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NEVADA LEGISLATURE

Eighty-Third Session, 2025

ASSEMBLY DAILY JOURNAL

THE ONE HUNDRED AND NINTH DAY

CARSON CITY (Thursday), May 22, 2025

Assembly called to order at 12:28 p.m.
Mr. Speaker presiding.
Roll called.
All present.
Prayer by Chaplain Ron McMillin.

Dear Heavenly Father, with reverence and humility, we come before You, seeking Your wisdom for these members as they carry out the responsibilities entrusted to them. Grant them discernment and steadfastness as they govern with integrity and honor. Strengthen them to persevere through long days and demanding challenges.

May their hearts be guided by humility and compassion, striving always to serve all people impartially. In moments of difficulty, may they find strength; in times of division, may they pursue unity and extend grace to one another. May they faithfully honor the trust placed in them by those they represent, working to build a future founded upon Liberty and Justice for all.

Guide their deliberations today. May Your Word be a lamp to their feet and a light to their path - Psalm 119:105. May Your grace sustain their work, and may "Your will be done, on earth as it is in heaven," -Matthew 6:10.

In the name of Christ Jesus, my Lord and Savior, I pray.

AMEN.

Pledge of Allegiance to the Flag.

Assemblymember Jauregui moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.
Motion carried.

Assembly in recess at 12:36 p.m.

ASSEMBLY IN SESSION

At 12:37 p.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 555, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which was referred Senate Bill No. 128, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 191, 379, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELAINE H. MARZOLA, *Chair*

Mr. Speaker:

Your Committee on Education, to which was referred Senate Bill No. 115, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Education, to which was referred Senate Bill No. 177, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SELENA TORRES-FOSSETT, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 161, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which was referred Senate Bill No. 447, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VENICIA CONSIDINE, *Chair*

Mr. Speaker:

Your Committee on Growth and Infrastructure, to which was referred Senate Bill No. 80, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Growth and Infrastructure, to which was referred Senate Bill No. 440, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

HOWARD WATTS, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 556, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

TRACY BROWN-MAY, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 89, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 201, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 298, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BRITTNEY MILLER, *Chair*

Mr. Speaker:

Your Committee on Revenue, to which was referred Senate Bill No. 69, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHEA M. BACKUS, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 21, 2025

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 1.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 8, 10, 11, 14, 25, 26, 28, 36, 41, 42, 45, 65, 69, 72, 86, 98, 125, 136, 140, 142, 144, 150, 174, 177, 197, 201, 205, 223, 232, 235, 236, 237, 239, 244, 245, 248, 256, 266, 278, 280, 281, 321, 325, 329, 342, 347, 348, 354, 355, 360, 365, 367, 407, 417, 422, 429, 477, 480, 484, 490, 506, 507, 509, 513, 519, 547.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 12, Amendment No. 591; Assembly Bill No. 19, Amendment No. 637; Assembly Bill No. 82, Amendment No. 691; Assembly Bill No. 83, Amendment No. 692; Assembly Bill No. 176, Amendment No. 636; Assembly Bill No. 184, Amendment No. 615; Assembly Bill No. 198, Amendment No. 581; Assembly Bill No. 301, Amendment No. 696; Assembly Bill No. 350, Amendment No. 679; Assembly Bill No. 368, Amendment No. 635; Assembly Bill No. 387, Amendment No. 577; Assembly Bill No. 406, Amendment No. 664; Assembly Bill No. 411, Amendment No. 585; Assembly Bill No. 420, Amendment No. 616; Assembly Bill No. 450, Amendment No. 584; Assembly Bill No. 454, Amendment No. 614; Assembly Bill No. 486, Amendment No. 598, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 12, 108, 452, 454, 455, 456, 462, 464.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 83, 88, 262, 373, 374, 432, 459.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 240.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 562 to Senate Bill No. 49.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 500, 501, 502, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DANIELE MONROE-MORENO, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 1.

Resolution read third time.

Roll call on Senate Joint Resolution No. 1:

YEAS—42.

NAYS—None.

Senate Joint Resolution No. 1 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

Senate Joint Resolution No. 7.

Resolution read third time.

Roll call on Senate Joint Resolution No. 7:

YEAS—35.

NAYS—DeLong, Gray, Gurr, Hafen, Hansen, Koenig, O'Neill—7.

Senate Joint Resolution No. 7 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Joint Resolution No. 8.

Resolution read third time.

Roll call on Senate Joint Resolution No. 8:

YEAS—39.

NAYS—DeLong, Gray, Gurr—3.

Senate Joint Resolution No. 8 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

Senate Joint Resolution No. 9.

Resolution read third time.

Roll call on Senate Joint Resolution No. 9:

YEAS—42.

NAYS—None.

Senate Joint Resolution No. 9 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Joint Resolution No. 10.

Resolution read third time.

Roll call on Senate Joint Resolution No. 10:

YEAS—36.

NAYS—Goulding, Gurr, Hafen, Hardy, Miller, O'Neill—6.

Senate Joint Resolution No. 10 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

Senate Concurrent Resolution No. 2.

Assemblymember Jauregui moved the adoption of the resolution.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 12.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 83.
Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.
Motion carried.

Senate Bill No. 88.
Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.
Motion carried.

Senate Bill No. 108.
Assemblymember Jauregui moved that the bill be referred to the Committee on Natural Resources.
Motion carried.

Senate Bill No. 240.
Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.
Motion carried.

Senate Bill No. 262.
Assemblymember Jauregui moved that the bill be referred to the Committee on Health and Human Services.
Motion carried.

Senate Bill No. 373.
Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.
Motion carried.

Senate Bill No. 374.
Assemblymember Jauregui moved that the bill be referred to the Committee on Education.
Motion carried.

Senate Bill No. 432.
Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.
Motion carried.

Senate Bill No. 452.
Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 454.
Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 455.
Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 456.
Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 459.
Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.
Motion carried.

Senate Bill No. 462.
Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 464.
Assemblymember Jauregui moved that the bill be referred to the Committee on Natural Resources.
Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 555.
Bill read second time and ordered to third reading.

Assembly Bill No. 556.
Bill read second time and ordered to third reading.

Senate Bill No. 69.
Bill read second time.
The following amendment was proposed by the Committee on Revenue:
Amendment No. 693.
AN ACT relating to taxation; requiring an applicant for the issuance of transferable tax credits and the partial abatement of certain taxes for a project that is located in an economic diversification district to enter into an agreement with certain local governments to defray the cost of services provided by the local governments under certain circumstances; revising provisions governing applications for the issuance of transferable tax credits and the partial abatement of certain taxes for a project that satisfies certain capital investment and other requirements; authorizing a fire protection district to abate certain fees; and providing other matters properly relating thereto.
Legislative Counsel's Digest:
Existing law authorizes the Office of Economic Development to approve applications for an abatement or partial abatement of certain taxes and the

issuance of transferable tax credits submitted by the lead participant in a qualified project that will make a capital investment in this State of at least $1 billion. (NRS 360.880-360.980) Additionally, existing law authorizes the governing body of a county or city in which a qualified project is or is expected to be located to: (1) create an economic diversification district that includes within its boundaries the qualified project; and (2) pledge for certain purposes the proceeds of all sales and use taxes imposed in the county or city on each participant in the qualified project, other than any sales and use taxes for which an abatement is received. (Chapter 271B of NRS) **Sections 2 and 6** of this bill require, as a condition of eligibility for the transferable tax credits or the abatement or partial abatement of taxes for a project that is or will be located in an economic diversification district, the lead participant to enter into an agreement with the governing body of the city, county or fire protection district in which the project is located, if the governing body so requires, to require the lead participant to make payments to defray the cost of local governmental services and infrastructure to service the project. **Sections 2 and 6: (1) provide that the city or county in which a project is located is the lead negotiator for all such agreements; and (2) authorize a city, county or fire protection district that is not the lead negotiator to enter into an interlocal agreement with the lead negotiator.** **Sections 2, 3, 6 and 7** make records, files and communications exchanged between the lead participant and a county, city or fire protection district for the purpose of entering into certain agreements confidential and prohibit the disclosure of such records, files and communications except with the consent of the lead participant. **Section 10** of this bill provides that these records, files and communications are not public records. **Section 11** of this bill makes a conforming change to reflect that the governing body of a county or city is authorized to enter into agreements with owners of any interest in property for the payment of amounts to defray the costs of local government services, in addition to the agreement which the governing body of the county or city is required to enter into with the lead participant pursuant to **sections 2 and 6**.

Existing law prohibits the Office from approving an application for a partial abatement for a qualified project whose participants intend to make a capital investment in this State of at least $1 billion unless the lead participant of the project has entered into an agreement with the Office establishing certain terms for the abatement, including the date on which the abatement becomes effective, which must not be earlier than the date on which the Office receives the application and not later than 1 year after the date on which the Office approves the application. (NRS 360.889) **Section 2** limits the requirement to state the effective date of the partial abatement in the agreement to partial abatements of property taxes and requires the effective date of such an abatement, as established by the agreement, to be not earlier than July 1 of the fiscal year in which the Office executes the agreement. **Section 6** adds a similar requirement regarding the effective date of an abatement to applications for an abatement for a qualified project whose participants intend to make a capital investment in this State of at least $3.5 billion.

Sections 3 and 7 of this bill require the Office, within 15 days after receipt of an application for transferable tax credits or an abatement or partial abatement of taxes for a project with a capital investment of at least $1 billion in this State, to send a notification containing certain information to each city, county and fire protection district in which the project will be located. **Sections 3 and 7** authorize the disclosure of certain confidential information in an application to an officer or employee of a county, city or fire protection district who is subject to an agreement prohibiting further disclosure of the information. **Sections 3 and 7** require the Office to receive a letter of acknowledgment of an application from certain local governments before considering the application, unless such a letter is not received within 30 days of a request for the letter.

Finally, **sections 3 and 7** require the governing body of the county, city or fire protection district to state in the letter of acknowledgment whether the governing body will require the lead participant to enter into an agreement to defray the cost of local government services and infrastructure.

Existing law authorizes the governing body of a county or city to grant an abatement of all or part of any permitting fee or licensing fee which the local government is authorized to impose, for the purpose of encouraging local economic development. (NRS 360.896, 360.980) **Sections 5 and 9** of this bill similarly authorize a fire protection district to grant an abatement of any permitting fee or licensing fee which the fire protection district is authorized to impose.

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

Section 1. (Deleted by amendment.)

Sec. 2. NRS 360.889 is hereby amended to read as follows:

360.889 1. On behalf of a project, the lead participant in the project may apply to the Office of Economic Development for:

(a) A certificate of eligibility for transferable tax credits which may be applied to:

(1) Any tax imposed by chapters 363A and 363B of NRS;

(2) The gaming license fees imposed by the provisions of NRS 463.370;

(3) Any tax imposed by chapter 680B of NRS; or

(4) Any combination of the fees and taxes described in subparagraphs (1), (2) and (3).

(b) A partial abatement of property taxes, employer excise taxes or local sales and use taxes, or any combination of any of those taxes.

2. For a project to be eligible for the transferable tax credits described in paragraph (a) of subsection 1 and the partial abatement of the taxes described in paragraph (b) of subsection 1, the lead participant in the project must, on behalf of the project:

(a) Submit an application that meets the requirements of subsection 5;

(b) Provide documentation satisfactory to the Office that approval of the application would promote the economic development of this State and aid the implementation of the State Plan for Economic Development developed by the Executive Director of the Office pursuant to subsection 2 of NRS 231.053;

(c) Provide documentation satisfactory to the Office that the participants in the project collectively will make a total new capital investment of at least $1 billion in this State within the 10-year period immediately following approval of the application;

(d) Provide documentation satisfactory to the Office that the participants in the project are engaged in a common business purpose or industry;

(e) Provide documentation satisfactory to the Office that the place of business of each participant is or will be located within the geographic boundaries of the project site or sites;

(f) Provide documentation satisfactory to the Office that each participant in the project is registered pursuant to the laws of this State or commits to obtaining a valid business license and all other permits required by the county, city or town in which the project operates;

(g) Provide documentation satisfactory to the Office of the number of employees engaged in the construction of the project;

(h) Provide documentation satisfactory to the Office of the number of qualified employees employed or anticipated to be employed at the project by the participants;

(i) Provide documentation satisfactory to the Office that each employer engaged in the construction of the project provides a plan of health insurance and that each employee engaged in the construction of the project is offered coverage under the plan of health insurance provided by his or her employer;

(j) Provide documentation satisfactory to the Office that each participant in the project provides a plan of health insurance and that each employee employed at the project by each participant is offered coverage under the plan of health insurance provided by his or her employer;

(k) Provide documentation satisfactory to the Office that at least 50 percent of the employees engaged in construction of the project and 50 percent of the employees employed at the project are residents of Nevada, unless waived by the Executive Director of the Office upon proof satisfactory to the Executive Director of the Office that there is an insufficient number of Nevada residents available and qualified for such employment;

(l) Agree to provide the Office with a full compliance audit of the participants in the project at the end of each fiscal year which:

(1) Shows the amount of money invested in this State by each participant in the project;

(2) Shows the number of employees engaged in the construction of the project and the number of those employees who are residents of Nevada;

(3) Shows the number of employees employed at the project by each participant and the number of those employees who are residents of Nevada; and

(4) Is certified by an independent certified public accountant in this State who is approved by the Office;

(m) Pay the cost of the audit required by paragraph (l);

(n) Enter into an agreement with the governing body of the city or county in which the qualified project is located that:

(1) Requires the lead participant to pay the cost of any engineering or design work necessary to determine the cost of infrastructure improvements required to be made by the governing body pursuant to an economic development financing proposal approved pursuant to NRS 360.990; and

(2) Requires the lead participant to seek reimbursement for any costs paid by the lead participant pursuant to subparagraph (1) from the proceeds of bonds issued pursuant to NRS 360.991; ~~[and]~~

(o) ***If the qualified project is or will be located in an economic diversification district created pursuant to NRS 271B.070 and the governing body of the county, city or fire protection district in which the project is located so requires, enter into an agreement with the governing body that requires the lead participant to make payments:***

(1) In a specified amount or according to an agreed upon formula; and

(2) Which do not exceed ~~[:]~~ the lesser of:

(I) In total for all such agreements, 10 percent of the amount of the partial abatement of property taxes and local sales and use taxes approved for the project; or

(II) The amount necessary to defray, in whole or in part, the cost of local government services and infrastructure necessary to serve the qualified project during the term of the use of any money pledged pursuant to NRS 271B.070; and

(p) Meet any other requirements prescribed by the Office.

3. In addition to meeting the requirements set forth in subsection 2, for a project located on more than one site in this State to be eligible for the partial abatement of the taxes described in paragraph (b) of subsection 1, the lead participant must, on behalf of the project, submit an application that meets the requirements of subsection 5 on or before June 30, 2019, and provide documentation satisfactory to the Office that:

(a) The initial project will have a total of 500 or more full-time employees employed at the site of the initial project and the average hourly wage that will be paid to employees of the initial project in this State is at least 120 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year;

(b) Each participant in the project must be a subsidiary or affiliate of the lead participant; and

(c) Each participant offers primary jobs and:

(1) Except as otherwise provided in subparagraph (2), satisfies the requirements of paragraph (f) or (g) of subsection 2 of NRS 360.750, regardless of whether the business is a new business or an existing business; and

(2) If a participant owns, operates, manufactures, services, maintains, tests, repairs, overhauls or assembles an aircraft or any component of an aircraft, that the participant satisfies the applicable requirements of paragraph (f) or (g) of subsection 2 of NRS 360.753.

➥ If any participant is a data center, as defined in NRS 360.754, any capital investment by that participant must not be counted in determining whether the participants in the project collectively will make a total new capital investment of at least $1 billion in this State within the 10-year period immediately following approval of the application, as required by paragraph (c) of subsection 2.

4. In addition to meeting the requirements set forth in subsection 2, a project is eligible for the transferable tax credits described in paragraph (a) of subsection 1 only if the Interim Finance Committee approves a written request for the issuance of the transferable tax credits. Such a request may only be submitted by the Office and only after the Office has approved the application submitted for the project pursuant to subsection 2. The Interim Finance Committee may approve a request submitted pursuant to this subsection only if the Interim Finance Committee determines that approval of the request:

(a) Will not impede the ability of the Legislature to carry out its duty to provide for an annual tax sufficient to defray the estimated expenses of the State for each fiscal year as set forth in Article 9, Section 2 of the Nevada Constitution; and

(b) Will promote the economic development of this State and aid the implementation of the State Plan for Economic Development developed by the Executive Director of the Office pursuant to subsection 2 of NRS 231.053.

5. An application submitted pursuant to subsection 2 must include:

(a) A detailed description of the project, including a description of the common purpose or business endeavor in which the participants in the project are engaged;

(b) A detailed description of the location of the project, including a precise description of the geographic boundaries of the project site or sites;

(c) The name and business address of each participant in the project, which must be an address in this State;

(d) A detailed description of the plan by which the participants in the project intend to comply with the requirement that the participants collectively make a total new capital investment of at least $1 billion in this State in the 10-year period immediately following approval of the application;

(e) If the application includes one or more partial abatements, an agreement executed by the Office with the lead participant in the project not later than 1 year after the date on which the application was received by the Office which:

(1) Complies with the requirements of NRS 360.755;

(2) States the date on which ~~[the]~~ ***any*** partial abatement ***of property taxes*** becomes effective, as agreed to by the applicant and the Office, which must not be earlier than ~~[the date on]~~ ***July 1 of the fiscal year in*** which the ***agreement is executed by 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 project will, after the date on which a certificate of eligibility for the partial abatement is approved pursuant to NRS 360.893, continue in operation in this State for a period specified by the Office; and

(4) Binds successors in interest of the lead participant for the specified period; ~~[and]~~

(f) ***A copy of each agreement, if any, required by paragraph (o) of subsection 2; and***

(g) Any other information required by the Office.

6. For an employee to be considered a resident of Nevada for the purposes of this section, each participant in the project must maintain the following documents in the personnel file of the employee:

(a) A copy of the:

(1) Current and valid Nevada driver's license of the employee originally issued by the Department of Motor Vehicles more than 60 days before the hiring of the employee or a current and valid identification card for the employee originally issued by the Department of Motor Vehicles more than 60 days before the hiring of the employee; or

(2) If the employee is a veteran of the Armed Forces of the United States, a current and valid Nevada driver's license of the employee or a current and valid identification card for the employee issued by the Department of Motor Vehicles;

(b) If the employee is a registered owner of one or more motor vehicles in Nevada, a copy of the current motor vehicle registration of at least one of those vehicles;

(c) Proof that the employee is employed full-time and scheduled to work for an average minimum of 30 hours per week; and

(d) Proof that the employee is offered coverage under a plan of health insurance provided by his or her employer.

7. For the purpose of obtaining from the Executive Director of the Office any waiver of the requirement set forth in paragraph (k) of subsection 2, the lead participant in the project must submit to the Executive Director of the Office written documentation of the efforts to meet the requirement and documented proof that an insufficient number of Nevada residents is available and qualified for employment.

8. The Executive Director of the Office shall make available to the public and post on the Internet website of the Office:

(a) Any request for a waiver of the requirements set forth in paragraph (k) of subsection 2; and

(b) Any approval of such a request for a waiver that is granted by the Executive Director of the Office.

9. The Executive Director of the Office shall post a request for a waiver of the requirements set forth in paragraph (k) of subsection 2 on the Internet website of the Office within 3 days after receiving the request and shall keep the request posted on the Internet website for not less than 5 days. The Executive Director of the Office shall ensure that the Internet website allows members of the public to post comments regarding the request.

10. The Executive Director of the Office shall consider any comments posted on the Internet website concerning any request for a waiver of the requirements set forth in paragraph (k) of subsection 2 before making a decision regarding whether to approve the request. If the Executive Director of the Office approves the request for a waiver, the Executive Director of the Office must post the approval on the Internet website of the Office within 3 days and ensure that the Internet website allows members of the public to post comments regarding the approval.

11. If an applicant for one or more partial abatements pursuant to this section fails to execute the agreement described in paragraph (e) of subsection 5 within 1 year after the date on which the application was received by the Office, the applicant shall not be approved for a partial abatement pursuant to this section unless the applicant submits a new application.

12. The records, files and communications exchanged between the lead participant in a project and a county, city or fire protection district for the purpose of negotiating and entering into an agreement required pursuant to paragraph (o) of subsection 2 are confidential, not a public record and must not be disclosed to any person who is not an officer or employee of the county, city or fire protection district, unless the lead participant consents to the disclosure. Notwithstanding the provisions of this subsection, a meeting of the governing body of a city, county or fire protection district to approve an agreement required pursuant to paragraph (o) of subsection 2 must be conducted in accordance with the provisions of chapter 241 of NRS.

13. The incorporated city in which a project is located, or the county in which a project is located if the project is not located in an incorporated city, shall serve as the lead negotiator for the purpose of negotiating and entering into any agreement required pursuant to paragraph (o) of subsection 2. The governing body of a county, city or fire protection district which requires an agreement pursuant to paragraph (o) of subsection 2 but which is not the lead negotiator pursuant to this subsection may enter into an interlocal agreement with the lead negotiator concerning the representation of the county, city or fire protection district, as applicable, by the lead negotiator. An interlocal agreement entered into pursuant to this subsection must not require a county, city or fire protection district to compensate the lead negotiator or otherwise impose any monetary obligation on the parties to the interlocal agreement.

14. As used in this section, "local government services and infrastructure" includes, without limitation:

(a) Fire suppression;

(b) Emergency medical services;

(c) Law enforcement;

(d) Emergency management, hazardous materials incident response and emergency mitigation and planning;

(e) ~~***[Emergency dispatch and communications;***~~

~~***(f)]***~~ ***Specialized life-safety response and prevention training;***

~~***[(g) Court services;***~~

~~***(h) General government services, including, without limitation, services provided by the county assessor, recorder, clerk or treasurer and services related to permits, plans and inspections;***~~

~~***(i)]***~~ ***(f) Solid waste management;***

~~***[(j)]***~~ ***(g) Roads;***

~~***[(k)]***~~ ***(h) Stormwater management;***

~~***[(l)]***~~ ***(i) Water and sewer; and***

~~***[(m)]***~~ ***(j) Any other services or infrastructure agreed upon by the lead participant of a project and the county, city or fire protection district.***

Sec. 3. NRS 360.890 is hereby amended to read as follows:

360.890 1. If the Office of Economic Development receives an application pursuant to NRS 360.889, the Office:

(a) Shall ***, not later than 15 days after receiving the application, provide notice of the application to the governing body of each county in which the project will be located, the governing body of any city in which the project will be located and the governing body of any fire protection district in which the project will be located. Not later than 15 days before any public meeting at which the Office will take action on the application, the governing body of each county, city and fire protection district that received notice of the application pursuant to this paragraph may designate a representative of the governing body, who may be a member of the governing body or an employee of the county, city or fire protection district, as applicable, to engage directly with the Office on matters concerning the application and to provide comment to the Office on the application. Notwithstanding the provisions of subsections 5 and 7 and except as otherwise provided in this paragraph, upon the request of a representative designated pursuant to this paragraph, the Office shall disclose to the representative the information contained in the application. Before receiving any information contained in the application, the representative designated pursuant to this paragraph who requested the information must sign a nondisclosure agreement prohibiting the representative from disclosing any information contained in the application to any person other than a person to whom disclosure of the information contained in the application is authorized pursuant to subsection 5 or 7.***

(b) Except as otherwise provided in this paragraph, shall not consider the application unless the Office has requested ***and received*** a letter of acknowledgment of the request for a partial abatement from any county, school district, ***fire protection district,*** city or town which the Office determines may experience a direct economic effect as a result of the partial abatement. ***If, within 30 days of sending a request for a letter of acknowledgment from an entity from which the Office is required to request such a letter, the Office has not received the letter of acknowledgment, the Office may consider the application without receiving the letter of acknowledgment. If the governing body of the county, city or fire protection district wishes to require the lead participant in the project to enter into an agreement pursuant to paragraph (o) of subsection 2 of NRS 360.889, the county, city or fire protection district must state in the letter of acknowledgment that such an agreement will be required and that the cost of local government services and infrastructure necessary to serve the qualified project cannot be recovered through a special use permit or other cost-sharing mechanism available under chapter 278 of NRS.***

[~~(b)~~] ***(c)*** Shall not take any action on the application unless the Office takes that action at a public meeting conducted for that purpose.

[~~(c)~~] ***(d)*** Shall, at least 30 days before any public meeting conducted for the purpose of taking any action on the application, provide notice of the application and the date, time and location of the public meeting at which the Office will consider the application to:

(1) Each participant in the project;

(2) The Department;

(3) The Nevada Gaming Control Board;

(4) The governing body of the county, the board of trustees of the school district ***, the governing body of the fire protection district*** and the governing body of the city or town, if any, in which the project will be located;

(5) The governing body of any other political subdivision that the Office determines could experience a direct economic effect as a result of the abatement; and

(6) The general public.

2. The date of the public meeting to consider an application submitted pursuant to NRS 360.889 must be not later than 60 days after the date on which the Office receives the completed application.

3. The Office shall approve an application submitted pursuant to NRS 360.889 if the Office finds that the project is a qualified project. The Office shall issue a decision on the application not later than 30 days after the conclusion of the public meeting on the application. Not later than 30 days after the Office issues a decision approving an application submitted pursuant to NRS 360.889 in which the lead participant applies for a certificate of eligibility for the transferable tax credits described in paragraph (a) of subsection 1 of NRS 360.889, the Office must submit a written request to the Interim Finance Committee for approval of the issuance of the transferable tax credits.

4. The lead participant in a qualified project shall submit all accountings and other required information to the Office and the Department not later than 30 days after a date specified in the decision issued by the Office. If the Office

or the Department determines that information submitted pursuant to this subsection is incomplete, the lead participant shall, not later than 30 days after receiving notice that the information is incomplete, provide to the Office or the Department, as applicable, all additional information required by the Office or the Department.

5. Until the Office of Economic Development provides notice of the application and the public meeting pursuant to paragraph ~~[(c)]~~ ***(d)*** of subsection 1, the information contained in the application provided to the Office of Economic Development:

(a) Is confidential proprietary information of the business;

(b) Is not a public record; and

(c) ~~[Must]~~ ***Except as otherwise provided in this paragraph, must*** not be disclosed to any person who is not an officer or employee of the Office of Economic Development unless the lead participant consents to the disclosure. ***The information contained in the application provided to the Office of Economic Development may be disclosed to any of the following persons:***

(1) A representative of the governing body of a county, city or fire protection district who was designated pursuant to paragraph (a) of subsection 1 and has signed a nondisclosure agreement prohibiting the representative from disclosing any information contained in the application to any person, except as authorized by this subsection.

(2) An officer or employee of a county, city or fire protection district that has designated a representative pursuant to paragraph (a) of subsection 1 if the officer or employee has signed a nondisclosure agreement prohibiting the officer or employee from disclosing any information contained in the application, except as authorized by this subsection.

6. After the Office provides notice of the application and the public meeting pursuant to paragraph ~~[(c)]~~ ***(d)*** of subsection 1:

(a) The application is a public record; and

(b) Upon request by any person, the Executive Director of the Office shall disclose the application to the person who made the request, except for any information in the application that is protected from disclosure pursuant to subsection 7.

7. Before the Executive Director of the Office discloses the application to the public, the lead participant may submit a request to the Executive Director of the Office to protect from disclosure any information in the application 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 of the Office shall determine whether to protect the information from disclosure. The decision of the Executive Director of the Office is final and is not subject to judicial review. If the Executive Director of the Office 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 of the Office from any copy of the application that is disclosed to the public; and

(d) ~~[Must]~~ ***Except as otherwise provided in this paragraph, must*** not be disclosed to any person who is not an officer or employee of the Office of Economic Development unless the lead participant consents to the disclosure. ***The information contained in the application provided to the Office of Economic Development may be disclosed to any of the following persons:***

(1) A representative of the governing body of a county, city or fire protection district who was designated pursuant to paragraph (a) of subsection 1 and has signed a nondisclosure agreement prohibiting the representative from disclosing any information contained in the application to any person, except as authorized by this subsection.

(2) An officer or employee of a county, city or fire protection district that has designated a representative pursuant to paragraph (a) of subsection 1 if the officer or employee has signed a nondisclosure agreement prohibiting the officer or employee from disclosing any information contained in the application, except as authorized by this subsection.

8. The records, files and communications exchanged between the lead participant in a project and a county, city or fire protection district for the purpose of negotiating and entering into a nondisclosure agreement pursuant to subsection 1, 5 or 7 are confidential, not a public record and must not be disclosed to any person who is not an officer or employee of the county, city or fire protection district, unless the lead participant consents to the disclosure. Notwithstanding the provisions of this subsection, a meeting of the governing body of a city, county or fire protection district to approve an agreement pursuant to subsection 1, 5 or 7 must be conducted in accordance with the provisions of chapter 241 of NRS.

Sec. 4. (Deleted by amendment.)

Sec. 5. NRS 360.896 is hereby amended to read as follows:

360.896 1. For the purpose of encouraging local economic development, the governing body of a city ***,*** ~~[or]~~ county ***or fire protection district*** in which a qualified project is located may grant to any participant in a qualified project an abatement of all or any percentage of the amount of any permitting fee or licensing fee which the local government is authorized to impose or charge pursuant to chapter 244 ***,*** ~~[or]~~ 268 ***or 474*** of NRS.

2. Before granting any abatement pursuant to subsection 1, the governing body of the city or county must provide by ordinance ***and a fire protection district must provide by regulation*** for a pilot project for granting abatements to participants in a qualified project.

3. A governing body of a city ***,*** ~~[or]~~ county ***or fire protection district*** that grants an abatement pursuant to subsection 1 shall, on or before October 1 of each year in which such an abatement is granted, prepare and submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature an annual report which includes, for the immediately preceding fiscal year:

(a) The number of qualified projects located within the jurisdiction of the governing body for which a certificate of eligibility for transferable tax credits was approved;

(b) If applicable, the number and dollar amount of the abatements granted by the governing body pursuant to subsection 1; and

(c) The number of persons within the jurisdiction of the governing body that were employed by each participant in a qualified project and the amount of wages paid to those persons.

Sec. 6. NRS 360.945 is hereby amended to read as follows:

360.945 1. On behalf of a project, the lead participant in the project may apply to the Office of Economic Development for:

(a) A certificate of eligibility for transferable tax credits which may be applied to:

(1) Any tax imposed by chapters 363A and 363B of NRS;

(2) The gaming license fees imposed by the provisions of NRS 463.370;

(3) Any tax imposed by chapter 680B of NRS; or

(4) Any combination of the fees and taxes described in subparagraphs (1), (2) and (3).

(b) An abatement of property taxes, employer excise taxes or local sales and use taxes, or any combination of any of those taxes.

2. For a project to be eligible for the transferable tax credits described in paragraph (a) of subsection 1 and abatement of the taxes described in paragraph (b) of subsection 1, the lead participant in the project must, on behalf of the project:

(a) Submit an application that meets the requirements of subsection 3;

(b) Provide documentation satisfactory to the Office that approval of the application would promote the economic development of this State and aid the implementation of the State Plan for Economic Development developed by the Executive Director of the Office pursuant to subsection 2 of NRS 231.053;

(c) Provide documentation satisfactory to the Office that the participants in the project collectively will make a total new capital investment of at least $3.5 billion in this State within the 10-year period immediately following approval of the application;

(d) Provide documentation satisfactory to the Office that the participants in the project are engaged in a common business purpose or industry;

(e) Provide documentation satisfactory to the Office that the place of business of each participant is or will be located within the geographic boundaries of the project site;

(f) Provide documentation satisfactory to the Office that each participant in the project is registered pursuant to the laws of this State or commits to obtaining a valid business license and all other permits required by the county, city or town in which the project operates;

(g) Provide documentation satisfactory to the Office of the number of employees engaged in the construction of the project;

(h) Provide documentation satisfactory to the Office of the number of qualified employees employed or anticipated to be employed at the project by the participants;

(i) Provide documentation satisfactory to the Office that each employer engaged in the construction of the project provides a plan of health insurance and that each employee engaged in the construction of the project is offered coverage under the plan of health insurance provided by his or her employer;

(j) Provide documentation satisfactory to the Office that each participant in the project provides a plan of health insurance and that each employee employed at the project by each participant is offered coverage under the plan of health insurance provided by his or her employer;

(k) Provide documentation satisfactory to the Office that at least 50 percent of the employees engaged in construction of the project and 50 percent of the employees employed at the project are residents of Nevada, unless waived by the Executive Director of the Office upon proof satisfactory to the Executive Director of the Office that there is an insufficient number of Nevada residents available and qualified for such employment;

(l) Agree to provide the Office with a full compliance audit of the participants in the project at the end of each fiscal year which:

(1) Shows the amount of money invested in this State by each participant in the project;

(2) Shows the number of employees engaged in the construction of the project and the number of those employees who are residents of Nevada;

(3) Shows the number of employees employed at the project by each participant and the number of those employees who are residents of Nevada; and

(4) Is certified by an independent certified public accountant in this State who is approved by the Office;

(m) Pay the cost of the audit required by paragraph (l);

(n) Enter into an agreement with the governing body of the city or county in which the qualified project is located that:

(1) Requires the lead participant to pay the cost of any engineering or design work necessary to determine the cost of infrastructure improvements required to be made by the governing body pursuant to an economic development financing proposal approved pursuant to NRS 360.990; and

(2) Requires the lead participant to seek reimbursement for any costs paid by the lead participant pursuant to subparagraph (1) from the proceeds of bonds of the State of Nevada issued pursuant to NRS 360.991; ~~[and]~~

(o) ***If the qualified project is or will be located in an economic diversification district created pursuant to NRS 271B.070 and the governing body of the county, city or fire protection district in which the project is located so requires, enter into an agreement with the governing body that requires the lead participant to make payments:***

(1) In a specified amount or according to an agreed upon formula; and

(2) Which do not exceed ~~[:]~~ ***the lesser of:***

(I) In total for all such agreements, ~~***[20]***~~ ***10 percent of the amount of the partial abatement of property taxes and local sales and use taxes approved for the project; or***

(II) The amount necessary to defray, in whole or in part, the cost of local government services and infrastructure necessary to serve the qualified project during the term of the use of any money pledged pursuant to NRS 271B.070; and

(p) Meet any other requirements prescribed by the Office.

3. An application submitted pursuant to subsection 2 must include:

(a) A detailed description of the project, including a description of the common purpose or business endeavor in which the participants in the project are engaged;

(b) A detailed description of the location of the project, including a precise description of the geographic boundaries of the project site;

(c) The name and business address of each participant in the project, which must be an address in this State;

(d) A detailed description of the plan by which the participants in the project intend to comply with the requirement that the participants collectively make a total new capital investment of at least $3.5 billion in this State in the 10-year period immediately following approval of the application;

(e) If the application includes one or more abatements, an agreement executed by the Office with the lead participant in the project not later than 1 year after the date on which the application was received by the Office which:

(1) Complies with the requirements of NRS 360.755;

(2) ***States the date on which any abatement of property taxes becomes effective, as agreed to by the applicant and the Office, which must not be earlier than July 1 of the fiscal year in which the agreement is executed by the Office and not later than 1 year after the date on which the Office approves the application;***

(3) States that the project will, after the date on which a certificate of eligibility for the abatement is approved pursuant to NRS 360.965, continue in operation in this State for a period specified by the Office; and

~~[(3)]~~ ***(4)*** Binds successors in interest of the lead participant for the specified period; ~~[and]~~

(f) ***A copy of each agreement, if any, required pursuant to paragraph (o) of subsection 2; and***

(g) Any other information required by the Office.

4. For an employee to be considered a resident of Nevada for the purposes of this section, each participant in the project must maintain the following documents in the personnel file of the employee:

(a) A copy of the current and valid Nevada driver's license of the employee or a current and valid identification card for the employee issued by the Department of Motor Vehicles;

(b) If the employee is a registered owner of one or more motor vehicles in Nevada, a copy of the current motor vehicle registration of at least one of those vehicles;

(c) Proof that the employee is employed full-time and scheduled to work for an average minimum of 30 hours per week; and

(d) Proof that the employee is offered coverage under a plan of health insurance provided by his or her employer.

5. For the purpose of obtaining from the Executive Director of the Office any waiver of the requirement set forth in paragraph (k) of subsection 2, the lead participant in the project must submit to the Executive Director of the Office written documentation of the efforts to meet the requirement and documented proof that an insufficient number of Nevada residents is available and qualified for employment.

6. The Executive Director of the Office shall make available to the public and post on the Internet website for the Office:

(a) Any request for a waiver of the requirements set forth in paragraph (k) of subsection 2; and

(b) Any approval of such a request for a waiver that is granted by the Executive Director of the Office.

7. The Executive Director of the Office shall post a request for a waiver of the requirements set forth in paragraph (k) of subsection 2 on the Internet website of the Office within 3 days after receiving the request and shall keep the request posted on the Internet website for not less than 5 days. The Executive Director of the Office shall ensure that the Internet website allows members of the public to post comments regarding the request.

8. The Executive Director of the Office shall consider any comments posted on the Internet website concerning any request for a waiver of the requirements set forth in paragraph (k) of subsection 2 before making a decision regarding whether to approve the request. If the Executive Director of the Office approves the request for a waiver, the Executive Director of the Office must post the approval on the Internet website of the Office within 3 days and ensure that the Internet website allows members of the public to post comments regarding the approval.

9. If an applicant for one or more abatements pursuant to this section fails to execute the agreement described in paragraph (e) of subsection 3 within 1 year after the date on which the application was received by the Office, the applicant shall not be approved for an abatement pursuant to this section unless the applicant submits a new application.

10. The records, files and communications exchanged between the lead participant in a project and a county, city or fire protection district for the purpose of negotiating and entering into an agreement required pursuant to paragraph (o) of subsection 2 are confidential, not a public record and must not be disclosed to any person who is not a party to the negotiations, unless the lead participant consents to the disclosure. Notwithstanding the provisions of this subsection, a meeting of the governing body of a city,

county or fire protection district to approve an agreement required pursuant to paragraph (o) of subsection 2 must be conducted in accordance with the provisions of chapter 241 of NRS.

11. The incorporated city in which a project is located, or the county in which a project is located if the project is not located in an incorporated city, shall serve as the lead negotiator for the purpose of negotiating and entering into any agreement required pursuant to paragraph (o) of subsection 2. The governing body of a county, city or fire protection district which requires an agreement pursuant to paragraph (o) of subsection 2 but which is not the lead negotiator pursuant to this subsection may enter into an interlocal agreement with the lead negotiator concerning the representation of the county, city or fire protection district, as applicable, by the lead negotiator. An interlocal agreement entered into pursuant to this subsection must not require a county, city or fire protection district to compensate the lead negotiator or otherwise impose any monetary obligation on the parties to the interlocal agreement.

12. As used in this section, "local government services and infrastructure" includes, without limitation:

(a) Fire suppression;

(b) Emergency medical services;

(c) Law enforcement;

(d) Emergency management, hazardous materials incident response and emergency mitigation and planning;

(e) ~~***[Emergency dispatch and communications;***~~

~~***(f)]***~~ ***Specialized life-safety response and prevention training;***

~~***[(g) Court services;***~~

~~***(h) General government services, including, without limitation, services provided by the county assessor, recorder, clerk or treasurer and services related to permits, plans and inspections;***~~

~~***(i)]***~~ ***(f) Solid waste management;***

~~***[(j)]***~~ ***(g) Roads;***

~~***[(k)]***~~ ***(h) Stormwater management;***

~~***[(l)]***~~ ***(i) Water and sewer; and***

~~***[(m)]***~~ ***(j) Any other services or infrastructure agreed upon by the lead participant of a project and the county, city or fire protection district.***

Sec. 7. NRS 360.950 is hereby amended to read as follows:

360.950 1. If the Office of Economic Development receives an application pursuant to NRS 360.945, the Office:

(a) Shall ***, not later than 15 days after receiving the application, provide notice of the application to the governing body of each county in which the project will be located, the governing body of any city in which the project will be located and the governing body of any fire protection district in which the project will be located. Not later than 15 days before any public meeting at which the Office will take action on the application, the governing body of each county, city and fire protection district that received notice of the***

application pursuant to this paragraph may designate a representative of the governing body, who may be a member of the governing body or an employee of the county, city or fire protection district, as applicable, to engage directly with the Office on matters concerning the application and to provide comment to the Office on the application. Notwithstanding the provisions of subsections 5 and 7 and except as otherwise provided in this paragraph, upon the request of a representative designated pursuant to this paragraph, the Office shall disclose to the representative the information contained in the application. Before receiving any information contained in the application, the representative designated pursuant to this paragraph who requested the information must sign a nondisclosure agreement prohibiting the representative from disclosing any information contained in the application to any person other than a person to whom disclosure of the information contained in the application is authorized pursuant to subsection 5 or 7.

