessible to the public for viewing, printing or downloading.

9. At any time, a physician or chiropractic physician may request in writing that he or she be removed from an insurer's list of physicians and chiropractic physicians. The insurer must comply with the request and omit the physician or chiropractic physician from the next list which the insurer files with the Administrator.

10. A physician or chiropractic physician may not be involuntarily removed from an insurer's list of physicians and chiropractic physicians except for good cause. As used in this subsection, "good cause" means that one or more of the following circumstances apply:

- (a) The physician or chiropractic physician has died or is disabled.
- (b) The license of the physician or chiropractic physician has been revoked or suspended.
- (c) The physician or chiropractic physician has been convicted of:
 - (1) A felony; or
 - (2) A crime for a violation of a provision of chapter 616D of NRS.

(d) The physician or chiropractic physician has been removed from the panel of physicians and chiropractic physicians maintained by the Administrator pursuant to NRS 616C.090 by the Administrator upon a finding that the physician or chiropractic physician ~~has~~ has:

(1) Has failed to comply with the standards for treatment of industrial

injuries or occupational diseases as established by the Administrator ~~[-]; or~~
(2) Does not accept and treat injured employees under chapters 616A to 616D, inclusive, or chapter 617 of NRS.

11. Unless a physician or chiropractic physician, as applicable, is removed from an insurer's list of physicians and chiropractic physicians pursuant to subsection 10, an injured employee may continue to receive treatment from that physician or chiropractic physician even if:

(a) The employer of the injured employee changes insurers or administrators.

(b) The physician or chiropractic physician is no longer included in the applicable insurer's list of physicians and chiropractic physicians, provided that the physician or chiropractic physician agrees to continue to accept compensation for that treatment at the rates which:

(1) Were previously agreed upon when the physician or chiropractic physician was most recently included in the list; or

(2) Are newly negotiated but do not exceed the amounts provided under the fee schedule adopted by the Administrator.

12. The Administrator shall adopt regulations prescribing the form in which a list of physicians and chiropractic physicians created by an employer, insurer or third-party administrator pursuant to this section must be maintained. The Administrator shall require that any such list be in a format which is easily searchable, including, without limitation, an indexed database, a portable document format, a spreadsheet with data that may be filtered, a comma-separated values file or any other comparable format.

Sec. 10. NRS 616C.090 is hereby amended to read as follows:

616C.090 1. The Administrator shall establish, maintain and update not less frequently than annually on or before July 1 of each year, a panel of physicians and chiropractic physicians who have demonstrated special competence and interest in industrial health to treat injured employees under chapters 616A to 616D, inclusive, or chapter 617 of NRS. The Administrator shall maintain the following information relating to each physician and chiropractic physician on the panel:

(a) The name of the physician or chiropractic physician.

(b) The title or degree of the physician or chiropractic physician.

(c) The legal name of the practice of the physician or chiropractic physician and the name under which the practice does business.

(d) The street address of the location of every office of the physician or chiropractic physician.

(e) The telephone number of every office of the physician or chiropractic physician.

(f) Every discipline and specialization practiced by the physician or chiropractic physician.

(g) Every condition and part of the body which the physician or chiropractic physician will treat.

2. Every employer whose insurer has not entered into a contract with an

organization for managed care or with providers of health care pursuant to NRS 616B.527 shall maintain a list of those physicians and chiropractic physicians on the panel who are reasonably accessible to his or her employees.

3. An injured employee whose employer's insurer has not entered into a contract with an organization for managed care or with providers of health care pursuant to NRS 616B.527 may choose a treating physician or chiropractic physician from the panel of physicians and chiropractic physicians. If the injured employee is not satisfied with the first physician or chiropractic physician he or she so chooses, the injured employee may make an alternative choice of physician or chiropractic physician from the panel if the choice is made within 90 days after his or her injury. The insurer shall notify the first physician or chiropractic physician in writing. The notice must be postmarked within 3 working days after the insurer receives knowledge of the change. The first physician or chiropractic physician must be reimbursed only for the services the physician or chiropractic physician, as applicable, rendered to the injured employee up to and including the date of notification. Except as otherwise provided in this subsection, any further change is subject to the approval of the insurer or by order of a hearing officer or appeals officer. A request for a change of physician or chiropractic physician must be granted or denied within 10 days after a written request for such a change is received from the injured employee. If the insurer takes no action on the request within 10 days, the request shall be deemed granted. Any request for a change of physician or chiropractic physician must include the name of the new physician or chiropractic physician chosen by the injured employee. If the treating physician or chiropractic physician refers the injured employee to a specialist for treatment, the insurer shall provide to the injured employee a list that includes the name of each physician or chiropractic physician with that specialization who is on the panel. Not later than 14 days after receiving the list, the injured employee shall select a physician or chiropractic physician from the list.

4. An injured employee whose employer's insurer has entered into a contract with an organization for managed care or with providers of health care pursuant to NRS 616B.527 must choose a treating physician or chiropractic physician pursuant to the terms of that contract. If the injured employee is not satisfied with the first physician or chiropractic physician he or she so chooses, the injured employee may make an alternative choice of physician or chiropractic physician pursuant to the terms of the contract without the approval of the insurer if the choice is made within 90 days after his or her injury. Except as otherwise provided in this subsection, any further change is subject to the approval of the insurer or by order of a hearing officer or appeals officer. A request for a change of physician or chiropractic physician must be granted or denied within 10 days after a written request for such a change is received from the injured employee. If the insurer takes no action on the request within 10 days, the request shall be deemed granted. If

the injured employee, after choosing a treating physician or chiropractic physician, moves to a county which is not served by the organization for managed care or providers of health care named in the contract and the insurer determines that it is impractical for the injured employee to continue treatment with the physician or chiropractic physician, the injured employee must choose a treating physician or chiropractic physician who has agreed to the terms of that contract unless the insurer authorizes the injured employee to choose another physician or chiropractic physician. If the treating physician or chiropractic physician refers the injured employee to a specialist for treatment, the insurer shall provide to the injured employee a list that includes the name of each physician or chiropractic physician with that specialization who is available pursuant to the terms of the contract with the organization for managed care or with providers of health care pursuant to NRS 616B.527, as appropriate. Not later than 14 days after receiving the list, the injured employee shall select a physician or chiropractic physician from the list. If the employee fails to select a physician or chiropractic physician, the insurer may select a physician or chiropractic physician with that specialization. If a physician or chiropractic physician with that specialization is not available pursuant to the terms of the contract, the organization for managed care or the provider of health care may select a physician or chiropractic physician with that specialization.

5. If the injured employee is not satisfied with the physician or chiropractic physician selected by himself or herself or by the insurer, the organization for managed care or the provider of health care pursuant to subsection 4, the injured employee may make an alternative choice of physician or chiropractic physician pursuant to the terms of the contract. A change in the treating physician or chiropractic physician may be made at any time but is subject to the approval of the insurer or by order of a hearing officer or appeals officer. A request for a change of physician or chiropractic physician must be granted or denied within 10 days after a written request for such a change is received from the injured employee. If no action is taken on the request within 10 days, the request shall be deemed granted. Any request for a change of physician or chiropractic physician must include the name of the new physician or chiropractic physician chosen by the injured employee. If the insurer denies a request for a change in the treating physician or chiropractic physician under this subsection, the insurer must include in a written notice of denial to the injured employee the specific reason for the denial of the request.

6. Except when emergency medical care is required and except as otherwise provided in NRS 616C.055, the insurer is not responsible for any charges for medical treatment or other accident benefits furnished or ordered by any physician, chiropractic physician or other person selected by the injured employee in disregard of the provisions of this section or for any compensation for any aggravation of the injured employee's injury attributable to improper treatments by such physician, chiropractic physician

or other person.

7. The Administrator may order necessary changes in a panel of physicians and chiropractic physicians and shall ~~suspend~~;

(a) Suspend or remove any physician or chiropractic physician from a panel for good cause shown in accordance with NRS 616C.087 ~~11~~; and

(b) Remove from being included on a panel as a practitioner of a discipline or specialization any physician or chiropractic physician who does not accept and treat injured employees for industrial injuries or occupational diseases in that discipline or specialization.

8. Any interested person may notify the Administrator, on a form prescribed by the Administrator, if the person believes that a physician or chiropractic physician does not accept and treat injured employees:

(a) Under chapters 616A to 616D, inclusive, or chapter 617 of NRS for industrial injuries or occupational diseases; or

(b) For industrial injuries or occupational diseases in a discipline or specialization for which the physician or chiropractic physician is included on a panel of physicians and chiropractic physicians maintained by the Administrator pursuant to this section.

9. If the Administrator receives notice pursuant to subsection 8, the Administrator shall:

(a) Conduct an investigation to determine whether the physician or chiropractic physician may remain on the panel for a discipline or specialization; and

(b) Publish or cause to be published on the Internet website of the Division not later than 90 days after receiving the notice the results of the investigation.

10. A physician or chiropractic physician who is removed from a panel as a practitioner of a discipline or specialization pursuant to paragraph (b) of subsection 7 may request, on a form prescribed by the Administrator, to be reinstated on a panel for that discipline or specialization if the physician or chiropractic physician demonstrates to the satisfaction of the Administrator that he or she accepts and treats injured employees for that discipline or specialization.

11. An injured employee may receive treatment by more than one physician or chiropractic physician:

(a) If the insurer provides written authorization for such treatment; or

(b) By order of a hearing officer or appeals officer.

~~10.1~~ 12. The Administrator shall design a form that notifies injured employees of their right pursuant to subsections 3, 4 and 5 to select an alternative treating physician or chiropractic physician and make the form available to insurers for distribution pursuant to subsection 2 of NRS 616C.050.

Sec. 11. NRS 616C.100 is hereby amended to read as follows:

616C.100 1. If an injured employee disagrees with the percentage of disability determined by a physician or chiropractic physician, the injured

employee may obtain a second determination of the percentage of disability. If the employee wishes to obtain such a determination, the employee must select the ~~next~~ physician or chiropractic physician ~~(in rotation)~~ at random from the list of qualified physicians or chiropractic physicians maintained by the Administrator pursuant to subsection 2 of NRS 616C.490. If a second determination is obtained, the injured employee shall pay for the determination. If the physician or chiropractic physician selected to make the second determination finds a higher percentage of disability than the first physician or chiropractic physician, the injured employee may request a hearing officer or appeals officer to order the insurer to reimburse the employee pursuant to the provisions of NRS 616C.330 or 616C.360.

2. The results of a second determination made pursuant to subsection 1 may be offered at any hearing or settlement conference.

Sec. 12. NRS 616C.145 is hereby amended to read as follows:

616C.145 1. An injured employee may obtain an independent medical examination:

(a) Except as otherwise provided in subsections 2 and 3, whenever a dispute arises from a determination issued by the insurer regarding the approval of care, the direction of a treatment plan or the scope of the claim;

(b) Within 30 days after an injured employee receives any report generated pursuant to a medical examination requested by the insurer pursuant to NRS 616C.140; or

(c) At any time by leave of a hearing officer or appeals officer after the denial of any therapy or treatment.

2. An injured employee is entitled to an independent medical examination pursuant to paragraph (a) of subsection 1 only:

(a) For a claim for compensation that is open;

(b) When the closure of a claim for compensation is under dispute pursuant to NRS 616C.235; or

(c) When a hearing or appeal is pending pursuant to NRS 616C.330 or 616C.360.

3. An injured employee is entitled to only one independent medical examination per calendar year pursuant to paragraph (a) of subsection 1.

4. Except as otherwise provided in subsection 5, an independent medical examination must not involve treatment and must be conducted by a physician or chiropractic physician selected by the injured employee from the panel of physicians and chiropractic physicians established pursuant to subsection 1 of NRS 616C.090.

5. ~~[If the dispute concerns the rating of a permanent disability,]~~ An injured employee is entitled to request an independent medical examination [may be conducted by a rating physician or chiropractic physician.] pursuant to paragraph (a) of subsection 1 for a permanent partial disability to determine if the injured employee has a ratable impairment or, if the injured employee is seeking to dispute an initial rating determination, to obtain a second rating. The injured employee must select the ~~next~~ rating physician

or chiropractic physician ~~[in rotation]~~ at random from the list of qualified physicians and chiropractic physicians maintained by the Administrator pursuant to subsection 2 of NRS 616C.490, unless the insurer and the injured employee otherwise agree to a rating physician or chiropractic physician. Nothing in this subsection shall be construed to prohibit an injured employee from obtaining a determination for a permanent partial disability pursuant to NRS 616C.100.

6. The insurer shall:

(a) Pay the costs of any independent medical examination conducted pursuant to this section in accordance with ~~NRS 616C.260;~~ subsection 7; and

(b) Upon request, receive a copy of any report or other document that is generated as a result of the independent medical examination.

7. The rates of reimbursement for an independent medical examination conducted pursuant to this section must be:

(a) For an independent medical examination other than an independent medical examination conducted pursuant to subsection 5, the rates applicable to independent medical examinations, as set forth in the schedule of fees established by the Administrator pursuant to NRS 616C.260.

(b) For an independent medical examination conducted pursuant to subsection 5, the rates applicable to a permanent partial disability, as set forth in the schedule of fees established by the Administrator pursuant to NRS 616C.260.

8. If an injured employee requests an independent medical examination pursuant to subsection 5 to obtain a second rating and the second rating does not result in a higher percentage of disability than the initial rating determination, the insurer may recover the cost of the independent medical examination, determined in accordance with the rates of reimbursement specified in paragraph (b) of subsection 7, from the amount of the award for permanent partial disability that the injured employee is entitled to be paid for that claim pursuant to NRS 616C.490.

9. The provisions of this section do not apply to an independent medical examination ordered by a hearing officer pursuant to subsection 3 of NRS 616C.330 or by an appeals officer pursuant to subsection 3 of NRS 616C.360.

Sec. 13. NRS 616C.266 is hereby amended to read as follows:

616C.266 1. An insurer, including an employer who provides accident benefits for injured employees pursuant to NRS 616C.265, who pays an annual increase in compensation for a permanent total disability to a claimant or a dependent of a claimant pursuant to subsection 2 of NRS 616C.473 is entitled to be reimbursed for the amount of that increase in accordance with this section if the insurer provides to the Administrator all of the following:

(a) The name of the claimant or dependent of a claimant to whom the insurer paid the increase in compensation.

(b) The claim number under which the compensation for a permanent total

disability was paid to the claimant or dependent of a claimant.

(c) The date of the industrial injury or disablement from an occupational disease which resulted in the permanent total disability of the injured employee.

(d) The date on which the disability of the injured employee was determined or deemed to be total and permanent.

(e) The amount of the compensation for a permanent total disability to which the claimant or dependent of a claimant was entitled as of December 31, 2019.

(f) Proof of the insurer's payment of the increase in compensation for a permanent total disability.

(g) The amount of reimbursement requested by the insurer.

2. An insurer must provide the Administrator with the items required pursuant to subsection 1 not later than March 31 of each year to be eligible for reimbursement for payments of increases in compensation for permanent total disability which were made in the immediately preceding calendar year.

3. ~~[(a)] If an insurer [may not be reimbursed pursuant to this section unless the insurer's request for reimbursement is approved by]~~ complies with subsection 2, the Administrator [] shall:

(a) Not later than 60 days after the date on which the Administrator receives the information required by subsection 1, issue a written determination approving or rejecting the insurer's request for reimbursement. If the Administrator fails to issue the written determination within those 60 days, the request for reimbursement is deemed approved.

(b) Not later than July 1 of each year, provide the insurer with a detailed list of reimbursements approved or rejected by the Administrator.

4. ~~[(f)] A person who is aggrieved by a written determination of the Administrator [approves an insurer's request for reimbursement,] pursuant to this section may appeal the [Administrator must withdraw from the Uninsured Employers' Claim Account established pursuant to NRS 616A.430 an amount of the income realized from the investment of the assets in that Account that is necessary to reimburse] determination by filing a request for a hearing before an appeals officer. The request must be filed not later than 30 days after the [insurer or employer for] date on which the [cost] insurer receives notice of the [increase in compensation paid to claimants and dependents pursuant to subsection 2 of NRS 616C.473. If the income realized from the investment of the assets in the Account is insufficient to pay such reimbursement, the Administrator must pay the remainder of the reimbursement from the assessments levied by the Administrator pursuant to NRS 232.680.] Administrator's determination.~~

5. The Administrator shall, not later than May 31 of each year, mail to each insurer an invoice for any assessment levied by the Administrator pursuant to NRS 232.680 to be used to pay reimbursement pursuant to this section. Each insurer shall, not later than July 31 of each year, pay to the Department of Business and Industry the amount of the assessment.

6. The Administrator shall make every effort to collect from an insurer the amount of the assessment described in subsection 5. If the Administrator is not able to collect the amount of the assessment within 60 days after July 31, the Administrator shall notify the Commissioner that the insurer is delinquent. An insurer who fails or refuses to pay the amount of an assessment within 60 days after July 31 is, after notice and a hearing held pursuant to NRS 679B.310 to 679B.370, inclusive, subject to revocation of the insurer's certificate of authority to transact insurance in this State.

7. The Administrator shall, not later than December 31 of each year, reimburse each insurer that has paid an annual increase in compensation for a permanent total disability pursuant to subsection 1.

8. In an insurer fails to pay the amount of the assessment described in subsection 5, the Administrator shall apportion to the insurers that have paid the amount of the assessment an amount of reimbursement calculated in the same manner in which the Administrator determines the assessment rate applied to those insurers pursuant to NRS 232.680. Upon receipt of the amount of the assessment that is paid after July 31, the Administrator shall pay to each insurer, the remaining amount of reimbursement to which the insurer is entitled.

9. An insurer may elect to apply any approved reimbursement under this section towards any current or future assessment levied by the Administrator pursuant to NRS 232.680.

Sec. 14. NRS 616C.268 is hereby amended to read as follows:

616C.268 1. An insurer, including, without limitation, an employer who provides accident benefits for injured employees pursuant to NRS 616C.265, who pays an increase in death benefits to a widow, widower, surviving child or surviving dependent parent pursuant to NRS 616C.508 is entitled to be reimbursed for the amount of that increase from the Fund for Workers' Compensation and Safety if the insurer provides to the Administrator all of the following:

(a) The name of the widow, widower, surviving child or surviving dependent parent to whom the insurer paid the increase in death benefits.

(b) The claim number under which death benefits were paid to the widow, widower, surviving child or surviving dependent parent.

(c) The date of the industrial injury or disablement from an occupational disease which resulted in the eligibility of the widow, widower, surviving child or surviving dependent parent for death benefits.

(d) The date of the death of the injured employee who is the:

(1) Spouse of the widow or widower;

(2) Parent of the surviving child; or

(3) Child of the surviving dependent parent.

(e) The amount of the death benefit to which the widow, widower, surviving child or surviving dependent parent was entitled as of December 31, 2019.

(f) Proof of the insurer's payment of the increase in death benefits.

(g) The amount of reimbursement requested by the insurer.

2. An insurer must provide the Administrator with the information required pursuant to subsection 1 not later than March 31 of each year to be eligible for reimbursement pursuant to this section for payments of increases in death benefits which were made in the immediately preceding calendar year.

3. ~~3. An insurer may not be reimbursed pursuant to this section unless the insurer's request for reimbursement is approved by the Administrator.~~ 3. If an insurer complies with subsection 2, the Administrator shall:

(a) Not later than 60 days after the date on which the Administrator receives the information required by subsection 1, issue a written determination approving or rejecting the insurer's request for reimbursement. If the Administrator fails to issue the written determination within those 60 days, the request for reimbursement is deemed approved.

(b) Not later than July 1 of each year, provide the insurer with a detailed list of reimbursements approved or rejected by the Administrator.

4. A person who is aggrieved by a written determination of the Administrator pursuant to this section may appeal the determination by filing a request for a hearing before an appeals officer. The request must be filed not later than 30 days after the date on which the insurer receives notice of the Administrator's determination.

5. The Administrator shall, not later than May 31 of each year, mail to each insurer an invoice for any assessment levied by the Administrator pursuant to NRS 232.680 to be used to pay reimbursement pursuant to this section. Each insurer shall, not later than July 31 of each year, pay to the Department of Business and Industry the amount of the assessment.

6. The Administrator shall make every effort to collect from an insurer the amount of the assessment described in subsection 5. If the Administrator is not able to collect the amount of the assessment within 60 days after July 31, the Administrator shall notify the Commissioner that the insurer is delinquent. An insurer who fails or refuses to pay the amount of an assessment within 60 days after July 31 is, after notice and a hearing held pursuant to NRS 679B.310 to 679B.370, inclusive, subject to revocation of the insurer's certificate of authority to transact insurance in this State.

7. The Administrator shall, not later than December 31 of each year, reimburse each insurer that has paid an annual increase in death benefits pursuant to subsection 1.

8. If an insurer fails to pay the amount of the assessment described in subsection 5, the Administrator shall apportion to the insurers that have paid the amount of the assessment an amount of reimbursement calculated in the same manner in which the Administrator determines the assessment rate applied to those insurers pursuant to NRS 232.680. Upon receipt of the amount of the assessment that is paid after July 31, the Administrator shall pay to each insurer the remaining amount of reimbursement to which the insurer is entitled.

9. An insurer may elect to apply any approved reimbursement made pursuant to this section towards any current or future assessment levied by the Administrator pursuant to NRS 232.680.

Sec. 15. NRS 616C.330 is hereby amended to read as follows:

616C.330 1. The hearing officer shall:

(a) Except as otherwise provided in subsection 2 of NRS 616C.315, within 5 days after receiving a request for a hearing, set the hearing for a date and time within 30 days after his or her receipt of the request at a place in Carson City, Nevada, or Las Vegas, Nevada, or upon agreement of one or more of the parties to pay all additional costs directly related to an alternative location, at any other place of convenience to the parties, at the discretion of the hearing officer;

(b) Give notice by mail or by personal service to all interested parties to the hearing at least 15 days before the date and time scheduled; and

(c) Conduct hearings expeditiously and informally.

2. The notice must include a statement that the injured employee may be represented by a private attorney or seek assistance and advice from the Nevada Attorney for Injured Workers.

3. If necessary to resolve a medical question concerning an injured employee's condition or to determine the necessity of treatment for which authorization for payment has been denied, the hearing officer may order an independent medical examination, which must not involve treatment, and refer the employee to a physician or chiropractic physician of his or her choice who has demonstrated special competence to treat the particular medical condition of the employee, whether or not the physician or chiropractic physician is on the insurer's panel of providers of health care. If the medical question concerns the rating of a permanent disability, the hearing officer may refer the employee to a rating physician or chiropractic physician. The rating physician or chiropractic physician must be selected ~~in rotation~~ at random from the list of qualified physicians and chiropractic physicians maintained by the Administrator pursuant to subsection 2 of NRS 616C.490, unless the insurer and injured employee otherwise agree to a rating physician or chiropractic physician. The insurer shall pay the costs of any medical examination requested by the hearing officer.

4. The hearing officer may consider the opinion of an examining physician, chiropractic physician, physician assistant or advanced practice registered nurse, in addition to the opinion of an authorized treating physician, chiropractic physician, physician assistant or advanced practice registered nurse, in determining the compensation payable to the injured employee.

5. If an injured employee has requested payment for the cost of obtaining a second determination of his or her percentage of disability pursuant to NRS 616C.100, the hearing officer shall decide whether the determination of the higher percentage of disability made pursuant to NRS 616C.100 is appropriate and, if so, may order the insurer to pay to the employee an

amount equal to the maximum allowable fee established by the Administrator pursuant to NRS 616C.260 for the type of service performed, or the usual fee of that physician or chiropractic physician for such service, whichever is less.

6. The hearing officer shall order an insurer, organization for managed care or employer who provides accident benefits for injured employees pursuant to NRS 616C.265 to pay to the appropriate person the charges of a provider of health care if the conditions of NRS 616C.138 are satisfied.

7. The hearing officer may allow or forbid the presence of a court reporter and the use of a tape recorder in a hearing.

8. The hearing officer shall render his or her decision within 15 days after:

(a) The hearing; or

(b) The hearing officer receives a copy of the report from the medical examination the hearing officer requested.

9. The hearing officer shall render a decision in the most efficient format developed by the Chief of the Hearings Division of the Department of Administration.

10. The hearing officer shall give notice of the decision to each party by mail. The hearing officer shall include with the notice of the decision the necessary forms for appealing from the decision.

11. Except as otherwise provided in NRS 616C.380, the decision of the hearing officer is not stayed if an appeal from that decision is taken unless an application for a stay is submitted by a party. If such an application is submitted, the decision is automatically stayed until a determination is made on the application. A determination on the application must be made within 30 days after the filing of the application. If, after reviewing the application, a stay is not granted by the hearing officer or an appeals officer, the decision must be complied with within 10 days after the refusal to grant a stay.

12. References to a physician assistant and an advanced practice registered nurse in this section are for the purposes of the examination and treatment of an injured employee which are authorized to be provided by a physician assistant or advanced practice registered nurse in the exclusive context of an initial examination and treatment pursuant to NRS 616C.010.

Sec. 16. NRS 616C.360 is hereby amended to read as follows:

616C.360 1. A stenographic or electronic record must be kept of the hearing before the appeals officer and the rules of evidence applicable to contested cases under chapter 233B of NRS apply to the hearing.

2. The appeals officer must hear any matter raised before him or her on its merits, including new evidence bearing on the matter.

3. If there is a medical question or dispute concerning an injured employee's condition or concerning the necessity of treatment for which authorization for payment has been denied, the appeals officer may:

(a) Order an independent medical examination and refer the employee to a physician or chiropractic physician of his or her choice who has demonstrated special competence to treat the particular medical condition of

the employee, whether or not the physician or chiropractic physician is on the insurer's panel of providers of health care. If the medical question concerns the rating of a permanent disability, the appeals officer may refer the employee to a rating physician or chiropractic physician. The rating physician or chiropractic physician must be selected ~~(in rotation)~~ at random from the list of qualified physicians or chiropractic physicians maintained by the Administrator pursuant to subsection 2 of NRS 616C.490, unless the insurer and the injured employee otherwise agree to a rating physician or chiropractic physician. The insurer shall pay the costs of any examination requested by the appeals officer.

(b) If the medical question or dispute is relevant to an issue involved in the matter before the appeals officer and all parties agree to the submission of the matter to an independent review organization, submit the matter to an independent review organization in accordance with NRS 616C.363 and any regulations adopted by the Commissioner.

4. The appeals officer may consider the opinion of an examining physician, chiropractic physician, physician assistant or advanced practice registered nurse, in addition to the opinion of an authorized treating physician, chiropractic physician, physician assistant or advanced practice registered nurse, in determining the compensation payable to the injured employee.

5. If an injured employee has requested payment for the cost of obtaining a second determination of his or her percentage of disability pursuant to NRS 616C.100, the appeals officer shall decide whether the determination of the higher percentage of disability made pursuant to NRS 616C.100 is appropriate and, if so, may order the insurer to pay to the employee an amount equal to the maximum allowable fee established by the Administrator pursuant to NRS 616C.260 for the type of service performed, or the usual fee of that physician or chiropractic physician for such service, whichever is less.

6. The appeals officer shall order an insurer, organization for managed care or employer who provides accident benefits for injured employees pursuant to NRS 616C.265 to pay to the appropriate person the charges of a provider of health care if the conditions of NRS 616C.138 are satisfied.

7. Any party to the appeal or contested case or the appeals officer may order a transcript of the record of the hearing at any time before the seventh day after the hearing. The transcript must be filed within 30 days after the date of the order unless the appeals officer otherwise orders.

8. Except as otherwise provided in subsection 9, the appeals officer shall render a decision:

(a) If a transcript is ordered within 7 days after the hearing, within 30 days after the transcript is filed; or

(b) If a transcript has not been ordered, within 30 days after the date of the hearing.

9. The appeals officer shall render a decision on a contested claim submitted pursuant to subsection 2 of NRS 616C.345 within 15 days after:

- (a) The date of the hearing; or
- (b) If the appeals officer orders an independent medical examination, the date the appeals officer receives the report of the examination,
 ↪ unless both parties to the contested claim agree to a later date.

10. The appeals officer may affirm, modify or reverse any decision made by a hearing officer and issue any necessary and proper order to give effect to his or her decision.

11. References to a physician assistant and an advanced practice registered nurse in this section are for the purposes of the examination and treatment of an injured employee which are authorized to be provided by a physician assistant or advanced practice registered nurse in the exclusive context of an initial examination and treatment pursuant to NRS 616C.010.

Sec. 17. NRS 616C.490 is hereby amended to read as follows:

616C.490 1. Except as otherwise provided in NRS 616C.175, every employee, in the employ of an employer within the provisions of chapters 616A to 616D, inclusive, of NRS, who is injured by an accident arising out of and in the course of employment is entitled to receive the compensation provided for permanent partial disability. As used in this section, "disability" and "impairment of the whole person" are equivalent terms.

2. Except as otherwise provided in subsection 3:

(a) Within 30 days after receiving from a physician or chiropractic physician a report indicating that the injured employee may have suffered a permanent disability and is stable and ratable, the insurer shall schedule an appointment with the rating physician or chiropractic physician selected pursuant to this subsection to determine the extent of the employee's disability.

(b) Unless the insurer and the injured employee otherwise agree to a rating physician or chiropractic physician:

(1) The insurer shall select the rating physician or chiropractic physician from the list of qualified rating physicians and chiropractic physicians designated by the Administrator, to determine the percentage of disability in accordance with the American Medical Association's Guides to the Evaluation of Permanent Impairment as adopted and supplemented by the Division pursuant to NRS 616C.110.

(2) Rating physicians and chiropractic physicians must be selected ~~in rotation~~ at random from the list of qualified physicians and chiropractic physicians designated by the Administrator ~~[, according to their area of specialization and the order in which their names appear on the list]~~, unless the ~~next~~ physician or chiropractic physician who is selected is currently an employee of the insurer making the selection, in which case ~~the insurer must select the~~ another random selection must be made until a physician or chiropractic physician ~~who is next on the list and~~ who is not currently an employee of the insurer ~~is selected~~.

(3) A rating physician or chiropractic physician selected pursuant to

subparagraph (1) or (2) may decline the selection if he or she believes he or she does not have the ability to rate the disability at issue.

3. Notwithstanding any other provision of law, an injured employee or the legal representative of an injured employee may, at any time, without limitation, request that the Administrator select a rating physician or chiropractic physician from the list of qualified physicians and chiropractic physicians designated by the Administrator. The Administrator, upon receipt of the request, shall immediately select for the injured employee the rating physician or chiropractic physician ~~[who is next in rotation on]~~ at random from the list, according to the area of specialization.

4. If an insurer contacts a treating physician or chiropractic physician to determine whether an injured employee has suffered a permanent disability, the insurer shall deliver to the treating physician or chiropractic physician that portion or a summary of that portion of the American Medical Association's Guides to the Evaluation of Permanent Impairment as adopted by the Division pursuant to NRS 616C.110 that is relevant to the type of injury incurred by the employee.

5. At the request of the insurer, the injured employee shall, before an evaluation by a rating physician or chiropractic physician is performed, notify the insurer of:

(a) Any previous evaluations performed to determine the extent of any of the employee's disabilities; and

(b) Any previous injury, disease or condition sustained by the employee which is relevant to the evaluation performed pursuant to this section.

↪ The notice must be on a form approved by the Administrator and provided to the injured employee by the insurer at the time of the insurer's request.

6. Unless the regulations adopted pursuant to NRS 616C.110 provide otherwise, a rating evaluation must include an evaluation of the loss of motion, sensation and strength of an injured employee if the injury is of a type that might have caused such a loss. Except in the case of claims accepted pursuant to NRS 616C.180, no factors other than the degree of physical impairment of the whole person may be considered in calculating the entitlement to compensation for a permanent partial disability.

7. The rating physician or chiropractic physician shall provide the insurer with his or her evaluation of the injured employee. After receiving the evaluation, the insurer shall, within 14 days, provide the employee with a copy of the evaluation and notify the employee:

(a) Of the compensation to which the employee is entitled pursuant to this section; or

(b) That the employee is not entitled to benefits for permanent partial disability.

8. Each 1 percent of impairment of the whole person must be compensated by a monthly payment:

(a) Of 0.5 percent of the claimant's average monthly wage for injuries sustained before July 1, 1981;

(b) Of 0.6 percent of the claimant's average monthly wage for injuries sustained on or after July 1, 1981, and before June 18, 1993;

(c) Of 0.54 percent of the claimant's average monthly wage for injuries sustained on or after June 18, 1993, and before January 1, 2000; and

(d) Of 0.6 percent of the claimant's average monthly wage for injuries sustained on or after January 1, 2000.

➔ Compensation must commence on the date of the injury or the day following the termination of temporary disability compensation, if any, whichever is later, and must continue on a monthly basis for 5 years or until the claimant is 70 years of age, whichever is later.

9. Compensation benefits may be paid annually to claimants who will be receiving less than \$100 a month.

10. If there is a previous disability, the percentage of disability for a subsequent injury must be determined pursuant to NRS 616C.099.

11. In the event of a dispute over an award of compensation for permanent partial disability, the insurer shall commence making installment payments to the injured employee for that portion of the award that is not in dispute:

(a) Not later than the date by which such payment is required pursuant to subsection 8 or 9, as applicable; and

(b) Without requiring the injured employee to make an election whether to receive his or her compensation in installment payments or in a lump sum.

12. The Division may adopt schedules for rating permanent disabilities resulting from injuries sustained before July 1, 1973, and reasonable regulations to carry out the provisions of this section.

13. The increase in compensation and benefits effected by the amendment of this section is not retroactive for accidents which occurred before July 1, 1973.

14. This section does not entitle any person to double payments for the death of an employee and a continuation of payments for a permanent partial disability, or to a greater sum in the aggregate than if the injury had been fatal.

15. The Administrator shall prepare and publish on the Internet website of the Division an annual report which contains:

(a) The name of each rating physician or chiropractic physician who was selected in the immediately preceding year to conduct an evaluation to determine the extent of an employee's disability pursuant to this section; and

(b) For each rating physician or chiropractic physician identified pursuant to paragraph (a):

(1) The number of times the rating physician or chiropractic physician was selected to conduct an evaluation to determine the extent of an employee's disability; and

(2) The number of evaluations that the rating physician or chiropractic physician completed.

Sec. 18. NRS 616C.495 is hereby amended to read as follows:

616C.495 1. Except as otherwise provided in NRS 616C.380, an award for a permanent partial disability may be paid in a lump sum under the following conditions:

(a) A claimant injured on or after July 1, 1973, and before July 1, 1981, who incurs a disability that does not exceed 12 percent may elect to receive his or her compensation in a lump sum. A claimant injured on or after July 1, 1981, and before July 1, 1995, who incurs a disability that does not exceed 30 percent may elect to receive his or her compensation in a lump sum.

(b) The spouse, or in the absence of a spouse, any dependent child of a deceased claimant injured on or after July 1, 1973, who is not entitled to compensation in accordance with NRS 616C.505, is entitled to a lump sum equal to the present value of the deceased claimant's undisbursed award for a permanent partial disability.

(c) Any claimant injured on or after July 1, 1981, and before July 1, 1995, who incurs a disability that exceeds 30 percent may elect to receive his or her compensation in a lump sum equal to the present value of an award for a disability of 30 percent. If the claimant elects to receive compensation pursuant to this paragraph, the insurer shall pay in installments to the claimant that portion of the claimant's disability in excess of 30 percent.

(d) Any claimant injured on or after July 1, 1995, and before January 1, 2016, who incurs a disability that:

(1) Does not exceed 25 percent may elect to receive his or her compensation in a lump sum.

(2) Exceeds 25 percent may:

(I) Elect to receive his or her compensation in a lump sum equal to the present value of an award for a disability of 25 percent. If the claimant elects to receive compensation pursuant to this sub-subparagraph, the insurer shall pay in installments to the claimant that portion of the claimant's disability in excess of 25 percent.

(II) To the extent that the insurer has offered to provide compensation in a lump sum up to the present value of an award for disability of 30 percent, elect to receive his or her compensation in a lump sum up to the present value of an award for a disability of 30 percent. If the claimant elects to receive compensation pursuant to this sub-subparagraph, the insurer shall pay in installments to the claimant that portion of the claimant's disability in excess of 30 percent.

(e) Any claimant injured on or after January 1, 2016, and before July 1, 2017, who incurs a disability that:

(1) Does not exceed 30 percent may elect to receive his or her compensation in a lump sum.

(2) Exceeds 30 percent may elect to receive his or her compensation in a lump sum equal to the present value of an award for a disability of 30 percent. If the claimant elects to receive compensation pursuant to this subparagraph, the insurer shall pay in installments to the claimant that portion of the claimant's disability in excess of 30 percent.

(f) Any claimant injured on or after July 1, 2017, who incurs a disability that exceeds 30 percent may elect to receive his or her compensation in a lump sum equal to the present value of an award for a disability of up to 30 percent. If the claimant elects to receive compensation pursuant to this paragraph, the insurer shall pay in installments to the claimant that portion of the claimant's disability in excess of 30 percent.

(g) If the permanent partial disability rating of a claimant seeking compensation pursuant to this section would, when combined with any previous permanent partial disability rating of the claimant that resulted in an award of benefits to the claimant, result in the claimant having a total permanent partial disability rating in excess of 100 percent, the claimant's disability rating upon which compensation is calculated must be reduced by such percentage as required to limit the total permanent partial disability rating of the claimant for all injuries to not more than 100 percent.

2. If the claimant elects to receive his or her payment for a permanent partial disability in a lump sum pursuant to subsection 1, all of the claimant's benefits for compensation terminate. Except as otherwise provided in paragraph (d), the claimant's acceptance of that payment constitutes a final settlement of all factual and legal issues in the case. By so accepting the claimant waives all of his or her rights regarding the claim, including the right to appeal from the closure of the case or the percentage of his or her disability, except:

(a) The right of the claimant to:

(1) Reopen his or her claim in accordance with the provisions of NRS 616C.390; or

(2) Have his or her claim considered by his or her insurer pursuant to NRS 616C.392;

(b) Any counseling, training or other rehabilitative services provided by the insurer;

(c) The right of the claimant to receive a benefit penalty in accordance with NRS 616D.120; and

(d) The right of the claimant to conclude or resolve any contested matter which is pending at the time that the claimant executes his or her election to receive his or her payment for a permanent partial disability in a lump sum. The provisions of this paragraph do not apply to:

(1) The scope of the claim;

(2) The claimant's stable and ratable status; and

(3) The claimant's average monthly wage.

3. The claimant, when he or she demands payment in a lump sum pursuant to subsection 2, must be provided with a written notice which prominently displays a statement describing the effects of accepting payment in a lump sum of an entire permanent partial disability award, any portion of such an award or any uncontested portion of such an award, and that the claimant has 20 days after the mailing or personal delivery of the notice within which to retract or reaffirm the demand, before payment may be made

and the claimant's election becomes final.

4. Any lump-sum payment which has been paid on a claim incurred on or after July 1, 1973, must be supplemented if necessary to conform to the provisions of this section.

5. Except as otherwise provided in this subsection, the total lump-sum payment for disablement must not be less than one-half the product of the average monthly wage multiplied by the percentage of disability. If the claimant received compensation in installment payments for his or her permanent partial disability before electing to receive payment for that disability in a lump sum, the lump-sum payment must be calculated for the remaining payment of compensation.

6. The lump sum payable must be equal to the present value of the compensation awarded, less any advance payment or lump sum previously paid. The present value must be calculated using monthly payments in the amounts prescribed in subsection 8 of NRS 616C.490 and actuarial annuity tables adopted by the Division. The tables must be reviewed annually by a consulting actuary and must be adjusted accordingly on July 1 of each year by the Division using:

(a) The most recent unisex "Static Mortality Tables for Defined Benefit Pension Plans" published by the Internal Revenue Service; and

(b) The average 30-Year Treasury Constant Maturity Rate for March of the current year as reported by the Board of Governors of the Federal Reserve System.

7. To calculate the present value of a lump sum payable to a claimant, the insurer shall use the actuarial annuity tables adopted by the Division that are in effect on the date on which the claimant elects payment in a lump sum.

8. If a claimant would receive more money by electing to receive compensation in a lump sum than the claimant would if he or she receives installment payments, the claimant may elect to receive the lump-sum payment.

Sec. 19. Chapter 616D of NRS is hereby amended by adding thereto a new section to read as follows:

1. *If the Administrator orders an insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization to pay a benefit penalty pursuant to NRS 616D.120, the Administrator shall post on the Internet website of the Division:*

(a) *The full legal name of the insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization;*

(b) *The amount of the benefit penalty imposed; and*

(c) *A brief description of the violation for which the benefit penalty was imposed.*

2. *The information required by subsection 1 must:*

(a) *Be published not more than 30 days after the date on which the time for taking an appeal on the order to impose the benefit penalty has elapsed*

or the date on which all appeals regarding the order have been exhausted and the order to impose the benefit penalty has been upheld, whichever is later.

(b) Remain posted on the Internet website of the Division for not less than 5 years after the date on which it is initially posted.

3. *The Administrator shall establish and maintain on the Internet website of the Division a database which:*

(a) Contains the information required by subsection 1;

(b) Is publicly accessible;

(c) Is searchable; and

(d) Is updated regularly.

Sec. 20. NRS 616D.120 is hereby amended to read as follows:

616D.120 1. Except as otherwise provided in this section, if the Administrator determines that an insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization has:

(a) Induced a claimant to fail to report an accidental injury or occupational disease;

(b) Without justification, persuaded a claimant to:

(1) Settle for an amount which is less than reasonable;

(2) Settle for an amount which is less than reasonable while a hearing or an appeal is pending; or

(3) Accept less than the compensation found to be due the claimant by a hearing officer, appeals officer, court of competent jurisdiction, written settlement agreement, written stipulation or the Division when carrying out its duties pursuant to chapters 616A to 617, inclusive, of NRS;

(c) Refused to pay or unreasonably delayed payment to a claimant of compensation or other relief found to be due the claimant by a hearing officer, appeals officer, court of competent jurisdiction, written settlement agreement, written stipulation or the Division when carrying out its duties pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS, if the refusal or delay occurs:

(1) Later than 10 days after the date of the settlement agreement or stipulation;

(2) Later than 30 days after the date of the decision of a court, hearing officer, appeals officer or the Division, unless a stay has been granted; or

(3) Later than 10 days after a stay of the decision of a court, hearing officer, appeals officer or the Division has been lifted;

(d) Refused to process a claim for compensation pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS;

(e) Made it necessary for a claimant to initiate proceedings pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS for compensation or other relief found to be due the claimant by a hearing officer, appeals officer, court of competent jurisdiction, written settlement agreement, written stipulation or the Division when carrying out its duties pursuant to

chapters 616A to 616D, inclusive, or chapter 617 of NRS;

(f) Failed to comply with the Division's regulations covering the payment of an assessment relating to the funding of costs of administration of chapters 616A to 617, inclusive, of NRS;

(g) Failed to provide or unreasonably delayed payment to an injured employee or reimbursement to an insurer pursuant to NRS 616C.165;

(h) Engaged in a pattern of untimely payments to injured employees; or

(i) Intentionally failed to comply with any provision of, or regulation adopted pursuant to, this chapter or chapter 616A, 616B, 616C or 617 of NRS,

↪ the Administrator shall impose an administrative fine of \$1,500 for each initial violation, or a fine of \$15,000 for a second or subsequent violation.

2. Except as otherwise provided in chapters 616A to 616D, inclusive, or chapter 617 of NRS, if the Administrator determines that an insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization has failed to comply with any provision of this chapter or chapter 616A, 616B, 616C or 617 of NRS, or any regulation adopted pursuant thereto, the Administrator may take any of the following actions:

(a) Issue a notice of correction for:

(1) A minor violation, as defined by regulations adopted by the Division; or

(2) A violation involving the payment of compensation in an amount which is greater than that required by any provision of this chapter or chapter 616A, 616B, 616C or 617 of NRS, or any regulation adopted pursuant thereto.

↪ The notice of correction must set forth with particularity the violation committed and the manner in which the violation may be corrected. The provisions of this section do not authorize the Administrator to modify or negate in any manner a determination or any portion of a determination made by a hearing officer, appeals officer or court of competent jurisdiction or a provision contained in a written settlement agreement or written stipulation.

(b) Impose an administrative fine for:

(1) A second or subsequent violation for which a notice of correction has been issued pursuant to paragraph (a); or

(2) Any other violation of this chapter or chapter 616A, 616B, 616C or 617 of NRS, or any regulation adopted pursuant thereto, for which a notice of correction may not be issued pursuant to paragraph (a).

↪ The fine imposed must not be greater than \$375 for an initial violation, or more than \$3,000 for any second or subsequent violation.

(c) Order a plan of corrective action to be submitted to the Administrator within 30 days after the date of the order.

3. If the Administrator determines that a violation of any of the provisions of paragraphs (a) to (e), inclusive, (h) or (i) of subsection 1 has occurred, the Administrator shall order the insurer, organization for managed

care, health care provider, third-party administrator, employer or professional employer organization to pay to the claimant a benefit penalty:

(a) Except as otherwise provided in paragraph (b), in an amount that is not less than ~~[\$5,000]~~ \$17,000 and not greater than ~~[\$50,000;]~~ \$120,000; or

(b) Of \$3,000 if the violation involves a late payment of compensation or other relief to a claimant in an amount which is less than \$500 or which is not more than 14 days late.

4. To determine the amount of the benefit penalty, the Administrator shall consider the degree of physical harm suffered by the injured employee or the dependents of the injured employee as a result of the violation of paragraph (a), (b), (c), (d), (e), (h) or (i) of subsection 1, the amount of compensation found to be due the claimant and the number of fines and benefit penalties, other than a benefit penalty described in paragraph (b) of subsection 3, previously imposed against the insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization pursuant to this section. The Administrator shall also consider the degree of economic harm suffered by the injured employee or the dependents of the injured employee as a result of the violation of paragraph (a), (b), (c), (d), (e), (h) or (i) of subsection 1. Except as otherwise provided in this section, the benefit penalty is for the benefit of the claimant and must be paid directly to the claimant within ~~{10}~~ 15 days after the date of the Administrator's determination. If the claimant is the injured employee and the claimant dies before the benefit penalty is paid to him or her, the benefit penalty must be paid to the estate of the claimant. Proof of the payment of the benefit penalty must be submitted to the Administrator within ~~{10}~~ 15 days after the date of the Administrator's determination unless an appeal is filed pursuant to NRS 616D.140 ~~{-}~~ and a stay has been granted. Any compensation to which the claimant may otherwise be entitled pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS must not be reduced by the amount of any benefit penalty received pursuant to this subsection. To determine the amount of the benefit penalty in cases of multiple violations occurring within a certain period of time, the Administrator shall adopt regulations which take into consideration:

(a) The number of violations within a certain number of years for which a benefit penalty was imposed; and

(b) The number of claims handled by the insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization in relation to the number of benefit penalties previously imposed within the period of time prescribed pursuant to paragraph (a).

5. In addition to any fine or benefit penalty imposed pursuant to this section, the Administrator may assess against an insurer who violates any regulation concerning the reporting of claims expenditures or premiums received that are used to calculate an assessment an administrative penalty of

up to twice the amount of any underpaid assessment.

6. If:

(a) The Administrator determines that a person has violated any of the provisions of NRS 616D.200, 616D.220, 616D.240, 616D.300, 616D.310 or 616D.350 to 616D.440, inclusive; and

(b) The Fraud Control Unit for Industrial Insurance of the Office of the Attorney General established pursuant to NRS 228.420 notifies the Administrator that the Unit will not prosecute the person for that violation, ➔ the Administrator shall impose an administrative fine of not more than \$15,000.

7. Two or more fines of \$1,000 or more imposed in 1 year for acts enumerated in subsection 1 must be considered by the Commissioner as evidence for the withdrawal of:

(a) A certificate to act as a self-insured employer.

(b) A certificate to act as an association of self-insured public or private employers.

(c) A certificate of registration as a third-party administrator.

8. The Commissioner may, without complying with the provisions of NRS 616B.327 or 616B.431, withdraw the certification of a self-insured employer, association of self-insured public or private employers or third-party administrator if, after a hearing, it is shown that the self-insured employer, association of self-insured public or private employers or third-party administrator violated any provision of subsection 1.

9. If the Administrator determines that a vocational rehabilitation counselor has violated the provisions of NRS 616C.543, the Administrator may impose an administrative fine on the vocational rehabilitation counselor of not more than \$250 for a first violation, \$500 for a second violation and \$1,000 for a third or subsequent violation.

10. The Administrator may make a claim against the bond required pursuant to NRS 683A.0857 for the payment of any administrative fine or benefit penalty imposed for a violation of the provisions of this section.

Sec. 21. NRS 616D.130 is hereby amended to read as follows:

616D.130 1. Upon receipt of a complaint for a violation of subsection 1, 2 or 3 of NRS 616D.120, or if the Administrator has reason to believe that such a violation has occurred, the Administrator shall ~~cause~~ :

(a) *Promptly provide a copy of the complaint, or an explanation of the reason the Administrator believes that a violation has occurred to :*

(1) *The Commissioner; and*

(2) *The insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization that allegedly committed the violation; and*

(b) *Cause to be conducted an investigation of the alleged violation.* ~~[Except as otherwise provided in subsection 2, the]~~

2. The Administrator shall ~~[, within]~~ :

(a) *Within 30 days after* ~~[initiating the]~~ *receipt of a complaint, initiate an*

investigation ~~[-~~

~~—(a) Render~~ ;

(b) *Within 60 days after the date on which the investigation is initiated, complete the investigation; and*

(c) *Within 30 days after the investigation is completed, render a determination ~~[-]~~ and deliver a copy of the determination to:*

(1) *The Commissioner; and*

(2) *The insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization that was the subject of the investigation.*

3. The determination rendered pursuant to subsection 2 must include the Administrator's findings of fact , *any settlement agreement on the matter* and, if the Administrator determines that a violation has occurred, one or more of the following:

~~{{(1)}} (a)~~ The amount of any fine required to be paid pursuant to NRS 616D.120.

~~{{(2)}} (b)~~ The amount of any benefit penalty required to be paid to a claimant pursuant to NRS 616D.120.

~~{{(3)}} (c)~~ A plan of corrective action to be taken by the insurer, organization for managed care, health care provider, third-party administrator or employer, including the manner and time within which the violation must be corrected.

~~{{(4)}} (d)~~ A requirement that notice of the violation be given to the appropriate agency that regulates the activities of the violator.

~~{{(b) Notify the Commissioner if the Administrator determines that a violation was committed by a self-insured employer, association of self-insured public or private employers or third-party administrator.~~

~~—2. Upon receipt of a complaint for any violation of paragraph (a), (b), (c) or (d) of subsection 1 of NRS 616D.120, or if the Administrator has reason to believe that such a violation has occurred, the Administrator shall complete the investigation required by subsection 1 within 60 days and, within 30 days after the completion of the investigation, render a determination and notify the Commissioner if the Administrator determines that a violation was committed by a self-insured employer, association of self-insured public or private employers or third-party administrator.~~

~~—3.}~~ 4. If, based upon the Administrator's findings of fact, the Administrator determines that a violation has not occurred, the Administrator shall issue a determination to that effect.

Sec. 22. NRS 616D.140 is hereby amended to read as follows:

616D.140 1. If a person wishes to contest a decision of the Administrator to impose or refuse to impose a benefit penalty pursuant to NRS 616D.120, the person must file a notice of appeal with an appeals officer in accordance with this section. The notice of appeal must set forth the reasons the proposed benefit penalty should or should not be imposed.

2. A person who is aggrieved by:

(a) A written determination of the Administrator; or

(b) The failure of the Administrator to respond within ~~{90}~~ 120 days to a ~~{written request mailed to}~~ complaint filed pursuant to NRS 616D.130 and received by the Administrator ~~{by}~~ from the person who is aggrieved,

➡ may appeal from the determination or failure to respond by filing a request for a hearing before an appeals officer. The request must be filed within 30 days after the date on which the notice of the Administrator's determination was mailed by the Administrator or within ~~{100}~~ 150 days after the date on which the unanswered ~~{written request was mailed to}~~ complaint was received by the Administrator, as applicable. The failure of the Administrator to respond ~~{to a written request for a determination}~~ within ~~{90}~~ 120 days after receipt of the ~~{request}~~ complaint shall be deemed by the appeals officer to be a denial ~~{of the request. rejection}~~ of any allegation of a violation of subsection 1, 2 or 3 of NRS 616D.120 set forth in the complaint. After the expiration of the 120-day period after receipt of the complaint, the Administrator shall have no further jurisdiction to issue a determination concerning the complaint, and only the appeals officer shall have jurisdiction over the decision to impose or refuse to impose the benefit penalty.

3. If a notice of appeal is not filed as required by this section, the imposition of or refusal to impose the benefit penalty shall be deemed a final order and is not subject to review by any court or agency.

4. A hearing held pursuant to this section must be conducted by the appeals officer as a hearing de novo. The appeals officer shall render a written decision on the appeal. Except as otherwise provided in this section, the provisions of NRS 616C.345 to 616C.385, inclusive, apply to an appeal filed pursuant to this section.

5. A benefit penalty imposed pursuant to NRS 616D.120 must be paid to the claimant on whose behalf it is imposed. If such a payment is not made within the period required by NRS 616D.120, the benefit penalty may be recovered in a civil action brought by the Administrator on behalf of the claimant in a court of competent jurisdiction in the county in which the claimant resides, in which the violation occurred or in which the person who is required to pay the benefit penalty has his or her principal place of business.

6. Any party aggrieved by a decision issued pursuant to this section by an appeals officer may appeal the decision directly to the district court.

7. *If an appeals officer or district court renders a decision upholding the imposition of a benefit penalty, the insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization upon which the benefit penalty is imposed shall, not later than 30 days after the date on which the decision is rendered, unless an appeal is filed and a stay has been granted, pay to the claimant the benefit penalty in an amount equal to twice the amount of the benefit penalty initially imposed.*

8. *If a claimant enters into a settlement agreement with an insurer,*

organization for managed care, health care provider, third-party administrator, employer or professional employer organization concerning the amount of a benefit penalty owed to the claimant, the insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization shall pay directly to the claimant the amount agreed upon in the settlement agreement not later than 15 days after the date on which the settlement agreement is made.

9. If an insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization fails to pay a benefit penalty to a claimant within the time limits imposed by this section or subsection 4 of NRS 616D.120, the Commissioner may suspend, pending an investigation or any other disciplinary action, any certificate issued by the Commissioner to the insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization, as applicable.

Sec. 23. The amendatory provisions of sections ~~11~~ 19 to ~~4~~ 22, inclusive, of this act apply only with respect to claims which are filed on or after January 1, 2024.

Sec. 24. 1. This section and section ~~5~~ 23 of this act become effective upon passage and approval.

2. Sections 1 to ~~4~~ 22, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Senator Flores moved that the Senate concur in Assembly Amendment No. 997 to Senate Bill No. 274.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senator Cannizzaro moved that the Senate take a brief recess.

Motion carried.

Senate in recess at 11:32 p.m.

SENATE IN SESSION

At 11:40 p.m.

President Anthony presiding.

Quorum present.

REPORTS OF CONFERENCE COMMITTEES

Mr. President:

The Conference Committee concerning Assembly Bill No. 444, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment Nos. 676 and 730 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 7, which is attached to and hereby made a part of this report.