(b) Except as otherwise provided in this paragraph, shall not consider the application unless the Office has requested ***and received*** a letter of acknowledgment of the request for an abatement from any county, school district, ***fire protection district,*** city or town which the Office determines may experience a direct economic effect as a result of the abatement. ***If, within 30 days of sending a request for a letter of acknowledgment from an entity from which the Office is required to request such a letter, the Office has not received the letter of acknowledgment, the Office may consider the application without receiving the letter of acknowledgment. If the governing body of the county, city or fire protection district wishes to require the lead participant in the project to enter into an agreement pursuant to paragraph (o) of subsection 2 of NRS 360.945, the county, city or fire protection district must state in the letter of acknowledgment that such an agreement will be required and that the cost of local government services and infrastructure necessary to serve the qualified project cannot be recovered through a special use permit or other cost-sharing mechanism available under chapter 278 of NRS.***

[~~(b)~~] ***(c)*** Shall not take any action on the application unless the Office takes that action at a public meeting conducted for that purpose.

[~~(c)~~] ***(d)*** Shall, at least 30 days before any public meeting conducted for the purpose of taking any action on the application, provide notice of the application and the date, time and location of the public meeting at which the Office will consider the application to:

(1) Each participant in the project;

(2) The Department;

(3) The Nevada Gaming Control Board;

(4) The governing body of the county, the board of trustees of the school district ***, the governing body of the fire protection district*** and the governing body of the city or town, if any, in which the project will be located;

(5) The governing body of any other political subdivision that the Office determines could experience a direct economic effect as a result of the abatement; and

(6) The general public.

2. The date of the public meeting to consider an application submitted pursuant to NRS 360.945 must be not later than 60 days after the date on which the Office receives the completed application.

3. The Office shall approve an application submitted pursuant to NRS 360.945 if the Office finds that the project is a qualified project. The Office shall issue a decision on the application not later than 30 days after the conclusion of the public meeting on the application.

4. The lead participant in a qualified project shall submit all accountings and other required information to the Office and the Department not later than 30 days after a date specified in the decision issued by the Office. If the Office or the Department determines that information submitted pursuant to this subsection is incomplete, the lead participant shall, not later than 30 days after receiving notice that the information is incomplete, provide to the Office or the Department, as applicable, all additional information required by the Office or the Department.

5. Until the Office of Economic Development provides notice of the application and the public meeting pursuant to paragraph ~~[(c)]~~ ***(d)*** of subsection 1, the information contained in the application provided to the Office of Economic Development:

(a) Is confidential proprietary information of the business;

(b) Is not a public record; and

(c) ~~[Must]~~ ***Except as otherwise provided in this paragraph, must*** not be disclosed to any person who is not an officer or employee of the Office of Economic Development unless the lead participant consents to the disclosure. ***The information contained in the application provided to the Office of Economic Development may be disclosed to any of the following persons:***

(1) A representative of the governing body of a county, city or fire protection district who was designated pursuant to paragraph (a) of subsection 1 and has signed a nondisclosure agreement prohibiting the representative from disclosing any information contained in the application to any person, except as authorized by this subsection.

(2) An officer or employee of a county, city or fire protection district that has designated a representative pursuant to paragraph (a) of subsection 1 if the officer or employee has signed a nondisclosure agreement prohibiting the officer or employee from disclosing any information contained in the application, except as authorized by this subsection.

6. After the Office provides notice of the application and the public meeting pursuant to paragraph ~~[(c)]~~ ***(d)*** of subsection 1:

(a) The application is a public record; and

(b) Upon request by any person, the Executive Director of the Office shall disclose the application to the person who made the request, except for any information in the application that is protected from disclosure pursuant to subsection 7.

7. Before the Executive Director of the Office discloses the application to the public, the lead participant may submit a request to the Executive Director of the Office to protect from disclosure any information in the application 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 of the Office shall determine whether to protect the information from disclosure. The decision of the Executive Director of the Office is final and is not subject to judicial review. If the Executive Director of the Office 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 of the Office from any copy of the application that is disclosed to the public; and

(d) ~~[Must]~~ ***Except as otherwise provided in this paragraph, must*** not be disclosed to any person who is not an officer or employee of the Office of Economic Development unless the lead participant consents to the disclosure. ***The information contained in the application provided to the Office of Economic Development may be disclosed to any of the following persons:***

(1) A representative of the governing body of a county, city or fire protection district who was designated pursuant to paragraph (a) of subsection 1 and has signed a nondisclosure agreement prohibiting the representative from disclosing any information contained in the application to any person, except as authorized by this subsection.

(2) An officer or employee of a county, city or fire protection district that has designated a representative pursuant to paragraph (a) of subsection 1 if the officer or employee has signed a nondisclosure agreement prohibiting the officer or employee from disclosing any information contained in the application, except as authorized by this subsection.

8. The records, files and communications exchanged between the lead participant in a project and a county, city or fire protection district for the purpose of negotiating and entering into a nondisclosure agreement pursuant to subsection 1, 5 or 7 are confidential, not a public record and must not be disclosed to any person who is not an officer or employee of the county, city or fire protection district, unless the lead participant consents to the disclosure. Notwithstanding the provisions of this subsection, a meeting of the governing body of a city, county or fire protection district to approve an agreement pursuant to subsection 1, 5 or 7 must be conducted in accordance with the provisions of chapter 241 of NRS.

Sec. 8. (Deleted by amendment.)

Sec. 9. NRS 360.980 is hereby amended to read as follows:

360.980 1. For the purpose of encouraging local economic development, the governing body of a city ***,*** ~~[or]~~ county ***or fire protection district*** in which a qualified project is located may grant to any participant in a qualified project an abatement of all or any percentage of the amount of any permitting fee or licensing fee which the local government is authorized to impose or charge pursuant to chapter 244 ***,*** ~~[or]~~ 268 ***or 474*** of NRS.

2. Before granting any abatement pursuant to subsection 1, the governing body of the city or county must provide by ordinance ***and a fire protection district must provide by regulation*** for a pilot project for granting abatements to participants in a qualified project.

3. A governing body of a city ***,*** ~~[or]~~ county ***or fire protection district*** that grants an abatement pursuant to subsection 1 shall, on or before October 1 of each year in which such an abatement is granted, prepare and submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature an annual report which includes, for the immediately preceding fiscal year:

(a) The number of qualified projects located within the jurisdiction of the governing body for which a certificate of eligibility for transferable tax credits was approved;

(b) If applicable, the number and dollar amount of the abatements granted by the governing body pursuant to subsection 1; and

(c) The number of persons within the jurisdiction of the governing body that were employed by each participant in a qualified project and the amount of wages paid to those persons.

Sec. 10. 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, 164.041, 172.075, 172.245, 176.01334, 176.01385, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 178.5717, 179.495, 179A.070, 179A.165, 179D.160, 180.600, 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, 218G.615, 224.240, 226.462, 226.796, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1285, 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, 247.545, 247.550, 247.560, 250.087, 250.130, 250.140, 250.145, 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, 293.909, 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, 353D.250, 360.240, 360.247, 360.255, 360.755, ***360.889, 360.890, 360.945, 360.950,*** 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, 427A.940, 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, 439.5282, 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, 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, 604D.500, 604D.600, 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, 629.043, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.2687, 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, 633.427, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 634B.730, 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, 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, 670B.680, 671.365, 671.415, 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. 11. NRS 271B.110 is hereby amended to read as follows:

271B.110 ~~[The]~~ ***In addition to any agreement required pursuant to NRS 360.889 or 360.945, the*** governing body of a municipality may enter into an agreement with one or more of the owners of any interest in property within a district, pursuant to which that owner would agree to make payments to the municipality or to another local government that provides services in the district, or to both, to defray, in whole or in part, the cost of local governmental services during the term of the use of any money pledged pursuant to NRS 271B.070. Such an agreement must specify the amount to be paid by the owner of the property interest, which may be stated as a specified amount per year or as an amount based upon any formula upon which the municipality and owner agree.

Sec. 12. 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. 13. 1. The amendatory provisions of sections 2 and 3 of this act apply only to an application submitted to the Office of Economic Development pursuant to NRS 360.889 on or after October 1, 2025.

2. The amendatory provisions of sections 6 and 7 of this act apply only to an application submitted to the Office of Economic Development pursuant to NRS 360.945 on or after October 1, 2025.

Sec. 14. 1. This section and sections 1, 10, 12 and 13 of this act become effective on October 1, 2025.

2. Sections 2 to 5, inclusive, of this act become effective on October 1, 2025, and expire by limitation on June 30, 2032.

3. Sections 6 to 9, inclusive, and 11 of this act become effective on October 1, 2025, and expire by limitation on June 30, 2036.

Assemblymember Backus moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 80.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 710.

AN ACT relating to motor vehicles; expanding to certain employees of the Department of Motor Vehicles the authority to inspect vehicles to determine rightful ownership or possession; ~~[requiring businesses that repair certain motortrucks to comply with provisions regulating garages, garage operators and body shops;]~~ authorizing certain employees of the Department to apply for certain court orders and complete necessary affidavits for such orders; ~~[revising provisions]~~ prohibiting a person from tampering with a device for the control of emissions of a motor vehicle or removing such a device from a motor vehicle; **prohibiting a person from possessing an electronic device capable of tampering with a device for the control of emissions of a motor vehicle; providing penalties;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes an employee of the Department of Public Safety or a local law enforcement agency whose primary responsibility is to conduct investigations involving the theft of motor vehicles to inspect, under certain circumstances, the identification numbers of a vehicle and the title or registration of a vehicle or a part of the vehicle for the purpose of locating stolen vehicles. (NRS 480.610) **Section 1** of this bill additionally authorizes an employee of the Department of Motor Vehicles whose primary responsibility is to conduct investigations involving the theft of motor vehicles to conduct such an inspection.

~~[Existing law exempts a business that only performs services on motortrucks with a gross weight of more than 10,000 pounds from: (1) the requirement to be registered as a garage or licensed as a body shop; and (2) other requirements governing the operation of garages and body shops. (NRS 487.532, 487.540, 487.550, 487.560-487.687) Section 4 of this bill removes that exemption, thereby requiring such a business to comply with those requirements.]~~

Existing law requires a person to obtain an order from a court before installing or using a pen register or trap and trace device, except as otherwise authorized by federal law. Existing law authorizes a peace officer to apply for such an order if an application is supported by an affidavit by a peace officer that complies with federal law. (NRS 179.530) **Section 6** of this bill additionally authorizes personnel of the Department of Motor Vehicles who have the powers of a peace officer to apply for such an order from a court and complete the required supporting affidavits.

Existing law makes it unlawful for a person to: (1) possess or issue fraudulent or unauthorized evidence that a motor vehicle complies with the required equipment for the control of emissions from engines; or (2) willfully and knowingly fail to comply with any provision relating to the control of emissions from engines. (NRS 445B.840) **Section 7** of this bill **prohibits a person from tampering with a device for the control of emissions of a**

motor vehicle or removing such a device from a motor vehicle. Section 7 establishes circumstances under which exchanging the engine of a motor vehicle for a different engine ~~[is not unlawful.]~~ **does not violate this prohibition. Section 7 additionally prohibits a person from possessing an electronic device capable of tampering with a device for the control of emissions of a motor vehicle.** A violation of the prohibitions imposed by **section 7** would be a misdemeanor. (NRS 445B.845)

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

Section 1. NRS 480.610 is hereby amended to read as follows:

480.610 1. For the purpose of locating stolen vehicles, except as otherwise provided in subsection 3, an employee of the Department ***of Public Safety, the Department of Motor Vehicles*** or a local law enforcement agency whose primary responsibility is to conduct investigations involving the theft of motor vehicles, may inspect:

(a) The identification numbers of a vehicle that is on the highway or in any garage, repair shop, terminal, parking facility, establishment where new or used vehicles or equipment for vehicles are sold, leased or rented, vehicle salvage pool or any other similar establishment, or any commercial location where agricultural or construction work is being actively performed; and

(b) The title or registration of a vehicle described in paragraph (a) to determine the rightful ownership or possession of the vehicle or an identifiable component part.

2. Whenever possible, a person who conducts an inspection pursuant to this section shall conduct the inspection during normal business hours and in such a manner as to minimize any interference with or delay of the business operations of the establishment where the inspection takes place.

3. A person may not conduct an inspection pursuant to this section of a terminal that is privately owned or a parking facility that is privately owned unless, before conducting the inspection, the person obtains permission to conduct the inspection from:

(a) The owner of the terminal or parking facility; or

(b) An agent or representative of the owner who has been authorized by the owner to grant permission to a person seeking to conduct an inspection pursuant to this section.

4. As used in this section:

(a) "Garage" has the meaning ascribed to it in NRS 487.540.

(b) "Identifiable component part" means a component of a motor vehicle that may be distinguished from other similar components by a serial number or other distinguishing number, sign or mark.

(c) "Local law enforcement agency" means:

(1) The sheriff's office of a county;

(2) A metropolitan police department; or

(3) A police department of an incorporated city.

(d) “Parking facility” means a parking deck, parking garage, parking structure or paved or unpaved parking lot that members of the public regularly enter, are reasonably likely to enter, or are invited or permitted to enter as invitees or licensees.

(e) “Terminal” means a terminal that members of the public regularly enter, are reasonably likely to enter, or are invited or permitted to enter as invitees or licensees.

(f) “Vehicle” has the meaning ascribed to it in NRS 482.135.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. ~~[NRS 487.550 is hereby amended to read as follows:~~

~~487.550 “Motor vehicle” means:~~

~~1. A passenger car as defined in NRS 482.087;~~

~~2. A mini motor home as defined in NRS 482.066;~~

~~3. A motor home as defined in NRS 482.071;~~

~~4. A recreational vehicle as defined in NRS 482.101;~~

~~5. A motortruck as defined in NRS 482.073 ; [if the gross weight of the vehicle is 10,000 pounds or less;]~~

~~6. A motorcycle as defined in NRS 482.070; and~~

~~7. A trimobile as defined in NRS 482.129.]~~ **(Deleted by amendment.)**

Sec. 5. (Deleted by amendment.)

Sec. 6. NRS 179.530 is hereby amended to read as follows:

179.530 1. Except as otherwise provided in 18 U.S.C. §§ 3121-3127, a person shall not install or use a pen register or trap and trace device without first obtaining an order from a district court of this State.

2. District courts of this State may issue orders authorizing the installation and use of a pen register or trap and trace device upon the application of a district attorney, the Attorney General or their deputies or of a peace officer, supported by an affidavit of a peace officer under the circumstances and upon the conditions prescribed by 18 U.S.C. §§ 3121-3127.

3. The district court may accept a facsimile or electronic copy of the signature of any person required to give an oath or affirmation as part of an application submitted pursuant to subsection 2 as an original signature to the application.

4. Secure electronic transmission may be used for the submission of an application and affidavit required by subsection 2 and for the issuance of an order authorizing the installation and use of a pen register or trap and trace device. The Nevada Supreme Court may adopt rules not inconsistent with the laws of this State to carry out the provisions of this subsection.

5. A public utility that relies, in good faith, upon an order of a district court authorizing the installation and use of a pen register or trap and trace device is not liable in any civil or criminal action brought against the public utility for the installation and use of the pen register or trap and trace device in accordance with the order of the court.

6. As used in this section:

(a) "Peace officer" means:

(1) Sheriffs of counties and metropolitan police departments and their deputies;

(2) Personnel of the Department of Public Safety ***and the Department of Motor Vehicles*** who have the powers of peace officers pursuant to NRS 289.270;

(3) Police officers of cities and towns;

(4) Agents of the Nevada Gaming Control Board who are investigating any violation of subsection 2 or 3 of NRS 463.360 or chapter 465 of NRS;

(5) Special investigators employed by the Attorney General who have the powers of peace officers pursuant to NRS 289.170;

(6) Investigators employed by a district attorney who have the powers of peace officers pursuant to NRS 289.170;

(7) The Inspector General of the Department of Corrections and the criminal investigators employed by the Department who have the powers of peace officers pursuant to NRS 289.220; and

(8) Federal law enforcement officers who are members of a task force composed of federal and state or local law enforcement agencies.

(b) "Pen register" has the meaning ascribed to it in 18 U.S.C. § 3127(3).

(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.

(d) "Trap and trace device" has the meaning ascribed to it in 18 U.S.C. § 3127(4).

Sec. 7. NRS 445B.840 is hereby amended to read as follows:

445B.840 ***1.*** It is unlawful for any person to:

~~[1.]~~ ***(a)*** Possess any unauthorized evidence of compliance;

~~[2.]~~ ***(b)*** Make, issue or use any imitation or counterfeit evidence of compliance;

~~[3.]~~ ***(c)*** Willfully and knowingly fail to comply with the provisions of NRS 445B.700 to 445B.815, inclusive, or any regulation adopted by the Department of Motor Vehicles; ~~[or~~

~~4.]~~ ***(d)*** Issue evidence of compliance if he or she is not a licensed inspector of an authorized inspection station, authorized station or fleet station ~~[.]~~ ***;*** ~~***[or]***~~

(e) Except as otherwise provided in subsection 2, tamper with a device for the control of emissions of a motor vehicle or remove such a device from a motor vehicle, including, without limitation, exchanging the engine of a motor vehicle for a different engine ~~***[.]***~~ ***; or***

(f) Possess an electronic device capable of tampering with a device for the control of emissions of a motor vehicle.

2. A person does not violate paragraph (e) of subsection 1 by exchanging the engine of a motor vehicle for ~~[a]~~ :

(a) An electric motor; or

(b) A different engine if ~~[:~~

~~(a) The engine being inserted into the motor vehicle is of the same classification as the engine being removed from the motor vehicle;~~

~~(b) The engine being inserted into the motor vehicle is of the same model year as or newer than the engine being removed from the motor vehicle;~~

~~(c) Any]~~ any device for the control of emissions of a motor vehicle that is included with the engine being inserted into the motor vehicle is ~~[:~~

~~(1) Operational;~~

~~(2) Certified by the United States Environmental Protection Agency; and~~

~~(3) Maintained in the configuration for which the device was certified pursuant to subparagraph (2); and~~

~~(d) The motor vehicle and any necessary documentation for the engine being inserted into the motor vehicle is submitted to the Department of Motor Vehicles for inspection and approved by the Department of Motor Vehicles.]~~ operational.

Sec. 8. (Deleted by amendment.)

Assemblymember Watts moved the adoption of the amendment.
Amendment adopted.
Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 89.
Bill read second time and ordered to third reading.

Senate Bill No. 115.
Bill read second time.
The following amendment was proposed by the Committee on Education:
Amendment No. 612.

AN ACT relating to education; authorizing the board of trustees of a school district or governing body of a charter school to provide a stipend to **certain** teachers who teach pupils enrolled in a program of bilingual education; requiring information concerning such stipends to be included in certain reports prepared by the board of trustees of each school district and the governing body of each charter school; requiring the Commission on Professional Standards in Education to adopt regulations requiring teachers to hold an endorsement to teach pupils enrolled in a program of bilingual education; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Commission on Professional Standards in Education and requires the Commission to adopt regulations prescribing the qualifications for licensing teachers and other educational personnel. (NRS 391.011, 391.019) Under existing law, such regulations must include a requirement that to be eligible to teach in a field of specialization, a teacher is required to obtain from the Department of Education an endorsement in that field of specialization, unless the Superintendent of Public Instruction approves a request submitted by the board of trustees of a school district to employ licensed teachers who do not hold an endorsement to teach in a subject area for which there is a shortage of teachers at a public school within the district. (NRS 391.019, 391.125) Existing regulations: (1) require that to teach pupils enrolled in a program of bilingual education, a person must hold an endorsement issued by the Department to teach pupils in a program of bilingual education and pass an examination or assessment to demonstrate language proficiency; and (2) establish the requirements for a person to obtain such an endorsement. (NAC 391.059, 391.242) **Section 4** of this bill specifically requires the regulations adopted by the Commission to include a requirement that to teach pupils enrolled in a program of bilingual education, a person must hold an endorsement issued by the Department to teach pupils in a program of bilingual education. **Section 3** of this bill authorizes the board of trustees of a school district or the governing body of a charter school to provide a stipend of $2,500 each school year to each teacher who is assigned to teach pupils enrolled in a program of bilingual education and who **: (1)** holds an endorsement to teach pupils enrolled in a program of bilingual education ~~[.]~~ **; or (2) is currently enrolled in a course of study or program of preparation that will satisfy the educational requirements to obtain an endorsement to teach pupils enrolled in a program of bilingual education and is authorized by law to teach pupils enrolled in such a program.** If such a stipend is provided by a school district which has more than 100,000 pupils enrolled in its public schools (currently Clark County School District) or a charter school, **section 3** requires such a stipend to be paid out of the budget of the local school precinct or charter school at which the teacher receiving the stipend is employed. For the purposes of **sections 3 and 4**, a “program of bilingual education” is defined as a program of instruction for English learners in which pupils are taught the English language and the content of other courses of study is taught in the pupil’s primary language.

Existing law requires the board of trustees of each school district and the governing body of each charter school to submit an annual report to certain entities that includes certain information on budgets and expenditures. (NRS 387.303, 388A.345) **Sections 1 and 2** of this bill require such a report to additionally include information on the number of employees who received the stipend described in **section 3** in the preceding and then-current fiscal years.

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

Section 1. NRS 387.303 is hereby amended to read as follows:

387.303 1. Not later than November 1 of each year, the board of trustees of each school district shall submit to the Superintendent of Public Instruction and the Department of Taxation a report which includes the following information:

(a) For each fund within the school district, including, without limitation, the school district's general fund and any special revenue fund which receives state money, the total number and salaries of licensed and nonlicensed persons whose salaries are paid from the fund and who are employed by the school district in full-time positions or in part-time positions added together to represent full-time positions. Information must be provided for the current school year based upon the school district's final budget, including any amendments and augmentations thereto, and for the preceding school year. An employee must be categorized as filling an instructional, administrative, instructional support or other position.

(b) The school district's actual expenditures in the fiscal year immediately preceding the report.

(c) The school district's proposed expenditures for the current fiscal year.

(d) The schedule of salaries for licensed employees in the current school year and a statement of whether the negotiations regarding salaries for the current school year have been completed. If the negotiations have not been completed at the time the schedule of salaries is submitted, the board of trustees shall submit a supplemental report to the Superintendent of Public Instruction upon completion of negotiations or the determination of an arbitrator concerning the negotiations that includes the schedule of salaries agreed to or required by the arbitrator.

(e) The number of employees who received an increase in salary pursuant to NRS 391.161, 391.162 or 391.163 for the current and preceding fiscal years. If the board of trustees is required to pay an increase in salary retroactively pursuant to NRS 391.161, the board of trustees shall submit a supplemental report to the Superintendent of Public Instruction not later than February 15 of the year in which the retroactive payment was made that includes the number of teachers to whom an increase in salary was paid retroactively.

(f) The number of employees eligible for health insurance within the school district for the current and preceding fiscal years and the amount paid for health insurance for each such employee during those years.

(g) The rates for fringe benefits, excluding health insurance, paid by the school district for its licensed employees in the preceding and current fiscal years.

(h) The amount paid for extra duties, supervision of extracurricular activities and supplemental pay and the number of employees receiving that pay in the preceding and current fiscal years.

(i) The number of employees who received a stipend pursuant to section 3 of this act in the preceding and current fiscal years.

2. On or before November 25 of each year, the Superintendent of Public Instruction shall submit to the Office of Finance and the Fiscal Analysis Division of the Legislative Counsel Bureau, in a format approved by the

Director of the Office of Finance, a compilation of the reports made by each school district pursuant to subsection 1.

3. In preparing the agency biennial budget request for the State Education Fund for submission to the Office of Finance, the Superintendent of Public Instruction:

(a) Shall compile the information from the most recent compilation of reports submitted pursuant to subsection 2; and

(b) May consider the cost of enhancements to existing programs or the projected cost of proposed new educational programs, regardless of whether those enhancements or new programs are included in the adjusted base per pupil funding for inclusion in the biennial budget request to the Office of Finance.

4. The Superintendent of Public Instruction shall, in the compilation required by subsection 2, reconcile the revenues of the school districts with the apportionment received by those districts from the State Education Fund for the preceding year.

5. The request prepared pursuant to subsection 3 must:

(a) Be presented by the Superintendent of Public Instruction to such standing committees of the Legislature as requested by the standing committees for the purposes of developing educational programs and providing appropriations for those programs; and

(b) Provide for a direct comparison of appropriations to the proposed budget of the Governor submitted pursuant to subsection 4 of NRS 353.230.

Sec. 2. NRS 388A.345 is hereby amended to read as follows:

388A.345 1. On or before November 1 of each year, the governing body of each charter school shall submit to the sponsor of the charter school, the Superintendent of Public Instruction and the Director of the Legislative Counsel Bureau for transmission to the Majority Leader of the Senate and the Speaker of the Assembly a report that includes:

(a) A written description of the progress of the charter school in achieving the mission and goals of the charter school set forth in its application.

(b) For each fund maintained by the charter school, including, without limitation, the general fund of the charter school and any special revenue fund which receives state money, the total number and salaries of licensed and nonlicensed persons whose salaries are paid from the fund and who are employed by the governing body in full-time positions or in part-time positions added together to represent full-time positions. Information must be provided for the current school year based upon the final budget of the charter school, including any amendments and augmentations thereto, and for the preceding school year. An employee must be categorized as filling an instructional, administrative, instructional support or other position.

(c) The actual expenditures of the charter school in the fiscal year immediately preceding the report.

(d) The proposed expenditures of the charter school for the current fiscal year.

(e) The salary schedule for licensed employees and nonlicensed teachers in the current school year and a statement of whether salary negotiations for the current school year have been completed. If salary negotiations have not been completed at the time the salary schedule is submitted, the governing body shall submit a supplemental report to the Superintendent of Public Instruction upon completion of negotiations.

(f) The number of employees eligible for health insurance within the charter school for the current and preceding fiscal years and the amount paid for health insurance for each such employee during those years.

(g) The rates for fringe benefits, excluding health insurance, paid by the charter school for its licensed employees in the preceding and current fiscal years.

(h) The amount paid for extra duties, supervision of extracurricular activities and supplemental pay and the number of employees receiving that pay in the preceding and current fiscal years.

(i) The number of employees who received a stipend pursuant to section 3 of this act in the preceding and current fiscal years.

2. On or before November 25 of each year, the Superintendent of Public Instruction shall submit to the Office of Finance and the Fiscal Analysis Division of the Legislative Counsel Bureau, in a format approved by the Director of the Office of Finance, a compilation of the reports made by each governing body pursuant to subsection 1.

3. The Superintendent of Public Instruction shall, in the compilation required by subsection 2, reconcile the revenues and expenditures of the charter schools with the apportionment received by those schools from the State Education Fund for the preceding year.

Sec. 3. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each school year, the board of trustees of a school district or the governing body of a charter school may provide a stipend in the amount of $2,500 to each teacher who ~~***[:***~~

~~***(a) Is]***~~ ***is assigned to teach pupils enrolled in a program of bilingual education*** ~~***[,]***~~ ***and :***

~~***[(b)]***~~ ***(a) Holds an endorsement to teach pupils enrolled in a program of bilingual education*** ~~***[.]***~~ ***; or***

(b) Is currently enrolled in a course of study or program of preparation to teach pupils enrolled in a program of bilingual education, the completion of which will satisfy the educational requirements to obtain an endorsement to teach pupils enrolled in a program of bilingual education established by the Commission pursuant to NRS 391.019, and is authorized by law to teach pupils enrolled in a program of bilingual education notwithstanding the regulations adopted by the Commission pursuant to paragraph (n) of subsection 1 of NRS 391.019.

2. A teacher may not receive a stipend pursuant to this section more than once per school year.

3. Any stipend provided to a teacher who is employed at a local school precinct in a large school district or a charter school must be paid from the budget of the local school precinct or charter school, as applicable.

4. As used in this section:

(a) "Large school district" has the meaning ascribed to it in NRS 388G.530.

(b) "Local school precinct" has the meaning ascribed to it in NRS 388G.535.

(c) "Program of bilingual education" means a program of instruction for English learners in which pupils are taught the English language and the content of other courses of study is taught using the pupil's primary language.

Sec. 4. 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:

(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.

(n) ***Requiring that, to teach pupils enrolled in a program of bilingual education, a teacher obtain an endorsement to teach pupils enrolled in a program of bilingual education. As used in this paragraph, "program of bilingual education" has the meaning ascribed to it in section 3 of this act.***

(o) To carry out the provisions of NRS 391B.010.

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. 5. (Deleted by amendment.)

Sec. 6. This act becomes effective on July 1, 2025.

Assemblymember Torres-Fossett moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 128.

Bill read second time.

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

Amendment No. 700.

AN ACT relating to health care; prescribing requirements governing the denial of requests for prior authorization; requiring, in certain circumstances, licensed physicians, physician assistants, advanced practice registered nurses and osteopathic physicians to discuss with patients certain information relating to stem cell treatment, storage and donation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes certain health insurers to require an insured to obtain prior authorization from the insurer before receiving certain care. (NRS 687B.225) **Sections 1, 4 and 5** of this bill prohibit certain health insurers, including insurance for public employees, from **solely** using, employing or relying upon an artificial intelligence system or an automated decision tool to: (1) deny a request for prior authorization for medical or dental care; (2) modify a request for prior authorization for such care submitted by a provider of health care; (3) reduce the scope of services or amount of coverage for such care that is included within a request for prior authorization; or (4) terminate, reduce or modify coverage for previously approved medical or dental care. **Sections 1, 4 and 5** also require such health insurers to approve a request for prior authorization for medical or dental care that is covered by the insurer, unless a licensed health care professional with the education, training and expertise necessary to evaluate the condition at issue determines that the care requested is not medically necessary or is experimental or investigational. **Sections 6 and 7** of this bill make conforming changes to clarify that certain provisions generally applicable to members of plans of self-insurance for employees of local governments and are applicable to the provisions of **sections 4 and 5**, respectively.

Existing law requires a physician, physician assistant, advanced practice registered nurse or an osteopathic physician to counsel and provide certain information to a patient who is diagnosed with certain conditions. (NRS 630.3737, 632.2383, 633.6947) **Sections 9-11** of this bill require a physician, physician assistant, advanced practice registered nurse or an osteopathic physician to: (1) discuss with a patient, upon diagnosing the patient with arthritis, osteoarthritis or any other condition that is regularly treated using stem cell therapy, the potential use of stem cell therapy to treat the condition; and (2) when acting as a provider of primary care during the first encounter with a new patient, inform the patient of options that may be available to the patient for donating, banking or storing stem cells for future use by the patient or a donee.

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

Section 1. 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.0437, 689A.044, 689A.0445, 689A.0459, 689B.031, 689B.0312, 689B.0313, 689B.0315, 689B.0317, 689B.0319, 689B.0374, 689B.0378, 689C.1665, 689C.1671, 689C.1675, 689C.1676, 695A.1843, 695A.1856, 695A.1865, 695A.1874, 695B.1912, 695B.1913, 695B.1914, 695B.1919, 695B.19197, 695B.1924, 695B.1925, 695B.1942, 695C.1696, 695C.1699, 695C.1713, 695C.1735, 695C.1737, 695C.1743, 695C.1745, 695C.1751, 695G.170, 695G.1705, 695G.171, 695G.1714, 695G.1715, 695G.1719 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]~~ ***in a manner consistent with the provisions of this section.***

2. An insurer or organization ***that requires an insured or member to obtain prior authorization for medical or dental care*** shall:

(a) File its procedure for obtaining approval of care pursuant to this section for approval by the Commissioner; and

(b) Unless a shorter time period is prescribed by a specific statute, including, without limitation, NRS 689A.0446, 689B.0361, 689C.1688, 695A.1859, 695B.19087, 695C.16932 and 695G.1703, respond to any request for approval by the insured or member pursuant to this section within 20 days after it receives the request.

~~[2.]~~ ***3.*** The procedure for prior authorization may not discriminate among persons licensed to provide the covered care.

4. Except as otherwise provided in subsection 6, an insurer or organization that requires an insured or member to obtain prior authorization for medical or dental care:

(a) Shall not solely utilize, employ or rely upon an artificial intelligence system or automated decision tool to:

(1) Deny a request for prior authorization for medical or dental care;

(2) Modify a request for medical or dental care submitted by a provider of health care;

(3) Reduce the scope of services or the amount of coverage for medical or dental care included within a request for prior authorization; or

(4) Terminate, reduce or modify coverage for previously approved medical or dental care.

(b) Shall approve, without modification, a request for prior authorization submitted by an insured or member, or by a provider of health care acting within the scope of his or her practice on behalf of an insured or member,

for medical or dental care that is covered by the insurer or organization, unless a licensed health care professional who possesses the education, training and expertise necessary to evaluate the specific clinical issues relevant to the request for prior authorization determines that the care requested is not medically necessary or is experimental or investigational after reviewing all available medical documentation, notes of the insured's or member's provider of health care, test results and other relevant medical records of the insured or member.

5. The provisions of subsection 4 do not ~~[prohibit]~~ :

(a) Prohibit an insurer or organization from utilizing an artificial intelligence system or automated decision tool to automatically approve a request for prior authorization.

(b) Affect the obligation of any entity to which the requirements of NRS 695G.150 apply to comply with such requirements.

6. The requirements of subsection 4 do not apply to a managed care organization when providing coverage for recipients of Medicaid or pursuant to the Children's Health Insurance Program pursuant to a contract with the Department of Health and Human Services entered into pursuant to NRS 422.273.

7. As used in this section:

(a) "Artificial intelligence system" means a machine-based system that can, for a given set of human-defined objectives, make predictions, recommendations or decisions influencing real or virtual environments.

(b) "Automated decision tool" means a computational process derived from machine learning, statistical modeling, data analytics or artificial intelligence that, for any number of inputs, is designed to produce a simple output or recommendation, including, without limitation, a score, classification or recommendation, that is used to assist or replace human decision-making.

(c) "Healing art" means any system, treatment, operation, diagnosis, prescription or practice for the ascertainment, cure, relief, palliation, adjustment or correction of any human disease, ailment, deformity, injury, or unhealthy or abnormal physical or mental condition for the practice of which long periods of specialized education and training and a degree of specialized knowledge of an intellectual and physical nature are required.

(d) "Licensed health care professional" means a person who is licensed in any state or territory of the United States to perform any healing art.

(e) "Medical or dental care" includes, without limitation, the provision of prescription drugs.

(f) "Medically necessary" has the meaning ascribed to it in NRS 695G.055.

(g) "Provider of health care" has the meaning ascribed to it in NRS 695G.070.

Sec. 2. (Deleted by amendment.)

Sec. 3. Chapter 287 of NRS is hereby amended by adding thereto the provisions set forth as sections 4 and 5 of this act.

Sec. 4. ***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:***

(a) Shall not solely ***utilize, employ or rely upon an artificial intelligence system or automated decision tool to:***

(1) Deny a request for prior authorization for medical or dental care;

(2) Modify a request for medical or dental care submitted by a provider of health care;

(3) Reduce the scope of services or the amount of coverage for medical or dental care included within a request for prior authorization; or

(4) Terminate, reduce or modify coverage for previously approved medical or dental care.

(b) Shall approve, without modification, a request for prior authorization submitted by an insured, or by a provider of health care acting within the scope of his or her practice on behalf of an insured, for medical or dental care that is covered by the plan of self-insurance, unless a licensed health care professional who possesses the education, training and expertise necessary to evaluate the specific clinical issues relevant to the request for prior authorization determines that the care requested is not medically necessary or is experimental or investigational after reviewing all available medical documentation, notes of the insured's provider of health care, test results and other relevant medical records of the insured.

2. The provisions of subsection 1 do not prohibit a 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 from utilizing an artificial intelligence system or automated decision tool to automatically approve a request for prior authorization.

3. As used in this section:

(a) "Artificial intelligence system" has the meaning ascribed to it in NRS 687B.225.

(b) "Automated decision tool" has the meaning ascribed to it in NRS 687B.225.

(c) "Licensed health care professional" has the meaning ascribed to it in NRS 687B.225.

(d) "Medical or dental care" has the meaning ascribed to it in NRS 687B.225.

(e) "Medically necessary" has the meaning ascribed to it in NRS 695G.055.

(f) "Provider of health care" has the meaning ascribed to it in NRS 695G.070.

Sec. 5. ***1. If the Board provides health insurance through a plan of self-insurance, the Board:***

(a) Shall not solely ***utilize, employ or rely upon an artificial intelligence system or automated decision tool to:***

(1) Deny a request for prior authorization for medical or dental care;

(2) Modify a request for medical or dental care submitted by a provider of health care;

(3) Reduce the scope of services or the amount of coverage for medical or dental care included within a request for prior authorization; or

(4) Terminate, reduce or modify coverage for previously approved medical or dental care.

(b) Shall approve, without modification, a request for prior authorization submitted by an insured, or by a provider of health care acting within the scope of his or her practice on behalf of an insured, for medical or dental care that is covered by the plan of self-insurance, unless a licensed health care professional who possesses the education, training and expertise necessary to evaluate the specific clinical issues relevant to the request for prior authorization determines that the care requested is not medically necessary or is experimental or investigational after reviewing all available medical documentation, notes of the insured's provider of health care, test results and other relevant medical records of the insured.

2. The provisions of subsection 1 do not ~~[prohibit]~~ **:**

(a) Prohibit the Board from utilizing an artificial intelligence system or automated decision tool to automatically approve a request for prior authorization.

(b) Affect the obligation of the Board to comply with the requirements of NRS 695G.150.

3. As used in this section:

(a) "Artificial intelligence system" has the meaning ascribed to it in NRS 687B.225.

(b) "Automated decision tool" has the meaning ascribed to it in NRS 687B.225.

(c) "Licensed health care professional" has the meaning ascribed to it in NRS 687B.225.

(d) "Medical or dental care" has the meaning ascribed to it in NRS 687B.225.

(e) "Medically necessary" has the meaning ascribed to it in NRS 695G.055.

(f) "Provider of health care" has the meaning ascribed to it in NRS 695G.070.

Sec. 6. NRS 287.040 is hereby amended to read as follows:

287.040 The provisions of NRS 287.010 to 287.040, inclusive, ***and section 4 of this act*** do not make it compulsory upon any governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada, except as otherwise provided in NRS 287.021 or subsection 4 of NRS 287.023 or in an agreement entered into pursuant to subsection 3 of NRS 287.015, to pay any premiums, contributions or other costs for group insurance, a plan of benefits or medical or hospital services established pursuant to NRS 287.010, 287.015, 287.020 or paragraph (b), (c) or (d) of subsection 1 of NRS 287.025, for coverage under the Public Employees' Benefits Program, or to make any contributions to a trust fund established pursuant to NRS 287.017, or upon any officer or employee of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of this State to accept any such coverage or to assign his or her wages or salary in payment of premiums or contributions therefor.

Sec. 7. NRS 287.0402 is hereby amended to read as follows:

287.0402 As used in NRS 287.0402 to 287.049, inclusive, ***and section 5 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 287.0404 to 287.04064, inclusive, have the meanings ascribed to them in those sections.

Sec. 8. (Deleted by amendment.)

Sec. 9. Chapter 630 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Upon diagnosing a patient with arthritis, osteoarthritis or any other condition that is regularly treated using stem cell therapy, a physician or physician assistant shall discuss with the patient the potential use of stem cell therapy to treat the condition.

2. During the first encounter with a new patient, a provider of primary care shall inform the patient of options that may be available to the patient for donating, banking or storing stem cells for future use by the patient or a donee.

3. As used in this section:

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

(b) "Provider of primary care" means a physician, physician assistant or group of providers of health care that includes a physician or physician assistant which:

(1) Provides initial and primary health care services to a patient; and

(2) Maintains the continuity of care for the patient.