Conference Amendment No. 7.

SUMMARY—Revises provisions concerning child welfare. (BDR 11-614)

AN ACT relating to child welfare; establishing various provisions governing proceedings relating to the custody, adoption or protection of Indian children or the termination of parental rights; requiring the Division of Child and Family Services of the Department of Health and Human Services to adopt various regulations; requiring an agency which provides child welfare services to provide certain training for its personnel; requiring the Division and the Court Administrator to submit certain reports to the Chairs of the Senate and Assembly Standing Committees on Judiciary; authorizing the Nevada Supreme Court and the Court Administrator to adopt certain rules; repealing certain unnecessary provisions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The federal Indian Child Welfare Act, 25 U.S.C. §§ 1901 et seq., was enacted in 1978 to protect Indian children from the removal from their homes and families and gives Indian tribes jurisdiction over the Indian children within their tribe. Existing Nevada law recognizes the jurisdiction of Indian tribes in various proceedings relating to the custody, adoption or protection of Indian children or the termination of parental rights. (NRS 3.223, 62D.210, 125A.215, 127.010, 127.018, 128.020, 128.023, 432B.410, 432B.425) This bill establishes various provisions governing proceedings relating to the custody, adoption or protection of Indian children or the termination of parental rights to provide additional protections for Indian children in state law.

Sections 2-38 of this bill establish provisions concerning proceedings in which the legal or physical custody of an Indian child who is or may be in need of protection is an issue. Section 2 of this bill explains the legislative intent of sections 2-38. Sections 3.5-17 of this bill define terms for the purposes of sections 2-38. ~~[Section 17.5 of this bill provides that the provisions of sections 2-38 do not apply if: (1) in certain circumstances, a parent of an Indian child is voluntarily terminating his or her parental rights and an extended family member of the Indian child is subsequently adopting the Indian child upon the termination of the parental rights of the parent; (2) a family member related within the third degree of consanguinity to an Indian child is adopting the Indian child; (3) an Indian child who was conceived by means of assisted reproduction is being adopted; or (4) an Indian child is being adopted by a stepparent or other nonbiological parent in a confirmatory adoption.]~~

Section 18 of this bill provides that a person has custody of an Indian child if the person has physical or legal custody of the Indian child under any applicable tribal law, tribal custom or state law.

Section 20 of this bill requires a court to consider certain factors, in consultation with the Indian child's tribe, when making a determination regarding the best interests of the Indian child in a child custody proceeding. Section 21 of this bill establishes the order of priority for the domicile of an Indian child.

Section 22 of this bill requires the appropriate agency which provides child welfare services to: (1) provide assistance with enrolling an Indian child ~~[who is a child in need of protection or who may be in need of protection]~~ in a tribe with which the child is eligible for enrollment unless the Indian child's parent objects; and (2) notify the Indian child's parent of his or her right to object to such assistance from the agency.

Section 23 of this bill sets forth the manner in which the tribe of an Indian child is determined for purposes of a child custody proceeding involving the Indian child and, if the Indian child is a member of or eligible for membership with more than one tribe, requires the court to designate the tribe with which the Indian child has the more significant contacts by considering certain factors.

Section 24 of this bill requires a court to: (1) determine, in any child custody proceeding involving an Indian child, the residence and domicile of the Indian child and whether he or she is a ward of a tribal court; and (2) communicate with any tribal courts to the extent necessary to make such determinations.

Section 25 of this bill requires agencies which provide child welfare services to make a good

faith effort to enter into a tribal-state agreement with any Indian tribe in Nevada and authorizes such agencies to enter into a tribal-state agreement with any Indian tribe outside of Nevada if the tribe has significant numbers of Indian children who reside in Nevada and are members of or eligible for membership with the tribe. Section 25 also establishes provisions concerning the contents of and requirements regarding such tribal-state agreements.

Section 26 of this bill provides that the jurisdiction of a court in a child custody proceeding involving an Indian child is concurrent with the jurisdiction of the tribe of the Indian child. Section 26 also establishes the circumstances in which the tribe of an Indian child has exclusive jurisdiction in such cases.

Section 27 of this bill requires, in general, a court to transfer a child custody proceeding involving an Indian child if the parent, Indian custodian or tribe of the Indian child petitions the court to transfer the proceeding to tribal court. Section 27 also establishes various other provisions regarding such a transfer and the denial of such a transfer by the court. Section 28 of this bill sets forth the actions that a court is required to take upon granting a transfer motion under section 27.

Section 29.5 of this bill establishes requirements for certain persons and the court with regard to determining whether a child is an Indian child in child custody proceedings.

Section 30 of this bill ~~requires a court to ask each party~~ provides that in a child custody proceeding, ~~at the commencement of the proceeding, whether the party knows or has reason to know that the~~ if a person is required to determine whether a child is an Indian child ~~if~~, the person is required to make a good faith effort to make such a determination by consulting with certain persons. Section 30 also establishes the circumstances in which a court or person has reason to know that a child is an Indian child and imposes certain requirements on a court ~~if there is reason to know that~~ concerning the procedure for verifying whether a child is an Indian child. ~~But the court does not have sufficient evidence to determine whether the child is an Indian child.~~

Section 31 of this bill requires the person taking a child into protective custody in an emergency proceeding to make a good faith effort to determine whether there is reason to know that the child is an Indian child and, if there is reason to know that the child is an Indian child, the appropriate agency which provides child welfare services is required, if the nature of the emergency allows, to notify any tribe of which the child is or may be a member and provide certain information, including a statement that the tribe has a right to participate in the proceeding as a party or in an advisory capacity. Section 31 also imposes certain requirements relating to: (1) the provision of notice of a child custody proceeding if there is reason to know that a child alleged to be within the court's jurisdiction is an Indian child; and (2) the hearing regarding the proceeding.

Section 32 of this bill provides that if a court finds at a hearing in a child custody proceeding that a child is an Indian child, at least one qualified expert witness must testify regarding certain information. If a qualified witness is required to testify, section 32 requires the petitioner in the proceeding to contact the tribe of the Indian child and request that the tribe identify one or more persons who can testify as a qualified witness. Additionally, section 32 authorizes a court to hear supplemental testimony from certain professionals.

Section 33 of this bill provides that if a child in a child custody proceeding is an Indian child and active efforts, which are efforts that are affirmative, active, thorough, timely and intended to maintain or reunite an Indian child with the Indian child's family, are required, the court is required to determine whether active efforts have been made to prevent the breakup of or to reunite the family. Section 33 establishes requirements relating to active efforts.

Section 34 of this bill authorizes a tribe that is a party to a child custody proceeding to be represented by any person, regardless of whether the person is licensed to practice law. Section 34 also authorizes an attorney who is not barred from practicing law in Nevada to appear in any proceeding involving an Indian child without associating with local counsel if the attorney establishes to the satisfaction of the State Bar of Nevada that certain requirements are met.

Section 35 of this bill provides that in a child custody proceeding involving ~~a child who is or may be in need of protection, if the child is~~ an Indian child, the court is required to appoint counsel to represent the Indian child and, in certain circumstances, also appoint counsel to represent the Indian child's parent or Indian custodian. Section 35 also authorizes an attorney

who is appointed to represent an Indian child to inspect certain records of the Indian child without the consent of the Indian child or his or her parent or Indian custodian.

Section 36 of this bill authorizes each party in a child custody proceeding in which the child is an Indian child to timely examine all reports and documents held by an agency which provides child welfare services that are not otherwise subject to a discovery exception or precluded under state or federal law.

Section 37 of this bill establishes requirements concerning the: (1) least restrictive setting in which an Indian child must be placed if the parental rights of the Indian child's parents have not been terminated and the Indian child is in need of placement or continuation in substitute care; and (2) placement of an Indian child if the parental rights of the Indian child's parents have been terminated and the Indian child is in need of an adoptive placement. Section 37 also authorizes the alternative placement of an Indian child in certain circumstances.

Section 38 of this bill authorizes certain persons to file a petition to vacate an order or a judgment involving an Indian child regarding jurisdiction, placement, guardianship or the termination of parental rights in a pending child custody proceeding under sections 2-38 or, if no proceeding is pending, in any court with jurisdiction over the matter. Section 38 requires the court to vacate an order or judgment regarding jurisdiction, placement, guardianship or the termination of parental rights if certain provisions of sections 2-38 have been violated and the court determines that vacating the order or judgment is proper.

Sections 42-50 of this bill establish provisions specifically relating to the adoption of Indian children. Section 42 of this bill provides that a petition for adoption of a child must include certain contents concerning whether there is reason to know that the child who is the subject of the petition is an Indian child and requires a petitioner who has reason to know that the child is an Indian child to serve copies of the petition on certain persons and file with the court a declaration of compliance concerning such notice. Section 43 of this bill: (1) requires written consent to the adoption of an Indian child to be given by the Indian child's parents unless their parental rights have been terminated; (2) establishes requirements concerning such consent; and (3) authorizes the withdrawal of such consent.

Section 45 of this bill establishes provisions concerning the entry of a judgment for the adoption of a child, including certain requirements relating to the adoption of an Indian child. Section 46 of this bill authorizes the filing of a petition to vacate a judgment of adoption of an Indian child and requires the court to vacate the judgment if the petition is timely filed and the court finds by clear and convincing evidence that the consent of a parent to the adoption was obtained through fraud or duress. Section 47 of this bill requires a court to provide notice to certain persons and the appropriate agency which provides child welfare services if a judgment of adoption of an Indian child is vacated and, unless the return of custody of the Indian child to a former parent or prior Indian custodian or the restoration of parental rights is not in the best interests of the child, return custody of the Indian child to the former parent or prior Indian custodian or restore parental rights.

Section 48 of this bill requires that access to the adoption records of an Indian child be given to the Indian child's tribe or the United States Secretary of the Interior not later than 14 days after the request for such records.

Section 49 of this bill requires the appropriate agency which provides child welfare services to file with the court in a proceeding for the adoption of a minor child a written compliance report that reflects the agency's review of the petition for adoption and advises the court on whether the petitioner submitted complete and sufficient documentation relating to the petitioner's compliance with the inquiry and notice requirements and placement preferences. Section 49 requires the Division of Child and Family Services of the Department of Health and Human Services (hereinafter "Division") to adopt regulations providing a nonexhaustive description of the documentation that may be submitted to the court as evidence of such compliance and any other regulations for the preparation of such compliance reports that are necessary for agencies which provide child welfare services to carry out their duties. Section 49 also authorizes the Court Administrator to prepare and make available to the public certain forms and information to assist petitioners and to design and offer trainings to courts having jurisdiction over adoption matters.

Section 50 of this bill establishes provisions governing tribal customary adoption, which is

the adoption of an Indian child by and through the tribal custom, traditions or law of the child's tribe without the termination of parental rights. Section 50 requires the Division to adopt certain regulations concerning tribal customary adoption and authorizes: (1) the Supreme Court to adopt rules necessary for the court processes to implement the provisions relating to tribal customary adoption; and (2) the Court Administrator to prepare necessary forms for the implementation of the provisions relating to tribal customary adoption. Section 73 of this bill requires the Division to submit a report to the Chairs of the Senate and Assembly Standing Committees on Judiciary describing the implementation of tribal customary adoption as an alternative permanency option for wards who are Indian children and the Division's recommendation for proposed legislation to improve the tribal customary adoption process.

~~[Section 41.5 of this bill provides that the provisions of sections 42-50 do not apply if: (1) in certain circumstances, a parent of an Indian child is voluntarily terminating his or her parental rights and an extended family member of the Indian child is subsequently adopting the Indian child upon the termination of the parental rights of the parent; (2) a family member within the third degree of consanguinity of an Indian child is adopting the Indian child; (3) an Indian child who was conceived by means of assisted reproduction is being adopted; or (4) an Indian child is being adopted by a stepparent or other nonbiological parent in a confirmatory adoption. Section 57 of this bill similarly provides that provisions relating to proceedings that otherwise concern the termination of parental rights of the parent of an Indian child do not apply in certain circumstances if a parent of an Indian child is voluntarily terminating his or her parental rights and an extended family member of the Indian child is subsequently adopting the Indian child upon the termination of the parental rights of the parent.]~~

Section 65 of this bill requires the Division to adopt regulations necessary for the implementation of sections 2-38 and 42-50.

Section 67 of this bill requires an agency which provides child welfare services to provide training for its personnel regarding the requirements of sections 2-38 and 42-50.

Sections 40, 51-62 and 64-70 of this bill make conforming changes to provisions of existing law to reflect the changes made in sections 2-38. Section 78 of this bill repeals certain provisions of existing law that are no longer necessary because of the provisions of sections 2-38.

Section 72 of this bill requires the Division and the Court Administrator to submit biennial reports to the Chairs of the Senate and Assembly Standing Committees on Judiciary containing certain data relating to Indian children in dependency proceedings. Section 76 of this bill authorizes the Court Administrator to adopt any rules necessary to implement sections 2-38 and 42-50.

WHEREAS, Current research shows that family, culture and community promote resiliency and health development in Indian children; and

WHEREAS, Congress, working with tribal nations, tribal leadership and advocates for Indian children, passed the Indian Child Welfare Act, 25 U.S.C. §§ 1901 et seq., in 1978 to stop the removal of Indian children from their homes, families and communities; and

WHEREAS, At the time Congress passed the Indian Child Welfare Act, Indian children were being removed by public and private agencies at rates as high as 25 percent to 35 percent; and

WHEREAS, Indian children continue to be removed from their homes at rates higher than other non-Indian children; and

WHEREAS, Despite requirements under the Indian Child Welfare Act, application of the Indian Child Welfare Act in Nevada courts is inconsistent; and

WHEREAS, Clearly addressing in state law the coordination between and respective roles of the state and tribes regarding the provision of child welfare services to Indian children will provide uniform and consistent direction to state courts, tribes and practitioners to prevent unlawful removals of Indian children from their families and promote the stable placement of Indian children in loving, permanent homes that are connected to family and culture; now, therefore,

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Title 11 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 38, inclusive, of this act.

Sec. 2. 1. *The Legislature hereby finds that the United States Congress recognizes the*

special legal status of Indian tribes and their members. It is the policy of this State to protect the health and safety of Indian children and the stability and security of Indian tribes and families by promoting practices designed to prevent the removal of Indian children from their families and, if removal is necessary and lawful, to prioritize the placement of an Indian child with the Indian child's extended family and tribal community.

2. This State recognizes the inherent jurisdiction of Indian tribes to make decisions regarding the custody of Indian children and also recognizes the importance of ensuring that Indian children and Indian families receive appropriate services to obviate the need to remove an Indian child from the Indian child's home and, if removal is necessary and lawful, to effect the child's safe return home.

3. Sections 2 to 38, inclusive, of this act create additional safeguards for Indian children to address disproportionate rates of removal, to improve the treatment of and services provided to Indian children and Indian families in the child welfare system and to ensure that Indian children who must be removed are placed with Indian families, communities and cultures.

Sec. 3. As used in sections 2 to 38, inclusive, of this act, the words and terms defined in sections 3.5 to 17, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 3.5. "Agency" means an agency which provides child welfare services, as defined in NRS 432B.030.

Sec. 4. "Child custody proceeding" means a matter arising under chapter 432B of NRS in which the legal custody or physical custody of a child is an issue. ~~It, including, without limitation, a matter arising under chapter 125A, 127, 128 or 432B of NRS.~~ The term does not include an emergency proceeding.

Sec. 5. "Division" means the Division of Child and Family Services of the Department of Health and Human Services.

Sec. 6. "Emergency proceeding" means any court action that involves the emergency removal or emergency placement of an Indian child, with or without a protective custody order.

Sec. 7. "Extended family member" has the meaning given that term by the law or custom of an Indian child's tribe or, if that meaning cannot be determined, means a person who has attained 18 years of age and who is the Indian child's grandparent, aunt, uncle, brother, sister, sister-in-law, brother-in-law, niece, nephew, first cousin, second cousin, stepparent or another person determined by the Indian child's tribe, clan or band member.

Sec. 8. "Indian" means a person who is a member of an Indian tribe or who is an Alaska Native and a member of a regional corporation as defined in section 7 of the Alaska Native Claims Settlement Act, 43 U.S.C. § 1606.

Sec. 9. "Indian child" means any unmarried person who has not attained 18 years of age and is:

1. A member or citizen of an Indian tribe; or
2. Eligible for membership or citizenship in an Indian tribe and is the biological child of a member of an Indian tribe.

Sec. 10. "Indian custodian" means an Indian, other than the Indian child's parent, who has custody, as described in subsection 1 of section 18 of this act, of the Indian child, or to whom temporary physical care, custody and control has been transferred by the Indian child's parent.

Sec. 11. "Indian tribe" or "tribe" means any Indian tribe, band, nation or other organized group or community of Indians federally recognized as eligible for the services provided to Indians by the United States Secretary of the Interior because of their status as Indians, including any Alaska Native village as defined in 43 U.S.C. § 1602(c).

Sec. 12. "Juvenile court" has the meaning ascribed to it in NRS 62A.180.

Sec. 13. "Member" or "membership" means a determination by an Indian tribe that a person is a member or citizen in that Indian tribe.

Sec. 14. "Parent" means:

1. A biological parent of an Indian child;
2. An Indian who has lawfully adopted an Indian child, including adoptions made under tribal law or custom; or
3. A person who has established a parent and child relationship with an Indian child pursuant to the laws of this State.

Sec. 15. "Party" means a party to a proceeding.

Sec. 16. "Reservation" means Indian country as defined in 18 U.S.C. § 1151 and any lands not covered under that section, the title to which is held by the United States in trust for the benefit of an Indian tribe or person or held by an Indian tribe or person subject to a restriction by the United States against alienation.

Sec. 17. "Tribal court" means a court with jurisdiction over child custody proceedings involving an Indian child that is either a Court of Indian Offenses, a court established and operated under the code or custom of an Indian tribe or any other administrative body of a tribe that is vested with authority over child custody proceedings involving an Indian child.

Sec. 17.5. ~~1. Notwithstanding any other provision of law, the provisions of sections 2 to 38, inclusive, of this act do not apply if:~~

~~—(a) A parent of an Indian child is voluntarily terminating his or her parental rights and the provisions of chapter 432B of NRS do not apply, and an extended family member of the Indian child is subsequently adopting the Indian child upon the termination of the parental rights of the parent of the Indian child;~~

~~—(b) A family member related within the third degree of consanguinity to an Indian child is adopting the Indian child;~~

~~—(c) An Indian child who was conceived by means of assisted reproduction is being adopted;~~

~~or~~

~~—(d) An Indian child is being adopted by a stepparent or other nonbiological parent in a confirmatory adoption.~~

~~2. As used in this section:~~

~~—(a) "Assisted reproduction" has the meaning ascribed to it in NRS 126.510.~~

~~—(b) "Confirmatory adoption" means an adoption in which a nonbiological parent of a child, including, without limitation, a stepparent, co-parent or second parent, adopts the child to confirm the parental rights of the nonbiological parent. (Deleted by amendment.)~~

Sec. 18. 1. A person has custody of an Indian child under sections 2 to 38, inclusive, of this act if the person has physical custody or legal custody of the Indian child under any applicable tribal law, tribal custom or state law.

2. An Indian child's parent has continued custody of the Indian child if the parent currently has, or previously had, custody of the Indian child.

Sec. 19. (Deleted by amendment.)

Sec. 20. In a child custody proceeding involving an Indian child, when making a determination regarding the best interests of the child in accordance with sections 2 to 38, inclusive, of this act, chapter ~~125A, 127, 128 or~~ 432B of NRS, the Indian Child Welfare Act, 25 U.S.C. §§ 1901 et seq., or any applicable regulations or rules regarding sections 2 to 38, inclusive, of this act, chapter ~~125A, 127, 128 or~~ 432B of NRS or the Indian Child Welfare Act, the court shall, in consultation with the Indian child's tribe, consider the following:

1. The protection of the safety, well-being, development and stability of the Indian child;
2. The prevention of unnecessary out-of-home placement of the Indian child;
3. The prioritization of placement of the Indian child in accordance with the placement preferences under section 37 of this act;
4. The value to the Indian child of establishing, developing or maintaining a political, cultural, social and spiritual relationship with the Indian child's tribe and tribal community; and
5. The importance to the Indian child of the Indian tribe's ability to maintain the tribe's existence and integrity in promotion of the stability and security of Indian children and families.

Sec. 21. For purposes of sections 2 to 38, inclusive, of this act:

1. A person's domicile is the place the person regards as home, where the person intends to remain or to which, if absent, the person intends to return.

2. An Indian child's domicile is, in order of priority, the domicile of:

(a) The Indian child's parents or, if the Indian child's parents do not have the same domicile, the Indian child's parent who has physical custody of the Indian child;

(b) The Indian child's Indian custodian; or

(c) The Indian child's guardian.

Sec. 22. 1. Unless an Indian child's parent objects, the appropriate agency shall provide assistance with enrolling an Indian child within the jurisdiction of the ~~juvenile~~ court ~~under NRS 432B.410~~ in a tribe with which the child is eligible for enrollment.

2. In any child custody proceeding ~~under chapter 432B of NRS~~ involving an Indian child, if the appropriate agency reasonably believes that the Indian child is eligible for enrollment in a tribe, the agency shall notify the Indian child's parents of their right to object to the agency's assistance under subsection 1. The provision of notice pursuant to this subsection is deemed to be satisfied by sending the notice to the last known mailing address of each of the Indian child's parents.

Sec. 23. 1. In a child custody proceeding in which an Indian child is alleged to be within the jurisdiction of the court, the Indian child's tribe is:

(a) If the Indian child is a member of or is eligible for membership in only one tribe, the tribe of which the Indian child is a member or eligible for membership.

(b) If the Indian child is a member of one tribe but is eligible for membership in one or more other tribes, the tribe of which the Indian child is a member.

(c) If the Indian child is a member of more than one tribe or if the Indian child is not a member of any tribe but is eligible for membership with more than one tribe:

(1) The tribe designated by agreement between the tribes of which the Indian child is a member or in which the Indian child is eligible for membership; or

(2) If the tribes are unable to agree on the designation of the Indian child's tribe, the tribe designated by the court.

2. When designating an Indian child's tribe under subparagraph (2) of paragraph (c) of subsection 1, the court shall, after a hearing, designate the tribe with which the Indian child has the more significant contacts, taking into consideration the following:

(a) The preference of the Indian child's parent;

(b) The duration of the Indian child's current or prior domicile or residence on or near the reservation of each tribe;

(c) The tribal membership of the Indian child's custodial parent or Indian custodian;

(d) The interests asserted by each tribe;

(e) Whether a tribe has previously adjudicated a case involving the Indian child; and

(f) If the court determines that the Indian child is of sufficient age and capacity to meaningfully self-identify, the self-identification of the Indian child.

3. If an Indian child is a member of or is eligible for membership in more than one tribe, the court may, in its discretion, permit a tribe, in addition to the Indian child's tribe, to participate in a child custody proceeding ~~under chapter 432B of NRS~~ involving the Indian child in an advisory capacity or as a party.

Sec. 24. In any child custody proceeding involving an Indian child that is based on allegations that the Indian child is within the jurisdiction of the court, the court must determine the residence and domicile of the Indian child and whether the Indian child is a ward of tribal court. The court shall communicate with any tribal courts to the extent necessary to make a determination under this section.

Sec. 25. 1. Agencies shall make a good faith effort to enter into a tribal-state agreement with any Indian tribe within the borders of this State. Agencies may also enter into a tribal-state agreement with any Indian tribe outside of this State having significant numbers of member children or membership-eligible children residing in this State.

2. The purposes of a tribal-state agreement are to promote the continued existence and integrity of the Indian tribe as a political entity and to protect the vital interests of Indian children in securing and maintaining political, cultural and social relationships with their tribe.

3. A tribal-state agreement may include agreements regarding default jurisdiction over cases in which the state courts and tribal courts have concurrent jurisdiction, the transfer of cases between state courts and tribal courts, the assessment, removal, placement, custody and adoption of Indian children and any other child welfare services provided to Indian children.

4. A tribal-state agreement must:

(a) Provide for the cooperative delivery of child welfare services to Indian children in this State, including, without limitation, the utilization, to the extent available, of services provided by the tribe or an organization whose mission is to serve the American Indian or Alaska Native population to implement the terms of the tribal-state agreement; and

(b) If services provided by the tribe or an organization whose mission is to serve the American Indian or Alaska Native population are unavailable, provide for an agency's use of

community services and resources developed specifically for Indian families that have the demonstrated experience and capacity to provide culturally relevant and effective services to Indian children.

Sec. 26. 1. Except as otherwise provided in this section, the court's jurisdiction in a child custody proceeding involving an Indian child is concurrent with the Indian child's tribe.

2. The tribe has exclusive jurisdiction in a child custody proceeding involving an Indian child if:

- (a) The Indian child is a ward of a tribal court of the tribe; or
- (b) The Indian child resides or is domiciled within the reservation of the tribe.

3. Communications between the court and a tribal court regarding calendars, court records and similar matters may occur without informing the parties or creating a record of the communications.

4. Notwithstanding the provisions of this section, the juvenile court has temporary exclusive jurisdiction over an Indian child who is placed in protective custody pursuant to chapter 432B of NRS.

5. As used in this section, "record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

Sec. 27. 1. Except as otherwise provided in subsection 4, the court shall transfer a child custody proceeding involving an Indian child if, at any time during the proceeding, the Indian child's parent, Indian custodian or tribe petitions the court to transfer the proceeding to the tribal court.

2. Upon receipt of a transfer motion, the court shall contact the Indian child's tribe and request a timely response regarding whether the tribe intends to decline the transfer.

3. If a party objects to the transfer motion for good cause, the court shall fix the time for hearing on objections to the motion. At the hearing, the objecting party has the burden of proof of establishing by clear and convincing evidence that good cause exists to deny the transfer. If the Indian child's tribe contests the assertion that good cause exists to deny the transfer, the court shall give the tribe's argument substantial weight. When making a determination whether good cause exists to deny the transfer motion, the court may not consider:

- (a) Whether the proceeding is at an advanced stage;
- (b) Whether there has been a prior proceeding involving the Indian child in which a transfer motion was not filed;
- (c) Whether the transfer could affect the placement of the Indian child;
- (d) The cultural connections of the Indian child with the tribe or the tribe's reservation; or
- (e) The socioeconomic conditions of the Indian child's tribe or any negative perception of tribal or United States Bureau of Indian Affairs' social services or judicial systems.

4. The court shall deny the transfer motion if:

- (a) The tribe declines the transfer orally on the record or in writing;
- (b) The Indian child's parent objects to the transfer; or
- (c) The court finds by clear and convincing evidence, after hearing, that good cause exists to deny the transfer.

5. Notwithstanding paragraph (b) of subsection 4, the objection of the Indian child's parent does not preclude the transfer if:

- (a) The objecting parent dies or the objecting parent's parental rights are terminated and have not been restored; and
- (b) The Indian child's remaining parent, Indian custodian or tribe files a new transfer motion subsequent to the death of the objecting parent or the termination of the parental rights of the objecting parent.

6. If the court denies a transfer under this section, the court shall document the basis for the denial in a written order.

Sec. 28. Upon granting a transfer motion under section 27 of this act, the court shall expeditiously:

- 1. Notify the tribal court of the pending dismissal of the child custody proceeding;
- 2. Transfer all information regarding the proceeding, including, without limitation, pleadings and court records, to the tribal court;
- 3. ~~If the Indian child is alleged to be within the jurisdiction of the juvenile court under~~

~~NRS 432B.410, direct~~ Direct the appropriate agency to:

(a) Coordinate with the tribal court and the Indian child's tribe to ensure that the transfer of the proceeding and the transfer of custody of the Indian child is accomplished with minimal disruption of services to the Indian child and the Indian child's family; and

(b) Provide the Indian child's tribe with documentation related to the Indian child's eligibility for state and federal assistance and information related to the Indian child's social history, treatment diagnosis and services and other relevant case and service related data; and

4. Dismiss the proceeding upon confirmation from the tribal court that the tribal court received the transferred information.

Sec. 29. (Deleted by amendment.)

Sec. 29.5. Notwithstanding any other provision of law and in addition to any other requirements, in any child custody proceeding:

1. Each petitioner and every other person otherwise required by the court or by any applicable law shall:

(a) Determine whether there is reason to know that the child is an Indian child; and

(b) Demonstrate to the court that he or she made efforts to determine whether a child is an Indian child.

2. The court shall:

(a) Make a finding regarding whether there is reason to know that the child is an Indian child, unless the court has previously found that the child is an Indian child; and

(b) Not enter a custody order in the matter until all applicable inquiry and notice requirements set forth in sections 2 to 38, inclusive, of this act have been met.

Sec. 30. 1. ~~{At the commencement of any child custody proceeding, the court must ask each party whether the party knows or has reason to know that the child is an Indian child. All responses to such an inquiry must be made on the record. The court must instruct the parties to inform the court if they subsequently receive information that provides reason to know the child is an Indian child.}~~ Except if the person already knows that a child is an Indian child, whenever a person is required in a child custody proceeding to determine whether there is reason to know that the child is an Indian child, the person shall make a good faith effort to determine whether the child is an Indian child, including, without limitation, by consulting with:

(a) The child;

(b) The child's parent or parents;

(c) Any person having custody of the child or with whom the child resides;

(d) Extended family members of the child;

(e) Any other person who may reasonably be expected to have information regarding the child's membership or eligibility for membership in a Indian tribe; and

(f) Any Indian tribe of which the child may be a member or of which the child may be eligible for membership.

2. ~~{If there is reason to know that a child in a child custody proceeding is an Indian child but the court does not have sufficient evidence to determine whether the child is an Indian child, the court must:~~

~~— (a) Confirm, by way of a report, declaration or testimony included in the record that an agency or party used due diligence to identify and work with all of the tribes of which there is reason to know the child may be a member or is eligible for membership to verify whether the child is a member or the child's parent is a member and the child is eligible for membership; and~~

~~— (b) Treat the child as an Indian child, unless and until it is determined on the record that the child is not an Indian child.~~

~~— 3.} A court {, upon conducting the inquiry required pursuant to subsection 1,} or person has reason to know that a child in a child custody proceeding is an Indian child if:~~

~~(a) The person knows that the child is an Indian child;~~

~~(b) The court has found that the child is an Indian child or that there is reason to know that the child is an Indian child;~~

~~(c) Any {party,} person present in the proceeding, officer of the court involved in the proceeding, Indian tribe, Indian organization or agency informs the court or the person that the child is an Indian child {;~~

~~— (b) Any party, officer of the court involved in the proceeding, Indian tribe, Indian~~

~~organization or agency informs the court} or that {it has discovered} information has been discovered indicating that the child is an Indian child;~~

~~{(e)} (d) The child {who is the subject of the proceeding gives} indicates to the court {reason to know} or the person that the child is an Indian child;~~

~~{(d)} (e) The court or the person is informed that the domicile or residence of the child, the child's parent or the child's Indian custodian is on a reservation or in an Alaska Native village;~~

~~{(e)} (f) The court or the person is informed that the child is or has been a ward of a tribal court; for~~

~~{(f)} (g) The court or the person is informed that the child or the child's parent possesses an identification card or other record indicating membership in an Indian tribe { };~~

~~(h) Testimony or documents presented to the court indicate in any way that the child may be an Indian child; or~~

~~(i) Any other indicia provided to the court or the person, or within the knowledge of the court or the person, indicates that the child is an Indian child.~~

3. Except as otherwise provided in section 49 of this act, whenever a person is required to demonstrate to the court in a child custody proceeding that the person made efforts to determine whether a child is an Indian child, the court shall make written findings regarding whether the person satisfied the inquiry requirements under subsection 1 and whether the child is an Indian child or whether there is reason to know that the child is an Indian child. At the commencement of any hearing in an emergency proceeding or a child custody proceeding, unless the court previously found that the child is an Indian child, the court shall ask, on the record, each person present on the matter whether the person has reason to know that the child is an Indian child and shall make a finding regarding whether there is reason to know that the child is an Indian child.

4. ~~{In seeking verification of a child's status in a child custody proceeding in which there is a consenting parent who evidences, by written request or statement in the record, a desire for anonymity, the court must keep relevant documents pertaining to the inquiry required under this section confidential and under seal. A request for anonymity does not relieve the court, an agency or any party from any duty of compliance with the Indian Child Welfare Act, 25 U.S.C. §§ 1901 et seq., including, without limitation, the duty to verify whether the child is an Indian child. A tribe receiving information related to this inquiry must keep documents and information confidential.} If the court finds under subsection 3 that there is:~~

~~(a) Reason to know that the child is an Indian child but the court does not have sufficient evidence to find that the child is an Indian child, the court shall order that the inquiry as to whether the child is an Indian child continue until the court finds that the child is not an Indian child.~~

~~(b) Not reason to know that the child is an Indian child, the court shall order each party to immediately inform the court if the party receives information providing reason to know that the child is an Indian child.~~

5. If the court finds under subsection 3 that there is reason to know that the child is an Indian child but the court does not have sufficient evidence to make a finding that the child is or is not an Indian child, the court shall require the appropriate agency or other party to submit a report, declaration or testimony on the record that the agency or other party used due diligence to identify and work with all of the tribes of which the child may be a member or in which the child may be eligible for membership to verify whether the child is a member or is eligible for membership.

6. A person making an inquiry under this section shall request that any tribe receiving information under this section keep documents and information regarding the inquiry confidential.

Sec. 31. 1. In an emergency proceeding, the person taking a child into protective custody must make a good faith effort to determine whether there is reason to know that the child is an Indian child and, if there is reason to know that the child is an Indian child and the nature of the emergency allows, the appropriate agency shall notify by telephone, electronic mail, facsimile or other means of immediate communication any tribe of which the child is or may be a member. Notification under this subsection must include the basis for the child's removal, the time, date and place of the initial hearing and a statement that the tribe has the right to participate in the

proceeding as a party or in an advisory capacity.

2. Except as provided in subsection 1, if there is reason to know that a child in a child custody proceeding who is alleged to be within the court's jurisdiction is an Indian child and notice is required, the party providing notice shall:

(a) Promptly send notice of the proceeding as described in subsection 3; and

(b) File a copy of each notice sent pursuant to this section with the court, together with any return receipts or other proof of service.

3. Notice under subsection 2 must be:

(a) Sent to:

(1) Each tribe of which the child may be a member or of which the Indian child may be eligible for membership; or

(2) The appropriate Regional Director of the United States Bureau of Indian Affairs listed in 25 C.F.R. § 23.11(b), if the identity or location of the child's tribe cannot be ascertained.

(b) Sent by registered or certified mail, return receipt requested.

(c) In clear and understandable language and include the following:

(1) The child's name, date of birth and, if known, place of birth;

(2) To the extent known:

(I) All names, including maiden, married and former names or aliases, of the child's parents, the places of birth of the child's parents' and tribal enrollment numbers; and

(II) The names, dates of birth, places of birth and tribal enrollment information of other direct lineal ancestors of the child;

(3) The name of each Indian tribe of which the child is a member or in which the Indian child may be eligible for membership;

(4) If notice is required to be sent to the appropriate Regional Director of the United States Bureau of Indian Affairs under subparagraph (2) of paragraph (a), to the extent known, information regarding the child's direct lineal ancestors, an ancestral chart for each biological parent, and the child's tribal affiliations and blood quantum;

(5) In a child custody proceeding, a copy of the petition or motion initiating the proceeding and, if a hearing has been scheduled, information on the date, time and location of the hearing;

(6) The name of the petitioner and the name and address of the attorney of the petitioner;

(7) ~~In a proceeding under chapter 432B of NRS:~~

~~(1)~~ A statement that the child's parent or Indian custodian has the right to participate in the proceeding as a party to the proceeding;

~~(11)~~ ~~(8)~~ A statement that the child's tribe has the right to participate in the proceeding as a party or in an advisory capacity;

~~(11)~~ ~~(9)~~ A statement that if the court determines that the child's parent or Indian custodian is unable to afford counsel, the parent or Indian custodian has the right to court-appointed counsel; ~~and~~

~~(11)~~ ~~(10)~~ A statement that the child's parent, Indian custodian or tribe has the right, upon request, to up to 20 additional days to prepare for the proceeding;

~~(11)~~ ~~(11)~~ A statement that the child's parent, Indian custodian or tribe has the right to petition the court to transfer the child custody proceeding to the tribal court;

~~(11)~~ ~~(12)~~ A statement describing the potential legal consequences of the proceeding on the future parental and custodial rights of the parent or Indian custodian;

~~(11)~~ ~~(13)~~ The mailing addresses and telephone numbers of the court and contact information for all parties to the proceeding; and

~~(11)~~ ~~(14)~~ A statement that the information contained in the notice is confidential and that the notice should not be shared with any person not needing the information to exercise rights under sections 2 to 38, inclusive, of this act.

4. If there is a reason to know that the Indian child's parent or Indian custodian has limited English proficiency, the court must provide language access services as required by Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d et seq., and other applicable federal and state laws. If the court is unable to secure translation or interpretation support, the court shall contact or direct a party to contact the Indian child's tribe or the local office of the United States Bureau of Indian Affairs for assistance identifying a qualified translator or interpreter.

5. If a child is known to be an Indian child, a hearing may not be held until at least 10 days after the receipt of the notice by the Indian child's tribe or, if applicable, the United States Bureau of Indian Affairs. Upon request, the court shall grant the Indian child's parent, Indian custodian or tribe up to 20 additional days from the date upon which notice was received by the tribe to prepare for participation in the hearing. Nothing in this subsection prevents a court at an emergency proceeding before the expiration of the waiting period described in this subsection from reviewing the removal of an Indian child from the Indian child's parent or Indian custodian to determine whether the removal or placement is no longer necessary to prevent imminent physical damage or harm to the Indian child.

Sec. 32. 1. In any child custody proceeding involving an Indian child that requires the testimony of a qualified expert witness, the petitioner shall contact the Indian child's tribe and request that the tribe identify one or more persons meeting the criteria described in subsection 3 or 4. The petitioner may also request the assistance of the United States Bureau of Indian Affairs in locating persons meeting the criteria described in subsection 3 or 4.

2. At a hearing in a child custody proceeding, if the court has found that a child is an Indian child, at least one qualified expert witness must testify regarding whether the continued custody of the Indian child by the child's parent or custody by the child's Indian custodian is likely to result in serious emotional or physical damage to the Indian child.

3. A person is a qualified expert witness under this section if the Indian child's tribe has designated the person as being qualified to testify to the prevailing social and cultural standards of the tribe.

4. If the Indian child's tribe has not identified a qualified expert witness, the following persons, in order of priority, may testify as a qualified expert witness:

(a) A member of the Indian child's tribe or another person who is recognized by the tribe as knowledgeable about tribal customs regarding family organization or child rearing practices;

(b) A person having substantial experience in the delivery of child and family services to Indians and extensive knowledge of prevailing social and cultural standards and child rearing practices within the Indian child's tribe; or

(c) Any person having substantial experience in the delivery of child and family services to Indians and knowledge of prevailing social and cultural standards and child rearing practices in Indian tribes with cultural similarities to the child's tribe.

5. In addition to testimony from a qualified expert witness, the court may hear supplemental testimony regarding information described in subsection 2 from a professional having substantial education and experience in the area of the professional's specialty.

6. No petitioning party, employees of the petitioning party or an employee of an agency may serve as a qualified expert witness or a professional under this section.

Sec. 33. 1. If a child in a child custody proceeding is an Indian child and active efforts are required, the court must determine whether active efforts have been made to prevent the breakup of the family or to reunite the family.

2. Active efforts require a higher standard of conduct than reasonable efforts.

3. Active efforts must:

(a) Be documented in detail in writing and on the record;

~~(b) If the child is alleged to be within the jurisdiction of the juvenile court under NRS 432B.410, include~~ Include assisting the Indian child's parent or parents or Indian custodian through the steps of a case plan;

(c) Include, to the extent possible, providing assistance with the cooperation of the Indian child's tribe;

(d) Be conducted in partnership with the Indian child and the Indian child's parents, extended family members, Indian custodians and tribe; and

(e) Be tailored to the facts and circumstances of the case.

4. As used in this section, "active efforts" means efforts that are affirmative, active, thorough, timely and intended to maintain or reunite an Indian child with the Indian child's family.

Sec. 34. 1. Notwithstanding the provisions of NRS 7.285, a tribe that is a party to a child custody proceeding involving an Indian child may be represented by any person, regardless of whether the person is licensed to practice law.

2. An attorney who is not barred from practicing law in this State may appear in any proceeding involving an Indian child without associating with local counsel if the attorney establishes to the satisfaction of the State Bar of Nevada that:

(a) The attorney will appear in a court in this State for the limited purpose of participating in a proceeding under chapter 432B of NRS subject to the provisions of sections 2 to 38, inclusive, of this act;

(b) The attorney represents an Indian child's parent, Indian custodian or tribe; and

(c) The Indian child's tribe has affirmed the Indian child's membership or eligibility for membership under tribal law.

3. An Indian custodian or tribe may notify the court, orally on the record or in writing, that the Indian custodian or tribe withdraws as a party to the proceeding.

Sec. 35. 1. If a child in a child custody proceeding ~~under chapter 432B of NRS~~ is an Indian child:

(a) The court shall appoint counsel to represent the Indian child.

(b) If the Indian child's parent or Indian custodian requests counsel to represent the parent or Indian custodian but is without sufficient financial means to employ suitable counsel possessing skills and experience commensurate with the nature of the petition and the complexity of the case, the court shall appoint suitable counsel to represent the Indian child's parent or Indian custodian if the parent or Indian custodian is determined to be financially eligible for the appointment of such counsel.

2. Except as otherwise provided in this subsection, upon presentation of the order of appointment under this section by the attorney for the Indian child, any agency, hospital, school organization, division or department of this State, doctor, nurse or other health care provider, psychologist, psychiatrist, law enforcement agency or mental health clinic shall permit the attorney for the Indian child to inspect and copy any records of the Indian child involved in the case, without the consent of the Indian child or the Indian child's parent or Indian custodian. This subsection does not apply to records of a law enforcement agency relating to an ongoing investigation before bringing charges.

Sec. 36. 1. In any child custody proceeding, if the child is an Indian child, each party has the right to timely examine all reports or other documents held by an agency that are not otherwise subject to a discovery exception or precluded under state or federal law.

2. The preservation of confidentiality under this section does not relieve the court or any petitioners in an adoption proceeding from the duty to comply with the placement preferences under section 37 of this act if the child is an Indian child.

Sec. 37. 1. Except as otherwise provided in subsection 3, if the parental rights of an Indian child's parents have not been terminated and the Indian child is in need of placement or continuation in substitute care, the child must be placed in the least restrictive setting that:

(a) Most closely approximates a family, taking into consideration sibling attachment;

(b) Allows the Indian child's special needs, if any, to be met;

(c) Is in reasonable proximity to the Indian child's home, extended family or siblings; and

(d) Is in accordance with the order of preference established by the Indian child's tribe or, if the Indian child's tribe has not established placement preferences, is in accordance with the following order of preference:

(1) A member of the Indian child's extended family;

(2) A foster home licensed, approved or specified by the Indian child's tribe;

(3) A foster home licensed or approved by a licensing authority in this State and in which one or more of the licensed or approved foster parents is an Indian; or

(4) An institution for children that has a program suitable to meet the Indian child's needs and is approved by an Indian tribe or operated by an Indian organization.

2. Except as otherwise provided in subsection 3, if the parental rights of the Indian child's parents have been terminated and the Indian child is in need of an adoptive placement, the Indian child shall be placed:

(a) In accordance with the order of preference established by the Indian child's tribe; or

(b) If the Indian child's tribe has not established placement preferences, according to the following order of preference:

(1) With a member of the Indian child's extended family;

- (2) With other members of the Indian child's tribe; or
- (3) With other Indian families.

3. If an Indian child is placed outside of the placement preferences set forth in subsection 1 or 2, the party placing the child shall file a motion requesting that the court make a finding that good cause exists for placement outside of such placement preferences. If the court determines that the moving party has established, by clear and convincing evidence, that there is good cause to depart from the placement preferences under this section, the court may authorize placement in an alternative placement. The court's determination under this subsection:

(a) Must be in writing and be based on:

- (1) The preferences of the Indian child;
- (2) The presence of a sibling attachment that cannot be maintained through placement consistent with the placement preferences established by subsection 1 or 2;

(3) Any extraordinary physical, mental or emotional needs of the Indian child that require specialized treatment services if, despite active efforts, those services are unavailable in the community where families who meet the placement preferences under subsection 1 or 2 reside; or

(4) Whether, despite a diligent search, a placement meeting the placement preferences under this section is unavailable, as determined by the prevailing social and cultural standards of the Indian community in which the Indian child's parent or extended family resides or with which the Indian child's parent or extended family members maintain social and cultural ties.

(b) Must, in applying the placement preferences under this subsection, give weight to a parent's request for anonymity if the placement is an adoptive placement to which the parent has consented.

(c) May be informed by but not determined by the placement request of a parent of the Indian child, after the parent has reviewed the placement options, if any, that comply with the placement preferences under this section.

(d) May not be based on:

- (1) The socioeconomic conditions of the Indian child's tribe;
- (2) Any perception of the tribal or United States Bureau of Indian Affairs social services or judicial systems;

(3) The distance between a placement meeting the placement preferences under this section that is located on or near a reservation and the Indian child's parent; or

(4) The ordinary bonding or attachment between the Indian child and a nonpreferred placement arising from time spent in the nonpreferred placement.

Sec. 38. 1. A petition to vacate an order or a judgment involving an Indian child regarding jurisdiction, placement, guardianship or the termination of parental rights may be filed in a pending child custody proceeding involving the Indian child or, if none, in any court of competent jurisdiction by:

- (a) The Indian child who was alleged to be within the jurisdiction of the court;
- (b) The Indian child's parent or Indian custodian from whose custody such child was removed or whose parental rights were terminated; or
- (c) The Indian child's tribe.

2. The court shall vacate an order or judgment involving an Indian child regarding jurisdiction, placement, guardianship or the termination of parental rights if the court determines that any provision of section 26 or 27, subsection 2 or 5 of section 31, paragraph (a) or (b) of subsection 3 of section 31, subsection 1 of section 35 or section 36 of this act or, if required, subsection 2 of section 32 or section 33 or 37 of this act has been violated and the court determines it is appropriate to vacate the order or judgment.

3. If the vacated order or judgment resulted in the removal or placement of the Indian child, the court shall order the child immediately returned to the Indian child's parent or Indian custodian and the court's order must include a transition plan for the physical custody of the child, which may include protective supervision.

4. If the vacated order or judgment terminated parental rights, the court shall order the previously terminated parental rights to be restored.

5. If the State or any other party affirmatively asks the court to reconsider the issues under the vacated order or judgment, the court's findings or determinations must be readjudicated.

6. As used in this section, "termination of parental rights" includes, without limitation, the involuntary termination of parental rights under chapter 128 or 432B of NRS.

Sec. 39. (Deleted by amendment.)

Sec. 40. NRS 125A.215 is hereby amended to read as follows:

125A.215 1. ~~{A child custody proceeding that pertains to an Indian child as defined in the Indian Child Welfare Act of 1978, 25 U.S.C. §§ 1901 et seq., is not subject to the provisions of this chapter to the extent that the proceeding is governed by the Indian Child Welfare Act.~~

~~—2.} A court of this state shall treat {a} an Indian tribe as if it were a state of the United States for the purpose of applying NRS 125A.005 to 125A.395, inclusive.~~

~~{3.} 2. A child custody determination made by a tribe under factual circumstances in substantial conformity with the jurisdictional standards of the provisions of this chapter must be recognized and enforced pursuant to NRS 125A.405 to 125A.585, inclusive.~~

Sec. 41. Chapter 127 of NRS is hereby amended by adding thereto the provisions set forth as sections 41.5 to 50, inclusive, of this act.

Sec. 41.5. ~~{1. Notwithstanding any other provision of law, the provisions of sections 42 to 50, inclusive, of this act, do not apply if:~~

~~—(a) A parent of an Indian child is voluntarily terminating his or her parental rights and the provisions of chapter 432B of NRS do not apply, and an extended family member of the Indian child is subsequently adopting the Indian child upon the termination of the parental rights of the parent of the Indian child;~~

~~—(b) A family member related within the third degree of consanguinity to an Indian child is adopting the Indian child;~~

~~—(c) An Indian child who was conceived by means of assisted reproduction is being adopted;~~

~~or~~
~~—(d) An Indian child is being adopted by a stepparent or other nonbiological parent in a confirmatory adoption.~~

~~2. As used in this section:~~

~~—(a) "Assisted reproduction" has the meaning ascribed to it in NRS 126.510.~~

~~—(b) "Confirmatory adoption" means an adoption in which a nonbiological parent of a child, including, without limitation, a stepparent, co-parent or second parent, adopts the child to confirm the parental rights of the nonbiological parent.~~

~~—(c) "Extended family member" has the meaning ascribed to it in section 7 of this act.}~~
(Deleted by amendment.)

Sec. 42. 1. In addition to the requirements set forth in NRS 127.110, a petition for adoption of a child must contain:

(a) A declaration under penalty of perjury and documentation, as described by the regulations adopted by the Division pursuant to section 49 of this act, of the petitioner's good faith efforts described in subsection 1 of section 30 of this act, to determine whether there is reason to know that the child is an Indian child;

(b) A statement as to whether the petitioner has reason to know that the child is an Indian child; and

~~{(b)}~~ (c) If the petitioner has reason to know that the child is an Indian child:

(1) A declaration under penalty of perjury and documentation, as described by the regulations adopted by the Division pursuant to section 49 of this act, showing that the proposed adoptive placement complies with the requirements under section 37 of this act; or

(2) A statement that the petitioner is moving the court under subsection 3 of section 37 of this act for a finding, by clear and convincing evidence, that good cause exists for alternative adoptive placement and a statement describing the details supporting the assertion of the petitioner that good cause exists for the alternative placement, as described in subsection 3 of section 37 of this act.

2. A petition for adoption of a child must, if applicable, request the following:

(a) A finding that the petitioner complied with the inquiry requirements under subsection 1 of section 30 of this act;

(b) A finding of whether there is reason to know that the child is an Indian child; and

~~{(b)}~~ (c) If the court finds that the child is an Indian child:

(1) The determinations required under section 24 of this act regarding the Indian child's

residence, domicile and wardship status;

(2) A finding that the petitioner complied with the notice requirements under subsection 2 of section 31 of this act; and

(3) A finding that the adoptive placement complies with the placement preferences under section 37 of this act or, if not, that upon the petitioner's motion under subsection 3 of section 37 of this act, good cause exists for placement contrary to the placement preferences in section 37 of this act.

3. If the petitioner has reason to know that the child is an Indian child, within 30 days after filing the petition, the petitioner shall:

(a) Serve copies of the petition by registered or certified mail, return receipt requested, together with the notice of proceeding in the form required under subsection 3 of section 31 of this act, to:

(1) Each tribe of which the Indian child may be a member or in which the Indian child may be eligible for membership;

(2) The appropriate Regional Director of the United States Bureau of Indian Affairs listed in 25 C.F.R. § 23.11(b), if the identity or location of the child's parents, Indian custodian or tribe cannot be ascertained; and

(3) The appropriate agency which provides child welfare services.

(b) File a declaration of compliance with the court, including a copy of each notice sent, together with any return receipts or other proof of service.

Sec. 43. 1. If a petition for adoption of a child concerns the adoption of an Indian child, except as otherwise provided in subsection 4 and unless the parental rights of the Indian child's parents have been terminated, consent in writing to the adoption must be given by the Indian child's parents. Such written consent must be filed with the court.

2. An Indian child's parent may consent to the adoption of the Indian child at any time not less than 10 days following the date of the Indian child's birth by executing the consent in person before the court on the record.

3. Before the execution of a parent's consent under subsection 2, the court must explain to the parent on the record in detail and in the language of the parent:

(a) The right to legal counsel;

(b) The terms and consequences of the consent in detail; and

(c) That at any time before the entry of the judgment of adoption, the parent may withdraw consent for any reason and petition the court to have the child returned.

4. After the execution of a parent's consent under subsection 2, the court shall certify that the court made the explanation under subsection 3 and that the parent fully understood the explanation.

5. At any time before the entry of a judgment of adoption, an Indian child's parent may withdraw the parent's consent under this section. The withdrawal of consent must be made by filing the written withdrawal with the court or by making a statement of withdrawal on the record in the adoption proceeding. Upon entry of the withdrawal of consent, the court must promptly notify the person or entity that arranged the adoptive placement to regain custody and control of the Indian child. A parent who withdraws his or her consent may petition the court for the return of the child.

6. As used in this section, "parent" has the meaning ascribed to it in section 14 of this act.

Sec. 44. (Deleted by amendment.)

Sec. 45. 1. If, upon a petition for adoption of a child duly presented and consented to, the court is satisfied as to the identity and relations of the persons, that the petitioner is of sufficient ability to bring up the child and furnish suitable nurture and education, having reference to the degree and condition of the parents, and that it is fit and proper that such adoption be effected, a judgment shall be made setting forth the facts and ordering that from the date of the judgment, the child, for all legal intents and purposes, is the child of the petitioner.

2. A judgment entered under this section must include ~~the~~ :

(a) A finding that the petitioner complied with the inquiry requirements under subsection 1 of section 30 of this act to determine whether there is reason to know that the child is an Indian child; and

(b) A finding that the child is or is not an Indian child.

3. In an adoption of an Indian child, the judgment must include:

(a) The birth name and date of birth of the Indian child, the Indian child's tribal affiliation and the name of the Indian child after adoption;

(b) If known, the names and addresses of the biological parents;

(c) The names and addresses of the adoptive parents;

(d) The name and contact information for any agency having files or information relating to the adoption;

(e) Any information relating to tribal membership or eligibility for tribal membership of the Indian child;

(f) The determination regarding the Indian child's residence, domicile and tribal wardship status as required under section 24 of this act;

(g) A finding that the petitioner complied with the notice requirements under subsection 2 of section 31 of this act;

(h) If the adoptive placement and the parents entered into a post-adoptive contact agreement or the adoptive placement and the Indian child's tribe has entered into an agreement that requires the adoptive placement to maintain connection between the child and the child's tribe, the terms of the agreement; and

(i) A finding that the adoptive placement complies with the placement preferences under section 37 of this act or, if the placement does not comply with the placement preferences under section 37 of this act, a finding upon the petitioner's motion under subsection 3 of section 37 of this act that good cause exists for placement contrary to the placement preferences.

4. For each finding or determination made under this section, the court must provide a description of the facts upon which the finding or determination is based.

5. Upon entry of the judgment of adoption of an Indian child, the court shall provide to the United States Bureau of Indian Affairs copies of the judgment entered under this section, any affidavit signed by a consenting parent requesting anonymity, and all other required information in accordance with 25 C.F.R. § 23.140.

Sec. 46. 1. A petition to vacate a judgment of adoption of an Indian child under this chapter may be filed in a court of competent jurisdiction by a parent who consented to the adoption.

2. Upon the filing of a petition under this section, the court shall set a time for a hearing on the petition and provide notice of the petition and hearing to each party to the adoption proceeding and to the Indian child's tribe.

3. After a hearing on the petition, the court shall vacate the judgment of adoption if:

(a) The petition is filed not later than 2 years following the date of the judgment; and

(b) The court finds by clear and convincing evidence that the parent's consent was obtained through fraud or duress.

4. When the court vacates a judgment of adoption under this section, the court shall also order that the parental rights of the parent whose consent the court found was obtained through fraud or duress be restored. The order restoring parental rights under this section must include a plan for the physical custody of the Indian child, whether the Indian child will be placed with an agency which provides child welfare services or with the parent.

Sec. 47. 1. If a judgment of adoption of an Indian child under this chapter is vacated, the court vacating the judgment must notify, by registered or certified mail with return receipt requested, the Indian child's former parents, prior Indian custodian, if any, and Indian tribe and the appropriate agency which provides child welfare services.

2. The notice required under subsection 1 must:

(a) Include the Indian child's current name and any former names as reflected in the court record;

(b) Inform the recipient of the right to move the court for the return of custody of and restoration of parental rights to the Indian child, if appropriate, under this section;

(c) Provide sufficient information to allow the recipient to participate in any scheduled hearings; and

(d) Be sent to the last known address in the court record.

3. An Indian child's former parent or prior Indian custodian may waive notice under this section by executing a waiver of notice in person before the court and filing the waiver with the

court. The waiver must clearly set out any conditions to the waiver. Before the execution of the waiver, the court must explain to the former parent or prior Indian custodian, on the record in detail and in the language of the former parent or prior Indian custodian:

- (a) The former parent's right to legal counsel, if applicable;
- (b) The terms and consequences of the waiver; and
- (c) How the waiver may be revoked.

4. After execution of the waiver pursuant to subsection 3, the court shall certify that it provided the explanation as required under subsection 3 and that the former parent or prior Indian custodian fully understood the explanation.

5. At any time before the entry of a judgment of adoption of an Indian child, the former parent or prior Indian custodian may revoke a waiver executed by the former parent or prior Indian custodian pursuant to subsection 3 by filing a written revocation with the court or by making a statement of revocation on the record in a proceeding for the adoption of the Indian child.

6. If a judgment of adoption of an Indian child under this chapter is vacated other than as provided in section 38 of this act, an Indian child's former parent or prior Indian custodian may intervene in the proceeding and move the court for the Indian child to be returned to the custody of the former parent or prior Indian custodian and for the parental rights to the Indian child to be restored. The moving party shall provide by registered or certified mail, return receipt requested, notice of the motion for the Indian child to be returned to the custody of the former parent or prior Indian custodian and the time set for filing objections to the motion, together with notice of proceeding in the form required under subsection 3 of section 31 of this act to:

- (a) The agency which provides child welfare services in the county in which the order was vacated;
- (b) Each tribe of which the child may be a member or in which the Indian child may be eligible for membership;
- (c) The child's parents;
- (d) The child's Indian custodian, if applicable; and
- (e) The appropriate Regional Director of the United States Bureau of Indian Affairs listed in 25 C.F.R. § 23.11(b), if the identity or location of the child's parents cannot be ascertained.

➤ The petitioner shall file a declaration of compliance, including a copy of each notice sent under this subsection, together with any return receipts or other proof of service.

7. Upon the filing of an objection to a motion made pursuant to subsection 6, the court shall fix the time for hearing on objections.

8. The court shall order the Indian child to be returned to the custody of the former parent or prior Indian custodian or restore the parental rights to the Indian child unless the court finds, by clear and convincing evidence, that the return of custody or restoration of parental rights is not in the child's best interests, as described in section 20 of this act. If the court orders the Indian child to be returned to the custody of the former parent or prior Indian custodian, the court's order must include a transition plan for the physical custody of the child, which may include protective supervision.

9. As used in this section:

(a) "Former parent" means a person who was previously the legal parent of an Indian child subject to a judgment of adoption under this chapter and whose parental rights have not been restored under section 46 of this act.

(b) "Prior Indian custodian" means a person who was previously the custodian of an Indian child subject to a judgment of adoption of the child under this chapter.

Sec. 48. 1. Notwithstanding any other provision of law, if an Indian child's tribe or the United States Secretary of the Interior requests access to the adoption records of an Indian child, the court must make the records available not later than 14 days following the date of the request.

2. The records made available under subsection 1 must, at a minimum, include the petition, all substantive orders entered in the adoption proceeding, the complete record of the placement finding and, if the placement departs from the placement preferences under section 37 of this act, detailed documentation of the efforts to comply with the placement preferences.

Sec. 49. 1. In a proceeding for the adoption of a minor child, within 90 days after service

of a petition upon the appropriate agency which provides child welfare services as required pursuant to section 42 of this act, the agency shall file with the court an ICWA compliance report, which must reflect the agency's review of the petition and advise the court on whether the documentation submitted by the petitioner is sufficient and complete for the court to make the ~~finding~~ findings required pursuant to subsection 2. Nothing in this section requires the agency to make a determination of law regarding the documentation provided by the petitioner.

2. ~~Except as otherwise provided in this subsection, upon~~ Upon receiving an ICWA compliance report, the court shall order the matter to proceed ~~f. If notice is required, the court shall not order the matter to proceed unless~~ if the court finds that the petitioner satisfied the inquiry requirements under subsection 1 of section 30 of this act and, if applicable, the notice requirements under subsection 2 of section 31 of this act. If the court finds that:

(a) ~~The~~ Subject to the procedures under subsection 3 of section 30 of this act, the child is an Indian child, the court's order under this subsection must include a finding regarding whether the proposed adoptive placement complies with the preferences under section 37 of this act. If the court finds that the proposed adoptive placement does not comply with such preferences or that the documentation provided by the petitioner is insufficient for the court to make a finding, the court shall direct the petitioner to amend the petition to cure the deficiency or file a motion under subsection 3 of section 37 of this act, for authority to make the placement contrary to the placement preferences under section 37 of this act.

(b) The petitioner failed to satisfy ~~the~~ the inquiry requirements under subsection 1 of section 30 of this act or, if applicable, the notice requirements under subsection 2 of section 31 of this act, or if the documentation supplied by the petitioner is insufficient for the court to make ~~that finding,~~ those findings, the court shall direct the petitioner to cure the inquiry or notice deficiency and file an amended petition. If the court directs the petitioner to file an amended petition pursuant to this subsection or a motion and the petitioner fails to do so within a reasonable amount of time, the court shall order the petitioner to appear and show cause why the court should not dismiss the petition.

3. The Division shall adopt regulations providing a nonexhaustive description of the documentation that petitioners or moving parties in proceedings under this chapter may submit to the court to document compliance with the inquiry requirements under subsection 1 of section 30 of this act and notice requirements under subsection 2 of section 31 of this act and the placement preferences under section 37 of this act, including, without limitation:

(a) Descriptions of the consultations the petitioner or moving party made with the persons described in subsection 1 of section 30 of this act and subsection 3 of section 31 of this act and the responses the petitioner or moving party obtained;

(b) Descriptions of any oral responses and copies of any written responses the petitioner or moving party obtained from the persons described in subsection 1 of section 30 of this act and subsection 3 of section 31 of this act;

(c) Copies of any identification cards or other records indicating the membership of the child or the child's parent in an Indian tribe;

(d) Copies of any tribal court records regarding the Indian child;

(e) Any reports, declarations or testimony on the record documenting the due diligence of the petitioner or moving party to identify and work with all of the tribes of which the petitioner or moving party has reason to know that the child may be a member or in which the child may be eligible for membership; and

(f) The declaration of compliance regarding the notices the petitioner sent, as described in section 42 of this act.

4. The Division shall adopt any other regulations for the preparation of ICWA compliance reports that are necessary for agencies which provide child welfare services to carry out their duties under this chapter.

5. The Court Administrator may prepare and make available to the public forms and information to assist petitioners to comply with the requirements under this section and sections 30, 31, 37 and 42 of this act and any related rules or regulations, including, without limitation:

(a) Forms of petitions required under section 42 of this act, motions to request a deviation from the placement preferences under subsection 3 of section 37 of this act and notices required

under subsection 3 of section 31 of this act; and

(b) Worksheets and checklists to assist petitioners with the inquiry required under subsection 1 of section 30 of this act and the notices required under subsection 2 of section 31 of this act, and assessing whether proposed adoptive placements satisfy the preferences under section 37 of this act.

6. The Court Administrator may design and offer trainings to courts having jurisdiction over adoption matters regarding the application of sections 2 to 38, inclusive, of this act and sections 42 to 50, inclusive, of this act to adoptions of minor children, including, without limitation, identifying when there is reason to know that the child is an Indian child and making findings regarding the sufficiency of inquiry and notice and the appropriateness of adoptive placements.

7. As used in this section, "ICWA compliance report" means a written report prepared by an agency which provides child welfare services concerning compliance with the Indian Child Welfare Act.

Sec. 50. 1. If the court determines that tribal customary adoption is in the best interests, as described in section 20 of this act, of a ward who is an Indian child and the Indian child's tribe consents to the tribal customary adoption:

(a) The appropriate agency which provides child welfare services shall provide the Indian child's tribe and proposed tribal customary adoptive parents with a written report on the Indian child, including, without limitation, to the extent not otherwise prohibited by state or federal law, the medical background, if known, of the Indian child's parents, and the Indian child's educational information, developmental history and medical background, including all known diagnostic information, current medical reports and any psychological evaluations.

(b) The court shall accept a tribal customary adoptive home study conducted by the Indian child's tribe if the home study:

(1) Includes federal criminal background checks, including reports of child abuse, that meet the standards applicable under the laws of this State for all other proposed adoptive placements;

(2) Uses the prevailing social and cultural standards of the Indian child's tribe as the standards for evaluation of the proposed adoptive placement;

(3) Includes an evaluation of the background, safety and health information of the proposed adoptive placement, including the biological, psychological and social factors of the proposed adoptive placement and assessment of the commitment, capability and suitability of the proposed adoptive placement to meet the Indian child's needs; and

(4) Except where the proposed adoptive placement is the Indian child's current foster care placement, is completed before the placement of the Indian child in the proposed adoptive placement.

(c) Notwithstanding subsection 2, the court may not accept the tribe's order or judgment of tribal customary adoption if any adult living in the proposed adoptive placement has a felony conviction for child abuse or neglect, spousal abuse, crimes against a child, including child pornography, or a crime involving violence. The Division shall, by regulation, define "crime involving violence" for the purposes of this paragraph. The definition must include rape, sexual assault and homicide, but must not include other physical assault or battery.

2. The court shall accept an order or judgment for tribal customary adoption that is filed by the Indian child's tribe if:

(a) The court determines that tribal customary adoption is an appropriate permanent placement option for the Indian child;

(b) The court finds that the tribal customary adoption is in the Indian child's best interests, as described in section 20 of this act; and

(c) The order or judgment:

(1) Includes a description of the modification of the legal relationship of the Indian child's parents or Indian custodian and the Indian child, including any contact between the Indian child and the Indian child's parents or Indian custodian, responsibilities of the Indian child's parents or Indian custodian and the rights of inheritance of the parents and Indian child;

(2) Includes a description of the Indian child's legal relationship with the tribe; and

(3) Does not include any child support obligation from the Indian child's parents or

Indian custodian.

➤ The court shall afford full faith and credit to a tribal customary adoption order or judgment that is accepted under this subsection.

3. A tribal customary adoptive parent is not required to file a petition for adoption when the court accepts a tribal customary adoption order or judgment under subsection 2. The clerk of the court may not charge or collect a fee for a proceeding under this subsection.

4. After accepting a tribal customary adoption order or judgment under subsection 2, the court that accepted the order or judgment shall proceed as provided in section 45 of this act and enter a judgment of adoption. In addition to the requirements under section 45 of this act, the judgment of adoption must include a statement that any parental rights or obligations not specified in the judgment are transferred to the tribal customary adoptive parents and a description of any parental rights or duties retained by the Indian child's parents, the rights of inheritance of the parents and Indian child and the Indian child's legal relationship with the child's tribe.

5. A tribal customary adoption under this section does not require the consent of the Indian child or the child's parents.

6. Upon the court's entry of a judgment of adoption under this section, the court's jurisdiction over the Indian child terminates.

7. Any parental rights or obligations not specifically retained by the Indian child's parents in the judgment of adoption are conclusively presumed to transfer to the tribal customary adoptive parents.

8. This section remains operative only to the extent that compliance with the provisions of this section do not conflict with federal law as a condition of receiving funding under Title IV-E of the Social Security Act, 42 U.S.C. §§ 601 et seq.

9. The Division shall adopt regulations requiring that any report regarding a ward who is an Indian child that an agency which provides child welfare services submits to the court, including any home studies, placement reports or other reports required by law must address tribal customary adoption as a permanency option. The Supreme Court may adopt rules necessary for the court processes to implement the provisions of this section, and the Court Administrator may prepare necessary forms for the implementation of this section.

10. As used in this section, "tribal customary adoption" means the adoption of an Indian child, by and through the tribal custom, traditions or law of the child's tribe, and which may be effected without the termination of parental rights.

Sec. 51. NRS 127.003 is hereby amended to read as follows:

127.003 As used in this chapter, unless the context otherwise requires:

1. "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

2. "Division" means the Division of Child and Family Services of the Department of Health and Human Services.

3. "Indian child" has the meaning ascribed to it in ~~{25 U.S.C. § 1903.~~

~~4. "Indian Child Welfare Act" means the Indian Child Welfare Act of 1978, 25 U.S.C. §§ 1901 et seq.} section 9 of this act.~~

Sec. 51.5. (Deleted by amendment.)

Sec. 52. NRS 127.010 is hereby amended to read as follows:

127.010 Except ~~{if the child involved is subject to the jurisdiction of an Indian tribe pursuant to the Indian Child Welfare Act,}~~ as otherwise provided in section 26 of this act, the district courts of this State have original jurisdiction in adoption proceedings.

Sec. 53. NRS 127.018 is hereby amended to read as follows:

127.018 1. ~~{Unless the child involved is subject to the jurisdiction of an Indian tribe pursuant to the Indian Child Welfare Act,}~~ Except as otherwise provided in sections 2 to 38, inclusive, of this act and sections 42 to 50, inclusive, of this act, a child of whom this State:

(a) Is the home state on the date of the commencement of the proceeding; or

(b) Was the home state within 6 months before the commencement of the proceeding,

➤ may not be adopted except upon an order of a district court in this State.

2. As used in this section, "home state" means:

(a) The state in which a child lived for at least 6 consecutive months, including any

temporary absence from the state, immediately before the commencement of a proceeding; or
 (b) In the case of a child less than 6 months of age, the state in which the child lived from birth, including any temporary absence from the state.

Sec. 54. NRS 127.053 is hereby amended to read as follows:

127.053 No consent to a specific adoption executed in this State, or executed outside this State for use in this State, is valid unless it:

1. Identifies the child to be adopted by name, if any, sex and date of birth.
2. Is in writing and signed by the person consenting to the adoption as required in this chapter.
3. Is acknowledged by the person consenting and signing the consent to adoption in the manner and form required for conveyances of real property.
4. Contains, at the time of execution, the name of the person or persons to whom consent to adopt the child is given.
5. *Indicates whether the person giving the consent has reason to know that the child is an Indian child and, if the person does not have reason to know that the child is an Indian child, includes a statement that the person will inform the court immediately if, before the entry of the judgment of adoption under section 45 of this act, the person receives information that provides reason to know that the child is an Indian child.*

6. Is attested by at least two competent, disinterested witnesses who subscribe their names to the consent in the presence of the person consenting. If neither the petitioner nor the spouse of a petitioner is related to the child within the third degree of consanguinity, then one of the witnesses must be a social worker employed by:

- (a) An agency which provides child welfare services;
- (b) An agency licensed in this state to place children for adoption;
- (c) A comparable state or county agency of another state; or
- (d) An agency authorized under the laws of another state to place children for adoption, if the natural parent resides in that state.

Sec. 55. NRS 127.110 is hereby amended to read as follows:

127.110 1. A petition for adoption of a child who currently resides in the home of the petitioners may be filed at any time after the child has lived in the home for 30 days.

2. The petition for adoption must state, in substance, the following:
 - (a) The full name and age of the petitioners.
 - (b) The age of the child sought to be adopted and the period that the child has lived in the home of petitioners before the filing of the petition.
 - (c) That it is the desire of the petitioners that the relationship of parent and child be established between them and the child.
 - (d) Their desire that the name of the child be changed, together with the new name desired.
 - (e) That the petitioners are fit and proper persons to have the care and custody of the child.
 - (f) That they are financially able to provide for the child.
 - (g) That there has been a full compliance with the law in regard to consent to adoption.
 - (h) That there has been a full compliance with NRS 127.220 to 127.310, inclusive.
 - (i) Whether the *petitioners have reason to know that the* child is ~~{known to be}~~ an Indian child.
 - (j) That there are no known signs that the child is currently experiencing victimization from human trafficking, exploitation or abuse.

3. ~~No {Except as otherwise provided in sections 17.5 and 41.5 of this act, no}~~ order of adoption may be entered unless there has been full compliance with the provisions of NRS 127.220 to 127.310, inclusive ~~{-}~~, *and the provisions of sections 2 to 38, inclusive, of this act and sections 42 to 50, inclusive, of this act.*

Sec. 56. NRS 128.020 is hereby amended to read as follows:

128.020 ~~Except {if the child involved is subject to the jurisdiction of an Indian tribe pursuant to the Indian Child Welfare Act,}~~ *as otherwise provided in section 26 of this act,* the district courts have jurisdiction in all cases and proceedings under this chapter. The jurisdiction of the district courts extends to any child who should be declared free from the custody and control of either or both of his or her parents.

Sec. 57. NRS 128.023 is hereby amended to read as follows:

128.023 1. ~~If [Except as otherwise provided in subsection 3, if] proceedings pursuant to this chapter involve the termination of parental rights of the parent of an Indian child, the court shall f:~~

~~—(a) Cause the Indian child's tribe to be notified in writing in the manner provided in the Indian Child Welfare Act. If the Indian child is eligible for membership in more than one tribe, each tribe must be notified.~~

~~—(b) Transfer the proceedings to the Indian child's tribe in accordance with the Indian Child Welfare Act.~~

~~—(c) If a tribe declines or is unable to exercise jurisdiction, exercise its jurisdiction as provided in the Indian Child Welfare Act.] require that notice of the proceedings and any other notice required pursuant to this chapter be provided in accordance with section 31 of this act.~~

2. If the court determines that the parent of an Indian child for whom termination of parental rights is sought is indigent, the court:

(a) Shall appoint an attorney to represent the parent; and

(b) May apply to the Secretary of the Interior for the payment of the fees and expenses of such an attorney,

as provided in the Indian Child Welfare Act.

~~3. The provisions of this section do not apply if a parent of an Indian child is voluntarily terminating his or her parental rights and the provisions of chapter 432B of NRS do not apply, and an extended family member of the Indian child is subsequently adopting the Indian child upon the termination of the parental rights of the parent of the Indian child. As used in this subsection, "extended family member" has the meaning ascribed to it in section 7 of this act.]~~

Sec. 58. NRS 128.050 is hereby amended to read as follows:

128.050 1. The proceedings must be entitled, "In the matter of the parental rights as to , a minor. "

2. A petition must be verified and may be upon information and belief. It must set forth plainly:

(a) The facts which bring the child within the purview of this chapter.

(b) The name, age and residence of the child.

(c) The names and residences of the parents of the child.

(d) The name and residence of the person or persons having physical custody or control of the child.

(e) The name and residence of the child's legal guardian, if there is one.

(f) The name and residence of the child's nearest known relative, if no parent or guardian can be found.

(g) Whether the *petitioner has reason to know that the* child is ~~known to be~~ an Indian child.

3. If any of the facts required by subsection 2 are not known by the petitioner, the petition must so state.

4. If the petitioner is a mother filing with respect to her unborn child, the petition must so state and must contain the name and residence of the father or putative father, if known.

5. If the petitioner or the child is receiving public assistance, the petition must so state.

Sec. 59. NRS 3.223 is hereby amended to read as follows:

3.223 1. Except ~~[if the child involved is subject to the jurisdiction of an Indian tribe pursuant to the Indian Child Welfare Act of 1978, 25 U.S.C. §§ 1901 et seq.,] as otherwise provided in section 26 of this act~~, in each judicial district in which it is established, the family court has original, exclusive jurisdiction in any proceeding:

(a) Brought pursuant to title 5 of NRS or chapter 31A, 123, 125, 125A, 125B, 125C, 126, 127, 128, 129, 130, 159A, 425 or 432B of NRS, except to the extent that a specific statute authorizes the use of any other judicial or administrative procedure to facilitate the collection of an obligation for support.

(b) Brought pursuant to NRS 442.255 and 442.2555 to request the court to issue an order authorizing an abortion.

(c) For judicial approval of the marriage of a minor.

(d) Otherwise within the jurisdiction of the juvenile court.

(e) To establish the date of birth, place of birth or parentage of a minor.

(f) To change the name of a minor.

- (g) For a judicial declaration of the sanity of a minor.
- (h) To approve the withholding or withdrawal of life-sustaining procedures from a person as authorized by law.
- (i) Brought pursuant to NRS 433A.200 to 433A.330, inclusive, for an involuntary court-ordered admission to a mental health facility.
- (j) Brought pursuant to NRS 433A.335 to 433A.345, inclusive, to require a person to receive assisted outpatient treatment.
- (k) Brought pursuant to NRS 441A.505 to 441A.720, inclusive, for an involuntary court-ordered isolation or quarantine.

2. The family court, where established and, except as otherwise provided in paragraph (m) of subsection 1 of NRS 4.370, the justice court have concurrent jurisdiction over actions for the issuance of a temporary or extended order for protection against domestic violence.

3. The family court, where established, and the district court have concurrent jurisdiction over any action for damages brought pursuant to NRS 41.134 by a person who suffered injury as the proximate result of an act that constitutes domestic violence.

Sec. 60. NRS 7.285 is hereby amended to read as follows:

7.285 1. ~~{A}~~ *Except as otherwise provided in section 34 of this act*, a person shall not practice law in this state if the person:

- (a) Is not an active member of the State Bar of Nevada or otherwise authorized to practice law in this state pursuant to the rules of the Supreme Court; or
- (b) Is suspended or has been disbarred from membership in the State Bar of Nevada pursuant to the rules of the Supreme Court.

2. A person who violates any provision of subsection 1 is guilty of:

- (a) For a first offense within the immediately preceding 7 years, a misdemeanor.
- (b) For a second offense within the immediately preceding 7 years, a gross misdemeanor.
- (c) For a third and any subsequent offense within the immediately preceding 7 years, a category E felony and shall be punished as provided in NRS 193.130.

3. The State Bar of Nevada may bring a civil action to secure an injunction and any other appropriate relief against a person who violates this section.

Sec. 61. NRS 62A.160 is hereby amended to read as follows:

62A.160 "Indian child" has the meaning ascribed to it in ~~{25 U.S.C. § 1903}~~ *section 9 of this act*.

Sec. 62. NRS 62D.210 is hereby amended to read as follows:

62D.210 1. If a proceeding conducted pursuant to the provisions of this title involves the placement of an Indian child into foster care, the juvenile court shall ~~;~~

~~—(a) Cause the Indian child's tribe to be notified in writing in the manner provided in the Indian Child Welfare Act. If the Indian child is eligible for membership in more than one tribe, each tribe must be notified.~~

~~—(b) Transfer the proceedings to the Indian child's tribe in accordance with the Indian Child Welfare Act or, if a tribe declines or is unable to exercise jurisdiction, exercise jurisdiction as provided in the Indian Child Welfare Act.}~~ *require that notice of the proceeding and any other notice required pursuant to this chapter be provided in accordance with section 31 of this act.*

2. If the juvenile court determines that the parent of an Indian child for whom foster care is sought is indigent, the juvenile court, as provided in the Indian Child Welfare Act:

- (a) Shall appoint an attorney to represent the parent;
- (b) May appoint an attorney to represent the Indian child; and
- (c) May apply to the Secretary of the Interior for the payment of the fees and expenses of such an attorney.

Sec. 63. (Deleted by amendment.)

Sec. 64. NRS 432B.067 is hereby amended to read as follows:

432B.067 "Indian child" has the meaning ascribed to it in ~~{25 U.S.C. § 1903}~~ *section 9 of this act*.

Sec. 65. NRS 432B.190 is hereby amended to read as follows:

432B.190 The Division of Child and Family Services shall, in consultation with each agency which provides child welfare services, adopt:

- 1. Regulations establishing reasonable and uniform standards for:

(a) Child welfare services provided in this State;
 (b) Programs for the prevention of abuse or neglect of a child and the achievement of the permanent placement of a child;
 (c) The development of local councils involving public and private organizations;
 (d) Reports of abuse or neglect, records of these reports and the response to these reports;
 (e) Carrying out the provisions of NRS 432B.260, including, without limitation, the qualifications of persons with whom agencies which provide child welfare services enter into agreements to provide services to children and families;
 (f) The management and assessment of reported cases of abuse or neglect;
 (g) The protection of the legal rights of parents and children;
 (h) Emergency shelter for a child;
 (i) The prevention, identification and correction of abuse or neglect of a child in residential institutions;
 (j) Developing and distributing to persons who are responsible for a child's welfare a pamphlet that is written in language which is easy to understand, is available in English and in any other language the Division determines is appropriate based on the demographic characteristics of this State and sets forth:

(1) Contact information regarding persons and governmental entities which provide assistance to persons who are responsible for the welfare of children, including, without limitation, persons and entities which provide assistance to persons who are being investigated for allegedly abusing or neglecting a child;

(2) The procedures for taking a child for placement in protective custody; and

(3) The state and federal legal rights of:

(I) A person who is responsible for a child's welfare and who is the subject of an investigation of alleged abuse or neglect of a child, including, without limitation, the legal rights of such a person at the time an agency which provides child welfare services makes initial contact with the person in the course of the investigation and at the time the agency takes the child for placement in protective custody, and the legal right of such a person to be informed of any allegation of abuse or neglect of a child which is made against the person at the initial time of contact with the person by the agency; and

(II) Persons who are parties to a proceeding held pursuant to NRS 432B.410 to 432B.590, inclusive, during all stages of the proceeding; and

(k) Making the necessary inquiries required pursuant to NRS 432B.397 to determine whether a child is an Indian child.

2. Regulations, which are applicable to any person who is authorized to place a child in protective custody without the consent of the person responsible for the child's welfare, setting forth reasonable and uniform standards for establishing whether immediate action is necessary to protect the child from injury, abuse or neglect for the purposes of determining whether to place the child into protective custody pursuant to NRS 432B.390. Such standards must consider the potential harm to the child in remaining in his or her home, including, without limitation:

(a) Circumstances in which a threat of harm suggests that a child is in imminent danger of serious harm.

(b) The conditions or behaviors of the child's family which threaten the safety of the child who is unable to protect himself or herself and who is dependent on others for protection, including, without limitation, conditions or behaviors that are beyond the control of the caregiver of the child and create an imminent threat of serious harm to the child.

➤ The Division of Child and Family Services shall ensure that the appropriate persons or entities to whom the regulations adopted pursuant to this subsection apply are provided with a copy of such regulations. As used in this subsection, "serious harm" includes the threat or evidence of serious physical injury, sexual abuse, significant pain or mental suffering, extreme fear or terror, extreme impairment or disability, death, substantial impairment or risk of substantial impairment to the child's mental or physical health or development.

3. Regulations establishing procedures for:

(a) Expeditiously locating any missing child who has been placed in the custody of an agency which provides child welfare services;

(b) Determining the primary factors that contributed to a child who has been placed in the

custody of an agency which provides child welfare services running away or otherwise being absent from foster care, and to the extent possible and appropriate, responding to those factors in current and subsequent placements; and

(c) Determining the experiences of a child who has been placed in the custody of an agency which provides child welfare services during any period the child was missing, including, without limitation, determining whether the child may be a victim of sexual abuse or sexual exploitation.

4. Such other regulations as are necessary for ~~the~~ :

(a) The administration of NRS 432B.010 to 432B.606, inclusive.

(b) The implementation of sections 2 to 38, inclusive, of this act and sections 42 to 50, inclusive, of this act.

Sec. 66. (Deleted by amendment.)

Sec. 67. NRS 432B.397 is hereby amended to read as follows:

432B.397 1. The agency which provides child welfare services for a child that is taken into custody pursuant to this chapter shall make all necessary inquiries in accordance with subsection 1 of section 30 of this act to determine whether there is reason to know that the child is an Indian child. The agency shall report that determination to the court.

2. An agency which provides child welfare services pursuant to this chapter shall provide training for its personnel regarding the requirements of the Indian Child Welfare Act ~~[-]~~ , sections 2 to 38, inclusive, of this act and sections 42 to 50, inclusive, of this act.

Sec. 68. NRS 432B.410 is hereby amended to read as follows:

432B.410 1. ~~Except if the child involved is subject to the jurisdiction of an Indian tribe pursuant to the Indian Child Welfare Act,]~~ as otherwise provided in section 26 of this act, the court has exclusive original jurisdiction in proceedings concerning any child domiciled, living or found within the county who is a child in need of protection or may be a child in need of protection.

2. Action taken by the court because of the abuse or neglect of a child does not preclude the prosecution and conviction of any person for violation of NRS 200.508 based on the same facts.

Sec. 69. NRS 432B.425 is hereby amended to read as follows:

432B.425 If proceedings pursuant to this chapter involve the protection of an Indian child, the court shall ~~[-]~~:

~~—1.—Cause the Indian child's tribe to be notified in writing at the beginning of the proceedings in the manner provided in the Indian Child Welfare Act. If the Indian child is eligible for membership in more than one tribe, each tribe must be notified.~~

~~—2.—Transfer the proceedings to the Indian child's tribe in accordance with the Indian Child Welfare Act.~~

~~—3.—If a tribe declines or is unable to exercise jurisdiction, exercise its jurisdiction as provided in the Indian Child Welfare Act.] require that notice of the proceedings and any other notice required by this chapter be provided in accordance with section 31 of this act.~~

Sec. 70. NRS 432B.5902 is hereby amended to read as follows:

432B.5902 1. After a motion for the termination of parental rights is filed pursuant to NRS 432B.5901, unless a party to be served voluntarily appears and consents to the hearing, and except as otherwise provided in subsection 3, a copy of the motion and notice of the hearing must be served, either together or separately, upon all parties to the proceeding by personal service or, if the whereabouts of the person are unknown, obtaining an order from the court that service may be made by publication in accordance with the procedure set forth in subsections 1, 4 and 5 of NRS 128.070 and subsection 2.

2. If a court orders that service be made by publication pursuant to subsection 1 and the person to be served by publication has a last known address, personal service must also be attempted before service of the notice is deemed to be complete. The court order must direct the publication to be made in a newspaper designated by the court at least once every week for a period of 4 weeks. If personal service is also attempted, service of the notice shall be deemed to be complete at the expiration of such a period. The provisions of this subsection and subsection 1 must not be construed to preclude personal service and service by publication from being attempted simultaneously.

3. Service shall be deemed to be complete if a party to be served appears in court for a

hearing held pursuant to this chapter and the court provides the party with a copy of the motion, notifies the party of the date of the hearing on the motion and records such service.

4. Except as otherwise provided in subsection 5, a copy of the motion and notice of the hearing on the motion must be sent by certified mail to:

(a) The attorneys and any guardians ad litem for the child and the parent of the child who is the subject of the motion;

(b) If ~~{applicable, each Indian tribe of}~~ the child who is ~~{the}~~ subject ~~{of}~~ to the ~~{motion, in accordance with NRS 128.023;}~~ *motion is known to be an Indian child, the child's Indian tribe;* and

(c) Any known relative of the child who is the subject of the motion within the fifth degree of consanguinity who is residing in this State.

5. If an attorney has consented to electronic service, a copy of the motion and notice of the hearing on the motion may be sent to the attorney electronically instead of by certified mail.

6. The court shall ensure that any prospective adoptive parent of the child who is the subject of the motion is provided with a copy of the notice of the hearing on the motion. Except as otherwise provided in NRS 432B.5904 or another provision of law, the name and address of the prospective adoptive parent must be kept confidential.

7. Any party to the proceeding may file a written response to the motion.

Sec. 71. The provisions of subsection 3 of section 25 of this act apply to tribal-state agreements entered into or renewed on or after January 1, 2024.

Sec. 72. Not later than September 15, 2024, and each even-numbered year thereafter, the Division of Child and Family Services of the Department of Health and Human Services and the Court Administrator shall report to the Chairs of the Senate and Assembly Standing Committees on Judiciary regarding, as applicable:

1. The number of Indian children involved in dependency proceedings during the prior 2-year period.

2. The average duration Indian children were in protective custody.

3. The ratio of Indian children to non-Indian children in protective custody.

4. Which tribes the Indian children in protective custody were members of or of which they were eligible for membership.

5. The number of Indian children in foster care who are in each of the placement preference categories described in section 37 of this act and the number of those placements that have Indian parents in the home.

6. The number of Indian children placed in adoptive homes in each of the placement preference categories described in section 37 of this act and the number of those placements that have Indian parents in the home.

7. The number of available placements and common barriers to recruitment and retention of appropriate placements.

8. The number of times the court found that good cause existed to deviate from the statutory placement preferences under section 37 of this act, when making a finding regarding the placement of a child in a dependency proceeding.

9. The number of cases that were transferred to tribal court under section 28 of this act.

10. The number of times the court found good cause to decline to transfer jurisdiction of a dependency proceeding to tribal court upon request and the most common reasons the court found good cause to decline a transfer petition.

11. The efforts the Division and the Court Administrator have taken to ensure compliance with the provisions of sections 2 to 38, inclusive, of this act and sections 42 to 50, inclusive, of this act in dependency proceedings.

12. The number of ICWA compliance reports in which an agency which provides child welfare services reported the petitioner's documentation was insufficient for the court to make a finding regarding whether the petitioner complied with the inquiry requirements under subsection 1 of section 30 of this act and notice requirements under subsection 2 of section 31 of this act. As used in this subsection:

(a) "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

(b) "ICWA compliance report" has the meaning ascribed to it in section 49 of this act.

Sec. 73. Not later than March 15, 2025, the Division of Child and Family Services of the Department of Health and Human Services shall submit a report to the Chairs of the Senate and Assembly Standing Committees on Judiciary describing the Division's implementation of tribal customary adoption as described in section 50 of this act as an alternative permanency option for wards who are Indian children and the Division's recommendation for proposed legislation to improve the tribal customary adoption process.

Sec. 74. 1. A court shall give full faith and credit to the public acts, records and judicial proceedings of an Indian tribe applicable to an Indian child in a child custody proceeding.

2. As used in this section, "child custody proceeding" has the meaning ascribed to it in section 4 of this act.

Sec. 75. 1. If any provision of sections 2 to 38, inclusive, of this act or sections 42 to 50, inclusive, of this act is found to provide a lower standard of protection to the rights of an Indian child or the Indian child's parent, Indian custodian or tribe than that provided in the Indian Child Welfare Act:

(a) The higher standard of protection in the Indian Child Welfare Act controls; and

(b) It shall not serve to render inoperative any remaining provisions of sections 2 to 38, inclusive, of this act and sections 42 to 50, inclusive, of this act that may be held to provide a higher standard of protection than that provided in the Indian Child Welfare Act.

2. As used in this section, "Indian Child Welfare Act" means the federal Indian Child Welfare Act, 25 U.S.C. §§ 1901 et seq., and any related regulations.

Sec. 76. The Court Administrator may adopt any rules necessary to implement the provisions of sections 2 to 38, inclusive, of this act and sections 42 to 50, inclusive, of this act.

Sec. 77. 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. 78. NRS 62D.200, 127.013, 127.017, 128.027, 432B.451 and 432B.465 are hereby repealed.

Sec. 79. This act becomes effective:

1. 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

2. On January 1, 2024, for all other purposes.

LEADLINES OF REPEALED SECTIONS

62D.200 Full faith and credit given to proceedings of Indian tribe.

127.013 Transfer of proceedings to Indian tribe.

127.017 Extent to which court must give full faith and credit to judicial proceedings of Indian tribe.

128.027 Extent to which court must give full faith and credit to judicial proceedings of Indian tribe.

432B.451 Qualified expert witness required in proceeding to place Indian child in foster care.

432B.465 Full faith and credit to judicial proceedings of Indian tribe.

DALLAS HARRIS

JAMES OHRENSCHALL

IRA HANSEN

Senate Conference Committee

SHEA BACKUS

VENICIA CONSIDINE

GREGORY HAFEN

Assembly Conference Committee

Senator Cannizzaro moved that the Senate adopt the report of the Conference Committee concerning Assembly Bill No. 444.

Motion carried by a constitutional majority.

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 328.

The following Assembly amendment was read:

Amendment No. 698.

SUMMARY—~~[Eliminating the exemption of]~~ Makes various changes

relating to the Cannabis Compliance Board, [from the provisions of the Nevada Administrative Procedure Act.] (BDR 56-519)

AN ACT relating to cannabis; revising provisions relating to the appointment of members of the Cannabis Compliance Board; revising the qualifications and terms of office of members of the Board; authorizing the Governor to appoint and remove the Executive Director of the Board; revising the powers of the Board; authorizing the Board to adopt certain regulations; requiring the Board to adopt regulations providing for the investigation of unlicensed cannabis activities and the imposition of penalties against persons who engage in such activities; eliminating the exemption of the [Cannabis Compliance] Board from the provisions of the Nevada Administrative Procedure Act; revising procedures governing disciplinary proceedings conducted by the Board; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth certain legislative findings and declarations concerning the public policy of this State with respect to the cannabis industry. (NRS 678A.005) Section 1 of this bill revises those findings and declarations and adds certain findings and declarations relating to illegal and unregulated activities involving cannabis.

Existing law sets forth the general powers of the Cannabis Compliance Board. (NRS 678A.440) Section 1.6 of this bill authorizes the Board to: (1) seize and destroy cannabis and cannabis products involved in unlicensed cannabis activities in accordance with the procedures applicable to other property subject to forfeiture; and (2) commit resources and take certain actions relating to unlicensed cannabis activities.

Existing law sets forth the composition of the Board. (NRS 678A.360) Existing law requires the Governor to appoint the members of the Board and designate one member to serve as Chair. (NRS 678A.370) Section 1.3 of this bill revises certain requirements and qualifications of the members of the Board. Sections 1.3, 4.3 and 4.6 of this bill exempt one member of the Board who is required to be selected based on his or her knowledge, skill and experience in the cannabis industry from certain restrictions imposed on former public officers or employees. Section 1.4 of this bill revises provisions concerning the appointment of members of the Board. Section 1.4 requires the Governor to designate one member of the Board to serve as Vice Chair and requires each member, before entering upon the duties of office, to receive training that is the same or substantially similar to that which is required of a cannabis establishment agent.

Section 5.4 of this bill provides for staggered terms of the five members of the Board by: (1) providing that the terms of office of three members of the Board serving on June 30, 2024, expire on that date and requiring new members be appointed for a term of 4 years commencing July 1, 2024; and (2) providing that the terms of office of the remaining two members of the Board serving as of June 30, 2025, expire on that date and requiring new

members be appointed for a term of 4 years commencing July 1, 2025.

Existing law requires the Board to appoint, and authorizes the Board to remove, the Executive Director of the Board. (NRS 678A.420) Section 1.5 of this bill transfers that authority to the Governor and requires the Governor to consider the skill and experience of a potential Executive Director in regulated industries when making the appointment.

Existing law authorizes the Board to adopt regulations necessary and convenient to carry out certain provisions of law relating to the regulation of cannabis. (NRS 678A.450) Section 1.7 of this bill provides that if the Board adopts regulations establishing certain mechanisms to ensure compliance with those provisions of law, the mechanisms must: (1) include certain education and training for employees of the Board and certain information to aid licensees and registrants in compliance; and (2) establish certain grounds for disciplinary action against a licensee or registrant. Section 1.7 also authorizes the Board to adopt certain regulations governing cannabis establishments which are publicly traded companies. Finally, section 1.7 requires the Board to adopt regulations providing for the investigation of unlicensed cannabis activities and the imposition of penalties against persons who engage in such activities. Section 5.3 of this bill makes a conforming change to account for the placement of new language in section 1.7.

Existing law sets forth the Nevada Administrative Procedure Act, which establishes the procedures for state agencies to adopt, amend or repeal administrative regulations and adjudicate contested cases. (Chapter 233B of NRS) Existing law exempts the ~~(Cannabis Compliance)~~ Board from the provisions of the Act. (NRS 233B.039) Existing law instead sets forth specific procedures for the Board to: (1) adopt, amend or repeal regulations; and (2) take disciplinary action against a person who holds a license or registration card issued by the Board. (NRS 678A.460, 678A.500-678A.640) Section 5 of this bill eliminates the exemption of the Board from the provisions of the Act, thereby requiring the Board to adopt, amend and repeal regulations and adjudicate contested cases in the same manner as other state agencies subject to the provisions of the Act. Section 6 of this bill repeals the specific procedures for the Board to adopt, amend or repeal regulations set forth under existing law. Sections ~~1-3~~ 1.9-3 of this bill revise the procedures for the Board to take disciplinary action to conform with the procedures for the adjudication of contested cases set forth in the Act.

Existing law sets forth procedures by which a person aggrieved by a final decision of the Board in a disciplinary proceeding may obtain judicial review of the decision. (NRS 678A.610-678A.640) Section 6 eliminates those procedures. Section 4 of this bill instead authorizes a person aggrieved by a final decision of the Board in a disciplinary proceeding to obtain judicial review of the decision in the manner provided in the Act.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 678A.005 is hereby amended to read as follows:

678A.005 The Legislature hereby finds, and declares to be the public policy of this State, that:

1. The cannabis industry is ~~beneficial~~ significant to the economy of the State ~~and the general welfare of its residents.~~ of Nevada.

2. A regulated cannabis industry provides access to legal cannabis and cannabis products in a safe manner. Cannabis and cannabis products obtained from illegal sources are not tested, may be associated with violent crime and are often targeted at minors.

3. The continued growth and success of the cannabis industry is dependent upon public confidence and trust and an understanding that:

(a) Residents who suffer from chronic or debilitating medical conditions will be able to obtain medical cannabis safely and conveniently;

(b) Residents who choose to engage in the adult use of cannabis may also obtain adult-use cannabis in a safe and efficient manner;

(c) Cannabis establishments do not unduly impact the quality of life enjoyed by residents of the surrounding neighborhoods;

(d) Cannabis licenses and registration cards are issued in a fair and equitable manner ~~and~~ with a commitment to the consideration of social equity;

(e) The holders of cannabis licenses and registration cards are representative of their communities; ~~and~~

(f) ~~The~~ Nevada seeks to emulate other privileged industries that are licensed and strictly regulated insofar as those industries are similar to or the approaches used in those industries are compatible with the cannabis industry in this State; and

(g) A well regulated cannabis industry ~~is free from~~ provides significant tax revenues to the State and runs contrary to the criminal and corruptive elements ~~that~~ that exist in an unregulated and illegal market.

~~3.4~~ 4. Public confidence and trust can only be maintained by strict but fair and equitable regulation of all persons, locations, practices, associations and activities related to the operation of cannabis establishments.

~~4.4~~ 5. All cannabis establishments and cannabis establishment agents must ~~therefore~~ be licensed, controlled and assisted to protect the public health, safety, morals, good order and general welfare of the inhabitants of the State, to foster the stability and success of the cannabis industry and to preserve the competitive economy and policies of free competition of the State of Nevada.

Sec. 1.3. NRS 678A.360 is hereby amended to read as follows:

678A.360 1. Each member of the Board must be a resident of the State of Nevada.

2. No member of the Legislature, no person holding any elective office in the State Government, nor any officer or official of any political party is eligible for appointment to the Board.

3. Not more than three of the five members of the Board may be of the same political party.

4. It is the intention of the Legislature that the Board be composed of the

most qualified persons available.

5. One member of the Board must ~~be~~

~~(a) Be a certified public accountant certified or licensed by this State or another state of the United States or a public accountant qualified to practice public accounting under the provisions of chapter 628 of NRS, have 5 years of progressively responsible experience in general accounting and have a comprehensive knowledge of the principles and practices of corporate finance; or~~

~~(b) Possess~~ possess the qualifications of an expert in the fields of corporate finance and auditing, inventory, general finance or economics ~~and be selected with special reference to his or her knowledge, skill and experience in representing businesses engaging in manufacturing, distribution, retail or agriculture.~~

6. One member of the Board must be selected with special reference to his or her training and experience in the fields of investigation or law enforcement ~~and~~ , including, without limitation, in the area of illegal or unlicensed cannabis activities.

7. One member of the Board must be an attorney licensed to practice in this State and selected with special reference to his or her knowledge, skill and experience in representing businesses in licensing matters or regulatory compliance.

8. One member of the Board must be selected with special reference to his or her knowledge, skill and experience in the cannabis industry. The person selected pursuant to this subsection is not subject to paragraph (b) of subsection 1 of NRS 281A.410 or subsection 3 of NRS 281A.550.

9. One member of the Board must be a physician licensed pursuant to chapter 630 or 633 of NRS and have knowledge, skill and experience in the area of public health or be a psychologist, clinical professional counselor, alcohol and drug counselor, ~~or~~ social worker or a person with expertise in laboratory sciences and must be selected with special reference to his or her knowledge, skill and experience in the area of ~~education and prevention of abuse relating to~~ cannabis.

10. In addition to any other requirements imposed by this section, the member who is designated as Chair of the Board must have at least 5 years of leadership experience in his or her field.

Sec. 1.4. NRS 678A.370 is hereby amended to read as follows:

678A.370 1. ~~The term of office of each member of the Board is 4 years, commencing on the last Monday in January.~~

~~2.~~ The Governor shall appoint the members of the Board and designate one member to serve as Chair, who shall preside over all official activities of the Board ~~and~~ , and one member as Vice Chair, who shall perform duties established by the Board.

2. The term of the Chair is 2 years. Upon expiration of the term of the Chair, if the Governor has not designated the member to serve as Chair for another term or designated another member to serve as Chair, the Vice

Chair becomes the Chair.

3. In appointing members to the Board, the Governor shall consider whether the members appointed to the Board reflect the ethnic and geographical diversity of this State.

4. Each member of the Board serves a term of 4 years.

~~{3.}~~ 5. The Governor may remove any member for neglect of duty, misfeasance, malfeasance or nonfeasance in office. Removal may be made after:

(a) The member has been served with a copy of the charges against the member; and

(b) A public hearing before the Governor is held upon the charges, if requested by the member charged.

➡ The request for a public hearing must be made within 10 days after service upon such member of the charges. If a hearing is not requested, a member is removed effective 10 days after service of charges upon the member. A record of the proceedings at the public hearing must be filed with the Secretary of State.

6. Before entering upon the duties of office, each person appointed to the Board must receive training that is the same or substantially similar to any training that is required by the Board by regulation to be completed by a cannabis establishment agent before he or she may be employed by, volunteer at or provide labor to a cannabis establishment.

Sec. 1.5. NRS 678A.420 is hereby amended to read as follows:

678A.420 1. The position of Executive Director of the Cannabis Compliance Board is hereby created.

2. The Executive Director:

(a) Is appointed by the ~~[Board]~~ Governor, with consideration given to the skill or experience of the appointee in regulated industries, and may be removed by the ~~[Board]~~ Governor;

(b) Is responsible for the conduct of the administrative matters of the Board; and

(c) Shall, except as otherwise provided in NRS 284.143, devote his or her entire time and attention to the business of the office of Executive Director and shall not pursue any other business or occupation or hold any other office for profit.

3. The Executive Director is entitled to an annual salary in the amount specified by the Board within the limits of legislative appropriations or authorizations.

Sec. 1.6. NRS 678A.440 is hereby amended to read as follows:

678A.440 In addition to any other powers granted by this title, the Board has the power to:

1. Enter into interlocal agreements pursuant to NRS 277.080 to 277.180, inclusive.

2. Establish and amend a plan of organization for the Board, including, without limitation, organizations of divisions or sections with leaders for

such divisions or sections.

3. Appear on its own behalf before governmental agencies of the State or any of its political subdivisions.

4. Apply for and accept any gift, donation, bequest, grant or other source of money to carry out the provisions of this title.

5. Execute all instruments necessary or convenient for carrying out the provisions of this title.

6. Prepare, publish and distribute such studies, reports, bulletins and other materials as the Board deems appropriate.

7. Refer cases to the Attorney General for criminal prosecution.

8. Maintain an official Internet website for the Board.

9. Monitor federal activity regarding cannabis and report its findings to the Legislature.

10. Employ the services of such persons the Board considers necessary for the purposes of hearing disciplinary proceedings.

11. In accordance with NRS 179.1156 to 179.121, inclusive, seize and destroy cannabis and cannabis products involved in unlicensed cannabis activities.

12. Commit resources and take action to address unlicensed cannabis activities, including, without limitation:

(a) Investigating and referring matters involving unlicensed cannabis activities to the appropriate state or local law enforcement agency, including, without limitation, the Investigation Division of the Department of Public Safety and the Attorney General, for further investigation and possible criminal prosecution;

(b) Educating the public through various types of media and communication and other forms of public outreach on the dangers and illegality of unlicensed cannabis activities and the importance of having cannabis establishments which are licensed and regulated;

(c) Creating a system through which the public, licensees and registrants may file confidential reports of unlicensed cannabis activities; and

(d) Imposing penalties against persons who engage in unlicensed cannabis activities in accordance with the regulations adopted by the Board pursuant to NRS 678A.450.

Sec. 1.7. NRS 678A.450 is hereby amended to read as follows:

678A.450 1. The Board may adopt regulations necessary or convenient to carry out the provisions of this title. Such regulations may include, without limitation:

(a) Financial requirements for licensees.

(b) Establishing such education, outreach, investigative and enforcement mechanisms as the Board deems necessary to ensure the compliance of a licensee or registrant with the provisions of this title. Such mechanisms must include, without limitation:

(1) A system to educate, train and certify employees of the Board which:

(I) Each member must complete before he or she may engage in

inspections, investigations or audits; and

(II) At a minimum, includes training that is the same or substantially similar to any training that is required by the Board by regulation to be completed by a cannabis establishment agent before he or she may be employed by, volunteer at or provide labor to a cannabis establishment;

(2) A system to educate and advise licensees and registrants on compliance with the provisions of this title which may serve as an alternative to disciplinary action; and

(3) Establishing specific grounds for disciplinary action against a licensee or registrant who knowingly violates the law or engages in grossly negligent, unlawful or criminal conduct or an act or omission that poses an imminent threat to the health or safety of the public.

(c) Requirements for licensees or registrants relating to the cultivation, processing, manufacture, transport, distribution, testing, study, advertising and sale of cannabis and cannabis products.

(d) Policies and procedures to ensure that the cannabis industry in this State is economically competitive, inclusive of racial minorities, women and persons and communities that have been adversely affected by cannabis prohibition and accessible to persons of low-income seeking to start a business.

(e) Policies and procedures governing the circumstances under which the Board may waive the requirement to obtain a registration card pursuant to this title for any person who holds an ownership interest of less than 5 percent in any one cannabis establishment or an ownership interest in more than one cannabis establishment of the same type that, when added together, is less than 5 percent.

(f) Policies and procedures relating to the disclosure of the identities of the shareholders and the annual report of a cannabis establishment that is a publicly traded company.

(g) Reasonable restrictions on the signage, marketing, display and advertising of cannabis establishments. Such a restriction must not require a cannabis establishment to obtain the approval of the Board before using a logo, sign or advertisement.

~~[(g)]~~ (h) Provisions governing the sales of products and commodities made from hemp, as defined in NRS 557.160, or containing cannabidiol by cannabis establishments.

~~[(h)]~~ (i) Requirements relating to the packaging and labeling of cannabis and cannabis products.

2. The Board shall adopt regulations providing for the gathering and maintenance of comprehensive demographic information, including, without limitation, information regarding race, ethnicity, age and gender, concerning each:

(a) Owner and manager of a cannabis establishment.

(b) Holder of a cannabis establishment agent registration card.

3. The Board shall adopt regulations providing for the investigation of

unlicensed cannabis activities and the imposition of penalties against persons who engage in such activities. Such regulations must, without limitation:

(a) Establish penalties to be imposed for unlicensed cannabis activities, which may include, without limitation, the issuance of a cease and desist order or citation, the imposition of an administrative fine or civil penalty and other similar penalties.

(b) Set forth the procedures by which the Board may impose a penalty against a person for engaging in unlicensed cannabis activities.

(c) Set forth the circumstances under which the Board is required to refer matters concerning unlicensed cannabis activities to an appropriate state or local law enforcement agency.

4. The Board shall transmit the information gathered and maintained pursuant to subsection 2 to the Director of the Legislative Counsel Bureau for transmission to the Legislature on or before January 1 of each odd-numbered year.

~~[4.]~~ 5. The Board shall, by regulation, establish a pilot program for identifying opportunities for an emerging small cannabis business to participate in the cannabis industry. As used in this subsection, "emerging small cannabis business" means a cannabis-related business that:

- (a) Is in existence, operational and operated for a profit;
- (b) Maintains its principal place of business in this State; and
- (c) Satisfies requirements for the number of employees and annual gross revenue established by the Board by regulation.

~~[Section 1.]~~ Sec. 1.9. NRS 678A.510 is hereby amended to read as follows:

678A.510 1. If the Executive Director transmits the details of a suspected violation to the Attorney General pursuant to NRS 678A.500, the Attorney General shall conduct an investigation of the suspected violation to determine whether it warrants proceedings for disciplinary action of the licensee or registrant. If the Attorney General determines that further proceedings are warranted, he or she shall report the results of the investigation together with a recommendation to the Executive Director in a manner which does not violate the right of the person charged in the complaint to due process in any later hearing on the complaint. The Executive Director shall transmit the recommendation and other information received from the Attorney General to the Board.

2. The Board shall promptly make a determination with respect to each complaint resulting in an investigation by the Attorney General. The Board shall:

- (a) Dismiss the complaint; or
- (b) Proceed with appropriate disciplinary action in accordance with NRS 678A.520 to 678A.600, inclusive, *chapter 233B of NRS* and the regulations adopted by the Board.

Sec. 2. NRS 678A.540 is hereby amended to read as follows:

678A.540 1. At all hearings before the Board:

(a) Oral evidence may be taken only upon oath or affirmation administered by the Board.

(b) Every party has the right to:

(1) Call and examine witnesses;

(2) Introduce exhibits relevant to the issues of the case;

(3) Cross-examine opposing witnesses on any matters relevant to the issues of the case, even though the matter was not covered in a direct examination;

(4) Impeach any witness regardless of which party first called the witness to testify; and

(5) Offer rebuttal evidence.

(c) If the respondent does not testify in his or her own behalf, the respondent may be called and examined as if under cross-examination.

(d) The hearing need not be conducted according to technical rules relating to evidence and witnesses ~~[-]~~ , *except that those prescribed in NRS 233B.123 apply*. Any relevant evidence *that is not immaterial or unduly repetitious* may be admitted and is sufficient in itself to support a finding if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in a civil action.

(e) The parties or their counsel may by written stipulation agree that certain specified evidence may be admitted even though such evidence might otherwise be subject to objection.

2. The Board may take official notice of any generally accepted information or technical or scientific matter within the field of cannabis, and of any other fact which may be judicially noticed by the courts of this State. The parties must be informed of any information, matters or facts so noticed, and must be given a reasonable opportunity, on request, to refute such information, matters or facts by evidence or by written or oral presentation of authorities, the manner of such refutation to be determined by the Board.