(c) "Stem cell therapy" means therapy involving the use of human cells, tissues or cellular or tissue-based products.

Sec. 10. Chapter 632 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Upon diagnosing a patient with arthritis, osteoarthritis or any other condition that is regularly treated using stem cell therapy, an advanced practice registered nurse shall discuss with the patient the potential use of stem cell therapy to treat the condition.

2. During the first encounter with a new patient, a provider of primary care shall inform the patient of options that may be available to the patient

for donating, banking or storing stem cells for future use by the patient or a donee.

3. As used in this section:

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

(b) "Provider of primary care" means an advanced practice registered nurse or a group of providers of health care that includes an advanced practice registered nurse which:

(1) Provides initial and primary health care services to a patient; and

(2) Maintains the continuity of care for the patient.

(c) "Stem cell therapy" means therapy involving the use of human cells, tissues or cellular or tissue-based products.

Sec. 11. Chapter 633 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Upon diagnosing a patient with arthritis, osteoarthritis or any other condition that is regularly treated using stem cell therapy, an osteopathic physician or physician assistant shall discuss with the patient the potential use of stem cell therapy to treat the condition.

2. During the first encounter with a new patient, a provider of primary care shall inform the patient of options that may be available to the patient for donating, banking or storing stem cells for future use by the patient or a donee.

3. As used in this section:

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

(b) "Provider of primary care" means an osteopathic physician, physician assistant or group of providers of health care that includes an osteopathic physician or physician assistant which:

(1) Provides initial and primary health care services to a patient; and

(2) Maintains the continuity of care for the patient.

(c) "Stem cell therapy" means therapy involving the use of human cells, tissues or cellular or tissue-based products.

Sec. 12. 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. 13. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 12, 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, 2026, for all other purposes.

Assemblymember Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 161.
Bill read second time and ordered to third reading.

Senate Bill No. 177.
Bill read second time.
The following amendment was proposed by the Committee on Education:
Amendment No. 618.
AN ACT relating to education; authorizing a principal to assign a homeless pupil or a pupil in foster care to a temporary alternative placement under certain circumstances; revising the requirement for the principal of a school to consult with certain persons before determining that a homeless pupil or a pupil in foster care is a habitual disciplinary problem; revising the procedure for the suspension of homeless pupils or pupils in foster care and the procedure for determining whether homelessness or placement in foster care is a factor in the behavior of certain pupils; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the process for the principal of a school to determine that a pupil who is 11 years of age or older and enrolled in the school is a habitual disciplinary problem. (NRS 392.4655) Under existing law, if a pupil who is 11 years of age or older is deemed a habitual disciplinary problem and the school has made a reasonable effort to complete a plan of action based on restorative justice with the pupil, the principal is generally authorized to suspend the pupil, or under extraordinary circumstances, expel the pupil from the school. (NRS 392.466) Existing law provides that before a pupil who is homeless or in foster care may be determined to be a habitual disciplinary problem, the principal is required to consult with certain persons. (NRS 392.4655) **Section 1.5** of this bill requires the principal to conduct a meeting with those persons rather than consult with those persons. **Section 1.5** also requires such a meeting concerning a pupil who is in foster care to additionally include the educational decision maker appointed for the pupil by a court under existing law. (NRS 432B.462)

Existing law requires that, to suspend from school a pupil who is homeless or has been placed in foster care for not more than 5 days, a determination must be made, after consultation with certain persons, that homelessness or being in foster care was not a factor in the behavior of the pupil. Under existing law, the person responsible for making such a determination is required to presume that homelessness or being in foster care was not a factor in the behavior and make the determination in consultation with certain persons. (NRS 392.466, 392.467) **Sections 2 and 3** of this bill authorize a principal to suspend a homeless pupil or a pupil in foster care for 5 days or less without consideration of whether being homeless or being in foster care was a factor in the behavior of the pupil and to consider such factors when the pupil is suspended for more than 5 days. ~~[On the 6th school day of a]~~ **As soon as practicable and not later than the 10th school day after the** pupil ~~[being]~~ **is** suspended, **sections 2 and 3** require the principal to consider whether the behavior was caused by or had a substantial relationship to the pupil being in foster care or being homeless during a meeting with certain persons who have an interest in the education of the pupil. If during such a meeting it is determined that the conduct was caused by or had a substantial relationship to the pupil being in foster care or being homeless, **sections 2 and 3** additionally require the principal to ~~[end]~~ **either: (1) end** the period of suspension and provide the pupil with behavioral and academic support ~~[. Existing law authorizes the temporary removal of a pupil from a classroom or other premises of a public school under certain circumstances. Existing law prohibits a principal from temporarily removing a pupil if the pupil is required to be suspended. (NRS 392.4645)]~~ **; or (2) assign the pupil to a temporary alternative placement for not more than 45 school days if the pupil is a habitual disciplinary problem or the behavior that led to the suspension consisted of, while at school or a school activity, possessing a dangerous weapon or firearm, engaging in certain actions relating to controlled substances or committing a battery intended to cause bodily injury.**

Section 1 of this bill authorizes a principal to ~~[temporarily remove a homeless pupil or a pupil in foster care]~~ **continue the temporary alternative placement of such a pupil** for ~~[not]~~ more than 45 days if the ~~[pupil is a habitual disciplinary problem or at school or a school activity possesses a dangerous weapon or firearm, engages in certain actions relating to controlled substances or commits a battery intended to cause bodily injury. If such a pupil is temporarily removed, section 1 additionally requires the]~~ principal ~~[to then review all relevant information to determine whether the behavior was caused by or substantially related to the pupil being homeless or in foster care.]~~ **determines that the continued temporary placement is necessary for the safety of the pupil or others. Section 1 requires the principal to make such a determination after holding a meeting with the local educational agency liaison for homeless pupils or educational decision maker of the pupil and a contact person at the school.** If the principal makes such a determination, **section 1** additionally requires the principal to ~~[hold a meeting with certain persons interested in the education of the pupil to review the pupil's academic plan for application to the temporary removal and make revisions to the plan.]~~ **provide targeted intervention to the pupil and notify the educational decision maker appointed for the pupil concerning the right to an evaluation to determine if the pupil is eligible for special education and related services. Additionally, section 1 requires the principal to hold a meeting to create a plan for the transition of the pupil from the temporary alternative placement if the pupil is assigned to a temporary alternative placement for more than 21 days.**

Sections 1.5-3 additionally require that the school have been given notice that the pupil is homeless or in foster care before the school is required to perform the tasks set forth in those sections.

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

Section 1. NRS 392.4645 is hereby amended to read as follows:

392.4645 1. A pupil may be temporarily removed from a classroom or other premises of a public school if, in the judgment of the teacher or other staff member responsible for the classroom or other premises, as applicable, the pupil has engaged in behavior that seriously interferes with the ability of the teacher to teach the other pupils in the classroom and with the ability of the other pupils to learn or with the ability of the staff member to discharge his or her duties. Upon the removal of a pupil from a classroom or any other premises of a public school pursuant to this section, the principal of the school shall provide a written explanation of the reason for the removal of the pupil to the pupil and offer the pupil an opportunity to respond to the explanation. Within 24 hours after the removal of a pupil pursuant to this section, the principal of the school shall notify the parent or legal guardian of the pupil of the removal.

2. Except as otherwise provided in subsection 3, a pupil who is removed from a classroom or any other premises of a public school pursuant to this section may be assigned to a temporary alternative placement pursuant to which the pupil:

(a) Is separated, to the extent practicable, from pupils who are not assigned to a temporary alternative placement;

(b) Studies or remains under the supervision of appropriate personnel of the school district; and

(c) Is prohibited from engaging in any extracurricular activity sponsored by the school.

3. ~~[The]~~ ***Except as otherwise provided in subsection*** ~~***[8,]***~~ ***subsection 15 of NRS 392.466 or subsection 9 of NRS 392.467, the*** principal shall not assign a pupil to a temporary alternative placement if the suspension or expulsion of a pupil who is removed from the classroom pursuant to this section is:

(a) Required by NRS 392.466; or

(b) Authorized by NRS 392.467 and the principal decides to proceed in accordance with that section.

➥ If the principal proceeds in accordance with NRS 392.466 or 392.467, the pupil must be removed from school in accordance with those sections and the provisions of NRS 392.4642 to 392.4648, inclusive, do not apply to the pupil.

4. A public school must, on or before August 1 of each year, develop or review and revise a plan to offer a pupil, including, without limitation, a pupil who is less than 11 years of age, who is removed from a classroom or any other premises of the public school pursuant to this section or NRS 392.466 for more than 2 school days:

(a) Education services to prevent the pupil from losing academic credit or becoming disengaged from school during the period the pupil is removed from a classroom or any other premises of the public school; and

(b) Appropriate positive behavioral interventions and support, trauma-informed support and a referral to a school social worker or school counselor.

5. A plan developed by a public school pursuant to subsection 4 must include:

(a) An option to provide such education and support services to a pupil in an in-person setting;

(b) The location where such services will be provided to the pupil; and

(c) A plan for the pupil to complete any assignments or course work missed during his or her removal.

6. Each public school shall, on or before August 1 of each year, submit the plan that is developed or reviewed and revised pursuant to subsection 4 to:

(a) The board of trustees of the school district, governing body of the charter school or governing body of the university school for profoundly gifted pupils, as applicable;

(b) The State Board; and

(c) The Joint Interim Standing Committee on Education.

7. Upon removing a pupil from a classroom or any other premises of a public school pursuant to this section for more than 1 school day, the principal of the school must contact the local educational agency liaison for homeless pupils designated in accordance with the McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. §§ 11301 et seq., or a contact person at a school, including, without limitation, a school counselor or school social worker, to make a determination of whether the pupil is a homeless pupil.

8. ~~***[Without considering whether homelessness or being in foster care was a factor in the behavior of the pupil, a]***~~ ***After a pupil has been assigned to a temporary alternative placement pursuant to subsection 15 of NRS 392.466 or subsection 9 of NRS 392.467, a*** principal may ~~***[assign a homeless pupil or pupil in foster care to a temporary alternative placement pursuant to this section for not]***~~ ***continue the assignment for more than 45 school days if*** ~~***[the pupil is a habitual disciplinary problem pursuant to NRS 392.4655 or the behavior that led to the assignment consisted of, while on the premises of any public school, at an activity sponsored by a public school or on any school bus:***~~

~~***(a) Possessing a dangerous weapon or firearm;***~~

~~***(b) Knowingly possessing, using, selling, distributing or soliciting for sale a controlled substance; or***~~

~~***(c) Committing a battery with intend to cause bodily injury.***~~

~~***9. After a pupil is assigned to a temporary alternative placement pursuant to subsection 8, the principal shall review all relevant information to consider whether the behavior which lead to the assignment was caused by or had a direct and substantial relationship to the pupil being homeless or being in foster care. The relevant information to be reviewed must include, without limitation:***~~

~~***(a) The pupil's cumulative record;***~~

~~***(b) The pupil's academic plan, if one exists;***~~

~~*(c) Observations by staff of the conduct leading to the assignment and the pupil generally; and*~~

~~*(d) Any other information the principal determines relevant.*~~

~~*10. If]*~~ *the principal determines* ~~*[pursuant to subsection 9 that the pupil being homeless or in foster care caused or had a direct and substantial relationship to the behavior of the]*~~ *that the continued temporary alternative placement is necessary for the safety of the pupil or others. The principal shall make such a determination before the pupil has been in a temporary alternative placement for more than 45 days.*

9. The principal shall make the determination required by subsection 8 after holding a meeting with the local educational agency liaison for homeless pupils designated in accordance with the McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. §§ 11301 et seq., or the educational decision maker appointed to the pupil pursuant to NRS 432B.462, as applicable, and a contact person from the school, including, without limitation, a school counselor or social worker, to discuss whether the pupil is a risk to the safety of himself or herself or others if not in the temporary alternative placement.

10. If the principal determines that the temporary alternative placement is to be continued for more than 45 days pursuant to subsection 8, the principal shall provide:

(a) Targeted interventions to the pupil during the temporary alternative placement; and

(b) If an educational decision maker has been appointed for the pupil pursuant to NRS 432B.462, notification to the educational decision maker appointed to the pupil concerning the right to an evaluation to determine whether the pupil is eligible for special education and related services.

11. If a pupil ~~*[,]*~~ *is assigned to a temporary alternative placement for more than 21 days, the principal shall* ~~*[hold a meeting with the educational decision maker for the pupil or surrogate parent, if one has been appointed pursuant to NRS 432B.462 or 34 C.F.R. § 300.519, as applicable, an advocate for pupils in foster care at the school and any other person the principal determines necessary to review the pupil's academic plan and apply it to]*~~ *develop a plan to assist the pupil in the transition out of the temporary alternative placement* ~~*[, to the extent possible, and develop or make revisions to the plan, as necessary.]*~~ *before the termination of the temporary alternative placement. The plan must include, without limitation:*

(a) The school that the pupil will attend after the temporary alternative placement; and

(b) Appropriate targeted scientific, research-based interventions and behavioral supports for the pupil at the school pursuant to an intervention plan to remediate any academic or behavioral difficulty of the pupil.

12. The principal shall hold a meeting to develop the plan required by subsection 11 with the local educational agency liaison for homeless pupils designated in accordance with the McKinney-Vento Homeless Assistance

Act of 1987, 42 U.S.C. §§ 11301 et seq., or the educational decision maker appointed to the pupil pursuant to NRS 432B.462, as applicable, and a contact person from the school, including, without limitation, a school counselor or social worker.

13. If the principal provides three written notices on 3 separate days requesting a person to attend a meeting required by subsection 9 or 12 and does not receive a response from the person within 24 hours after sending the third notice, the principal may hold the meeting without that person.

~~[11.]~~ ***14.*** Each school district shall, on or before August 1 of each year, collect a representative sample of the plans developed pursuant to subsection 4 and submit a copy of the sampled plans to:

(a) The Joint Interim Standing Committee on Education;

(b) The Department; and

(c) The State Board.

~~[9. 12.]~~ ***15.*** The sample of plans that is collected pursuant to subsection ~~[8~~ ***~~11]~~*** ***14*** must correspond with the proportion of pupils within the school district who are:

(a) Economically disadvantaged;

(b) From major racial and ethnic groups;

(c) Pupils with disabilities;

(d) English learners;

(e) Migratory children;

(f) Of each gender;

(g) Homeless;

(h) In foster care; and

(i) Pupils whose parent or guardian is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard.

~~[10. 13.]~~ ***16.*** As used in this section, “homeless ***~~[:~~***

~~(a) “Battery” has the meaning ascribed to it in NRS 392.466.~~

~~(b) “Bodily injury” has the meaning ascribed to it in NRS 392.466.~~

~~(c) “Dangerous weapon” has the meaning ascribed to it in NRS 392.466.~~

~~(d) “Firearm” has the meaning ascribed to it in NRS 392.466.~~

~~(e) “Foster care” has the meaning ascribed to it in NRS 392.466.~~

~~(f) “Homeless]~~ pupil” has the meaning ascribed to the term “homeless children and youths” in 42 U.S.C. § 11434a(2).

Sec. 1.5. NRS 392.4655 is hereby amended to read as follows:

392.4655 1. Except as otherwise provided in this section, a principal of a school shall deem a pupil who is at least 11 years of age and enrolled in the school a habitual disciplinary problem if the school has written evidence which documents that in 1 school year:

(a) The pupil has threatened or extorted, or attempted to threaten or extort, another pupil or a teacher or other personnel employed by the school two or more times or the pupil has a record of five significant suspensions from the school for any reason;

(b) The school has made reasonable efforts to develop a plan of behavior pursuant to subsection ~~[5]~~ ***6*** and the pupil has not made efforts to enter into or participate in such a plan of behavior;

(c) The homelessness of the pupil was not a factor in his or her behavior, as determined ~~[in consultation]~~ ***after conducting a meeting*** with the local educational agency liaison for homeless pupils designated in accordance with the McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. §§ 11301 et seq., or a contact person at a school, including, without limitation, a school counselor or school social worker; ~~[and]~~

(d) The placement in foster care of the pupil was not a factor in his or her behavior, as determined ~~[in consultation]~~ ***after conducting a meeting*** with a contact person at the school, including, without limitation, a school counselor or school social worker ~~[.]~~ ***, and the educational decision maker appointed for the pupil pursuant to NRS 432B.462*** ~~***[.]***~~ ***; and***

(e) The school has been notified that the pupil is homeless or in foster care.

2. ***If the principal provides three written notices on 3 separate days requesting a person attend a meeting required by subsection 1 and does not receive a response from the person within 24 hours after sending the third notice, the principal may hold the meeting without that person.***

3. At least one teacher of a pupil who is enrolled in elementary school and at least two teachers of a pupil who is enrolled in junior high, middle school or high school may request that the principal of the school deem a pupil a habitual disciplinary problem. Upon such a request, the principal of the school shall meet with each teacher who made the request to review the pupil's record of discipline. If, after the review, the principal of the school determines that the provisions of subsection 1 do not apply to the pupil, a teacher who submitted a request pursuant to this subsection may appeal that determination to the superintendent of the school district or the administrative head of the charter school or university school for profoundly gifted pupils, as applicable. Upon receipt of such a request, the superintendent or administrative head shall review the initial request and determination pursuant to the procedure established by the board of trustees of the school district or the governing body of the charter school or university school for profoundly gifted pupils, as applicable, for such matters.

~~[3.]~~ ***4.*** If a pupil is suspended, the school in which the pupil is enrolled shall provide written notice to the parent or legal guardian of the pupil or, if the pupil is an unaccompanied pupil, the pupil that contains:

(a) A description of the act committed by the pupil and the date on which the act was committed;

(b) An explanation that if the pupil receives five significant suspensions on his or her record during the current school year and has not entered into and participated in a plan of behavior pursuant to subsection ~~[5,]~~ ***6,*** the pupil will be deemed a habitual disciplinary problem;

(c) An explanation that, pursuant to subsection 8 of NRS 392.466, a pupil who is deemed a habitual disciplinary problem may be:

(1) Suspended from school; or

(2) Expelled from school under extraordinary circumstances as determined by the principal of the school;

(d) If the pupil is a pupil with a disability, an explanation of the effect of subsection 12 of NRS 392.466, including, without limitation, that if it is determined in accordance with 20 U.S.C. § 1415 that the pupil's behavior is not a manifestation of the pupil's disability, he or she may be suspended or expelled from school in the same manner as a pupil without a disability; and

(e) A summary of the provisions of subsection ~~[5.]~~ ***6.***

~~[4.]~~ ***5.*** A school shall provide the notice required by subsection ~~[3]~~ ***4*** for each suspension on the record of a pupil during a school year. Such notice must be provided at least 7 days before the school deems the pupil a habitual disciplinary problem.

~~[5.]~~ ***6.*** If a pupil, including, without limitation, a pupil who is less than 11 years of age, is suspended, the school in which the pupil is enrolled shall develop, in consultation with the pupil and the parent or legal guardian of the pupil, a plan of behavior for the pupil. The parent or legal guardian of the pupil or, if the pupil is an unaccompanied pupil, the pupil may choose for the pupil not to participate in the plan of behavior. If the parent or legal guardian of the pupil or the pupil chooses for the pupil not to participate, the school shall inform the parent or legal guardian or the pupil of the consequences of not participating in the plan of behavior. Such a plan must be designed to prevent the pupil from being deemed a habitual disciplinary problem and may include, without limitation:

(a) A plan for graduating if the pupil is deficient in credits and not likely to graduate according to schedule.

(b) Information regarding schools with a mission to serve pupils who have been:

(1) Expelled or suspended from a public school, including, without limitation, a charter school; or

(2) Deemed to be a habitual disciplinary problem pursuant to this section.

(c) A voluntary agreement by the parent or legal guardian to attend school with his or her child.

(d) A voluntary agreement by the pupil and, if the pupil is not an unaccompanied pupil, the pupil's parent or legal guardian to attend counseling, programs or services available in the school, school district or community.

(e) A voluntary agreement by the pupil and, if the pupil is not an unaccompanied pupil, the pupil's parent or legal guardian that the pupil will attend summer school, intersession school or school on Saturday, if any of those alternatives are offered by the school or school district.

~~[6.]~~ ***7.*** If a pupil commits the same act for which notice was provided pursuant to subsection ~~[3]~~ ***4*** after he or she enters into a plan of behavior pursuant to subsection ~~[5,]~~ ***6,*** the pupil shall be deemed to have not successfully completed the plan of behavior and may be deemed a habitual disciplinary problem.

~~[7.]~~ ***8.*** A pupil may, pursuant to the provisions of this section, enter into one plan of behavior per school year.

~~[8.]~~ ***9.*** The parent or legal guardian of a pupil or, if the pupil is an unaccompanied pupil, a pupil who has entered into a plan of behavior with a school pursuant to this section may appeal to the superintendent of the school district or the administrative head of the charter school or university school for profoundly gifted pupils, as applicable, a determination made by the school concerning the contents of the plan of behavior or action taken by the school pursuant to the plan of behavior. Upon receipt of such a request, the superintendent of the school district or the administrative head of the charter school or university school for profoundly gifted pupils, as applicable, shall review the determination in accordance with the procedure established by the board of trustees of the school district or the governing body of the charter school or university school for profoundly gifted pupils, as applicable, for such matters.

~~[9.]~~ ***10.*** As used in this section:

(a) "Foster care" has the meaning ascribed to it in 45 C.F.R. § 1355.20.

(b) "Significant suspension" means the school in which the pupil is enrolled:

(1) Prohibits the pupil from attending school for 3 or more consecutive days; and

(2) Requires a conference or some other form of communication with the parent or legal guardian of the pupil before the pupil is allowed to return to school.

(c) "Unaccompanied pupil" has the meaning ascribed to the term "unaccompanied youth" in 42 U.S.C. § 11434a(6).

Sec. 2. NRS 392.466 is hereby amended to read as follows:

392.466 1. Except as otherwise provided in this section, any pupil who sells or distributes any controlled substance while on the premises of any public school, at an activity sponsored by a public school or on any school bus shall meet with the school and his or her parent or legal guardian. The school shall provide a plan of action based on restorative justice to the parent or legal guardian of the pupil or, if the pupil is an unaccompanied pupil, the pupil. The pupil may be suspended, expelled or permanently expelled from the school, except that:

(a) A pupil who is less than 11 years of age may not be expelled or permanently expelled pursuant to this subsection.

(b) A pupil who is less than 6 years of age may be suspended pursuant to this subsection, and the suspension must be reviewed and approved by the superintendent of the school district or the administrative head of the charter school or university school for profoundly gifted pupils, as applicable, or his or her designee.

(c) For a pupil with a disability who has been suspended or expelled pursuant to this subsection, the school in which the pupil is enrolled shall make available to the pupil a free appropriate public education in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., for each school day the pupil is suspended or expelled after the pupil has been removed for 10 cumulative days.

2. Except as otherwise provided in this section, any pupil who commits a battery against an employee of the school while on the premises of any public school, at an activity sponsored by a public school or on any school bus shall meet with the school and his or her parent or legal guardian. The school shall provide a plan of action based on restorative justice to the parent or legal guardian of the pupil or, if the pupil is an unaccompanied pupil, the pupil. The pupil may be suspended, expelled or permanently expelled from the school, except that:

(a) A pupil who is less than 8 years of age may not be expelled or permanently expelled pursuant to this subsection.

(b) A pupil who is less than 6 years of age may be suspended pursuant to this subsection, and the suspension must be reviewed and approved by the superintendent of the school district or the administrative head of the charter school or university school for profoundly gifted pupils, as applicable, or his or her designee.

(c) For a pupil with a disability who has been suspended or expelled pursuant to this subsection, the school in which the pupil is enrolled shall make available to the pupil a free appropriate public education in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., for each school day the pupil is suspended or expelled after the pupil has been removed for 10 cumulative days.

3. Except as otherwise provided in this section, any pupil who commits a battery which is intended to result in the bodily injury of an employee of the school while on the premises of any public school, at an activity sponsored by a public school or on any school bus shall meet with the school and his or her parent or legal guardian. The school shall provide a plan of action based on restorative justice to the parent or legal guardian of the pupil or, if the pupil is an unaccompanied pupil, the pupil. The pupil must be suspended, expelled or permanently expelled from the school, except that:

(a) A pupil who is less than 8 years of age may not be expelled or permanently expelled pursuant to this subsection.

(b) A pupil who is less than 6 years of age may be suspended pursuant to this subsection, and the suspension must be reviewed and approved by the superintendent of the school district or the administrative head of the charter school or university school for profoundly gifted pupils, as applicable, or his or her designee.

(c) For a pupil with a disability who has been suspended or expelled pursuant to this subsection, the school in which the pupil is enrolled shall make available to the pupil a free appropriate public education in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., for each school day the pupil is suspended or expelled after the pupil has been removed for 10 cumulative days.

4. An employee who is a victim of a battery which is intended to result in the bodily injury of an employee of the school may appeal to the school a plan of action provided pursuant to subsection 3 if:

(a) The employee feels any actions taken pursuant to such plan are inappropriate; and

(b) For a pupil with a disability who committed the battery, the board of trustees of the school district or the governing body of the charter school or university school for profoundly gifted pupils, as applicable, or its designee has reviewed the circumstances and determined that such an appeal is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.

5. Except as otherwise provided in this section, any pupil, including, without limitation, a pupil with a disability, who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process or who is found in possession of a dangerous weapon other than a firearm while on the premises of any public school, at an activity sponsored by a public school or on any school bus may be removed from the public school immediately upon being given an explanation of the reasons for the removal of the pupil and pending proceedings, which must be conducted as soon as practicable after removal, for his or her suspension, expulsion or permanent expulsion, except that:

(a) A pupil who is less than 11 years of age may not be expelled or permanently expelled pursuant to this subsection.

(b) A pupil who is less than 6 years of age may be suspended pursuant to this subsection only after the suspension is reviewed and approved by the superintendent of the school district or the administrative head of the charter school or university school for profoundly gifted pupils, as applicable, or his or her designee.

(c) For a pupil with a disability who has been suspended or expelled pursuant to this subsection, the public school in which the pupil is enrolled shall make available to the pupil a free appropriate public education in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., for each school day the pupil is suspended or expelled after the pupil has been removed for 10 cumulative days.

6. Except as otherwise provided in this section, any pupil, including, without limitation, a pupil with a disability, who is found in possession of a firearm while on the premises of any public school, at an activity sponsored by a public school or on any school bus must be removed from the public school immediately upon being given an explanation of the reasons for the removal of the pupil and pending proceedings, which must be conducted as soon as practicable after removal, for his or her suspension, expulsion or permanent expulsion. A pupil who is:

(a) Eleven years of age or older shall be suspended, expelled or permanently expelled pursuant to this section.

(b) At least 8 but less than 11 years of age shall be suspended or expelled pursuant to this subsection.

(c) At least 6 but less than 8 years of age may be suspended pursuant to this subsection.

(d) Less than 6 years of age may be suspended pursuant to this subsection only after the suspension is reviewed and approved by the superintendent of the school district or the administrative head of the charter school or university school for profoundly gifted pupils, as applicable, or his or her designee.

(e) A pupil with a disability who has been suspended or expelled pursuant to this subsection must be provided with a free appropriate public education in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., by the public school in which the pupil is enrolled for each school day the pupil is suspended or expelled after the pupil has been removed for 10 cumulative days.

7. If a school is unable to retain a pupil in the school pursuant to subsections 1 to 6, inclusive, for the safety of any person or because doing so would not be in the best interest of the pupil, the pupil may be suspended, expelled or placed in another school. If a pupil, including, without limitation, a pupil who is less than 11 years of age, is placed in another school, the current school of the pupil shall explain what services will be provided to the pupil at the new school that the current school is unable to provide to address the specific needs and behaviors of the pupil. The current school of the pupil shall coordinate with the new school to create a plan of action based on restorative justice for the pupil and to ensure that any resources required to execute the plan of action based on restorative justice are available at the new school.

8. Except as otherwise provided in this section, if a pupil is deemed a habitual disciplinary problem pursuant to NRS 392.4655 and the school has made a reasonable effort to complete a plan of action based on restorative justice with the pupil, based on the seriousness of the acts which were the basis for the discipline, the pupil may be:

(a) Suspended from the school; or

(b) Expelled from the school under extraordinary circumstances as determined by the principal of the school.

9. If the pupil is expelled, or the period of the pupil's suspension is for one school semester, the pupil must:

(a) Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled;

(b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program; or

(c) Enroll in a program of alternative education provided by the school district in which the pupil resides. Each school district shall, alone or through a partnership with another school district, provide a program of alternative education pursuant to this paragraph in an in-person setting that allows each pupil enrolled in the program to receive educational services in the least restrictive educational environment.

10. The superintendent of schools of a school district or the administrative head of a charter school or university school for profoundly gifted pupils, as applicable, may, for good cause shown in a particular case in that school district or public school, as applicable, allow a modification to a suspension or expulsion pursuant to subsections 1 to 8, inclusive, if such modification is set forth in writing. The superintendent or the administrative head of a charter school or university school for profoundly gifted pupils, as applicable, shall allow such a modification if he or she determines that a plan of action based on restorative justice may be used successfully.

11. This section does not prohibit a pupil from having in his or her possession a knife or firearm with the approval of the principal of the school. A principal may grant such approval only in accordance with the policies or regulations adopted by the board of trustees of the school district or the governing body of the charter school or university school for profoundly gifted pupils, as applicable.

12. Except as otherwise provided in subsection 5 or 6, a pupil with a disability who is at least 11 years of age may, in accordance with the procedural policy adopted by the board of trustees of the school district or the governing body of the charter school or university school for profoundly gifted pupils, as applicable, for such matters and only after the board of trustees of the school district or governing body, as applicable, or its designee has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:

(a) Suspended from school pursuant to this section for not more than 10 days. Such a suspension may be imposed pursuant to this paragraph for each occurrence of conduct proscribed by subsection 1.

(b) Expelled from school pursuant to this section.

(c) Permanently expelled from school pursuant to this section.

13. ~~[A]~~ ***If a school has notice that the pupil is homeless or in foster care, a*** homeless pupil or a pupil in foster care may be suspended from school pursuant to this section for ~~[not]~~ more than 5 days if, following a review of all available information ~~[,]~~ ***and, if an educational decision maker has been appointed for the pupil pursuant to NRS 432B.462, a meeting with the educational decision maker for the pupil,*** the principal determines that the conduct of the pupil poses an ongoing threat to the pupil or other persons at the school and if a determination is made that homelessness or being in foster care was not a factor in the behavior that led to the consideration for suspension or expulsion. ~~[The person responsible for making a determination of whether or not homelessness or being in foster care was a factor in the behavior shall~~

~~presume that homelessness or being in foster care was not a factor in the behavior unless the person determines otherwise pursuant to this subsection. A determination that homelessness was not a factor in the behavior must be made in consultation with the local educational agency liaison for homeless pupils designated in accordance with the McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. §§ 11301 et seq., or a contact person at a school, including, without limitation, a school counselor or school social worker. A determination that being in foster care was not a factor in the behavior must be made in consultation with an advocate for pupils in foster care at the school in which the pupil is enrolled or the school counselor of the pupil.]~~

14. ~~***[On the 6th school day]***~~ ***As soon as possible and not later than the 10th school day after the pupil was suspended from school pursuant to subsection 13, the principal shall review all relevant information to consider whether the behavior which led to the suspension was caused by or had a direct and substantial relationship to the pupil being in foster care or being homeless in a meeting with the educational decision maker for the pupil or surrogate parent, if one has been appointed pursuant to NRS 432B.462 or 34 C.F.R. § 300.519, as applicable, an advocate for pupils in foster care at the school and any other person the principal determines necessary. The relevant information to be reviewed during the meeting must include, without limitation:***

(a) The pupil's cumulative record;

(b) The pupil's academic plan, if one exists;

(c) Observations by staff of the conduct leading to suspension and the pupil generally; and

(d) Any other information provided by a person at the meeting.

15. If during the meeting held pursuant to subsection 14, the principal determines that the behavior leading to suspension was caused by or had a substantial relationship to the pupil being in foster care or being homeless, the principal shall:

(a) Eliminate the period of suspension ~~***[pursuant to subsection 16;]***~~ ***and***

~~***[(b) Provide]***~~ provide ***the pupil with behavioral and academic support, including, without limitation, the development of or revisions to an academic plan*** ~~***[.]***~~ ***; or***

(b) Assign the pupil to a temporary alternative placement for not more than 45 school days pursuant to NRS 392.4645, if the pupil is a habitual disciplinary problem pursuant to NRS 392.4655 or the behavior that led to the suspension consisted of, while on the premises of any public school, at an activity sponsored by a public school or on any school bus:

(1) Possessing a dangerous weapon or firearm;

(2) Knowingly possessing, using, selling, distributing or soliciting for sale a controlled substance; or

(3) Committing a battery with the intent to cause bodily injury.

16. If the principal provides three written notices on 3 separate days requesting a person attend a meeting required by subsection 13 or 14 and does not receive a response from the person within 24 hours after sending the third notice, the principal may hold the meeting without that person.

17. The principal of a public school may, at his or her discretion, reduce or eliminate the period of suspension, convert an expulsion to a suspension or otherwise reduce, eliminate or alter a disciplinary action imposed upon a pupil who commits a battery which results in the bodily injury of an employee of the school.

[~~15. 17.~~] *18.* The principal of a public school may reduce the period of suspension or convert an expulsion to a suspension for a pupil who distributes a controlled substance while on the premises of a public school, at an activity sponsored by a public school or on a school bus if:

(a) The pupil is less than 11 years of age;

(b) The pupil has not engaged in such proscribed conduct before; and

(c) After a thorough review of the facts and circumstances, the principal determines that the pupil did not know that the substance being distributed was a controlled substance.

[~~16. 18.~~] *19.* The provisions of chapter 241 of NRS do not apply to any hearing or proceeding conducted pursuant to this section. Such hearings or proceedings must be closed to the public.

[~~17. 19.~~] *20.* As used in this section:

(a) "Battery" has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.

(b) "Bodily injury" means any actual damage or injury to a person that interferes with or is detrimental to the health of the person and is more than merely accidental, transient or trifling in nature.

(c) "Dangerous weapon" includes, without limitation, a blackjack, slungshot, billy, sand-club, sandbag, metal knuckles, dirk or dagger, a nunchaku or trefoil, as defined in NRS 202.350, a butterfly knife or any other knife described in NRS 202.350, a switchblade knife as defined in NRS 202.265, or any other object which is used, or threatened to be used, in such a manner and under such circumstances as to pose a threat of, or cause, bodily injury to a person.

(d) "Firearm" includes, without limitation, any pistol, revolver, shotgun, explosive substance or device, and any other item included within the definition of a "firearm" in 18 U.S.C. § 921, as that section existed on July 1, 1995.

(e) "Foster care" has the meaning ascribed to it in 45 C.F.R. § 1355.20.

(f) "Homeless pupil" has the meaning ascribed to the term "homeless children and youths" in 42 U.S.C. § 11434a(2).

(g) "Permanently expelled" means the disciplinary removal of a pupil from the school in which the pupil is currently enrolled:

(1) Except as otherwise provided in subparagraph (2), without the possibility of returning to the school in which the pupil is currently enrolled or another public school within the school district; and

(2) With the possibility of enrolling in a program or public school for alternative education for pupils who are expelled or permanently expelled after being permanently expelled.

(h) "Restorative justice" has the meaning ascribed to it in NRS 392.472.

(i) "Unaccompanied pupil" has the meaning ascribed to the term "unaccompanied youth" in 42 U.S.C. § 11434a(6).

~~[18. 20.]~~ ***21.*** The provisions of this section do not prohibit a pupil who is suspended or expelled from enrolling in a charter school that is designed exclusively for the enrollment of pupils with disciplinary problems if the pupil is accepted for enrollment by the charter school pursuant to NRS 388A.453 or 388A.456. Upon request, the governing body of a charter school must be provided with access to the records of the pupil relating to the pupil's suspension or expulsion in accordance with applicable federal and state law before the governing body makes a decision concerning the enrollment of the pupil.

Sec. 3. NRS 392.467 is hereby amended to read as follows:

392.467 1. Except as otherwise provided in subsections 5 and 6 and NRS 392.466, the board of trustees of a school district or the governing body of a charter school or university school for profoundly gifted pupils, as applicable, or its designee may authorize the suspension or expulsion of any pupil who is at least 11 years of age from a public school. Except as otherwise provided in this subsection and subsections 5 and 6 of NRS 392.466, a pupil who is at least 6 years of age but less than 11 years of age must not be expelled or permanently expelled from school. In extraordinary circumstances, a school may request an exception to the prohibition set forth in this subsection against expelling or permanently expelling a pupil who is less than 11 years of age from school from the board of trustees of the school district or the governing body of the charter school or university school, as applicable.

2. A pupil who is less than 6 years of age must not be permanently expelled from school.

3. Except as otherwise provided in subsection 6, no pupil may be suspended or expelled until the pupil has been given notice of the charges against him or her, an explanation of the evidence and an opportunity to schedule a hearing, except that a pupil who:

(a) Poses a continuing danger to persons or property;

(b) Is an ongoing threat of disrupting the academic process;

(c) Is selling or distributing any controlled substance; or

(d) Is found to be in possession of a firearm or a dangerous weapon as provided in NRS 392.466,

➥ may be removed from the school immediately upon being given an explanation of the reasons for his or her removal and pending proceedings, to be conducted as soon as practicable after removal, for the pupil's suspension or expulsion.

4. The provisions of chapter 241 of NRS do not apply to any hearing or proceeding conducted pursuant to this section. Such hearings or proceedings must be closed to the public.

5. The board of trustees of a school district or the governing body of a charter school or university school for profoundly gifted pupils, as applicable, or its designee shall not authorize the expulsion, suspension or removal of any pupil from the public school system solely for offenses related to attendance or because the pupil is declared a truant or habitual truant in accordance with NRS 392.130 or 392.140.

6. A pupil with a disability may, in accordance with the procedural policy adopted by the board of trustees of the school district or the governing body of the charter school or university school for profoundly gifted pupils, as applicable, for such matters and only after an administrative review of the circumstances and a determination that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:

(a) Suspended from school pursuant to this section for not more than 10 days for each occurrence of proscribed conduct.

(b) Expelled from school pursuant to this section.

(c) Permanently expelled from school pursuant to this section.

7. ~~[A]~~ ***If the school is on notice that a pupil is homeless or in foster care, a*** homeless pupil or a pupil in foster care may be suspended from school pursuant to this section for ~~[not]~~ more than 5 days if, following a review of all available information ~~[,]~~ ***and, if an educational decision maker has been appointed for the pupil pursuant to NRS 432B.462, a meeting with the educational decision maker for the pupil,*** the principal determines that the conduct of the pupil poses an ongoing threat to the pupil or other persons at the school and if a determination is made that homelessness or being in foster care was not a factor in the behavior that led to the consideration for suspension or expulsion. ~~[The person responsible for making a determination of whether or not homelessness or being in foster care was a factor in the behavior shall presume that homelessness or being in foster care was not a factor in the behavior unless the person determines otherwise pursuant to this subsection. A determination that homelessness was not a factor in the behavior must be made in consultation with the local educational agency liaison for homeless pupils designated in accordance with the McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. §§ 11301 et seq., or a contact person at a school, including, without limitation, a school counselor or school social worker. A determination that being in foster care was not a factor in the behavior must be made in consultation with an advocate for pupils in foster care at the school in which the pupil is enrolled or the school counselor of the pupil.]~~

8. ***~~[On the 6th school day]~~*** ***As soon as practicable and not later than the 10th school day*** ***after the pupil was suspended from school pursuant to***

subsection 7, the principal shall review all relevant information to consider whether the behavior which led to the suspension was caused by or had a direct and substantial relationship to the pupil being in foster care or being homeless in a meeting with the educational decision maker for the pupil or surrogate parent, if one has been appointed pursuant to NRS 432B.462 or 34 C.F.R. § 300.519, as applicable, an advocate for pupils in foster care at the school and any other person the principal determines necessary. The relevant information to be reviewed during the meeting must include, without limitation:

(a) The pupil's cumulative record;

(b) The pupil's academic plan, if one exists;

(c) Observations by staff of the conduct leading to suspension and the pupil generally; and

(d) Any other information provided by a person at the meeting.