3. Affidavits may be received in evidence at any hearing of the Board in accordance with the following:

(a) The party wishing to use an affidavit must, not less than 10 days before the day set for hearing, serve upon the opposing party or counsel, either personally or by registered or certified mail, a copy of the affidavit which the party proposes to introduce in evidence together with a notice as provided in paragraph (c).

(b) Unless the opposing party, within 7 days after such service, mails or delivers to the proponent a request to cross-examine the affiant, the opposing party's right to cross-examine the affiant is waived and the affidavit, if introduced in evidence, must be given the same effect as if the affiant had testified orally. If an opportunity to cross-examine an affiant is not afforded after request therefor is made in accordance with this paragraph, the affidavit

may be introduced in evidence, but must be given only the same effect as other hearsay evidence.

(c) The notice referred to in paragraph (a) must be substantially in the following form:

The accompanying affidavit of (here insert name of affiant) will be introduced as evidence at the hearing set for the day of the month of of the year (Here insert name of affiant) will not be called to testify orally and you will not be entitled to question (here insert name of affiant) unless you notify the undersigned that you wish to cross-examine (here insert name of affiant). To be effective your request must be mailed or delivered to the undersigned on or before 7 days from the date this notice and the enclosed affidavit are served upon you.

.....
(Party or Counsel)

.....
(Address)

Sec. 3. NRS 678A.590 is hereby amended to read as follows:

678A.590 1. Within 60 days after the hearing of a contested matter, the Board shall render a written decision on the merits . ~~{which}~~ *Except as otherwise provided in subsection 5 of NRS 233B.121, the written decision must contain findings of fact ~~{ }~~ and conclusions of law which are separately stated,* a determination of the issues presented and the penalty to be imposed, if any. The Board shall thereafter make and enter its written order in conformity to its decision. No member of the Board who did not hear the evidence may vote on the decision. The affirmative votes of a majority of the whole Board are required to impose any penalty. Copies of the decision and order must be served on the parties personally or sent to them by registered or certified mail. The decision is effective upon such service, unless the Board orders otherwise.

2. The Board may, upon motion made within ~~{10}~~ 15 days after service of a decision and order, order a rehearing before the Board upon such terms and conditions as it may deem just and proper if a petition for judicial review of the decision and order has not been filed. The motion must not be granted except upon a showing that there is additional evidence which is material and necessary and reasonably calculated to change the decision of the Board, and that sufficient reason existed for failure to present the evidence at the hearing of the Board. The motion must be supported by an affidavit of the moving party or his or her counsel showing with particularity the materiality and necessity of the additional evidence and the reason why it was not introduced at the hearing. Upon rehearing, rebuttal evidence to the additional evidence must be permitted. After rehearing, the Board may modify its decision and order as the additional evidence may warrant.

Sec. 4. NRS 678A.610 is hereby amended to read as follows:

678A.610 ~~{1-}~~ Any person aggrieved by a final decision or order of the

Board made after hearing or rehearing by the Board pursuant to NRS 678A.520 to 678A.600, inclusive, and whether or not a motion for rehearing was filed, ~~[may obtain a]~~ *is entitled to* judicial review ~~[thereof in the district court of the county in which the petitioner resides or has his, her or its principal place of business.]~~

~~— 2. The judicial review must be instituted by filing a petition within 20 days after the effective date of the final decision or order. A petition may not be filed while a motion for rehearing or a rehearing is pending before the Board. The petition must set forth the order or decision appealed from and the grounds or reasons why petitioner contends a reversal or modification should be ordered.~~

~~— 3. Copies of the petition must be served upon the Board and all other parties of record, or their counsel of record, either personally or by certified mail.~~

~~— 4. The court, upon a proper showing, may permit other interested persons to intervene as parties to the appeal or as friends of the court.~~

~~— 5. The filing of the petition does not stay enforcement of the decision or order of the Board, but the Board itself may grant a stay upon such terms and conditions as it deems proper.] of the decision or order in the manner provided by chapter 233B of NRS.~~

Sec. 4.3. NRS 281A.410 is hereby amended to read as follows:

281A.410 In addition to the requirements of the code of ethical standards and the other provisions of this chapter:

1. ~~[(4)]~~ Except as otherwise provided in NRS 678A.360, a public officer or employee serves in a state agency of the Executive Department or an agency of any county, city or other political subdivision, the public officer or employee:

(a) Shall not accept compensation from any private person to represent or counsel the private person on any issue pending before the agency in which that public officer or employee serves, if the agency makes decisions; and

(b) If the public officer or employee leaves the service of the agency, shall not, for 1 year after leaving the service of the agency, represent or counsel for compensation a private person upon any issue which was under consideration by the agency during the public officer's or employee's service. As used in this paragraph, "issue" includes a case, proceeding, application, contract or determination, but does not include the proposal or consideration of legislative measures or administrative regulations.

2. Except as otherwise provided in subsection 3, a State Legislator or a member of a local legislative body, or a public officer or employee whose public service requires less than half of his or her time, may represent or counsel a private person before an agency in which he or she does not serve.

3. A member of a local legislative body shall not represent or counsel a private person for compensation before another local agency if the territorial jurisdiction of the other local agency includes any part of the county in which the member serves. The Commission may relieve the member from the strict

application of the provisions of this subsection if:

(a) The member files a request for an advisory opinion from the Commission pursuant to NRS 281A.675; and

(b) The Commission determines that such relief is not contrary to:

(1) The best interests of the public;

(2) The continued ethical integrity of each local agency affected by the matter; and

(3) The provisions of this chapter.

4. For the purposes of subsection 3, the request for an advisory opinion, the advisory opinion and all meetings, hearings and proceedings of the Commission in such a matter are governed by the provisions of NRS 281A.670 to 281A.690, inclusive.

5. Unless permitted by this section, a public officer or employee shall not represent or counsel a private person for compensation before any state agency of the Executive or Legislative Department.

Sec. 4.6. NRS 281A.550 is hereby amended to read as follows:

281A.550 1. A former member of the Public Utilities Commission of Nevada shall not:

(a) Be employed by a public utility or parent organization or subsidiary of a public utility; or

(b) Appear before the Public Utilities Commission of Nevada to testify on behalf of a public utility or parent organization or subsidiary of a public utility,

↪ for 1 year after the termination of the member's service on the Public Utilities Commission of Nevada.

2. A former member of the Nevada Gaming Control Board or the Nevada Gaming Commission shall not:

(a) Appear before the Nevada Gaming Control Board or the Nevada Gaming Commission on behalf of a person who holds a license issued pursuant to chapter 463 or 464 of NRS or who is required to register with the Nevada Gaming Commission pursuant to chapter 463 of NRS; or

(b) Be employed by such a person,

↪ for 1 year after the termination of the member's service on the Nevada Gaming Control Board or the Nevada Gaming Commission.

3. In addition to the prohibitions set forth in subsections 1 and 2, and except as otherwise provided in subsections 4 and 6 ~~and~~ and NRS 678A.360, a former public officer or employee of a board, commission, department, division or other agency of the Executive Department of State Government, except a clerical employee, shall not solicit or accept employment from a business or industry whose activities are governed by regulations adopted by the board, commission, department, division or other agency for 1 year after the termination of the former public officer's or employee's service or period of employment if:

(a) The former public officer's or employee's principal duties included the formulation of policy contained in the regulations governing the business or

industry;

(b) During the immediately preceding year, the former public officer or employee directly performed activities, or controlled or influenced an audit, decision, investigation or other action, which significantly affected the business or industry which might, but for this section, employ the former public officer or employee; or

(c) As a result of the former public officer's or employee's governmental service or employment, the former public officer or employee possesses knowledge of the trade secrets of a direct business competitor.

4. The provisions of subsection 3 do not apply to a former public officer who was a member of a board, commission or similar body of the State if:

(a) The former public officer is engaged in the profession, occupation or business regulated by the board, commission or similar body;

(b) The former public officer holds a license issued by the board, commission or similar body; and

(c) Holding a license issued by the board, commission or similar body is a requirement for membership on the board, commission or similar body.

5. Except as otherwise provided in subsection 6, a former public officer or employee of the State or a political subdivision, except a clerical employee, shall not solicit or accept employment from a person to whom a contract for supplies, materials, equipment or services was awarded by the State or political subdivision, as applicable, for 1 year after the termination of the officer's or employee's service or period of employment, if:

(a) The amount of the contract exceeded \$25,000;

(b) The contract was awarded within the 12-month period immediately preceding the termination of the officer's or employee's service or period of employment; and

(c) The position held by the former public officer or employee at the time the contract was awarded allowed the former public officer or employee to affect or influence the awarding of the contract.

6. A current or former public officer or employee may file a request for an advisory opinion pursuant to NRS 281A.675 concerning the application of the relevant facts in that person's case to the provisions of subsection 3 or 5, as applicable, and determine whether relief from the strict application of those provisions is proper. If the Commission determines that relief from the strict application of the provisions of subsection 3 or 5, as applicable, is not contrary to:

(a) The best interests of the public;

(b) The continued ethical integrity of the State Government or political subdivision, as applicable; and

(c) The provisions of this chapter,

↳ it may issue an advisory opinion to that effect and grant such relief.

7. For the purposes of subsection 6, the request for an advisory opinion, the advisory opinion and all meetings, hearings and proceedings of the Commission in such a matter are governed by the provisions of

NRS 281A.670 to 281A.690, inclusive.

8. The advisory opinion does not relieve the current or former public officer or employee from the strict application of any provision of NRS 281A.410.

9. For the purposes of this section:

(a) A former member of the Public Utilities Commission of Nevada, the Nevada Gaming Control Board or the Nevada Gaming Commission; or

(b) Any other former public officer or employee governed by this section, ➔ is employed by or is soliciting or accepting employment from a business, industry or other person described in this section if any oral or written agreement is sought, negotiated or exists during the restricted period pursuant to which the personal services of the public officer or employee are provided or will be provided to the business, industry or other person, even if such an agreement does not or will not become effective until after the restricted period.

10. As used in this section, "regulation" has the meaning ascribed to it in NRS 233B.038 and also includes regulations adopted by a board, commission, department, division or other agency of the Executive Department of State Government that is exempted from the requirements of chapter 233B of NRS.

Sec. 5. NRS 233B.039 is hereby amended to read as follows:

233B.039 1. The following agencies are entirely exempted from the requirements of this chapter:

(a) The Governor.

(b) Except as otherwise provided in NRS 209.221 and 209.2473, the Department of Corrections.

(c) The Nevada System of Higher Education.

(d) The Office of the Military.

(e) The Nevada Gaming Control Board.

(f) Except as otherwise provided in NRS 368A.140 and 463.765, the Nevada Gaming Commission.

(g) Except as otherwise provided in NRS 425.620, the Division of Welfare and Supportive Services of the Department of Health and Human Services.

(h) Except as otherwise provided in NRS 422.390, the Division of Health Care Financing and Policy of the Department of Health and Human Services.

(i) Except as otherwise provided in NRS 533.365, the Office of the State Engineer.

(j) The Division of Industrial Relations of the Department of Business and Industry acting to enforce the provisions of NRS 618.375.

(k) The Administrator of the Division of Industrial Relations of the Department of Business and Industry in establishing and adjusting the schedule of fees and charges for accident benefits pursuant to subsection 2 of NRS 616C.260.

(l) The Board to Review Claims in adopting resolutions to carry out its duties pursuant to NRS 445C.310.

(m) The Silver State Health Insurance Exchange.

~~{(n) The Cannabis Compliance Board.}~~

2. Except as otherwise provided in subsection 5 and NRS 391.323, the Department of Education, the Board of the Public Employees' Benefits Program and the Commission on Professional Standards in Education are subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

3. The special provisions of:

(a) Chapter 612 of NRS for the adoption of an emergency regulation or the distribution of regulations by and the judicial review of decisions of the Employment Security Division of the Department of Employment, Training and Rehabilitation;

(b) Chapters 616A to 617, inclusive, of NRS for the determination of contested claims;

(c) Chapter 91 of NRS for the judicial review of decisions of the Administrator of the Securities Division of the Office of the Secretary of State; and

(d) NRS 90.800 for the use of summary orders in contested cases,

→ prevail over the general provisions of this chapter.

4. The provisions of NRS 233B.122, 233B.124, 233B.125 and 233B.126 do not apply to the Department of Health and Human Services in the adjudication of contested cases involving the issuance of letters of approval for health facilities and agencies.

5. The provisions of this chapter do not apply to:

(a) Any order for immediate action, including, but not limited to, quarantine and the treatment or cleansing of infected or infested animals, objects or premises, made under the authority of the State Board of Agriculture, the State Board of Health, or any other agency of this State in the discharge of a responsibility for the preservation of human or animal health or for insect or pest control;

(b) An extraordinary regulation of the State Board of Pharmacy adopted pursuant to NRS 453.2184;

(c) A regulation adopted by the State Board of Education pursuant to NRS 388.255 or 394.1694;

(d) The judicial review of decisions of the Public Utilities Commission of Nevada;

(e) The adoption, amendment or repeal of policies by the Rehabilitation Division of the Department of Employment, Training and Rehabilitation pursuant to NRS 426.561 or 615.178;

(f) The adoption or amendment of a rule or regulation to be included in the State Plan for Services for Victims of Crime by the Department of Health and Human Services pursuant to NRS 217.130;

(g) The adoption, amendment or repeal of rules governing the conduct of contests and exhibitions of unarmed combat by the Nevada Athletic Commission pursuant to NRS 467.075;

(h) The adoption, amendment or repeal of regulations by the Director of the Department of Health and Human Services pursuant to NRS 447.335 to 447.350, inclusive;

(i) The adoption, amendment or repeal of standards of content and performance for courses of study in public schools by the Council to Establish Academic Standards for Public Schools and the State Board of Education pursuant to NRS 389.520;

(j) The adoption, amendment or repeal of the statewide plan to allocate money from the Fund for a Resilient Nevada created by NRS 433.732 established by the Department of Health and Human Services pursuant to paragraph (b) of subsection 1 of NRS 433.734; or

(k) The adoption or amendment of a data request by the Commissioner of Insurance pursuant to NRS 687B.404.

6. The State Board of Parole Commissioners is subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

Sec. 5.3. NRS 453.096 is hereby amended to read as follows:

453.096 1. "Marijuana" means:

(a) All parts of any plant of the genus Cannabis, whether growing or not;

(b) The seeds thereof;

(c) The resin extracted from any part of the plant, including concentrated cannabis;

(d) Every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin;

(e) Any commodity or product made using hemp which exceeds the maximum THC concentration established by the State Department of Agriculture for hemp; and

(f) Any product or commodity made from hemp which is manufactured or sold by a cannabis establishment which violates any regulation adopted by the Cannabis Compliance Board pursuant to paragraph ~~((e))~~ (h) of subsection 1 of NRS 678A.450 relating to THC concentration.

2. "Marijuana" does not include:

(a) Hemp, as defined in NRS 557.160, which is grown or cultivated pursuant to the provisions of chapter 557 of NRS;

(b) The mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination; or

(c) Any commodity or product made using hemp, as defined in NRS 557.160, which does not exceed the maximum THC concentration established by the State Department of Agriculture for hemp.

Sec. 5.4. 1. The terms of the members of the Board described in subsections 5, 6 and 7 of NRS 678A.360, as amended by section 1.3 of this act, who are incumbent on June 30, 2024, expire on that date. On or before

July 1, 2024, the Governor shall appoint to the Board the members described in subsections 5, 6 and 7 of NRS 678A.360, as amended by section 1.3 of this act, to terms that commence on July 1, 2024, and expire on June 30, 2028.

2. The terms of the members of the Board described in subsections 8 and 9 of NRS 678A.360, as amended by section 1.3 of this act, who are incumbent on June 30, 2025, expire on that date. On or before July 1, 2025, the Governor shall appoint to the Board the members described in subsections 8 and 9 of NRS 678A.360, as amended by section 1.3 of this act, to terms that commence on July 1, 2025, and expire on June 30, 2029.

3. Notwithstanding the amendatory provisions of section 1.3 of this act, any appointment of a member to the Board that is made:

(a) For a member described in subsection 5, 6 or 7 of NRS 678A.360, as amended by section 1.3 of this act, before the appointment of the members required to be appointed pursuant to subsection 1 must be made in accordance with NRS 678A.360 and 678A.370, as those sections existed before the effective date of this act.

(b) For a member described in subsection 8 or 9 of NRS 678A.360, as amended by section 1.3 of this act, before the appointment of the members required to be appointed pursuant to subsection 2 must be made in accordance with NRS 678A.360 and 678A.370, as those sections existed before the effective date of this act.

Sec. 5.5. The amendatory provisions of sections 2, 3, 4 and 6 of this act apply to any judicial or administrative proceedings commenced on or after the effective date of this act.

Sec. 5.7. The amendatory provisions of sections 5 and 6 of this act apply to regulations which are proposed by the Cannabis Compliance Board on or after the effective date of this act.

Sec. 6. NRS 678A.460, 678A.560, 678A.620, 678A.630 and 678A.640 are hereby repealed.

Sec. 7. This act becomes effective upon passage and approval.

LEADLINES OF REPEALED SECTIONS

678A.460 Regulations: Procedure for adoption, amendment and repeal.

678A.560 Hearings: Limitations on communications.

678A.620 Judicial review: Record on review.

678A.630 Judicial review: Additional evidence taken by Board; review confined to record; court may affirm, remand or reverse.

678A.640 Judicial review: Appeal to appellate court; exclusive method of review for disciplinary hearings; certain actions not subject to judicial review.

Senator Spearman moved that the Senate concur in Assembly Amendment No. 698 to Senate Bill No. 328.

Conflict of interest declared by Senator Ohrenschall.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senator Cannizzaro moved that the Senate take a brief recess.
Motion carried.

Senate in recess at 11:42 p.m.

SENATE IN SESSION

At 11:48 p.m.
President Anthony presiding.
Quorum present.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, June 5, 2023

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Bill No. 277, Amendment No. 948, and respectfully requests your honorable body to concur in said amendment.

CAROL AIELLO-SALA
Assistant Chief Clerk of the Assembly

UNFINISHED BUSINESS

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 277.

The following Assembly amendment was read:

Amendment No. 948.

SUMMARY—Revises provisions relating to cannabis. (BDR 56-193)

AN ACT relating to cannabis; revising provisions relating to cannabis establishment agents; requiring the Cannabis Compliance Board to consider certain matters before adopting, amending or repealing any regulation; revising provisions relating to the issuance and renewal of licenses and registration cards by the Board; revising certain restrictions on sales of cannabis; requiring the Board to develop and implement a process by which a person may petition for an exemption from certain provisions related to excluded felony offenses; ~~increasing~~ decreasing certain fees for the issuance and renewal of an adult-use cannabis establishment license; authorizing cannabis establishments to have more than one entrance; deeming each adult-use cannabis establishment to be a dual licensee; revising the exemption from state prosecution for certain offenses relating to cannabis to increase the amount of cannabis and concentrated cannabis that a person who is 21 years of age or older is authorized to possess, deliver or produce; authorizing certain local governments to use money collected from a licensing tax on cannabis establishments for certain purposes; revising provisions relating to the excise tax on cannabis; revising the definition of the term "marijuana"; requiring the Cannabis Advisory Commission to conduct a study concerning certain matters relating to the scheduling of cannabis; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensure and regulation of persons and establishments involved in the cannabis industry in this State by the Cannabis

Compliance Board. (Title 56 of NRS) Existing law sets forth the method by which the Board may adopt, amend or repeal regulations. (NRS 678A.460) Section 1.5 of this bill requires the Board, before adopting, amending or repealing any regulation, to consider whether the proposed action is likely to have an adverse effect on the environment and, if so, whether there are any methods to reduce or eliminate that adverse effect which would not impose an economic burden on holders of an adult-use cannabis establishment license or medical cannabis establishment license.

Existing law establishes different requirements for the cultivation, production and sale of cannabis and cannabis products depending upon whether the cannabis establishment engaging in such activities is an adult-use cannabis establishment or a medical cannabis establishment. (Chapters 678C and 678D of NRS) Under existing law, a person who holds both an adult-use cannabis establishment license and a medical cannabis establishment license of the same type is a "dual licensee" and is, in general, authorized to combine the operations of the adult-use cannabis establishment and medical cannabis establishment, subject to various requirements. (NRS 678A.145, 678C.410, 678C.430, 678D.430) Section 13 of this bill deems each adult-use cannabis establishment to be a dual licensee and authorizes the establishment to engage in activities relating to the medical use of cannabis to the same extent as if the adult-use cannabis establishment held a medical cannabis establishment license of the same type. Section 15 of this bill exempts from the excise tax imposed on retail sales of cannabis or cannabis products by an adult-use cannabis retail store any sale of cannabis for the medical use of cannabis or a medical cannabis product to the holder of a registry identification card or letter of approval by an adult-use cannabis retail store deemed to be a dual licensee pursuant to section 13.

Sections 3, 5 and 6 of this bill prohibit the Board from issuing or renewing a medical cannabis establishment license on or after January 1, 2024, unless the medical cannabis establishment is located in a local governmental jurisdiction that is a "covered jurisdiction," which section 3 defines to mean a local governmental jurisdiction that has adopted local cannabis control measures which prohibit the operation of adult-use cannabis establishments. Section 17 of this bill sets forth a process by which a person who holds a medical cannabis establishment license on January 1, 2024, for a medical cannabis establishment that is not located in a covered jurisdiction may apply for and be issued an adult-use cannabis establishment license of the same type. Section 3 sets forth a similar process to allow a person who holds a medical cannabis establishment license for a medical cannabis establishment that is located in a covered jurisdiction to apply for and be issued an adult-use cannabis establishment license of the same type if the local governmental jurisdiction in which the establishment is located ceases to be a covered jurisdiction.

Existing law imposes limits on the number of: (1) medical cannabis establishment licenses for medical cannabis dispensaries and adult-use

cannabis establishment licenses for adult-use cannabis retail stores that the Board is authorized to issue within a county; and (2) medical cannabis establishment licenses and adult-use cannabis establishment licenses that a single person, group of persons or entity is authorized to hold in a county whose population is 100,000 or more (currently Clark and Washoe Counties). (NRS 678B.220, 678B.230, 678B.260, 678B.270) Sections 3 and 17 deem an adult-use cannabis establishment license issued pursuant to those sections to be a medical cannabis establishment license for the purpose of those limitations, thereby exempting such a license from the limitations applicable to adult-use cannabis establishment licenses while continuing to subject such licenses to the limitations applicable to medical cannabis establishment licenses.

Section 10 of this bill ~~increases~~ decreases the maximum amount of the fees that the Board is authorized to charge for the issuance or renewal of an adult-use cannabis establishment license ~~[-], other than the fee for the initial issuance of an adult-use cannabis establishment license for an adult-use cannabis retail store, to an amount that is equal to the amount set forth under existing law for the issuance or renewal, as applicable, of a medical cannabis establishment license of the same type.~~

Existing law requires a cannabis establishment that is: (1) a cannabis sales facility to have a single secure entrance for patrons; and (2) not a cannabis sales facility to have a single secure entrance. (NRS 678B.510) Section 11 of this bill authorizes any cannabis establishment to have more than one entrance so long as each entrance is secure.

Existing law provides an exemption from state prosecution for the possession, delivery and production of cannabis for: (1) a person who holds a valid registry identification card or letter of approval; and (2) a person who is 21 years of age or older. (NRS 678C.200, 678D.200) However, under existing law, that exemption is subject to certain limitations. For a person who is 21 years of age or older, that exemption applies only to the extent that the person does not, at any one time, possess, deliver or produce more than: (1) one ounce of usable cannabis; (2) one-eighth of an ounce of concentrated cannabis; (3) six cannabis plants; and (4) a maximum allowable quantity of adult-use cannabis products established by regulation of the Board. (NRS 678D.200) Section 14 of this bill increases the amount of usable cannabis, from 1 ounce to 2.5 ounces, and the amount of concentrated cannabis, from one-eighth of an ounce to one-fourth of an ounce, that a person who is 21 years of age or older is authorized to possess, deliver or produce at any one time and remain subject to the exemption from state prosecution for the possession, delivery and production of cannabis.

Existing law prohibits a medical cannabis dispensary from selling to a person more than 1 ounce of cannabis in any one transaction. (NRS 678C.440) Existing regulations of the Board prohibit any cannabis sales facility from selling to any consumer an amount of cannabis or cannabis products which exceeds: (1) one ounce of usable cannabis; (2) one-eighth of

an ounce of concentrated cannabis or cannabis products containing not more than 3,543 milligrams of THC; or (3) a combination of usable and concentrated cannabis not to exceed the legal limit. (Nev. Cannabis Compliance Bd. Regs. § 7.025) Section 12 of this bill eliminates provisions prohibiting a medical cannabis dispensary from selling to a person more than 1 ounce of cannabis in any one transaction. Section 4 of this bill instead prohibits any cannabis sales facility from selling to a person in any one transaction more than 2.5 ounces of usable cannabis or one-fourth of an ounce of concentrated cannabis.

Existing law prohibits the Board from issuing a: (1) medical cannabis establishment license or adult-use cannabis establishment license if any of the persons proposed to be owners, officers or board members of the proposed medical or adult-use cannabis establishment have been convicted of an excluded felony offense; and (2) cannabis establishment agent registration card if the applicant for the registration card has been convicted of an excluded felony offense. (NRS 678B.210, 678B.250, 678B.340) Section 4.5 of this bill requires the Board to develop and implement a process by which a person who has been convicted of an excluded felony offense may submit to the Board a petition for an exemption from those prohibitions. Section 4.5 authorizes the Board to: (1) grant the exemption only if the Board determines that doing so would not pose a threat to the public health or safety or negatively impact the cannabis industry in this State; and (2) impose any conditions and limitations on the granting of an exemption that the Board determines necessary to preserve the public health and safety or mitigate the impact of granting the exemption on the cannabis industry in this State. Section 4.5 requires the Board to adopt regulations to carry out the provisions of section 4.5. Sections 5, 7 and 8 of this bill revise provisions setting forth the prohibitions concerning excluded felony offenses to reflect the authorization provided in section 4.5 for the Board to grant an exemption from those prohibitions.

Existing law requires a person who holds an ownership interest of less than 5 percent in a cannabis establishment to register with the Board as a cannabis establishment agent and obtain a cannabis establishment agent registration card. (NRS 678B.340) Section 8 of this bill eliminates that requirement. Section 1 of this bill eliminates provisions authorizing the Board to adopt regulations establishing policies and procedures pursuant to which the Board may waive the requirement for a person who holds an ownership interest in a cannabis establishment of less than 5 percent to reflect the elimination of that requirement in section 8.

Existing law authorizes the board of county commissioners of a county and the governing body of an incorporated city to fix, impose and collect a license tax on cannabis establishments. (NRS 244.35253, 268.0977) Sections 14.3 and 14.6 of this bill authorize the board of county commissioners of a county and the governing body of an incorporated city to use any portion of any money collected from that license tax to educate the

public on safely purchasing cannabis and cannabis products from licensed cannabis establishments and the safe consumption of cannabis products.

Existing law defines "marijuana" for the purposes of the regulation of controlled substances. (NRS 453.096) Section 15.5 of this bill excludes from the definition of "marijuana": (1) root balls which have been fully separated from the stalks of the plant of the genus *Cannabis* after harvest; and (2) the seeds of that plant.

Under the federal Controlled Substances Act, cannabis, referred to as "marihuana," is included in the list of controlled substances in schedule I. (21 U.S.C. § 812) Similarly, existing regulations adopted by the State Board of Pharmacy pursuant to the provisions of the state Uniform Controlled Substances Act include cannabis, referred to as "marijuana," in the list of controlled substances in schedule I. (NRS 453.011-453.348; NAC 453.510) Section 16 of this bill requires the Cannabis Advisory Commission to conduct a study concerning the potential effects of the removal of cannabis from the list of controlled substances included in schedule I pursuant to the federal Controlled Substances Act or the state Uniform Controlled Substances Act on the cannabis industry in this State.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 678A.450 is hereby amended to read as follows:

678A.450 1. The Board may adopt regulations necessary or convenient to carry out the provisions of this title. Such regulations may include, without limitation:

- (a) Financial requirements for licensees.
- (b) Establishing such investigative and enforcement mechanisms as the Board deems necessary to ensure the compliance of a licensee or registrant with the provisions of this title.
- (c) Requirements for licensees or registrants relating to the cultivation, processing, manufacture, transport, distribution, testing, study, advertising and sale of cannabis and cannabis products.
- (d) Policies and procedures to ensure that the cannabis industry in this State is economically competitive, inclusive of racial minorities, women and persons and communities that have been adversely affected by cannabis prohibition and accessible to persons of low-income seeking to start a business.

(e) ~~{Policies and procedures governing the circumstances under which the Board may waive the requirement to obtain a registration card pursuant to this title for any person who holds an ownership interest of less than 5 percent in any one cannabis establishment or an ownership interest in more than one cannabis establishment of the same type that, when added together, is less than 5 percent.~~

~~—(f)~~ Reasonable restrictions on the signage, marketing, display and advertising of cannabis establishments. Such a restriction must not require a cannabis establishment to obtain the approval of the Board before using a

logo, sign or advertisement.

~~[(e)]~~ (f) Provisions governing the sales of products and commodities made from hemp, as defined in NRS 557.160, or containing cannabidiol by cannabis establishments.

~~[(h)]~~ (g) Requirements relating to the packaging and labeling of cannabis and cannabis products.

2. The Board shall adopt regulations providing for the gathering and maintenance of comprehensive demographic information, including, without limitation, information regarding race, ethnicity, age and gender, concerning each:

- (a) Owner and manager of a cannabis establishment.
- (b) Holder of a cannabis establishment agent registration card.

3. The Board shall transmit the information gathered and maintained pursuant to subsection 2 to the Director of the Legislative Counsel Bureau for transmission to the Legislature on or before January 1 of each odd-numbered year.

4. The Board shall, by regulation, establish a pilot program for identifying opportunities for an emerging small cannabis business to participate in the cannabis industry. As used in this subsection, "emerging small cannabis business" means a cannabis-related business that:

- (a) Is in existence, operational and operated for a profit;
- (b) Maintains its principal place of business in this State; and
- (c) Satisfies requirements for the number of employees and annual gross revenue established by the Board by regulation.

Sec. 1.5. NRS 678A.460 is hereby amended to read as follows:

678A.460 1. The Board shall adopt, amend and repeal regulations in accordance with the following procedures:

(a) At least 30 days before a meeting of the Board at which the adoption, amendment or repeal of a regulation is considered, notice of the proposed action must be:

- (1) Posted on the Internet website of the Board;
- (2) Mailed to every person who has filed a request therefor with the Board; and

(3) When the Board deems advisable, mailed to any person whom the Board believes would be interested in the proposed action, and published in such additional form and manner as the Board prescribes.

(b) The notice of proposed adoption, amendment or repeal must include:

- (1) A statement of the time, place and nature of the proceedings for adoption, amendment or repeal;
- (2) Reference to the authority under which the action is proposed; and
- (3) Either the express terms or an informative summary of the proposed action.

(c) On the date and at the time and place designated in the notice, the Board shall afford any interested person or his or her authorized representative, or both, the opportunity to present statements, arguments or

contentions in writing, with or without opportunity to present them orally.
~~[The Board shall consider all relevant matter presented to it before adopting, amending or repealing any regulation.]~~

(d) *Before adopting, amending or repealing any regulation, the Board shall consider:*

(1) Whether the proposed action is likely to have an adverse effect on the environment and, if so, whether there are any methods to reduce or eliminate that adverse effect which would not impose an economic burden upon licensees; and

(2) All relevant matter presented to the Board.

(e) Any interested person may file a petition with the Board requesting the adoption, amendment or repeal of a regulation. The petition must state, clearly and concisely:

(1) The substance or nature of the regulation, amendment or repeal requested;

(2) The reasons for the request; and

(3) Reference to the authority of the Board to take the action requested.

➡ Upon receipt of the petition, the Board shall within 45 days deny the request in writing or schedule the matter for action pursuant to this subsection.

2. In emergencies, the Board may summarily adopt, amend or repeal any regulation if:

(a) The Board submits to the Governor:

(1) A written finding that such action is necessary for the immediate preservation of the public peace, health, safety, morals, good order or general welfare; and

(2) A written statement of the facts constituting an emergency;

(b) The Governor endorses the written finding and written statement described in paragraph (a) by written endorsement at the end of the full text of the written statement and written finding; and

(c) The Board files the written statement and written finding endorsed by the Governor at the same time it adopts, amends or repeals the regulation.

3. In any hearing held pursuant to this section, the Board or its authorized representative may administer oaths or affirmations, and may continue or postpone the hearing from time to time and at such places as it prescribes.

4. The Board shall file a copy of any regulation adopted, amended or repealed by the Board with the Legislative Counsel as soon as practicable after adoption, amendment or repeal. The adoption, amendment or repeal of a regulation by the Board becomes effective upon filing with the Secretary of State. The Board shall not file a regulation with the Secretary of State until 15 days after the date on which the regulation was adopted, amended or repealed by the Board.

5. Upon the request of a Legislator, the Legislative Commission may examine a regulation adopted, amended or repealed by the Board that is not yet effective pursuant to subsection 4 to determine whether the regulation

conforms to the statutory authority pursuant to which it was adopted and whether the regulation carries out the intent of the Legislature in granting that authority.

6. Except as otherwise provided in subsection 7, the Legislative Commission shall:

(a) Review the regulation at its next regularly scheduled meeting if the request for examination of the regulation is received more than 10 working days before the meeting; or

(b) Refer the regulation for review to the Subcommittee to Review Regulations appointed pursuant to subsection 6 of NRS 233B.067.

7. If the Board determines that an emergency exists which requires a regulation of the Board for which a Legislator requested an examination pursuant to subsection 5 to become effective before the next meeting of the Legislative Commission is scheduled to be held, the Board may notify the Legislative Counsel in writing of the emergency. Upon receipt of such a notice, the Legislative Counsel shall refer the regulation for review by the Subcommittee to Review Regulations as soon as practicable.

8. If the Legislative Commission, or the Subcommittee to Review Regulations if the regulation was referred to the Subcommittee, approves the regulation, the Legislative Counsel shall notify the Board that the Board may file the regulation with the Secretary of State. If the Commission or the Subcommittee objects to the regulation after determining that:

(a) The regulation does not conform to statutory authority; or

(b) The regulation does not carry out legislative intent,

↪ the Legislative Counsel shall attach to the regulation a written notice of the objection, including, if practicable, a statement of the reasons for the objection, and shall promptly return the regulation to the Board.

9. If the Legislative Commission or the Subcommittee to Review Regulations has objected to a regulation, the Board shall revise the regulation to conform to the statutory authority pursuant to which it was adopted and to carry out the intent of the Legislature in granting that authority and return it to the Legislative Counsel within 60 days after the Board received the written notice of the objection to the regulation pursuant to subsection 8. Upon receipt of the revised regulation, the Legislative Counsel shall resubmit the regulation to the Legislative Commission or the Subcommittee for review. If the Legislative Commission or the Subcommittee approves the revised regulation, the Legislative Counsel shall notify the Board that the Board may file the revised regulation with the Secretary of State.

10. If the Legislative Commission or the Subcommittee to Review Regulations objects to the revised regulation, the Legislative Counsel shall attach to the revised regulation a written notice of the objection, including, if practicable, a statement of the reasons for the objection, and shall promptly return the revised regulation to the Board. The Board shall continue to revise the regulation and resubmit it to the Legislative Commission or the Subcommittee within 30 days after the Board receives a written notice of the

objection to the revised regulation.

Sec. 2. Chapter 678B of NRS is hereby amended by adding thereto the provisions set forth as sections 3, 4 and 4.5 of this act.

Sec. 3. 1. *Except as otherwise provided in this section, the Board shall not, on or after January 1, 2024, issue any additional medical cannabis establishment licenses or renew a medical cannabis establishment license pursuant to NRS 678B.210.*

2. *The Board may, on or after January 1, 2024:*

(a) *Issue a medical cannabis establishment license to an applicant pursuant to NRS 678B.210 if the proposed medical cannabis establishment will be located in a local governmental jurisdiction that is a covered jurisdiction.*

(b) *Renew the medical cannabis establishment license of a medical cannabis establishment pursuant to NRS 678B.210 so long as the local governmental jurisdiction in which the medical cannabis establishment is located is a covered jurisdiction.*

3. *If a local governmental jurisdiction that is a covered jurisdiction ceases to be a covered jurisdiction, a person who holds a medical cannabis establishment license for a medical cannabis establishment located in the local governmental jurisdiction may, upon expiration of the license, submit an application to the Board for the issuance of an adult-use cannabis establishment license of the same type.*

4. *An application submitted pursuant to subsection 3 must:*

(a) *Contain the same information as required for the renewal of a medical cannabis establishment license pursuant to NRS 678B.210; and*

(b) *Be accompanied by a fee in an amount that is equal to the fee for the renewal of an adult-use cannabis establishment license of the same type as that of the medical cannabis establishment license which has expired, as set forth in NRS 678B.390.*

5. *If the Board determines that the applicant would have been eligible to renew the medical cannabis establishment license which has expired, the Board shall issue to the applicant an adult-use cannabis establishment license of the same type.*

6. *Except as otherwise provided in subsection 7, an adult-use cannabis establishment license issued by the Board pursuant to this section shall be deemed to be an adult-use cannabis establishment license issued by the Board pursuant to NRS 678B.250.*

7. *An adult-use cannabis establishment license issued by the Board pursuant to this section shall be deemed to be medical cannabis establishment license of the same type for the purposes of NRS 678B.220, 678B.230, 678B.260 and 678B.270.*

8. *As used in this section:*

(a) *"Covered jurisdiction" means a local governmental jurisdiction that has adopted local cannabis control measures which prohibit the operation of adult-use cannabis establishments in the local governmental jurisdiction.*

(b) "Local governmental jurisdiction" means a city or unincorporated area within a county.

Sec. 4. A cannabis sales facility shall not sell to a person, in any one transaction, more than 2.5 ounces of usable cannabis or more than one-fourth of an ounce of concentrated cannabis.

Sec. 4.5. 1. The Board shall develop and implement a process by which a person who has been convicted of an excluded felony offense may submit to the Board a petition for an exemption from the provisions of:

(a) Paragraph (b) of subsection 3 of NRS 678B.210.

(b) Paragraph (b) of subsection 3 of NRS 678B.250.

(c) Paragraph (a) of subsection 6 of NRS 678B.340.

2. The Board shall, in accordance with procedures established by the Board by regulation, review and evaluate each petition submitted pursuant to subsection 1 and grant or deny the exemption. The Board shall provide written notice to the petitioner of its decision to grant or deny the exemption.

3. The Board may grant an exemption pursuant to this section only if the Board determines that granting the exemption would not:

(a) Pose a threat to the public health or safety; or

(b) Negatively impact the cannabis industry in this State.

4. The Board may impose any conditions and limitations on the granting of an exemption pursuant to this section as the Board determines necessary to preserve the public health and safety or mitigate the impact of the granting of the exemption on the cannabis industry in this State. Such conditions and limitations may include, without limitation, conditions and limitations on the conduct of the petitioner in the cannabis industry in this State and the cannabis-related activities in which the petitioner is authorized to engage.

5. The Board shall adopt regulations to carry out the provisions of this section.

Sec. 5. NRS 678B.210 is hereby amended to read as follows:

678B.210 1. A person shall not engage in the business of a medical cannabis establishment unless the person holds a medical cannabis establishment license issued by the Board pursuant to this section.

2. A person who wishes to engage in the business of a medical cannabis establishment must submit to the Board an application on a form prescribed by the Board.

3. Except as otherwise provided in NRS 678B.220, 678B.230 and 678B.240, and section 3 of this act, not later than 90 days after receiving an application to engage in the business of a medical cannabis establishment, the Board shall register the medical cannabis establishment and issue a medical cannabis establishment license and a random 20-digit alphanumeric identification number if:

(a) The person who wishes to operate the proposed medical cannabis establishment has submitted to the Board all of the following:

(1) The application fee, as set forth in NRS 678B.390;

(2) An application, which must include:

(I) The legal name of the proposed medical cannabis establishment;

(II) The physical address where the proposed medical cannabis establishment will be located and the physical address of any co-owned additional or otherwise associated medical cannabis establishments, the locations of which may not be on the property of an airport, within 1,000 feet of a public or private school that provides formal education traditionally associated with preschool or kindergarten through grade 12 and that existed on the date on which the application for the proposed medical cannabis establishment was submitted to the Board, within 300 feet of a community facility that existed on the date on which the application for the proposed medical cannabis establishment was submitted to the Board or, if the proposed medical cannabis establishment will be located in a county whose population is 100,000 or more, within 1,500 feet of an establishment that holds a nonrestricted gaming license described in subsection 1 or 2 of NRS 463.0177 and that existed on the date on which the application for the proposed medical cannabis establishment was submitted to the Board;

(III) Evidence that the applicant controls not less than \$250,000 in liquid assets to cover the initial expenses of opening the proposed medical cannabis establishment and complying with the provisions of this title;

(IV) Evidence that the applicant owns the property on which the proposed medical cannabis establishment will be located or has the written permission of the property owner to operate the proposed medical cannabis establishment on that property;

(V) For the applicant and each person who is proposed to be an owner, officer or board member of the proposed medical cannabis establishment, a complete set of the person's fingerprints and written permission of the person 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; and

(VI) The name, address and date of birth of each person who is proposed to be an owner, officer or board member of the proposed medical cannabis establishment;

(3) Operating procedures consistent with rules of the Board for oversight of the proposed medical cannabis establishment, including, without limitation:

(I) Procedures to ensure the use of adequate security measures; and

(II) The use of an electronic verification system and an inventory control system pursuant to NRS 678C.420 and 678C.430;

(4) If the proposed medical cannabis establishment will sell or deliver medical cannabis products, proposed operating procedures for handling such products which must be preapproved by the Board;

(5) If the city or county in which the proposed medical cannabis establishment will be located has enacted zoning restrictions, proof that the proposed location is in compliance with those restrictions and satisfies all applicable building requirements; and

(6) Such other information as the Board may require by regulation;

(b) ~~None~~ Except as otherwise provided in section 4.5 of this act, none of the persons who are proposed to be owners, officers or board members of the proposed medical cannabis establishment have been convicted of an excluded felony offense;

(c) None of the persons who are proposed to be owners, officers or board members of the proposed medical cannabis establishment have:

(1) Served as an owner, officer or board member for a cannabis establishment that has had its medical cannabis establishment license or adult-use cannabis establishment license revoked;

(2) Previously had a cannabis establishment agent registration card revoked;

(3) Previously had a cannabis establishment agent registration card for a cannabis executive revoked; or

(4) Previously had a cannabis establishment agent registration card for a cannabis receiver revoked; and

(d) None of the persons who are proposed to be owners, officers or board members of the proposed medical cannabis establishment are under 21 years of age.

4. For each person who submits an application pursuant to this section, and each person who is proposed to be an owner, officer or board member of a proposed medical cannabis establishment, the Board shall submit the fingerprints of the person to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to determine the criminal history of that person.

5. Except as otherwise provided in subsection 6 ~~4~~ and section 3 of this act, if an application for registration as a medical cannabis establishment satisfies the requirements of this section, is qualified in the determination of the Board pursuant to NRS 678B.200 and the establishment is not disqualified from being registered as a medical cannabis establishment pursuant to this section or other applicable law, the Board shall issue to the establishment a medical cannabis establishment license. A medical cannabis establishment license expires 1 year after the date of issuance and may be renewed upon:

(a) Submission of the information required by the Board by regulation; and

(b) Payment of the renewal fee set forth in NRS 678B.390.

6. In determining whether to issue a medical cannabis establishment license pursuant to this section, the Board shall consider the criteria of merit set forth in NRS 678B.240.

7. For the purposes of sub-subparagraph (II) of subparagraph (2) of paragraph (a) of subsection 3, the distance must be measured from the front door of the proposed medical cannabis establishment to the closest point of the property line of a school, community facility or gaming establishment.

8. As used in this section, "community facility" means:

- (a) A facility that provides day care to children.
- (b) A public park.
- (c) A playground.
- (d) A public swimming pool.
- (e) A center or facility, the primary purpose of which is to provide recreational opportunities or services to children or adolescents.
- (f) A church, synagogue or other building, structure or place used for religious worship or other religious purpose.

Sec. 6. NRS 678B.220 is hereby amended to read as follows:

678B.220 1. Except as otherwise provided in this section and NRS 678B.230, *and section 3 of this act*, the Board shall issue medical cannabis establishment licenses for medical cannabis dispensaries in the following quantities for applicants who qualify pursuant to NRS 678B.210:

- (a) In a county whose population is 700,000 or more, 40 licenses;
- (b) In a county whose population is 100,000 or more but less than 700,000, 10 licenses;
- (c) In a county whose population is 55,000 or more but less than 100,000, two licenses;
- (d) In each other county, one license; and
- (e) For each incorporated city in a county whose population is less than 100,000, one license.

2. The Board:

(a) Shall not issue medical cannabis establishment licenses for medical cannabis dispensaries in such a quantity as to cause the existence within the applicable county of more than one medical cannabis dispensary for every 10 pharmacies that have been licensed in the county pursuant to chapter 639 of NRS. The Board may issue medical cannabis establishment licenses for medical cannabis dispensaries in excess of the ratio otherwise allowed pursuant to this paragraph if doing so is necessary to ensure that the Board issues at least one medical cannabis establishment license in each county of this State and, pursuant to paragraph (e) of subsection 1, each incorporated city of this State in which the Board has approved an application for such an establishment to operate.

(b) Shall, for any county for which no applicants qualify pursuant to NRS 678B.210, within 2 months after the end of the period during which the Board accepts applications pursuant to NRS 678B.300, reallocate the licenses provided for that county pursuant to subsection 1 to the other counties specified in subsection 1 in the same proportion as provided in subsection 1.

3. With respect to medical cannabis establishments that are not medical cannabis dispensaries, the Board shall:

- (a) Issue a medical cannabis establishment license to at least one medical cannabis cultivation facility and at least one medical cannabis production facility in each county; and
- (b) Determine the appropriate number of additional such establishments in each county as are necessary to serve and supply the medical cannabis

dispensaries to which the Board has granted medical cannabis establishment licenses and issue such a number of medical cannabis establishment licenses for such establishments in each county.

Sec. 7. NRS 678B.250 is hereby amended to read as follows:

678B.250 1. A person shall not engage in the business of an adult-use cannabis establishment unless the person holds an adult-use cannabis establishment license issued pursuant to this section.

2. A person who wishes to engage in the business of an adult-use cannabis establishment must submit to the Board an application on a form prescribed by the Board.

3. Except as otherwise provided in NRS 678B.260, 678B.270, 678B.280, 678B.322 and 678B.324 to 678B.328, inclusive, the Board shall issue an adult-use cannabis establishment license to an applicant if:

(a) The person who wishes to operate the proposed adult-use cannabis establishment has submitted to the Board all of the following:

(1) The application fee, as set forth in NRS 678B.390;

(2) An application, which must include:

(I) The legal name of the proposed adult-use cannabis establishment;

(II) The physical address where the proposed adult-use cannabis establishment will be located and the physical address of any co-owned additional or otherwise associated adult-use cannabis establishments, the locations of which may not be on the property of an airport, within 1,000 feet of a public or private school that provides formal education traditionally associated with preschool or kindergarten through grade 12 and that existed on the date on which the application for the proposed adult-use cannabis establishment was submitted to the Board, within 300 feet of a community facility that existed on the date on which the application for the proposed adult-use cannabis establishment was submitted to the Board or, if the proposed adult-use cannabis establishment will be located in a county whose population is 100,000 or more, within 1,500 feet of an establishment that holds a nonrestricted gaming license described in subsection 1 or 2 of NRS 463.0177 and that existed on the date on which the application for the proposed adult-use cannabis establishment was submitted to the Board;

(III) Evidence that the applicant controls liquid assets in an amount determined by the Board to be sufficient to cover the initial expenses of opening the proposed adult-use cannabis establishment and complying with the provisions of this title;

(IV) Evidence that the applicant owns the property on which the proposed adult-use cannabis establishment will be located or has the written permission of the property owner to operate the proposed adult-use cannabis establishment on that property;

(V) For the applicant and each person who is proposed to be an owner, officer or board member of the proposed adult-use cannabis establishment, a complete set of the person's fingerprints and written permission of the person 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; and

(VI) The name, address and date of birth of each person who is proposed to be an owner, officer or board member of the proposed adult-use cannabis establishment;

(3) Operating procedures consistent with rules of the Board for oversight of the proposed adult-use cannabis establishment, including, without limitation:

(I) Procedures to ensure the use of adequate security measures; and

(II) The use of an inventory control system;

(4) If the proposed adult-use cannabis establishment will sell or deliver adult-use cannabis products, proposed operating procedures for handling such products which must be preapproved by the Board; and

(5) Such other information as the Board may require by regulation;

(b) ~~None~~ *Except as otherwise provided in section 4.5 of this act, none* of the persons who are proposed to be owners, officers or board members of the proposed adult-use cannabis establishment have been convicted of an excluded felony offense;

(c) None of the persons who are proposed to be owners, officers or board members of the proposed adult-use cannabis establishment have:

(1) Served as an owner, officer or board member for a cannabis establishment that has had its adult-use cannabis establishment license or medical cannabis establishment license revoked;

(2) Previously had a cannabis establishment agent registration card revoked;

(3) Previously had a cannabis establishment agent registration card for a cannabis executive revoked; or

(4) Previously had a cannabis establishment agent registration card for a cannabis receiver revoked; and

(d) None of the persons who are proposed to be owners, officers or board members of the proposed adult-use cannabis establishment are under 21 years of age.

4. For each person who submits an application pursuant to this section, and each person who is proposed to be an owner, officer or board member of a proposed adult-use cannabis establishment, the Board shall submit the fingerprints of the person to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to determine the criminal history of that person.

5. Except as otherwise provided in subsection 6, if an applicant for licensure to operate an adult-use cannabis establishment satisfies the requirements of this section, is qualified in the determination of the Board pursuant to NRS 678B.200 and is not disqualified from being licensed pursuant to this section or other applicable law, the Board shall issue to the applicant an adult-use cannabis establishment license. An adult-use cannabis establishment license expires 1 year after the date of issuance and may be

renewed upon:

(a) Submission of the information required by the Board by regulation; and

(b) Payment of the renewal fee set forth in NRS 678B.390.

6. In determining whether to issue an adult-use cannabis license pursuant to this section, the Board shall consider the criteria of merit and scoring guidelines set forth in NRS 678B.280 or 678B.324, as applicable.

7. For the purposes of sub-subparagraph (II) of subparagraph (2) of paragraph (a) of subsection 3, the distance must be measured from the front door of the proposed adult-use cannabis establishment to the closest point of the property line of a school, community facility or gaming establishment.

8. As used in this section, "community facility" means:

(a) A facility that provides day care to children.

(b) A public park.

(c) A playground.

(d) A public swimming pool.

(e) A center or facility, the primary purpose of which is to provide recreational opportunities or services to children or adolescents.

(f) A church, synagogue or other building, structure or place used for religious worship or other religious purpose.

Sec. 8. NRS 678B.340 is hereby amended to read as follows:

678B.340 1. ~~[Except as otherwise provided in any policies and procedures adopted by the Board pursuant to paragraph (e) of subsection 1 of NRS 678A.450, a]~~ A person shall not ~~[hold an ownership interest in a cannabis establishment of less than 5 percent,]~~ volunteer or work at, contract to provide labor to or be employed by an independent contractor to provide labor to a cannabis establishment as a cannabis establishment agent unless the person is registered with the Board pursuant to this section.

2. A person who wishes to volunteer or work at a cannabis establishment shall submit to the Board an application on a form prescribed by the Board. The application must be accompanied by:

(a) The name, address and date of birth of the prospective cannabis establishment agent;

(b) A statement signed by the prospective cannabis establishment agent pledging not to dispense or otherwise divert cannabis to any person who is not authorized to possess cannabis in accordance with the provisions of this title;

(c) A statement signed by the prospective cannabis establishment agent asserting that he or she has not previously had a cannabis establishment agent registration card revoked;

(d) The application fee, as set forth in NRS 678B.390; and

(e) Such other information as the Board may require by regulation.

3. A person who wishes to contract to provide labor to or be employed by an independent contractor to provide labor to a cannabis establishment shall submit to the Board an application on a form prescribed by the Board

for the registration of the independent contractor and each employee of the independent contractor who will provide labor as a cannabis establishment agent. The application must be accompanied by:

(a) The name, address and, if the prospective cannabis establishment agent has a state business license, the business identification number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS;

(b) The name, address and date of birth of each employee of the prospective cannabis establishment agent who will provide labor as a cannabis establishment agent;

(c) A statement signed by the prospective cannabis establishment agent pledging not to dispense or otherwise divert cannabis to, or allow any of its employees to dispense or otherwise divert cannabis to, any person who is not authorized to possess cannabis in accordance with the provisions of this title;

(d) A statement signed by the prospective cannabis establishment agent asserting that it has not previously had a cannabis establishment agent registration card revoked and that none of its employees who will provide labor as a cannabis establishment agent have previously had a cannabis establishment agent registration card revoked;

(e) The application fee, as set forth in NRS 678B.390; and

(f) Such other information as the Board may require by regulation.

4. ~~{Except as otherwise provided in any policies and procedures adopted by the Board pursuant to paragraph (c) of subsection 1 of NRS 678A.450, a person who wishes to hold an ownership interest in a cannabis establishment of less than 5 percent shall submit to the Board an application on a form prescribed by the Board. The application must be accompanied by:~~

~~—(a) The name, address and date of birth of the prospective cannabis establishment agent;~~

~~—(b) A statement signed by the prospective cannabis establishment agent pledging not to dispense or otherwise divert cannabis to any person who is not authorized to possess cannabis in accordance with the provisions of this title;~~

~~—(c) A statement signed by the prospective cannabis establishment agent asserting that he or she has not previously had a cannabis establishment agent registration card revoked;~~

~~—(d) Any information required by the Board to complete an investigation into the background of the prospective cannabis establishment agent, including, without limitation, financial records and other information relating to the business affairs of the prospective cannabis establishment agent;~~

~~—(e) The application fee, as set forth in NRS 678B.390; and~~

~~—(f) Such other information as the Board may require by regulation.~~

~~5.} The Board may conduct any investigation of a prospective cannabis establishment agent and, for an independent contractor, each employee of the prospective cannabis establishment agent who will provide labor as a cannabis establishment agent, that the Board deems appropriate. In~~

connection with such an investigation, the Board may:

(a) Conduct or accept any background check the Board determines to be reliable and expedient to determine the criminal history of the prospective cannabis establishment agent or the employee;

(b) Require a prospective cannabis establishment agent, if a natural person, and each employee of a prospective cannabis establishment agent who will provide labor as a cannabis establishment agent to submit to the Board 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; and

(c) If the Board imposes the requirement described in paragraph (b), submit the fingerprints of the prospective cannabis establishment agent and each employee of the prospective cannabis establishment agent who will provide labor as a cannabis establishment agent to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

~~{6.}~~ 5. A cannabis establishment shall notify the Board within 10 business days after a cannabis establishment agent ceases to ~~{hold an ownership interest in the cannabis establishment of less than 5 percent,}~~ be employed by, volunteer at or provide labor as a cannabis establishment agent to the cannabis establishment.

~~{7.—A}~~

6. *Except as otherwise provided in section 4.5 of this act, a person who:*

(a) Has been convicted of an excluded felony offense;

(b) Is less than 21 years of age; or

(c) Is not qualified, in the determination of the Board pursuant to NRS 678B.200,

↪ shall not serve as a cannabis establishment agent.

~~{8.}~~ 7. The provisions of this section do not require a person who is an owner, officer or board member of a cannabis establishment to resubmit information already furnished to the Board at the time the establishment was licensed with the Board.

~~{9.}~~ 8. If an applicant for registration as a cannabis establishment agent satisfies the requirements of this section, is found to be qualified by the Board pursuant to NRS 678B.200 and is not disqualified from serving as such an agent pursuant to this section or any other applicable law, the Board shall issue to the person and, for an independent contractor, to each person identified in the independent contractor's application for registration as an employee who will provide labor as a cannabis establishment agent, a cannabis establishment agent registration card. If the Board does not act upon an application for a cannabis establishment agent registration card within 45 days after the date on which the application is received, the application shall be deemed conditionally approved until such time as the Board acts upon the application. A cannabis establishment agent registration card expires 2 years

after the date of issuance and may be renewed upon:

- (a) Resubmission of the information set forth in this section; and
- (b) Payment of the renewal fee set forth in NRS 678B.390.

~~{10.}~~ 9. A person to whom a cannabis establishment agent registration card is issued or for whom such a registration card is renewed shall submit to the Board on the date of the first anniversary of the issuance or renewal an affidavit attesting that in the preceding year there has been no change in the information previously provided to the Board which would subject the person to disciplinary action by the Board.

~~{11.}~~ 10. A cannabis establishment agent registration card issued pursuant to this section to an independent contractor or an employee of an independent contractor authorizes the independent contractor or employee to provide labor to any cannabis establishment in this State.

~~{12.}~~ 11. A cannabis establishment agent registration card issued pursuant to this section to a person who wishes to volunteer or work at a ~~[medical]~~ cannabis establishment authorizes the person to volunteer or work at any cannabis establishment in this State for which the category of the cannabis establishment agent registration card authorizes the person to volunteer or work.

~~{13.}~~ 12. Except as otherwise prescribed by regulation of the Board, an applicant for registration or renewal of registration as a cannabis establishment agent is deemed temporarily registered as a cannabis establishment agent on the date on which a complete application for registration or renewal of registration is submitted to the Board. A temporary registration as a cannabis establishment agent expires 45 days after the date upon which the application is received.

13. *A person who holds an ownership interest of less than 5 percent in a cannabis establishment is not required to obtain a cannabis establishment agent registration card pursuant to this section. The Board may, in connection with the issuance or renewal of a license pursuant to NRS 678B.210 or 678B.250, conduct such investigations of such a person as the Board determines to be necessary.*

Sec. 9. (Deleted by amendment.)

Sec. 10. NRS 678B.390 is hereby amended to read as follows:

678B.390 1. Except as otherwise provided in subsection 3, the Board shall collect not more than the following maximum fees:

For the initial issuance of a medical cannabis establishment license for a medical cannabis dispensary.....	\$30,000
For the renewal of a medical cannabis establishment license for a medical cannabis dispensary.....	5,000
For the initial issuance of a medical cannabis establishment license for a medical cannabis cultivation facility	3,000

For the renewal of a medical cannabis establishment license for a medical cannabis cultivation facility	1,000
For the initial issuance of a medical cannabis establishment license for a medical cannabis production facility	3,000
For the renewal of a medical cannabis establishment license for a medical cannabis production facility	1,000
For the initial issuance of a medical cannabis establishment license for a medical cannabis independent testing laboratory	5,000
For the renewal of a medical cannabis establishment license for a medical cannabis independent testing laboratory	3,000
For the initial issuance of an adult-use cannabis establishment license for an adult-use cannabis retail store	<u>20,000</u> ~~[50,000]~~
For the renewal of an adult-use cannabis establishment license for an adult-use cannabis retail store.....	~~[6,600-9,215]~~ <u>5,000</u>
For the initial issuance of an adult-use cannabis establishment license for an adult-use cannabis cultivation facility	~~[30,000-33,000]~~ <u>3,000</u>
For the renewal of an adult-use cannabis establishment license for an adult-use cannabis cultivation facility	~~[10,000-11,054]~~ <u>1,000</u>
For the initial issuance of an adult-use cannabis establishment license for an adult-use cannabis production facility	~~[10,000-13,000]~~ <u>3,000</u>
For the renewal of an adult-use cannabis establishment license for an adult-use cannabis production facility	~~[3,300-4,114]~~ <u>1,000</u>
For the initial issuance of an adult-use cannabis establishment license for an adult-use cannabis independent testing laboratory	~~[15,000-20,000]~~ <u>5,000</u>
For the renewal of an adult-use cannabis establishment license for an adult-use cannabis independent testing laboratory	~~[5,000-8,000]~~ <u>3,000</u>
For the initial issuance of an adult-use cannabis establishment license for a retail cannabis consumption lounge	10,000
For the renewal of an adult-use cannabis establishment license for a retail cannabis consumption lounge	10,000

For the initial issuance of an adult-use cannabis establishment license for an independent cannabis consumption lounge	10,000
For the renewal of an adult-use cannabis establishment license for an independent cannabis consumption lounge	10,000
For the initial issuance of an adult-use cannabis establishment license for an adult-use cannabis distributor	15,000
For the renewal of an adult-use cannabis establishment license for an adult-use cannabis distributor	5,000
For each person identified in an application for the initial issuance of a cannabis establishment agent registration card	150
For each person identified in an application for the renewal of a cannabis establishment agent registration card	150

2. The Board may by regulation establish reduced fees for:

- (a) The initial issuance and renewal of an adult-use cannabis establishment license for an independent cannabis consumption lounge; and
- (b) The application fee set forth in subsection 3,
 ➤ for a social equity applicant. Such a reduction must not reduce the fee paid by a social equity applicant by more than 75 percent of the fee paid by an applicant who is not a social equity applicant.

3. Except as otherwise provided in subsection 2, in addition to the fees described in subsection 1, each applicant for a medical cannabis establishment license *pursuant to NRS 678B.210* or adult-use cannabis establishment license *pursuant to NRS 678B.250* must pay to the Board:

(a) For an application for a license other than an adult-use cannabis establishment license for a retail cannabis consumption lounge or independent cannabis consumption lounge, a one-time, nonrefundable application fee of \$5,000;

(b) For an application for an adult-use cannabis establishment license for a retail cannabis consumption lounge, a one-time, nonrefundable application fee of \$100,000;

(c) For an application for an adult-use cannabis establishment license for an independent cannabis consumption lounge, a one-time, nonrefundable application fee of \$10,000; and

(d) The actual costs incurred by the Board in processing the application, including, without limitation, conducting background checks.

4. Any revenue generated from the fees imposed pursuant to this section:

- (a) Must be expended first to pay the costs of the Board in carrying out the provisions of this title; and
- (b) If any excess revenue remains after paying the costs described in

paragraph (a), such excess revenue must be paid over to the State Treasurer to be deposited to the credit of the State Education Fund.

Sec. 11. NRS 678B.510 is hereby amended to read as follows:

678B.510 1. The operating documents of a cannabis establishment must include procedures:

- (a) For the oversight of the cannabis establishment; and
- (b) To ensure accurate recordkeeping.

2. Except as otherwise provided in this subsection, a cannabis establishment {:

~~—(a) That is a cannabis sales facility must have a single entrance for patrons, which must be secure, and shall implement strict security measures to deter and prevent the theft of cannabis and unauthorized entrance into areas containing cannabis.~~

~~—(b) That is not a cannabis sales facility must~~ *may have {a single secure} more than one entrance so long as each entrance is secure* and shall implement strict security measures to deter and prevent the theft of cannabis and unauthorized entrance into areas containing cannabis.

{→} The provisions of this subsection do not supersede any state or local requirements relating to minimum numbers of points of entry or exit, or any state or local requirements relating to fire safety.

3. Except as otherwise provided in NRS 678D.400, all cultivation or production of cannabis that a cannabis cultivation facility carries out or causes to be carried out must take place in an enclosed, locked facility at the physical address provided to the Board during the licensing process for the cannabis cultivation facility. Such an enclosed, locked facility must be accessible only by cannabis establishment agents who are lawfully associated with the cannabis cultivation facility, except that limited access by persons necessary to perform construction or repairs or provide other labor is permissible if such persons are supervised by a cannabis establishment agent.

4. A cannabis establishment that is not a cannabis consumption lounge shall not allow any person to consume cannabis on the property or premises of the establishment.

5. Cannabis establishments are subject to reasonable inspection by the Board at any time, and a person who holds a license must make himself or herself, or a designee thereof, available and present for any inspection by the Board of the cannabis establishment.

6. Each cannabis establishment shall install a video monitoring system which must, at a minimum:

(a) Allow for the transmission and storage, by digital or analog means, of a video feed which displays the interior and exterior of the cannabis establishment; and

(b) Be capable of being accessed remotely by a law enforcement agency in real-time upon request.

7. A cannabis establishment shall not dispense or otherwise sell cannabis or cannabis products from a vending machine or allow such a vending

machine to be installed at the interior or exterior of the premises of the cannabis establishment. As used in this subsection, "vending machine" has the meaning ascribed to it in NRS 209.229.

Sec. 12. NRS 678C.440 is hereby amended to read as follows:

678C.440 1. Each medical cannabis dispensary shall ensure all of the following:

(a) The weight, concentration and content of THC in all cannabis and cannabis products that the dispensary sells is clearly and accurately stated on the product sold.

~~(b) {That the dispensary does not sell to a person, in any one transaction, more than 1 ounce of cannabis.~~

~~—(c)}~~ That, posted clearly and conspicuously within the dispensary, are the legal limits on the possession of cannabis for medical purposes, as set forth in NRS 678C.200.

~~{(d)}~~ (c) That, posted clearly and conspicuously within the dispensary, is a sign stating unambiguously the legal limits on the possession of cannabis for medical purposes, as set forth in NRS 678C.200.

~~{(e)}~~ (d) That only persons who are at least 21 years of age or hold a registry identification card or letter of approval are allowed to enter the premises of the medical cannabis dispensary.

2. A medical cannabis dispensary may, but is not required to, track the purchases of cannabis for medical purposes by any person to ensure that the person does not exceed the legal limits on the possession of cannabis for medical purposes, as set forth in NRS 678C.200. The Board shall not adopt a regulation or in any other way require a medical cannabis dispensary to track the purchases of a person or determine whether the person has exceeded the legal limits on the possession of cannabis for medical purposes, as set forth in NRS 678C.200.

3. A medical cannabis dispensary which is a dual licensee may, to the extent authorized by the regulations adopted by the Board pursuant to subsection 7 of NRS 678B.650, allow any person who is at least 21 years of age to enter the premises of the medical cannabis dispensary, regardless of whether such a person holds a valid registry identification card or letter of approval.

4. A medical cannabis dispensary shall not sell cannabis or cannabis products to a consumer through the use of, or accept a sale of cannabis or cannabis products from, a third party, intermediary business, broker or any other business that does not hold a medical cannabis establishment license for a medical cannabis dispensary.

5. A medical cannabis dispensary may contract with a third party or intermediary business to deliver cannabis or medical cannabis products to consumers only if:

(a) Every sale of cannabis or cannabis products which is delivered by the third party or intermediary business is made directly from the medical cannabis dispensary or an Internet website, digital network or software

application service of the medical cannabis dispensary;

(b) The third party or intermediary business does not advertise that it sells, offers to sell or appears to sell cannabis or cannabis products or allows the submission of an order for cannabis or cannabis products; and

(c) The delivery complies with the requirements of NRS 678C.450.

Sec. 13. Chapter 678D of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Each adult-use cannabis establishment shall be deemed to be a dual licensee for the purposes of this title and may engage in any activity relating to the medical use of cannabis in the same manner and to the same extent as if the adult-use cannabis establishment also held a medical cannabis establishment license of the same type for which the establishment holds an adult-use cannabis establishment license.*

2. *An adult-use cannabis establishment that engages in activities involving the medical use of cannabis pursuant to this section shall comply with all provisions of this title and the regulations adopted pursuant thereto applicable to a dual licensee, including, without limitation, any provisions governing the specific activity relating to the medical use of cannabis in which the establishment is engaged.*

3. *The Board may adopt any regulations necessary to carry out the provisions of this section.*

Sec. 14. NRS 678D.200 is hereby amended to read as follows:

678D.200 1. Except as otherwise provided in NRS 678D.300, a person who is 21 years of age or older is exempt from state prosecution for:

(a) The possession, delivery or production of cannabis;

(b) The possession or delivery of paraphernalia;

(c) Aiding and abetting another in the possession, delivery or production of cannabis;

(d) Aiding and abetting another in the possession or delivery of paraphernalia;

(e) Any combination of the acts described in paragraphs (a) to (d), inclusive; and

(f) Any other criminal offense in which the possession, delivery or production of cannabis or the possession or delivery of paraphernalia is an element.

2. In addition to the provisions of subsections 1 and 5, no person may be subject to state prosecution for constructive possession, conspiracy or any other criminal offense solely for being in the presence or vicinity of the adult use of cannabis in accordance with the provisions of this title.

3. The exemption from state prosecution set forth in subsection 1 applies only to the extent that a person:

(a) Is 21 years of age or older;

(b) Is not employed by any agency or political subdivision of this State in a position which requires the person to be certified by the Peace Officers' Standards and Training Commission;

(c) Engages in the adult use of cannabis in accordance with the provisions of this title;

(d) Does not, at any one time, possess, deliver or produce more than:

(1) ~~[One ounce]~~ *Two and one-half ounces* of usable cannabis;

(2) ~~[One-eighth]~~ *One-fourth* of an ounce of concentrated cannabis;

(3) Six cannabis plants, irrespective of whether the cannabis plants are mature or immature; and

(4) A maximum allowable quantity of adult-use cannabis products as established by regulation of the Board;

(e) Cultivates, grows or produces not more than six cannabis plants:

(1) Within an enclosed area that is not exposed to public view that is equipped with locks or other security devices which allow access only by an authorized person; and

(2) At a residence or upon the grounds of a residence in which not more than 12 cannabis plants are cultivated, grown or produced;

(f) Delivers ~~[1 ounce]~~ *2.5 ounces* or less of usable cannabis or ~~[one-eighth]~~ *one-fourth* of an ounce or less of concentrated cannabis without remuneration to a person who is 21 years of age or older so long as such delivery is not advertised or promoted to the public; and

(g) Assists another person who is 21 years of age or older in carrying out any of the acts described in paragraphs (a) to (f), inclusive.

4. If a person possesses, uses or produces cannabis in an amount which exceeds the amount set forth in paragraph (d) of subsection 3 or in any manner other than that set forth in subsection 3, the person is not exempt from state prosecution for the possession, delivery or production of cannabis.

5. A person who holds an adult-use cannabis establishment license issued to the person pursuant to NRS 678B.250, a cannabis establishment agent registration card issued to the person pursuant to NRS 678B.340, a cannabis establishment agent registration card for a cannabis executive issued to the person pursuant to NRS 678B.350 or a cannabis establishment agent registration card for a cannabis receiver issued to the person pursuant to NRS 678B.355, and confines his or her activities to those authorized by this title, and the regulations adopted by the Board pursuant thereto, is exempt from state prosecution for:

(a) The possession, delivery or production of cannabis;

(b) The possession or delivery of paraphernalia;

(c) Aiding and abetting another in the possession, delivery or production of cannabis;

(d) Aiding and abetting another in the possession or delivery of paraphernalia;

(e) Any combination of the acts described in paragraphs (a) to (d), inclusive; and

(f) Any other criminal offense in which the possession, delivery or production of cannabis or the possession or delivery of paraphernalia is an element.

6. The commission of any act by a person for which the person is exempt from state prosecution pursuant to this section must not be used as the basis for the seizure or forfeiture of any property of the person or for the imposition of a civil penalty.

Sec. 14.3. NRS 244.35253 is hereby amended to read as follows:

244.35253 1. Except as otherwise provided in this section, a board of county commissioners shall not fix, impose or collect a license tax for revenue or for regulation, or for both revenue and regulation, on a cannabis establishment located in the county.

2. Except as otherwise provided in subsection 3, a board of county commissioners may fix, impose and collect a license tax for revenue or for regulation, or for both revenue and regulation, on a cannabis establishment located in the county outside of the limits of incorporated cities as a:

- (a) Flat fee;
- (b) Percentage of the gross revenue of the cannabis establishment; or
- (c) Combination of a flat fee and a percentage of gross revenue of the cannabis establishment.

3. The total amount of a license tax imposed on a cannabis establishment pursuant to subsection 2, regardless of whether the license tax is imposed in the form described in paragraph (a), (b) or (c) of subsection 2, must not exceed 3 percent of the gross revenue of the cannabis establishment, as applicable.

4. *A board of county commissioners may use any portion of any money collected as a license tax pursuant to subsection 2 to educate the public, using any method of public outreach or medium of communication, on safely purchasing cannabis and cannabis products from licensed cannabis establishments and the safe consumption of cannabis and cannabis products.*

5. In addition to any amount of money collected as a license tax pursuant to subsection 2, a board of county commissioners may fix, impose and collect:

- (a) Any fees required pursuant to chapter 278 of NRS;
- (b) A one-time flat fee for an application for the issuance of a business license for a cannabis establishment located in the county outside of the limits of incorporated cities in an amount that does not exceed any similar fee imposed on a business pursuant to this chapter and chapter 369 of NRS; and
- (c) A licensing tax for a business activity engaged in by a cannabis establishment located in the county outside of the limits of incorporated cities for which licensing pursuant to chapter 678B of NRS is not required only if:

(1) The board of county commissioners is granted the authority to require such a license by some other provision of law; and

(2) The amount of the licensing tax does not exceed the amount imposed by the board of county commissioners on other similar businesses.

~~{5.}~~ 6. A board of county commissioners shall not enact or enforce any ordinance which is more restrictive than or conflicts with a law or regulation of this State relating to:

- (a) The packaging, labeling, testing, dosage or potency of cannabis or cannabis products;
- (b) The kinds of cannabis or cannabis products authorized to be sold pursuant to title 56 of NRS;
- (c) The use of pesticides in the cultivation of cannabis;
- (d) The tracking of cannabis from seed to sale;
- (e) The transportation of cannabis or cannabis products other than the direct transportation of cannabis or cannabis products to a consumer and a requirement to notify the county of any transportation of cannabis or cannabis products;
- (f) The issuance or verification of a registry identification card, letter of approval or written documentation;
- (g) The training or certification of cannabis establishment agents or employees of a cannabis establishment;
- (h) The creation or maintenance of a registry or other system to obtain and track information relating to customers of cannabis establishments or holders of a registry identification card or letter of approval; or
- (i) The content of any advertisement used by a cannabis establishment unless the ordinance sets forth specific prohibited content for such an advertisement.

~~{6.}~~ 7. A person who obtains a business license described in this section is subject to all other licensing and permitting requirements of the State and any other counties and cities in which the person does business.

~~{7.}~~ 8. As used in this section:

(a) *"Cannabis" has the meaning ascribed to it in NRS 678A.085.*

(b) "Cannabis establishment" has the meaning ascribed to it in NRS 678A.095.

~~{(b)}~~ (c) "Cannabis establishment agent" has the meaning ascribed to it in NRS 678A.100.

~~{(c)}~~ (d) "Cannabis products" has the meaning ascribed to it in NRS 678A.120.

~~{(d)}~~ (e) "Letter of approval" has the meaning ascribed to it in NRS 678C.070.

~~{(e)}~~ (f) "Registry identification card" has the meaning ascribed to it in NRS 678C.080.

~~{(f)}~~ (g) "Written documentation" has the meaning ascribed to it in NRS 678C.110.

Sec. 14.6. NRS 268.0977 is hereby amended to read as follows:

268.0977 1. Except as otherwise provided in this section, the governing body of an incorporated city, whether organized under general law or special charter, shall not fix, impose or collect for revenues or for regulation, or both, a license tax on a cannabis establishment located within its corporate limits.

2. Except as otherwise provided in subsection 3, the governing body of an incorporated city, whether organized under general law or special charter, may fix, impose and collect for revenues or for regulation, or both, a license

tax on a cannabis establishment located within its corporate limits as a:

- (a) Flat fee;
- (b) Percentage of the gross revenue of the cannabis establishment; or
- (c) Combination of a flat fee and a percentage of gross revenue of the cannabis establishment.

3. The total amount of a license tax imposed on a cannabis establishment pursuant to subsection 2, regardless of whether the license tax is imposed in the form described in paragraph (a), (b) or (c) of subsection 2, must not exceed 3 percent of the gross revenue of the cannabis establishment, as applicable.

4. *The governing body of an incorporated city, whether organized under general law or special charter, may use any portion of any money collected as a license tax pursuant to subsection 2 to educate the public, using any method of public outreach or medium of communication, on safely purchasing cannabis and cannabis products from licensed cannabis establishments and the safe consumption of cannabis and cannabis products.*

5. In addition to any amount of money collected as a license tax pursuant to subsection 2, the governing body of an incorporated city, whether organized under general law or special charter, may fix, impose and collect:

- (a) Any fees required pursuant to chapter 278 of NRS;
- (b) A one-time flat fee for an application for the issuance of a business license for a cannabis establishment located within its corporate limits in an amount that does not exceed any similar fee imposed on a business pursuant to this chapter and chapter 369 of NRS; and
- (c) A licensing tax for a business activity engaged in by a cannabis establishment located within its corporate limits for which licensing pursuant to chapter 678B of NRS is not required only if:

(1) The governing body is granted the authority to require such a license by some other provision of law; and

(2) The amount of the licensing tax does not exceed the amount imposed by the governing body on other similar businesses.

~~{5.}~~ 6. The governing body of an incorporated city, whether organized under general law or special charter, shall not enact or enforce any ordinance which is more restrictive than or conflicts with a law or regulation of this State relating to:

- (a) The packaging, labeling, testing, dosage or potency of cannabis or cannabis products;
- (b) The kinds of cannabis products authorized to be sold pursuant to title 56 of NRS;
- (c) The use of pesticides in the cultivation of cannabis;
- (d) The tracking of cannabis from seed to sale;
- (e) The transportation of cannabis or cannabis products other than the direct transportation of cannabis or cannabis products to a consumer and a requirement to notify the city of any transportation of cannabis or cannabis products;

(f) The issuance or verification of a registry identification card, letter of approval or written documentation;

(g) The training or certification of cannabis establishment agents; or

(h) The creation or maintenance of a registry or other system to obtain and track information relating to customers of cannabis establishments or holders of a registry identification card or letter of approval; or

(i) The content of any advertisement used by a cannabis establishment unless the ordinance sets forth specific prohibited content for such an advertisement.

~~{6.}~~ 7. A person who obtains a business license described in this section is subject to all other licensing and permitting requirements of the State and any other counties and cities in which the person does business.

~~{7.}~~ 8. As used in this section:

(a) "*Cannabis*" has the meaning ascribed to it in NRS 678A.085.

(b) "Cannabis establishment" has the meaning ascribed to it in NRS 678A.095.

~~{(b)}~~ (c) "Cannabis establishment agent" has the meaning ascribed to it in NRS 678A.100.

~~{(c)}~~ (d) "Cannabis products" has the meaning ascribed to it in NRS 678A.120.

~~{(d)}~~ (e) "Letter of approval" has the meaning ascribed to it in NRS 678C.070.

~~{(e)}~~ (f) "Registry identification card" has the meaning ascribed to it in NRS 678C.080.

~~{(f)}~~ (g) "Written documentation" has the meaning ascribed to it in NRS 678C.110.

Sec. 15. NRS 372A.290 is hereby amended to read as follows:

372A.290 1. An excise tax is hereby imposed on each 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 fair market value at wholesale of the cannabis. 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 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 fair market value at wholesale of the cannabis. The excise tax imposed pursuant to this subsection is the obligation of the adult-use cannabis cultivation facility.

3. ~~{An}~~ Except as otherwise provided in subsection 8, 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;

(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. *The excise tax imposed pursuant to subsection 3 does not apply to a sale of cannabis for the medical use of cannabis or a medical cannabis product to the holder of a registry identification card or letter of approval by an adult-use cannabis retail store that has been deemed to be a dual licensee pursuant to section 13 of this act.*

9. As used in this section:

(a) "Adult-use cannabis cultivation facility" has the meaning ascribed to it in NRS 678A.025.

(b) "Cannabis product" has the meaning ascribed to it in NRS 678A.120.

(c) "Letter of approval" has the meaning ascribed to it in NRS 678C.070.

(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) "Medical cannabis product" has the meaning ascribed to it in

NRS 678A.200.

(h) "Medical use of cannabis" has the meaning ascribed to it in NRS 678A.215.

(i) "Registry identification card" has the meaning ascribed to it in NRS 678C.080.

(j) "Wholesale sale" means a 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. 15.5. NRS 453.096 is hereby amended to read as follows:

453.096 1. "Marijuana" means:

(a) All parts of any plant of the genus Cannabis, whether growing or not;

(b) ~~the seeds thereof;~~

~~(c)~~ The resin extracted from any part of the plant, including concentrated cannabis;

~~(d)~~ (c) Every compound, manufacture, salt, derivative, mixture or preparation of the plant, or its ~~seeds or~~ resin;

~~(e)~~ (d) Any commodity or product made using hemp which exceeds the maximum THC concentration established by the State Department of Agriculture for hemp; and

~~(f)~~ (e) Any product or commodity made from hemp which is manufactured or sold by a cannabis establishment which violates any regulation adopted by the Cannabis Compliance Board pursuant to paragraph ~~(g)~~ (f) of subsection 1 of NRS 678A.450 relating to THC concentration.

2. "Marijuana" does not include:

(a) Hemp, as defined in NRS 557.160, which is grown or cultivated pursuant to the provisions of chapter 557 of NRS;

(b) The mature stalks of the plant ~~and root balls which have been fully separated from the stalks of the plant after harvest~~, fiber produced from the stalks, ~~seeds of the plant~~, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake ; ~~or the sterilized seed of the plant which is incapable of germination;~~ or

(c) Any commodity or product made using hemp, as defined in NRS 557.160, which does not exceed the maximum THC concentration established by the State Department of Agriculture for hemp.

Sec. 16. 1. The Cannabis Advisory Commission created by NRS 678A.300 shall conduct a study concerning the potential effects on the cannabis industry in this State if cannabis were to be removed from the list of controlled substances included in schedule I pursuant to the Uniform Controlled Substances Act or the federal Controlled Substances Act. The study must include, without limitation:

(a) An examination of federal and state laws and regulations concerning

cannabis and what effect the removal of cannabis from the list of controlled substances included in schedule I pursuant to the Uniform Controlled Substances Act or the federal Controlled Substances Act would have on such laws and regulations; and

(b) Recommendations for changes to the manner in which cannabis is regulated and taxed in this State that may be necessary to ensure the continued growth and success of the cannabis industry in this State if cannabis were to be removed from the list of controlled substances included in schedule I pursuant to the Uniform Controlled Substances Act or the federal Controlled Substances Act.

2. On or before March 1, 2024, the Cannabis Advisory Commission shall submit a report of its findings, including, without limitation, any recommendations for legislation, to:

(a) The Joint Interim Standing Committee on the Judiciary; and

(b) The Director of the Legislative Counsel Bureau for transmittal to the 83rd Session of the Nevada Legislature.

3. As used in this section:

(a) "Cannabis" has the meaning ascribed to it in NRS 678A.085.

(b) "Federal Controlled Substances Act" means the federal Controlled Substances Act, as amended, 21 U.S.C. §§ 801 et seq.

Sec. 17. 1. Except as otherwise provided in this section, a person who, on January 1, 2024, holds a medical cannabis establishment license for a medical cannabis establishment which is not located in a covered jurisdiction and which has been renewed by the person at least one time may, upon expiration of the license, submit an application to the Board for the issuance of an adult-use cannabis establishment license of the same type.

2. An application submitted pursuant to subsection 1 must:

(a) Contain the same information as required for the renewal of a medical cannabis establishment license pursuant to NRS 678B.210; and

(b) Be accompanied by a fee in an amount that is equal to the fee for the renewal of an adult-use cannabis establishment license of the same type as that of the medical cannabis establishment license which has expired, as set forth in NRS 678B.390, as amended by section 10 of this act.

3. If the Board determines that the applicant would have been eligible to renew the medical cannabis establishment license which has expired, the Board shall issue to the applicant an adult-use cannabis establishment license of the same type.

4. Notwithstanding the provisions of section 4 of this act, a person who, on January 1, 2024, holds a medical cannabis establishment license for a medical cannabis establishment which is not located in a covered jurisdiction and which has never been renewed by the person may renew the license pursuant to NRS 678B.210 one time. Upon expiration of the license after the first renewal of the license, the person may apply for and be issued an adult-use cannabis establishment license of the same type in the manner provided in subsections 1, 2 and 3.

5. Except as otherwise provided in subsection 6, an adult-use cannabis establishment license issued by the Board pursuant to this section shall be deemed to be an adult-use cannabis establishment license issued by the Board pursuant to NRS 678B.250.

6. An adult-use cannabis establishment license issued by the Board pursuant to this section shall be deemed to be a medical cannabis establishment license of the same type for the purposes of NRS 678B.220, 678B.230, 678B.260 and 678B.270.

7. A person who, on January 1, 2024, holds both an adult-use cannabis establishment license and a medical cannabis establishment license of the same type may not, pursuant to this section, apply for and be issued an additional adult-use cannabis establishment license upon the expiration of the medical cannabis establishment license of the person.

8. The Board may refuse to issue an adult-use cannabis establishment license pursuant to this section to a person who holds a medical cannabis establishment license on January 1, 2024, if:

(a) The person obtained the medical cannabis establishment license through a transfer in accordance with the regulations adopted by the Board pursuant to NRS 678B.380 which occurred on or after July 1, 2023, and on or before December 31, 2023; and

(b) The Board determines that:

(1) The transfer by which the person obtained the license was not made in good faith; and

(2) Issuing the person an adult-use cannabis establishment license would be against the public interest.

9. As used in this section:

(a) "Adult-use cannabis establishment license" has the meaning ascribed to it in NRS 678A.040.

(b) "Board" means the Cannabis Compliance Board.

(c) "Covered jurisdiction" has the meaning ascribed to it in section 3 of this act.

(d) "Medical cannabis establishment license" has the meaning ascribed to it in NRS 678A.185.

Sec. 18. (Deleted by amendment.)

Sec. 19. 1. This section becomes effective upon passage and approval.

2. Section 16 of this act becomes effective on July 1, 2023.

3. Sections 1 to 15.5, inclusive, 17 and 18 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Senator Doñate moved that the Senate concur in Assembly Amendment No. 948 to Senate Bill No. 277.

Conflict of interest declared by Senator Ohrenschall.

Motion carried by a constitutional majority.

Bill ordered enrolled.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Cannizzaro moved that Assembly Bills Nos. 158, 195, 203, 232, 260, 277 and 346 be taken from the Secretary's Desk and placed on the General File and considered next.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 158.

Bill read third time.

Remarks by Senator Titus.

Assembly Bill No. 158, as amended, ratifies the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact and includes assorted provisions.

Roll call on Assembly Bill No. 158:

YEAS—21.

NAYS—None.

Assembly Bill No. 158 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 195.

Bill read third time.

Remarks by Senator Flores.

This bill revises provisions.

Roll call on Assembly Bill No. 195:

YEAS—21.

NAYS—None.

Assembly Bill No. 195 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 203.

Bill read third time.

Remarks by Senator Flores.

This bill revises provisions.

Roll call on Assembly Bill No. 203:

YEAS—21.

NAYS—None.

Assembly Bill No. 203 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 232.

Bill read third time.

Remarks by Senator Flores.

This bill revises provisions.

Roll call on Assembly Bill No. 232:

YEAS—18.

NAYS—Goicoechea, Seevers Gansert, Titus—3.

Assembly Bill No. 232 having received a two-thirds majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 260.

Bill read third time.

Remarks by Senator Flores.

This bill revises provisions.

Roll call on Assembly Bill No. 260:

YEAS—21.

NAYS—None.

Assembly Bill No. 260 having received a constitutional majority,
Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 277.

Bill read third time.

Remarks by Senator Titus.

Assembly Bill No. 277 establishes rural emergency hospitals as a unique type.

Roll call on Assembly Bill No. 277:

YEAS—21.

NAYS—None.

Assembly Bill No. 277 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 346.

Bill read third time.

Remarks by Senator Flores.

This bill revises the State Budget Act.

Roll call on Assembly Bill No. 346:

YEAS—20.

NAYS—Titus.

Assembly Bill No. 346 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS
REPORTS OF CONFERENCE COMMITTEES

Mr. President:

The Conference Committee concerning Senate Bill No. 60, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 721 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 8, which is attached to and hereby made a part of this report.

Conference Amendment No. 8.

SUMMARY—Revises provisions relating to ~~elections;~~ campaign practices. (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;~~ defining the term "inaugural committee"; requiring an inaugural committee to report certain contributions and expenditures; requiring a candidate who is elected to a constitutional office to report certain contributions and expenditures for a certain period preceding the election and preceding the next regular legislative session; prohibiting a foreign national from making a contribution or commitment to make a contribution to an inaugural committee; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

—~~Existing law requires 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 require the Secretary of State to allow any registered voter to 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 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 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.]~~

Existing law requires certain persons who make independent expenditures and certain committees for political action, political parties and committees sponsored by a political party which receives certain contributions or makes certain expenditures to report such contributions and expenditures. (NRS 294A.140, 294A.150, 294A.210, 294A.220, 294A.230) Section 24 of this bill requires an inaugural committee to report certain contributions and expenditures.

Section 23 of this bill defines the term "inaugural committee."

Existing law requires a candidate for office at a primary election or general election to report certain contributions made during the election year. (NRS 294A.120) Section 25 of this bill requires a candidate who has been elected to a constitutional office to report certain contributions and expenditures in relation to the transition to the constitutional office.

Section 22 of this bill defines the terms "constitutional office" and "constitutional officer."

Section 26 of this bill makes a conforming change to indicate the proper placement of sections 22 and 23 in the Nevada Revised Statutes.

Section 27 of this bill prohibits a foreign national from making a contribution or a commitment to make a contribution to an inaugural committee.

Sections 28-31 of this bill make conforming changes to incorporate the requirements of sections 24 and 25 into existing law governing campaign practices.

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.} (Deleted by amendment.)~~

Sec. 1.5. ~~{1. The Secretary of State shall allow any registered voter to use the system of~~

~~approved electronic transmission established pursuant to NRS 293D.200 to apply for and cast a ballot in every election where the system of approved electronic transmission is available to a covered voter to 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. 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. } (Deleted by amendment.)~~

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.~~ (Deleted by amendment.)

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

~~—(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 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

~~(b) For an independent candidate for partisan office:~~

~~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. *(Deleted by amendment.)*

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]
<i>Independent candidate for the office of President of the United States</i>	<i>250</i>
<i>Lieutenant Governor</i>	<i>200</i>
<i>Secretary of State, State Treasurer, State Controller or Attorney General</i>	<i>200</i>
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. *(Deleted by amendment.)*

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.} (Deleted by amendment.)~~

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.] (Deleted by amendment.)~~

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.* (Deleted by amendment.)~~

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. (Deleted by amendment.)~~

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. (Deleted by amendment.)~~

Sec. 6.15. (Deleted by amendment.)

Sec. 6.2. (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.}] (Deleted by amendment.)~~

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.}] (Deleted by amendment.)~~

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.~~ (Deleted by amendment.)

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.] (Deleted by amendment.)

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.} (Deleted by amendment.)~~

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.} (Deleted by amendment.)~~

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.] (Deleted by amendment.)~~

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.] (Deleted by amendment.)~~

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.] (Deleted by amendment.)~~

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.} (Deleted by amendment.)~~

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.} (Deleted by amendment.)~~

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.]~~

~~(Deleted by amendment.)~~

~~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.}~~ (Deleted by amendment.)

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.] (Deleted by amendment.)~~

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.] (Deleted by amendment.)~~

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.] (Deleted by amendment.)~~

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.] (Deleted by amendment.)~~

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 293.291 or 293C.290.† (Deleted by amendment.)~~

Sec. 7.6. ~~{Chapter 293C of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~—1. The Secretary of State shall allow any registered voter to use the system of approved electronic transmission established pursuant to NRS 293D.200 to apply for and cast a ballot in every election where the system of approved electronic transmission is available to a covered voter to request and cast a military overseas ballot 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. 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.† (Deleted by amendment.)~~

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.~~ (Deleted by amendment.)

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.~~ (Deleted by amendment.)

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.} (Deleted by amendment.)~~

Sec. 9.6. (Deleted by amendment.)

Sec. 9.8. (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.}}~~ (Deleted by amendment.)

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.}~~ (Deleted by amendment.)

Sec. 10.5. ~~{NRS 293C.720 is hereby amended to read as follows:~~

~~— 293C.720 — Each city clerk is encouraged to:~~

~~— 1. — Not later than the earlier date of the first notice provided pursuant to subsection 3 of NRS 293.560 or NRS 293C.187, notify the public, through means designed to reach members of the public who are elderly or disabled, of the provisions of NRS 293C.263, 293C.281 and 293C.282 [.] and section 7.6 of this act.~~

~~— 2. — Provide in alternative audio and visual formats information concerning elections; information concerning how to preregister or register to vote and information concerning the manner of voting for use by a person who is elderly or disabled, including, without limitation, providing such information through a telecommunications device that is accessible to a person who is deaf.~~

~~— 3. — Not later than 5 working days after receiving the request of a person who is elderly or disabled, provide to the person, in a format that can be used by the person, any requested material that is:~~

~~— (a) — Related to elections; and~~

~~— (b) — Made available by the city clerk to the public in printed form.}] (Deleted by amendment.)~~

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.}] (Deleted by amendment.)~~

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.}] (Deleted by amendment.)~~

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.}] (Deleted by amendment.)~~

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.} (Deleted by amendment.)~~

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.} (Deleted by amendment.)~~

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.} (Deleted by amendment.)~~

Sec. 15. [Section 5.010 of the Charter of the City of Las Vegas, being chapter 547, 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. (Deleted by amendment.)~~

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. (Deleted by amendment.)~~

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.} (Deleted by amendment.)~~

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.} (Deleted by amendment.)~~

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.] (Deleted by amendment.)~~

~~Sec. 19. [NRS 293.365, 293.423, 293.567 and 293C.365 are hereby repealed.] (Deleted by amendment.)~~

~~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.] (Deleted by amendment.)~~

~~Sec. 21. Chapter 294A of NRS is hereby amended by adding thereto the provisions set forth as sections 22 to 25, inclusive, of this act.~~

~~Sec. 22. "Constitutional office" or "constitutional officer" means:~~

~~1. The Governor;~~

~~2. The Lieutenant Governor;~~

~~3. The Secretary of State;~~

~~4. The State Treasurer;~~

~~5. The State Controller; and~~

~~6. The Attorney General.~~

~~Sec. 23. "Inaugural committee" means any organization, person or group of persons that anticipates receiving contributions or making expenditures for the inauguration of a constitutional officer.~~

~~Sec. 24. 1. An inaugural committee shall report for each period required pursuant to subsection 2:~~

~~(a) Each contribution received relating to the inauguration in excess of \$1,000;~~

~~(b) Contributions received during the period relating to the inauguration from a contributor which cumulatively exceed \$1,000;~~

~~(c) The total number of all contributions received during the period relating to the inauguration which are not otherwise required to be reported pursuant to paragraph (b);~~

~~(d) Each expenditure relating to the inauguration made during the period in excess of \$1,000; and~~

~~(e) Expenditures made relating to the inauguration during the period to one recipient which cumulatively exceed \$1,000.~~

~~2. The report required pursuant to subsection 1 must be filed:~~

~~(a) Not later than the date that is the 90th day following the first day of the regular session of the Legislature that is immediately following the inauguration of the constitutional officer, for the period beginning on the date of the organization of the committee and ending on the 75th day of such regular session;~~

~~(b) Not later than 15 days after the end of such regular session, for the period of the following year, for the period beginning on the 76th day of such regular session and ending on the last day of such regular session; and~~

~~(c) Not later than January 15, for the period beginning on January 1 of any year other than the year immediately following the year of the general election and ending on December 31 of the previous year.~~

~~3. An inaugural committee that disbands shall:~~

~~(a) Notify the Secretary of State; and~~

~~(b) File a final report that sets forth:~~

~~(1) Each contribution and expenditure required to be reported pursuant to subsection 1 that has not previously been reported; and~~

~~(2) The disposition of any contributions made to the inaugural committee that are not spent or committed for expenditure by the inaugural committee.~~

~~Nothing in this subsection requires an inaugural committee to report information that has~~

previously been reported in a timely manner pursuant to this section.

4. An inaugural committee is not subject to the provisions of NRS 294A.100 or 294A.300.

5. Except as otherwise provided in NRS 294A.3737, the reports required by this section must be filed electronically with the Secretary of State.

6. A report filed pursuant to this section shall be deemed to be filed on the date that it was received by the Secretary of State. Every inaugural committee shall file a report as required by this section even if the committee receives no contributions.

Sec. 25. 1. A candidate for a constitutional office who is elected shall report, not later than the 90th day following the first day of the regular session of the Legislature that is immediately following the inauguration of the constitutional officer, for the period beginning on the day following the general election and ending on the day immediately preceding the beginning of the period set forth in NRS 294A.300:

(a) Each contribution in excess of \$100 received in relation to the transition to holding the office constitutional during the period;

(b) Contributions received in relation to the transition to holding the constitutional office during the period from a contributor which cumulatively exceed \$100;

(c) The total of all contributions received in relation to the transition to holding the constitutional office during the period which are \$100 or less and which are not otherwise required to be reported pursuant to paragraph (b);

(d) The balance in the account maintained by the candidate pursuant to NRS 294A.130 on the ending date of the period; and

(e) Goods and services provided in kind in relation to the transition to holding the constitutional office and for which money would have otherwise been paid.

2. Nothing in this section requires the candidate to report information that has previously been reported in a timely manner pursuant to this chapter.

3. Except as otherwise provided in NRS 294A.3733, the reports required by this section must be filed electronically with the Secretary of State.

4. A report filed pursuant to this section shall be deemed to be filed on the date that it was received by the Secretary of State.

Sec. 26. NRS 294A.002 is hereby amended to read as follows:

294A.002 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 294A.0025 to 294A.014, inclusive, and sections 22 and 23 of this act have the meanings ascribed to them in those sections.

Sec. 27. NRS 294A.325 is hereby amended to read as follows:

294A.325 1. A foreign national shall not, directly or indirectly, make a contribution or a commitment to make a contribution to:

- (a) A candidate;
- (b) A committee for political action;
- (c) A committee for the recall of a public officer;
- (d) A person who makes an independent expenditure;
- (e) A political party or committee sponsored by a political party that makes an expenditure for or against a candidate or group of candidates;
- (f) An organization made up of legislative members of a political party whose primary purpose is to provide support for their political efforts;
- (g) A personal campaign committee or the personal representative of a candidate who receives contributions or makes expenditures that are reported as contributions or expenditures by the candidate; ~~for~~
- (h) A nonprofit corporation that is registered or required to be registered pursuant to NRS 294A.225 ~~for~~; or
- (i) An inaugural committee.

2. Except as otherwise provided in subsection 3, a candidate, person, group, committee, political party, organization or nonprofit corporation described in subsection 1 shall not knowingly solicit, accept or receive a contribution or a commitment to make a contribution from a foreign national.

3. For the purposes of subsection 2, if a candidate, person, group, committee, political party, organization or nonprofit corporation is aware of facts that would lead a reasonable person to

inquire whether the source of a contribution is a foreign national, the candidate, person, group, committee, political party, organization or nonprofit corporation shall be deemed to have not knowingly solicited, accepted or received a contribution in violation of subsection 2 if the candidate, person, group, committee, political party, organization or nonprofit corporation requests and obtains from the source of the contribution a copy of current and valid United States passport papers. This subsection does not apply to any candidate, person, group, committee, political party, organization or nonprofit corporation if the candidate, person, group, committee, political party, organization or nonprofit corporation has actual knowledge that the source of the contribution solicited, accepted or received is a foreign national.

4. If a candidate, person, group, committee, political party, organization or nonprofit corporation discovers that the candidate, person, group, committee, political party, organization or nonprofit corporation received a contribution in violation of this section, the candidate, person, group, committee, political party, organization or nonprofit corporation shall, if at the time of discovery of the violation:

(a) Sufficient money received as contributions is available, return the contribution received in violation of this section not later than 30 days after such discovery.

(b) Except as otherwise provided in paragraph (c), sufficient money received as contributions is not available, return the contribution received in violation of this section as contributions become available for this purpose.

(c) Sufficient money received as contributions is not available and contributions are no longer being solicited or accepted, not be required to return any amount of the contribution received in violation of this section that exceeds the amount of contributions available for this purpose.

5. A violation of any provision of this section is a gross misdemeanor.

6. As used in this section:

(a) "Foreign national" has the meaning ascribed to it in ~~[2 U.S.C. § 441e]~~ 52 U.S.C. § 30121.

(b) "Knowingly" means that a candidate, person, group, committee, political party, organization or nonprofit corporation:

(1) Has actual knowledge that the source of the contribution solicited, accepted or received is a foreign national;

(2) Is aware of facts which would lead a reasonable person to conclude that there is a substantial probability that the source of the contribution solicited, accepted or received is a foreign national; or

(3) Is aware of facts which would lead a reasonable person to inquire whether the source of the contribution solicited, accepted or received is a foreign national, but failed to conduct a reasonable inquiry.

Sec. 28. NRS 294A.350 is hereby amended to read as follows:

294A.350 1. Except as otherwise provided in subsection 2, every candidate for office shall file the reports required by NRS 294A.120, 294A.125, 294A.128, 294A.200, 294A.286 and 294A.362, and section 25 of this act, even though the candidate:

(a) Withdraws his or her candidacy pursuant to NRS 293.202 or 293C.195;

(b) Ends his or her campaign without withdrawing his or her candidacy pursuant to NRS 293.202 or 293C.195;

(c) Receives no contributions;

(d) Has no campaign expenses;

(e) Is not opposed in the election by another candidate;

(f) Is defeated in the primary election;

(g) Is removed from the ballot by court order; or

(h) Is the subject of a petition to recall and the special election is not held.

2. A candidate described in paragraph (a), (b), (f) or (g) of subsection 1 may simultaneously file all the reports required by NRS 294A.120, 294A.125, 294A.128, 294A.200, 294A.286 and 294A.362 and section 25 of this act that are due after the candidate disposes of any unspent or excess contributions as provided in NRS 294A.117 or subsections 4, 5 and 6 of NRS 294A.160, as applicable, if the candidate gives written notice to the Secretary of State, on the form prescribed by the Secretary of State, that the candidate is ending his or her campaign and will not accept any additional contributions. If the candidate has submitted a withdrawal of candidacy

pursuant to NRS 293.202 or 293C.195 to an officer other than the Secretary of State, the candidate must enclose with the notice a copy of the withdrawal of candidacy. A form submitted to the Secretary of State pursuant to this subsection must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.

3. A candidate described in paragraph (b) of subsection 1 who simultaneously files reports pursuant to subsection 2 but is elected to office despite ending his or her campaign is subject to the reporting requirements set forth in NRS 294A.120, 294A.125, 294A.128, 294A.200, 294A.286 and 294A.362, and section 25 of this act, beginning with the next report that is due pursuant to those sections after his or her election to office.

Sec. 29. NRS 294A.362 is hereby amended to read as follows:

294A.362 1. In addition to reporting information pursuant to NRS 294A.120, 294A.125, 294A.128 and 294A.200, and section 25 of this act, each candidate who is required to file a report pursuant to NRS 294A.120, 294A.125, 294A.128 or 294A.200 and section 25 of this act shall report on the form designed and made available by the Secretary of State pursuant to NRS 294A.373 goods and services provided in kind for which money would otherwise have been paid. The candidate shall list on the form:

- (a) Each such contribution in excess of \$100 received during the reporting period;
- (b) Each such contribution from a contributor received during the reporting period which cumulatively exceeds \$100;
- (c) Each such campaign expense in excess of \$100 incurred during the reporting period;
- (d) The total of all such contributions received during the reporting period which are \$100 or less and which are not otherwise required to be reported pursuant to paragraph (b); and
- (e) The total of all such campaign expenses incurred during the reporting period which are \$100 or less.

2. The Secretary of State shall not require a candidate to list the contributions and campaign expenses described in this section on any form other than the form designed and made available by the Secretary of State pursuant to NRS 294A.373.

3. Except as otherwise provided in NRS 294A.3733, the report required by subsection 1 must be filed in the same manner and at the same time as the report filed pursuant to NRS 294A.120, 294A.125, 294A.128 or 294A.200 ~~+~~ or section 25 of this act.

Sec. 30. NRS 294A.390 is hereby amended to read as follows:

294A.390 The officer from whom a candidate or entity requests a form for:

- 1. A declaration of candidacy;
- 2. The registration of a nonprofit corporation pursuant to NRS 294A.225, a committee for political action pursuant to NRS 294A.230 or a committee for the recall of a public officer pursuant to NRS 294A.250; or

3. The reporting of the creation of a legal defense fund pursuant to NRS 294A.286,
 ➤ shall furnish the candidate or entity with the necessary forms for reporting and copies of the regulations adopted by the Secretary of State pursuant to this chapter. An explanation of the applicable provisions of NRS 294A.100, 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270 or 294A.280 or section 24 and 25 of this act relating to the making, accepting or reporting of contributions, campaign expenses or expenditures and the penalties for a violation of those provisions as set forth in NRS 294A.100 or 294A.420, and an explanation of NRS 294A.286 and 294A.287 relating to the accepting or reporting of contributions received by and expenditures made from a legal defense fund and the penalties for a violation of those provisions as set forth in NRS 294A.287 and 294A.420, must be developed by the Secretary of State and provided upon request. The candidate or entity shall acknowledge receipt of the material.

Sec. 31. NRS 294A.420 is hereby amended to read as follows:

294A.420 1. If the Secretary of State receives information that a candidate, person, organization, committee, political party or nonprofit corporation that is subject to the provisions of NRS 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.230, 294A.250, 294A.270, 294A.280 or 294A.286 or section 24 and 25 of this act has not filed a report or form for registration pursuant to the applicable provisions of those sections, the Secretary of State may, after giving notice to that candidate, person, organization, committee,

political party or nonprofit corporation, cause the appropriate proceedings to be instituted in the First Judicial District Court.

2. Except as otherwise provided in this section, a candidate, person, organization, committee, political party or nonprofit corporation that violates an applicable provision of this chapter is subject to a civil penalty of not more than \$10,000 for each violation and payment of court costs and attorney's fees. The civil penalty must be recovered in a civil action brought in the name of the State of Nevada by the Secretary of State in the First Judicial District Court and deposited by the Secretary of State for credit to the State General Fund in the bank designated by the State Treasurer.

3. If a civil penalty is imposed because a candidate, person, organization, committee, political party or nonprofit corporation has reported its contributions, campaign expenses, independent expenditures or other expenditures after the date the report is due, except as otherwise provided in this subsection, the amount of the civil penalty is:

(a) If the report is not more than 7 days late, \$25 for each day the report is late.

(b) If the report is more than 7 days late but not more than 15 days late, \$50 for each day the report is late.

(c) If the report is more than 15 days late, \$100 for each day the report is late.

➤ A civil penalty imposed pursuant to this subsection against a public officer who by law is not entitled to receive compensation for his or her office or a candidate for such an office must not exceed a total of \$100 if the public officer or candidate received no contributions and made no expenditures during the relevant reporting periods.

4. For good cause shown, the Secretary of State may waive a civil penalty that would otherwise be imposed pursuant to this section.

5. When considering whether to waive, pursuant to subsection 4, a civil penalty that would otherwise be imposed pursuant to subsection 3, the Secretary of State may consider, without limitation:

(a) The seriousness of the violation, including, without limitation, the nature, circumstances and extent of the violation;

(b) Any history of violations committed by the candidate, person, organization, committee, political party or nonprofit corporation against whom the civil penalty would otherwise be imposed;

(c) Any mitigating factor, including, without limitation, whether the candidate, person, organization, committee, political party or nonprofit corporation against whom the civil penalty would otherwise be imposed reported the violation, corrected the violation in a timely manner, attempted to correct the violation or cooperated with the Secretary of State in resolving the situation that led to the violation;

(d) Whether the violation was inadvertent;

(e) Any knowledge or experience the candidate, person, organization, committee, political party or nonprofit corporation has with the provisions of this chapter; and

(f) Any other factor that the Secretary of State deems to be relevant.

6. If the Secretary of State waives a civil penalty pursuant to subsection 4, the Secretary of State shall:

(a) Create a record which sets forth that the civil penalty has been waived and describes the circumstances that constitute the good cause shown; and

(b) Ensure that the record created pursuant to paragraph (a) is available for review by the general public.

7. The remedies and penalties provided by this chapter are cumulative, do not abrogate and are in addition to any other remedies and penalties that may exist at law or in equity, including, without limitation, any criminal penalty that may be imposed pursuant to this chapter or NRS 199.120, 199.145 or 239.330.

Sec. 32. 1. On or before October 1, 2023, any inaugural committee that was formed in relation to a candidate for a constitutional office, as defined in section 22 of this act, at the 2022 General Election shall, for the period beginning on the day that the inaugural committee was formed and ending on the last day of the 82nd Regular Session of the Nevada Legislature, report to the Secretary of State:

(a) Each contribution received in relation to the inauguration in excess of \$1,000;

(b) Contributions received in relation to the inauguration during the period from a contributor which cumulatively exceed \$1,000;

(c) The total number of all contributions received in relation to the inauguration during the period which are not otherwise required to be reported pursuant to paragraph (b);

(d) Each expenditure made in relation to the inauguration during the period in excess of \$1,000; and

(e) Expenditures made during the period in relation to the inauguration to one recipient which cumulatively exceed \$1,000.

2. Nothing in this section requires an inaugural committee to report information that has previously been reported in a timely manner pursuant to the provisions of chapter 294A of NRS.

3. As used in this section, "inaugural committee" has the meaning ascribed to it in section 23 of this act.

Sec. 33. 1. On or before October 1, 2023, for the period beginning on the day following the 2022 General Election and ending on the day of the 2023 Inauguration, each constitutional officer shall report to the Secretary of State:

(a) Each contribution in excess of \$100 received in relation to the transition to holding the constitutional office during the period;

(b) Contributions received during the period in relation to the transition to holding the constitutional office from a contributor which cumulatively exceed \$100;

(c) The total of all contributions received during the period in relation to the transition to holding the constitutional office which are \$100 or less and which are not otherwise required to be reported pursuant to paragraph (b); and

(d) Goods and services provided in kind in relation to the transition to holding the constitutional office and for which money would have otherwise been paid.

2. Nothing in this section requires a constitutional officer to report information that has previously been reported in a timely manner pursuant to chapter 294A of NRS.

3. As used in this section, "constitutional office" or "constitutional officer" have the meaning ascribed to those terms in section 22 of this act.

Sec. 34. This act becomes effective upon passage and approval.