9. If during the meeting held pursuant to subsection 8, the principal determines that the behavior leading to suspension was caused by or had a substantial relationship to the pupil being in foster care or being homeless, the principal shall:

(a) Eliminate the period of suspension ~~[;]~~ and

~~[(b) Provide]~~ provide the pupil with behavioral and academic support, including, without limitation, the development of or revisions to an academic plan ~~[.]~~ ; or

(b) Assign the pupil to a temporary alternative placement for not more than 45 school days pursuant to NRS 392.4645, if the pupil is a habitual disciplinary problem pursuant to NRS 392.4655 or the behavior that led to the suspension consisted of, while on the premises of any public school, at an activity sponsored by a public school or on any school bus:

(1) Possessing a dangerous weapon or firearm;

(2) Knowingly possessing, using, selling, distributing or soliciting for sale a controlled substance; or

(3) Committing a battery with intend to cause bodily injury.

10. If the principal provides three written notices on 3 separate days requesting a person attend a meeting required by subsection 7 or 8 and does not receive a response from the person, the principal may hold the meeting without that person.

11. As used in this section:

(a) ***"Battery" has the meaning ascribed to it in NRS 392.466.***

(b) "Bodily injury" has the meaning ascribed to it in NRS 392.466.

(c) "Dangerous weapon" has the meaning ascribed to it in NRS 392.466.

(d) "Firearm" has the meaning ascribed to it in NRS 392.466.

(e) "Foster care" has the meaning ascribed to it in 45 C.F.R. § 1355.20.

~~[(b)]~~ ***(f)*** "Homeless pupil" has the meaning ascribed to the term "homeless children and youths" in 42 U.S.C. § 11434a(2).

~~[(c)]~~ ***(g)*** "Permanently expelled" means the disciplinary removal of a pupil from the school in which the pupil is currently enrolled:

(1) Except as otherwise provided in subparagraph (2), without the possibility of returning to the school in which the pupil is currently enrolled or another public school within the school district; and

(2) With the possibility of enrolling in a program or public school for alternative education for pupils who are expelled or permanently expelled after being permanently expelled.

Sec. 3.5. 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.

Sec. 4. This act becomes effective on July 1, 2025.

Assemblymember Torres-Fossett moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 191.

Bill read second time.

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

Amendment No. 705.

AN ACT relating to professions; ~~[exempting certain persons from provisions of existing law governing certified court reporters and court reporting firms; providing for the certification, licensing and regulation of certified legal recorders and legal recording firms by]~~ **requiring** the Certified Court Reporters' Board of Nevada ~~[; requiring court reporters, legal recorders, court reporting firms and legal recording firms]~~ to ~~[provide]~~ **prescribe by regulation** certain ~~[transcripts and recordings to third-party requesters under certain circumstances; defining certain terms and revising certain terms relating to certified court reporters, certified legal recorders, court reporting firms and legal recording firms; revising the membership of the Board; authorizing the Board to refer certain violations to a district attorney or the Attorney General;]~~ **fees; authorizing a municipal court to designate a person who is not required to be a certified court reporter to operate certain sound recording equipment;** increasing the compensation for certain services provided by a court reporter in district court; ~~[providing a penalty;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth the Nevada Certified Court Reporters' and Licensed Court Reporting Firms' Law, which provides for the certification and regulation of certified court reporters and the licensure and regulation of court reporting firms by the Certified Court Reporters' Board of Nevada. (Chapter 656 of NRS) ~~[Existing law prohibits a person from engaging in the practice of court reporting without a valid certificate of registration as a certified court reporter. (NRS 656.145, 656.300) Sections 3.5, 4.7-10 and 11.5-15 of this bill provide for the certification and regulation by the Board of persons engaged in the "practice of legal recording," which section 5 defines to mean, in general, the recording of certain proceedings by the use of audio equipment, video~~

~~cameras or any system of recording simultaneous audio and video. Section 5 designates a person certified by the Board to engage in the practice of legal recording as a "certified legal recorder." Section 3.5 requires the Board to adopt regulations governing certified legal video recorders that include, without limitation, the establishment of a provisional, basic and advanced certificate as a legal recorder.~~

~~Existing law prohibits a person from conducting business as a court reporting firm without a license issued by the Board. (NRS 656.185) Sections 3.5, 5.7, 11-12.6, 14 and 15 of this bill provide for the licensure and regulation by the Board of a "legal recording firm," which section 5 defines to mean, in general, a business entity that provides or arranges for certain services relating to certified legal recorders.~~

~~Sections 11.7 -12.1 set forth certain fees and certain circumstances under which the Board is authorized to take certain disciplinary actions, including for engaging in certain activities involving legal recording without a certificate or license. Section 12.6 authorizes the Board to refer matters involving certain violations to a district attorney or the Attorney General. Section 4.3 of this bill changes the name of the Nevada Certified Court Reporters' and Licensed Court Reporting Firms' Law to the Nevada Court Reporting and Legal Recording Law. Section 4.7 sets forth certain legislative declarations with respect to the certification and regulation of certified legal recorders.~~**]**

Existing law sets forth certain fees applicable to certified court reporters and court reporting firms. (NRS 656.220) Section 11.7 of this bill removes the amounts for such fees and instead requires the Board to prescribe by regulation initial reasonable fees for certified court reporters and court reporting firms. Section 11.7 requires those fees to be equal to the fees set forth in existing law as of December 31, 2025. Section 11.7 authorizes the Board, after prescribing such initial fees, to increase or decrease a fee by regulation to an amount that is not less than 90 percent and not more than 125 percent of the current fee. Section 17.5 of this bill provides that the existing fees remain in effect until the Board has established such fees by regulation. Sections 7 and 9 of this bill make conforming changes to reflect the requirement imposed in section 11.7 that the Board prescribe fees for certified court reporters by regulation.

Existing law authorizes certain courts and magistrates to designate a person who is not **required to be** a certified court reporter to operate sound recording equipment to record certain proceedings. (NRS 3.380, 4.400, 171.198) **Section 16.3** of this bill similarly authorizes a municipal court to make such a designation. **[**~~Section 2 of this bill exempts a person so designated from the provisions of the Nevada Court Reporting and Legal Recording Law.~~

~~Section 5.3 of this bill replaces one member of the Board who is a certified court reporter with a member who is a certified legal recorder, who is required to have been actively engaged as a certified legal recorder for at least 5 years. Section 16.7 of this bill sets forth certain exceptions to those requirements for such a member who is appointed before January 1, 2031. Section 13 authorizes~~

~~a person who holds a certificate of registration as a legal video recorder to use the title of "certified legal recorder" and the abbreviation "C.L.R." and prohibits any other person from using that title or abbreviation in connection with his or her profession or business.~~

~~Section 4 of this bill authorizes a person who is not a party to certain civil proceedings to request a copy of a transcript or legal record media of the proceeding from a court reporter, legal recorder, court reporting firm or legal recording firm with possession of the transcript or legal record media. Upon receipt of such a request, section 4 requires the court reporter, legal recorder or firm to notify the parties to the proceeding or their attorneys of: (1) the request; and (2) the name of the third-party requester. If the request is for a transcript or legal record media of the testimony of an expert witness, unless a court order prohibits provision of the transcript or record, section 4 requires the court reporter, legal recorder or firm to provide the transcript or legal record media to the third-party requester not later than 60 days after providing notice of the request and upon receipt of a reasonable fee prescribed by the court reporter, legal recorder or firm. If the request is for a transcript or legal record media of the proceeding other than the testimony of an expert witness, section 4 authorizes any party to the proceeding to object to the provision of the transcript or video record media by providing written notice to the court reporter, legal recorder or firm, the parties to the proceeding or their attorneys and the third-party requester. If a party so objects, section 4 prohibits the court reporter, legal recorder or firm from providing the requested transcript or legal record media unless: (1) a court order authorizes provision of the transcript or legal record media; and (2) the third-party requester pays a reasonable fee prescribed by the court reporter, legal recorder or firm.~~

~~Existing law requires an applicant for a certificate of registration as a certified court reporter to take an examination administered by the Board. (NRS 656.160) Sections 7 and 8: (1) require, with certain exceptions, an applicant for a certificate of registration as a legal recorder to pass an examination administered by the Board and pay certain fees; and (2) establish certain requirements relating to such an examination. Section 9 revises the requirements for a person to be admitted to take an examination. Section 10 sets forth the circumstances under which an applicant is entitled to a certificate of registration as a legal recorder.~~

~~Section 12 sets forth circumstances under which the Board is authorized to refuse to issue, suspend or revoke a certificate of registration as a legal recorder.~~

~~Sections 14 and 15 set forth certain requirements and restrictions relating to the retention and alteration of legal record media by a person who holds a certificate as a legal recorder.~~**]**

Existing law sets forth the compensation that must be paid for various services provided by the official reporter or reporter pro tempore in a state district court. (NRS 3.370) **Section 16** of this bill increases the compensation that must be paid to such court reporters for certain transcription and reporting services.

~~[Section 17 of this bill authorizes a person or business who, on or before December 31, 2025, is engaged in the legal recording of certain proceedings by the use of audio equipment, video cameras or any system of recording simultaneous audio and video or is providing certain referral services relating to such recording without obtaining a certificate of registration or license, as applicable, to continue to engage in such activities until July 1, 2026, or such other date as the Board may prescribe by regulation.]~~

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

Section 1. ~~[Chapter 656 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 4, inclusive, of this act.]~~ **(Deleted by amendment.)**

Sec. 2. ~~***[The provisions of this chapter do not apply to a person who has been designated by a court or magistrate pursuant to NRS 3.380, 4.400, 5.015 or 171.198 to operate sound recording equipment to record a proceeding and who confines his or her activities to those authorized by those sections.]***~~ **(Deleted by amendment.)**

Sec. 3. (Deleted by amendment.)

Sec. 3.5. ~~***[1. The Board shall, in consultation with representatives who are engaged in legal recording in this State, adopt regulations delineating the authorized scope of practice and specifying any additional training, education, experience, continuing education requirements and proficiency necessary for a certified legal recorder or legal recording firm in accordance with the requirements of this chapter.***~~

~~***2. The regulations adopted pursuant to this section must establish a provisional, basic and advanced certificate for a legal recorder. In addition to any other requirement established by the Board, the requirements for:***~~

~~***(a) A basic certificate must include certification by a nationally recognized certification agency. The holder of a basic certificate must be limited to audio and video recording, only while in the presence of another person who is a certified court reporter, and must not produce any transcripts.***~~

~~***(b) An advanced certificate must include certification by a nationally recognized certification agency and passage of any examinations or other requirements established by the Board. The holder of an advanced certificate may conduct audio and video recording without the presence of another person who is a certified court reporter, and may be authorized by the Board to produce transcripts, including certified transcripts, as determined by the Board.***~~

~~***(c) A provisional certificate must authorize a person to perform the functions of a person who holds a basic certificate, for a period of not more***~~

~~*than 2 years, during which time the person may pursue the education or credentials required for a basic or advanced certificate.*~~

~~*3. The regulations adopted pursuant to this section must not prohibit, if a person is otherwise qualified:*~~

~~*(a) A certified court reporter from also holding a certificate as a certified legal recorder; or*~~

~~*(b) A certified legal recorder from also holding a certificate as a certified court reporter.*~~

~~*4. The regulations adopted pursuant to this section may include administrative fines and penalties, including, without limitation, the authority for the Board to issue and enforce cease-and-desist orders for violations.*~~] **(Deleted by amendment.)**

Sec. 4. [~~*1. Each party to a proceeding is entitled, upon payment of a reasonable fee, to a copy of a transcript or legal record media of the proceeding.*~~

~~*2. Any person who is not a party to a proceeding may request a copy of a transcript or legal record media of the proceeding from the certified court reporter, certified legal recorder, court reporting firm or legal recording firm with possession of the transcript or legal record media.*~~

~~*3. Upon receipt of a request described in subsection 1, the certified court reporter, certified legal recorder, court reporting firm or legal recording firm shall notify each party to the proceeding or the attorney of each party to the proceeding of the following:*~~

~~*(a) That a copy of the transcript or legal record media of the proceeding is being sought by a third-party requester; and*~~

~~*(b) The name of the third-party requester.*~~

~~*4. If the request is for a copy of the transcript or legal record media:*~~

~~*(a) Of the testimony of an expert witness, whether or not the expert was required to produce a written report pursuant to Nevada Rule of Civil Procedure 16, unless a court order prohibiting the provision of the transcript or legal record media to the third-party requester is served on the certified court reporter, certified legal reporter, court reporting firm or legal reporting firm, not later than 60 days after providing the notification described in subsection 2 the certified court reporter, certified legal reporter, court reporting firm or legal recording firm shall, upon receipt of a reasonable fee prescribed pursuant to subsection 5, provide a copy of the requested transcript or legal record media to the third-party requester.*~~

~~*(b) Other than of the testimony of an expert witness, any party to the proceeding may object to the provision of the transcript or legal record media, not later than 60 days after receipt of the notification described in subsection 3, by providing written notice to the certified court reporter, certified legal recorder, court reporting firm or legal recording firm, each party to the proceeding or the attorney of each party and the third-party requester. If a party objects pursuant to this paragraph, the certified court reporter, certified legal recorder, court reporting firm or legal recording firm*~~

~~***shall not provide a copy of the requested transcript or legal record media to the third-party requester unless a court order authorizing the provision of the transcript or legal record media to the third-party requester is served on the certified court reporter, certified legal recorder, court reporting firm or legal recording firm and the third-party requester pays a reasonable fee prescribed pursuant to subsection 5.***~~

~~***5. The third-party requester must pay to the certified court reporter, certified legal recorder, court reporting firm or legal recording firm a reasonable fee prescribed by the certified court reporter, certified legal recorder, court reporting firm or legal recording firm before the furnishing of any copy of a transcript or legal record media which is authorized pursuant to this section.***~~

~~***6. The Board shall adopt regulations which address the redaction of confidential information from any transcript or legal record media before a copy is provided to a third-party requester.***~~

~~***7. Before issuing any order pursuant to subsection 4, a court must consider the existence of any non-disclosure agreement, confidential settlement agreement or similar agreement of confidentiality between the parties.***~~

~~***8. The provisions of this section do not apply to any portion of a transcript or legal record media of a proceeding which is part of a public court record and not sealed, redacted or otherwise confidential.***~~

~~***9. As used in this section:***~~

~~***(a) "Litigation" means:***~~

~~***(1) Any suit at law or in equity; or***~~

~~***(2) Any arbitration that is subject to judicial review.***~~

~~***(b) "Proceeding" means any hearing or other matter that is conducted or considered during litigation, including, without limitation:***~~

~~***(1) Any final decision of an agency that is subject to judicial review pursuant to chapter 233B of NRS;***~~

~~***(2) Any examination, deposition or other hearing relating to discovery as provided by statute or the Nevada Rules of Civil Procedure; and***~~

~~***(3) Any other matters subject to judicial review.]***~~ **(Deleted by amendment.)**

Sec. 4.3. ~~**[**NRS 656.010 is hereby amended to read as follows:~~

~~656.010 This chapter is known and may be cited as the Nevada **[**Certified**]** Court **[**Reporters'**]** ***Reporting*** and **[**Licensed Court Reporting Firms'**]** ***Legal Recording*** Law.**]**~~ **(Deleted by amendment.)**

Sec. 4.7. ~~**[**NRS 656.020 is hereby amended to read as follows:~~

~~656.020 1. It is hereby declared to be the policy of the Legislature to:~~

~~(a) Encourage proficiency in the practice of court reporting ***and the practice of legal recording*** as **[**a profession;**]** ***professions;***~~

~~(b) Promote efficiency in court ***reporting, legal recording*** and general reporting; and~~

~~(c) Extend to the courts and public the protection afforded by a standardized profession by establishing **[**a standard**]** ***standards*** of competency for those engaged in **[**it.**]** ***the practice of court reporting and legal recording.***~~

~~2. The practice of court reporting ***and the practice of legal recording*** in the State of Nevada **[**is**]** ***are*** declared to affect the public health, safety and welfare and **[**is**]** ***are*** subject to regulation and control in the public interest.**]**~~ **(Deleted by amendment.)**

Sec. 5. ~~**[**NRS 656.030 is hereby amended to read as follows:~~

~~656.030 As used in this chapter, unless the context otherwise requires:~~

~~1. "Board" means the Certified Court Reporters' Board of Nevada.~~

~~2. "Business entity" means any form of business organization, including, without limitation, a corporation, partnership, sole proprietorship, limited-liability company or limited-liability partnership. The term does not include a natural person or governmental entity.~~

~~3. "Certificate" means a **[**certified**]** ***certificate of registration as a*** court **[**reporter's**]** ***reporter or a*** certificate ***of registration as a legal recorder, including, without limitation, a provisional, basic and advanced certificate established by the Board pursuant to section 3.5 of this act,*** issued under the provisions of this chapter.~~

~~4. "Certified court reporter" means a natural person who is **[**technically qualified and registered**]** ***certified by the Board*** under this chapter to practice court reporting.~~

~~5. ***"Certified legal recorder" means a natural person who is certified by the Board under this chapter to practice legal recording.***~~

~~***6.*** "Court reporting firm" means a business entity that, for compensation, provides or arranges for the services of a certified court reporter or provides referral services for certified court reporters in this State.~~

~~**[**6.**]** ***7.*** "Designated representative of a court reporting firm" means the natural person designated to act as the representative of a court reporting firm pursuant to NRS 656.186.~~

~~***8. "Designated representative of a legal recording firm" means the natural person designated to act as the representative of a legal recording firm pursuant to NRS 656.186.***~~

~~**[**7.**]** ***9.*** "Distance education program" means a program that offers instruction which is delivered by the Internet in such a manner that the natural person supervising or providing the instruction and the natural person receiving the instruction are separated geographically for a majority of the time during which the instruction is delivered.~~

~~***10. "Legal record media" means the audio or video record or digital recording taken of a proceeding described in paragraphs (a) to (d), inclusive, of subsection 13.***~~

~~***11. "Legal recording firm" means a business entity that, for compensation, provides or arranges for the services of a certified legal recorder or provides referral services for certified legal recorders in this State.***~~

~~**[**8.**]** ***12.*** "License" means a license issued under the provisions of this chapter to conduct business as a court reporting firm **[**.**]** ***or a legal recording firm.***~~

~~**[**9.**]** ***13.*** "Licensee" means a business entity to which a license has been issued.~~

~~**[**10.**]** ***14.*** "Practice of court reporting" means reporting, in this State, by the use of voice writing or any system of manual or mechanical shorthand writing:~~

~~(a) Grand jury proceedings;~~

~~(b) Court proceedings, with the exception of proceedings before a federal court;~~

~~(c) Pretrial examinations, depositions, motions and related proceedings of like character; or~~

~~(d) Proceedings of any agency if the final decision of the agency with reference thereto is subject to judicial review.~~

~~***15. "Practice of legal recording" means recording in this State by the use of audio equipment, video cameras or any system of recording simultaneous audio and video, a proceeding described in paragraphs (a) to (d), inclusive, of subsection 14.***~~

~~**[**11.**]** ***16.*** "Stenographic notes" means:~~

~~(a) The original manually or mechanically produced notes in shorthand or shorthand writing taken by a certified court reporter while in attendance at a proceeding to report the proceeding; or~~

~~(b) The record produced by the use of voice writing by a certified court reporter while in attendance at a proceeding.~~

~~**[**12.**]** ***17.*** "Voice writing" means the making of a verbatim record of a proceeding by repeating the words of the speaker into a device that is capable of:~~

~~(a) Digitally translating the words into text; or~~

~~(b) Making a tape or digital recording of those words.~~

~~➥ The term includes, without limitation, stenomasking, verbatim reporting and other similar titles.**]**~~ <u>**(Deleted by amendment.)**</u>

Sec. 5.3. ~~**[**NRS 656.050 is hereby amended to read as follows:~~

~~656.050 The members of the Board must be appointed by the Governor as follows:~~

~~1. One member of the Board must be an active member of the State Bar of Nevada.~~

~~2. **[**Three**]** ***Two*** members of the Board must be holders of certificates ***of registration as a court reporter*** and must have been actively engaged as certified court reporters within this State for at least 5 years immediately preceding their appointment.~~

~~3. ***One member of the Board must be a holder of a certificate of registration as a legal recorder and must have been actively engaged as a certified legal recorder for at least 5 years immediately preceding his or her appointment.***~~

~~*4.* One member of the Board must be a representative of the general public. This member must not be:~~

~~(a) A certified court reporter; **[**or**]**~~

~~(b) ***A certified legal recorder; or***~~

~~***(c)*** The spouse or the parent or child, by blood, marriage or adoption, of a certified court reporter **[**.**]** ***or certified legal recorder.]***~~ **(Deleted by amendment.)**

Sec. 5.7. ~~**[**NRS 656.140 is hereby amended to read as follows:~~

~~656.140 The Board may aid in all matters pertaining to the advancement of the practice of court reporting **[**,**]** ***and the practice of legal recording,*** including but not limited to all matters that may advance the professional interests of certified court reporters **,** ***certified legal recorders*** and licensees and such matters as concern their relations with the public.**]**~~ **(Deleted by amendment.)**

Sec. 6. ~~**[**NRS 656.145 is hereby amended to read as follows:~~

~~656.145 ***1.*** It is unlawful for any natural person to practice court reporting or to advertise or use any identifying term that may indicate to the public that the natural person is entitled to practice as a ***certified*** court reporter unless the natural person holds a certificate of registration as a certified court reporter issued by the Board.~~

~~***2. It is unlawful for any natural person to practice legal recording or to advertise or use any identifying term that may indicate to the public that the natural person is entitled to practice as a certified legal recorder unless the natural person holds a certificate of registration as a legal recorder issued by the Board.]***~~ **(Deleted by amendment.)**

Sec. 7. NRS 656.150 is hereby amended to read as follows:

656.150 1. Each applicant for a certificate must file an application with the Executive Secretary of the Board at least 30 days before the date fixed for examination. The application must be accompanied by the required fee and all information required to complete the application.

2. No ~~***[A]***~~ certificate ~~***[of registration as a court reporter]***~~ may ~~***[not]***~~ be issued until the applicant has:

(a) Passed the examination prescribed by the Board;

(b) Passed one of the examinations described in paragraph (b) of subsection 2 of NRS 656.170; and

(c) Paid the fee ~~**[**as provided in**]**~~ ***prescribed by the Board pursuant to*** NRS 656.220.

~~***[3. Except as otherwise provided in the regulations adopted by the Board pursuant to section 3.5 of this act concerning a provisional certificate, a certificate of registration as a legal recorder may not be issued until the applicant has:***~~

~~***(a) Passed an examination prescribed by the Board; and***~~

~~***(b) Paid the fee as provided in NRS 656.220.]***~~

Sec. 8. ~~**[**NRS 656.160 is hereby amended to read as follows:~~

~~656.160 1. Every person who files an application for an original certificate must personally appear before the Board for an examination and the answering of such questions as may be prepared by the Board to enable it to determine the trustworthiness of the applicant and his or her competency to engage in the practice of court reporting~~ ~~***or the practice of legal recording***~~ ~~in such a manner as to safeguard the interests of the public.~~

~~2. In determining competency, the Board shall administer an examination to determine whether the applicant has:~~

~~(a)~~ ~~***For a certificate of registration as a court reporter:***~~

~~***(1)*** A good understanding of the English language, including reading, spelling, vocabulary, and medical and legal terminology; and~~

~~**[**(b)**]** ***(2)*** A clear understanding of the obligations owed by a court reporter to the parties in any reported proceedings and the obligations created by the provisions of this chapter and any regulation adopted pursuant to this chapter.~~

~~***(b) For a certificate of registration as a legal recorder:***~~

~~***(1) A good understanding of taking and producing legal record media of proceedings; and***~~

~~***(2) A clear understanding of the obligations owed by a legal recorder to the parties in any recorded proceeding and the obligations created by the provisions of this chapter and any regulation adopted pursuant thereto.]***~~ **(Deleted by amendment.)**

Sec. 9. NRS 656.170 is hereby amended to read as follows:

656.170 1. Examinations ~~***[of applicants for a certificate of registration as a court reporter]***~~ must be held not less than twice a year at such times and places as the Board may designate.

2. No natural person may be admitted to the examination unless the natural person first applies to the Board as required by NRS 656.150. The application must include, without limitation, satisfactory evidence to the Board that the applicant has, at the time of filing his or her application:

(a) Satisfied the requirements set forth in subsections 1 to 4, inclusive, of NRS 656.180;

(b) Received a passing grade on:

(1) The National Court Reporters Association's examination for registered professional reporters; or

(2) The National Verbatim Reporters Association's examination for certified verbatim reporters;

(c) Received one of the following:

(1) A certificate as a registered professional reporter issued to the applicant by the National Court Reporters Association;

(2) A certificate as a registered merit reporter issued to the applicant by the National Court Reporters Association;

(3) A certificate as a certified verbatim reporter issued to the applicant by the National Verbatim Reporters Association; or

(4) A valid certificate or license to practice court reporting issued to the applicant by another state if the requirements for certification or licensure in

that state are substantially equivalent to the requirements of this State for obtaining a certificate;

(d) Either:

(1) At least 1 year of continuous experience within the 5 years immediately preceding the application, in the practice of court reporting or producing verbatim records of meetings and conferences by the use of voice writing or any system of manual or mechanical shorthand writing and transcribing those records; or

(2) Obtained in the 12 months immediately preceding the application, a certificate of satisfactory completion of a prescribed course of study from a court reporting program that, as determined by the Board, evidences a proficiency substantially equivalent to subparagraph (1); and

(e) Paid the fee for filing an application for an examination ~~[set forth in]~~ ***prescribed by the Board pursuant to*** NRS 656.220.

3. As used in this section, "practice of court reporting" includes reporting by use of voice writing or any system of manual or mechanical shorthand writing, regardless of the state in which the reporting took place.

Sec. 10. ~~[NRS 656.180 is hereby amended to read as follows:~~

~~656.180 [An] ***Except as otherwise provided by the regulations adopted by the Board pursuant to section 3.5 of this act concerning a provisional certificate, an*** applicant for a certificate of registration as a certified court reporter ***or a certified legal recorder*** is entitled to a certificate if the applicant:~~

~~1. Is at least 18 years of age;~~

~~2. Is of good moral character;~~

~~3. Has not been convicted of a felony relating to the practice of court reporting [;] ***or the practice of legal recording;***~~

~~4. Has a high school education or its equivalent;~~

~~5. Satisfactorily passes:~~

~~(a) An examination administered by the Board pursuant to NRS 656.160; and~~

~~(b) [One] ***For an applicant for a certificate of registration as a court reporter, one*** of the examinations described in paragraph (b) of subsection 2 of NRS 656.170;~~

~~6. Pays the requisite fees; and~~

~~7. Submits all information required to complete an application for a certificate of registration.]~~ **(Deleted by amendment.)**

Sec. 11. ~~[NRS 656.185 is hereby amended to read as follows:~~

~~656.185 1. It is unlawful for any business entity to conduct business as a court reporting firm ***or legal recording firm*** or to ***act in the capacity of,*** advertise or use any identifying term that may indicate to members of the public that the business entity is entitled to conduct [such a] business ***as a court reporting firm or legal recording firm*** without first obtaining a license from the Board.~~

~~2. Each applicant for a license as a court reporting firm *__or a legal recording firm__* must file an application with the Executive Secretary of the Board on a form prescribed by the Board.~~

~~3. The application must:~~

~~(a) Include the federal identification number of the applicant;~~

~~(b) Include the name of the natural person who will be appointed as the designated representative of the court reporting firm *__or legal recording firm__* and such other identifying information about that natural person as required by the Board;~~

~~(c) Be accompanied by the required fee; and~~

~~(d) Include all information required to complete the application.~~

~~4. To obtain a license pursuant to this section, an applicant need not hold a certificate of registration as a certified court reporter. *__or certified legal recorder.__*]~~ __(Deleted by amendment.)__

Sec. 11.1. ~~[NRS 656.186 is hereby amended to read as follows:~~

~~656.186 1. Each court reporting firm *__or legal recording firm__* shall appoint one natural person affiliated with the court reporting firm to act as the designated representative for the firm. The natural person so appointed must:~~

~~(a) Hold **[a]** *__an appropriate__* certificate; or~~

~~(b) Pass an examination administered by the Board pursuant to subsection 2.~~

~~2. The Board shall administer an examination to determine whether a designated representative of a court reporting firm *__or legal recording firm__* understands:~~

~~(a) The ethics and professionalism required for the practice of court reporting **[;]** *__or the practice of legal recording;__* and~~

~~(b) The obligations owed by a certified court reporter *__or a certified legal recorder__* to the parties in any reported proceedings and the obligations created by the provisions of this chapter and any regulation adopted thereto.~~

~~3. The Board may adopt regulations to carry out the provisions of this section and to establish additional subject areas to be included in **[the]** *__an__* examination administered by the Board pursuant to this section.]~~ __(Deleted by amendment.)__

Sec. 11.3. ~~[NRS 656.187 is hereby amended to read as follows:~~

~~656.187 1. A license as a court reporting firm *__or legal recording firm__* expires on June 30 of each year and may be renewed if, before that date, the licensee submits to the Board:~~

~~(a) An application for renewal on a form prescribed by the Board;~~

~~(b) If *__the licensee is a court reporting firm and__* the designated representative of **[a]** *__the__* court reporting firm does not hold a certificate, evidence that the designated representative of the court reporting firm has completed the requirements for continuing education established by the Board;~~

~~(c) The required fee for renewal; and~~

~~(d) All information required to complete the renewal.~~

~~2. The Board shall adopt regulations requiring a designated representative of a court reporting firm who does not hold a certificate to participate in continuing education or training as a condition to the renewal or reinstatement of a license of a licensee. If a designated representative of a court reporting firm fails to comply with such requirements, the Board may suspend or revoke the license of the licensee.~~

~~3. A license that expires pursuant to the provisions of this section may be reinstated if the applicant:~~

~~(a) Complies with the provisions of subsection 1; and~~

~~(b) Submits to the Board the required fee for reinstatement.]~~ **(Deleted by amendment.)**

Sec. 11.5. NRS 656.200 is hereby amended to read as follows:

656.200 1. To renew a certificate of registration a certified court reporter must:

(a) Apply to the Board for renewal;

(b) Pay the annual renewal fee prescribed by the Board;

(c) Submit evidence to the Board of completion of the requirements for continuing education established by the Board; and

(d) Submit all information required to complete the renewal.

2. ~~***[To renew a certificate of registration, a legal recorder must:***~~

~~***(a) Apply to the Board for renewal;***~~

~~***(b) Pay the annual renewal fee prescribed by the Board; and***~~

~~***(c) Submit all information required to complete the renewal.***~~

~~***3.]***~~ The Board shall adopt regulations requiring certified court reporters ~~***[and certified legal recorders]***~~ to participate in continuing education or training as a prerequisite to the renewal or restoration of a certificate. If a certified court reporter ~~***[or certified legal recorder]***~~ fails to comply with the requirements, the Board may suspend or revoke his or her certificate.

3. ~~***[4.]***~~ The failure of any certified court reporter ~~***[or certified legal recorder]***~~ to submit all information required to complete the renewal or pay in advance the annual renewal fee which may be fixed by the Board as necessary to defray the expense of administering the provisions of this chapter results in the suspension of the reporter's right to engage in the practice of court reporting . ~~***[or the recorder's right to engage in the practice of legal recording.]***~~ The suspension must not be terminated until all required information has been submitted and all delinquent fees have been paid.

4. ~~***[5.]***~~ A certified court reporter ~~***[or certified legal recorder]***~~ whose certificate of registration has been suspended because of failure to submit all required information or pay the renewal fee:

(a) May within 2 years thereafter have the certificate reinstated without examination upon submission of all required information and payment of the fees ~~[set forth in]~~ ***prescribed by the Board pursuant to*** paragraph ~~[(c)]~~ ***(d)*** of subsection 1 of NRS 656.220.

(b) While he or she was on active military duty or in training before induction, may have the certificate renewed without payment of any fee if he or she files an application for renewal, an affidavit of such service with the Board within 2 years after the termination of the service and all information required to complete the renewal.

Sec. 11.7. NRS 656.220 is hereby amended to read as follows:

656.220 1. The ***Board shall, in accordance with subsection 3, prescribe by regulation reasonable initial*** fees ~~***[applicable to certified court reporters, court reporting firms, certified legal recorders and legal recording firms*** required by this chapter are fixed by]~~ ***for*** the following ***:*** ~~[schedule:]~~

(a) The fee for filing an application for an examination***.*** ~~[must be fixed by the Board annually at not more than $250 and not less than $90.]~~

(b) The fee for the original issuance of a certificate***.*** ~~[must be fixed by the Board annually at not more than $250 and not less than $150.]~~

(c) ~~[For a certificate issued after July 1, 1973, the fee is an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the certificate is issued, except that if the certificate will expire less than 1 year after its issuance, then the fee is 50 percent of the renewal fee in effect on the last regular renewal date before the date on which the certificate is issued. The Board may by regulation provide for the waiver or refund of the initial certificate fee if the certificate is issued less than 45 days before the date on which it will expire.~~

~~(d)]~~ The annual renewal fee for a certificate***.*** ~~[must be fixed by the Board annually at not more than $250 and not less than $150.]~~ Every holder of a certificate desiring renewal must pay the annual renewal fee to the Board on or before May 15 of each year.

~~[(e) For]~~

(d) The fee for the renewal of a certificate which was suspended for failure to renew, ~~[the fee is]~~ ***which must be*** an amount equal to all unpaid renewal fees accrued plus a reinstatement fee***.*** ~~[that must be fixed by the Board annually at not more than $125 and not less than $75.~~

~~(f)]~~ ***(e)*** The fee for the original issuance of a license as a court reporting firm***.*** ~~***[or legal recording firm*** is $250.~~

~~(g)]~~ ***(f)*** The fee for the annual renewal of a license as a court reporting firm ***.*** ~~***[or legal recording firm*** is $175.~~

~~(h)]~~ ***(g)*** The fee for the reinstatement of a license as a court reporting firm***.*** ~~***[or legal recording firm*** is $175.]~~

2. In addition to the fees set forth in subsection 1, the Board may charge and collect a fee for the expedited processing of a request or for any other incidental service it provides. The fee must not exceed the cost incurred by the Board to provide the service.

3. The initial fees prescribed by the Board pursuant to subsection 1 must be equal to the fees established in this section or prescribed by regulation, as applicable, as such fees existed on December 31, 2025.

4. After the Board prescribes the initial fees pursuant to subsection 1, the Board may by regulation increase or decrease a fee to an amount that is not less than 90 percent and not more than 125 percent of the current fee.

Sec. 11.9. ~~**[**NRS 656.240 is hereby amended to read as follows:~~

~~656.240 The Board may refuse to issue or to renew or may suspend or revoke any certificate or license for any one or a combination of the following causes:~~

~~1. If the applicant, certified court reporter ***, certified legal recorder*** or licensee has by false representation obtained or sought to obtain a certificate or license for himself, herself or itself or any other natural person or business entity.~~

~~2. If the applicant, certified court reporter **[**or**]** ***, certified legal recorder,*** designated representative of a court reporting firm ***or designated representative of a legal recording firm*** has been found in contempt of court, arising out of the conduct of the applicant, court reporter ***, legal recorder*** or designated representative in performing or attempting to perform any act as a certified court reporter.~~

~~3. If the applicant, certified court reporter or designated representative of a court reporting firm has been convicted of a crime related to the qualifications, functions and responsibilities of a certified court reporter or licensee.~~

~~4. If the applicant, certified court reporter **[**or**]** ***, certified legal recorder,*** designated representative of a court reporting firm ***or designated representative of a legal recording firm*** has been convicted of any offense involving moral turpitude.~~

~~➥ The judgment of conviction or a certified copy of the judgment is conclusive evidence of conviction of an offense.**]**~~ **<u>(Deleted by amendment.)</u>**

Sec. 12. ~~**[**NRS 656.250 is hereby amended to read as follows:~~

~~656.250 The Board may refuse to issue or renew or may suspend or revoke any certificate or license if the certified court reporter **[**,**]** ***or certified legal recorder,*** including a designated representative of a court reporting firm ***or a designated representative of a legal recording firm*** if he or she holds a certificate, in performing or attempting to perform or pretending to perform any act as a certified court reporter ***or certified legal recorder*** has:~~

~~1. Willfully failed to **[**take**]** ***:***~~

~~***(a) Take*** full and accurate stenographic notes of any proceedings; ***or***~~

~~***(b) Provide full and accurate legal record media of any proceedings;***~~

~~2. Willfully altered any stenographic notes ***or legal record media*** taken at any proceedings;~~

~~3. Willfully failed accurately to transcribe verbatim any stenographic notes taken at any proceedings;~~

~~4. Willfully altered a transcript of stenographic notes taken at any proceedings;~~

~~5. Affixed his or her signature to any transcript of his or her stenographic notes or certified to the correctness of such a transcript unless the transcript was prepared by the certified court reporter or was prepared under the certified court reporter's immediate supervision;~~

~~6. Demonstrated unworthiness or incompetency to act as a certified court reporter~~ ~~***or a certified legal recorder***~~ ~~in such a manner as to safeguard the interests of the public;~~

~~7. Professionally associated with or loaned his or her name to another for the illegal practice by another of court reporting~~ **~~[,]~~** ~~***or legal recording,***~~ ~~or professionally associated with any natural person or business entity holding itself out in any manner contrary to the provisions of this chapter;~~

~~8. Habitually been intemperate in the use of intoxicating liquor or controlled substances;~~

~~9. Except as otherwise provided in subsection 10, willfully violated any of the provisions of this chapter or the regulations adopted by the Board to enforce this chapter;~~

~~10. Violated any regulation adopted by the Board relating to:~~

~~(a) Unprofessional conduct;~~

~~(b) Agreements for the provision of ongoing services as a certified court reporter~~ ~~***or certified legal recorder***~~ ~~or ongoing services which relate to the practice of court reporting~~ **~~[;]~~** ~~***or the practice of legal recording;***~~

~~(c) The avoidance of a conflict of interest; or~~

~~(d) The performance of the practice of court reporting~~ ~~***or the performance of the practice of legal recording***~~ ~~in a uniform, fair and impartial manner and avoiding the appearance of impropriety;~~

~~11. Failed within a reasonable time to provide information requested by the Board as the result of a formal or informal complaint to the Board, which would indicate a violation of this chapter; or~~

~~12. Failed without excuse to transcribe stenographic notes~~ ~~***or provide legal record media***~~ ~~of a proceeding and file or deliver to an ordering party a transcript of the stenographic notes~~ **~~[:]~~** ~~***or legal record media:***~~

~~(a) Within the time required by law or agreed to by verbal or written contract;~~

~~(b) Within a reasonable time required for filing the transcript~~ **~~[;]~~** ~~or~~ ~~***providing the legal record media; or***~~

~~(c) Within a reasonable time required for delivery of the transcript~~ **~~[.]~~** ~~***or the legal record media.]***~~ **<u>(Deleted by amendment.)</u>**

Sec. 12.1. ~~[NRS 656.253 is hereby amended to read as follows:~~

~~656.253 The Board may refuse to issue or renew or may suspend or revoke a certificate or license if, after notice and a hearing as required by law, the Board determines that the certified court reporter~~ ~~***, certified legal recorder***~~ ~~or licensee has committed any of the acts set forth in NRS 656.240 or 656.250.]~~ **<u>(Deleted by amendment.)</u>**

Sec. 12.2. ~~[NRS 656.257 is hereby amended to read as follows:~~

~~656.257 In addition to or in lieu of suspending, revoking or refusing to issue or renew the certificate of a certified court reporter~~ ~~***or a certified legal recorder***~~ ~~or the license of a court reporting firm~~ ~~***or a legal recording firm***~~ ~~pursuant to NRS 656.240, 656.250 or 656.253, the Board may, by a majority vote:~~

~~1. Place the certified court reporter ***, certified legal recorder*** or licensee on probation for a period not to exceed 1 year; or~~

~~2. Impose an administrative fine against the certified court reporter ***, certified legal recorder*** or licensee as provided in NRS 656.360.]~~ **(Deleted by amendment.)**

Sec. 12.3. ~~[NRS 656.260 is hereby amended to read as follows:~~

~~656.260 1. A licensee **, [or]** certified court reporter ***or certified legal recorder*** shall notify the Chair or Executive Secretary of the Board in writing within 30 days after a change in name or address.~~

~~2. A licensee shall report any change of:~~

~~(a) Ownership or corporate officers of a court reporting firm **[;]** ***or legal recording firm;*** and~~

~~(b) The designated representative of the court reporting firm ***or designated representative of the legal recording firm*** must be reported to the Chair or Executive Secretary within 30 days after the change.~~

~~3. The Board may suspend or revoke a license or certificate if the licensee **, [or]** certified court reporter ***or certified legal recorder*** fails so to notify the Board.]~~ **(Deleted by amendment.)**

Sec. 12.4. ~~[NRS 656.270 is hereby amended to read as follows:~~

~~656.270 The entry of a decree by a court of competent jurisdiction establishing the mental illness of any natural person who is a certified court reporter **[or]** ***, a certified legal recorder,*** a designated representative of a court reporting firm ***or a designated representative of a legal recording firm*** licensed under this chapter operates as a suspension of the certificate or license. Such a natural person may resume his or her business or practice only upon a finding by the Board that the natural person has been determined to be recovered from mental illness by a court of competent jurisdiction and upon the Board's recommendation that the certified court reporter ***, certified legal recorder*** or licensee be permitted to resume his or her business or practice.]~~ **(Deleted by amendment.)**

Sec. 12.5. ~~[NRS 656.280 is hereby amended to read as follows:~~

~~656.280 1. The Board may upon its own motion and shall upon the verified complaint in writing of any natural person or business entity setting forth facts which if proven would constitute grounds for refusal, suspension or revocation of a certificate or license or other disciplinary action as set forth in NRS 656.240 to 656.300, inclusive, investigate the actions of a current or former certified court reporter ***, certified legal recorder*** or licensee, including a natural person who or business entity that applies for, or holds or represents that he or she or the business entity holds a license or certificate.~~

~~2. The Board shall, before refusing to issue any license or certificate, notify the applicant in writing of the reasons for the refusal. The notice must be served by delivery personally to the applicant or by mailing by registered or certified mail to the last known place of business of the applicant.~~

~~3. The time set in the notice must not be less than 10 nor more than 30 days after delivery or mailing.~~

~~4. The Board may continue the hearing from time to time.]~~ **(Deleted by amendment.)**

Sec. 12.6. ~~[NRS 656.300 is hereby amended to read as follows:~~

~~656.300 1. A natural person who has not been issued a certificate or whose certificate has been suspended or revoked shall not engage in the practice of court reporting **[.]** ***or the practice of legal recording.***~~

~~2. A business entity that has not been issued a license or whose license has been suspended or revoked shall not conduct business as a court reporting firm **[.]** ***or a legal recording firm.***~~

~~3. In addition to any other penalty prescribed by law, if the Board determines that a natural person or business entity has committed any act described in this section or NRS 656.145 or 656.185, the Board may:~~

~~(a) Issue and serve on the natural person or business entity an order to cease and desist until the natural person or business entity obtains from the Board the proper certificate or license or otherwise demonstrates that the natural person or business entity is no longer in violation of this section. An order to cease and desist must include a telephone number with which to contact the Board.~~

~~(b) Issue a citation to a natural person or business entity. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the natural person or business entity of the provisions of this paragraph. Each activity in which the natural person or business entity is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the natural person or business entity 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 natural person or business entity an administrative fine as provided in NRS 656.360.~~

~~(d) ***Refer the matter to the appropriate district attorney or the Attorney General, as applicable, for possible criminal prosecution pursuant to subsection 4.***~~

~~***(e)*** Impose any combination of the penalties set forth in paragraphs (a) **[**, (b) and (c).**]** ***to (d), inclusive.***~~

~~***4. The district attorney of each county shall prosecute all violations of this section and NRS 656.145 and 656.185 in their respective counties in which violations occur, unless prosecuted by the Attorney General. Upon request of the Executive Secretary of the Board, the Attorney General shall prosecute any violation of this section or NRS 656.145 or 656.185 in lieu of the district attorney.]***~~ **(Deleted by amendment.)**

Sec. 13. ~~[NRS 656.310 is hereby amended to read as follows:~~

~~656.310 1. Except as otherwise provided in subsection 2, each natural person to whom a valid existing certificate of registration as a certified court reporter has been issued under this chapter:~~

~~(a) Must be designated as a certified court reporter;~~

~~(b) May, in connection with his or her practice of court reporting, use the abbreviation "C.C.R."; and~~

~~(c) Shall not, in connection with his or her practice of court reporting, use the abbreviation "C.C.R.-V." **[;]**~~

~~2. Each natural person to whom a valid existing certificate of registration as a certified court reporter has been issued under this chapter and who has only passed the portion of the examination required pursuant to paragraph (b) of subsection 2 of NRS 656.170 through the use of voice writing:~~

~~(a) Must be designated as a certified court reporter-voice writer;~~

~~(b) May, in connection with his or her practice of court reporting, use the abbreviation "C.C.R.-V.";~~

~~(c) Shall not, in connection with his or her practice of court reporting, use the abbreviation "C.C.R."; and~~

~~(d) Shall engage in the practice of court reporting only through the use of voice writing.~~

~~3. ***Each natural person to whom a valid existing certificate of registration as a certified legal recorder has been issued under this chapter:***~~

~~***(a) Must be designated as a certified legal recorder;***~~

~~***(b) May, in connection with his or her practice of legal recording, use the abbreviation "C.L.R."***~~

~~***4.*** No natural person other than the holder of a valid existing certificate of registration under this chapter may use the title or designation of "certified court reporter," "certified court reporter-voice writer," ***"certified legal recorder,"*** "C.C.R." **[**or "C.C.R.-V.,"**]** ***, "C.C.R.-V." or "C.L.R.,"*** either directly or indirectly, in connection with his or her profession or business.~~

~~**[**4.**]** ***5.*** Every certified court reporter ***and certified legal recorder*** shall place the number of the certificate:~~

~~(a) On the cover page and certificate page of all transcripts of proceedings **[;]** ***or label placed on any legal record media;*** and~~

~~(b) On all business cards.**]**~~ **(Deleted by amendment.)**

Sec. 14. ~~**[**NRS 656.335 is hereby amended to read as follows:~~

~~656.335 A certified court reporter shall retain his or her notes, whether or not transcribed, ***and a certified legal recorder shall retain his or her legal record media, whether or not ordered by any party to the proceeding in which the legal record media was made,*** for 8 years if they concern any matter subject to judicial review. These notes ***or legal record media*** must be kept in a manner which is reasonably secure against theft, tampering or accidental destruction.**]**~~ **(Deleted by amendment.)**

Sec. 15. ~~**[**NRS 656.345 is hereby amended to read as follows:~~

~~656.345 1. Except as otherwise provided in subsection 2, a certified court reporter ***, certified legal recorder*** or licensee shall not alter the record of a proceeding after the transcript of the proceeding has been certified ***, or alter the original legal record media of a proceeding after the legal record media has been certified,*** unless:~~

~~(a) Each party to the proceeding stipulates to the alteration; or~~

~~(b) The judge or arbiter presiding over the proceeding orders the alteration.~~
~~2. A licensee may, upon receiving a transcript from a certified court reporter for the purposes of reproducing and distributing the transcript, make typographical, clerical or other similar nonsubstantive alterations to the transcript if the licensee notifies the certified court reporter who certified the transcript of the proposed alterations and receives the approval of the certified court reporter for each alteration.~~] **(Deleted by amendment.)**

Sec. 16. NRS 3.370 is hereby amended to read as follows:

3.370 1. Except as otherwise provided in subsection 3, for his or her services the official reporter or reporter pro tempore is entitled to the following compensation:

(a) For being available to report civil and criminal testimony and proceedings when the court is sitting during traditional business hours on any day except Saturday or Sunday, [~~$250~~] ***$395*** per day, to be paid by the county as provided in subsection 4.

(b) For being available to report civil and criminal testimony and proceedings when the court is sitting beyond traditional business hours or on Saturday or Sunday:

(1) If the reporter has been available to report for at least 4 hours, [~~$35~~] ***$75*** per hour for each hour of availability; or

(2) If the reporter has been available to report for fewer than 4 hours, a pro rata amount based on the daily rate set forth in paragraph (a),

➥ to be paid by the county as provided in subsection 4.

(c) For transcription:

(1) Except as otherwise provided in subparagraph (2), for the original draft and any copy to be delivered:

(I) Within 24 hours after it is requested, [~~$8.03~~] ***$10*** per page for the original draft and one copy, and [~~$3.62~~] ***$3.75*** per page for each additional copy;

(II) Within 48 hours after it is requested, [~~$6.01~~] ***$8*** per page for the original draft and one copy, and [~~$2.72~~] ***$2.80*** per page for each additional copy;

(III) Within 4 days after it is requested, [~~$5.01~~] ***$7*** per page for the original draft and one copy, and [~~$2.26~~] ***$2.30*** per page for each additional copy; or

(IV) More than 4 days after it is requested, [~~$3.80~~] ***$5.50*** per page for the original draft and one copy, and [~~$1.00~~] ***$1.50*** per page for each additional copy.

(2) For civil litigants who are ordering the original draft and are represented by a nonprofit legal corporation or a program for pro bono legal assistance, for the original draft and any copy to be delivered:

(I) Within 24 hours after it is requested, [~~$5.50~~] ***$7*** per page and $1.10 per page for each additional copy;

(II) Within 48 hours after it is requested, [~~$4.13~~] ***$5*** per page and [~~83 cents~~] ***$1*** per page for each additional copy;

(III) Within 4 days after it is requested, ~~[$3.44]~~ ***$4*** per page and ~~[69 cents]~~ ***$1*** per page for each additional copy; or

(IV) More than 4 days after it is requested, ~~[$2.75]~~ ***$3.50*** per page and ~~[55 cents]~~ ***$1*** per page for each additional copy.

(3) For any party other than the party ordering the original draft, for the copy of the draft to be delivered:

(I) Within 24 hours after it is requested, ~~[$1.10]~~ ***$1.50*** per page;

(II) Within 48 hours after it is requested, ~~[83 cents]~~ ***$1*** per page;

(III) Within 4 days after it is requested, ~~[69 cents]~~ ***$1*** per page; or

(IV) More than 4 days after it is requested, ~~[55 cents]~~ ***$1*** per page.

(d) For reporting all civil matters, in addition to the compensation provided in paragraphs (a) and (b), $40 for each hour or fraction thereof actually spent, to be taxed as costs pursuant to subsection 5.

(e) For providing an instantaneous translation of testimony into English which appears on a computer that is located at a table in the courtroom where the attorney who requested the translation is seated:

(1) Except as otherwise provided in this subparagraph, in all criminal matters in which a party requests such a translation, in addition to the compensation provided pursuant to paragraphs (a) and (b), ~~[$140]~~ ***$300*** for the first day and ~~[$90]~~ ***$200*** per day for each subsequent day from the party who makes the request. This additional compensation must be paid by the county as provided pursuant to subsection 4 only if the court issues an order granting the translation service to the prosecuting attorney or to an indigent defendant who is represented by a county or state public defender.

(2) In all civil matters in which a party requests such a translation, in addition to the compensation provided pursuant to paragraphs (a), (b) and (d), ~~[$140]~~ ***$300*** for the first day and ~~[$90]~~ ***$200*** per day for each subsequent day, to be paid by the party who requests the translation.

(f) For providing a diskette containing testimony prepared from a translation provided pursuant to paragraph (e):

(1) Except as otherwise provided in this subparagraph, in all criminal matters in which a party requests the diskette and the reporter agrees to provide the diskette, in addition to the compensation provided pursuant to paragraphs (a), (b) and (e), $1.50 per page of the translation contained on the diskette from the party who makes the request. This additional compensation must be paid by the county as provided pursuant to subsection 4 only if the court issues an order granting the diskette to the prosecuting attorney or to an indigent defendant who is represented by a county or state public defender.

(2) In all civil matters in which a party requests the diskette and the reporter agrees to provide the diskette, in addition to the compensation provided pursuant to paragraphs (a), (b), (d) and (e), $1.50 per page of the translation contained on the diskette, to be paid by the party who requests the diskette.

2. For the purposes of subsection 1, a page is a sheet of paper 8 1/2 by 11 inches and does not include a condensed transcript. The left margin must not

be more than 1 ~~[1/2]~~ ***3/4*** inches from the left edge of the paper. The right margin must not be more than three-fourths of an inch from the right edge of the paper. Each sheet must be numbered on the left margin and must contain at least ~~[24]~~ ***25*** lines of type. The first line of each question and of each answer may be indented not more than five spaces from the left margin. The first line of any paragraph or other material may be indented not more than 10 spaces from the left margin. There must not be more than one space between words or more than two spaces between sentences. The type size must ~~[not]~~ be ~~[larger]~~ ***at least 9 characters per inch and not more*** than 10 characters per inch. The lines of type may be double spaced or one and one-half spaced.

3. If the court determines that the services of more than one reporter are necessary to deliver transcripts on a daily basis in a criminal proceeding, each reporter is entitled to receive:

(a) The compensation set forth in paragraphs (a) and (b) of subsection 1 and subparagraph (1) of paragraph (e) of subsection 1, as appropriate; and

(b) Compensation of ~~[$7.50]~~ ***$10*** per page for the original draft and one copy, and ~~[$2]~~ ***$3*** per page for each additional copy for transcribing a proceeding of which the transcripts are ordered by the court to be delivered on or before the start of the next day the court is scheduled to conduct business.

4. The compensation specified in paragraphs (a) and (b) of subsection 1, the compensation for transcripts in criminal cases ordered by the court to be made, the compensation for transcripts in civil cases ordered by the court pursuant to NRS 12.015, the compensation for transcripts for parents or guardians or attorneys of parents or guardians who receive transcripts pursuant to NRS 432B.459, the compensation in criminal cases that is ordered by the court pursuant to subparagraph (1) of paragraph (e) and subparagraph (1) of paragraph (f) of subsection 1 and the compensation specified in subsection 3 must be paid out of the county treasury upon the order of the court. When there is no official reporter in attendance and a reporter pro tempore is appointed, his or her reasonable expenses for traveling and detention must be fixed and allowed by the court and paid in the same manner. The respective district judges may, with the approval of the respective board or boards of county commissioners within the judicial district, fix a monthly salary to be paid to the official reporter in lieu of per diem. The salary, and also actual traveling expenses in cases where the reporter acts in more than one county, must be prorated by the judge on the basis of time consumed by work in the respective counties and must be paid out of the respective county treasuries upon the order of the court.

5. Except as otherwise provided in subsection 4, in civil cases, the compensation prescribed in paragraph (d) of subsection 1 and for transcripts ordered by the court to be made must be paid by the parties in equal proportions, and either party may, at the party's option, pay the entire compensation. In either case, all amounts so paid by the party to whom costs are awarded must be taxed as costs in the case. The compensation for transcripts and copies ordered by the parties must be paid by the party ordering

them. No reporter may be required to perform any service in a civil case until his or her compensation has been paid to him or her.

6. Where a transcript is ordered by the court or by any party, the compensation for the transcript must be paid to the reporter before the furnishing of the transcript.

Sec. 16.3. NRS 5.015 is hereby amended to read as follows:

5.015 ***1.*** If a municipal court has been designated as a court of record pursuant to NRS 5.010, any proceeding before a jury in the municipal court may be recorded by using sound recording equipment.

2. Each municipal court judge may, with the approval of the city council or other governing body of the city, appoint and fix the compensation of a person, who need not be a certified court reporter and may have other responsibilities in the court, to operate the sound recording equipment. The person so appointed shall subscribe to an oath that the person will so operate it as to record all of the proceedings.

3. The municipal court judge may designate the same or another person to transcribe the recording into a written transcript. The person so designated shall subscribe to an oath that the person has correctly transcribed it. The transcript may be used for all purposes for which transcripts are used and is subject to correction in the same manner as other transcripts.

Sec. 16.7. ~~[1. The amendatory provisions of NRS 656.050, as amended by section 5.3 of this act, do not affect the current term of appointment of any person who, on December 31, 2025, is a member of the Board, and each member continues to serve until the expiration of his or her term or until the member vacates his or her office, whichever occurs first. Except as otherwise provided in subsections 2 and 3, on and after January 1, 2026, the Governor shall make appointments to the Board in accordance with NRS 656.050, as amended by section 5.3 of this act.~~

~~2. Notwithstanding the amendatory provisions of NRS 656.050, as amended by section 5.3 of this act, the member initially appointed to the Board pursuant to subsection 3 of NRS 656.050, as amended by section 5.3 of this act, is not required to satisfy the requirements of that subsection, but must:~~

~~(a) Be eligible for a certificate of registration as a legal recorder; and~~

~~(b) Have been actively engaged in the practice of legal recording within this State for at least 5 years immediately preceding his or her appointment.~~

~~3. Notwithstanding the amendatory provisions of section 5.3 of this act, after the initial term of the member described in subsection 2, each member who is appointed to the Board pursuant to subsection 3 of NRS 616.050, as amended by section 5.3 of this act, before January 1, 2031, is not required to have been actively engaged as a certified legal recorder within this State for at least 5 years immediately preceding his or her appointment, but must have been actively engaged in the practice of legal recording within this State for at least 5 years immediately preceding his or her appointment.~~

~~4. As used in this section:~~

~~(a) "Board" means the Certified Court Reporters' Board of Nevada.~~
~~(b) "Certified legal recorder" has the meaning ascribed to it in NRS 656.030, as amended by section 5 of this act.~~
~~(c) "Practice of legal recording" has the meaning ascribed to it in NRS 656.030, as amended by section 5 of this act.]~~ **(Deleted by amendment.)**

Sec. 17. ~~[1. Notwithstanding the amendatory provisions of this act:~~
~~(a) A natural person who, on or before December 31, 2025, is engaged in legal recording, as described in subsection 15 of NRS 656.030, as amended by section 5 of this act, may continue to engage in such legal recording without obtaining a certificate of registration as a legal recorder issued pursuant to chapter 656 of NRS and any regulations adopted pursuant thereto until July 1, 2026, or such other date as the Board may prescribe by regulation.~~
~~(b) A business entity that, on or before December 31, 2025, provides or arranges for the services of a person engaged in legal recording, as described in subsection 15 of NRS 656.030, as amended by section 5 of this act, or provides referral services for persons engaged in such legal recording may continue to engage in those activities without a license issued pursuant to chapter 656 of NRS and any regulations adopted pursuant thereto until July 1, 2026, or such other date as the Board may prescribe by regulation.~~
~~2. As used in this section, "Board" means the Certified Court Reporters' Board of Nevada.]~~ **(Deleted by amendment.)**

Sec. 17.5. **Notwithstanding the amendatory provisions of this act, the fees set forth in NRS 656.220, as that section existed on December 31, 2025, remain in effect until the regulations establishing fees pursuant to NRS 656.220, as amended by section 11.7 of this act, are adopted by the Certified Court Reporters' Board of Nevada and filed with the Secretary of State.**

Sec. 18. 1. This section becomes effective upon passage and approval.
2. Sections 1 to ~~[17,]~~ **17.5,** inclusive, of this act become effective:
(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and
(b) On January 1, 2026, for all other purposes.

Assemblymember Marzola moved the adoption of the amendment.
Amendment adopted.
Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 201.
Bill read second time.
The following amendment was proposed by the Committee on Judiciary:
Amendment No. 661.
SUMMARY—Prohibits certain restrictions on the display of religious **or cultural** items under certain circumstances. (BDR 10-122)
AN ACT relating to religious ~~[freedom;]~~ **and cultural expression;** prohibiting a unit-owners' association, a unit's owner who rents or leases his

or her unit or a landlord from imposing certain restrictions on the display of religious **or cultural** items; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the unit-owners' association of a common-interest community to adopt bylaws and authorizes an association to amend bylaws and adopt rules and regulations concerning the community. (NRS 116.3102) **Section 1** of this bill restricts, with certain exceptions, an association or unit's owner who rents or leases his or her unit from prohibiting a unit's owner or occupant of a unit from engaging in the display of religious **or cultural** items. **Sections 1.3 and 1.7** of this bill impose a similar restriction on landlords.

For the purposes of these restrictions, **sections 1 and 1.3** define "display of religious **or cultural** items" to mean, in general, an item ~~[or combination of items made from certain materials and]~~ displayed or affixed **in or** on ~~[an entry door or doorframe of]~~ a unit or dwelling, as applicable, because of sincerely held religious **or cultural** beliefs ~~[.]~~ **, practices or traditions.**

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. Except as otherwise provided in subsection 2 or 3, the executive board of an association or a unit's owner who rents or leases his or her unit shall not and the governing documents of an association or rental agreement must not prohibit a unit's owner or an occupant of a unit from engaging in the display of religious *or cultural* ***items within such physical portion of the common-interest community as that owner or occupant has a right to occupy and use exclusively.***

2. The provisions of this section do not:

(a) Apply to a display of religious *or cultural* ***items that:***

(1) Has a total size that is greater than 36 by 12 square inches or that exceeds the size of the door on which or whose frame on which the display of religious *or cultural* ***items is displayed or affixed;***

(2) *Has a total size that is greater than 36 by 12 square inches that is immediately adjacent or affixed to the entry of a unit;*

(3) ***Threatens the health, safety or welfare of the public;***

~~*[(3)]*~~ *(4)* ***Hinders the opening or closing of any entry door;***

~~*[(4)]*~~ *(5)* ***Violates any federal, state or local law;***

~~*[(5)]*~~ *(6)* ***Promotes*** ~~*[discrimination or]*~~ ***discriminatory*** ~~*[beliefs;]*~~ *behavior;* ***or***

~~*[(6)]*~~ *(7)* ***Contains graphics, language or any display that is obscene or otherwise illegal.***

(b) Preclude an association or a unit's owner who rents or leases his or her unit from adopting, and do not preclude the governing documents of an association or a rental agreement from setting forth, rules that reasonably

restrict the placement and manner of the display of religious or cultural items by a unit's owner or an occupant of a unit.

3. An association or a unit's owner who is performing or causing to be performed any maintenance, repair or replacement of an entry door or doorframe of a unit may:

(a) Remove a display of religious or cultural items on the entry door or doorframe during the time the work is being performed in accordance with the provisions of this paragraph. An association or unit's owner shall, before temporarily removing a display of religious or cultural items pursuant to this paragraph, provide written notice at least 7 days before the work is performed, except in an emergency, to the affected unit's owner or occupant of the unit. If, following receipt of such written notice, the unit's owner or occupant consents to the removal of the display of religious or cultural items or fails, within a reasonable period, to respond to the written notice, then the association or unit's owner may temporarily remove the display of religious or cultural items. The association or unit's owner shall store the item or items with respect and in accordance with the appropriate religious or cultural practice, tradition or custom and document compliance with this paragraph. After the work is completed, the association or unit's owner shall return the display of religious or cultural items to the entry door or doorframe ~~[.]~~ within 72 hours after the work is completed.

(b) Require the unit's owner or an occupant of the unit to remove a display of religious or cultural items on the entry door or doorframe during the time the work is being performed in accordance with the provisions of this paragraph. An association or unit's owner shall, before requiring a unit's owner or occupant of a unit to temporarily remove a display of religious or cultural items pursuant to this paragraph, provide written notice of at least 7 days before the work is performed, except in an emergency, to the affected unit's owner or occupant. After the work is completed, the unit's owner or occupant must be permitted to return the display of religious or cultural items to the entry door or doorframe ~~[.]~~ within 72 hours after the work is completed.

4. In any action commenced to enforce the provisions of this section, the prevailing party is entitled to recover reasonable attorney's fees and costs.

5. As used in this section:

(a) "Display of religious or cultural items" means an item ~~[or combination of items:~~

~~(1) Made of wood, metal, glass, plastic, cloth, fabric or paper; and~~

~~(2) Displayed]~~ displayed or affixed in or on ~~[any entry door or doorframe of]~~ a unit because of sincerely held religious or cultural beliefs ~~[.]~~ , practices or traditions.

(b) "Rental agreement" means an oral or written agreement between a unit's owner and another person for the use and occupancy of a unit.

Sec. 1.3. Chapter 118A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2 or 3, a landlord or an agent or employee of a landlord shall not, and the rental agreement must not, prohibit a tenant from engaging in the display of religious or cultural items on the entry door or doorframe of the dwelling ~~[.]~~ or otherwise in or on the dwelling.

2. The provisions of this section do not:

(a) Apply to a display of religious or cultural items that:

(1) Has a total size that is greater than 36 by 12 square inches or that exceeds the size of the door on which or whose frame on which the display of religious or cultural items is displayed or affixed;

(2) Has a total size that is greater than 36 by 12 square inches that is immediately adjacent or affixed to the entry of a dwelling;

(3) Threatens the health, safety or welfare of the public;

~~[(3)]~~ (4) Hinders the opening or closing of any entry door;

~~[(4)]~~ (5) Violates any federal, state or local law;

~~[(5)]~~ (6) Promotes ~~[discrimination or]~~ discriminatory ~~[beliefs;]~~ behavior; or

~~[(6)]~~ (7) Contains graphics, language or any display that is obscene or otherwise illegal.

(b) Preclude a landlord or an agent or employee of a landlord from adopting policies that reasonably restrict the placement and manner of the display of religious or cultural items by a tenant.

3. A landlord or an agent or employee of a landlord who is performing or causing to be performed any maintenance, repair or replacement of an entry door or doorframe of the dwelling may:

(a) Remove a display of religious or cultural items on the entry door or doorframe during the time the work is being performed in accordance with the provisions of this paragraph. A landlord or an agent or employee of a landlord shall, before temporarily removing a display of religious or cultural items pursuant to this paragraph, provide written notice at least 7 days before the work is performed, except in an emergency, to the tenant. If, following receipt of such written notice, the tenant consents to the removal of the display of religious or cultural items or fails, within a reasonable period, to respond to the written notice, then the landlord or the agent or employee of the landlord may temporarily remove the display of religious or cultural items. A landlord or an agent or employee of a landlord shall store the item or items with respect and in accordance with the appropriate religious or cultural practice, tradition or custom and document compliance with this paragraph. After the work is completed, the landlord or the agent or employee of the landlord shall return the display of religious or cultural items to the entry door or doorframe ~~[.]~~ within 72 hours after the work is completed.

(b) Require the tenant to remove a display of religious or cultural items on the entry door or doorframe during the time the work is being performed in accordance with the provisions of this paragraph. A landlord or an agent or employee of a landlord shall, before requiring a tenant to temporarily remove a display of religious or cultural items pursuant to this paragraph, provide written notice at least 7 days before the work is performed, except in an emergency, to the tenant. After the work is completed, the tenant must be permitted to return the display of religious or cultural items to the entry door or doorframe ~~[.]~~ within 72 hours after the work is completed.

4. In any action commenced to enforce the provisions of this section, the prevailing party is entitled to recover reasonable attorney's fees and costs.

5. As used in this section, "display of religious or cultural items" means an item ~~[or combination of items:~~

~~(a) Made of wood, metal, glass, plastic, cloth, fabric or paper; and~~

~~(b) Displayed]~~ displayed or affixed in or on ~~[any entry door or doorframe of]~~ the dwelling because of sincerely held religious or cultural beliefs ~~[.]~~ , practices or traditions.

Sec. 1.7. 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.

(c) Occupancy by children or pets.

(d) Services included with the dwelling rental.

(e) Fees which are required and the purposes for which they are required.

(f) Deposits which are required and the conditions for their refund.

(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) A listing of persons or numbers of persons who are to occupy the dwelling.

(j) Respective responsibilities of the landlord and the tenant as to the payment of utility charges.

(k) A signed record of the inventory and condition of the premises under the exclusive custody and control of the tenant.

(l) A summary of the provisions of NRS 202.470.

(m) 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) 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.

(o) Information regarding the right of the tenant to engage in the display of religious or cultural items, as set forth in section 1.3 of this act.

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 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.

(d) Other than normal wear, the premises will be returned in the same condition as when the tenancy began.

6. 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. 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. 2. 1. Any provision contained in the governing documents of an association or in a rental agreement or policy of a unit's owner who rents or leases his or her unit or in a rental agreement or policy of a landlord which is in effect on July 1, 2025, and which is contrary to the provisions of this act is void and unenforceable.

2. Any provision contained in the governing documents of an association which is contrary to the provisions of this act shall be deemed, as provided in subsection 1 of NRS 116.1206, to conform with the provisions of this act by operation of law, and an association is not required to amend the governing documents to conform to the provisions of this act.

3. On or before October 1, 2025, each unit's owner who rents or leases his or her unit and each landlord shall review and amend the policies of the unit's owner or landlord, as applicable, as necessary to ensure compliance with the provisions of this act.

4. A unit's owner who rents or leases his or her unit or a landlord shall review any rental agreement that is in effect on July 1, 2025, to ensure compliance with the provisions of this act. On or before the date for renewal of such a rental agreement, the unit's owner or landlord shall remove any provision of the agreement that is void and unenforceable pursuant to subsection 1.

5. As used in this section:

(a) "Association" has the meaning ascribed to it in NRS 116.011.

(b) "Executive board" has the meaning ascribed to it in NRS 116.045.

(c) "Governing documents" has the meaning ascribed to it in NRS 116.049.

(d) "Landlord" has the meaning ascribed to it in NRS 118A.100.

(e) "Rental agreement" means an oral or written agreement between a unit's owner and another person for the use and occupancy of a unit or between a landlord and a tenant for the use and occupancy of a dwelling as defined in NRS 118A.080, as applicable.

(f) "Unit" has the meaning ascribed to it in NRS 116.093.

(g) "Unit's owner" has the meaning ascribed to it in NRS 116.095.

Sec. 3. This act becomes effective on July 1, 2025.

Assemblymember Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 298.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 733.

AN ACT relating to peace officers; revising the definition of "punitive action" as the term relates to certain peace officers; **prohibiting a law enforcement agency from denying an increase in seniority or compensation to a peace officer under certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) prohibits a law enforcement agency from taking certain types of punitive action against a peace officer; and (2) provides certain protections to peace officers when punitive action may be imposed against them. (NRS 289.020, 289.057, 289.060, 289.080, 289.085, 289.092, 289.820, 289.824) Existing law defines "punitive action" as any action which may lead to dismissal, demotion, suspension, reduction in salary, written reprimand or transfer of a peace officer for purposes of punishment. (NRS 289.010) **Section 2** of this bill revises the definition to include any action which may lead to denial of an increase, either in seniority or compensation, for purposes of punishment.

Existing law authorizes a law enforcement agency to conduct an investigation of a peace officer in response to a complaint or allegation that the peace officer has engaged in activities which could result in punitive action and, subject to certain exceptions, including any investigation which concerns alleged criminal activities, prohibits a law enforcement agency from suspending a peace officer without pay during or pursuant to an investigation until all investigations relating to the matter have concluded. (NRS 289.057, 289.090) Section 3 of this bill adds to this prohibition the denial of an increase in seniority or compensation, subject to certain exceptions.

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

Section 1. (Deleted by amendment.)

Sec. 2. 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.

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.

6. "Punitive action" means any action which may lead to dismissal, demotion, suspension, reduction in salary, written reprimand **,** ~~[or]~~ transfer ***or***

denial of an increase, either in seniority or compensation, 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. 3. **NRS 289.057 is hereby amended to read as follows:**

289.057 1. Except as otherwise provided in this subsection, an investigation of a peace officer may be conducted in response to a complaint or allegation that the peace officer has engaged in activities which could result in punitive action. Any such investigation of a peace officer must be commenced by the law enforcement agency within a reasonable period of time after the date of the filing of the complaint or allegation with the law enforcement agency. A law enforcement agency shall not conduct an investigation pursuant to this subsection if the complaint or allegation is filed with the law enforcement agency more than 5 years after the activities of the peace officer occurred.

2. Except as otherwise provided in a collective bargaining agreement, a law enforcement agency shall not ~~[suspend]~~ ***:***

(a) Suspend a peace officer without pay ***; or***

(b) Deny an increase in seniority or compensation, unless an investigation may lead to dismissal or demotion,

➥ during or pursuant to an investigation conducted pursuant to this section until all investigations relating to the matter have concluded.

3. After the conclusion of the investigation:

(a) If the investigation causes a law enforcement agency to impose punitive action against the peace officer who was the subject of the investigation and the peace officer has received notice of the imposition of the punitive action, the peace officer or a representative authorized by the peace officer may, except as otherwise prohibited by federal or state law, review any administrative or investigative file maintained by the law enforcement agency relating to the investigation, including any recordings, notes, transcripts of interviews and documents.

(b) If, pursuant to a policy of a law enforcement agency or a labor agreement, the record of the investigation or the imposition of punitive action is subject to being removed from any administrative file relating to the peace officer maintained by the law enforcement agency, the law enforcement agency shall not, except as otherwise required by federal or state law, keep or make a record of the investigation or the imposition of punitive action after the record is required to be removed from the administrative file.

4. A law enforcement agency may reassign a peace officer temporarily or permanently without his or her consent during or pursuant to an investigation conducted pursuant to this section or when there is a hearing relating to such an investigation that is pending.

Assemblymember Miller moved the adoption of the amendment.
Amendment adopted.
Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 379.
Bill read second time.
The following amendment was proposed by the Committee on Commerce and Labor:
Amendment No. 704.

AN ACT relating to commerce; ~~[requiring certain persons to obtain a license as an installment lender;]~~ imposing various requirements upon a distributed generation system financier who finances the purchase of or leases a distributed generation system or contracts for a power purchase agreement; revising requirements for solar installation companies that sell and install distributed generation systems; imposing certain requirements and restrictions upon persons who generate leads or referrals to perform work concerning a distributed generation system; establishing and revising certain requirements for the contents of an agreement for the provision of a distributed generation system loan, an agreement for the purchase or lease of a distributed generation system and a power purchase agreement; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensure and regulation of installment lenders by the Commissioner of Financial Institutions. (Chapter 675 of NRS) ~~[With certain exceptions, existing law prohibits a person from engaging in the business of lending without being licensed by the Commissioner as an installment lender. (NRS 675.060) Section 20 of this bill additionally prohibits a person from engaging in the business of a distributed generation system financier or a manufactured home financier without being licensed by the Commissioner as an installment lender. Section 18 of this bill defines: (1) "distributed generation system financier," in general, to mean a person who provides a loan to finance the purchase of a distributed generation system, which section 18 designates as a "distributed generation system loan," leases a distributed generation system or contracts for a power purchase agreement; and (2) "manufactured home financier" to mean, in general, a person who provides a loan to finance the purchase of or leases a manufactured home that is not permanently attached to land.]~~ **Section 1 of this bill prohibits an installment lender from engaging in any deceptive trade practice.**

Existing law imposes certain requirements on solar installation companies that sell and install distributed generation systems in this State. Existing law prescribes certain contractual requirements for an agreement for the purchase or lease of a distributed generation system and a power purchase agreement. (NRS 598.9801-598.9822) **Sections** ~~**[2-17]**~~ **23.1-23.3** of this bill impose various requirements on distributed generation system financiers and contractual requirements for an agreement for the provision of a distributed generation system loan ~~[or]~~ **, an agreement for the** lease ~~[for]~~ **of** a distributed generation system ~~[.]~~ **and a power purchase agreement. Section 23.11 defines "distributed generation system financier" to mean, in general, a person who provides a distributed generation system loan, leases a distributed generation system or enters into a contract for a power purchase agreement. Section 23.12 defines "distributed generation system loan" to mean a loan made for the express purpose of financing the purchase of a distributed generation system or any part thereof.**

Section ~~[6]~~ **23.13** prohibits a distributed generation system financier from charging a borrower, lessee, host customer or prospective borrower, lessee or host customer certain fees that are attributable to a fee imposed on the financier by a third party in an amount that exceeds the actual amount of the fee charged to the financier by the third party. **Section** ~~[7]~~ **23.14** sets forth certain requirements for the contents of an agreement for the provision of a distributed generation system loan. **Section** ~~[10]~~ **23.16** requires a distributed generation system financier to provide to a borrower **,** ~~[or]~~ lessee **or host customer** a copy of an agreement for the provision of the distributed generation system loan ~~[or]~~ **, an agreement for the** lease of a distributed generation system **or a power purchase agreement** immediately after it is signed by the borrower **,** ~~[or]~~ lessee ~~[.]~~ **or host customer.**

Section ~~[11]~~ **23.17** sets forth certain requirements for a distributed generation system financier with respect to a distributed generation system that will be installed on the roof of a manufactured home.

Section ~~[12]~~ **23.18** requires a distributed generation system financier to ensure that any solar installation company that will install a distributed generation system that is leased by ~~[or]~~ **the financier or** for which a **power purchase agreement or agreement for the provision of a** distributed generation system loan has been ~~[issued]~~ **executed** by the financier holds the proper contractor's license and is acting within the monetary limit of that license. If a distributed generation system financier fails to do so, the loan ~~[or]~~ **agreement,** lease agreement **or power purchase agreement** is voidable by the borrower **,** ~~[or]~~ lessee **or host customer** for a certain period. Additionally, **section** ~~[12 provides that]~~ **23.18 prohibits** a distributed generation system financier ~~[commits a deceptive trade practice if the financier pays]~~ **from providing** any money pursuant to a loan ~~[or]~~ **agreement,** lease agreement **or power purchase agreement** to a solar installation company that does not have the proper contractor's license or who is acting outside the monetary limit of such a license. **Section** ~~[14]~~ **23.21** additionally prohibits such a financier from making certain payments to a solar installation company before the distributed generation system has received permission from the appropriate public utility to connect to the power grid or, if the system will not be connected to the power grid, has passed a final inspection and become operational.

Section ~~[13]~~ **23.19** requires a distributed generation system financier to make and retain certain recordings with a borrower or lessee. **Section 31** of this bill **: (1) removes the duty of a solar installation company to make**

certain recordings concerning a lessee which is imposed in section 23.19 on a distributed generation system financier; and (2) increases, from 4 years to 5 years, the amount of time a solar installation company is required to maintain certain recordings.

Section ~~[15]~~ **23.22** prohibits a distributed generation system financier from causing a distributed generation system to be disconnected or otherwise unusable for **the** failure of a borrower, lessee or host customer to make any payment required under an agreement for the provision of a distributed generation system loan, an agreement for the lease of a distributed generation system or a power purchase agreement unless the borrower, lessee or host customer, as applicable, has failed to make three consecutive monthly payments required under the agreement.

Section ~~[17]~~ **23.3** requires a distributed generation system financier to comply with all applicable federal laws and regulations.

Section ~~[16]~~ **23.23** provides that the assignee of an agreement for the provision of a distributed generation system loan **,** ~~[or]~~ an agreement for the lease of a distributed generation system **or a power purchase agreement** is subject to all claims and defenses of the borrower **,** ~~[or]~~ lessee **or host customer** against the distributed generation system financier who provided the loan or entered into the lease ~~[.]~~ **or power purchase agreement.** Under **section** ~~[16,]~~ **23.23,** the liability of the assignee is limited to the amount owed to the assignee at the time the claim or defense is asserted against assignee.

Section ~~[21 of this bill revises provisions of existing law prohibiting a licensed installment lender from advertising certain false, misleading or deceptive statements or representations to specify that the prohibition also applies to applicable leases and specifically includes such statements made by]~~ **23.24 prohibits** a distributed generation system financier ~~[with]~~ **from advertising any false, misleading or deceptive statement with** regard to any rate that may be charged by a public utility for electricity. ~~[(NRS 675.280)~~

~~Section 22 of this bill revises provisions of existing law relating to retail installment sales so that such provisions continue to apply to distributed generation system financiers and manufactured home financiers who engage in certain activities. (NRS 97.125)]~~

Under existing law, a lessee or purchaser of a distributed generation system **or a host customer** has the right to rescind the lease or purchase agreement 3 business days after the agreement is signed. (NRS 598.98216) **Sections** ~~[7, 9,]~~ **23.14, 23.15,** ~~[26-29]~~ **26-30 and 32** of this bill provide a borrower, lessee **,** ~~[or]~~ purchaser **or host customer** the right to rescind an agreement for the provision of a distributed generation system loan **,** ~~[or]~~ a lease or purchase agreement ~~[:]~~ **or a power purchase agreement:** (1) 3 business days after signing, if the person is ~~[under]~~ **less than** 60 years of age; and (2) 10 business days after signing, if the person is 60 years of age or older. **Sections** ~~[8, 9,]~~ **23.15, 23.2 , 26-30 and 32** of this bill also provide a borrower, lessee **,** ~~[or]~~ purchaser **or host customer** the right to rescind such an agreement if the results of a required on-site physical survey of the premises conducted after the execution of the agreement would require the alteration of the terms of the agreement to increase the price of the distributed generation system or **<u>, with certain exceptions,</u>** change the type of equipment used for the distributed generation system.