SKIP DALY

LISA KRASNER

JAMES OHRENSCHALL

Senate Conference Committee

DANIELE MONROE-MORENO

CAMERON MILLER

JILL DICKMAN

Assembly Conference Committee

Senator Cannizzaro moved that the Senate adopt the report of the Conference Committee concerning Senate Bill No. 60.

Motion carried by a constitutional majority.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, June 5, 2023

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Bill No. 98, Amendment No. 1002; Senate Bill No. 400, Amendment No. 998, and respectfully requests your honorable body to concur in said amendments.

CAROL AIELLO-SALA

Assistant Chief Clerk of the Assembly

UNFINISHED BUSINESS

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 98.

The following Assembly amendment was read:

Amendment No. 1002.

SUMMARY—Revises provisions relating to education. (BDR 34-444)

AN ACT relating to education; revising provisions relating to annual

reports of accountability for public schools; revising provisions relating to the Education Stabilization Account; revising provisions relating to the Commission on School Funding; requiring the Commission to conduct interim studies on school funding and accountability for school funding; making appropriations; and providing other matters properly relating thereto. Legislative Counsel's Digest:

Existing law requires the preparation of an annual report of accountability for each school district and sponsor of charter schools in this State, as well as for all public schools in the State as a whole. (NRS 385A.010-385A.520) Existing law imposes certain duties on the Superintendent of Public Instruction relating to the accountability of public schools. (NRS 385A.080) Section 3.3 of this bill additionally requires the Superintendent to establish metrics of performance for public schools for each grade and, along with each school district and charter school, publish such metrics on their respective Internet websites and report data on such metrics to the Governor, State Board of Education and Director of the Legislative Counsel Bureau for transmission to the Joint Interim Standing Committee on Education.

Existing law creates the Education Stabilization Account in the State Education Fund and allows the Interim Finance Committee to authorize the transfer of money in the Account to the State Education Fund if actual enrollment growth in a fiscal year exceeds projected enrollment growth or if the collection of revenue in a fiscal year results in the State Education Fund receiving 97 percent or less of the money authorized for expenditure from the State Education Fund. (NRS 387.1213) Section 3.5 of this bill additionally authorizes the Interim Finance Committee to transfer money from the Account to the State Education Fund if: (1) money deposited in the State Education Fund was found by an audit to have been deposited in error; or (2) an error in the application of the Pupil-Centered Funding Plan by the Department of Education creates a shortfall in the State Education Fund.

Existing law creates the Commission on School Funding and authorizes the Commission to meet only between July 1 of an odd-numbered year and September 30 of the subsequent even-numbered year. (NRS 387.1246) Section 4 of this bill: (1) requires the Commission to meet monthly; (2) authorizes the Commission to meet in person or, at the discretion of the Chair of the Commission, by use of a remote technology system; (3) authorizes the Commission to meet between July 1 of an odd-numbered year and December 31 of the subsequent even-numbered year; and (4) authorizes the Commission to also meet during any regular or special session of the Legislature, if requested to do so by the chair of the Senate Standing Committee on Education, Assembly Standing Committee on Education, Senate Standing Committee on Finance, Assembly Standing Committee on Ways and Means or Interim Finance Committee. Section 4.5 of this bill expands the duties of the Commission by requiring the Commission to: (1) review the academic progress made by pupils in each public school; and (2) review and consider strategies to improve the accessibility and ensure the

equitability of existing and new programs within and between public schools. Section 7.5 of this bill: (1) expires the terms of incumbent members of the Commission on June 30, 2023; (2) requires the appointment or reappointment of members of the Commission on or before July 1, 2023, to staggered terms; and (3) requires the Commission to hold its first meeting during Fiscal Year 2023-2024 on or before September 1, 2023.

Section 7 of this bill requires the Commission to conduct interim studies on school funding and school accountability. Section 7 requires the interim study on school funding to examine topics relating to: (1) the funding of building improvement and modernization projects by small school districts; (2) the number of professional educators graduating from institutions of higher education in this State; (3) the classification and compensation of professional educators and support personnel at public schools; and (4) changes to the laws governing sales and use tax and property tax to fully fund public schools in this State at an optimal level of funding. Section 7 requires the interim study on school accountability to include recommendations for performance metrics to assess the impact of increased investments in K-12 public education and accountability measures to ensure the effective use of such investments. Section 6 of this bill appropriates ~~(\$1,500,000)~~ \$500,000 from the State General Fund to the Commission for the cost of the studies required by section 7. Sections 6.3 and 6.5 of this bill appropriate money for the payment of travel and per diem expenses for members of the Commission on School Funding and employees of the Department of Education, respectively, for attending meetings of the Commission.

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. 3.3. NRS 385A.080 is hereby amended to read as follows:

385A.080 1. The Superintendent of Public Instruction shall:

(a) Prescribe forms for the reports required pursuant to NRS 385A.070 and provide the forms to the respective school districts, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school.

(b) Provide statistical information and technical assistance to the school districts, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school to ensure that the reports provide comparable information with respect to each school in each district, each charter school and among the districts and charter schools throughout this State.

(c) Consult with a representative of the:

- (1) Nevada State Education Association;
- (2) Nevada Association of School Boards;
- (3) Nevada Association of School Administrators;

- (4) Nevada Parent Teacher Association;
- (5) Budget Division of the Office of Finance;
- (6) Legislative Counsel Bureau; and
- (7) Charter School Association of Nevada,

➡ concerning the program adopted pursuant to subsection 1 of NRS 385A.070 and consider any advice or recommendations submitted by the representatives with respect to the program.

(d) Establish metrics of performance for public schools for each grade which include, without limitation, metrics for:

- (1) The growth and proficiency of pupils in literacy, mathematics and science;*
- (2) The engagement and proficiency of pupils in courses for college and career readiness; and*
- (3) The retention and recruitment of teachers and education support professionals.*

2. The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent Teacher Association concerning the program adopted pursuant to subsection 1 of NRS 385A.070 and consider any advice or recommendations submitted by the representatives with respect to the program.

3. *The Superintendent of Public Instruction and each school district and charter school shall:*

- (a) Publish the metrics established pursuant to paragraph (d) of subsection 1 on their respective Internet websites; and*
- (b) On or before October 1 of each year, report data relating to each metric established pursuant to paragraph (d) of subsection 1 to the Governor, the State Board and the Director of the Legislative Counsel Bureau for transmission to the Joint Interim Standing Committee on Education.*

Sec. 3.5. NRS 387.1213 is hereby amended to read as follows:

387.1213 1. The Education Stabilization Account is hereby created in the State Education Fund. Except as otherwise provided in subsections 3 and 4, each year after the close of the previous fiscal year and before the issuance of the State Controller's annual report, each county school district shall transfer from the county school district fund to the Education Stabilization Account any amount by which the budgeted ending fund balance of the county school district fund exceeds 16.6 percent of the total budgeted expenditures for the fund. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.

2. Money transferred pursuant to subsection 1 to the Education Stabilization Account is a continuing appropriation solely for the purpose of authorizing the expenditure of the transferred money for the purposes set forth in this section.

3. The balance in the Education Stabilization Account must not exceed

15 percent of the total of all appropriations and authorizations from the State Education Fund, excluding the Education Stabilization Account, for the immediately preceding fiscal year. Any money transferred to the Education Stabilization Account which exceeds this amount must instead be transferred to the State Education Fund.

4. If the Interim Finance Committee finds that:

(a) Upon submission of a request from the Department, the actual enrollment growth for a fiscal year exceeds the projected enrollment growth by an amount that the Interim Finance Committee determines would make a transfer of money to the State Education Fund necessary to fund the excess enrollment; ~~for~~

(b) The collection of revenue in any fiscal year will result in the State Education Fund receiving 97 percent or less of the money authorized for expenditure from the State Education Fund ~~for~~ ;

(c) *Upon submission of a request from the Department, any amount of money which was deposited in the State Education Fund is found by an audit to have been deposited in error; or*

(d) *Upon submission of a request from the Department, any error in the application of the Pupil-Centered Funding Plan by the Department has created a shortfall in the State Education Fund,*

➔ the Committee shall by resolution establish an amount of money to transfer from the Education Stabilization Account to the State Education Fund and direct the State Controller to transfer that amount to the State Education Fund. The State Controller shall thereupon make the transfer.

5. The balance remaining in the State Education Fund, excluding the balance remaining in the Education Stabilization Account, that has not been committed for expenditure on or before June 30 of an odd-numbered fiscal year must be transferred to the Education Stabilization Account to the extent that such a transfer would not cause the balance in the Education Stabilization Account to exceed the limit established in subsection 3.

Sec. 4. NRS 387.1246 is hereby amended to read as follows:

387.1246 1. The Commission on School Funding, consisting of 11 members, is hereby created.

2. The Commission consists of the following members, who may not be Legislators:

- (a) One member appointed by the Governor, who serves as Chair;
- (b) Two members appointed by the Majority Leader of the Senate;
- (c) Two members appointed by the Speaker of the Assembly;
- (d) One member appointed by the Minority Leader of the Senate;
- (e) One member appointed by the Minority Leader of the Assembly;
- (f) Two members appointed by the Governor, each of whom is the chief financial officer of a school district in this State which has more than 40,000 pupils enrolled in its public schools, nominated by the Nevada Association of School Superintendents or its successor organization; and
- (g) Two members appointed by the Governor, each of whom is the chief

financial officer of a school district in this State which has 40,000 or fewer pupils enrolled in its public schools, nominated by the Nevada Association of School Superintendents or its successor organization.

➡ In making appointments to the Commission, the appointing authorities shall consider whether the membership generally reflects the geographic distribution of pupils in the State.

3. Each member of the Commission must:

- (a) Be a resident of this State;
- (b) Not have been registered as a lobbyist pursuant to NRS 218H.200 for a period of at least 2 years immediately preceding appointment to the Commission;
- (c) Have relevant experience in public education;
- (d) Have relevant experience in fiscal policy, school finance or similar or related financial activities;
- (e) Have the education, experience and skills necessary to effectively execute the duties and responsibilities of a member of the Commission; and
- (f) Have demonstrated ability in the field of economics, taxation or other discipline necessary to school finance and be able to bring knowledge and professional judgment to the deliberations of the Commission.

4. Each member of the Commission serves a term of 3 years and may be reappointed to additional terms.

5. Each member may be removed by the appointing authority for good cause. A vacancy on the Commission must be filled in the same manner as the original appointment.

6. The Commission shall:

(a) Elect a Vice Chair from among its members at its first meeting for a term of 3 years. A vacancy in the office of Vice Chair must be filled by the Commission by election for the remainder of the existing term.

(b) Adopt such rules governing the conduct of the Commission as it deems necessary.

(c) ~~Hold its first meeting on or before October 1, 2019,~~ *Meet at least once each month and hold such [additional] number of meetings as may be necessary to accomplish the tasks assigned to it in the time allotted.*

(d) *Meet in person or, at the discretion of the Chair in consultation with the Superintendent of Public Instruction based on the items on the agenda for a meeting, by use of a remote technology system, as defined in NRS 241.015.*

7. A majority of the members of the Commission constitutes a quorum and a majority of those present must concur in any decision.

8. The Department shall provide the Commission with meeting rooms, data processing services and administrative and clerical assistance. The Superintendent of Public Instruction and Office of Finance shall jointly provide the Commission with professional staff services.

9. While engaged in the business of the Commission, each member is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

10. The Commission may meet only ~~between~~ :

(a) *Between* July 1 of an odd-numbered year and ~~September 30~~
December 31 of the subsequent even-numbered year ~~[-]~~ ; or

(b) *During any regular or special session of the Legislature, if requested to do so by the chair of the:*

(1) *Senate Standing Committee on Education;*

(2) *Assembly Standing Committee on Education;*

(3) *Senate Standing Committee on Finance;*

(4) *Assembly Standing Committee on Ways and Means; or*

(5) *Interim Finance Committee.*

Sec. 4.5. NRS 387.12463 is hereby amended to read as follows:

387.12463 1. The Commission shall:

(a) Provide guidance to school districts and the Department on the implementation of the Pupil-Centered Funding Plan.

(b) Monitor the implementation of the Pupil-Centered Funding Plan and make any recommendations to the Joint Interim Standing Committee on Education that the Commission determines would, within the limits of appropriated funding, improve the implementation of the Pupil-Centered Funding Plan or correct any deficiencies of the Department or any school district or public school in carrying out the Pupil-Centered Funding Plan.

(c) Review the statewide base per pupil funding amount, the adjusted base per pupil funding for each school district and the multiplier for weighted funding for each category of pupils appropriated by law pursuant to NRS 387.1214 for each biennium and recommend any revisions the Commission determines to be appropriate to create an optimal level of funding for the public schools in this State, including, without limitation, by recommending the creation or elimination of one or more categories of pupils to receive additional weighted funding. If the Commission makes a recommendation pursuant to this paragraph which would require more money to implement than was appropriated from the State Education Fund in the immediately preceding biennium, the Commission shall also identify a method to fully fund the recommendation within 10 years after the date of the recommendation.

(d) Review the laws and regulations of this State relating to education, make recommendations to the Joint Interim Standing Committee on Education for any revision of such laws and regulations that the Commission determines would improve the efficiency or effectiveness of public education in this State and notify each school district of each such recommendation.

(e) Review and recommend to the Department revisions of the cost adjustment factors for each county established pursuant to NRS 387.1215 and the method for calculating the attendance area adjustment established pursuant to NRS 387.1218.

(f) *Review the academic progress made by pupils in each public school since the implementation of the Pupil-Centered Funding Plan, including, without limitation, any changes to the academic progress of such pupils as*

the result of any additional money provided to each such school by the Pupil-Centered Funding Plan. In performing such a review, the Commission shall:

(1) Use metrics to measure the academic achievement of pupils which include, without limitation:

(I) The rate of graduation of pupils from high school by type of diploma;

(II) The performance of pupils on standardized examinations in math, reading and science;

(III) The number of credentials or other certifications in fields of career and technical education earned by pupils;

(IV) The number of pupils who earn a passing score on an advanced placement examination;

(V) The number of pupils who earn a passing score on an international baccalaureate examination;

(VI) The percentage of pupils in each school who lack a sufficient number of credits to graduate by the end of their 12th grade year;

(VII) The percentage of pupils in each school who drop out;

(VIII) The number of pupils who enroll in higher education upon graduation;

(IX) The number of pupils who enroll in a vocational or technical school or apprenticeship training program;

(X) The attendance rate for pupils;

(XI) The number of violent acts by pupils and disciplinary actions against pupils; and

(XII) Any other metric prescribed by the Commission;

(2) Use metrics to measure the improvement of pupils enrolled in elementary school in literacy which include, without limitation:

(I) The literacy rate for pupils in first, third and fifth grades;

(II) The number of pupils in elementary school who were promoted to the next grade after testing below proficient in reading in the immediately preceding school year, separated by grade level and by level of performance on the relevant test;

(III) The number of schools that employ a licensed teacher designated to serve as a literacy specialist pursuant to NRS 388.159 and the number of schools that fail to employ and designate such a licensed teacher; and

(IV) Any other metric prescribed by the Commission;

(3) Use metrics to measure the ability of public schools to hire and retain sufficient staff to meet the needs of the public schools which include, without limitation:

(I) The rate of vacancies in positions for teachers, support staff and administrators;

(II) The attendance rate for teachers;

(III) The retention rate for teachers;

(IV) The number of schools and classrooms within each school in

which the number of pupils in attendance exceeds the designed capacity for the school or classroom;

(V) The number of classes taught by a substitute teacher for more than 25 percent of the school year; and

(VI) Any other metric prescribed by the Commission;

(4) Use metrics to measure the extent to which schools meet the needs and expectations of pupils, parents or legal guardians of pupils, teachers and administrators which include, without limitation:

(I) The results of an annual survey of satisfaction of school employees;

(II) The results of an annual survey of satisfaction of pupils, parents or legal guardians of pupils and graduates; and

(III) Any other metric prescribed by the Commission;

(5) Identify the progress made by each school, school district and charter school on improving the literacy of pupils enrolled in elementary school;

(6) Make recommendations for strategies to increase the efficacy, efficiency, transparency and accountability of public schools; and

(7) Make recommendations to the Department, school districts and charter schools to improve the reporting, tracking, monitoring, analyzing and dissemination of data relating to pupil achievement and financial accountability, including, without limitation, revisions to the metrics identified in subparagraphs (1) to (4), inclusive.

(g) Review and consider strategies to improve the accessibility and ensure the equitability of existing and new programs for pupils within and between public schools, including, without limitation, open zoning.

2. The Commission shall present any recommendations pursuant to paragraphs (a) to (d), inclusive, of subsection 1 at a meeting of the Joint Interim Standing Committee on Education for consideration and revision by the Committee. The Joint Interim Standing Committee on Education shall review each recommendation of the Commission and determine whether to transmit the recommendation or a revised version of the recommendation to the Governor or the Legislature.

Sec. 5. (Deleted by amendment.)

Sec. 6. 1. There is hereby appropriated from the State General Fund to the Commission on School Funding created by NRS 387.1246 the sum of ~~[\$1,500,000]~~ \$500,000 for the cost of conducting the studies required by section 7 of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted

or transferred, and must be reverted to the State General Fund on or before September 19, 2025.

Sec. 6.3. 1. There is hereby appropriated from the State General Fund to the Department of Education the sum of \$10,000 in Fiscal Year 2024-2025 for the payment of travel and per diem expenses for members of the Commission on School Funding created by NRS 387.1246.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.

Sec. 6.5. 1. There is hereby appropriated from the State General Fund to the Department of Education for the payment of travel and per diem expenses for employees of the Department to attend meetings of the Commission on School Funding created by NRS 387.1246 the following sums:

For the Fiscal Year 2023-2024	\$6,200
For the Fiscal Year 2024-2025	\$6,200

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

Sec. 7. 1. The Commission on School Funding created by NRS 387.1246 shall conduct an interim study concerning school funding. The study must include, without limitation, an examination of:

(a) Methods to enable small school districts to acquire capital and engage in building improvement and modernization projects, including, without limitation:

(1) The creation of a revolving fund to make loans to small school districts;

(2) The allocation of additional funding to the Nevada State Infrastructure Bank and implementation of changes to statute or regulation as necessary to permit the Nevada State Infrastructure Bank to provide financial assistance to smaller school districts; and

(3) Financial assistance through the Municipal Bond Bank pursuant to

NRS 350A.010 to 350A.210, inclusive.

~~(b) [Recommendations for performance metrics to assess the impact of increased investments in K-12 public education and accountability measures to ensure the effective use of such investments in K-12 public education.~~

~~—(c)]~~ The number of teachers graduating from institutions of higher education in this State each year relative to the number of teacher positions sought to be filled by school districts in this State each year.

~~[(d)]~~ (c) The classification and compensation of teachers and support personnel at public schools in this State and whether insufficient compensation is contributing to the difficulty in attracting and retaining teachers and support personnel at public schools.

~~[(e)]~~ (d) Recommendations for changes to the laws governing sales and use tax and property tax to fully fund public schools in this State at an optimal level of funding.

2. The Commission on School Funding created by NRS 387.1246 shall conduct an interim study concerning school accountability. The study must include, without limitation, recommendations for performance metrics to assess the impact of increased investments in K-12 public education and accountability measures to ensure the effective use of such investments in K-12 public education.

3. On or before November 15, 2024, the Commission shall submit a report of its findings ~~[(f)]~~ from the studies performed pursuant to subsections 1 and 2, including, without limitation, any recommendations for legislation, to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the 83rd Session of the Nevada Legislature.

Sec. 7.5. 1. The terms of the members of the Commission on School Funding appointed pursuant to NRS 387.1246 who are incumbent on June 30, 2023, expire on that date.

2. Notwithstanding the provisions of subsection 4 of NRS 387.1246, as amended by section 4 of this act, on or before July 1, 2023:

(a) The Governor shall:

(1) Appoint to the Commission on School Funding to serve initial terms that expire on July 1, 2025:

(I) One member described in paragraph (f) of subsection 2 of NRS 387.1246, as amended by section 4 of this act.

(II) One member described in paragraph (g) of subsection 2 of NRS 387.1246, as amended by section 4 of this act.

(2) Appoint to the Commission on School Funding to serve an initial term that expires on July 1, 2026:

(I) One member described in paragraph (a) of subsection 2 of NRS 387.1246, as amended by section 4 of this act.

(II) One member described in paragraph (f) of subsection 2 of NRS 387.1246, as amended by section 4 of this act.

(III) One member described in paragraph (g) of subsection 2 of NRS 387.1246, as amended by section 4 of this act.

(b) The Majority Leader of the Senate shall:

(1) Appoint to the Commission on School Funding to serve an initial term that expires on July 1, 2025, one member described in paragraph (b) of subsection 2 of NRS 387.1246, as amended by section 4 of this act.

(2) Appoint to the Commission on School Funding to serve an initial term that expires on July 1, 2026, one member described in paragraph (b) of subsection 2 of NRS 387.1246, as amended by section 4 of this act.

(c) The Speaker of the Assembly shall:

(1) Appoint to the Commission on School Funding to serve an initial term that expires on July 1, 2025, one member described in paragraph (c) of subsection 2 of NRS 387.1246, as amended by section 4 of this act.

(2) Appoint to the Commission on School Funding to serve an initial term that expires on July 1, 2026, one member described in paragraph (c) of subsection 2 of NRS 387.1246, as amended by section 4 of this act.

(d) The Minority Leader of the Senate shall appoint to the Commission on School Funding to serve an initial term that expires on July 1, 2026, one member described in paragraph (d) of subsection 2 of NRS 387.1246, as amended by section 4 of this act.

(e) The Minority Leader of the Assembly shall appoint to the Commission on School Funding to serve an initial term that expires on July 1, 2025, one member described in paragraph (e) of subsection 2 of NRS 387.1246, as amended by section 4 of this act.

3. The Governor, Majority Leader of the Senate, Speaker of the Assembly, Minority Leader of the Senate and Minority Leader of the Assembly may reappoint a member of the Commission on School Funding whose term expires on June 30, 2023, if that member meets the qualifications for membership prescribed by subsection 2 of NRS 387.1246, as amended by section 4 of this act.

4. The Commission on School Funding shall hold its first meeting during Fiscal Year 2023-2024 not later than September 1, 2023.

5. As used in this section, "Commission on School Funding" means the Commission on School Funding created by NRS 387.1246, as amended by section 4 of this act.

Sec. 8. This act becomes effective on July 1, 2023.

Senator Cannizzaro moved that the Senate concur in Assembly Amendment No. 1002 to Senate Bill No. 98.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 106.

The following Assembly amendments were read:

Amendment No. 683.

SUMMARY—Revises provisions relating to ophthalmic dispensing. (BDR 54-543)

AN ACT relating to ophthalmic dispensing; exempting the sale of

prescription eyewear to intended wearers outside this State from provisions regulating ophthalmic dispensing ~~for~~ under certain circumstances; authorizing the imposition of certain administrative action and injunctive relief for certain violations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~Existing law requires a person to hold a license as a dispensing optician issued by the Board of Dispensing Opticians in order to engage in the practice of ophthalmic dispensing in this State. (NRS 637.090) Existing law defines "ophthalmic dispensing" as the design, verification and delivery to the intended wearer of lenses, frames and other specially fabricated optical devices upon prescription. (NRS 637.022)~~

Existing law exempts certain activity from provisions of law governing ophthalmic dispensing. (NRS 637.025) Section ~~6~~ 9 of this bill additionally exempts from such provisions the manufacturing and direct online sale of lenses, frames and other specially fabricated optical devices upon prescription ~~eyewear~~ to an intended wearer who is located outside this State ~~for any design,~~ at the time of purchase, if the manufacturing ~~for other activity in conjunction with such~~ is supervised by a ~~sale,~~ licensed dispensing optician. Section 9 requires such supervision to include a daily review of all optical manufacturing equipment by the licensed dispensing optician. Section 9 requires a person engaged in such manufacturing and direct online sale to confirm that lenses shipped to the intended wearer match the relevant prescription, as submitted by the intended wearer.

Existing law authorizes the imposition of disciplinary action and the issuance of an injunction against a person who is licensed to engage in the practice of ophthalmic dispensing or manage a business engaged in ophthalmic dispensing and violates certain provisions of law governing ophthalmic dispensing. (NRS 637.150, 637.185) Existing law also provides that such a person is guilty of a misdemeanor. (NRS 637.200) Section 9 provides that such a licensee is subject to disciplinary action and injunctive relief if the licensee: (1) is engaged in activity which, under the provisions of section 9, is otherwise exempt from provisions governing ophthalmic dispensing; and (2) fails to comply with section 9 or, alternatively, with other provisions governing ophthalmic dispensing.

Existing law prohibits a person from engaging in the practice of ophthalmic dispensing or managing a business engaged in ophthalmic dispensing without a license. (NRS 637.090) Existing law provides that a person who violates that prohibition is guilty of a misdemeanor and subject to an administrative fine and injunctive relief. (NRS 637.181, 637.185, 637.200) Section 9 provides that an unlicensed person is subject to such an administrative fine and injunctive relief if the person: (1) is engaged in activity which, under the provisions of section 9, is otherwise exempt from provisions governing ophthalmic dispensing; and (2) fails to comply with section 9. Sections 9 and 10 of this bill provide that a person who fails to comply with section 9 is not guilty of a misdemeanor, regardless of whether

the person is licensed.

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. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. ~~[NRS 637.025 is hereby amended to read as follows:~~

~~637.025 The provisions of this chapter do not apply to:~~

~~1. Ophthalmic dispensing personally by a licensed physician, surgeon or optometrist unless exclusively engaged in the business of filling prescriptions.~~

~~2. Ophthalmic dispensing by an employee of a licensed physician, surgeon or optometrist if the employee practices ophthalmic dispensing only under the direct supervision of the licensed physician, surgeon or optometrist and only as an assistant to the licensed physician, surgeon or optometrist.~~

~~3. A licensed pharmacist dispensing prepackaged contact lenses pursuant to the provisions of NRS 639.2825.~~

~~4. The sale of goggles, sunglasses, colored glasses or occupational protective eye devices not having a refractive value, or the sale as merchandise of complete ready to wear eyeglasses.~~

~~5. The sale of prescription eyewear to an intended wearer located outside this State or any design, manufacturing or other activity in conjunction with such a sale.] (Deleted by amendment.)~~

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. Chapter 637 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, a person is exempt from the provisions of this chapter if the person:

(a) Is engaged in the manufacturing and direct online sale of lenses, frames and other specially fabricated optical devices upon prescription to an intended wearer who is located outside this State at the time of purchase; and

(b) Complies with the requirements of subsection 2.

2. Any person who engages in the activity described in paragraph (a) of subsection 1 and does not otherwise comply with the provisions of this chapter shall:

(a) Ensure that the manufacturing of lenses, frames and other specially fabricated optical devices is supervised by a dispensing optician licensed pursuant to this chapter. Such supervision must include, without limitation, a daily review of all optical manufacturing equipment by the dispensing optician to ensure that the lenses, frames and other specially fabricated optical devices being manufactured meet the standards adopted by the Board

pursuant to this chapter; and

(b) Confirm that any lenses shipped to an intended wearer meet the requirements of the relevant prescription, as submitted by the intended wearer.

3. A person who engages in the activity described in paragraph (a) of subsection 1, is licensed pursuant to this chapter and fails to comply with the requirements of subsection 2 or the requirements of this chapter:

(a) Is subject to the provisions of 637.150 and 637.185; and

(b) Is not guilty of a misdemeanor.

4. A person who engages in the activity described in paragraph (a) of subsection 1 who is not licensed pursuant to this chapter:

(a) Shall be deemed to be in violation of NRS 637.090 and, except as otherwise provided in paragraph (b), is subject to all provisions applicable to a person who violates that section; and

(b) Is not guilty of a misdemeanor.

Sec. 10. NRS 637.200 is hereby amended to read as follows:

637.200 The following acts constitute misdemeanors, unless a greater penalty is provided pursuant to NRS 200.830 or 200.840:

1. The insertion of a false or misleading statement in any advertising in connection with the business of ophthalmic dispensing.

2. Making use of any advertising statement of a character tending to indicate to the public the superiority of a particular system or type of eyesight examination or treatment.

3. Furnishing or advertising the furnishing of the services of a refractionist, optometrist, physician or surgeon.

4. Changing the prescription of a lens without an order from a person licensed to issue such a prescription.

5. Filling a prescription for a contact lens in violation of the expiration date or number of refills specified by the prescription.

6. ~~Violating~~ Except as otherwise provided in section 9 of this act, violating any provision of this chapter.

Amendment No. 745.

SUMMARY—Revises provisions relating to ophthalmic dispensing. (BDR 54-543)

AN ACT relating to ophthalmic dispensing; exempting the sale of prescription eyewear to intended wearers outside this State from provisions regulating ophthalmic dispensing under certain circumstances; authorizing the imposition of certain administrative action and injunctive relief for certain violations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law exempts certain activity from provisions of law governing ophthalmic dispensing. (NRS 637.025) Section 9 of this bill additionally exempts from such provisions the manufacturing and direct online sale of lenses, frames and other specially fabricated optical devices upon

prescription to an intended wearer who is located outside this State at the time of purchase, if the manufacturing is supervised by a licensed dispensing optician. Section 9 requires such supervision to include a daily review of all optical manufacturing equipment by the licensed dispensing optician. Section 9 requires a person engaged in such manufacturing and direct online sale to confirm that lenses shipped to the intended wearer match the relevant prescription, as submitted by the intended wearer.

Existing law authorizes the imposition of disciplinary action and the issuance of an injunction against a person who is licensed to engage in the practice of ophthalmic dispensing or manage a business engaged in ophthalmic dispensing and violates certain provisions of law governing ophthalmic dispensing. (NRS 637.150, 637.185) Existing law also provides that such a person is guilty of a misdemeanor. (NRS 637.200) Section 9 provides that such a licensee is subject to disciplinary action and injunctive relief if the licensee: (1) is engaged in activity which, under the provisions of section 9, is otherwise exempt from provisions governing ophthalmic dispensing; and (2) fails to comply with section 9 or, alternatively, with other provisions governing ophthalmic dispensing.

Existing law prohibits a person from engaging in the practice of ophthalmic dispensing or managing a business engaged in ophthalmic dispensing without a license. (NRS 637.090) Existing law provides that a person who violates that prohibition is guilty of a misdemeanor and subject to an administrative fine and injunctive relief. (NRS 637.181, 637.185, 637.200) Section 9 provides that an unlicensed person is subject to such an administrative fine and injunctive relief if the person: (1) is engaged in activity which, under the provisions of section 9, is otherwise exempt from provisions governing ophthalmic dispensing; and (2) fails to comply with section 9. Sections 9 and 10 of this bill provide that a person who fails to comply with section 9 is not guilty of a misdemeanor, regardless of whether the person is licensed.

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. (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. Chapter 637 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in this section, a person is exempt from the provisions of this chapter if the person:*

(a) *Is engaged in the manufacturing and direct online sale of lenses,*

frames and other specially fabricated optical devices upon prescription to an intended wearer who is located outside this State at the time of purchase; and

(b) Complies with the requirements of subsection 2.

2. Any person who engages in the activity described in paragraph (a) of subsection 1 and does not otherwise comply with the provisions of this chapter shall:

(a) Ensure that the manufacturing of lenses, frames and other specially fabricated optical devices is supervised by a dispensing optician licensed pursuant to this chapter. Such supervision must include, without limitation, a daily review of all optical manufacturing equipment by the dispensing optician to ensure that the lenses, frames and other specially fabricated optical devices being manufactured meet the standards adopted by the Board pursuant to this chapter; and

(b) Confirm that any lenses shipped to an intended wearer meet the requirements of the relevant prescription, as submitted by the intended wearer.

3. A person who engages in the activity described in paragraph (a) of subsection 1, is licensed pursuant to this chapter and fails to comply with the requirements of subsection 2 or the requirements of this chapter:

(a) Is subject to the provisions of 637.150 and 637.185; and

(b) Is not guilty of a misdemeanor.

4. A person who engages in the activity described in paragraph (a) of subsection 1, ~~who~~ is not licensed pursuant to this chapter ~~and~~ and fails to comply with the requirements of subsection 2:

(a) Shall be deemed to be in violation of NRS 637.090 and, except as otherwise provided in paragraph (b), is subject to all provisions applicable to a person who violates that section; and

(b) Is not guilty of a misdemeanor.

Sec. 10. NRS 637.200 is hereby amended to read as follows:

637.200 The following acts constitute misdemeanors, unless a greater penalty is provided pursuant to NRS 200.830 or 200.840:

1. The insertion of a false or misleading statement in any advertising in connection with the business of ophthalmic dispensing.

2. Making use of any advertising statement of a character tending to indicate to the public the superiority of a particular system or type of eyesight examination or treatment.

3. Furnishing or advertising the furnishing of the services of a refractionist, optometrist, physician or surgeon.

4. Changing the prescription of a lens without an order from a person licensed to issue such a prescription.

5. Filling a prescription for a contact lens in violation of the expiration date or number of refills specified by the prescription.

6. ~~Violating~~ Except as otherwise provided in section 9 of this act, violating any provision of this chapter.

Senator Cannizzaro moved that the Senate concur in Assembly Amendments Nos. 683 and 745 to Senate Bill No. 106.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 400.

The following Assembly amendment was read:

Amendment No. 998.

SUMMARY—Revises provisions relating to homelessness. (BDR 38-1027)

AN ACT relating to public welfare; revising provisions governing the duties of a reinvestment advisory committee; revising provisions governing contracts entered into by the Department of Health and Human Services for the operation of a Medicaid managed care program; requiring the Department to establish the Fiscal Advisory Committee for a Flexible Continuum of Care Plan; making appropriations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Health and Human Services, to the extent that money is available, to: (1) establish a Medicaid managed care program to provide health care services to recipients of Medicaid in all geographic areas of this State; and (2) conduct a statewide procurement process to select health maintenance organizations to provide the health care services. (NRS 422.273) Sections 2 and 3 of this bill require each contract entered into by the Department with a health maintenance organization to provide such services to include a requirement for the health maintenance organization to reinvest a percentage of the annual profits of the health maintenance organization in programs and initiatives to address homelessness and to provide sustainable medication and prescription services, alcohol or drug intervention or rehabilitation services and emergency and supportive housing in the local communities in which the health maintenance organization operates.

Existing law establishes a reinvestment advisory committee in each county of this State whose population is 700,000 or more (currently only Clark County) and prescribes the duties of a reinvestment advisory committee, which includes reviewing, making recommendations and reporting to the Legislature and Director of the Department concerning the reinvestment of funds by a health maintenance organization that provides health care services through managed care to recipients of Medicaid in the communities served by those organizations. (NRS 422.185, 422.205) Section 1 of this bill revises the duties of the reinvestment advisory committee such that the recommendations and reports of the advisory committee are required to concern the reinvestment of funds by managed care organizations to address homelessness and to provide sustainable medication and prescription services, alcohol or drug intervention or rehabilitation services, and

emergency and supportive housing, in conformance with the amendatory provisions of sections 2 and 3.

Existing federal law establishes a Continuum of Care Program to provide funding for efforts by nonprofit providers, states, and local governments to quickly rehouse homeless individuals and families. (42 U.S.C. 11381 et seq.; 24 C.F.R. Part 578) Federal law requires representatives from relevant organizations to establish a Continuum of Care for a geographic area to carry out certain responsibilities and to establish a board to act on behalf of the Continuum. (24 C.F.R. 578.5) Section 3.3 of this bill: (1) requires the Department to establish the Fiscal Advisory Committee for a Flexible Continuum of Care Plan; (2) authorizes the Department to make grants of money to the Advisory Committee to fund certain services; and (3) requires the Advisory Committee to prepare an annual report. Section 3.3 requires a city whose population is 150,000 or more but less than 500,000 to transmit an amount of money which is not less than \$1,000,000 but not ~~less~~ more than \$2,000,000 to the Department each fiscal year for allocation to the Advisory Committee to fund programs to address homelessness in the service area of the Continuum of Care in which the city is located. Section 3.3 requires the Department to assist the Advisory Committee to enter into service agreements with federally-qualified health centers.

Sections 7.1-7.9 of this bill make appropriations to the Department for allocation to the Advisory Committee to carry out the provisions of section 3.3.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 422.205 is hereby amended to read as follows:

422.205 1. A reinvestment advisory committee shall:

(a) Solicit and review reports from the Division and Medicaid managed care organizations concerning the reinvestment of funds by those Medicaid managed care organizations in the communities served by the Medicaid managed care organizations.

(b) Report to the Division and Medicaid managed care organizations concerning initiatives of local governments in the county to address homelessness ~~and to provide sustainable medication and prescription drug services, alcohol or drug intervention or rehabilitation services, and emergency and supportive housing .~~ ~~issues and social determinants of health.~~

(c) Make recommendations based on the reports reviewed pursuant to paragraph (a) to the Division and Medicaid managed care organizations concerning the reinvestment of funds by those Medicaid managed care organizations in the communities served by the Medicaid managed care organizations. Those recommendations must include, without limitation, recommendations for the use of such funds for the purposes of:

(1) Developing innovative partnerships with community development organizations and providers of housing services; and

(2) Supporting the initiatives of local governments in the county to address homelessness ~~[-] and to provide sustainable medication and prescription drug services, alcohol or drug intervention or rehabilitation services, and emergency and supportive housing . [issues and social determinants of health.]~~

2. On or before December 31 of each year, a reinvestment advisory committee shall:

(a) Compile a report concerning:

(1) The uses of funds reinvested by Medicaid managed care organizations in the communities served by those Medicaid managed care organizations, including, without limitation, efforts to address homelessness ~~[-, disparities in health care and social determinants of health;]~~ and to provide sustainable medication and prescription drug services, alcohol or drug intervention or rehabilitation services, and emergency and supportive housing; and

(2) The activities of the reinvestment advisory committee during the calendar year, including, without limitation, the recommendations made by the reinvestment advisory committee pursuant to paragraph (c) of subsection 1.

(b) Submit the report to:

(1) The Director of the Legislative Counsel Bureau for transmittal to:

(I) In odd-numbered years, the Joint Interim Standing Committee on Health and Human Services; and

(II) In even-numbered years, the next regular session of the Legislature.

(2) The Director of the Department.

3. As used in this section, "Medicaid managed care organization" means a managed care organization that provides health care services to recipients of Medicaid who reside in the county for which a reinvestment advisory committee is established.

Sec. 2. NRS 422.273 is hereby amended to read as follows:

422.273 1. For any Medicaid managed care program established in the State of Nevada, the Department shall contract only with a health maintenance organization that has:

(a) Negotiated in good faith with a federally-qualified health center to provide health care services for the health maintenance organization;

(b) Negotiated in good faith with the University Medical Center of Southern Nevada to provide inpatient and ambulatory services to recipients of Medicaid; and

(c) Negotiated in good faith with the University of Nevada School of Medicine to provide health care services to recipients of Medicaid.

➡ Nothing in this section shall be construed as exempting a federally-qualified health center, the University Medical Center of Southern Nevada or the University of Nevada School of Medicine from the requirements for contracting with the health maintenance organization.

2. During the development and implementation of any Medicaid managed care program, the Department shall cooperate with the University of Nevada School of Medicine by assisting in the provision of an adequate and diverse group of patients upon which the school may base its educational programs.

3. The University of Nevada School of Medicine may establish a nonprofit organization to assist in any research necessary for the development of a Medicaid managed care program, receive and accept gifts, grants and donations to support such a program and assist in establishing educational services about the program for recipients of Medicaid.

4. For the purpose of contracting with a Medicaid managed care program pursuant to this section, a health maintenance organization is exempt from the provisions of NRS 695C.123.

5. The provisions of this section apply to any managed care organization, including a health maintenance organization, that provides health care services to recipients of Medicaid under the State Plan for Medicaid or the Children's Health Insurance Program pursuant to a contract with the Division. Such a managed care organization or health maintenance organization is not required to establish a system for conducting external reviews of adverse determinations in accordance with chapter 695B, 695C or 695G of NRS. This subsection does not exempt such a managed care organization or health maintenance organization for services provided pursuant to any other contract.

6. *Each contract entered into by the Department with a health maintenance organization to provide health care services to recipients of Medicaid in all geographic areas of this State shall include a requirement for the health maintenance organization to reinvest a percentage of the annual profits of the health maintenance organization in programs and initiatives to address homelessness and to provide sustainable medication and prescription drug services, alcohol or drug intervention or rehabilitation services, and emergency and supportive housing in the local communities in which the health maintenance organization operates.*

7. As used in this section, unless the context otherwise requires:

(a) "Federally-qualified health center" has the meaning ascribed to it in 42 U.S.C. § 1396d(l)(2)(B).

(b) "Health maintenance organization" has the meaning ascribed to it in NRS 695C.030.

(c) "Managed care organization" has the meaning ascribed to it in NRS 695G.050.

Sec. 3. NRS 422.273 is hereby amended to read as follows:

422.273 1. To the extent that money is available, the Department shall:

(a) Establish a Medicaid managed care program to provide health care services to recipients of Medicaid in all geographic areas of this State. The program is not required to provide services to recipients of Medicaid who are aged, blind or disabled pursuant to Title XVI of the Social Security Act,

42 U.S.C. §§ 1381 et seq.

(b) Conduct a statewide procurement process to select health maintenance organizations to provide the services described in paragraph (a).

2. For any Medicaid managed care program established in the State of Nevada, the Department shall contract only with a health maintenance organization that has:

(a) Negotiated in good faith with a federally-qualified health center to provide health care services for the health maintenance organization;

(b) Negotiated in good faith with the University Medical Center of Southern Nevada to provide inpatient and ambulatory services to recipients of Medicaid;

(c) Negotiated in good faith with the University of Nevada School of Medicine to provide health care services to recipients of Medicaid; and

(d) Complied with the provisions of subsection 2 of NRS 695K.220.

↪ Nothing in this section shall be construed as exempting a federally-qualified health center, the University Medical Center of Southern Nevada or the University of Nevada School of Medicine from the requirements for contracting with the health maintenance organization.

3. During the development and implementation of any Medicaid managed care program, the Department shall cooperate with the University of Nevada School of Medicine by assisting in the provision of an adequate and diverse group of patients upon which the school may base its educational programs.

4. The University of Nevada School of Medicine may establish a nonprofit organization to assist in any research necessary for the development of a Medicaid managed care program, receive and accept gifts, grants and donations to support such a program and assist in establishing educational services about the program for recipients of Medicaid.

5. For the purpose of contracting with a Medicaid managed care program pursuant to this section, a health maintenance organization is exempt from the provisions of NRS 695C.123.

6. To the extent that money is available, a Medicaid managed care program must include, without limitation, a state-directed payment arrangement established in accordance with 42 C.F.R. § 438.6(c) to require a Medicaid managed care organization to reimburse a critical access hospital and any federally-qualified health center or rural health clinic affiliated with a critical access hospital for covered services at a rate that is equal to or greater than the rate received by the critical access hospital, federally-qualified health center or rural health clinic, as applicable, for services provided to recipients of Medicaid on a fee-for-service basis.

7. The provisions of this section apply to any managed care organization, including a health maintenance organization, that provides health care services to recipients of Medicaid under the State Plan for Medicaid or the Children's Health Insurance Program pursuant to a contract with the Division. Such a managed care organization or health maintenance

organization is not required to establish a system for conducting external reviews of adverse determinations in accordance with chapter 695B, 695C or 695G of NRS. This subsection does not exempt such a managed care organization or health maintenance organization for services provided pursuant to any other contract.

8. *Each contract entered into by the Department with a health maintenance organization to provide the services described in paragraph (a) of subsection 1 shall include a requirement for the health maintenance organization to reinvest a percentage of the annual profits of the health maintenance organization in programs and initiatives to address homelessness and to provide sustainable medication and prescription drug services, alcohol or drug intervention or rehabilitation services, and emergency and supportive housing in the local communities in which the health maintenance organization operates.*

9. As used in this section, unless the context otherwise requires:

(a) "Critical access hospital" means a hospital which has been certified as a critical access hospital by the Secretary of Health and Human Services pursuant to 42 U.S.C. § 1395i-4(e).

(b) "Federally-qualified health center" has the meaning ascribed to it in 42 U.S.C. § 1396d(l)(2)(B).

(c) "Health maintenance organization" has the meaning ascribed to it in NRS 695C.030.

(d) "Managed care organization" has the meaning ascribed to it in NRS 695G.050.

(e) "Rural health clinic" has the meaning ascribed to it in 42 C.F.R. § 405.2401.

Sec. 3.3. Chapter 439 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Department shall establish the Fiscal Advisory Committee for a Flexible Continuum of Care Plan which consists of the following members appointed by the Director of the Department:*

(a) *A representative from the largest incorporated city in the service area of each Continuum of Care in this State, who must also reside in the service area of the Continuum of Care in which the city he or she represents is located;*

(b) *A person who represents a county in this State;*

(c) *A person who represents law enforcement;*

(d) *A person selected from a list of nominees provided by the Nevada Resort Association; and*

(e) *A representative of a nonprofit organization that provides services to persons who are homeless.*

2. *To the extent practicable, each member appointed pursuant to paragraphs (a), (b), (c) and (e) of subsection 1 must be selected from a list of nominees provided by a Continuum of Care in this State. Except as otherwise provided in this subsection and subsection 1, each Continuum of Care in this*

State shall submit a list of nominees to fill any vacancy on the Advisory Committee. Each member appointed pursuant to paragraph (a) of subsection 1 must be selected from a list of nominees provided by the Continuum of Care whose service area includes the city which the member represents.

3. Each member of the Advisory Committee serves a term of 2 years. Members may be reappointed for additional terms of 2 years in the same manner as the original appointments. Any vacancy occurring in the membership of the Advisory Committee must be filled in the same manner as the original appointment.

4. The members of the Advisory Committee serve without compensation but are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

5. A majority of the members of the Advisory Committee constitutes a quorum for the transaction of business, and a majority of a quorum present at any meeting is sufficient for any official action taken by the Advisory Committee.

6. A member of the Advisory Committee who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation to prepare for and attend meetings of the Advisory Committee and perform any work necessary to carry out the duties of the Advisory Committee in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Advisory Committee to:

(a) Make up the time he or she is absent from work to carry out his or her duties as a member of the Advisory Committee; or

(b) Take annual leave or compensatory time for the absence.

7. At its first meeting and annually thereafter, the Advisory Committee shall elect a Chair from among its members.

8. To the extent that funding is available for that purpose, and upon application by the Advisory Committee in such form as the Department may require, the Department may make grants to the Advisory Committee to fund:

(a) Services for persons released from prison or a county, city or town jail or detention facility including, without limitation, sustainable medication and prescription drug services, alcohol or drug intervention or rehabilitation services, and emergency and supportive housing.

(b) Services for persons leaving emergency shelters, including, without limitation, sustainable medication and prescription drug services, alcohol or drug intervention or rehabilitation services, and emergency and supportive housing.

(c) Services for persons leaving acute care settings, mental health care facilities, drug and alcohol rehabilitation facilities, or transitional housing.

(d) Emergency and supportive housing services, including, without limitation, the acquisition and rehabilitation of properties suitable for

conversion to supportive housing.

9. ~~At~~ Each fiscal year, a city in this State whose population is 150,000 or more but less than 500,000 shall transmit to the Department an amount of money which is not less than \$1,000,000 but not less than \$2,000,000 ~~each fiscal year~~ from money available for that purpose for allocation to the Advisory Committee to fund programs to address homelessness in the service area of the Continuum of Care in which the city is located.

10. The Department shall assist the Advisory Committee to enter into an agreement with a federally-qualified health center to provide services described in paragraphs (a), (b) and (c) of subsection 8.

11. On or before September 30 of each year, the Advisory Committee shall submit to the governing board of the Continuum of Care, the Department and the Interim Finance Committee a report detailing the use of any grant of money received from the Department pursuant to subsection 8 and the status of any programs or services funded using such money.

12. Any grant of money made to the Advisory Committee and any funding allocated by the Advisory Committee to any person must not supplant, replace, offset or otherwise reduce funding for programs to address homelessness.

13. As used in this section, "Continuum of Care" has the meaning ascribed to it in 24 C.F.R. § 578.3.

Sec. 3.7. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 7.1. There is hereby appropriated from the State General Fund to the Department of Health and Human Services the sum of \$17,000,000:

1. For allocation to Fiscal Advisory Committee for a Flexible Continuum of Care Plan established pursuant to section 3.3 of this act to fund the services described in subsection 8 of section 3.3 of this act; or

2. To satisfy matching requirements for federal grants to fund the services described in subsection 8 of section 3.3 of this act.

Sec. 7.3. There is hereby appropriated from the State General Fund to the Department of Health and Human Services the sum of \$1,000,000 for allocation to the Fiscal Advisory Committee for a Flexible Continuum of Care Plan established pursuant to section 3.3 of this act to match an equal amount of money provided by local governments in the service area of the Northern Nevada Continuum of Care to fund the services described in subsection 8 of section 3.3 of this act in the service area of the Northern Nevada Continuum of Care.

Sec. 7.5. There is hereby appropriated from the State General Fund to the Department of Health and Human Services the sum of \$1,000,000 for allocation to the Fiscal Advisory Committee for a Flexible Continuum of Care Plan established pursuant to section 3.3 of this act to match an equal

amount of money provided by local governments in the service area of the Rural Nevada Continuum of Care to fund the services described in subsection 8 of section 3.3 of this act in the service area of the Rural Nevada Continuum of Care.

Sec. 7.7. Any remaining balance of the appropriations made by sections 7.1, 7.3 and 7.5 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. 7.9. 1. There is hereby appropriated from the State General Fund to the Department of Health and Human Services for allocation to the Fiscal Advisory Committee for a Flexible Continuum of Care Plan established pursuant to section 3.3 of this act to address homelessness in the city of Las Vegas the following sums:

For the Fiscal Year 2023-2024	\$9,000,000
For the Fiscal Year 2024-2025	\$1,000,000

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

Sec. 8. The amendatory provisions of sections 1, 2 and 3 of this act do not apply during the current term of any agreement entered into between the Department of Health and Human Services and a health maintenance organization pursuant to NRS 422.273 before January 1, 2024, but do apply to any extension or renewal of such an agreement and to any agreement entered into between the Department of Health and Human Services and a health maintenance organization pursuant to NRS 422.273 on or after January 1, 2024.

Sec. 9. (Deleted by amendment.)

Sec. 10. 1. This section becomes effective upon passage and approval.

2. Sections 3.3, 3.7 and 7.1 to 7.9, inclusive, of this act become effective on July 1, 2023.

3. Sections 1, 2 and 8 of this act become effective on January 1, 2024.

4. Section 3 of this act becomes effective on January 1, 2026.

5. Sections 4 to 7, inclusive, and 9 of this act become effective on July 1,

2027.

6. The amendatory provisions of section 2 of this act expire by limitation on December 31, 2025.

Senator Cannizzaro moved that the Senate concur in Assembly Amendment No. 998 to Senate Bill No. 400.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 110.

The following Assembly amendment was read:

Amendment No. 598.

SUMMARY—Revises provisions governing the operation of vehicles on certain highways in the State of Nevada. (BDR 43-593)

AN ACT relating to public safety; requiring vehicles operating on certain highways in this State with one lane for traveling in each direction to display daytime running lamps or lighted lamps and illuminating devices under certain circumstances; revising certain provisions governing the requirements for lamps and other equipment on vehicles and implements of husbandry during certain times and conditions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires every vehicle on a highway of this State, with certain exceptions for parked vehicles, to display lighted lamps and illuminating devices as respectively required for different classes of vehicles during defined conditions: (1) at any time from one-half hour after sunset to one-half hour before sunrise; (2) at any other time when persons and vehicles on the highway are not clearly discernible at a distance of 1,000 feet ahead; and (3) when directed by an official traffic control device. Existing law also prescribes certain requirements for lamps and other equipment on vehicles and implements of husbandry during those times or conditions. (NRS 484D.100, 484D.105, 484D.165, 484D.170, 484D.175, 484D.215, 484D.220, 484D.460) Section 1 of this bill requires that when one of those times or conditions does not apply, every vehicle operating upon a highway of this State that has one lane for traveling in each direction, except for a street, must display the daytime running lamps, as defined by federal regulation, or lighted lamps and illuminating devices while operating on such a highway. (49 C.F.R. § 571.108; NRS 484D.100) Sections 2-8 of this bill make conforming changes to clarify the times and conditions during which the requirements for certain lamps and other equipment on vehicles apply.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 484D.100 is hereby amended to read as follows:

484D.100 1. Every vehicle upon a highway of this State, subject to exceptions with respect to parked vehicles as stated in chapters 484A to 484E, inclusive, of NRS, must display lighted lamps and illuminating devices

as respectively required in this chapter for different classes of vehicles:

(a) At any time from one-half hour after sunset to one-half hour before sunrise;

(b) At any other time when, because of insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 1,000 feet ahead; and

(c) When directed by an official traffic control device.

2. *During a time or condition to which subsection 1 is not applicable, every vehicle upon a highway of this State that has one lane for traveling in each direction, except for a street, must display daytime running lamps or lighted lamps and illuminating devices while operating on such a highway.*

3. Every vehicle upon a highway must be equipped with stop lights, turn signals and other signaling devices to be lighted in the manner prescribed for the use of such devices.

4. *As used in this section, "daytime running lamps" has the meaning ascribed to it in 49 C.F.R. § 571.108.*

Sec. 2. NRS 484D.105 is hereby amended to read as follows:

484D.105 1. Whenever there is a requirement as to distance from which lighted lamps and illuminating devices shall be visible, such requirements shall apply during the times and conditions specified in subsection 1 of NRS 484D.100 and measured as though the vehicle were unloaded and upon a straight, level, unlighted highway under normal atmospheric conditions, unless a different time or condition is specified.

2. Whenever there is a requirement as to the mounted height of such lamps or devices, such height shall be measured from the center of the lamp or device to the level ground upon which the vehicle stands when the vehicle is unloaded.

Sec. 3. NRS 484D.165 is hereby amended to read as follows:

484D.165 1. Every vehicle shall be equipped with one or more lamps which, when lighted, shall display a white or amber light visible from a distance of 500 feet to the front of the vehicle, and one or more lamps which, when lighted, shall display a red light visible from a distance of 500 feet to the rear of the vehicle. The location of such lamps shall be such that at least one such lamp is installed as near as practicable to the side of the vehicle which is closest to passing traffic.

2. Whenever a vehicle is parked upon the traveled portion of a highway during the times ~~mentioned~~ *and conditions specified* in subsection 1 of NRS 484D.100 and there is sufficient light to reveal any person or object within a distance of 1,000 feet upon such highway, no lights need be displayed upon such parked vehicle.

3. Whenever a vehicle is parked or stopped upon the traveled portion of a highway or shoulder adjacent thereto, whether attended or unattended during the times ~~mentioned~~ *and conditions specified* in subsection 1 of NRS 484D.100, and there is insufficient light to reveal any person or object within a distance of 1,000 feet upon such highway or roadway, such vehicle

shall display lighted lamps meeting the requirements of subsection 1.

4. Any lighted headlamps upon a parked vehicle shall be depressed or dimmed.

Sec. 4. NRS 484D.170 is hereby amended to read as follows:

484D.170 1. Every implement of husbandry manufactured after January 1, 1970, shall be equipped with vehicular hazard-warning lamps of a type described in NRS 484D.205, visible from a distance of not less than 1,000 feet to the front and rear in normal sunlight, which shall be displayed whenever any such vehicle is operated upon a highway.

2. Every implement of husbandry manufactured after January 1, 1970, shall at all times, and every other such vehicle shall, during the times ~~mentioned~~ *and conditions specified in subsection 1 of NRS 484D.100*, be equipped with lamps and reflectors as follows:

(a) At least two headlamps meeting the requirements of NRS 484D.210.

(b) At least one red lamp visible when lighted from a distance of not less than 1,000 feet to the rear, mounted as far to the left of the center of the vehicle as practicable.

(c) At least two red reflectors visible from all distances within 600 feet to 100 feet to the rear when directly in front of lawful lower beams of headlamps.

3. Every combination of farm tractor and towed implement of husbandry shall at all times ~~mentioned~~ *and conditions specified in subsection 1 of NRS 484D.100* be equipped with lamps and reflectors as follows:

(a) The farm tractor shall be equipped as required in subsections 1 and 2.

(b) If the towed unit extends more than 4 feet to the rear of the tractor or obscures any lamp on the tractor, such unit shall be equipped on the rear with at least two red reflectors visible from all distances within 600 feet to 100 feet to the rear when directly in front of lawful lower beams of headlamps.

(c) If the towed unit extends more than 4 feet to the left of the centerline of the tractor, such unit shall be equipped on the front with an amber reflector visible from all distances within 600 feet to 100 feet to the front when directly in front of lawful beams of headlamps. Such reflector shall be so positioned as to indicate, as nearly as practicable, the extreme left projection of the towed unit.

4. The two red reflectors required by subsection 3 shall be so positioned as to show from the rear, as nearly as practicable, the extreme width of the vehicle or combination carrying them.

Sec. 5. NRS 484D.175 is hereby amended to read as follows:

484D.175 All vehicles including animal-drawn vehicles not otherwise specifically required to be equipped with lamps, shall at all times *and conditions specified in subsection 1 of NRS 484D.100* be equipped with at least one lamp displaying a white light visible from a distance of not less than 500 feet to the front of the vehicle and two lamps displaying a red light visible from a distance of not less than 500 feet to the rear of the vehicle or

one lamp displaying a red light visible from a distance of not less than 500 feet to the rear and two red reflectors visible from all distances of 600 to 100 feet to the rear when illuminated by the lawful lower beams of headlamps.

Sec. 6. NRS 484D.215 is hereby amended to read as follows:

484D.215 Whenever a motor vehicle is being operated on the traveled portion of the highway, or shoulder adjacent thereto, during the times *and conditions* specified in *subsection 1 of* NRS 484D.100, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations:

1. Whenever a driver of a vehicle approaches an oncoming vehicle within 500 feet, the driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver. The lowermost distribution of light, or composite beam, specified in subsection 2 of NRS 484D.210 shall be deemed to avoid glare at all times, regardless of road contour and loading.

2. Whenever the driver of a vehicle follows another vehicle within 300 feet to the rear, the driver shall use a distribution of light permissible under this chapter other than the uppermost distribution of light specified in subsection 1 of NRS 484D.210.

Sec. 7. NRS 484D.220 is hereby amended to read as follows:

484D.220 1. At all times *and conditions* specified in *subsection 1 of* NRS 484D.100, a lighted headlamp or headlamps meeting the requirements of NRS 484D.110 shall be displayed on a motor vehicle except when the vehicle is parked.

2. Whenever a motor vehicle equipped with headlamps is also equipped with any auxiliary lamps, spot lamp or any other lamp on the front projecting a beam of intensity greater than 300 candle power, not more than a total of four of any such lamps may be lighted at one time when upon a highway.

3. A motor vehicle may be equipped with headlamps that are high-intensity discharge lamps if such headlamps have a correlated color temperature of not less than 5,000 kelvins and not more than 6,000 kelvins.

4. The provisions of subsection 3 do not apply to the extent preempted by federal law.

5. As used in this section, "high-intensity discharge lamp" has the meaning ascribed to it in 10 C.F.R. § 431.282.

Sec. 8. NRS 484D.460 is hereby amended to read as follows:

484D.460 1. Every bus, truck and truck-tractor and every combination of vehicles 80 inches or more in overall width, except implements of husbandry, shall be equipped with at least three pot torches, three red electric lanterns or three red emergency reflectors.

2. Except as otherwise provided in subsections 3, 4 and 5, when any such vehicle is disabled on any portion of the traveled portion of a highway during any time *or condition* specified in *subsection 1 of* NRS 484D.100, such

torches, lanterns or reflectors shall be placed as soon as possible as follows:

(a) One at the traffic side of the vehicle, not more than 10 feet to the front or rear thereof;

(b) One at a distance of approximately 100 feet to the rear of the disabled vehicle in the center of the traffic lane occupied by such vehicle; and

(c) One at a distance of approximately 100 feet to the front of the vehicle in the center of the traffic lane occupied by such vehicle.

3. If the vehicle is disabled within 500 feet of a curve, crest of a hill or other obstruction to view, the torch, lantern or reflector to be placed in that direction shall be placed so as to afford ample warning to other users of the highway, but not less than 100 feet or more than 500 feet from the vehicle.

4. When any such vehicle is disabled on any portion of the traveled portion of a one-way highway with two or more traffic lanes during any time *or condition* specified in *subsection 1 of* NRS 484D.100, such torches, lanterns or reflectors shall be placed as soon as possible as provided in subsection 2, except that the torch, lantern or reflector to be placed at the front of the vehicle shall be placed 200 feet to the rear of the vehicle.

5. When any such vehicle is disabled or parked off the traveled portion of a highway, but within 10 feet of such portion, during any time *or condition* specified in *subsection 1 of* NRS 484D.100, such torches, lanterns or reflectors shall be placed as soon as possible as follows:

(a) One at the traffic side of the vehicle not more than 10 feet to the rear of the vehicle;

(b) One at a distance of approximately 100 feet to the rear of the vehicle; and

(c) One at a distance of approximately 200 feet to the rear of the vehicle.

6. When any such vehicle is equipped with front turn signals which flash simultaneously and rear turn signals which flash simultaneously or with fusees, such turn signals shall be immediately operated or such fusees shall be placed as provided in this section for the placing of torches, lanterns or reflectors until such torches, lanterns or reflectors have been placed.

Sec. 9. This act becomes effective on July 1, 2028.

Senator Cannizzaro moved that the Senate concur in Assembly Amendment No. 598 to Senate Bill No. 110.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 134.

The following Assembly amendment was read:

Amendment No. 709.

SUMMARY—Revises provisions relating to vision insurance. (BDR 57-642)

AN ACT relating to health care; prohibiting an insurer from entering into a contract with a provider of vision care that contains certain provisions; requiring a provider of vision care to make certain disclosures to a covered

person; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits an insurer from entering into a contract with a provider of vision care that conditions any rate of reimbursement for vision care on the provider of vision care prescribing certain ophthalmic devices or materials or increases the rate of reimbursement if the provider of vision care prescribes such ophthalmic devices or materials. (NRS 686A.135) Section 1 of this bill additionally prohibits an insurer from entering into a contract with a provider of vision care that: (1) authorizes the insurer to set or limit the amount that the provider of vision care may charge for vision care that is not reimbursed under the contract; or (2) requires the provider of vision care to use a specific laboratory as the manufacturer of ophthalmic devices or materials provided to covered persons. Section 1 requires a provider of vision care to disclose to any covered person an ownership or pecuniary interest of the provider in a supplier of ophthalmic devices or materials before the covered person authorizes the provider to obtain covered eyewear materials from such a supplier.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN

SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 686A.135 is hereby amended to read as follows:

686A.135 1. An insurer shall not enter into a contract with a provider of vision care that ~~{conditions}~~ :

(a) *Authorizes the insurer to set or limit the amount that the provider of vision care may charge for vision care that is not reimbursed under the contract;*

(b) *Requires the provider of vision care to use a specific laboratory as the manufacturer of ophthalmic devices or materials provided to covered persons; or*

(c) *Conditions any rate of reimbursement for vision care on the provider of vision care prescribing ophthalmic devices or materials in which the insurer has an ownership or other pecuniary interest or increases the rate of reimbursement if the provider of vision care prescribes such ophthalmic devices or materials.*

2. Before entering into a contract with a provider of vision care to include the provider of vision care in the network of an insurer, the insurer must provide to the provider of vision care a list of the rates of reimbursement for each service covered by the contract.

3. An insurer shall disclose in any policy of insurance that covers vision care or any description of benefits covered by such a policy, whether written or electronic, any ownership or other pecuniary interest of the insurer in a supplier of ophthalmic devices or materials or a provider of vision care. The disclosure must appear in a conspicuous and clear manner.

4. An insurer that does not provide reimbursement for specific vision care shall not claim in any advertisement or other material that the insurer covers that vision care if such vision care is available at a discount or with a

copayment or coinsurance in an amount that is in addition to the copayment or coinsurance that a covered person is typically required to pay for covered services.

5. A provider of vision care shall disclose in writing to any covered person under a policy of insurance that covers vision care any ownership or other pecuniary interest of the provider of vision care in a supplier of ophthalmic devices or materials, including, without limitation, a general disclosure of any rebates or rewards programs, before the covered person authorizes the provider of vision care to obtain covered eyewear materials from such a supplier or laboratory that is not contracted with the insurer providing the policy of insurance that covers vision care. The disclosure must appear in a conspicuous and clear manner.

6. Nothing in this section shall be construed to prohibit a covered person from using an in-network source or supplier of ophthalmic devices or materials as set forth in the covered person's policy of insurance that covers vision care.

7. As used in this section:

(a) "Provider of vision care" means a physician who provides vision care or an optometrist.

(b) "Vision care" means:

(1) Routine ophthalmological evaluation of the eye, including refraction.

(2) Ophthalmic devices or materials, including, without limitation, lenses, frames, mountings or other specially fabricated ophthalmic devices.

↪ The term "vision care" does not include the initiation of treatment or diagnosis pursuant to a program of medical care.

Sec. 2. The amendatory provisions of section 1 of this act do not apply to any contract existing on October 1, 2023, between an insurer and a provider of vision care until the contract is renewed.

Senator Cannizzaro moved that the Senate concur in Assembly Amendment No. 709 to Senate Bill No. 134.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 310.

The following Assembly amendment was read:

Amendment No. 680.

SUMMARY—Establishes provisions relating to dentistry. (BDR 54-601)

AN ACT relating to dentistry; providing for the licensure and regulation of expanded function dental assistants; creating a special endorsement for dental hygienists to practice restorative dental hygiene; ~~providing for the regulation of the administration of local anesthesia and laser radiation by a dental hygienist or dental therapist;~~ authorizing a dental hygienist who possesses certain qualifications to prescribe and dispense certain drugs ~~that are not controlled substances and certain devices;~~ authorizing a public health dental

hygienist to authorize an expanded function dental assistant or dental assistant to perform certain tasks under certain circumstances; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensure and regulation of dentists, dental hygienists and dental therapists by the Board of Dental Examiners of Nevada. (Chapter 631 of NRS) Existing law authorizes a licensed dentist to assign certain tasks to a dental assistant, who is not required to have a license. (NRS 631.313, 631.317)

Sections 4-8 of this bill provide for the licensure and regulation of expanded function dental assistants. Sections 2, 3 and 3.5 of this bill define the terms "expanded function dental assistance," "expanded function dental assistant" and "restorative dental hygiene," respectively. Section 10 of this bill makes a conforming change to indicate the proper placement of sections 2, 3 and 3.5 in the Nevada Revised Statutes.

Section 4 requires a person to be ~~[a citizen of the United States or lawfully entitled to remain and work in the United States and]~~ over 18 years of age to be eligible to apply for a license to practice expanded function dental assistance. Section 5 of this bill requires an applicant for such a license to: (1) possess certain education and experience; (2) hold a current certification in the techniques of administering cardiopulmonary resuscitation; and (3) pass a written clinical examination and a written jurisprudence examination administered by the Board. Section 6 of this bill authorizes a person who is licensed in another state and possesses certain other qualifications to apply for a license by endorsement as an expanded function dental assistant. Section 6 authorizes the Board to require such an applicant to complete such additional training as is necessary for the applicant to be able to practice expanded function dental assistance with the same degree of competence as a person licensed pursuant to section 5. Section 6.5 of this bill requires the Board to issue a special endorsement to practice restorative dental hygiene to a dental hygienist who has an active license in good standing to practice dental hygiene in this State and has successfully completed a course on restorative dental hygiene. Section 7 of this bill requires an expanded function dental assistant or a dental hygienist with a special endorsement to practice restorative dental hygiene to work under the authorization of a dentist and prescribes certain requirements governing the supervision of an expanded function dental assistant. Section 8 of this bill prescribes the services and procedures an expanded function dental assistant or dental hygienist with a special endorsement to practice restorative dental hygiene is authorized to perform. Section 22 of this bill requires the Board to adopt regulations governing the practice of: (1) expanded function dental assistants; and (2) dental hygienists who hold a special endorsement to practice restorative dental hygiene. Section 25 of this bill requires the Board to adopt regulations governing continuing education in expanded function dental assistance. Section 26 of this bill prescribes certain fees relating to licensure

as an expanded function dental assistant, which are equal to similar fees that apply to dental hygienists.

Section 36 of this bill prescribes certain activities that constitute the illegal practice of expanded function dental assistance, and section 39 of this bill makes it a crime to practice expanded function dental assistance without a license. It is also a crime to practice restorative dental hygiene without the proper special endorsement. (NRS 631.400)

Sections 11-20, 21, 23, 24, 27-35, 37-40, 42-45, 47 and 48 of this bill make revisions to certain existing provisions so that expanded function dental assistants are treated in the same manner as similar providers of oral health care in various respects.

Existing law: (1) provides for the issuance of a special endorsement as a public health dental hygienist to a dental hygienist who possesses certain qualifications; and (2) authorizes the holder of such an endorsement to provide services without the authorization or supervision of a dentist under certain circumstances. (NRS 631.287) Sections 20.5 and 42 of this bill authorize a public health dental hygienist to authorize an expanded function dental assistant or a dental assistant to perform certain tasks as part of an approved program of public health dental hygiene.

Existing law authorizes a dental hygienist to perform only those services which are authorized by a dentist, unless otherwise provided by a regulation adopted by the Board. (NRS 631.310) Sections 9, 41 and 46 of this bill authorize a dental hygienist who possesses certain qualifications to prescribe and dispense only certain drugs that are not controlled substances and are used for preventative treatment and ~~items~~ devices used for such treatment. Section 9 prohibits such a dental hygienist from prescribing or dispensing any controlled substance or any other drug or device that is not listed in section 9. Section 9 requires the Board to adopt regulations prescribing continuing education for a dental hygienist who prescribes ~~such~~ and dispenses the drugs ~~Section 9.5 of this bill requires the Board to adopt regulations authorizing a dental hygienist or dental therapist to administer local anesthesia and laser radiation if authorized by the supervising dentist of the dental hygienist or dental therapist.~~ and devices listed in section 9. Section 40.5 of this bill: (1) requires a dental hygienist to obtain a certification from the State Board of Pharmacy to possess, prescribe and dispense dangerous drugs and devices pursuant to section 9; and (2) authorizes the State Board of Pharmacy to deny a dental hygienist application for such a certificate or grant the certificate but limit the ability of a dental hygienist to possess, prescribe and dispense dangerous drugs and devices.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 631 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 9.5, inclusive, of this act:

Sec. 2. *"Expanded function dental assistance" means the performance of educational, preventative, therapeutic, palliative and restorative treatment of*

intraoral or extraoral procedures under the supervision of a dentist or as otherwise authorized pursuant to this chapter by a person licensed pursuant to section 5 or 6 of this act.

Sec. 3. "Expanded function dental assistant" means any person who practices the profession of expanded function dental assistance and is licensed pursuant to this chapter.

Sec. 3.5. "Restorative dental hygiene" means the performance of educational, preventative, therapeutic, palliative and restorative treatment of intraoral or extraoral procedures under the supervision of a dentist or as otherwise authorized pursuant to this chapter by a dental hygienist who holds a special endorsement issued pursuant to section 6.5 of this act.

Sec. 4. Any person is eligible to apply for a license to practice expanded function dental assistance in this State who ~~is~~

~~1. Is a citizen of the United States or lawfully entitled to remain and work in the United States; and~~

~~2. Is~~ is over 18 years of age.

Sec. 5. Except as otherwise provided in section 6 of this act, an applicant for a license as an expanded function dental assistant must include in his or her application proof that he or she:

1. Possesses the following qualifications:

(a) Graduation from an accredited program for dental assisting with expanded functions; or

(b) Successful completion of a course of training for expanded function dental assistants and:

(1) Graduation from an accredited program for dental assisting without expanded functions; or

(2) Employment as a dental assistant working full-time for at least 2 years or part-time for at least 4 years and a passing score on the examination for Certified Dental Assistants administered by the Dental Assisting National Board, or its successor organization;

2. Holds a current certification in the techniques of administering cardiopulmonary resuscitation;

3. Has passed a written clinical examination given by the Board upon such subjects as the Board deems necessary for the practice of expanded function dental assistance; and

4. Has passed a written examination given by the Board concerning laws and regulations governing the practice of expanded function dental assistance in this State.

Sec. 6. 1. An applicant for a license by endorsement as an expanded function dental assistant must include in his or her application proof that he or she:

(a) Is currently licensed as an expanded function dental assistant in another state or territory of the United States, or the District of Columbia;

(b) Possesses the following qualifications:

(1) Graduation from an accredited program for dental assisting with

expanded functions; or

(2) *Employment as a dental assistant or an expanded function dental assistant working full-time for at least 2 years or part-time for at least 4 years; and*

(c) *Has passed a written examination given by the Board concerning laws and regulations governing the practice of expanded function dental assistance in this State.*

2. *The Board may require an applicant for licensure by endorsement as an expanded function dental assistant to complete any training that the Board deems necessary for the applicant to be able to practice expanded function dental assistance with the same degree of competence as a person who possesses the qualifications described in section 5 of this act.*

Sec. 6.5. 1. *The Board shall, upon application by a dental hygienist who has the qualifications prescribed by subsection 2, issue a special endorsement of the license allowing the dental hygienist to practice restorative dental hygiene. The special endorsement may be renewed biennially upon renewal of the license of the dental hygienist.*

2. *An applicant for a special endorsement allowing a dental hygienist to practice restorative dental hygiene must include in his or her application proof that he or she:*

(a) *Holds an active license in good standing as a dental hygienist in this State; and*

(b) *Has successfully completed a course on restorative dental hygiene.*

Sec. 7. 1. *An expanded function dental assistant or dental hygienist with a special endorsement of his or her license issued pursuant to section 6.5 of this act may only practice expanded function dental assistance or restorative dental hygiene, as applicable, under the authorization of a dentist who is licensed in this State, unless otherwise authorized by NRS 631.287 or a regulation adopted by the Board.*

2. *Except as specifically authorized by NRS 631.287 or a regulation adopted by the Board, an expanded function dental assistant shall not practice expanded function dental assistance to a person unless that person is a patient of the authorizing dentist of the expanded function dental assistant.*

3. *Except as specifically required by a regulation adopted by the Board, the authorizing dentist of an expanded function dental assistant is not required to be present during the provision of services by the expanded function dental assistant.*

4. *If the expanded function dental assistance required or requested by a patient exceeds the scope of practice or the skill and training of an expanded function dental assistant, the expanded function dental assistant shall refer the patient to the authorizing dentist of the expanded function dental assistant.*

Sec. 8. *An expanded function dental assistant or dental hygienist with a special endorsement to practice restorative dental hygiene may perform the*

following acts under the conditions prescribed by section 7 of this act:

1. Any service that a dental assistant or dental hygienist, as applicable, is authorized to perform pursuant to this chapter or any regulation adopted pursuant thereto.

2. Placing, condensing, contouring, adjusting, curing and finishing restorations that are made of a direct restorative material, including, without limitation, amalgam, resin-based composite and glass ionomer.

3. Placing and removing matrices and interproximal wedge devices.

4. Placing desensitizers, liners and bases.

5. Taking final impressions for:

(a) Indirect restorations, including, without limitation, crowns, bridges and veneers; and

(b) Removable prostheses, including, without limitation, dentures.

6. Adjusting a removable prostheses extraorally.

7. Cementation of permanent restorations, including, without limitation, crowns, bridges and veneers, if the authorizing dentist:

(a) Evaluates and approves each permanent restoration before the cementation is final; and

(b) Inspects each permanent restoration before the patient leaves the premises where the cementation occurred.

8. Placing topical fluoride.

9. Administering a hemostatic agent.

10. Applying agents for bleaching teeth.

11. Using an ultrasonic scaling unit only for the removal of bonding agents. This subsection does not authorize an expanded function dental assistant ~~for dental hygienist with a special endorsement to practice restorative dental hygiene~~ to use an ultrasonic scaling unit on any natural tooth.

Sec. 9. 1. A dental hygienist who meets the requirements prescribed by regulation of the Board pursuant to subsection 4 and is issued a certificate by the State Board of Pharmacy pursuant to section 40.5 of this act may prescribe and dispense ~~as~~ only:

(a) Topical or systemic prescription ~~drug,~~ drugs, other than ~~a~~ controlled ~~substance,~~ substances, for preventative care;

(b) Fluoride ~~preparation~~ preparations for which a prescription is not required;

(c) Topical antimicrobial oral ~~rinse; or~~ rinses; and

(d) Medicament ~~tray~~ trays or ~~mouthguard~~ mouthguards.

2. A dental hygienist shall not prescribe or dispense ~~a~~ :

(a) A controlled substance ; or ~~any~~

(b) Any drug or ~~item~~ device not listed in subsection 1, ~~or~~ authorized under the certificate issued pursuant to section 40.5 of this act.

3. A dental hygienist may only prescribe and dispense a drug or ~~item~~ device pursuant to subsection 1:

(a) In compliance with any applicable regulations adopted by the Board;

and

(b) In compliance with any applicable law governing the handling, prescribing and dispensing of a drug ~~or~~ or device.

4. The Board shall adopt regulations prescribing the:

(a) Education and training that a dental hygienist must complete before prescribing and dispensing a drug or ~~item~~ device pursuant to subsection 1; and

(b) Continuing education that a dental hygienist must complete to be authorized to continue prescribing and dispensing drugs or ~~items~~ devices pursuant to subsection 1.

Sec. 9.5. ~~1. The Board shall adopt regulations authorizing a dental hygienist or dental therapist to administer local anesthesia or use X-ray or laser radiation for dental treatment or dental diagnostic purposes.~~

~~2. The regulations adopted pursuant to this section must require:~~

~~(a) The supervising dentist of a dental hygienist or dental therapist to authorize any activity described in subsection 1; and~~

~~(b) Any location at which a dental hygienist or dental therapist administers local anesthesia to have licensed medical personnel and necessary emergency supplies and equipment available when the local anesthesia is administered.) (Deleted by amendment.)~~

Sec. 10. NRS 631.005 is hereby amended to read as follows:

631.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 631.015 to 631.105, inclusive, and sections 2, 3 and 3.5 of this act have the meanings ascribed to them in those sections.

Sec. 11. NRS 631.070 is hereby amended to read as follows:

631.070 "License" means a certificate issued by the Board to any applicant upon completion of requirements for admission to practice *expanded function dental assistance*, dental hygiene, dental therapy or dentistry, or any of the special branches of dentistry, as provided by the license.

Sec. 12. NRS 631.115 is hereby amended to read as follows:

631.115 Except as otherwise provided in subsection ~~{2}~~ 3 of NRS 631.317, this chapter does not apply to:

1. A legally qualified physician or surgeon unless he or she practices dentistry as a specialty.

2. A dentist, dental hygienist, ~~or~~ dental therapist or *expanded function dental assistant* of the United States Army, Navy, Air Force, Public Health Service, Coast Guard or Department of Veterans Affairs in the discharge of his or her official duties, including, without limitation, providing medical care in a hospital in accordance with an agreement entered into pursuant to NRS 449.2455.

Sec. 13. NRS 631.130 is hereby amended to read as follows:

631.130 The Governor shall appoint:

1. Six members who are graduates of accredited dental schools or

colleges, are residents of Nevada and have ethically engaged in the practice of dentistry in Nevada for a period of at least 5 years.

2. One member who has resided in Nevada for at least 5 years and who represents the interests of persons or agencies that regularly provide health care to patients who are indigent, uninsured or unable to afford health care. This member may be licensed under the provisions of this chapter.

3. Three members who:

(a) Are graduates of accredited schools or colleges of dental hygiene or dental therapy;

(b) Are residents of Nevada; and

(c) Have been actively engaged in the practice of dental hygiene or dental therapy in Nevada for a period of at least 5 years before their appointment to the Board.

4. One member who is a representative of the general public. This member must not be:

(a) A dentist, dental hygienist, ~~or~~ dental therapist ~~or~~ *or expanded function dental assistant*; or

(b) The spouse or the parent or child, by blood, marriage or adoption, of a dentist, dental hygienist, ~~or~~ dental therapist ~~or~~ *or expanded function dental assistant*.

Sec. 14. NRS 631.190 is hereby amended to read as follows:

631.190 In addition to the powers and duties provided in this chapter, the Board shall:

1. Adopt rules and regulations necessary to carry out the provisions of this chapter.

2. Appoint such committees, review panels, examiners, officers, employees, agents, attorneys, investigators and other professional consultants and define their duties and incur such expense as it may deem proper or necessary to carry out the provisions of this chapter, the expense to be paid as provided in this chapter.

3. Fix the time and place for and conduct examinations for the granting of licenses to practice dentistry, dental hygiene, ~~and~~ dental therapy ~~or~~ *and expanded function dental assistance*.

4. Examine applicants for licenses to practice dentistry, dental hygiene, ~~and~~ dental therapy ~~or~~ *and expanded function dental assistance*.

5. Collect and apply fees as provided in this chapter.

6. Keep a register of all dentists, dental hygienists, ~~and~~ dental therapists *and expanded function dental assistants* licensed in this State, together with their addresses, license numbers and renewal certificate numbers.

7. Have and use a common seal.

8. Keep such records as may be necessary to report the acts and proceedings of the Board. Except as otherwise provided in NRS 631.368, the records must be open to public inspection.

9. Maintain offices in as many localities in the State as it finds necessary

to carry out the provisions of this chapter.

10. Have discretion to examine work authorizations in dental offices or dental laboratories.

Sec. 15. NRS 631.215 is hereby amended to read as follows:

631.215 1. Any person shall be deemed to be practicing dentistry who:

(a) Uses words or any letters or title in connection with his or her name which in any way represents the person as engaged in the practice of dentistry, or any branch thereof;

(b) Advertises or permits to be advertised by any medium that the person can or will attempt to perform dental operations of any kind;

(c) Evaluates or diagnoses, professes to evaluate or diagnose or treats or professes to treat, surgically or nonsurgically, any of the diseases, disorders, conditions or lesions of the oral cavity, maxillofacial area or the adjacent and associated structures and their impact on the human body;

(d) Extracts teeth;

(e) Corrects malpositions of the teeth or jaws;

(f) Takes impressions of the teeth, mouth or gums, unless the person is authorized by the regulations of the Board to engage in such activities without being a licensed dentist;

(g) Examines a person for, or supplies artificial teeth as substitutes for natural teeth;

(h) Places in the mouth and adjusts or alters artificial teeth;

(i) Does any practice included in the clinical dental curricula of accredited dental colleges or a residency program for those colleges;

(j) Administers or prescribes such remedies, medicinal or otherwise, as are needed in the treatment of dental or oral diseases;

(k) Uses X-ray radiation or laser radiation for dental treatment or dental diagnostic purposes, unless the person is authorized by the regulations of the Board to engage in such activities without being a licensed dentist;

(l) Determines:

(1) Whether a particular treatment is necessary or advisable; or

(2) Which particular treatment is necessary or advisable; or

(m) Dispenses tooth whitening agents or undertakes to whiten or bleach teeth by any means or method, unless the person is:

(1) Dispensing or using a product that may be purchased over the counter for a person's own use; or

(2) Authorized by the regulations of the Board to engage in such activities without being a licensed dentist.

2. Nothing in this section:

(a) Prevents a dental assistant, dental hygienist, dental therapist, *expanded function dental assistant* or qualified technician from making radiograms or X-ray exposures for dental treatment or dental diagnostic purposes upon the direction of a licensed dentist.

(b) Prevents a dental hygienist or dental therapist from administering local anesthesia for pain management during treatment or using X-ray radiation or

laser radiation for dental treatment or dental diagnostic purposes, upon authorization of a licensed dentist ~~, and, where applicable, in accordance with the regulations adopted pursuant to section 9.5 of this act.~~

(c) Prohibits the performance of mechanical work, on inanimate objects only, by any person employed in or operating a dental laboratory upon the written work authorization of a licensed dentist.

(d) Prevents students from performing dental procedures that are part of the curricula of an accredited dental school or college or an accredited school of dental hygiene or an accredited school of dental therapy or an accredited school of dental assisting.

(e) Prevents a licensed dentist, ~~for~~ dental hygienist or *expanded function dental assistant* from another state or country from appearing as a clinician for demonstrating certain methods of technical procedures before a dental society or organization, convention or dental college or an accredited school of dental hygiene or an accredited school of dental assisting.

(f) Prohibits the manufacturing of artificial teeth upon receipt of a written authorization from a licensed dentist if the manufacturing does not require direct contact with the patient.

(g) Prohibits the following entities from owning or operating a dental office or clinic if the entity complies with the provisions of NRS 631.3452:

(1) A nonprofit corporation organized pursuant to the provisions of chapter 82 of NRS to provide dental services to rural areas and medically underserved populations of migrant or homeless persons or persons in rural communities pursuant to the provisions of 42 U.S.C. § 254b or 254c.

(2) A federally-qualified health center as defined in 42 U.S.C. § 1396d(1)(2)(B) operating in compliance with other applicable state and federal law.

(3) A nonprofit charitable corporation as described in section 501(c)(3) of the Internal Revenue Code and determined by the Board to be providing dental services by volunteer licensed dentists at no charge or at a substantially reduced charge to populations with limited access to dental care.

(h) Prevents a person who is actively licensed as a dentist in another jurisdiction from treating a patient if:

(1) The patient has previously been treated by the dentist in the jurisdiction in which the dentist is licensed;

(2) The dentist treats the patient only during a course of continuing education involving live patients which:

(I) Is conducted at an institute or organization with a permanent facility registered with the Board for the sole purpose of providing postgraduate continuing education in dentistry; and

(II) Meets all applicable requirements for approval as a course of continuing education; and

(3) The dentist treats the patient only under the supervision of a person licensed pursuant to NRS 631.2715.

(i) Prohibits a person from providing goods or services for the support of the business of a dental practice, office or clinic owned or operated by a licensed dentist or any entity not prohibited from owning or operating a dental practice, office or clinic if the person does not:

(1) Provide such goods or services in exchange for payments based on a percentage or share of revenues or profits of the dental practice, office or clinic; or

(2) Exercise any authority or control over the clinical practice of dentistry.

(j) *Prohibits a dental hygienist, dental therapist or expanded function dental assistant from engaging in any activity authorized by this chapter or the regulations adopted pursuant thereto.*

3. The Board shall adopt regulations identifying activities that constitute the exercise of authority or control over the clinical practice of dentistry, including, without limitation, activities which:

(a) Exert authority or control over the clinical judgment of a licensed dentist; or

(b) Relieve a licensed dentist of responsibility for the clinical aspects of the dental practice.

➔ Such regulations must not prohibit or regulate aspects of the business relationship, other than the clinical practice of dentistry, between a licensed dentist or professional entity organized pursuant to the provisions of chapter 89 of NRS and the person or entity providing goods or services for the support of the business of a dental practice, office or clinic owned or operated by the licensed dentist or professional entity.

Sec. 16. NRS 631.220 is hereby amended to read as follows:

631.220 1. Every applicant for a license to practice dental hygiene, dental therapy , *expanded function dental assistance* or dentistry, or any of its special branches, must:

(a) File an application with the Board.

(b) Accompany the application with a recent photograph of the applicant together with the required fee and such other documentation as the Board may require by regulation.

(c) Submit with the application a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

(d) If the applicant is required to take an examination pursuant to NRS 631.240, 631.300 or 631.3121 ~~to~~ *or section 5 or 6 of this act*, submit with the application proof satisfactory that the applicant passed the examination.

2. An application must include all information required to complete the application.

3. The Secretary-Treasurer may, in accordance with regulations adopted by the Board and if the Secretary-Treasurer determines that an application is:

(a) Sufficient, advise the Executive Director of the sufficiency of the application. Upon the advice of the Secretary-Treasurer, the Executive Director may issue a license to the applicant without further review by the Board.

(b) Insufficient, reject the application by sending written notice of the rejection to the applicant.

Sec. 17. NRS 631.225 is hereby amended to read as follows:

631.225 1. In addition to any other requirements set forth in this chapter:

(a) An applicant for the issuance of a license to practice dentistry, dental hygiene , ~~for~~ dental therapy *or expanded function dental assistance* shall include the social security number of the applicant in the application submitted to the Board.

(b) An applicant for the issuance or renewal of a license to practice dentistry, dental hygiene , ~~for~~ dental therapy *or expanded function dental assistance* shall submit to the Board the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Board shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Board.

3. A license to practice dentistry, dental hygiene , ~~for~~ dental therapy *or expanded function dental assistance* may not be issued or renewed by the Board if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Board shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 18. NRS 631.260 is hereby amended to read as follows:

631.260 Except as otherwise provided in subsection 3 of NRS 631.220, as soon as possible after the examination has been given, the Board, under rules and regulations adopted by it, shall determine the qualifications of the

applicant and shall issue to each person found by the Board to have the qualifications therefor a license which will entitle the person to practice dental hygiene, dental therapy , *expanded function dental assistance* or dentistry, or any special branch of dentistry, as in such license defined, subject to the provisions of this chapter.

Sec. 19. NRS 631.271 is hereby amended to read as follows:

631.271 1. The Board shall, without a clinical examination required by NRS 631.240, 631.300 or 631.3121, issue a limited license to practice dentistry, dental hygiene , ~~for~~ dental therapy or *expanded function dental assistance* to a person who:

(a) Is qualified for a license to practice dentistry, dental hygiene , ~~for~~ dental therapy or *expanded function dental assistance* in this State;

(b) Pays the required application fee;

(c) Has entered into a contract with:

(1) The Nevada System of Higher Education to provide services as a dental intern, dental resident or instructor of dentistry, dental hygiene , ~~for~~ dental therapy or *expanded function dental assistance* at an educational or outpatient clinic, hospital or other facility of the Nevada System of Higher Education; or

(2) An accredited program of dentistry, dental hygiene , ~~for~~ dental therapy or *expanded function dental assistance* of an institution which is accredited by a regional educational accrediting organization that is recognized by the United States Department of Education to provide services as a dental intern, dental resident or instructor of dentistry, dental hygiene , ~~for~~ dental therapy or *expanded function dental assistance* at an educational or outpatient clinic, hospital or other facility of the institution and accredited by the Commission on Dental Accreditation of the American Dental Association or its successor specialty accrediting organization;

(d) Satisfies the requirements of NRS 631.230, 631.290 or 631.312, as appropriate; and

(e) Satisfies at least one of the following requirements:

(1) Has a license to practice dentistry, dental hygiene , ~~for~~ dental therapy or *expanded function dental assistance* issued pursuant to the laws of another state or territory of the United States, or the District of Columbia;

(2) Presents to the Board a certificate granted by the Western Regional Examining Board which contains a notation that the person has passed, within the 5 years immediately preceding the date of the application, a clinical examination administered by the Western Regional Examining Board;

(3) Successfully passes a clinical examination approved by the Board and the American Board of Dental Examiners; or

(4) Has the educational or outpatient clinic, hospital or other facility where the person will provide services as a dental intern or dental resident in an internship or residency program submit to the Board written confirmation that the person has been appointed to a position in the program. If a person

qualifies for a limited license pursuant to this subparagraph, the limited license remains valid only while the person is actively providing services as a dental intern or dental resident in the internship or residency program and is in compliance with all other requirements for the limited license.

2. The Board shall not issue a limited license to a person:

(a) Who has been issued a license to practice dentistry, dental hygiene , ~~for~~ dental therapy *or expanded function dental assistance* if:

(1) The person is involved in a disciplinary action concerning the license; or

(2) The license has been revoked or suspended; or

(b) Who has been refused a license to practice dentistry, dental hygiene , ~~for~~ dental therapy ~~or~~ *expanded function dental assistance*,
↪ in this State, another state or territory of the United States, or the District of Columbia.

3. Except as otherwise provided in subsection 4, a person to whom a limited license is issued pursuant to subsection 1:

(a) May practice dentistry, dental hygiene , ~~for~~ dental therapy *or expanded function dental assistance* in this State only:

(1) At the educational or outpatient clinic, hospital or other facility where the person is employed; and

(2) In accordance with the contract required by paragraph (c) of subsection 1.

(b) Shall not, for the duration of the limited license, engage in the private practice of dentistry, dental hygiene , ~~for~~ dental therapy *or expanded function dental assistance* in this State or accept compensation for the practice of dentistry, dental hygiene , ~~for~~ dental therapy *or expanded function dental assistance* except such compensation as may be paid to the person by the Nevada System of Higher Education or an accredited program of dentistry, dental hygiene , ~~for~~ dental therapy *or expanded function dental assistance* for services provided as a dental intern, dental resident or instructor of dentistry, dental hygiene , ~~for~~ dental therapy *or expanded function dental assistance* pursuant to paragraph (c) of subsection 1.

4. The Board may issue a permit authorizing a person who holds a limited license to engage in the practice of dentistry, dental hygiene , ~~for~~ dental therapy *or expanded function dental assistance* in this State and to accept compensation for such practice as may be paid to the person by entities other than the Nevada System of Higher Education or an accredited program of dentistry, dental hygiene , ~~for~~ dental therapy *or expanded function dental assistance* with whom the person is under contract pursuant to paragraph (c) of subsection 1. The Board shall, by regulation, prescribe the standards, conditions and other requirements for the issuance of a permit.

5. A limited license expires 1 year after its date of issuance and may be renewed on or before the date of its expiration, unless the holder no longer satisfies the requirements for the limited license. The holder of a limited license may, upon compliance with the applicable requirements set forth in

NRS 631.330 and the completion of a review conducted at the discretion of the Board, be granted a renewal certificate that authorizes the continuation of practice pursuant to the limited license for 1 year.

6. A permit issued pursuant to subsection 4 expires on the date that the holder's limited license expires and may be renewed when the limited license is renewed, unless the holder no longer satisfies the requirements for the permit.

7. Within 7 days after the termination of a contract required by paragraph (c) of subsection 1, the holder of a limited license shall notify the Board of the termination, in writing, and surrender the limited license and a permit issued pursuant to this section, if any, to the Board.

8. The Board may revoke a limited license and a permit issued pursuant to this section, if any, at any time if the Board finds, by a preponderance of the evidence, that the holder of the license violated any provision of this chapter or the regulations of the Board.

Sec. 20. NRS 631.274 is hereby amended to read as follows:

631.274 1. The Board shall, without a clinical examination required by NRS 631.240, 631.300 or 631.3121 ~~or~~ *or section 5 of this act*, issue a restricted geographical license to practice dentistry, dental hygiene, ~~or~~ dental therapy *or expanded function dental assistance* to a person if the person meets the requirements of subsection 2 and:

(a) A board of county commissioners submits a request that the Board of Dental Examiners of Nevada waive the requirements of NRS 631.240, 631.300 or 631.3121 *or section 5 of this act* for any applicant intending to practice dentistry, dental hygiene, ~~or~~ dental therapy *or expanded function dental assistance* in a rural area of a county in which dental, dental hygiene, ~~or~~ dental therapy *or expanded function dental assistance* needs are underserved, as that term is defined by the officer of rural health of the University of Nevada School of Medicine;

(b) Two or more boards of county commissioners submit a joint request that the Board of Dental Examiners of Nevada waive the requirements of NRS 631.240, 631.300 or 631.3121 *or section 5 of this act* for any applicant intending to practice dentistry, dental hygiene, ~~or~~ dental therapy *or expanded function dental assistance* in one or more rural areas within those counties in which dental, dental hygiene, ~~or~~ dental therapy *or expanded function dental assistance* needs are underserved, as that term is defined by the officer of rural health of the University of Nevada School of Medicine; or

(c) The director of a federally qualified health center or a nonprofit clinic submits a request that the Board waive the requirements of NRS 631.240, 631.300 or 631.3121 *or section 5 of this act* for any applicant who has entered into a contract with a federally qualified health center or nonprofit clinic which treats underserved populations in Washoe County or Clark County.

2. A person may apply for a restricted geographical license if the person:

(a) Has a license to practice dentistry, dental hygiene, ~~or~~ dental therapy

or *expanded function dental assistance* issued pursuant to the laws of another state or territory of the United States, or the District of Columbia;

(b) Is otherwise qualified for a license to practice dentistry, dental hygiene , ~~for~~ dental therapy or *expanded function dental assistance* in this State;

(c) Pays the application, examination and renewal fees in the same manner as a person licensed pursuant to NRS 631.240, 631.300 or 631.3121 ~~for~~ or *section 5 of this act*;

(d) Submits all information required to complete an application for a license; and

(e) Satisfies the requirements of NRS 631.230, 631.290 or 631.312 ~~for~~ or *section 4 of this act*, as appropriate.

3. The Board shall not issue a restricted geographical license to a person:

(a) Whose license to practice dentistry, dental hygiene , ~~for~~ dental therapy or *expanded function dental assistance* has been revoked or suspended;

(b) Who has been refused a license to practice dentistry, dental hygiene , ~~for~~ dental therapy ~~for~~ or *expanded function dental assistance*; or

(c) Who is involved in or has pending a disciplinary action concerning a license to practice dentistry, dental hygiene , ~~for~~ dental therapy ~~for~~ or *expanded function dental assistance*,

➡ in this State, another state or territory of the United States, or the District of Columbia.

4. The Board shall examine each applicant in writing on the contents and interpretation of this chapter and the regulations of the Board.

5. A person to whom a restricted geographical license is issued pursuant to this section:

(a) May practice dentistry, dental hygiene , ~~for~~ dental therapy or *expanded function dental assistance* only in the county or counties which requested the restricted geographical licensure pursuant to paragraph (a) or (b) of subsection 1.

(b) Shall not, for the duration of the restricted geographical license, engage in the private practice of dentistry, dental hygiene , ~~for~~ dental therapy or *expanded function dental assistance* in this State or accept compensation for the practice of dentistry, dental hygiene , ~~for~~ dental therapy or *expanded function dental assistance* except such compensation as may be paid to the person by a federally qualified health center or nonprofit clinic pursuant to paragraph (c) of subsection 1.

6. Within 7 days after the termination of a contract pursuant to paragraph (c) of subsection 1, the holder of a restricted geographical license shall notify the Board of the termination, in writing, and surrender the restricted geographical license.

7. A person to whom a restricted geographical license was issued pursuant to this section may petition the Board for an unrestricted license without a clinical examination required by NRS 631.240, 631.300 or 631.3121 or *section 5 of this act* if the person:

(a) Has not had a license to practice dentistry, dental hygiene , ~~for~~ dental

therapy *or expanded function dental assistance* revoked or suspended in this State, another state or territory of the United States, or the District of Columbia;

(b) Has not been refused a license to practice dentistry, dental hygiene , ~~for~~ dental therapy *or expanded function dental assistance* in this State, another state or territory of the United States, or the District of Columbia;

(c) Is not involved in or does not have pending a disciplinary action concerning a license to practice dentistry, dental hygiene , ~~for~~ dental therapy *or expanded function dental assistance* in this State, another state or territory of the United States, or the District of Columbia; and

(d) Has:

(1) Actively practiced dentistry, dental hygiene , ~~for~~ dental therapy *or expanded function dental assistance* for 3 years at a minimum of 30 hours per week in the county or counties which requested the restricted geographical licensure pursuant to paragraph (a) or (b) of subsection 1; or

(2) Been under contract with a federally qualified health center or nonprofit clinic for a minimum of 3 years.

8. The Board may revoke a restricted geographical license at any time if the Board finds, by a preponderance of the evidence, that the holder of the license violated any provision of this chapter or the regulations of the Board.

Sec. 20.5. NRS 631.287 is hereby amended to read as follows:

631.287 1. The Board shall, upon application by a dental hygienist who is licensed pursuant to this chapter and has such qualifications as the Board specifies by regulation, issue a special endorsement of the license allowing the dental hygienist to practice public health dental hygiene. The special endorsement may be renewed biennially upon the renewal of the license of the dental hygienist.

2. A dental hygienist who holds a special endorsement issued pursuant to subsection 1 may provide services without the authorization or supervision of a dentist only as specified by regulations adopted by the Board.

3. *As part of a program for the provision of public health dental hygiene approved by the Board, a dental hygienist with a special endorsement to practice public health dental hygiene may authorize a dental assistant or expanded function dental assistant under his or her direct supervision to:*

(a) *Apply dental sealants;*

(b) *Apply topical fluoride;*

(c) *Perform coronal polishing;*

(d) *Take radiographs; and*

(e) *Provide oral health education.*

Sec. 21. NRS 631.313 is hereby amended to read as follows:

631.313 1. Except as otherwise provided in NRS 454.217 and 629.086, a licensed dentist may assign to a person in his or her employ who is a dental hygienist, a dental therapist, a dental assistant , *an expanded function dental assistant* or other person directly or indirectly involved in the provision of dental care only such intraoral tasks as may be permitted by a regulation of

the Board or by the provisions of this chapter.

2. The performance of these tasks must be:

(a) If performed by a dental assistant or a person, other than a dental hygienist or dental therapist, who is directly or indirectly involved in the provision of dental care, under the supervision of the licensed dentist who made the assignment.

(b) If performed by a dental hygienist, ~~or~~ dental therapist ~~or~~ *expanded function dental assistant*, authorized by the licensed dentist of the patient for whom the tasks will be performed, except as otherwise provided in NRS 631.287.

3. No such assignment is permitted that requires:

(a) ~~The~~ *Except as otherwise provided in sections 8 and 9 of this act, the* diagnosis, treatment planning, prescribing of drugs or medicaments, or authorizing the use of restorative, prosthodontic or orthodontic appliances.

(b) Surgery on hard or soft tissues within the oral cavity or any other intraoral procedure that may contribute to or result in an irremediable alteration of the oral anatomy.

(c) The administration of general anesthesia, minimal sedation, moderate sedation or deep sedation except as otherwise authorized by regulations adopted by the Board.

(d) The performance of a task outside the authorized scope of practice of the employee who is being assigned the task.

4. A dental hygienist may, pursuant to regulations adopted by the Board, administer local anesthesia or nitrous oxide in a health care facility, as defined in NRS 162A.740, if:

(a) The dental hygienist is so authorized by the licensed dentist of the patient to whom the local anesthesia or nitrous oxide is administered; and

(b) The health care facility has licensed medical personnel and necessary emergency supplies and equipment available when the local anesthesia or nitrous oxide is administered.

Sec. 22. NRS 631.317 is hereby amended to read as follows:

631.317 The Board shall adopt rules or regulations:

1. Specifying the intraoral tasks that may be assigned by a licensed dentist to a dental hygienist, dental therapist or dental assistant in his or her employ or that may be performed by a dental hygienist or dental therapist engaged in school health activities or employed by a public health agency.

2. *Specifying the intraoral tasks, in addition to those prescribed by section 8 of this act, that may be assigned by a licensed dentist to an expanded function dental assistant or dental hygienist with a special endorsement to practice restorative dental hygiene in his or her employ or that may be performed by an expanded function dental assistant or dental hygienist with a special endorsement to practice restorative dental hygiene engaged in school health activities or employed by a public health agency.*

3. Governing the practice of dentists, dental hygienists, ~~and~~ dental therapists *and expanded function dental assistants* in full-time employment

with the State of Nevada.

Sec. 23. NRS 631.330 is hereby amended to read as follows:

631.330 1. Licenses issued pursuant to NRS 631.271, 631.2715 and 631.275 must be renewed annually. All other licenses must be renewed biennially.

2. Except as otherwise provided in NRS 631.271, 631.2715 and 631.275:

(a) Each holder of a license to practice dentistry, dental hygiene , ~~for~~ dental therapy *or expanded function dental assistance* must, upon:

(1) Payment of the required fee;

(2) Submission of proof of completion of the required continuing education; and

(3) Submission of all information required to complete the renewal,

➡ be granted a renewal certificate which will authorize continuation of the practice for 2 years.

(b) A licensee must comply with the provisions of this subsection and subsection 1 on or before June 30. Failure to comply with those provisions by June 30 every 2 years automatically suspends the license, and it may be reinstated only upon payment of the fee for reinstatement and compliance with the requirements of this subsection.

3. If a license suspended pursuant to this section is not reinstated within 12 months after suspension, it is automatically revoked.

Sec. 24. NRS 631.340 is hereby amended to read as follows:

631.340 1. Any person who has obtained from the Board a license certificate to practice dental hygiene, dental therapy , *expanded function dental assistance* or dentistry or any special branch of dentistry in this State, and who fails to obtain a renewal certificate, must, before resuming the practice in which he or she was licensed, make application to the Secretary-Treasurer, under such rules as the Board may prescribe, for the restoration of the license to practice.

2. Upon application being made, the Secretary-Treasurer shall determine whether the applicant possesses the qualifications prescribed for the granting of a license to practice in his or her particular profession, and whether the applicant continues to possess a good moral character and is not otherwise disqualified to practice in this State. If the Secretary-Treasurer so determines, the Secretary-Treasurer shall thereupon issue the license, and thereafter the person may make application annually for a renewal certificate, as provided in this chapter.

Sec. 25. NRS 631.342 is hereby amended to read as follows:

631.342 1. The Board shall adopt regulations concerning continuing education in dentistry, dental hygiene , ~~and~~ dental therapy ~~and~~ *expanded function dental assistance*. The regulations must include:

(a) Except as provided in NRS 631.3425, the number of hours of credit required annually;

(b) The criteria used to accredit each course; and

(c) The requirements for submission of proof of attendance at courses.

2. Except as otherwise provided in subsection 3, as part of continuing education, each licensee must complete a course of instruction, within 2 years after initial licensure, relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction. The course must provide at least 4 hours of instruction that includes instruction in the following subjects:

- (a) An overview of acts of terrorism and weapons of mass destruction;
- (b) Personal protective equipment required for acts of terrorism;
- (c) Common symptoms and methods of treatment associated with exposure to, or injuries caused by, chemical, biological, radioactive and nuclear agents;
- (d) Syndromic surveillance and reporting procedures for acts of terrorism that involve biological agents; and
- (e) An overview of the information available on, and the use of, the Health Alert Network.

3. Instead of the course described in subsection 2, a licensee may complete:

- (a) A course in Basic Disaster Life Support or a course in Core Disaster Life Support if the course is offered by a provider of continuing education accredited by the National Disaster Life Support Foundation; or
- (b) Any other course that the Board determines to be the equivalent of a course specified in paragraph (a).

4. Notwithstanding the provisions of subsections 2 and 3, the Board may determine whether to include in a program of continuing education additional courses of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction.

5. Each licensee must complete, as part of continuing education, at least 2 hours of training in the screening, brief intervention and referral to treatment approach to substance use disorder within 2 years after initial licensure.

6. As used in this section:

- (a) "Act of terrorism" has the meaning ascribed to it in NRS 202.4415.
- (b) "Biological agent" has the meaning ascribed to it in NRS 202.442.
- (c) "Chemical agent" has the meaning ascribed to it in NRS 202.4425.
- (d) "Radioactive agent" has the meaning ascribed to it in NRS 202.4437.
- (e) "Weapon of mass destruction" has the meaning ascribed to it in NRS 202.4445.

Sec. 26. NRS 631.345 is hereby amended to read as follows:

631.345 1. Except as otherwise provided in NRS 631.2715, the Board shall by regulation establish fees for the performance of the duties imposed upon it by this chapter which must not exceed the following amounts:

Application fee for an initial license to practice dentistry.....	\$1,500
Application fee for an initial license to practice dental hygiene	
<i>or expanded function dental assistance</i>	750
Application fee for an initial license to practice dental therapy	1,000

Application fee for a specialist's license to practice dentistry	300
Application fee for a limited license or restricted license to practice dentistry, dental hygiene , ~~or~~ dental therapy <i>or expanded function dental assistance</i>	300
Fee for administering a clinical examination in dentistry	2,500
Fee for administering a clinical examination in dental hygiene , ~~or~~ dental therapy <i>or expanded function dental assistance</i> ...	1,500
Application and examination fee for a permit to administer general anesthesia, minimal sedation, moderate sedation or deep sedation.....	750
Fee for any reinspection required by the Board to maintain a permit to administer general anesthesia, minimal sedation, moderate sedation or deep sedation	500
Biennial renewal fee for a permit to administer general anesthesia, minimal sedation, moderate sedation or deep sedation.....	600
Fee for the inspection of a facility required by the Board to renew a permit to administer general anesthesia, minimal sedation, moderate sedation or deep sedation.....	350
Fee for the inspection of a facility required by the Board to ensure compliance with infection control guidelines.....	500
Biennial license renewal fee for a general license, specialist's license, temporary license or restricted geographical license to practice dentistry.....	1,000
Annual license renewal fee for a limited license or restricted license to practice dentistry.....	300
Biennial license renewal fee for a general license, temporary license or restricted geographical license to practice dental hygiene , ~~or~~ dental therapy <i>or expanded function dental assistance</i>	600
Annual license renewal fee for a limited license to practice dental hygiene , ~~or~~ dental therapy <i>or expanded function dental assistance</i>	300
Biennial license renewal fee for an inactive dentist.....	400
Biennial license renewal fee for a dentist who is retired or has a disability	100
Biennial license renewal fee for an inactive dental hygienist , ~~or~~ dental therapist <i>or expanded function dental assistant</i>	200
Biennial license renewal fee for a dental hygienist , ~~or~~ dental therapist <i>or expanded function dental assistant</i> who is retired or has a disability	100
Reinstatement fee for a suspended license to practice dentistry, dental hygiene , ~~or~~ dental therapy <i>or expanded function dental assistance</i>	500

Reinstatement fee for a revoked license to practice dentistry,
 dental hygiene , ~~for~~ dental therapy or expanded
function dental assistance 500

Reinstatement fee to return a dentist, dental hygienist ,
~~for~~ dental therapist or expanded *function dental*
assistant who is inactive, retired or has a disability to
 active status..... 500

Fee for the certification of a license 50

2. Except as otherwise provided in this subsection, the Board shall charge a fee to review a course of continuing education for accreditation. The fee must not exceed \$150 per credit hour of the proposed course. The Board shall not charge a nonprofit organization or an agency of the State or of a political subdivision of the State a fee to review a course of continuing education.

3. All fees prescribed in this section are payable in advance and must not be refunded.

Sec. 27. NRS 631.3452 is hereby amended to read as follows:

631.3452 Except as otherwise provided in NRS 631.3453, an entity that owns or operates a dental office or clinic as described in paragraph (g) of subsection 2 of NRS 631.215 must:

1. Designate an actively licensed dentist as the dental director of the dental office or clinic. The dental director shall have responsibility for the clinical practice of dentistry at the dental office or clinic, including, without limitation:

(a) Diagnosing or treating any of the diseases or lesions of the oral cavity, teeth, gingiva or the supporting structures thereof.

(b) Administering or prescribing such remedies, medicinal or otherwise, as are needed in the treatment of dental or oral diseases.