Section 23.4 of this bill imposes certain requirements and restrictions upon a person who generates leads or referrals to perform work concerning a distributed generation system. **Section 23.6** of this bill prohibits a solar installation company from accepting any payment as an initial down payment or deposit to be paid for the installation of a distributed generation system that exceeds a certain amount. **Section 23.8** of this bill prohibits a solar installation company, a person who generates leads or referrals to perform work concerning a distributed generation system or a distributed generation system financier from engaging in certain conduct, including, without limitation, certain specified deceptive or fraudulent conduct in connection with the lease or purchase of a distributed generation system or the contracting for a power purchase agreement.

Section 24 of this bill makes a conforming change so that the definitions applicable to the provisions of existing law governing distributed generation systems apply to **sections** ~~[23.2-23.8.]~~ **<u>23.1-23.8.</u> Section 33** of this bill provides that a violation of **sections** ~~[23.2-23.8]~~ **<u>23.1-23.8</u>** constitutes a deceptive trade practice and consumer fraud.

Sections ~~[7,]~~ **<u>23.6,</u> 27<u>,</u>** ~~[and]~~ **29<u> and 30</u>** also provide that a borrower, lessee **<u>,</u>** ~~[or]~~ purchaser **<u>or host customer</u>** is not required to pay any money to a distributed generation system financier or solar installation company **<u>, except for an initial deposit or down payment that does not exceed a certain amount,</u>** before the distributed generation system has received permission from the appropriate public utility to connect to the power grid or, if the system will not be connected to the power grid, has passed a final inspection and become operational.

Sections 27 and 29 additionally impose certain duties on a solar installation company if a distributed generation system fails to meet the estimated amount of production in the first year of operation of the system. **Sections** ~~[7,]~~ **<u>23.14,</u> 29 and 30** of this bill require an agreement for the provision of a distributed generation system loan, an agreement for the lease of a distributed generation system or a power purchase agreement to contain information concerning whether a borrower, lessee or host customer may transfer the agreement in the event of a sale of the property to which the distributed generation system is affixed and the process to complete a payoff of any amount owed under the agreement. **Sections 27, 29 and 30** additionally require certain other provisions and disclosures to be included in an agreement for the purchase or lease of a distributed generation system and a power purchase agreement.

Existing law excludes from the definition of "solar installation company" a person who generates leads or referrals to perform work concerning a distributed generation system, if the person's activities are limited to certain specified activities. (NRS 598.9808) **Section 25** of this bill requires such a person to collect only the name, contact information and information concerning the power bill of a prospective purchaser or lessee. **Section 25** additionally prohibits such a person from engaging in advertising through any media other than print media.

Section 23.7 of this bill authorizes the State Contractors' Board to adopt regulations that require any employee of a solar installation company to submit to a background check and which set forth requirements for such background checks.

Sections ~~[7 and]~~ **23.14, 26 and 29.5 of this bill** require an agreement for the provision of a distributed generation system loan and the cover page for an agreement for the lease of a distributed generation system **or power purchase agreement** to prominently display at the top of the agreement or cover page the length of the term of the ~~[loan or lease]~~ **agreement** and a description of the consequences if the borrower **,** ~~[or]~~ lessee **or host customer** dies during the term of the ~~[loan or lease.]~~ **agreement.**

Sections 26, 28 and 29.5 of this bill require the cover page of an agreement for the lease or purchase of a distributed generation system or a power purchase agreement to contain certain information relating to the amount paid by the company for certain leads and referrals and certain notice relating to the terms of the agreement. **Sections 26, 28 and 29.5** ~~[of this bill]~~ also require such a cover page to contain a statement providing certain information concerning financial covenants and restrictions that may affect the future sale or transferability of the property of the purchaser, lessee or host customer.

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

Section 1. Chapter 675 of NRS is hereby amended by adding thereto ~~[the provisions set forth as sections 2 to 17, inclusive, of this act.]~~ **a new section to read as follows:**

A licensee shall not engage in any deceptive trade practice as defined in chapter 598 of NRS.

Sec. 2. ~~***[As used in sections 2 to 17, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 5, inclusive, of this act have the meanings ascribed to them in those sections.]***~~ **(Deleted by amendment.)**

Sec. 3. ~~***["Borrower" means a person who receives a distributed generation system loan from a distributed generation system financier.]***~~ **(Deleted by amendment.)**

Sec. 3.5. ~~***["Host customer" has the meaning ascribed to it in NRS 598.9805.]***~~ **(Deleted by amendment.)**

Sec. 4. ~~***["Lessee" means a person who leases a distributed generation system or any part thereof from a distributed generation system financier.]***~~ **(Deleted by amendment.)**

Sec. 4.5. ~~***["Power purchase agreement" has the meaning ascribed to it in NRS 598.9807.]***~~ **(Deleted by amendment.)**

Sec. 5. ~~*[“Solar installation company” has the meaning ascribed to it in NRS 598.9808.]*~~ **(Deleted by amendment.)**

Sec. 6. ~~*[A distributed generation system financier shall not charge a borrower, lessee, host customer or prospective borrower, lessee or host customer any fee in connection with the provision of a distributed generation system loan, the lease of a distributed generation system or the contracting for a power purchase agreement that is attributable to a fee imposed on the distributed generation system financier by a third party, including, without limitation, a fee imposed for the performance of a credit check, in an amount that exceeds the actual amount of the fee charged to the distributed generation system financier by the third party.]*~~ **(Deleted by amendment.)**

Sec. 7. ~~*[In addition to any other applicable requirements, an agreement between a distributed generation system financier and a borrower for the provision of a distributed generation system loan must include, without limitation:*~~

~~*1. The following information prominently displayed at the top of the first page of the agreement in at least a 16-point font:*~~

~~*(a) Notice of the term of the loan; and*~~

~~*(b) A description of the consequences if the borrower dies before the loan is repaid.*~~

~~*2. The following information in at least a 10-point font:*~~

~~*(a) The name, mailing address, electronic mail address and telephone number of the distributed generation system financier.*~~

~~*(b) A provision that provides that the borrower is not required to pay any money to the distributed generation system financier under the agreement until:*~~

~~*(1) If the distributed generation system will be connected to the power grid, the distributed generation system receives permission from the appropriate public utility to connect to the power grid.*~~

~~*(2) If the distributed generation system will not be connected to the power grid, the distributed generation system passes a final inspection and becomes operational.*~~

~~*(c) The granting to the borrower of the right to rescind the agreement for a period of:*~~

~~*(1) For a borrower who is under 60 years of age, 3 business days after the agreement is signed.*~~

~~*(2) For a borrower who is 60 years of age or older, 10 business days after the agreement is signed.*~~

~~*(d) The granting to the borrower of the right to rescind the agreement pursuant to section 8 of this act.*~~

~~*(e) A description of all the options available to the borrower in the event of a sale or transfer of the property to which the distributed generation system is affixed, including, without limitation, whether the borrower may transfer the agreement to the purchaser or transferee of the property, the*~~

~~*conditions of any such transfer and the process to complete a payoff of the amount owed under the agreement.]*~~ **(Deleted by amendment.)**

Sec. 8. ~~*[A borrower who is entitled to rescind an agreement for the purchase of a distributed generation system pursuant to section 23.2 of this act is also entitled to rescind an agreement for the provision of a distributed generation system loan for that system within 3 business days after the receipt of the results of the physical survey.]*~~ **(Deleted by amendment.)**

Sec. 9. ~~*[1. Any borrower who enters into or signs an agreement for the provision of a distributed generation system loan may rescind or cancel the agreement without any penalty or obligation by giving notice in writing to the distributed generation system financier either by delivering, mailing or telegraphing such notice or sending such notice by electronic mail not later than midnight of the:*~~

~~*(a) For a borrower who is less than 60 years of age, third business day after the date the agreement was entered into or signed.*~~

~~*(b) For a borrower who is 60 years of age or older, the 10th business day after the date the agreement was entered into or signed.*~~

~~*(c) Third business day after the receipt of the results of an on-site physical survey described in section 23.2 of this act.*~~

~~*2. The notice must be addressed to the distributed generation system financier at the financier's place of business, another place designated in the agreement or sent to the electronic mail address set forth in the agreement and must contain words indicating the intent of the borrower to rescind or cancel the transaction previously entered into.]*~~ **(Deleted by amendment.)**

Sec. 10. ~~*[A distributed generation system financier shall provide to a borrower or lessee a copy of an agreement for the provision of a distributed generation system loan or the lease of a distributed generation system, as applicable, immediately after it is signed by the borrower or lessee.]*~~ **(Deleted by amendment.)**

Sec. 11. ~~*[If a distributed generation system will be installed on the roof of a manufactured home, the distributed generation system financier must not execute an agreement for the provision of a distributed generation system loan or the lease of a distributed generation system unless the distributed generation system financier has:*~~

~~*1. Verified that the solar installation company that will install the distributed generation system, in addition to being properly licensed pursuant to chapter 624 of NRS, holds a license issued pursuant to NRS 489.311; and*~~

~~*2. Obtained from the solar installation company that will install the distributed generation system an inspection report indicating that the roof of the manufactured home is able to safely withstand the weight of the distributed generation system.]*~~ **(Deleted by amendment.)**

Sec. 12. ~~*[1. A distributed generation system financier shall ensure that any solar installation company that installs a distributed generation*~~

~~*system for which the distributed generation system financier has executed an agreement for the provision of a distributed generation system loan or the lease of a distributed generation system is properly licensed pursuant to chapter 624 of NRS and acting within the monetary limit of the license.*~~

~~*2. If a distributed generation system financier fails to comply with the provisions of subsection 1, the agreement for the provision of the distributed generation system loan or the lease of the distributed generation system is voidable by the borrower or lessee for 3 years after the date on which:*~~

~~*(a) If the distributed generation system will be connected to the power grid, the distributed generation system receives permission from the appropriate public utility to connect to the power grid.*~~

~~*(b) If the distributed generation system will not be connected to the power grid, the distributed generation system passes a final inspection and becomes operational.*~~

~~*3. A distributed generation system financier who, pursuant to an agreement for the provision of a distributed generation system loan or the lease of a distributed generation system, provides any money for the installation of a distributed generation system to a solar installation company that is not properly licensed pursuant to chapter 624 of NRS or that is acting outside the monetary limit of the license commits a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.]*~~ **(Deleted by amendment.)**

Sec. 13. **[**~~*1. A distributed generation system financier shall, in person or by telephone or videoconference:*~~

~~*(a) Confirm the identity of a borrower under an agreement for the provision of a distributed generation system loan;*~~

~~*(b) Communicate to the borrower the terms and conditions of the agreement for the provision of a distributed generation system loan, including, without limitation, any fees charged by the distributed generation system financier; and*~~

~~*(c) Confirm that the borrower understands the information communicated pursuant to paragraph (b).*~~

~~*2. The verbal communication required by subsection 1 must be:*~~

~~*(a) Recorded by the distributed generation system financier; and*~~

~~*(b) Conducted before the commencement of the installation of the distributed generation system.*~~

~~*3. A distributed generation system financier shall maintain the recording required by subsection 2 for not less than 5 years after the date of the final inspection of the distributed generation system.]*~~ **(Deleted by amendment.)**

Sec. 14. **[**~~*1. A distributed generation system financier shall not pay to a solar installation company pursuant to an agreement for the provision of a distributed generation system loan or the lease of a distributed generation system an amount that exceeds the amount set forth in paragraph (g) of subsection 2 of NRS 624.875 before the date on which:*~~

~~*(a) If the distributed generation system will be connected to the power grid, the distributed generation system receives permission from the appropriate public utility to connect to the power grid.*~~

~~*(b) If the distributed generation system will not be connected to the power grid, the distributed generation system passes a final inspection and becomes operational.*~~

~~*2. If a distributed generation system financier violates the provisions of subsection 1, the distributed generation system financier becomes responsible for ensuring that the distributed generation system receives permission from the appropriate public utility to connect the distributed generation system to the power grid or passes a final inspection and becomes operational, as applicable.]*~~ **(Deleted by amendment.)**

Sec. 15. ~~*[A distributed generation system financier shall not cause a distributed generation system to be disconnected or otherwise prevent a borrower, lessee or host customer from using the distributed generation system because the borrower, lessee or host customer failed to make a payment as required under an agreement for the provision of a distributed generation system loan, an agreement for the lease of a distributed generation system or a power purchase agreement unless the borrower, lessee or host customer, as applicable, has failed to make three consecutive monthly payments required under the agreement.]*~~ **(Deleted by amendment.)**

Sec. 16. ~~*[The assignee of an agreement for the provision of a distributed generation system loan or the lease of a distributed generation system is subject to all claims and defenses of the borrower or lessee against the distributed generation system financier who provided the loan or entered into the lease, except that the liability of the assignee pursuant to this section must not exceed the amount owed to the assignee at the time the claim or defense is asserted against the assignee.]*~~ **(Deleted by amendment.)**

Sec. 17. ~~*[A distributed generation system financier shall comply with all applicable federal laws and regulations, including, without limitation, as applicable, 12 C.F.R. Part 1002, 12 C.F.R. Part 1013, 12 C.F.R. Part 1026 and 16 C.F.R. Part 433 and any applicable requirements set forth under federal law and regulations relating to the disclosure of information.]*~~ **(Deleted by amendment.)**

Sec. 18. ~~[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.~~

~~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.~~

~~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.~~

~~9. "Covered service member" has the meaning ascribed to it in NRS 604A.038.~~

~~10. "Dependent" has the meaning ascribed to it in NRS 604A.057.~~

~~11. ***"Distributed generation system" has the meaning ascribed to it in NRS 598.9804.***~~

~~***12. "Distributed generation system financier" means a person who:***~~

~~***(a) Provides a distributed generation system loan to a borrower, as defined in section 3 of this act, in this State;***~~

~~***(b) Leases a distributed generation system or any part thereof to a lessee, as defined in section 4 of this act, in this State; or***~~

~~***(c) Contracts for a power purchase agreement with a host customer, as defined in NRS 598.9805, in this State,***~~

~~***➥ The term does not include a third-party who is a passive investor or a tax equity partner of a distributed generation system financier that provides money to a distributed generation system financier and who is not directly involved in the sale or lease of or the contracting for a distributed generation system.***~~

~~***13. "Distributed generation system loan" means a loan made for the express purpose of financing the purchase of a distributed generation system or any part thereof.***~~

~~***14.*** “Internet business lender” means a person who makes business loans exclusively through the Internet.~~

~~**[**12.**]** ***15.*** “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.~~

~~**[**13.**]** ***16.*** “Licensee” means a person to whom one or more licenses have been issued.~~

~~**[**14.**]** ***17. “Manufactured home” has the meaning ascribed to it in NRS 489.113.***~~

~~***18. “Manufactured home financier” means a person who:***~~

~~***(a) Provides a loan in this State for the express purpose of financing the purchase of a manufactured home that is not permanently attached to land; or***~~

~~***(b) Leases to another person a manufactured home in this State that is not permanently attached to land.***~~

~~***19.*** “Nationwide Multistate Licensing System and Registry” or “Registry” has the meaning ascribed to it in NRS 604A.083.~~

~~**[**15.**]** ***20.*** “Personal information” has the meaning ascribed to it in NRS 603A.040.~~

~~**[**16.**]** ***21.*** “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 an employee of a licensee engages in the business of lending in this State pursuant to NRS 675.2965 to 675.299, inclusive.**]**~~ **(Deleted by amendment.)**

Sec. 19. (Deleted by amendment.)

Sec. 20. ~~**[**NRS 675.060 is hereby amended to read as follows:~~

~~675.060 No person may engage in the business of lending ***, the business of a manufactured home financier or the business of a distributed generation system financier*** 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:~~

~~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. An employee of a licensee may engage in the business of lending in this State at a remote location in accordance with NRS 675.2965 to 675.299, inclusive.**]**~~ **(Deleted by amendment.)**

Sec. 21. ~~**[**NRS 675.280 is hereby amended to read as follows:~~

~~675.280 A licensee shall not advertise or permit to be advertised in any manner whatsoever any false, misleading or deceptive statement or representation with regard to the rates, terms or conditions for loans **[**.**]** ***or applicable leases, including, without limitation, for a distributed generation system financier, any false, misleading or deceptive statement or***~~

~~***representation with regard to any rate that may be charged by a public utility for electricity.]***~~ **(Deleted by amendment.)**

Sec. 22. ~~**[**NRS 97.125 is hereby amended to read as follows:~~

~~97.125 1. "Retail seller" or "seller" means:~~

~~(a) A person engaged in the business of selling or leasing goods or services to retail buyers or a licensee, franchisee, assignee or corporate affiliate or subsidiary of such a person;~~

~~(b) A person, other than a financial institution, who enters into agreements prescribing the terms for the extension of credit pursuant to which the person may, with the buyer's consent, purchase or acquire one or more obligations of the buyer to a retail seller if the purchase, lease, loan or other obligation to be paid in accordance with the agreement is evidenced by a sales slip or memorandum; or~~

~~(c) A person, other than a financial institution, who regularly extends, whether in connection with sales or leases of goods or services, credit which is payable by agreement in more than four installments or for which the payment of a finance charge may be required.~~

~~2. As used in this section, "financial institution" means:~~

~~(a) A bank, credit union, savings institution or trust company organized under, or supervised pursuant to, the laws of the United States or of any state, or any affiliate or subsidiary thereof; or~~

~~(b) A person licensed pursuant to chapter 675 of NRS **[.]** ***other than a distributed generation system financier or a manufactured home financier, as those terms are defined in NRS 675.020.]***~~ **(Deleted by amendment.)**

Sec. 23. Chapter 598 of NRS is hereby amended by adding thereto the provisions set forth as sections **[**~~23.2~~**]** **23.1** to 23.8, inclusive, of this act.

Sec. 23.1. ***"Borrower" means a person who receives a distributed generation system loan from a distributed generation system financier.***

Sec. 23.11. ***1. "Distributed generation system financier" means a person who:***

(a) Provides a distributed generation system loan to a borrower in this State;

(b) Leases a distributed generation system or any part thereof to a lessee in this State; or

(c) Enters into a contract for a power purchase agreement with a host customer in this State.

2. The term does not include a third party who is a passive investor or a tax equity partner of a distributed generation system financier that provides money to a distributed generation system financier and who is not directly involved in the sale or lease of or the contracting for a distributed generation system.

Sec. 23.12. ***"Distributed generation system loan" means a loan made for the express purpose of financing the purchase of a distributed generation system or any part thereof.***

Sec. 23.13. A distributed generation system financier shall not charge a borrower, lessee, host customer or prospective borrower, lessee or host customer any fee in connection with the provision of a distributed generation system loan, the lease of a distributed generation system or the contracting for a power purchase agreement that is attributable to a fee imposed on the distributed generation system financier by a third party, including, without limitation, a fee imposed for the performance of a credit check, in an amount that exceeds the actual amount of the fee charged to the distributed generation system financier by the third party.

Sec. 23.14. In addition to any other applicable requirements, an agreement between a distributed generation system financier and a borrower for the provision of a distributed generation system loan must include, without limitation:

1. The following information prominently displayed at the top of the first page of the agreement in at least 16-point font:

(a) Notice of the term of the loan; and

(b) A description of the consequences if the borrower dies before the loan is repaid.

2. The following information in at least 10-point font:

(a) The name, mailing address, electronic mail address and telephone number of the distributed generation system financier.

(b) A provision that provides that the borrower is not required to pay any money to the distributed generation system financier under the agreement, other than an initial down payment or deposit that may be charged in an amount that does not exceed $1,000 or 10 percent of the aggregate contract price, whichever is less, if the borrower has not paid that amount to the solar installation company under the agreement for the purchase of the distributed generation system, until:

(1) If the distributed generation system will be connected to the power grid, the distributed generation system receives permission from the appropriate public utility to connect to the power grid.

(2) If the distributed generation system will not be connected to the power grid, the distributed generation system passes a final inspection and becomes operational.

(c) The granting to the borrower of the right to rescind the agreement for a period of:

(1) For a borrower who is less than 60 years of age, 3 business days after the agreement is signed.

(2) For a borrower who is 60 years of age or older, 10 business days after the agreement is signed.

(d) The granting to the borrower of the right to rescind the agreement pursuant to section 23.2 of this act.

(e) A description of all the options available to the borrower in the event of a sale or transfer of the property to which the distributed generation system is affixed, including, without limitation, whether the borrower may

transfer the agreement to the purchaser or transferee of the property, the conditions of any such transfer and the process to complete a payoff of the amount owed under the agreement.

Sec. 23.15. 1. Any borrower who enters into or signs an agreement for the provision of a distributed generation system loan may rescind or cancel the agreement without any penalty or obligation by giving notice in writing to the distributed generation system financier either by delivering, mailing or telegraphing such notice or sending such notice by electronic mail not later than midnight of the:

(a) For a borrower who is less than 60 years of age, third business day after the date the agreement was entered into or signed.

(b) For a borrower who is 60 years of age or older, tenth business day after the date the agreement was entered into or signed.

(c) For a rescission pursuant to section 23.2 of this act, third business day after the receipt of the results of an on-site physical survey described in section 23.2 of this act.

2. The notice required by subsection 1 must be addressed to the distributed generation system financier at the financier's place of business, or another place designated in the agreement, or sent to the electronic mail address set forth in the agreement and must contain words indicating the intent of the borrower to rescind or cancel the transaction previously entered into.

Sec. 23.16. A distributed generation system financier shall provide to a borrower, lessee or host customer a copy of an agreement for the provision of a distributed generation system loan, an agreement for the lease of a distributed generation system or a power purchase agreement, as applicable, immediately after it is signed by the borrower, lessee or host customer.

Sec. 23.17. 1. If a distributed generation system will be installed on the roof of a manufactured home, the distributed generation system financier must not execute an agreement for the provision of a distributed generation system loan, an agreement for the lease of a distributed generation system or a power purchase agreement unless the distributed generation system financier has:

(a) Verified that the solar installation company that will install the distributed generation system, in addition to being properly licensed pursuant to chapter 624 of NRS, holds a license issued pursuant to NRS 489.311; and

(b) Obtained from the solar installation company that will install the distributed generation system an inspection report indicating that the roof of the manufactured home is able to safely withstand the weight of the distributed generation system.

2. As used in this section, "manufactured home" has the meaning ascribed to it in NRS 489.113.

Sec. 23.18. 1. A distributed generation system financier shall ensure that any solar installation company that installs a distributed generation

system for which the distributed generation system financier has executed an agreement for the provision of a distributed generation system loan, an agreement for the lease of a distributed generation system or a power purchase agreement is properly licensed pursuant to chapter 624 of NRS and acting within the monetary limit of the license.

2. If a distributed generation system financier fails to comply with the provisions of subsection 1, the agreement for the provision of the distributed generation system loan, the agreement for the lease of the distributed generation system or the power purchase agreement is voidable by the borrower, lessee or host customer for 3 years after the date on which:

(a) If the distributed generation system will be connected to the power grid, the distributed generation system receives permission from the appropriate public utility to connect to the power grid.

(b) If the distributed generation system will not be connected to the power grid, the distributed generation system passes a final inspection and becomes operational.

3. A distributed generation system financier shall not provide any money for the installation of a distributed generation system pursuant to an agreement for the provision of a distributed generation system loan, an agreement for the lease of a distributed generation system or a power purchase agreement to a solar installation company that is not properly licensed pursuant to chapter 624 of NRS or that is acting outside the monetary limit of the license.

Sec. 23.19. 1. A distributed generation system financier shall, in person or by telephone or videoconference, verbally:

(a) Confirm the identity of a borrower under an agreement for the provision of a distributed generation system loan or a lessee under an agreement for the lease of a distributed generation system;

(b) For a borrower, communicate to the borrower the terms and conditions of the agreement for the provision of a distributed generation system loan, including, without limitation, any fees charged by the distributed generation system financier;

(c) For a lessee, communicate to the lessee the information required to be included in a cover page pursuant to NRS 598.9809; and

(d) Confirm that the borrower or lessee understands the information communicated pursuant to paragraphs (b) and (c).

2. The verbal communication required by subsection 1 must be:

(a) Recorded by the distributed generation system financier; and

(b) Conducted before the commencement of the installation of the distributed generation system.

3. A distributed generation system financier shall maintain the recording required by subsection 2 for not less than 5 years after the date of the final inspection of the distributed generation system.

Sec. 23.2. *1. Before or after an agreement for the lease or purchase of a distributed generation system* ***or a power purchase agreement*** *has been*

executed, the solar installation company shall perform an on-site physical survey of the premises at which the distributed generation system will be installed and provide the results of the physical survey to the lessee , ~~[or]~~ purchaser ~~[.]~~ or host customer.

2. ~~[If]~~ Except as otherwise provided in subsection 3, if the results of the physical survey performed pursuant to subsection 1 after an agreement for the lease or purchase of a distributed generation system or power purchase agreement has been executed reveal any condition that would necessitate the alteration of the provisions of the agreement to increase the price of the distributed generation system or change the type of equipment used for the distributed generation system, the lessee , ~~[or]~~ purchaser or host customer may , ~~[rescind the agreement]~~ within 3 business days after the receipt of the results of the on-site physical survey ~~[.]~~ , rescind:

(a) The agreement for the lease or purchase of the distributed generation system or the power purchase agreement, as applicable; and

(b) For a purchaser who has entered into an agreement for the provision of a distributed generation system loan for the purchase of the distributed generation system, the agreement for the provision of the distributed generation system loan.

3. The provisions of subsection 2 do not apply to a substitution of any equipment used for the distributed generation system if:

(a) The substituted equipment is of equal or superior quality to that of the equipment being substituted;

(b) The substitution does not require the lessee, purchaser or host customer to incur any additional costs as a result of the substitution; and

(c) The substitution does not cause the estimated amount of production in the first year of operation to be reduced by more than 5 percent.

Sec. 23.21. 1. A distributed generation system financier shall not pay to a solar installation company pursuant to an agreement for the provision of a distributed generation system loan, an agreement for the lease of a distributed generation system or a power purchase agreement an amount that exceeds the amount set forth in paragraph (g) of subsection 2 of NRS 624.875 before the date on which:

(a) If the distributed generation system will be connected to the power grid, the distributed generation system receives permission from the appropriate public utility to connect to the power grid.

(b) If the distributed generation system will not be connected to the power grid, the distributed generation system passes a final inspection and becomes operational.

2. If a distributed generation system financier violates the provisions of subsection 1, the distributed generation system financier becomes responsible for ensuring that the distributed generation system receives permission from the appropriate public utility to connect the distributed generation system to the power grid or passes a final inspection and becomes operational, as applicable.

Sec. 23.22. ***A distributed generation system financier shall not cause a distributed generation system to be disconnected or otherwise prevent a borrower, lessee or host customer from using the distributed generation system because the borrower, lessee or host customer failed to make a payment as required under an agreement for the provision of a distributed generation system loan, an agreement for the lease of a distributed generation system or a power purchase agreement unless the borrower, lessee or host customer, as applicable, has failed to make three consecutive monthly payments required under the agreement.***

Sec. 23.23. ***The assignee of an agreement for the provision of a distributed generation system loan, an agreement for the lease of a distributed generation system or a power purchase agreement is subject to all claims and defenses of the borrower, lessee or host customer against the distributed generation system financier who provided the loan or entered into the lease agreement or power purchase agreement, except that the liability of the assignee pursuant to this section must not exceed the amount owed to the assignee at the time the claim or defense is asserted against the assignee.***

Sec. 23.24. ***A distributed generation system financier shall not advertise or permit to be advertised in any manner whatsoever any false, misleading or deceptive statement or representation with regard to any rate that may be charged by a public utility for electricity.***

Sec. 23.3. ***A distributed generation system financier shall comply with all applicable federal laws and regulations, including, without limitation, as applicable, 12 C.F.R. Part 1002, 12 C.F.R. Part 1013, 12 C.F.R. Part 1026 and 16 C.F.R. Part 433 and any applicable requirements set forth under federal law and regulations relating to the disclosure of information.***

Sec. 23.4. ***1. A person who generates leads or referrals to perform work concerning a distributed generation system shall not:***

(a) Accept any compensation for such a lead or referral in amount that exceeds $2,000.

(b) Sell any such lead or referral to a person who does not hold a license issued pursuant to chapter 624 of NRS authorizing the performance of such work.

2. A person who generates leads or referrals to perform work concerning a distributed generation system shall include with any commercial communication relating to such a lead or referral a statement which provides that:

"This is a commercial solicitation that is not affiliated with any government agency or electric utility."

3. For a written or electronic communication, the statement required by subsection 2 must be made in a clear and conspicuous manner preceding any other text of the written or electronic communication. For an oral communication, the disclosure must be made orally at the beginning of the communication.

Sec. 23.6. ~~*[4]*~~ *1. Except as otherwise provided in subsection 2, a solar installation company shall not accept any payment* ~~*[as an initial down payment or deposit to be paid]*~~ *for the installation of a distributed generation system from a purchaser, lessee, host customer, distributed generation system financier* ~~*[, as defined in NRS 675.020,]*~~ *or any other person* ~~*[in an amount]*~~ *before the date on which:*

(a) If the distributed generation system will be connected to the power grid, the distributed generation system receives permission from the appropriate public utility to connect to the power grid.

(b) If the distributed generation system will not be connected to the power grid, the distributed generation system passes a final inspection and becomes operational.

2. A solar installation company may, before the date specified in subsection 1, accept as an initial down payment or deposit to be paid for the installation of the distributed generation system a payment in an amount that ~~*[exceeds]*~~ *does not exceed $1,000 or 10 percent of the aggregate contract price, whichever is less.*

Sec. 23.7. The State Contractors' Board may adopt regulations that:

1. Require any employee of a solar installation company to submit to a background check; and

2. Set forth requirements for such background checks.

Sec. 23.8. *1. A solar installation company, a person who generates leads or referrals to perform work concerning a distributed generation system or a distributed generation system financier, as applicable, shall not:*

(a) Include in any written or electronic marketing materials any material term for the lease or purchase of a distributed generation system or a power purchase agreement that is not included in the agreement itself.

(b) Engage in any deceptive or fraudulent conduct in connection with the lease or purchase of a distributed generation system or the contracting for a power purchase agreement, including, without limitation:

(1) Making any false statement or representation, either expressly or by implication, concerning a lead or referral for work concerning a distributed generation system.

(2) Using any official logo, seal, insignia, branding or uniform of this State or a political subdivision of this State or any logo, seal, insignia, branding or uniform that tends to mislead a person into believing that it is official.

(3) Making any statement or representation that the person is an employee, representative or agent of this State or a political subdivision of this State.

(4) Using any official logo, seal, insignia, branding or uniform of a public utility or any logo, seal, insignia, branding or uniform that tends to mislead a person into believing that it is official.

(5) Making any statement or representation that the person is an employee, representative or agent of a public utility.

(6) Making any statement or representation ~~***[concerning]***~~ ***or including in any written or electronic marketing material any statement or representation concerning any incentives, legislation, rebates or tax credits relating to a distributed generation system without including the statement required by subsection 2.***

(7) Making any statement or representation that indicates or implies that the person is a participant in a governmental program related to incentives, tax credits or financial assistance for a distributed generation system unless the person has been expressly authorized in writing by the governmental entity administering the program to make such a statement or representation.

(c) Accept any compensation for a lead or referral for work concerning a distributed generation system from a person other than a person who holds a license issued pursuant to chapter 624 of NRS authorizing the performance of such work.

2. A solar installation company, a person who generates leads or referrals to perform work concerning a distributed generation system or a distributed generation system financier shall include in any commercial communication, including, without limitation, any marketing materials, that provides information concerning any incentive, legislation, rebate or tax credit relating to a distributed generation system a statement indicating that it is recommended that the recipient of the communication consult with an independent tax professional.

~~***[3. As used in this section, "distributed generation system financier" has the meaning ascribed to it in NRS 675.020.]***~~

Sec. 24. NRS 598.9801 is hereby amended to read as follows:

598.9801 As used in NRS 598.9801 to 598.9822, inclusive, ***and sections*** ~~***[23.2]***~~ ***23.1 to 23.8, inclusive, of this act,*** unless the context otherwise requires, the words and terms defined in NRS 598.9802 to 598.9808, inclusive, ***and sections 23.1, 23.11 and 23.12 of this act*** have the meanings ascribed to them in those sections.

Sec. 25. NRS 598.9808 is hereby amended to read as follows:

598.9808 1. "Solar installation company" means any form of business organization or any other nongovernmental legal entity, including, without limitation, a corporation, partnership, association, trust or unincorporated organization, that holds a license issued pursuant to chapter 624 of NRS which authorizes the performance of work concerning a distributed generation system and, directly or indirectly, on its own behalf or on behalf of another:

(a) Performs or offers to perform any work concerning a distributed generation system;

(b) Advertises, solicits or offers to enter into an agreement ~~[described in NRS 598.9801 to 598.9822, inclusive ;~~ ~~***, and sections 23.2 to 23.8, inclusive, of this act;]***~~ ***for the purchase or lease of a distributed generation system or a power purchase agreement*** or

(c) Transacts business to:

(1) Sell and install a distributed generation system; or

(2) Install a distributed generation system owned by a third party from whom the customer:

(I) Leases a distributed generation system; or

(II) Purchases electricity generated by a distributed generation system.

2. The term does not include a person who generates leads or referrals to perform work concerning a distributed generation system for persons who hold a license issued pursuant to chapter 624 of NRS authorizing the performance of such work, if such activity is limited to:

(a) ***Collecting only the name, contact information and information concerning the power bill of a prospective purchaser or lessee;***

(b) Serving as the source of a referral;

~~[(b)]~~ ***(c)*** Providing the contact information of a person who holds a license issued pursuant to chapter 624 of NRS to a prospective purchaser or lessee;

~~[(c)]~~ ***(d)*** Setting up appointments on behalf of a person who holds a license issued pursuant to chapter 624 of NRS; or

~~[(d)]~~ ***(e)*** Advertising ***only*** through print media ~~[.]~~ ***and not through any electronic means, including, without limitation, through a mobile application, Internet website, online service, electronic mail or any other form of electronic media.***

Sec. 26. NRS 598.9809 is hereby amended to read as follows:

598.9809 An agreement for the lease of a distributed generation system must include a cover page that:

1. Prominently displays the following information at the top of the cover page in at least 16-point font:

(a) Notice of the right to rescind or cancel the agreement, without any penalty or obligation, within 3 ***or 10*** business days ***, as applicable,*** after the execution of the agreement, as provided in NRS 598.98216.

(b) An electronic mail address to which a notice of rescission or cancellation may be sent pursuant to NRS 598.98216 and notice that the lessee may send such a notice to that electronic mail address.

(c) Notice of the requirement to make and maintain a recording pursuant to ~~[NRS 598.98213.]~~ ***section 23.19 of this act.***

(d) Notice that, before the installation of the distributed generation system, the lessee will have the opportunity to confirm that no representations, offers or promises were made at any time concerning the lease of the distributed generation system other than what is contained in the agreement.

(e) The length of the term of the lease.

(f) A description of the consequences if the lessee dies during the term of the lease.

(g) A statement indicating that certain financial covenants and restrictions for distributed generation systems affixed to a property may have an impact or effect on the future sale or transferability of the property and that it is recommended that the lessee seek the advice of a real estate professional, attorney or financial adviser before entering into the lease.

2. Provides the following information in at least 10-point font:

(a) The amounts due at the signing for and at the completion of the installation or any inspection of the distributed generation system.

(b) An estimated timeline for the installation of the distributed generation system.

(c) The estimated amount of the monthly payments due under the lease in the first year of operation of the distributed generation system.

(d) ~~[The length of the term of the lease.~~

~~(e)]~~ A description of any warranties.

~~[(f)]~~ ***(e)*** The rate of any payment increases.

~~[(g)]~~ ***(f)*** The identification of any state or federal tax incentives that are included in calculating the amount of the monthly payments due under the lease.

~~[(h)]~~ ***(g)*** The estimated production of the distributed generation system in the first year of operation ***.*** ~~[and an explanation that:~~

~~(1) The lessee will always receive a power bill if the premises of the lessee are connected to the power grid;~~

~~(2) The estimated production or offset is based on available data on prior consumption; and~~

~~(3) Any change in consumption by the lessee will impact the estimated offset, or savings, in relation to the production.~~

~~(i)]~~ ***(h)*** A description of the terms for renewal or any other options available at the end of the term of the lease.

~~[(j)]~~ ***(i)*** A description of any option to purchase the distributed generation system before the end of the term of the lease.

~~[(k)]~~ ***(j)*** Notice of the existence of the Recovery Fund administered by the State Contractors' Board pursuant to NRS 624.470.

~~[(l)]~~ ***(k)*** Notice that a person financially damaged by a licensed contractor who performs work on a residence may be eligible to recover certain financial damages from the Recovery Fund.

~~[(m)]~~ ***(l)*** Notice that a host customer may file a complaint with the Public Utilities Commission of Nevada.

~~[(n)]~~ ***(m)*** Contact information for the State Contractors' Board and the Public Utilities Commission of Nevada, including, without limitation, a telephone number.

~~[(o)]~~ ***(n)*** Notice that the lessee, before the execution of the agreement, may request any document used in the solicitation, offer or transaction for the agreement in any language.

(o) If the solar installation company paid any amount for a lead or referral that resulted in the lease being provided to the lessee, the amount paid for the lead or referral.

(p) If the solar installation company included any material term of a lease in any written or electronic marketing materials provided to the lessee before or contemporaneously with the lease, notice that the material term used in

the marketing materials is the same as the corresponding term included in the lease.

Sec. 27. NRS 598.9811 is hereby amended to read as follows:

598.9811 An agreement for the lease of a distributed generation system must include, without limitation, the following information in at least 10-point font:

1. The name, mailing address, telephone number and number of the contractor's license of the solar installation company.

2. The name, mailing address and telephone number of:

(a) The lessor of the distributed generation system; and

(b) The name, mailing address and telephone number of the person responsible for all maintenance of the distributed generation system, if different from the solar installation company.

3. An estimated timeline for the installation of the distributed generation system.

4. The length of the term of the lease.

5. A general description of the distributed generation system.

6. The amounts due at the signing for and at the completion of the installation or any inspection of the distributed generation system.

7. A description of any warranties.

8. The amount of the:

(a) Monthly payments due under the lease; and

(b) Total payments due under the lease, excluding taxes.

9. A description of any other one-time or recurring charges, including, without limitation, a description of the circumstances that trigger any late fees.

10. A description of any obligation the lessor has regarding the installation, repair or removal of the distributed generation system.

11. A description of any obligation the lessor has regarding construction of and insurance for the distributed generation system.

12. A description of any:

(a) Taxes due at the commencement of the lease; and

(b) Estimation of taxes known to be applicable during the term of the lease, subject to any change in the state or local tax rate or tax structure.

13. A copy of ~~[the warranty]~~ ***all warranties*** for the distributed generation system ~~[.]~~ ***, each of which must be acknowledged by the initials of the lessee.***

14. A disclosure notifying the lessee of the transferability of the obligations under the warranty to a subsequent lessee.

15. The identification of any state or federal tax incentives that are included in calculating the amount of the monthly payments due under the lease.

16. A description of the ownership of any tax credits, tax rebates, tax incentives or portfolio energy credits in connection with the distributed generation system.

17. Any terms for renewal of the lease.

18. A description of any option to purchase the distributed generation system before the end of the term of the lease.

19. A description of all options available to the ~~[host customer]~~ ***lessee,*** in connection with the continuation, termination or transfer of the lease in the event of the:

(a) Sale ***or transfer*** of the property to which the distributed generation system is affixed ~~[;]~~ ***, including, without limitation, whether the lessee may transfer the obligations under the lease to the purchaser of transferee of the property, the conditions of any such transfer and the process to complete a payoff of any amount owed under the lease;*** or

(b) Death of the lessee.

20. A description of any restrictions that the lease imposes on the modification or transfer of the property to which the distributed generation system is affixed.

21. The granting to the lessee of the right to rescind the lease for a period ending not less than ***:***

(a) For a lessee who is ~~[under]~~ less than ***60 years of age,*** 3 business days after the lease is signed.

(b) For a lessee who is 60 years of age or older, 10 business days after the lease is signed.

22. An estimate of the amount of electricity that could be generated by the distributed generation system in the first year of operation.

23. The granting to the lessee of the right to rescind the lease pursuant to section 23.2 of this act.

24. A provision indicating that the provisions of the agreement are binding and inure to the benefit of the successors and assigns of the parties to the agreement.

25. A provision that provides that the lessee is not required to make any payments under the lease ***, other than an initial down payment or deposit that may be charged in an amount that does not exceed $1,000 or 10 percent of the aggregate contract price, whichever is less,*** ***until:***

(a) If the distributed generation system will be connected to the power grid, the distributed generation system receives permission from the appropriate public utility to connect to the power grid.

(b) If the distributed generation system will not be connected to the power grid, the distributed generation system passes a final inspection and becomes operational.

26. The duties of the solar installation company if the distributed generation system fails to meet the estimated amount of production in the first year of operation, as set forth pursuant to paragraph (g) of subsection 2 of NRS 598.9809. Such duties must include, without limitation, the duty to, if the distributed generation system has not met that amount of production 1 year after the date on which the distributed generation system received permission from the appropriate public utility to connect to the power grid or, if the distributed generation system is not connected to the

power grid, 1 year after the date on which the distributed generation system passes a final inspection and becomes operational:

(a) Take any actions necessary to ensure that the distributed generation system will meet that amount of production in the following year, including, without limitation, by the installation of additional equipment or repair to any existing equipment; or

(b) Take both of the following actions:

(1) Provide notice to the lessee acknowledging that the distributed generation system has not met the estimated amount of production in the first year of operation; and

(2) If the distributed generation system has not met that estimated amount of production 1 year after the notice is sent, take the actions described in paragraph (a).

27. On a separate page, a thorough explanation of the estimated production of the distributed generation system and offset, which must include, without limitation, an explanation:

(a) Of how the estimated production of the distributed generation system and offset are calculated, including, without limitation, the fact that such calculations are based on available data on prior consumption;

(b) Of the effects of the behavior of the lessee with respect to the amount of the offset, including, without limitation, the fact that any change in consumption by the lessee will impact the estimated offset, or savings, in relation to the production and the possibility that the power bill of the lessee may increase based on his or her consumption; and

(c) That the lessee will always receive a power bill if the premises of the lessee is connected to the power grid.

~~[23.]~~ ***28.*** A signature block that is signed and dated by the lessor and the lessee of the distributed generation system.

Sec. 28. NRS 598.9813 is hereby amended to read as follows:

598.9813 An agreement for the purchase of a distributed generation system must include a cover page that:

1. Prominently displays the following information at the top of the cover page in at least 16-point font:

(a) Notice of the right to rescind or cancel the agreement, without any penalty or obligation, within 3 ***or 10*** business days ***, as applicable,*** after the execution of the agreement, as provided in NRS 598.98216.

(b) An electronic mail address to which a notice of rescission or cancellation may be sent pursuant to NRS 598.98216 and notice that the purchaser may send such a notice to that electronic mail address.

(c) Notice of the requirement to make and maintain a recording pursuant to NRS 598.98213.

(d) Notice that, before the installation of the distributed generation system, the purchaser will have the opportunity to confirm that no representations, offers or promises were made at any time concerning the purchase of the distributed generation system other than what is contained in the agreement.

(e) A statement indicating that certain financial covenants and restrictions for a distributed generation system affixed to a property may have an impact or effect on the future sale or transferability of the property and that it is recommended that the purchaser seek the advice of a real estate professional, attorney or financial adviser before entering into the agreement.

2. Provide the following information in at least 10-point font:

(a) The size of the distributed generation system.

(b) The length of the term of the warranty for the distributed generation system.

(c) An estimated timeline for the installation of the distributed generation system.

(d) A description of any warranties.

(e) The total cost of the distributed generation system.

(f) The estimated value of any portfolio energy credits and rebates of any incentives included in the calculation of the total cost of the distributed generation system.

(g) The amounts due at the signing for and at the completion of the installation of the distributed generation system.

(h) The estimated production of the distributed generation system in the first year of operation **.** ~~[and an explanation that:~~

~~(1) The purchaser will always receive a power bill if the premises of the purchaser are connected to the power grid;~~

~~(2) The estimated production or offset is based on available data on prior consumption; and~~

~~(3) Any change in consumption by the purchaser will impact the estimated offset, or savings, in relation to the production.]~~

(i) Notice of the existence of the Recovery Fund administered by the State Contractors' Board pursuant to NRS 624.470.

(j) Notice that a person financially damaged by a licensed contractor who performs work on a residence may be eligible to recover certain financial damages from the Recovery Fund.

(k) Notice that a host customer may file a complaint with the Public Utilities Commission of Nevada.

(l) Contact information for the State Contractors' Board and Public Utilities Commission of Nevada, including, without limitation, a telephone number.

(m) Notice that the purchaser, before the execution of the agreement, may request any document used in the solicitation, offer or transaction for the agreement in any language.

(n) If the solar installation company paid any amount for a lead or referral that resulted in the agreement being provided to the purchaser, the amount paid for the lead or referral.

(o) If the solar installation company included any material term of an agreement for the purchase of a distributed generation system in any written or electronic marketing materials provided to the purchaser before or

contemporaneously with the agreement, notice that the material term used in the marketing materials is the same as the corresponding term included in the agreement.

Sec. 29. NRS 598.9814 is hereby amended to read as follows:

598.9814 An agreement for the purchase of a distributed generation system must include, without limitation, the following information in at least 10-point font:

1. The name, mailing address, telephone number, electronic mail address and number of the contractor's license of the solar installation company.

2. The name, mailing address, telephone number and electronic mail address of:

(a) The purchaser of the distributed generation system; and

(b) The name, mailing address, telephone number and electronic mail address of the person responsible for all maintenance of the distributed generation system, if different from the solar installation company.

3. A description, which includes, without limitation, any assumptions, concerning the design and installation of the distributed generation system. Such a description must include, without limitation:

(a) The size of the distributed generation system;

(b) The estimated amount of production for the distributed generation system in the first year of operation; and

(c) The estimated annual degradation to the distributed generation system.

4. The total cost of the distributed generation system.

5. An estimated timeline for the installation of the distributed generation system.

6. A payment schedule, including, without limitation:

(a) The due dates for any deposit; and

(b) Any subsequent payments that are not to exceed the total system cost stated on the cover page pursuant to NRS 598.9813.

7. The granting to the purchaser the right to rescind the agreement for a period ending not less than 3 ***or 10*** business days ***, as applicable,*** after the agreement is signed.

8. A copy of ~~[the warranty]~~ ***all warranties*** for the distributed generation system ~~[.]~~ ***, each of which must be acknowledged by the initials of the purchaser.***

9. A disclosure notifying the purchaser of the transferability of the obligations under the warranty to a subsequent purchaser.

10. The identification of any incentives included in the calculation of the total cost of the distributed generation system.

11. A description of any guarantee of the performance of the distributed generation system.

12. A signature block that is signed and dated by the purchaser of the distributed generation system and the solar installation company.

13. A description of the basis for any estimates of savings that were provided to the purchaser, if applicable.

14. A disclosure concerning the retention of any portfolio energy credits, if applicable.

15. The granting to the purchaser of the right to rescind the agreement pursuant to section 23.2 of this act.

16. A provision that provides that the purchaser is not required to pay any money to the solar installation company, other than an initial down payment or deposit that may be charged in an amount that does not exceed $1,000 or 10 percent of the aggregate contract price, whichever is less, if the purchaser has not paid that amount to a distributed generation system financier under an agreement for the provision of a distributed generation system loan for the distributed generation system, until:

(a) If the distributed generation system will be connected to the power grid, the distributed generation system receives permission from the appropriate public utility to connect to the power grid.

(b) If the distributed generation system will not be connected to the power grid, the distributed generation system passes a final inspection and becomes operational.

17. If the purchaser is financing the purchase of the distributed generation system or has provided financial information to the solar installation company to obtain approval for the financing of the purchase of the distributed generation system, the cash price of the system and the financed price of the system.

~~***[17.]***~~ ***18. The duties of the solar installation company if the distributed generation system fails to meet the estimated amount of production in the first year of operation, as set forth pursuant to paragraph (h) of subsection 2 of NRS 598.9813. Such duties must include, without limitation, the duty to, if the distributed generation system has not met that amount of production 1 year after the date on which the distributed generation system received permission from the appropriate public utility to connect to the power grid or, if the distributed generation system is not connected to the power grid, 1 year after the date on which the distributed generation system received a final inspection:***

(a) Take any actions necessary to ensure that the distributed generation system will meet that amount of production in the following year, including, without limitation, by the installation of additional equipment or repair to any existing equipment; or

(b) Take both of the following actions:

(1) Provide notice to the purchaser acknowledging that the distributed generation system has not met the estimated amount of production in the first year of operation; and

(2) If the distributed generation system has not met that estimated amount of production 1 year after the notice is sent, take the actions described in paragraph (a).

~~[18.]~~ 19. ***On a separate page, a thorough explanation of the estimated production of the distributed generation system and offset, which must include, without limitation, an explanation:***

(a) Of how the estimated production of the distributed generation system and offset are calculated, including, without limitation, the fact that such calculations are based on available data on prior consumption;

(b) Of the effects of the behavior of the purchaser with respect to the amount of the offset, including, without limitation, the fact that any change in consumption by the purchaser will impact the estimated offset, or savings, in relation to the production and the possibility that the power bill of the purchaser may increase based on his or her consumption; and

(c) That the purchaser will always receive a power bill if the premises of the purchaser is connected to the power grid.

Sec. 29.5. NRS 598.9816 is hereby amended to read as follows:

598.9816 A power purchase agreement for the sale of the output of a distributed generation system must include a cover page that:

1. Prominently displays the following information at the top of the cover page in at least 16-point font:

(a) Notice of the right to rescind or cancel the agreement, without any penalty or obligation, within 3 business days ***, as applicable,*** after the execution of the agreement, as provided in NRS 598.98216.

(b) An electronic mail address to which a notice of rescission or cancellation may be sent pursuant to NRS 598.98216 and notice that the host customer may send such a notice to that electronic mail address.

(c) Notice of the requirement to make and maintain a recording pursuant to NRS 598.98213.

(d) Notice that, before the installation of the distributed generation system, the host customer will have the opportunity to confirm that no representations, offers or promises were made at any time concerning the sale of the output of the distributed generation system other than what is contained in the agreement.

(e) The length of the term of the agreement.

(f) A description of the consequences if the host customer dies during the term of the agreement.

(g) A statement indicating that certain financial covenants and restrictions for a distributed generation system affixed to a property may have an impact or effect on the future sale or transferability of the property and that it is recommended that the host customer seek the advice of a real estate professional, attorney or financial adviser before entering into the agreement.

2. Provides the following information in at least 10-point font:

(a) The rate of any increase in the payments to be made during the term of the agreement and, if applicable, the date of the first such increase.

(b) An estimated timeline for the installation of the distributed generation system.

(c) The rate of electricity per kilowatt-hour of electricity for the first year of the agreement.

(d) ~~[The length of the term of the agreement.~~
~~(e)]~~ The amounts due at the signing for and at the completion of the installation or any inspection of the distributed generation system.

~~[(f)]~~ *(e)* The estimated production of the distributed generation system in the first year of operation and an explanation that:

(1) The host customer will always receive a power bill if the premises of the host customer are connected to the power grid;

(2) The estimated production or offset is based on available data on prior consumption; and

(3) Any change in consumption by the host customer will impact the estimated offset, or savings, in relation to the production.

~~[(g)]~~ *(f)* A description of the options available at the end of the term of the agreement.

~~[(h)]~~ *(g)* A description of any option to purchase the distributed generation system before the end of the term of the agreement.

~~[(i)]~~ *(h)* Notice of the existence of the Recovery Fund administered by the State Contractors' Board pursuant to NRS 624.470.

~~[(j)]~~ *(i)* Notice that a person financially damaged by a licensed contractor who performs work on a residence may be eligible to recover certain financial damages from the Recovery Fund.

~~[(k)]~~ *(j)* Notice that a host customer may file a complaint with the Public Utilities Commission of Nevada.

~~[(l)]~~ *(k)* Contact information for the State Contractors' Board and the Public Utilities Commission of Nevada, including, without limitation, a telephone number.

~~[(m)]~~ *(l)* Notice that the host customer, before execution of the agreement, may request any document used in the solicitation, offer or transaction for the power purchase agreement in any language.

~~[(n)]~~ (m) If the solar installation company paid any amount for a lead or referral that resulted in the power purchase agreement being provided to the host customer, the amount paid for the lead or referral.

~~[(o)]~~ (n) If the solar installation company included any material term of a power purchase agreement in any written or electronic marketing materials provided to the host customer before or contemporaneously with the agreement, notice that the material term used in the marketing materials is the same as the corresponding term included in the agreement.

Sec. 30. NRS 598.9817 is hereby amended to read as follows:

598.9817 A power purchase agreement for the sale of the output of a distributed generation system must include, without limitation, the following information in at least 10-point font:

1. The name, mailing address, telephone number, electronic mail address and number of the contractor's license of the solar installation company.

2. The name, mailing address, telephone number and electronic mail address of:

(a) The provider of the distributed generation system; and

(b) The name, mailing address, telephone number and electronic mail address of the person responsible for all maintenance of the distributed generation system, if different from the solar installation company.

3. The length of the term of the agreement.

4. An estimated timeline for the installation of the distributed generation system.

5. The payments made during the first year of the agreement for the price of electricity, which includes, without limitation, the price per kilowatt-hour of electricity and the price per monthly system electrical output.

6. The estimated annual electrical output of the distributed generation system.

7. The rate of any increase in the payments to be made during the term of the agreement and, if applicable, the date of the first such increase.

8. A description of any obligation the solar installation company has regarding construction and repair of and insurance for the distributed generation system.

9. A description of any one-time or recurring fees, including, without limitation, a description of the circumstances that trigger any late fees.

10. A description of any:

(a) Taxes due at the commencement of the agreement; and

(b) Estimation of taxes known to be applicable during the term of the agreement, subject to a change in the state or local tax rate or tax structure.

11. A copy of the warranty for the distributed generation system.

12. A description of the ownership of any tax credits, tax rebates, tax incentives or portfolio energy credits in connection with the distributed generation system.

13. Any terms for renewal of the agreement.

14. A description of any option to purchase the distributed generation system before the end of the term of the agreement.

15. A description of all options available to the host customer in connection with the continuation, termination or transfer of the agreement in the event of the:

(a) Sale ***or transfer*** of the property to which the distributed generation system is affixed ~~[;]~~ ***, including, without limitation, whether the host customer may transfer the obligations under the agreement to the purchaser or transferee of the property, the conditions for any such transfer and the process to complete a payoff of any amount owed under the agreement;*** or

(b) Death of the purchaser.

16. The granting to the purchaser of the right to rescind the agreement for a period ending not less than ***:***

(a) For a host customer who is less than 60 years of age, 3 business days after the agreement is signed.

(b) For a host customer who is 60 years of age or older, 10 business days after the agreement is signed.

17. A description of any restrictions that the agreement imposes on the modification or transfer of the property to which the distributed generation system is affixed.

18. A description of any guarantees of the performance of the distributed generation system.

19. A disclosure notifying the host customer of the transferability of the obligations under the warranty to a subsequent purchaser.

20. ***The granting to the host customer of the right to rescind the agreement pursuant to section 23.2 of this act.***

21. A provision that provides that the host customer is not required to pay any money under the agreement, other than an initial down payment or deposit in an amount that does not exceed $1,000 or 10 percent of the aggregate contract price, whichever is less, until:

(a) If the distributed generation system will be connected to the power grid, the distributed generation system receives permission from the appropriate public utility to connect to the power grid.

(b) If the distributed generation system will not be connected to the power grid, the distributed generation system passes a final inspection and becomes operational.

22. A signature block that is signed and dated by the purchaser and the solar installation company.

~~[21.]~~ ***23.*** A statement describing the due dates of any payments.

Sec. 31. NRS 598.98213 is hereby amended to read as follows:

598.98213 1. A solar installation company shall, in person or by telephone or videoconference, verbally:

(a) Confirm the identity of a purchaser ~~[or lessee]~~ under an agreement for the purchase ~~[or lease]~~ of a distributed generation system or a host customer under a power purchase agreement;

(b) Communicate to the purchaser ~~[, lessee]~~ or host customer the information required to be included in a cover page pursuant to NRS ~~[598.9809,]~~ 598.9813 or 598.9816, as applicable; and

(c) Confirm that the purchaser ~~[, lessee]~~ or host customer understands the information communicated pursuant to paragraph (b).

2. The verbal communication required by subsection 1 must be:

(a) Recorded by the solar installation company; and

(b) Conducted at the time of the execution of the agreement or within 48 hours after the execution of the agreement.

3. A solar installation company shall not commence the installation of any distributed generation system under an agreement until the recording required pursuant to this section has been made.

4. A solar installation company shall maintain the recording required pursuant to this section for not less than ~~[4]~~ ***5*** years after the date of the final

inspection of the distributed generation system within the jurisdiction in which the distributed generation system is located.

Sec. 32. NRS 598.98216 is hereby amended to read as follows:

598.98216 ***1.*** Any purchaser or lessee who enters into or signs an agreement for the purchase or lease of a distributed generation system or host customer who enters into a power purchase agreement may rescind or cancel the agreement, without any penalty or obligation, by giving notice in writing to the solar installation company either by delivering, mailing or telegraphing such notice or sending such notice by electronic mail not later than midnight of the ***:***

(a) For a ~~***[power purchase agreement,]***~~ ***purchaser, lessee or host customer who is less than 60 years of age,*** third business day after the date the agreement was entered into or signed ~~[.]~~ ***;***

(b) For ~~***[an agreement for the purchase or lease of a distributed generation system, third business day or, for]***~~ ***a purchaser , ~~[or]~~ lessee or host customer who is 60 years of age or older, tenth business day ~~[,]~~ after the date the agreement was entered into or signed; or***

(c) For a rescission pursuant to section 23.2 of this act, third business day after the receipt of the results of an on-site physical survey described in section 23.2 of this act.

2. The notice ***required by subsection 1*** must be addressed to the solar installation company at the solar installation company's place of business, or another place designated in the agreement, or sent to the electronic mail address set forth on the cover page required by NRS 598.9809, 598.9813 or 598.9816, as applicable, and must contain words indicating the intent of the purchaser, lessee or host customer to rescind or cancel the transaction previously entered into.

Sec. 33. NRS 598.9822 is hereby amended to read as follows:

598.9822 1. A host customer may file a complaint concerning a solar installation company with the Public Utilities Commission of Nevada. Upon receipt of a complaint, the Commission may direct the host customer to the appropriate agency or person to resolve the complaint.

2. The failure of a person to comply with NRS 598.9801 to 598.9822, inclusive, ***and sections ~~[23.2]~~ 23.1 to 23.8, inclusive, of this act*** constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.

3. If a solar installation company executes with a purchaser or lessee an agreement for the purchase or lease of a distributed generation system or with a host customer a power purchase agreement and knowingly fails to comply with any requirement of NRS 598.9801 to 598.9822, inclusive, ***and sections ~~[23.2]~~ 23.1 to 23.8, inclusive, of this act,*** including, without limitation, by failing to include any disclosure or information required by NRS 598.9801 to 598.9822, inclusive, ***and sections ~~[23.2]~~ 23.1 to 23.8, inclusive, of this act,*** or knowingly failing to maintain a recording of a verbal communication as required by NRS 598.98213, the agreement is voidable by the purchaser, lessee

or host customer. The actions of persons who solely conduct administrative duties or provide administrative services directly to and for the benefit of the solar installation company are not imputed to the solar installation company for the purposes of this subsection.

4. A violation of any provision of NRS 598.9801 to 598.9822, inclusive, ***and sections ~~[23.2]~~ 23.1 to 23.8, inclusive, of this act,*** constitutes consumer fraud for the purposes of NRS 41.600.

5. Any document described in NRS 598.9809 to 598.9821, inclusive, must be provided in:

(a) English; or

(b) Any other language, if any person so requests before the execution of the relevant document.

6. If a solar installation company advertises its services or negotiates orally or in writing any of the requirements of NRS 598.9801 to 598.9822, inclusive, ***and sections ~~[23.2]~~ 23.1 to 23.8, inclusive, of this act*** in a language other than English or permits an employee or agent of the solar installation company to so advertise or negotiate, the solar installation company must deliver a translation of any contract, agreement or notice described in NRS 598.9801 to 598.9822, inclusive, ***and sections ~~[23.2]~~ 23.1 to 23.8, inclusive, of this act*** resulting from such advertising or negotiations in the language in which such advertising was made or such negotiations occurred to a person who is a party to such a contract or agreement, or who may sign the contract or agreement, or who is entitled to receive such notice. The translation of the contract, agreement or notice must be provided before the execution of the contract or agreement and include, without limitation, every term and condition in the contract, agreement or notice.

Sec. 34. ~~[1. A person who, on October 1, 2025, is engaged in the business of a distributed generation system financier or manufactured home financier and who is not otherwise required to be licensed pursuant to NRS 675.060, as that section existed before October 1, 2025, may continue to engage in the business of a distributed generation system financier or manufactured home financier without any license required by NRS 675.060, as amended by section 20 of this act, until January 1, 2026.~~

~~2. As used in this section:~~

~~(a) "Distributed generation system financier" has the meaning ascribed to it in NRS 675.020, as amended by section 18 of this act.~~

~~(b) "Manufactured home financier" has the meaning ascribed to it in NRS 675.020, as amended by section 18 of this act.]~~ **(Deleted by amendment.)**

Sec. 35. 1. The amendatory provisions of this act apply to an agreement for the provision of a distributed generation system loan, an agreement for the purchase of a distributed generation system, an agreement for the lease of a distributed generation system or a power purchase agreement entered into on or after October 1, 2025.

2. As used in this section:

(a) “Distributed generation system” has the meaning ascribed to it in NRS 598.9804.

(b) “Distributed generation system loan” has the meaning ascribed to it in ~~[NRS 675.020, as amended by]~~ section ~~[18]~~ **23.12** of this act.

(c) “Power purchase agreement” has the meaning ascribed to it in NRS 598.9807.

Assemblymember Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 440.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 708.

AN ACT relating to electricity; establishing a process by which a unit’s owner in certain unit-owners’ associations may submit a request to install a distributed generation system; establishing certain powers and duties of certain unit-owners’ associations with respect to the installation of distributed generation systems; establishing and revising certain requirements for the contents of an agreement for the purchase or lease of a distributed generation system and a power purchase agreement; **imposing certain requirements upon a solar installation company;** revising provisions relating to net metering systems; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law imposes certain requirements on solar installation companies that sell and install distributed generation systems in this State. Existing law prescribes certain contractual requirements for an agreement for the purchase or lease of a distributed generation system and a power purchase agreement. (NRS 598.9801-598.9822) **Sections 14.1-14.3 and 14.5 of this bill define certain terms for the purposes of these provisions governing such agreements.** **Section** ~~[14]~~ **14.4** of this bill makes a power purchase agreement voidable by the host customer for a certain period if the solar installation company that is a party to the agreement does not hold the proper contractor’s license or is not acting within the monetary limit of that license. **Section 21.5 of this bill makes a conforming change so that the provisions of sections 14.1-14.4 are enforced in the same manner as other provisions governing solar installation companies and distributed generation systems.**

Sections 15-20 of this bill require an agreement for the lease or purchase of a distributed generation system, a power purchase agreement and the cover page for such agreements to: (1) contain certain disclosures concerning the solar installation company; (2) provide certain information about the parts of the distributed generation system; and (3) impose certain duties and liabilities on lessees, purchasers and host customers.

Existing law requires a solar installation company to maintain a recording of certain communications with a purchaser, lessee or host customer for not less than 4 years after the final inspection of the distributed generation system of the purchaser, lessee or host customer. (NRS 598.98213) **Section 21** of this bill requires the solar installation company to provide a copy of that recording within ~~[5]~~ **10 business** days after receipt of a request from the purchaser, lessee **,** ~~[or]~~ host customer ~~[or a governmental entity.]~~ **, distributed generation system financier, Attorney General, Division of Financial Institutions of the Department of Business and Industry, State Contractors' Board, Housing Division of the Department of Business and Industry or a law enforcement agency.** If the solar installation company fails to do so, the lease or purchase agreement or power purchase agreement is voidable by the purchaser, lessee or host customer. **Section 21 also requires a solar installation company to submit proof to the purchaser, lessee or host customer that the solar installation company is properly licensed before the commencement of the installation of a distributed generation system.**

Existing law sets forth a prohibition against covenants, restrictions or conditions contained in deeds, contracts or other legal instruments which prohibit or unreasonably restrict an owner of a property from using a system for obtaining solar energy on his or her property. (NRS 111.239, 278.0208) **Section 13.3** of this bill sets forth a process by which a unit's owner in a unit-owners' association whose governing documents authorize the association to impose restrictions on architectural improvements may submit a request to install a distributed generation system. **Section 13.3** prohibits such a unit's owner from installing a distributed generation system unless the association approves the request.

Section 13.7 of this bill authorizes an association whose governing documents authorize the association to impose restrictions on architectural improvements to adopt rules and regulations concerning the installation of a distributed generation system and sets forth the required and authorized contents of such rules and regulations. Under **section 13.3**, if such an association has not adopted such rules and regulations, the association is prohibited from denying the request of a unit's owner to install a distributed generation system or imposing conditions upon the installation. **Section 13.7** additionally prohibits certain activities of an association with respect to certain accessories for a distributed generation system.

Existing law sets forth various requirements for: (1) net metering, which is defined under existing law to mean the measure of the difference between the electricity supplied by an electric utility and the electricity generated by a customer-generator that is fed back to the utility; and (2) a net metering system, which is defined under existing law to mean, in general, certain facilities or systems for the generation of electricity, including a facility or energy system installed on the premises of a customer-generator that uses solar energy to generate electricity and meets certain other requirements. (NRS 704.766-704.776) **Section 25** of this bill imposes certain timing requirements upon a public utility for the carrying out of certain requests relating to a net metering system submitted by a customer-generator. **Section 28** of this bill requires the regulations adopted by the Public Utilities Commission of Nevada relating to net metering tariffs and standard net metering contracts to set forth procedures and requirements concerning the process for applying for and installing a net metering system, which must include: (1) reasonable and appropriate timelines for the process; and (2) the requirement for a utility that denies the application of a net metering applicant to provide to the net metering applicant a notice detailing the reasons for the denial.

Existing law: (1) requires a net metering system to meet certain safety and quality standards; and (2) if the net metering system meets those standards, prohibits a utility from requiring the customer-generator to comply with additional standards or requirements or take certain other actions solely because of his or her status as a customer-generator. (NRS 704.774) **Section 29** of this bill additionally requires a customer-generator to obtain all necessary permits and approvals required by any governmental entity for the installation of his or her net metering system and install the net metering system in compliance with the permits and approvals. Under **section 29**, a utility is prohibited from imposing various additional requirements if the customer-generator satisfies such requirements and the net metering system complies with the safety standards set forth under existing law.

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. (Deleted by amendment.)
Sec. 10. (Deleted by amendment.)
Sec. 11. (Deleted by amendment.)
Sec. 12. (Deleted by amendment.)
Sec. 13. Chapter 116 of NRS is hereby amended by adding thereto the provisions set forth as sections 13.3 and 13.7 of this act.

Sec. 13.3. ***1. A unit's owner in an association whose governing documents authorize the association to impose restrictions on architectural improvements who wishes to install a distributed generation system within such physical portion of the common-interest community as that owner has a right to occupy and use exclusively may submit a request to the association in accordance with any applicable procedures set forth in the governing documents of the association. The unit's owner shall not install the***

distributed generation system unless the association has approved the request.

2. An association that has adopted rules and regulations governing the installation of a distributed generation system pursuant to section 13.7 of this act shall approve or deny the request within 35 days after the receipt of the request. If the association denies the request, the association shall provide the unit's owner a notice that details the reasons for the denial, which must be based on the rules and regulations adopted by the association pursuant to section 13.7 of this act. If the association fails to approve or deny the request within 35 days after the receipt of the request, the request shall be deemed to be approved.

3. If a unit's owner whose request to install a distributed generation system was denied pursuant to subsection 2 subsequently resubmits the request and addresses the reasons for the denial of the initial request, the association shall approve or deny the request within 15 days after the receipt of the request. If the association denies the request, the association shall provide the unit's owner notice that details the reasons for the denial, which must be based on the rules and regulations adopted by the association pursuant to section 13.7 of this act. If the association fails to approve or deny the request within 15 days after the receipt of the request, the request shall be deemed to be approved.

4. An association that has not adopted rules and regulations governing the installation of a distributed generation system pursuant to section 13.7 of this act that receives a request submitted pursuant to subsection 1 shall approve the request within 15 days after the receipt of the request. The association shall not deny the request or impose any conditions upon the installation of the distributed generation system. ~~***[If the association fails to approve the request within 15 days after the receipt of the request, the request shall be deemed to be approved.]***~~

5. If an association has adopted rules and regulations governing the installation of a distributed generation system pursuant to section 13.7 of this act, the association and each unit's owner shall comply with the rules and regulations.

6. As used in this section, "distributed generation system" has the meaning ascribed to it in NRS 598.9804.

Sec. 13.7. ***1. An association whose governing documents authorize the association to impose restrictions on architectural improvements may adopt rules and regulations governing the installation of distributed generation systems that comply with the provisions of this section.***

2. If an association adopts rules and regulations governing the installation of distributed generation systems pursuant to subsection 1, the rules and regulations must:

(a) Not conflict with the provisions of the National Electric Code, any local ordinance or any state law or regulation. The provisions of the rules and regulations do not apply to the extent of any such conflict.

(b) ~~[Require a unit's owner to submit to the association a plan for the distributed generation system before installation.~~

~~(c) Require a structural analysis to be conducted concerning snow load and wind resistance, where applicable.~~

~~(d)]~~ Require ~~[a unit's owner to submit to the association proof that]~~ the solar installation company that will install the distributed generation system ~~[is]~~ to be properly licensed . ~~[, is in compliance with all requirements relating to insurance and bonding and has established a plan to ensure the safety of the installation.~~

~~(e)]~~ (c) Not require a unit's owner to comply with any provision of the rules and regulations adopted pursuant to paragraphs (a) ~~[to (d), inclusive,]~~ and (b) of subsection 3 if the costs of complying with the provision exceeds 3 percent of the cash cost of the installation of the distributed generation system. A unit's owner may demonstrate that the costs of complying with the provision exceed 3 percent of the cash cost of the installation of the distributed generation system by delivering to the association a written estimate that:

(1) Is prepared by a solar installation company that is properly licensed pursuant to chapter 624 of NRS and is not affiliated with either the unit's owner or the association;

(2) Is dated not more than 60 days before delivery of the written estimate to the association;

(3) Itemizes all costs of complying with the provision, including, without limitation, labor, materials, professional fees, permit fees, inspection fees, financing charges and the costs of change orders; and

(4) Shows that the costs of complying with the provision exceed 3 percent of the contract price for the installation of the distributed generation system.

3. Except as otherwise provided in paragraphs (a) and ~~[(e)]~~ (c) of subsection 2, in addition to the requirements set forth in subsection 2, if an association adopts rules and regulations governing the installation of a distributed generation system pursuant to subsection 1, the rules and regulations may require a unit's owner to:

(a) Install the solar panels of the distributed generation system in a manner so that they do not face a street, so long as complying with this requirement does not result in a decrease in the production of the distributed generation system of more than 10 percent, as determined using the PVWatts Calculator maintained by the National Renewable Energy Laboratory of the United States Department of Energy.

(b) Paint all conduits of the distributed generation system to match the exterior of the unit to which the system is affixed.

(c) Store all batteries for the distributed generation system in a garage.

(d) Place all inverters of the distributed generation system outside of any street and reasonably out of view of other unit's owners.

(e) If the distributed generation system will be installed on a roof or other exterior portion of a unit for which the association is responsible for the maintenance, repair or replacement, enter into an agreement with the association setting forth the respective rights and obligations of the unit's owner and the association with respect to the distributed generation system. The association may require the agreement to be recorded and to include provisions in the agreement which:

(1) Provide that the unit's owner is solely responsible for any damage caused to the roof or exterior portion that is caused by the installation, maintenance, repair or replacement of the distributed generation system.

(2) Require the unit's owner, at his or her expense, to remove the distributed generation system from the roof or exterior portion if the association determines such action to be necessary for the maintenance, repair or replacement of the roof or exterior portion.

(3) Authorize the association to cause the distributed generation system to be removed from the roof or exterior portion if, after reasonable notice has been provided to the unit's owner, the unit's owner fails to remove the distributed generation system as required pursuant to subparagraph (2) and assess the costs of the removal, relocation, storage and replacement against the unit's owner.

(4) Require the unit's owner to install the distributed generation system in accordance with the terms of the request submitted by the unit's owner to the association and approved by the association.

(5) Require the unit's owner to maintain a policy of insurance that names the association as an additional insured and provides coverage for any losses or damages caused by the installation, maintenance, repair or replacement of the distributed generation system.

(6) Require the unit's owner to indemnify the association and its agents from any and all liability, claims, damages and costs, including, without limitation, attorney's fees, resulting from the installation, maintenance, repair or replacement of the distributed generation system.

(7) Provide the association the right to inspect the condition of the distributed generation system.

(8) Require the unit's owner to disclose to potential purchasers of the unit all rights and responsibilities concerning the distributed generation system.

4. An association may not:

(a) Unreasonably restrict, prohibit or withhold approval for a unit's owner to install any type of physical barrier around the distributed generation system to deter the intrusion of animals or to hide components of the system for aesthetic purposes; or

(b) Except as otherwise provided in this paragraph, require the installation of a particular type of physical barrier described in paragraph (a). The association may require such a physical barrier to be ~~[painted]~~ a particular color if the ~~[paint of that]~~ color is commercially available as a

stock item, rather than an item requiring specialization or customization. If the ~~[paint]~~ color is not so available, the association may require the physical barrier to be ~~[painted]~~ black or a color complementary to the solar panels or racking system of the distributed generation system.

5. As used in this section, "distributed generation system" has the meaning ascribed to it in NRS 598.9804.

Sec. 14. Chapter 598 of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ **the provisions set forth as sections 14.1 to 14.4, inclusive, of this act.**

Sec. 14.1. "Borrower" means a person who receives a distributed generation system loan from a distributed generation system financier.

Sec. 14.2. "Distributed generation system financier" means a person who:

1. Provides a distributed generation system loan to a borrower in this State;

2. Leases a distributed generation system or any part thereof to a lessee in this State; or

3. Contracts for a power purchase agreement with a host customer in this State.

➥ The term does not include a third party who is a passive investor or a tax equity partner of a distributed generation system financier that provides money to the distributed generation system financier and who is not directly involved in the sale or lease of or the contracting for a distributed generation system.

Sec. 14.3. "Distributed generation system loan" means a loan made for the express purpose of financing the purchase of a distributed generation system or any part thereof.

Sec. 14.4. If a host customer enters into a power purchase agreement and, at the time the agreement is signed, the solar installation company that is a party to the agreement is not properly licensed pursuant to chapter 624 of NRS or acting within the monetary limit of the license, the power purchase agreement is voidable by the host customer for 3 years after the date on which the power purchase agreement is signed.

Sec. 14.5. **NRS 598.9801 is hereby amended to read as follows:**

598.9801 As used in NRS 598.9801 to 598.9822, inclusive, ***and sections 14.1 to 14.4, inclusive, of this act,*** unless the context otherwise requires, the words and terms defined in NRS 598.9802 to 598.9808, inclusive, ***and sections 14.1, 14.2 and 14.3 of this act*** have the meanings ascribed to them in those sections.

Sec. 15. NRS 598.9809 is hereby amended to read as follows:

598.9809 An agreement for the lease of a distributed generation system must include a cover page that:

1. Prominently displays the following information at the top of the cover page in at least 16-point font:

(a) Notice of the right to rescind or cancel the agreement, without any penalty or obligation, within 3 business days after the execution of the agreement, as provided in NRS 598.98216.

(b) An electronic mail address to which a notice of rescission or cancellation may be sent pursuant to NRS 598.98216 and notice that the lessee may send such a notice to that electronic mail address.

(c) Notice of the requirement to make and maintain a recording pursuant to NRS 598.98213.

(d) Notice that, before the installation of the distributed generation system, the lessee will have the opportunity to confirm that no representations, offers or promises were made at any time concerning the lease of the distributed generation system other than what is contained in the agreement.

2. Provides the following information in at least 10-point font:

(a) The amounts due at the signing for and at the completion of the installation or any inspection of the distributed generation system.

(b) An estimated timeline for the installation of the distributed generation system.

(c) The estimated amount of the monthly payments due under the lease in the first year of operation of the distributed generation system.

(d) The length of the term of the lease.

(e) A description of any warranties.

(f) The rate of any payment increases.

(g) The identification of any state or federal tax incentives that are included in calculating the amount of the monthly payments due under the lease.

(h) The estimated production of the distributed generation system in the first year of operation and an explanation that:

(1) The lessee will always receive a power bill if the premises of the lessee are connected to the power grid;

(2) The estimated production or offset is based on available data on prior consumption; and

(3) Any change in consumption by the lessee will impact the estimated offset, or savings, in relation to the production.

(i) A description of the terms for renewal or any other options available at the end of the term of the lease.

(j) A description of any option to purchase the distributed generation system before the end of the term of the lease.

(k) Notice of the existence of the Recovery Fund administered by the State Contractors' Board pursuant to NRS 624.470.

(l) Notice that a person financially damaged by a licensed contractor who performs work on a residence may be eligible to recover certain financial damages from the Recovery Fund.

(m) Notice that a host customer may file a complaint with the Public Utilities Commission of Nevada.

(n) Contact information for the State Contractors' Board and the Public Utilities Commission of Nevada, including, without limitation, a telephone number.

(o) Notice that the lessee, before the execution of the agreement, may request any document used in the solicitation, offer or transaction for the agreement in any language.

(p) The following disclosures:

(1) Whether the solar installation company:

(I) Maintains a physical office in this State at which employees, as defined in subsection 6 of NRS 624.020, of the solar installation company conduct business; and

(II) Has at least one motor vehicle registered in this State;

(2) Whether the solar installation company is in compliance with all applicable federal, state and local laws and regulations; and

(3) Whether the person who initially presented the lessee with the lease agreement is an employee, as defined in subsection 6 of NRS 624.020, of the solar installation company.

Sec. 16. NRS 598.9811 is hereby amended to read as follows:

598.9811 An agreement for the lease of a distributed generation system must include, without limitation, the following information in at least 10-point font:

1. The name, mailing address, telephone number and number of the contractor's license of the solar installation company.

2. The name, mailing address and telephone number of:

(a) The lessor of the distributed generation system; and

(b) The name, mailing address and telephone number of the person responsible for all maintenance of the distributed generation system, if different from the solar installation company.

3. An estimated timeline for the installation of the distributed generation system.

4. The length of the term of the lease.

5. A general description of the distributed generation system.

6. The amounts due at the signing for and at the completion of the installation or any inspection of the distributed generation system.

7. A description of any warranties.

8. The amount of the:

(a) Monthly payments due under the lease; and

(b) Total payments due under the lease, excluding taxes.

9. A description of any other one-time or recurring charges, including, without limitation, a description of the circumstances that trigger any late fees.

10. A description of any obligation the lessor has regarding the installation, repair or removal of the distributed generation system.

11. A description of any obligation the lessor has regarding construction of and insurance for the distributed generation system.

12. A description of any:

(a) Taxes due at the commencement of the lease; and

(b) Estimation of taxes known to be applicable during the term of the lease, subject to any change in the state or local tax rate or tax structure.