(c) Determining:

(1) Whether a particular treatment is necessary or advisable; or

(2) Which particular treatment is necessary or advisable.

(d) The overall quality of patient care that is rendered or performed in the clinical practice of dentistry.

(e) Supervising dental hygienists, dental therapists, dental assistants , *expanded function dental assistants* and other personnel involved in direct patient care and authorizing procedures performed by the dental hygienists, dental therapists, dental assistants , *expanded function dental assistants* and other personnel in accordance with the standards of supervision established by law or regulations adopted pursuant thereto.

(f) Providing any other specific services that are within the scope of clinical dental practice.

(g) Retaining patient dental records as required by law and regulations adopted by the Board.

(h) Ensuring that each patient receiving services from the dental office or clinic has a dentist of record.

2. Maintain current records of the names of licensed dentists who supervise the clinical activities of dental hygienists, dental therapists, dental assistants , *expanded function dental assistants* or other personnel involved in direct patient care. The records must be available to the Board upon written request.

Sec. 28. NRS 631.3455 is hereby amended to read as follows:

631.3455 Nothing in this chapter precludes a person or entity not licensed by the Board from providing goods or services for the support of the business of a dental practice, office or clinic if the person or entity does not manage or control the clinical practice of dentistry. Such goods and services may include, without limitation, transactions involving:

1. Real and personal property, other than the ownership of the clinical records of patients; and

2. Personnel, other than licensed dentists, dental hygienists , ~~and~~ dental therapists ~~[-]~~ *and expanded function dental assistants*.

Sec. 29. NRS 631.346 is hereby amended to read as follows:

631.346 The following acts, among others, constitute unprofessional conduct:

1. Employing, directly or indirectly, any student or any suspended or unlicensed dentist, dental hygienist , ~~or~~ dental therapist *or expanded function dental assistant* to perform operations of any kind to treat or correct the teeth or jaws, except as provided in this chapter;

2. Except as otherwise provided in NRS 631.287 or 631.3453, giving a public demonstration of methods of practice any place other than the office where the licensee is known to be regularly engaged in this practice;

3. Employing, procuring, inducing, aiding or abetting a person not licensed or registered as a dentist to engage in the practice of dentistry, but a patient shall not be deemed to be an accomplice, employer, procurer, inducer, aider or abettor;

4. For a dental hygienist or dental therapist, practicing in any place not authorized pursuant to this chapter; or

5. Practicing while a license is suspended or without a renewal certificate.

Sec. 30. NRS 631.3465 is hereby amended to read as follows:

631.3465 The following acts, among others, constitute unprofessional conduct:

1. Dividing fees or agreeing to divide fees received for services with any person for bringing or referring a patient, without the knowledge of the patient or his or her legal representative, but licensed dentists are not prohibited from:

(a) Practicing in a partnership and sharing professional fees;

(b) Employing another licensed dentist, dental hygienist , ~~or~~ dental therapist ~~[-]~~ *or expanded function dental assistant*; or

(c) Rendering services as a member of a nonprofit professional service corporation.

2. Associating with or lending his or her name to any person engaged in the illegal practice of dentistry or associating with any person, firm or corporation holding himself, herself or itself out in any manner contrary to the provisions of this chapter.

3. Associating with or being employed by a person not licensed pursuant to this chapter if that person exercises control over the services offered by the dentist, owns all or part of the dentist's practice or receives or shares the fees received by the dentist. The provisions of this subsection do not apply to a dentist who associates with or is employed by a person who owns or controls a dental practice pursuant to NRS 631.385.

4. Using the name "clinic," "institute," "referral services" or other title or designation that may suggest a public or semipublic activity.

5. Practicing under the name of a dentist who has not been in active practice for more than 1 year.

Sec. 31. NRS 631.3475 is hereby amended to read as follows:

631.3475 The following acts, among others, constitute unprofessional conduct:

1. Malpractice;
2. Professional incompetence;
3. Suspension or revocation of a license to practice dentistry, the imposition of a fine or other disciplinary action by any agency of another state authorized to regulate the practice of dentistry in that state;
4. More than one act by the dentist, dental hygienist, ~~or~~ dental therapist *or expanded function dental assistant* constituting substandard care in the practice of dentistry, dental hygiene, ~~or~~ dental therapy ~~or~~ *or expanded function dental assistance, as applicable*;
5. Administering, dispensing or prescribing any controlled substance or any dangerous drug as defined in chapter 454 of NRS, if it is not required to treat the dentist's patient;
6. Knowingly procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:
 - (a) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;
 - (b) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or
 - (c) Is cannabis being used for medical purposes in accordance with chapter 678C of NRS;
7. Having an alcohol or other substance use disorder to such an extent as to render the person unsafe or unreliable as a practitioner, or such gross immorality as tends to bring reproach upon the dental profession;
8. Conviction of a felony or misdemeanor involving moral turpitude or which relates to the practice of dentistry in this State, or conviction of any

criminal violation of this chapter;

9. Conviction of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

10. Failure to comply with the provisions of NRS 453.163, 453.164, 453.226, 639.23507, 639.23535 and 639.2391 to 639.23916, inclusive, and any regulations adopted by the State Board of Pharmacy pursuant thereto.

11. Fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, administering or dispensing of a controlled substance listed in schedule II, III or IV;

12. Failure to comply with the provisions of NRS 454.217 or 629.086;

13. Failure to obtain any training required by the Board pursuant to NRS 631.344;

14. The performance or supervision of the performance of a pelvic examination in violation of NRS 629.085; or

15. Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(a) The license of the facility is suspended or revoked; or

(b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➔ This subsection applies to an owner or other principal responsible for the operation of the facility.

Sec. 32. NRS 631.3485 is hereby amended to read as follows:

631.3485 1. The following acts, among others, constitute unprofessional conduct:

(a) Willful or repeated violations of the provisions of this chapter;

(b) Willful or repeated violations of the regulations of the State Board of Health, the State Board of Pharmacy or the Board of Dental Examiners of Nevada;

(c) Failure to pay the fees for a license; or

(d) Failure to make the health care records of a patient available for inspection and copying as provided in NRS 629.061, if the dentist, dental hygienist, ~~for~~ dental therapist *or expanded function dental assistant* is the custodian of health care records with respect to those records.

2. As used in this section, "custodian of health care records" has the meaning ascribed to it in NRS 629.016.

Sec. 33. NRS 631.3487 is hereby amended to read as follows:

631.3487 1. If the Board receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license to practice dentistry, dental hygiene, ~~for~~ dental therapy ~~or~~ *or expanded function dental assistance* the Board shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Board receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the

license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Board shall reinstate a license to practice dentistry, dental hygiene , ~~for~~ dental therapy or *expanded function dental assistance* that has been suspended by a district court pursuant to NRS 425.540 if:

(a) The Board receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560; and

(b) The person whose license was suspended pays the fee imposed pursuant to NRS 631.345 for the reinstatement of a suspended license.

Sec. 34. NRS 631.350 is hereby amended to read as follows:

631.350 1. Except as otherwise provided in NRS 631.271, 631.2715 and 631.347, the Board may:

- (a) Refuse to issue a license to any person;
 - (b) Revoke or suspend the license or renewal certificate issued by it to any person;
 - (c) Fine a person it has licensed;
 - (d) Place a person on probation for a specified period on any conditions the Board may order;
 - (e) Issue a public reprimand to a person;
 - (f) Limit a person's practice to certain branches of dentistry;
 - (g) Require a person to participate in a program relating to an alcohol or other substance use disorder or any other impairment;
 - (h) Require that a person's practice be supervised;
 - (i) Require a person to perform community service without compensation;
 - (j) Require a person to take a physical or mental examination or an examination of his or her competence;
 - (k) Require a person to fulfill certain training or educational requirements;
 - (l) Require a person to reimburse a patient; or
 - (m) Any combination thereof,
- ↪ if the Board finds, by a preponderance of the evidence, that the person has engaged in any of the activities listed in subsection 2.

2. The following activities may be punished as provided in subsection 1:

- (a) Engaging in the illegal practice of dentistry, dental hygiene , ~~for~~ dental therapy ~~for~~ or *expanded function dental assistance*;
- (b) Engaging in unprofessional conduct; or
- (c) Violating any regulations adopted by the Board or the provisions of this chapter.

3. The Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect fines therefor and deposit the money therefrom in banks, credit unions, savings and loan associations or savings banks in this State.

4. If a hearing officer or panel is not authorized to take disciplinary

action pursuant to subsection 3 and the Board deposits the money collected from the imposition of fines with the State Treasurer for credit to the State General Fund, it may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.

5. The Board shall not administer a private reprimand.

6. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 35. NRS 631.360 is hereby amended to read as follows:

631.360 1. Except as otherwise provided in NRS 631.364, the Board may, upon its own motion, and shall, upon the verified complaint in writing of any person setting forth facts which, if proven, would constitute grounds for initiating disciplinary action, investigate the actions of any person who practices dentistry, dental hygiene, ~~for~~ dental therapy or *expanded function dental assistance* in this State. A complaint may be filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.

2. The Board shall, before initiating disciplinary action, at least 10 days before the date set for the hearing, notify the accused person in writing of any charges made. The notice may be served by delivery of it personally to the accused person or by mailing it by registered or certified mail to the place of business last specified by the accused person, as registered with the Board.

3. At the time and place fixed in the notice, the Board shall proceed to hear the charges. If the Board receives a report pursuant to subsection 5 of NRS 228.420, a hearing must be held within 30 days after receiving the report.

4. The Board may compel the attendance of witnesses or the production of documents or objects by subpoena. The Board may adopt regulations that set forth a procedure pursuant to which the Executive Director may issue subpoenas on behalf of the Board. Any person who is subpoenaed pursuant to this subsection may request the Board to modify the terms of the subpoena or grant additional time for compliance.

5. The Board may obtain a search warrant from a magistrate upon a showing that the warrant is needed for an investigation or hearing being conducted by the Board and that reasonable cause exists to issue the warrant.

6. If the Board is not sitting at the time and place fixed in the notice, or at the time and place to which the hearing has been continued, the Board shall continue the hearing for a period not to exceed 30 days.

7. The Board shall retain all complaints received by the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 36. NRS 631.395 is hereby amended to read as follows:

631.395 A person is guilty of the illegal practice of dentistry, dental

hygiene , ~~for~~ dental therapy *or expanded function dental assistance* who:

1. Sells or barter, or offers to sell or barter, any diploma or document conferring or purporting to confer any dental degree, or any certificate or transcript made or purporting to be made pursuant to the laws regulating the licensing and registration of dentists, dental hygienists , ~~or~~ dental therapists ~~or~~ *or expanded function dental assistants*;

2. Purchases or procures by barter any such diploma, certificate or transcript, with the intent that it be used as evidence of the holder's qualifications to practice dentistry, or in fraud of the laws regulating that practice;

3. With fraudulent intent, alters in a material regard any such diploma, certificate or transcript;

4. Uses or attempts to use any diploma, certificate or transcript, which has been purchased, fraudulently issued, counterfeited or materially altered, either as a license or color of license to practice dentistry, or in order to procure registration as a dentist, dental hygienist , ~~or~~ dental therapist ~~or~~ *expanded function dental assistant*;

5. Practices dentistry under a false or assumed name;

6. Assumes the degree of "Doctor of Dental Surgery" or "Doctor of Dental Medicine" or appends the letters "D.D.S." or "D.M.D." or "R.D.H." to his or her name, not having conferred upon him or her, by diploma from an accredited dental or dental hygiene college or school legally empowered to confer the title, the right to assume the title, or assumes any title or appends any letters to his or her name with the intent to represent falsely that he or she has received a dental degree or license;

7. Willfully makes, as an applicant for examination, license or registration under this chapter, a false statement in a material regard in an affidavit required by this chapter;

8. Within 10 days after a demand is made by the Secretary-Treasurer, fails to furnish to the Board the names and addresses of all persons practicing or assisting in the practice of dentistry in the office of the person at any time within 60 days before the notice, together with a sworn statement showing under and by what license or authority the person and his or her employee are and have been practicing dentistry, but the affidavit must not be used as evidence against the person in any proceeding under this chapter;

9. Except as otherwise provided in NRS 629.091, practices dentistry, dental hygiene , ~~or~~ dental therapy *or expanded function dental assistance* in this State without a license;

10. Except as otherwise provided in NRS 631.385, owns or controls a dental practice, shares in the fees received by a dentist or controls or attempts to control the services offered by a dentist if the person is not himself or herself licensed pursuant to this chapter; or

11. Aids or abets another in violating any of the provisions of this chapter.

Sec. 37. NRS 631.396 is hereby amended to read as follows:

631.396 Any member or agent of the Board may enter any premises in this State where a person who holds a license or certificate issued pursuant to the provisions of this chapter practices dentistry, dental hygiene, ~~for~~ dental therapy *or expanded function dental assistance* and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing dentistry, dental hygiene, ~~for~~ dental therapy *or expanded function dental assistance* without the appropriate license or certificate issued pursuant to the provisions of this chapter.

Sec. 38. NRS 631.397 is hereby amended to read as follows:

631.397 Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice dentistry, dental hygiene, ~~for~~ dental therapy *or expanded function dental assistance* without the appropriate license or certificate issued pursuant to the provisions of this chapter.

Sec. 39. NRS 631.400 is hereby amended to read as follows:

631.400 1. A person who engages in the illegal practice of dentistry in this State is guilty of a category D felony and shall be punished as provided in NRS 193.130, unless a greater penalty is provided pursuant to NRS 200.830 or 200.840.

2. Unless a greater penalty is provided pursuant to NRS 200.830 or 200.840, a person who practices or offers to practice dental hygiene, ~~for~~ dental therapy *or expanded function dental assistance* in this State without a license, or who, having a license, practices dental hygiene, ~~for~~ dental therapy *or expanded function dental assistance* in a manner or place not permitted by the provisions of this chapter:

(a) If it is his or her first or second offense, is guilty of a gross misdemeanor.

(b) If it is his or her third or subsequent offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. Unless a greater penalty is provided by specific statute, a person who is licensed to practice dentistry who practices dentistry in a manner or place not permitted by the provisions of this chapter:

(a) If it is his or her first or second offense, is guilty of a gross misdemeanor.

(b) If it is his or her third or subsequent offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

4. The Board may assign a person described in subsection 1, 2 or 3 specific duties as a condition of renewing a license.

5. If a person has engaged or is about to engage in any acts or practices which constitute or will constitute an offense against this chapter, the district court of any county, on application of the Board, may issue an injunction or other appropriate order restraining the conduct. Proceedings under this subsection are governed by Rule 65 of the Nevada Rules of Civil Procedure,

except that no bond or undertaking is required in any action commenced by the Board.

6. In addition to any other penalty prescribed by law, if the Board determines that a person has committed any act described in subsection 1, 2 or 3, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or certificate or otherwise demonstrates that he or she is no longer in violation of subsection 1, 2 or 3. An order to cease and desist must include a telephone number with which the person may contact the Board.

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine of not more than \$5,000.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 40. NRS 632.472 is hereby amended to read as follows:

632.472 1. The following persons shall report in writing to the Executive Director of the Board any conduct of a licensee or holder of a certificate which constitutes a violation of the provisions of this chapter:

(a) Any physician, dentist, dental hygienist, *expanded function dental assistant*, chiropractic physician, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, nursing assistant, medication aide - certified, perfusionist, physician assistant licensed pursuant to chapter 630 or 633 of NRS, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, alcohol or drug counselor, peer recovery support specialist, peer recovery support specialist supervisor, music therapist, holder of a license or limited license issued pursuant to chapter 653 of NRS, driver of an ambulance, paramedic or other person providing medical services licensed or certified to practice in this State.

(b) Any personnel of a medical facility or facility for the dependent engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a medical facility or facility for the dependent upon notification by a member of the staff of the facility.

(c) A coroner.

(d) Any person who maintains or is employed by an agency to provide personal care services in the home.

(e) Any person who operates, who is employed by or who contracts to provide services for an intermediary service organization as defined in

NRS 449.4304.

(f) Any person who maintains or is employed by an agency to provide nursing in the home.

(g) Any employee of the Department of Health and Human Services.

(h) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(i) Any person who maintains or is employed by a facility or establishment that provides care for older persons.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect or exploitation of an older person and refers them to persons and agencies where their requests and needs can be met.

(k) Any social worker.

(l) Any person who operates or is employed by a community health worker pool or with whom a community health worker pool contracts to provide the services of a community health worker, as defined in NRS 449.0027.

2. Every physician who, as a member of the staff of a medical facility or facility for the dependent, has reason to believe that a nursing assistant or medication aide - certified has engaged in conduct which constitutes grounds for the denial, suspension or revocation of a certificate shall notify the superintendent, manager or other person in charge of the facility. The superintendent, manager or other person in charge shall make a report as required in subsection 1.

3. A report may be filed by any other person.

4. Any person who in good faith reports any violation of the provisions of this chapter to the Executive Director of the Board pursuant to this section is immune from civil liability for reporting the violation.

5. As used in this section:

(a) "Agency to provide personal care services in the home" has the meaning ascribed to it in NRS 449.0021.

(b) "Community health worker pool" has the meaning ascribed to it in NRS 449.0028.

(c) "Peer recovery support specialist" has the meaning ascribed to it in NRS 433.627.

(d) "Peer recovery support specialist supervisor" has the meaning ascribed to it in NRS 433.629.

Sec. 40.5. Chapter 639 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 5, a dental hygienist licensed pursuant to chapter 631 of NRS may, if authorized by the Board, possess, prescribe or dispense dangerous drugs and devices only to the extent and subject to the limitations specified in section 9 of this act and the certificate issued to the dental hygienist by the Board pursuant to this section.

2. If a dental hygienist wishes to possess, prescribe or dispense dangerous drugs and devices and is authorized to do so by section 9 of this act and the regulations adopted pursuant thereto, the dental hygienist must apply to the Board for a certificate to possess, prescribe or dispense dangerous drugs and devices and pay the applicable fee for authorization of a practitioner to dispense dangerous drugs pursuant to NRS 639.170.

3. The Board shall consider each application separately and, except as otherwise provided in subsection 5, may, even though the dental hygienist is otherwise authorized by section 9 of this act to possess, prescribe or dispense dangerous drugs and devices:

(a) Refuse to issue a certificate;

(b) Issue a certificate limiting the authority of the dental hygienist to possess, prescribe or dispense dangerous drugs and devices, the area in which the dental hygienist may possess dangerous drugs and devices or the kind and amount of dangerous drugs or devices; or

(c) Issue a certificate imposing other limitations or restrictions which the Board feels are necessary and required to protect the health, safety and welfare of the public.

4. The Board may adopt regulations controlling the maximum amount to be possessed, prescribed or dispensed and the storage, security, recordkeeping and transportation of dangerous drugs or devices by a dental hygienist licensed pursuant to chapter 631 of NRS.

5. The provisions of this section do not limit or authorize the Board to limit the authority of a dental hygienist to possess dangerous drugs under the circumstances authorized by paragraph (b) of subsection 1 of NRS 454.213, regardless of whether the dental hygienist holds a certificate issued pursuant to this section.

Sec. 41. NRS 639.0125 is hereby amended to read as follows:

639.0125 "Practitioner" means:

1. A physician, dentist, veterinarian or podiatric physician who holds a license to practice his or her profession in this State;

2. A hospital, pharmacy or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer drugs in the course of professional practice or research in this State;

3. An advanced practice registered nurse who has been authorized to prescribe controlled substances, poisons, dangerous drugs and devices;

4. A physician assistant who:

(a) Holds a license issued by the Board of Medical Examiners; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of a physician as required by chapter 630 of NRS;

5. A physician assistant who:

(a) Holds a license issued by the State Board of Osteopathic Medicine; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of an osteopathic physician as required by chapter 633 of NRS; ~~for~~

6. An optometrist who is certified by the Nevada State Board of Optometry to prescribe and administer pharmaceutical agents pursuant to NRS 636.288, when the optometrist prescribes or administers pharmaceutical agents within the scope of his or her certification ~~for~~; or

7. A dental hygienist who:

(a) Holds a valid license to practice dental hygiene in this State; ~~and~~

(b) Is authorized to prescribe and dispense ~~certain~~ the dangerous drugs ~~pursuant to~~ and devices listed in section 9 of this act ~~for~~ in accordance with the provisions of that section and the regulations adopted pursuant thereto; and

(c) Holds a certificate issued pursuant to section 40.5 of this act by the State Board of Pharmacy authorizing him or her to so prescribe.

Sec. 42. NRS 653.430 is hereby amended to read as follows:

653.430 The provisions of this chapter do not apply to:

1. A physician or physician assistant licensed pursuant to chapter 630 or 633 of NRS.

2. A dentist, dental hygienist, ~~or~~ dental therapist *or expanded function dental assistant* licensed pursuant to chapter 631 of NRS or a dental assistant working within the scope of his or her employment under the direct supervision of ~~for~~:

(a) A dentist ~~for~~; *or*

(b) *Where authorized by NRS 631.287, a dental hygienist who holds a special endorsement to practice public health dental hygiene.*

3. A chiropractic physician or chiropractic assistant licensed pursuant to chapter 634 of NRS.

4. A person training to become a chiropractic assistant or a student practicing in the preceptor program established by the Chiropractic Physicians' Board of Nevada pursuant to NRS 634.1375.

5. A podiatric physician or podiatry hygienist licensed pursuant to chapter 635 of NRS, or a person training to be a podiatry hygienist.

6. A veterinarian or veterinary technician licensed pursuant to chapter 638 of NRS or any other person performing tasks under the supervision of a veterinarian or veterinary technician as authorized by regulation of the Nevada State Board of Veterinary Medical Examiners.

7. The performance of mammography in accordance with NRS 457.182 to 457.187, inclusive.

Sec. 43. NRS 200.471 is hereby amended to read as follows:

200.471 1. As used in this section:

(a) "Assault" means:

(1) Unlawfully attempting to use physical force against another person;

or

(2) Intentionally placing another person in reasonable apprehension of immediate bodily harm.

(b) "Fire-fighting agency" has the meaning ascribed to it in NRS 239B.020.

(c) "Officer" means:

(1) A person who possesses some or all of the powers of a peace officer;

(2) A person employed in a full-time salaried occupation of fire fighting for the benefit or safety of the public;

(3) A member of a volunteer fire department;

(4) A jailer, guard or other correctional officer of a city or county jail;

(5) A prosecuting attorney of an agency or political subdivision of the United States or of this State;

(6) A justice of the Supreme Court, judge of the Court of Appeals, district judge, justice of the peace, municipal judge, magistrate, court commissioner, master or referee, including a person acting pro tempore in a capacity listed in this subparagraph;

(7) An employee of this State or a political subdivision of this State whose official duties require the employee to make home visits;

(8) A civilian employee or a volunteer of a law enforcement agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to law enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the law enforcement agency;

(9) A civilian employee or a volunteer of a fire-fighting agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to fire fighting or fire prevention; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the fire-fighting agency; or

(10) A civilian employee or volunteer of this State or a political subdivision of this State whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to code enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for this State or a political subdivision of this State.

(d) "Provider of health care" means a physician, a medical student, a perfusionist or a physician assistant licensed pursuant to chapter 630 of NRS, a practitioner of respiratory care, a homeopathic physician, an advanced practitioner of homeopathy, a homeopathic assistant, an osteopathic

physician, a physician assistant licensed pursuant to chapter 633 of NRS, a podiatric physician, a podiatry hygienist, a physical therapist, a medical laboratory technician, an optometrist, a chiropractic physician, a chiropractic assistant, a doctor of Oriental medicine, a nurse, a student nurse, a certified nursing assistant, a nursing assistant trainee, a medication aide - certified, a dentist, a dental student, a dental hygienist, a dental hygienist student, *an expanded function dental assistant, an expanded function dental assistant student*, a pharmacist, a pharmacy student, an intern pharmacist, an attendant on an ambulance or air ambulance, a psychologist, a social worker, a marriage and family therapist, a marriage and family therapist intern, a clinical professional counselor, a clinical professional counselor intern, a licensed dietitian, the holder of a license or a limited license issued under the provisions of chapter 653 of NRS, an emergency medical technician, an advanced emergency medical technician and a paramedic.

(e) "School employee" means a licensed or unlicensed person employed by a board of trustees of a school district pursuant to NRS 391.100 or 391.281.

(f) "Sporting event" has the meaning ascribed to it in NRS 41.630.

(g) "Sports official" has the meaning ascribed to it in NRS 41.630.

(h) "Taxicab" has the meaning ascribed to it in NRS 706.8816.

(i) "Taxicab driver" means a person who operates a taxicab.

(j) "Transit operator" means a person who operates a bus or other vehicle as part of a public mass transportation system.

2. A person convicted of an assault shall be punished:

(a) If paragraph (c) or (d) does not apply to the circumstances of the crime and the assault is not made with the use of a deadly weapon or the present ability to use a deadly weapon, for a misdemeanor.

(b) If the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

(c) If paragraph (d) does not apply to the circumstances of the crime and if the assault is committed upon an officer, a provider of health care, a school employee, a taxicab driver or a transit operator who is performing his or her duty or upon a sports official based on the performance of his or her duties at a sporting event and the person charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator or a sports official, for a gross misdemeanor, unless the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

(d) If the assault is committed upon an officer, a provider of health care, a

school employee, a taxicab driver or a transit operator who is performing his or her duty or upon a sports official based on the performance of his or her duties at a sporting event by a probationer, a prisoner who is in lawful custody or confinement or a parolee, and the probationer, prisoner or parolee charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator or a sports official, for a category D felony as provided in NRS 193.130, unless the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

Sec. 44. NRS 200.5093 is hereby amended to read as follows:

200.5093 1. Any person who is described in subsection 4 and who, in a professional or occupational capacity, knows or has reasonable cause to believe that an older person or vulnerable person has been abused, neglected, exploited, isolated or abandoned shall:

(a) Except as otherwise provided in subsection 2, report the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to:

(1) The local office of the Aging and Disability Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office; or

(3) A toll-free telephone service designated by the Aging and Disability Services Division of the Department of Health and Human Services; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the older person or vulnerable person has been abused, neglected, exploited, isolated or abandoned.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person involves an act or omission of the Aging and Disability Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission.

3. Each agency, after reducing a report to writing, shall forward a copy of the report to the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, *expanded function dental assistant*, chiropractic physician, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant

licensed pursuant to chapter 630 or 633 of NRS, perfusionist, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, clinical alcohol and drug counselor, alcohol and drug counselor, music therapist, athletic trainer, driver of an ambulance, paramedic, licensed dietitian, holder of a license or a limited license issued under the provisions of chapter 653 of NRS, behavior analyst, assistant behavior analyst, registered behavior technician, peer recovery support specialist, as defined in NRS 433.627, peer recovery support specialist supervisor, as defined in NRS 433.629, or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats an older person or vulnerable person who appears to have been abused, neglected, exploited, isolated or abandoned.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person by a member of the staff of the hospital.

(c) A coroner.

(d) Every person who maintains or is employed by an agency to provide personal care services in the home.

(e) Every person who maintains or is employed by an agency to provide nursing in the home.

(f) Every person who operates, who is employed by or who contracts to provide services for an intermediary service organization as defined in NRS 449.4304.

(g) Any employee of the Department of Health and Human Services, except the State Long-Term Care Ombudsman appointed pursuant to NRS 427A.125 and any of his or her advocates or volunteers where prohibited from making such a report pursuant to 45 C.F.R. § 1321.11.

(h) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(i) Any person who maintains or is employed by a facility or establishment that provides care for older persons or vulnerable persons.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person and refers them to persons and agencies where their requests and needs can be met.

(k) Every social worker.

(l) Any person who owns or is employed by a funeral home or mortuary.

(m) Every person who operates or is employed by a community health worker pool, as defined in NRS 449.0028, or with whom a community health worker pool contracts to provide the services of a community health worker, as defined in NRS 449.0027.

(n) Every person who is enrolled with the Division of Health Care Financing and Policy of the Department of Health and Human Services to provide doula services to recipients of Medicaid pursuant to NRS 422.27177.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that an older person or vulnerable person has died as a result of abuse, neglect, isolation or abandonment, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the older person or vulnerable person and submit to the appropriate local law enforcement agencies, the appropriate prosecuting attorney, the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes his or her written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

7. A division, office or department which receives a report pursuant to this section shall cause the investigation of the report to commence within 3 working days. A copy of the final report of the investigation conducted by a division, office or department, other than the Aging and Disability Services Division of the Department of Health and Human Services, must be forwarded within 30 days after the completion of the report to the:

(a) Aging and Disability Services Division;

(b) Repository for Information Concerning Crimes Against Older Persons or Vulnerable Persons created by NRS 179A.450; and

(c) Unit for the Investigation and Prosecution of Crimes.

8. If the investigation of a report results in the belief that an older person or vulnerable person is abused, neglected, exploited, isolated or abandoned, the Aging and Disability Services Division of the Department of Health and Human Services or the county's office for protective services may provide protective services to the older person or vulnerable person if the older person or vulnerable person is able and willing to accept them.

9. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.

10. As used in this section, "Unit for the Investigation and Prosecution of Crimes" means the Unit for the Investigation and Prosecution of Crimes Against Older Persons or Vulnerable Persons in the Office of the Attorney General created pursuant to NRS 228.265.

Sec. 45. NRS 439.2713 is hereby amended to read as follows:

439.2713 "Provider of oral health care" means a dentist, ~~or~~ dental hygienist or *expanded function dental assistant* licensed pursuant to the provisions of chapter 631 of NRS.

Sec. 46. NRS 454.00958 is hereby amended to read as follows:

454.00958 "Practitioner" means:

1. A physician, dentist, veterinarian or podiatric physician who holds a valid license to practice his or her profession in this State.

2. A pharmacy, hospital or other institution licensed or registered to distribute, dispense, conduct research with respect to or to administer a dangerous drug in the course of professional practice in this State.

3. When relating to the prescription of poisons, dangerous drugs and devices:

(a) An advanced practice registered nurse who holds a certificate from the State Board of Pharmacy permitting him or her so to prescribe; or

(b) A physician assistant who holds a license from the Board of Medical Examiners and a certificate from the State Board of Pharmacy permitting him or her so to prescribe.

4. An optometrist who is certified to prescribe and administer pharmaceutical agents pursuant to NRS 636.288 when the optometrist prescribes or administers dangerous drugs which are within the scope of his or her certification.

5. *A dental hygienist who holds a valid license to practice dental hygiene in this State and ~~is~~ :*

~~(a) Is authorized to prescribe and dispense ~~certain~~ the dangerous drugs ~~pursuant to~~ listed in section 9 of this act ~~+~~ in accordance with the provisions of that section and the regulations adopted pursuant thereto; and~~

~~(b) Holds a certificate issued by the State Board of Pharmacy pursuant to section 40.5 of this act authorizing him or her to so prescribe.~~

Sec. 47. NRS 454.213 is hereby amended to read as follows:

454.213 1. Except as otherwise provided in NRS 454.217, a drug or medicine referred to in NRS 454.181 to 454.371, inclusive, may be possessed and administered by:

(a) A practitioner.

(b) A physician assistant licensed pursuant to chapter 630 or 633 of NRS, at the direction of his or her supervising physician or a licensed dental hygienist *or expanded function dental assistant* acting in the office of and under the supervision of a dentist.

(c) Except as otherwise provided in paragraph (d), a registered nurse licensed to practice professional nursing or licensed practical nurse, at the direction of a prescribing physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician or advanced practice registered nurse, or pursuant to a chart order, for administration to a patient at another location.

(d) In accordance with applicable regulations of the Board, a registered nurse licensed to practice professional nursing or licensed practical nurse who is:

(1) Employed by a health care agency or health care facility that is authorized to provide emergency care, or to respond to the immediate needs of a patient, in the residence of the patient; and

(2) Acting under the direction of the medical director of that agency or facility who works in this State.

(e) A medication aide - certified at a designated facility under the

supervision of an advanced practice registered nurse or registered nurse and in accordance with standard protocols developed by the State Board of Nursing. As used in this paragraph, "designated facility" has the meaning ascribed to it in NRS 632.0145.

(f) Except as otherwise provided in paragraph (g), an advanced emergency medical technician or a paramedic, as authorized by regulation of the State Board of Pharmacy and in accordance with any applicable regulations of:

(1) The State Board of Health in a county whose population is less than 100,000;

(2) A county board of health in a county whose population is 100,000 or more; or

(3) A district board of health created pursuant to NRS 439.362 or 439.370 in any county.

(g) An advanced emergency medical technician or a paramedic who holds an endorsement issued pursuant to NRS 450B.1975, under the direct supervision of a local health officer or a designee of the local health officer pursuant to that section.

(h) A respiratory therapist employed in a health care facility. The therapist may possess and administer respiratory products only at the direction of a physician.

(i) A dialysis technician, under the direction or supervision of a physician or registered nurse only if the drug or medicine is used for the process of renal dialysis.

(j) A medical student or student nurse in the course of his or her studies at an accredited college of medicine or approved school of professional or practical nursing, at the direction of a physician and:

(1) In the presence of a physician or a registered nurse; or

(2) Under the supervision of a physician or a registered nurse if the student is authorized by the college or school to administer the drug or medicine outside the presence of a physician or nurse.

➔ A medical student or student nurse may administer a dangerous drug in the presence or under the supervision of a registered nurse alone only if the circumstances are such that the registered nurse would be authorized to administer it personally.

(k) Any person designated by the head of a correctional institution.

(l) An ultimate user or any person designated by the ultimate user pursuant to a written agreement.

(m) A holder of a license to engage in radiation therapy and radiologic imaging issued pursuant to chapter 653 of NRS, at the direction of a physician and in accordance with any conditions established by regulation of the Board.

(n) A chiropractic physician, but only if the drug or medicine is a topical drug used for cooling and stretching external tissue during therapeutic treatments.

(o) A physical therapist, but only if the drug or medicine is a topical drug

which is:

(1) Used for cooling and stretching external tissue during therapeutic treatments; and

(2) Prescribed by a licensed physician for:

(I) Iontophoresis; or

(II) The transmission of drugs through the skin using ultrasound.

(p) In accordance with applicable regulations of the State Board of Health, an employee of a residential facility for groups, as defined in NRS 449.017, pursuant to a written agreement entered into by the ultimate user.

(q) A veterinary technician or a veterinary assistant at the direction of his or her supervising veterinarian.

(r) In accordance with applicable regulations of the Board, a registered pharmacist who:

(1) Is trained in and certified to carry out standards and practices for immunization programs;

(2) Is authorized to administer immunizations pursuant to written protocols from a physician; and

(3) Administers immunizations in compliance with the "Standards for Immunization Practices" recommended and approved by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention.

(s) A registered pharmacist pursuant to written guidelines and protocols developed pursuant to NRS 639.2629 or a collaborative practice agreement, as defined in NRS 639.0052.

(t) A person who is enrolled in a training program to become a physician assistant licensed pursuant to chapter 630 or 633 of NRS, dental hygienist, advanced emergency medical technician, paramedic, respiratory therapist, dialysis technician, physical therapist or veterinary technician or to obtain a license to engage in radiation therapy and radiologic imaging pursuant to chapter 653 of NRS if the person possesses and administers the drug or medicine in the same manner and under the same conditions that apply, respectively, to a physician assistant licensed pursuant to chapter 630 or 633 of NRS, dental hygienist, advanced emergency medical technician, paramedic, respiratory therapist, dialysis technician, physical therapist, veterinary technician or person licensed to engage in radiation therapy and radiologic imaging who may possess and administer the drug or medicine, and under the direct supervision of a person licensed or registered to perform the respective medical art or a supervisor of such a person.

(u) A medical assistant, in accordance with applicable regulations of the:

(1) Board of Medical Examiners, at the direction of the prescribing physician and under the supervision of a physician or physician assistant.

(2) State Board of Osteopathic Medicine, at the direction of the prescribing physician and under the supervision of a physician or physician assistant.

2. As used in this section, "accredited college of medicine" has the

meaning ascribed to it in NRS 453.375.

Sec. 48. NRS 695D.040 is hereby amended to read as follows:

695D.040 "Dentist" includes a dental hygienist ~~[-]~~ *and an expanded function dental assistant.*

Sec. 49. 1. Not later than January 1, 2025, the Board of Dental Examiners of Nevada shall submit a report to the Director of the Legislative Counsel Bureau for transmittal to the 83rd Session of the Legislature that includes, without limitation:

(a) The number of persons that applied for licensure as an expanded function dental assistant pursuant to sections 5 and 6 of this act during the 2024 calendar year and the number of such licenses issued during the 2024 calendar year;

(b) The number of persons that applied for a special endorsement to practice restorative dental hygiene pursuant to section 6.5 of this act during the 2024 calendar year and the number of such special endorsements issued during the 2024 calendar year;

(c) The number of dental hygienists currently authorized to prescribe and dispense drugs or devices pursuant to section 9 of this act; and

(d) A description of the impact of authorizing the practice of expanded function dental assistance and restorative dental hygiene and the prescription and dispensing of drugs by dental hygienists on the quality and availability of dental services in this State.

2. As used in this section:

(a) "Dental hygienist" has the meaning ascribed to it in NRS 631.040.

(b) "Expanded function dental assistance" has the meaning ascribed to it in section 2 of this act.

(c) "Expanded function dental assistant" has the meaning ascribed to it in section 3 of this act.

(d) "Restorative dental hygiene" has the meaning ascribed to it in section 3.5 of this act.

Sec. 50. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 49, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Senator Cannizzaro moved that the Senate concur in Assembly Amendment No. 680 to Senate Bill No. 310.

Motion carried by a two-thirds majority.

Bill ordered enrolled.

Senate Bill No. 321.

The following Assembly amendment was read:

Amendment No. 588.

SUMMARY—Revises provisions relating to crimes. (BDR 14-550)

AN ACT relating to evidence; prohibiting a law enforcement agency or forensic laboratory from taking certain actions relating to the DNA profile and DNA record of a survivor of sexual assault; expanding certain prohibitions against the use of certain evidence secured in connection with an investigation or prosecution of a sexual assault; requiring certain entities to conduct an audit of certain biological specimens, DNA profiles and DNA records, to the extent money is available; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Sexual Assault Survivors' Bill of Rights, which grants a survivor certain rights relating to the investigation or prosecution of an alleged sexual assault perpetrated against the survivor. (Chapter 178A of NRS) Among other requirements, the Bill of Rights grants a survivor the right to not have forensic evidence from a sexual assault used: (1) to prosecute the survivor for any misdemeanor or offense related to a controlled substance; or (2) as a basis to search for further evidence of any unrelated misdemeanor or any offense related to a controlled substance that may have been committed by the survivor. (NRS 178A.260) Section 6 of this bill expands this right by prohibiting a law enforcement agency from using any biological evidence obtained from ~~the~~ the sexual assault forensic evidence kit of a survivor or any biological evidence secured in connection with the investigation or prosecution of the alleged sexual assault of the survivor: (1) to prosecute the survivor for any crime; (2) as a basis to search for further evidence of any criminal offense that may have been committed by the survivor; or (3) for any other purpose that is not directly related to the investigation or prosecution of the alleged sexual assault of the survivor . ~~if~~ unless such action is otherwise required by state or federal law.

Existing law prescribes requirements relating to certain biological evidence secured in connection with an investigation or prosecution of a criminal offense. (NRS 176.0912) With limited exception, section 3 of this bill prohibits a law enforcement agency from sharing with or disclosing to any person or entity any biological evidence of a survivor secured in connection with the investigation or prosecution of the alleged sexual assault of the survivor. Section 2 of this bill defines the term "biological evidence" for purposes of the Bill of Rights. Section 4 of this bill makes a conforming change to indicate the proper placement of section 2 in the Nevada Revised Statutes. Section 5 makes a conforming change related to the definition of "biological evidence" set forth in section 2.

Existing law prescribes certain requirements relating to sexual assault forensic medical kits. Among other requirements, existing law requires: (1) a law enforcement agency to submit a sexual assault forensic evidence kit to the appropriate forensic laboratory; and (2) a forensic laboratory to accept and analyze such evidence and upload a DNA profile obtained from such evidence to CODIS or the State DNA Database. (NRS 178A.220, 200.3786) With limited exception, section 3 prohibits a law enforcement agency or

forensic laboratory from including the DNA profile of a survivor obtained from the sexual assault forensic evidence kit of the survivor in any database that allows for the storage and exchange of DNA records.

Section 7 of this bill requires, to the extent money is available for this purpose, the Central Repository for Nevada Records of Criminal History, the State DNA Database and each forensic laboratory to: (1) conduct an audit of certain biological specimens, DNA profiles and DNA records; and (2) submit the results of the audit to the Joint Interim Standing Committee on Judiciary and the Director of the Legislative Counsel Bureau on or before January 1, 2024.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 178A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *"Biological evidence" has the meaning ascribed to it in NRS 176.0912 and includes, without limitation, a sexual assault forensic evidence kit.*

Sec. 3. 1. *A law enforcement agency or forensic laboratory shall not include the DNA profile of a survivor obtained from the sexual assault forensic evidence kit of the survivor in any database that allows for the storage and exchange of DNA records unless the law enforcement agency or forensic laboratory is authorized to include the DNA profile in CODIS pursuant to 34 U.S.C. § 12592(b).*

2. *Except as otherwise provided in subsection 3 and except as otherwise required by state or federal law, a law enforcement agency that has in its possession or custody any biological evidence of a survivor secured in connection with the investigation or prosecution of the alleged sexual assault of the survivor shall not share such evidence with or disclose such evidence to any person or entity, including, without limitation, any other law enforcement agency, except pursuant to:*

(a) A court order; or

(b) A request from another law enforcement agency, if the law enforcement agency determines that such action is necessary to identify or prosecute the person who committed the alleged sexual assault of the survivor.

3. *The provisions of subsection 2 do not apply if the disclosure is necessary for purposes of satisfying discovery obligations, including, without limitation, any obligation prescribed by the Federal Rules of Criminal Procedure.*

4. *As used in this section:*

(a) "Any database" includes, without limitation, the State DNA Database, CODIS or any other database that allows for the storage and exchange of DNA records, including, without limitation, any local, state or national database.

(b) "DNA record" means a database record stored in any database, that

includes the DNA profile of a person and data required to manage the record.

Sec. 4. NRS 178A.020 is hereby amended to read as follows:

178A.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 178A.030 to 178A.140, inclusive, and section 2 of this act have the meanings ascribed to them in those sections.

Sec. 5. NRS 178A.220 is hereby amended to read as follows:

178A.220 1. A survivor has the right to prompt genetic marker analysis of a sexual assault forensic evidence kit pursuant to NRS 200.3786.

2. A sexual assault forensic evidence kit must be transported to a forensic laboratory and analyzed pursuant to NRS 200.3786, unless the survivor requests in writing at any time before such analysis, for the forensic laboratory to defer analysis of the sexual assault forensic evidence kit.

3. Biological evidence ~~[including, without limitation, a sexual assault forensic evidence kit,]~~ secured in connection with the investigation or prosecution of a criminal case must be preserved and stored in accordance with the provisions of this subsection and NRS 176.0912. A sexual assault forensic evidence kit that is in the custody of an agency of criminal justice must be retained for:

(a) If the sexual assault forensic evidence kit is associated with an uncharged or unsolved sexual assault, at least 50 years.

(b) If the sexual assault forensic evidence kit is associated with an unreported or anonymous sexual assault, at least 20 years.

4. If a survivor has requested to defer analysis pursuant to subsection 2, the survivor may request that the forensic laboratory analyze the sexual assault forensic evidence kit at any later date before the expiration of the retention period pursuant to subsection 3.

5. A survivor has the right to the information regarding the timeline of the genetic marker analysis of sexual assault forensic evidence kits pursuant to NRS 200.3786.

Sec. 6. NRS 178A.260 is hereby amended to read as follows:

178A.260 ~~[Forensic]~~ A law enforcement agency shall not use any biological evidence obtained from ~~[a sexual assault may not be used;]~~ the sexual assault forensic evidence kit of a survivor or any biological evidence secured in connection with the investigation or prosecution of the alleged sexual assault of the survivor:

1. To prosecute ~~[a]~~ the survivor for any ~~[-~~

~~(a) Misdemeanor; or~~

~~(b) Offense related to a controlled substance.] crime;~~

2. As a basis to search for further evidence of ~~[any unrelated misdemeanor or]~~ any criminal offense ~~[related to a controlled substance]~~ that may have been committed by the survivor ~~[-]~~; or

3. For any other purpose that is not directly related to the investigation or prosecution of the alleged sexual assault of the survivor. ~~[, unless such action is otherwise required by state or federal law.]~~

Sec. 7. 1. To the extent money is available for this purpose, the Central Repository, the State DNA Database and each forensic laboratory shall:

(a) Conduct an audit of any biological specimen, DNA profile or DNA record stored or maintained in the Central Repository, the State DNA Database or forensic laboratory, as applicable, for the period beginning on January 1, 2021, and ending on December 31, 2021. Any such audit must:

(1) Include, without limitation, an examination and analysis of compliance with NRS 176.0911 to 176.0919, inclusive; and

(2) Identify the number of DNA profiles that should have been collected during the period beginning on January 1, 2021, and ending on December 31, 2021, and were not collected during that period; and

(b) Submit the results of the audit to the Joint Interim Standing Committee on Judiciary and the Director of the Legislative Counsel Bureau on or before January 1, 2024.

2. As used in this section:

(a) "Biological specimen" has the meaning ascribed to it in NRS 176.09112.

(b) "Central Repository" means the Central Repository for Nevada Records of Criminal History.

(c) "DNA profile" has the meaning ascribed to it in NRS 176.09115.

(d) "DNA record" has the meaning ascribed to it in NRS 176.09116.

(e) "Forensic laboratory" has the meaning ascribed to it in 176.09117.

(f) "State DNA database" means the database established by NRS 176.09121.

Senator Cannizzaro moved that the Senate concur in Assembly Amendment No. 588 to Senate Bill No. 321.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 364.

The following Assembly amendment was read:

Amendment No. 928.

SUMMARY—Makes various changes relating to cultural remains. (BDR 33-533)

AN ACT relating to cultural remains; requiring, under certain circumstances, a law enforcement agency to communicate with ~~the Nevada~~ an Indian ~~Commission~~ tribe or notify the Office of Historic Preservation of the State Department of Conservation and Natural Resources regarding certain human remains; requiring the Office ~~and the Department~~ to deliver certain regulations to the Legislative Counsel; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Office of Historic Preservation of the State Department of Conservation and Natural Resources to adopt regulations to carry out the provisions of existing law relating to the protection of Indian

burial sites and historic and prehistoric sites. (NRS 383.440) Section 3 of this bill requires : (1) such regulations to incorporate the values, beliefs and traditions of the Indian tribes of this State and requires the Nevada Indian Commission to consult with Indian tribes on behalf of the Office and submit the results of the consultation to the Office; and (2) that the Office deliver such proposed regulations to the Legislative Counsel not later than December 31, 2023.

Section 1 of this bill provides that if a law enforcement agency goes to a location where human remains are found that are reasonably believed to be a native Indian, the law enforcement agency, as part of an investigation, is required to: (1) ~~{communicate}~~ consult with {the Nevada Indian Commission}, a representative of an Indian tribe located within the county where the remains are found; or (2) notify the Office. ~~{Section 1 further requires the Nevada Indian Commission, if the Commission receives communication from a law enforcement agency, to consult with a representative of an Indian tribe located within the county in which the remains are found. Section 1 also requires the Department to adopt regulations to carry out the provisions of section 1. Section 3 requires the Department to deliver such proposed regulations to the Legislative Counsel not later than December 31, 2023.}~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 383 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *If a law enforcement agency goes to a location where human remains are found that are reasonably believed to be native Indian, the law enforcement agency must, as part of an investigation:*

(a) ~~{Communicate}~~ Consult with {the Nevada Indian Commission for the purposes described in subsection 2}, a representative of an Indian tribe located within the county where the remains are found; or

(b) *Notify the Office.*

2. ~~{If the Nevada Indian Commission receives communication from a law enforcement agency pursuant to subsection 1, the Nevada Indian Commission shall consult with a representative of an Indian tribe located within the county in which the remains are found.}~~

~~3. The Department shall adopt regulations as necessary to carry out the provisions of this section. The Department may adopt such regulations without consultation with any Indian tribe.~~

~~4. As used in this section, "law enforcement agency" has the meaning ascribed to it in NRS 289.010.~~

Sec. 2. (Deleted by amendment.)

Sec. 3. Not later than December 31, 2023:

1. The regulations adopted by the Office of Historic Preservation of the State Department of Conservation and Natural Resources pursuant to NRS 383.440 must incorporate the values, beliefs and traditions of the Indian

tribes. The Nevada Indian Commission shall consult with Indian tribes on behalf of the Office to incorporate the values, beliefs and traditions of the Indian tribes as determined and conveyed by the members of the Indian tribes and submit the results of the consultation to the Office.

~~2. The Office [of Historic Preservation of the State Department of Conservation and Natural Resources]~~ shall deliver proposed regulations to the Legislative Counsel pursuant to NRS 233B.063 to carry out the provisions of NRS 383.150 to 383.440, inclusive, as required pursuant to NRS 383.440.

~~[2. The State Department of Conservation and Natural Resources shall deliver proposed regulations to the Legislative Counsel pursuant to NRS 233B.063 to carry out the provisions of section 1 of this act as required pursuant to section 1 of this act.]~~

Sec. 4. This act becomes effective upon passage and approval.

Senator Cannizzaro moved that the Senate concur in Assembly Amendment No. 928 to Senate Bill No. 364.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senator Cannizzaro moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 12:00 a.m.

SENATE IN SESSION

At 12:04 a.m.

President Anthony presiding.

Quorum present.

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 concurred in the Senate Amendment No. 765 to Assembly Bill No. 32; Senate Amendment No. 713 to Assembly Bill No. 51.

ASSEMBLY CHAMBER, Carson City, June 5, 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. 58, 99, 189, 191, 221, 241, 263, 341, 375, 385, 412, 419, 431, 450, 451, 454, 490, 505, 506, 510.

Also, I have the honor to inform your honorable body that the Assembly on this day concurred in the Senate Amendment No. 936 to Assembly Bill No. 7; Senate Amendment No. 986 to Assembly Bill No. 50; Senate Amendments Nos. 981, 1000 to Assembly Bill No. 58; Senate Amendment No. 931 to Assembly Bill No. 72; Senate Amendment No. 963 to Assembly Bill No. 119; Senate Amendment No. 947 to Assembly Bill No. 147; Senate Amendment No. 921 to Assembly Bill No. 148; Senate Amendment No. 961 to Assembly Bill No. 155; Senate Amendment No. 938 to Assembly Bill No. 156; Senate Amendment No. 957 to Assembly Bill No. 160; Senate Amendments Nos. 924, 983 to Assembly Bill No. 192; Senate

Amendment No. 950 to Assembly Bill No. 201; Senate Amendment No. 976 to Assembly Bill No. 243; Senate Amendment No. 962 to Assembly Bill No. 257; Senate Amendment No. 927 to Assembly Bill No. 281; Senate Amendment No. 974 to Assembly Bill No. 286; Senate Amendment No. 977 to Assembly Bill No. 378; Senate Amendment No. 922 to Assembly Bill No. 399; Senate Amendment No. 920 to Assembly Bill No. 404; Senate Amendment No. 982 to Assembly Bill No. 428; Senate Amendment No. 946 to Assembly Bill No. 430; Senate Amendments Nos. 675, 964 to Assembly Bill No. 452; Senate Amendment No. 999 to Assembly Bill No. 480; Senate Amendment No. 973 to Assembly Bill No. 519; Senate Amendment No. 988 to Assembly Bill No. 525; Senate Amendment No. 978 to Assembly Bill No. 526; Senate Amendment No. 993 to Assembly Bill No. 527.

CAROL AIELLO-SALA
Assistant Chief Clerk of the Assembly

ASSEMBLY CHAMBER, Carson City, June 6, 2023

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day adopted the report of the Conference Committee concerning Senate Bill No. 370.

CAROL AIELLO-SALA
Assistant Chief Clerk of the Assembly

UNFINISHED BUSINESS
SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Bills Nos. 9, 10, 11, 24, 35, 36, 38, 45, 54, 58, 60, 104, 71, 72, 78, 81, 82, 88, 98, 99, 103, 106, 107, 110, 118, 126, 134, 145, 155, 161, 163, 166, 167, 189, 191, 195, 196, 205, 216, 221, 222, 225, 226, 231, 232, 234, 235, 237, 240, 241, 242, 246, 262, 263, 266, 272, 273, 274, 275, 276, 277, 279, 281, 282, 283, 285, 290, 291, 294, 301, 305, 307, 310, 311, 314, 315, 319, 321, 322, 327, 328, 331, 335, 339, 341, 342, 348, 350, 355, 362, 363, 364, 367, 368, 370, 371, 375, 378, 380, 384, 385, 387, 389, 390, 395, 400, 412, 413, 416, 419, 425, 428, 431, 434, 435, 439, 440, 443, 445, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 466, 467, 468, 469, 470, 471, 472, 473, 475, 476, 477, 478, 479, 480, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 497, 498, 499, 500, 505, 506, 510 and 511; Senate Resolutions Nos. 8 and 9; Assembly Bills Nos. 7, 15, 16, 32, 37, 45, 46, 50, 51, 58, 72, 77, 84, 112, 119, 125, 128, 130, 135, 137, 138, 139, 140, 147, 148, 150, 151, 153, 155, 156, 158, 160, 161, 184, 192, 195, 201, 203, 208, 216, 224, 226, 232, 237, 239, 243, 245, 246, 252, 255, 257, 258, 259, 260, 261, 266, 270, 277, 279, 281, 283, 286, 290, 292, 299, 304, 310, 319, 321, 322, 328, 332, 346, 348, 376, 378, 383, 388, 389, 396, 399, 400, 404, 422, 428, 430, 434, 443, 444, 448, 451, 452, 454, 457, 461, 462, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 491, 492, 493, 494, 495, 496, 498, 500, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 515, 516, 517, 518, 519, 523, 524, 525, 526, 527 and 528; and Assembly Concurrent Resolution No. 8.

MOTIONS, RESOLUTIONS AND NOTICES

Mr. President appointed Senators Goicoechea, Dondero Loop and Neal as a committee to wait upon the Assembly and to inform that honorable body that the Senate is ready to adjourn *sine die*.

Mr. President appointed Senators Spearman, Hammond and Scheible as a committee to wait upon His Excellency, Joe Lombardo, Governor of the State of Nevada, and to inform him that the Senate is ready to adjourn *sine die*.

Mr. President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 12:04 a.m.

SENATE IN SESSION

At 12:08 a.m.

President Anthony presiding.

Quorum present.

A committee from the Assembly composed of Assemblymen McArthur, Torres and Watts appeared before the bar of the Senate and announced that the Assembly is ready to adjourn *sine die*.

Senator Goicoechea reported that his committee had informed the Assembly that the Senate is ready to adjourn *sine die*.

Senator Spearman reported that her committee had informed the Governor that the Senate is ready to adjourn *sine die*.

Senator Cannizzaro moved that the 82nd Session of the Senate of the Legislature of the State of Nevada adjourn *sine die*.

Motion carried.

Senate adjourned at 12:18 a.m.

Approved:

STAVROS ANTHONY
President of the Senate

Attest: BRENDAN BUCY
Secretary of the Senate