13. A copy of the warranty for the distributed generation system.

14. A disclosure notifying the lessee of the transferability of the obligations under the warranty to a subsequent lessee.

15. The identification of any state or federal tax incentives that are included in calculating the amount of the monthly payments due under the lease.

16. A description of the ownership of any tax credits, tax rebates, tax incentives or portfolio energy credits in connection with the distributed generation system.

17. Any terms for renewal of the lease.

18. A description of any option to purchase the distributed generation system before the end of the term of the lease.

19. A description of all options available to the host customer in connection with the continuation, termination or transfer of the lease in the event of the:

(a) Sale of the property to which the distributed generation system is affixed; or

(b) Death of the lessee.

20. A description of any restrictions that the lease imposes on the modification or transfer of the property to which the distributed generation system is affixed.

21. The granting to the lessee of the right to rescind the lease for a period ending not less than 3 business days after the lease is signed.

22. An estimate of the amount of electricity that could be generated by the distributed generation system in the first year of operation.

23. ***The following information concerning the parts of the distributed generation system:***

(a) The make and model of all inverters of the distributed generation system;

(b) The make, model and power class of all solar modules of the distributed generation system; and

(c) The manufacturer of any racking system of the distributed generation system.

24. A provision requiring the lessee to fully and accurately disclose all material information relating to the property to which the distributed generation system will be affixed that may affect the installation of the distributed generation system, including, without limitation, any relevant modifications to the electrical service of the property.

25. A provision requiring the lessee to promptly execute any agreements with a public utility that are necessary and provide to the solar installation company any information that is necessary for the completion of the installation of the distributed generation system.

26. A provision that provides that the lessee is liable for any damages caused by the failure of the purchaser to comply with the provisions of any agreement set forth in subsection 25.

27. A signature block that is signed and dated by the lessor and the lessee of the distributed generation system.

Sec. 17. NRS 598.9813 is hereby amended to read as follows:

598.9813 An agreement for the purchase of a distributed generation system must include a cover page that:

1. Prominently displays the following information at the top of the cover page in at least 16-point font:

(a) Notice of the right to rescind or cancel the agreement, without any penalty or obligation, within 3 business days after the execution of the agreement, as provided in NRS 598.98216.

(b) An electronic mail address to which a notice of rescission or cancellation may be sent pursuant to NRS 598.98216 and notice that the purchaser may send such a notice to that electronic mail address.

(c) Notice of the requirement to make and maintain a recording pursuant to NRS 598.98213.

(d) Notice that, before the installation of the distributed generation system, the purchaser will have the opportunity to confirm that no representations, offers or promises were made at any time concerning the purchase of the distributed generation system other than what is contained in the agreement.

2. Provide the following information in at least 10-point font:

(a) The size of the distributed generation system.

(b) The length of the term of the warranty for the distributed generation system.

(c) An estimated timeline for the installation of the distributed generation system.

(d) A description of any warranties.

(e) The total cost of the distributed generation system.

(f) The estimated value of any portfolio energy credits and rebates of any incentives included in the calculation of the total cost of the distributed generation system.

(g) The amounts due at the signing for and at the completion of the installation of the distributed generation system.

(h) The estimated production of the distributed generation system in the first year of operation and an explanation that:

(1) The purchaser will always receive a power bill if the premises of the purchaser are connected to the power grid;

(2) The estimated production or offset is based on available data on prior consumption; and

(3) Any change in consumption by the purchaser will impact the estimated offset, or savings, in relation to the production.

(i) Notice of the existence of the Recovery Fund administered by the State Contractors' Board pursuant to NRS 624.470.

(j) Notice that a person financially damaged by a licensed contractor who performs work on a residence may be eligible to recover certain financial damages from the Recovery Fund.

(k) Notice that a host customer may file a complaint with the Public Utilities Commission of Nevada.

(l) Contact information for the State Contractors' Board and Public Utilities Commission of Nevada, including, without limitation, a telephone number.

(m) Notice that the purchaser, before the execution of the agreement, may request any document used in the solicitation, offer or transaction for the agreement in any language.

(n) The following disclosures:

(1) Whether the solar installation company:

(I) Maintains a physical office in this State at which employees, as defined in subsection 6 of NRS 624.020, of the solar installation company conduct business; and

(II) Has at least one motor vehicle registered in this State;

(2) Whether the solar installation company is in compliance with all applicable federal, state and local laws and regulations; and

(3) Whether the person who initially presented the purchaser with the purchase agreement is an employee, as defined in subsection 6 of NRS 624.020, of the solar installation company.

Sec. 18. NRS 598.9814 is hereby amended to read as follows:

598.9814 An agreement for the purchase of a distributed generation system must include, without limitation, the following information in at least 10-point font:

1. The name, mailing address, telephone number, electronic mail address and number of the contractor's license of the solar installation company.

2. The name, mailing address, telephone number and electronic mail address of:

(a) The purchaser of the distributed generation system; and

(b) The name, mailing address, telephone number and electronic mail address of the person responsible for all maintenance of the distributed generation system, if different from the solar installation company.

3. A description, which includes, without limitation, any assumptions, concerning the design and installation of the distributed generation system. Such a description must include, without limitation:

(a) The size of the distributed generation system;

(b) The estimated amount of production for the distributed generation system in the first year of operation; and

(c) The estimated annual degradation to the distributed generation system.

4. The total cost of the distributed generation system.

5. An estimated timeline for the installation of the distributed generation system.

6. A payment schedule, including, without limitation:

(a) The due dates for any deposit; and

(b) Any subsequent payments that are not to exceed the total system cost stated on the cover page pursuant to NRS 598.9813.

7. The granting to the purchaser the right to rescind the agreement for a period ending not less than 3 business days after the agreement is signed.

8. A copy of the warranty for the distributed generation system.

9. A disclosure notifying the purchaser of the transferability of the obligations under the warranty to a subsequent purchaser.

10. The identification of any incentives included in the calculation of the total cost of the distributed generation system.

11. A description of any guarantee of the performance of the distributed generation system.

12. ***The following information concerning the parts of the distributed generation system:***

(a) The make and model of all inverters of the distributed generation system;

(b) The make, model and power class of the solar modules of the distributed generation system; and

(c) The manufacturer of any racking system of the distributed generation system . ~~[; and~~

~~(d) Whether the parts described in paragraphs (a), (b) and (c) satisfy any guidelines set forth by the Internal Revenue Service to qualify for a domestic content bonus credit under the Inflation Reduction Act of 2022, Public Law 117-169.]~~

13. A provision requiring the purchaser to fully and accurately disclose all material information relating to the property to which the distributed generation system will be affixed that may affect the installation of the distributed generation system, including, without limitation, any relevant modifications to the electrical service of the property.

14. A provision requiring the purchaser to promptly execute any agreements with a public utility that are necessary and provide to the solar installation company any information that is necessary for the completion of the installation of the distributed generation system.

15. A provision that provides that the purchaser is liable for any damages caused by the failure of the purchaser to comply with the provisions of any agreement set forth in subsection 14.

16. A signature block that is signed and dated by the purchaser of the distributed generation system and the solar installation company.

~~[13.]~~ ***17.*** A description of the basis for any estimates of savings that were provided to the purchaser, if applicable.

~~[14.]~~ ***18.*** A disclosure concerning the retention of any portfolio energy credits, if applicable.

Sec. 19. NRS 598.9816 is hereby amended to read as follows:

598.9816 A power purchase agreement for the sale of the output of a distributed generation system must include a cover page that:

1. Prominently displays the following information at the top of the cover page in at least 16-point font:

(a) Notice of the right to rescind or cancel the agreement, without any penalty or obligation, within 3 business days after the execution of the agreement, as provided in NRS 598.98216.

(b) An electronic mail address to which a notice of rescission or cancellation may be sent pursuant to NRS 598.98216 and notice that the host customer may send such a notice to that electronic mail address.

(c) Notice of the requirement to make and maintain a recording pursuant to NRS 598.98213.

(d) Notice that, before the installation of the distributed generation system, the host customer will have the opportunity to confirm that no representations, offers or promises were made at any time concerning the sale of the output of the distributed generation system other than what is contained in the agreement.

2. Provides the following information in at least 10-point font:

(a) The rate of any increase in the payments to be made during the term of the agreement and, if applicable, the date of the first such increase.

(b) An estimated timeline for the installation of the distributed generation system.

(c) The rate of electricity per kilowatt-hour of electricity for the first year of the agreement.

(d) The length of the term of the agreement.

(e) The amounts due at the signing for and at the completion of the installation or any inspection of the distributed generation system.

(f) The estimated production of the distributed generation system in the first year of operation and an explanation that:

(1) The host customer will always receive a power bill if the premises of the host customer are connected to the power grid;

(2) The estimated production or offset is based on available data on prior consumption; and

(3) Any change in consumption by the host customer will impact the estimated offset, or savings, in relation to the production.

(g) A description of the options available at the end of the term of the agreement.

(h) A description of any option to purchase the distributed generation system before the end of the term of the agreement.

(i) Notice of the existence of the Recovery Fund administered by the State Contractors' Board pursuant to NRS 624.470.

(j) Notice that a person financially damaged by a licensed contractor who performs work on a residence may be eligible to recover certain financial damages from the Recovery Fund.

(k) Notice that a host customer may file a complaint with the Public Utilities Commission of Nevada.

(l) Contact information for the State Contractors' Board and the Public Utilities Commission of Nevada, including, without limitation, a telephone number.

(m) Notice that the host customer, before execution of the agreement, may request any document used in the solicitation, offer or transaction for the power purchase agreement in any language.

(n) The following disclosures:

(1) Whether the solar installation company:

(I) Maintains a physical office in this State at which employees, as defined in subsection 6 of NRS 624.020, of the solar installation company conduct business; and

(II) Has at least one motor vehicle registered in this State;

(2) Whether the solar installation company is in compliance with all applicable federal, state and local laws and regulations; and

(3) Whether the person who initially presented the host customer with the power purchase agreement is an employee, as defined in subsection 6 of NRS 624.020, of the solar installation company.

Sec. 20. NRS 598.9817 is hereby amended to read as follows:

598.9817 A power purchase agreement for the sale of the output of a distributed generation system must include, without limitation, the following information in at least 10-point font:

1. The name, mailing address, telephone number, electronic mail address and number of the contractor's license of the solar installation company.

2. The name, mailing address, telephone number and electronic mail address of:

(a) The provider of the distributed generation system; and

(b) The name, mailing address, telephone number and electronic mail address of the person responsible for all maintenance of the distributed generation system, if different from the solar installation company.

3. The length of the term of the agreement.

4. An estimated timeline for the installation of the distributed generation system.

5. The payments made during the first year of the agreement for the price of electricity, which includes, without limitation, the price per kilowatt-hour of electricity and the price per monthly system electrical output.

6. The estimated annual electrical output of the distributed generation system.

7. The rate of any increase in the payments to be made during the term of the agreement and, if applicable, the date of the first such increase.

8. A description of any obligation the solar installation company has regarding construction and repair of and insurance for the distributed generation system.

9. A description of any one-time or recurring fees, including, without limitation, a description of the circumstances that trigger any late fees.

10. A description of any:

(a) Taxes due at the commencement of the agreement; and

(b) Estimation of taxes known to be applicable during the term of the agreement, subject to a change in the state or local tax rate or tax structure.

11. A copy of the warranty for the distributed generation system.

12. A description of the ownership of any tax credits, tax rebates, tax incentives or portfolio energy credits in connection with the distributed generation system.

13. Any terms for renewal of the agreement.

14. A description of any option to purchase the distributed generation system before the end of the term of the agreement.

15. A description of all options available to the host customer in connection with the continuation, termination or transfer of the agreement in the event of the:

(a) Sale of the property to which the distributed generation system is affixed; or

(b) Death of the purchaser.

16. The granting to the purchaser of the right to rescind the agreement for a period ending not less than 3 business days after the agreement is signed.

17. A description of any restrictions that the agreement imposes on the modification or transfer of the property to which the distributed generation system is affixed.

18. A description of any guarantees of the performance of the distributed generation system.

19. A disclosure notifying the host customer of the transferability of the obligations under the warranty to a subsequent purchaser.

20. ***The following information concerning the parts of the distributed generation system:***

(a) The make and model of all inverters of the distributed generation system;

(b) The make, model and power class of the solar modules of the distributed generation system; and

(c) The manufacturer of any racking system of the distributed generation system . ~~[; and~~

~~***(d) Whether the parts described in paragraphs (a), (b) and (c) satisfy any guidelines set forth by the Internal Revenue Service to qualify for a domestic content bonus credit under the Inflation Reduction Act of 2022, Public Law 117-169.]***~~

21. A provision requiring the host customer to fully and accurately disclose all material information relating to the property to which the distributed generation system will be affixed that may affect the installation of the distributed generation system, including, without limitation, any relevant modifications to the electrical service of the property.

22. A provision requiring the host customer to promptly execute any agreements with a public utility that are necessary and provide to the solar

installation company any information that is necessary for the completion of the installation of the distributed generation system.

23. A provision that provides that the host customer is liable for any damages caused by the failure of the purchaser to comply with the provisions of any agreement set forth in subsection 22.

24. A signature block that is signed and dated by the purchaser and the solar installation company.

~~[21.]~~ ***25.*** A statement describing the due dates of any payments.

Sec. 21. NRS 598.98213 is hereby amended to read as follows:

598.98213 1. A solar installation company shall, in person or by telephone or videoconference, verbally:

(a) Confirm the identity of a purchaser or lessee under an agreement for the purchase or lease of a distributed generation system or a host customer under a power purchase agreement;

(b) Communicate to the purchaser, lessee or host customer the information required to be included in a cover page pursuant to NRS 598.9809, 598.9813 or 598.9816, as applicable; and

(c) Confirm that the purchaser, lessee or host customer understands the information communicated pursuant to paragraph (b).

2. The verbal communication required by subsection 1 must be:

(a) Recorded by the solar installation company; and

(b) Conducted at the time of the execution of the agreement or within 48 hours after the execution of the agreement.

3. A solar installation company shall not commence the installation of any distributed generation system under an agreement until the recording required pursuant to this section has been made.

4. A solar installation company shall maintain the recording required pursuant to this section for not less than 4 years after the date of the final inspection of the distributed generation system within the jurisdiction in which the distributed generation system is located. ***If, at any time during that period*** ~~***[, a]***~~ ***:***

(a) A purchaser, lessee , ~~***[or]***~~ ***host customer or*** ~~***[any governmental entity]***~~ ***distributed generation system financier requests , in an electronic communication or in writing pursuant to the terms of the power purchase agreement, as applicable; or***

(b) The Attorney General, the Division of Financial Institutions of the Department of Business and Industry, the State Contractors' Board, the Housing Division of the Department of Business and Industry or a law enforcement agency requests, in any manner,

➥ that a copy of the recording be provided to the requesting person or entity, as applicable, the solar installation company shall provide the copy within ~~***[5]***~~ ***10 business days after receipt of the request. If a solar installation company fails to provide the copy within that time, the purchase or lease agreement or power purchase agreement is voidable by the purchaser, lessee or host customer, as applicable.***

5. A solar installation company shall, before the commencement of the installation of a distributed generation system, submit proof to the purchaser, lessee or host customer that the solar installation company is properly licensed.

Sec. 21.5. **NRS 598.9822 is hereby amended to read as follows:**

598.9822 1. A host customer may file a complaint concerning a solar installation company with the Public Utilities Commission of Nevada. Upon receipt of a complaint, the Commission may direct the host customer to the appropriate agency or person to resolve the complaint.

2. The failure of a person to comply with NRS 598.9801 to 598.9822, inclusive, ***and sections 14.1 to 14.4, inclusive, of this act*** constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.

3. If a solar installation company executes with a purchaser or lessee an agreement for the purchase or lease of a distributed generation system or with a host customer a power purchase agreement and knowingly fails to comply with any requirement of NRS 598.9801 to 598.9822, inclusive, ***and sections 14.1 to 14.4, inclusive, of this act,*** including, without limitation, by failing to include any disclosure or information required by NRS 598.9801 to 598.9822, inclusive, ***and sections 14.1 to 14.4, inclusive, of this act,*** or knowingly failing to maintain a recording of a verbal communication as required by NRS 598.98213, the agreement is voidable by the purchaser, lessee or host customer. The actions of persons who solely conduct administrative duties or provide administrative services directly to and for the benefit of the solar installation company are not imputed to the solar installation company for the purposes of this subsection.

4. A violation of any provision of NRS 598.9801 to 598.9822, inclusive, ***and sections 14.1 to 14.4, inclusive, of this act*** constitutes consumer fraud for the purposes of NRS 41.600.

5. Any document described in NRS 598.9809 to 598.9821, inclusive, ***and sections 14.1 to 14.4, inclusive, of this act*** must be provided in:

(a) English; or

(b) Any other language, if any person so requests before the execution of the relevant document.

6. If a solar installation company advertises its services or negotiates orally or in writing any of the requirements of NRS 598.9801 to 598.9822, inclusive, ***and sections 14.1 to 14.4, inclusive, of this act*** in a language other than English or permits an employee or agent of the solar installation company to so advertise or negotiate, the solar installation company must deliver a translation of any contract, agreement or notice described in NRS 598.9801 to 598.9822, inclusive, ***and sections 14.1 to 14.4, inclusive, of this act*** resulting from such advertising or negotiations in the language in which such advertising was made or such negotiations occurred to a person who is a party to such a contract or agreement, or who may sign the contract or agreement, or who is entitled to receive such notice. The translation of the contract,

agreement or notice must be provided before the execution of the contract or agreement and include, without limitation, every term and condition in the contract, agreement or notice.

Sec. 22. (Deleted by amendment.)

Sec. 23. Chapter 704 of NRS is hereby amended by adding thereto the provisions set forth as sections 24 and 25 of this act.

Sec. 24. (Deleted by amendment.)

Sec. 25. ***1. If a customer-generator has received all the necessary inspections from any governmental entity required for the installation of a net metering system and submits to a utility a request for the completion of a final inspection by the utility, the utility shall complete the final inspection within a reasonable time after receipt of the request in accordance with the regulations adopted pursuant to NRS 704.773.***

2. If a customer-generator submits to a utility a request to temporarily disconnect and subsequently reconnect electric service in relation to the installation of a net metering system, the utility shall schedule the temporary disconnection and subsequent reconnection within a reasonable time after receiving the request in accordance with the regulations adopted pursuant to NRS 704.773.

Sec. 26. (Deleted by amendment.)

Sec. 27. NRS 704.767 is hereby amended to read as follows:

704.767 As used in NRS 704.766 to 704.776, inclusive, ***and section 25 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 704.7675 to 704.772, inclusive, have the meanings ascribed to them in those sections.

Sec. 28. NRS 704.773 is hereby amended to read as follows:

704.773 1. A utility shall offer net metering in accordance with the provisions of NRS 704.766 to 704.776, inclusive, ***and section 25 of this act*** to the customer-generators operating within its service area.

2. If the net metering system of a customer-generator who accepts the offer of a utility for net metering has a capacity of not more than 25 kilowatts, the utility:

(a) Shall offer to make available to the customer-generator an energy meter that is capable of registering the flow of electricity in two directions.

(b) May, at its own expense and with the written consent of the customer-generator, install one or more additional meters to monitor the flow of electricity in each direction.

(c) Except as otherwise provided in subsection 7, shall not charge the customer-generator any fee or charge that is different than that charged to other customers of the utility in the rate class to which the customer-generator would belong if the customer-generator did not have a net metering system.

(d) Shall not reduce the minimum monthly charge of the customer-generator based on the electricity generated by the customer-generator and fed back to the utility.

3. If the net metering system of a customer-generator who accepts the offer of a utility for net metering has a capacity of more than 25 kilowatts, the utility:

(a) May require the customer-generator to install at its own cost:

(1) An energy meter that is capable of measuring generation output and customer load; and

(2) Any upgrades to the system of the utility that are required to make the net metering system compatible with the system of the utility.

(b) Except as otherwise provided in paragraph (d) and subsection 7, shall not charge the customer-generator any fee or charge that is different than that charged to other customers of the utility in the rate class to which the customer-generator would belong if the customer-generator did not have a net metering system, including, without limitation, customer, demand and facility charges.

(c) Shall not reduce the minimum monthly charge of the customer-generator based on the electricity generated by the customer-generator and fed back to the utility.

(d) Shall not charge the customer-generator any standby charge.

4. At the time of installation or upgrade of any portion of a net metering system, the utility must allow a customer-generator governed by subsection 3 to pay the entire cost of the installation or upgrade of the portion of the net metering system.

5. Except as otherwise provided in subsections 2, 3 and 6 and NRS 704.7732, the utility shall not for any purpose assign a customer-generator to a rate class other than the rate class to which the customer-generator would belong if the customer-generator did not have a net metering system, including, without limitation, for the purpose of any fee or charge.

6. If the net metering system of a customer-generator is a net metering system described in paragraph (b) or (c) of subsection 1 of NRS 704.771 and:

(a) The system is intended primarily to offset part or all of the customer-generator's requirements for electricity on property contiguous to the property on which the net metering system is located; and

(b) The customer-generator sells or transfers his or her interest in the contiguous property,

➥ the net metering system ceases to be eligible to participate in net metering.

7. A utility shall assess against a customer-generator:

(a) If applicable, the universal energy charge imposed pursuant to NRS 702.160; and

(b) Any charges imposed pursuant to chapter 701B of NRS or NRS 704.7827 or 704.785 which are assessed against other customers in the same rate class as the customer-generator.

➥ For any such charges calculated on the basis of a kilowatt-hour rate, the customer-generator must only be charged with respect to kilowatt-hours of energy delivered by the utility to the customer-generator.

8. The Commission and the utility must allow a customer-generator who accepts the offer of the utility for net metering to continue net metering pursuant to NRS 704.766 to 704.776, inclusive, at the location at which the net

metering system is originally installed for 20 years. For the purposes of this subsection, "to continue net metering" includes, without limitation:

(a) Retaining the percentage set forth in subsection 3 of NRS 704.7732 to be used to determine the credit for electricity governed by paragraph (c) of subsection 2 of NRS 704.775, which is applicable to the customer-generator; and

(b) Replacing the originally installed net metering system, as needed, at any time before 20 years after the date of the installation of the originally installed net metering system.

9. The Commission shall adopt regulations prescribing the form and substance for a net metering tariff and a standard net metering contract. The regulations must include, without limitation:

(a) The particular provisions, limitations and responsibilities of a customer-generator which must be included in a net metering tariff with regard to:

(1) Metering equipment;

(2) Net energy metering and billing; and

(3) Interconnection,

➥ based on the allowable size of the net metering system.

(b) The particular provisions, limitations and responsibilities of a customer-generator and the utility which must be included in a standard net metering contract.

(c) ~~[A timeline for processing applications and contracts for net metering applicants.]~~ ***Procedures and requirements concerning the process for applying for and installing a net metering system, which must include, without limitation:***

(1) Reasonable and appropriate timelines for the process, including, without limitation, timelines for:

(I) The review of an application of a net metering applicant;

(II) Obtaining a final inspection of a net metering system;

(III) The processing of a request to temporarily disconnect and subsequently reconnect electric service in relation to the installation of a net metering system; and

(IV) Obtaining the permission of the utility to operate the net metering system.

(2) The requirement that a utility that denies the application of a net metering applicant provide to the net metering applicant a notice detailing the reasons for the denial.

(d) Any other provisions the Commission finds necessary to carry out the provisions of NRS 704.766 to 704.776, inclusive ~~[.]~~ ***, and section 25 of this act.***

Sec. 29. NRS 704.774 is hereby amended to read as follows:

704.774 1. ***A customer-generator must obtain all necessary permits and approvals required by any governmental entity for the installation of his or her net metering system and install the net metering system in compliance with the permits and approvals.***

2. A net metering system used by a customer-generator must meet all applicable safety and power quality standards established by:

(a) The National Electrical Code;

(b) Underwriters Laboratories Inc.; and

(c) The Institute of Electrical and Electronic Engineers.

~~[2.]~~ ***3.*** A customer-generator ***who satisfies the requirements in subsection 1 and*** whose net metering system meets ~~[such]~~ ***the*** safety and quality standards ***specified in subsection 2*** must not be required by the utility to:

(a) Comply with additional standards or requirements;

(b) Perform additional tests;

(c) Install additional controls; or

(d) Purchase additional liability insurance,

➥ arising solely from the status as a customer-generator.

Sec. 30. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 29, 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, 2025, for all other purposes.

Assemblymember Watts moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 447.

Bill read second time.

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

Amendment No. 737.

AN ACT relating to public works; ~~[authorizing a court to award attorney's fees and costs to a party that prevails on a writ of mandamus to enforce certain provisions relating to public works; revising certain provisions relating to an alternate writ of mandamus filed by a contractor on a public work to compel performance of certain required duties of a public body;]~~ **authorizing an action seeking an alternate writ of mandamus to require a public body to award certain contracts and authorizing a court to award attorney's fees and costs to a party that prevails on such an alternate writ of mandamus;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prescribes general procedures and requirements for contracts for a public work. (Chapter 338 of NRS) ~~[Section 1 of this bill authorizes a court to award reasonable attorney's fees and costs to a party that prevails on a writ of mandamus filed to enforce the provisions of chapter 338 of NRS.~~

~~Under existing law, a contractor on a public work who believes the public body has failed to perform certain required duties may apply to the district~~

~~court of the county in which the public work is located for an alternate writ of mandamus to require the public body to perform the required duty. Existing law also provides that a public body is authorized to include certain provisions governing the payment of attorney's fees in a contract with a contractor for a public work. (NRS 338.630) Section 1.5 of this bill provides that the court is authorized to award reasonable attorney's fees and costs to the prevailing party on an alternate writ of mandamus, regardless of whether there is a provision in the contract governing the payment of such fees and costs.~~] **Section 2 of this bill authorizes a party found by a court of competent jurisdiction to have legal standing to bring an action in district court against a public body to obtain an alternate writ of mandamus requiring the public body to award a contract pursuant to the provisions of chapter 338 of NRS if: (1) the public body attempts to award certain contracts in compliance with certain provisions of law relating to public procurement; and (2) the work to be performed pursuant to the contract is not directly related to the normal operation of the public body or the normal maintenance of its property. Section 2 also authorizes a district court to award reasonable attorney's fees and costs to a party that prevails on such an alternate writ of mandamus.**

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 a new section to read as follows:~~

~~***A court may award reasonable attorney's fees and costs to the prevailing party on a writ of mandamus filed in a court of competent jurisdiction to enforce the provisions of this chapter.***~~] **(Deleted by amendment.)**

Sec. 1.5. [~~NRS 338.630 is hereby amended to read as follows:~~

~~338.630 1. A contractor who believes that the public body has failed to perform a duty to:~~

~~(a) Make a payment;~~

~~(b) Provide written notice of any withholding; or~~

~~(c) Provide information upon request relating to any payment with respect to a contract which has not been fully performed,~~

~~➥ pursuant to one or more of the provisions of NRS 338.515 to 338.535, inclusive, in a timely manner may apply to the district court of the county in which the public work or a part thereof is located for an alternate writ of mandamus pursuant to NRS 34.150 to 34.310, inclusive, to require the public body to perform the duty required pursuant to such a provision.~~

~~2. The provisions of this section do not prevent a public body from including a provision governing the payment of attorney's fees~~ ~~***and costs***~~ ~~in a contract into which it enters with a contractor for a public work.~~ ~~***The court may award reasonable attorney's fees and costs to the prevailing party on an alternate writ of mandamus filed pursuant to subsection 1, regardless of***~~

~~whether there is a provision in the contract governing the payment of such fees and costs.]~~ **(Deleted by amendment.)**

Sec. 2. **Chapter 338 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. A party found by a court of competent jurisdiction to have legal standing may bring an action against a public body in district court to obtain an alternate writ of mandamus requiring the public body to award a contract pursuant to the applicable provisions of this chapter if:

(a) The public body attempts to award a contract in compliance with chapter 332 or 333 of NRS, as described in subsection 1 of NRS 338.011; and

(b) The work to be performed pursuant to the contract is not directly related to the normal operation of the public body or the normal maintenance of its property.

2. The district court may award reasonable attorney's fees and costs to the prevailing party in an action filed pursuant to subsection 1.

Assemblymember Considine moved the adoption of the amendment.
Amendment adopted.
Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 500.
Bill read second time and ordered to third reading.

Senate Bill No. 501.
Bill read second time and ordered to third reading.

Senate Bill No. 502.
Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblymember Jauregui moved that Senate Bills Nos. 305, 306, 414, and 443 be taken from their place on the General File and be moved to the Chief Clerk's Desk.
Motion carried.

Assemblymember Jauregui moved that Senate Bills Nos. 101, 116, 124, 130, 179, 181, 189, 196, 210, 251, 295, 370, 371, 386, 395, and 426 be taken from their place on the General File and moved to the bottom of the General File.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 559.
Bill read third time.
Roll call on Assembly Bill No. 559:
YEAS—42.
NAYS—None.

Assembly Bill No. 559 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 561.

Bill read third time.

Roll call on Assembly Bill No. 561:

YEAS—42.

NAYS—None.

Assembly Bill No. 561 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 581.

Bill read third time.

Roll call on Assembly Bill No. 581:

YEAS—42.

NAYS—None.

Assembly Bill No. 581 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 48.

Bill read third time.

Roll call on Senate Bill No. 48:

YEAS—42.

NAYS—None.

Senate Bill No. 48 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 71.

Bill read third time.

Roll call on Senate Bill No. 71:

YEAS—33.

NAYS—DeLong, Gray, Gurr, Hansen, Hardy, Hibbetts, Kasama, Koenig, Yurek—9.

Senate Bill No. 71 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 93.

Bill read third time.

Roll call on Senate Bill No. 93:

YEAS—27.

NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—15.

Senate Bill No. 93 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 100.

Bill read third time.

Roll call on Senate Bill No. 100:

YEAS—27.

NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—15.

Senate Bill No. 100 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 102.

Bill read third time.

Remarks by Assemblymembers Mosca and Gray.

ASSEMBLYMEMBER MOSCA:

Senate Bill 102 prohibits a person from creating or serving in a false slate of presidential electors or conspiring to commit such acts. A person who violates these provisions is guilty of a category D felony, may be subject to a fine, and may be liable for the costs of investigation and prosecution. If a court grants probation to a person convicted of such an offense, the court must require as a condition of probation that the person serve at least six months in the county jail. Additionally, a person convicted of such an offense may not be elected or appointed to public office. The measure authorizes a person who believes that such an offense has occurred to notify the Secretary of State, who then must investigate or refer the alleged violation to the Attorney General or a district attorney for investigation and prosecution.

ASSEMBLYMEMBER GRAY:

I believe on behalf of all of us, I rise in opposition to S.B. 102. When there is a pending legal challenge to the outcome of a federal election, state electors are still required to cast their votes on the federally mandated date or risk having those votes excluded when Congress counts the electoral votes. This is not a partisan tactic. It is a constitutional safeguard that has been used by both parties. For example, in 1960, Hawaii's Democratic electors cast their votes for John [F.] Kennedy, even though Richard Nixon had been initially declared the winner. While awaiting the results of a recount, both Republican and Democratic electors submitted their respective electoral votes to Congress. When Congress met to count the votes, Vice President Nixon, presiding over the session, chose to count the Democratic electors votes in alignment with the final certified results. Had the Democratic electors not submitted their votes, Hawaii's electoral votes would have gone to Nixon—even after the recount and court ruling confirmed Kennedy was the actual winner. Their action preserved the rightful outcome and the will of the voters. Senate Bill 102 seeks to criminalize what is, in fact, a lawful and sometimes necessary function of presidential electors; creating a precarious situation that may, in fact, disregard the will of the people. Contingent or provisional electors have played a recognized and accepted role in our electoral system since, at least, the election of 1876. By ignoring this legal and historical precedent, S.B. 102 amounts to a dangerous political overreach, an attempt to punish legitimate, and arguably, required conduct.

Roll call on Senate Bill No. 102:

YEAS—27.

NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—15.

Senate Bill No. 102 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 113.
Bill read third time.
Roll call on Senate Bill No. 113:
YEAS—42.
NAYS—None.
Senate Bill No. 113 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 114.
Bill read third time.
Roll call on Senate Bill No. 114:
YEAS—42.
NAYS—None.
Senate Bill No. 114 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 117.
Bill read third time.
Roll call on Senate Bill No. 117:
YEAS—42.
NAYS—None.
Senate Bill No. 117 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 120.
Bill read third time.
Roll call on Senate Bill No. 120:
YEAS—42.
NAYS—None.
Senate Bill No. 120 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 121.
Bill read third time.
Roll call on Senate Bill No. 121:
YEAS—29.
NAYS—DeLong, Dickman, Edgeworth, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—13.
Senate Bill No. 121 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 125.
Bill read third time.
Roll call on Senate Bill No. 125:

YEAS—42.
NAYS—None.
Senate Bill No. 125 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 137.
Bill read third time.
Roll call on Senate Bill No. 137:
YEAS—42.
NAYS—None.
Senate Bill No. 137 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 138.
Bill read third time.
Roll call on Senate Bill No. 138:
YEAS—37.
NAYS—Dickman, Gallant, Gurr, Hafen, O'Neill—5.
Senate Bill No. 138 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 140.
Bill read third time.
Roll call on Senate Bill No. 140:
YEAS—42.
NAYS—None.
Senate Bill No. 140 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 141.
Bill read third time.
Roll call on Senate Bill No. 141:
YEAS—42.
NAYS—None.
Senate Bill No. 141 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 142.
Bill read third time.
Roll call on Senate Bill No. 142:
YEAS—27.
NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—15.

Senate Bill No. 142 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 155.

Bill read third time.

Roll call on Senate Bill No. 155:

YEAS—27.

NAYS—Cole, DeLong, Dickman, Edgeworth, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, Miller, O'Neill, Yurek—15.

Senate Bill No. 155 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 162.

Bill read third time.

Roll call on Senate Bill No. 162:

YEAS—42.

NAYS—None.

Senate Bill No. 162 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 166.

Bill read third time.

Roll call on Senate Bill No. 166:

YEAS—30.

NAYS—Cole, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hibbetts, Kasama, Koenig, Yurek—12.

Senate Bill No. 166 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 167.

Bill read third time.

Roll call on Senate Bill No. 167:

YEAS—34.

NAYS—Cole, DeLong, Dickman, Gurr, Hafen, Hansen, Koenig, Yurek—8.

Senate Bill No. 167 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 168.

Bill read third time.

Roll call on Senate Bill No. 168:

YEAS—42.

NAYS—None.

Senate Bill No. 168 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 169.

Bill read third time.

Roll call on Senate Bill No. 169:

YEAS—42.

NAYS—None.

Senate Bill No. 169 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 171.

Bill read third time.

Roll call on Senate Bill No. 171:

YEAS—27.

NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—15.

Senate Bill No. 171 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 183.

Bill read third time.

Roll call on Senate Bill No. 183:

YEAS—33.

NAYS—DeLong, Gallant, Gray, Gurr, Hafen, Hardy, Kasama, O'Neill, Yurek—9.

Senate Bill No. 183 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 187.

Bill read third time.

Roll call on Senate Bill No. 187:

YEAS—42.

NAYS—None.

Senate Bill No. 187 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 188.

Bill read third time.

Roll call on Senate Bill No. 188:

YEAS—35.

NAYS—DeLong, Dickman, Gurr, Hafen, Hansen, Hibbetts, O'Neill—7.

Senate Bill No. 188 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 194.
Bill read third time.
Roll call on Senate Bill No. 194:
YEAS—38.
NAYS—Anderson, Brown-May, Considine, Mosca—4.
Senate Bill No. 194 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 198.
Bill read third time.
Roll call on Senate Bill No. 198:
YEAS—27.
NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—15.
Senate Bill No. 198 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 203.
Bill read third time.
Roll call on Senate Bill No. 203:
YEAS—42.
NAYS—None.
Senate Bill No. 203 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 208.
Bill read third time.
Roll call on Senate Bill No. 208:
YEAS—42.
NAYS—None.
Senate Bill No. 208 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 213.
Bill read third time.
Roll call on Senate Bill No. 213:
YEAS—42.
NAYS—None.
Senate Bill No. 213 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 215.
Bill read third time.
Roll call on Senate Bill No. 215:

YEAS—42.
NAYS—None.
Senate Bill No. 215 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 235.
Bill read third time.
Roll call on Senate Bill No. 235:
YEAS—42.
NAYS—None.
Senate Bill No. 235 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 246.
Bill read third time.
Roll call on Senate Bill No. 246:
YEAS—27.
NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—15.
Senate Bill No. 246 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 256.
Bill read third time.
Roll call on Senate Bill No. 256:
YEAS—42.
NAYS—None.
Senate Bill No. 256 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 266.
Bill read third time.
Roll call on Senate Bill No. 266:
YEAS—42.
NAYS—None.
Senate Bill No. 266 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 268.
Bill read third time.
Roll call on Senate Bill No. 268:
YEAS—42.
NAYS—None.

Senate Bill No. 268 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 276.
Bill read third time.
Roll call on Senate Bill No. 276:
YEAS—42.
NAYS—None.
Senate Bill No. 276 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 278.
Bill read third time.
Roll call on Senate Bill No. 278:
YEAS—42.
NAYS—None.
Senate Bill No. 278 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 279.
Bill read third time.
Roll call on Senate Bill No. 279:
YEAS—42.
NAYS—None.
Senate Bill No. 279 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 284.
Bill read third time.
Roll call on Senate Bill No. 284:
YEAS—40.
NAYS—Dickman, Gallant—2.
Senate Bill No. 284 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 285.
Bill read third time.
Roll call on Senate Bill No. 285:
YEAS—28.
NAYS—Cole, DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—14.
Senate Bill No. 285 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 291.
Bill read third time.
Roll call on Senate Bill No. 291:
YEAS—42.
NAYS—None.
Senate Bill No. 291 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 292.
Bill read third time.
Roll call on Senate Bill No. 292:
YEAS—37.
NAYS—Dickman, Gallant, Hansen—3.
Senate Bill No. 292 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 293.
Bill read third time.
Roll call on Senate Bill No. 293:
YEAS—42.
NAYS—None.
Senate Bill No. 293 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 297.
Bill read third time.
Roll call on Senate Bill No. 297:
YEAS—29.
NAYS—Cole, DeLong, Dickman, Edgeworth, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, O'Neill, Yurek—13.
Senate Bill No. 297 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 299.
Bill read third time.
Roll call on Senate Bill No. 299:
YEAS—42.
NAYS—None.
Senate Bill No. 299 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 301.
Bill read third time.
Roll call on Senate Bill No. 301:

YEAS—27.
NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—15.

Senate Bill No. 301 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 303.
Bill read third time.
Remarks by Assemblymember Miller.

ASSEMBLYMEMBER MILLER:
Subsection 8 allows the state or local government, or a party suing the state or local government, to seek an interlocutory appeal of a court's decision to grant or deny a motion brought under this section. The intent of this provision is to allow for appellate review right after a court rules on the government's motion to dismiss a motion for summary judgment, or any other similar motion, even at the onset of the case, or if the case is ongoing. This is an important piece of the bill because the recreational immunity statute is designed to encourage the government to provide the public with spaces for recreation by shielding the government from lawsuits. Denying immediate appellate review of a trial court's decision can undermine this purpose by forcing the government to endure protracted and costly litigation, even when immunity should apply. Alternatively, an [erroneous] grant of immunity can unjustly bar an injured person from seeking redress from the government. This right to the appeal permits our appellate courts to quickly correct such errors early in the process which will promote judicial efficiency, save all of our parties the cost of unnecessary litigation, and preserve the intent of the recreational immunity statute.

Roll call on Senate Bill No. 303:
YEAS—34.
NAYS—DeLong, Dickman, Gallant, Gray, Hafen, Hansen, Hardy, O'Neill—8.

Senate Bill No. 303 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 313.
Bill read third time.
Roll call on Senate Bill No. 313:
YEAS—40.
NAYS—Dickman, Hansen—2.

Senate Bill No. 313 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 315.
Bill read third time.
Roll call on Senate Bill No. 315:
YEAS—42.
NAYS—None.

Senate Bill No. 315 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 319.
Bill read third time.
Roll call on Senate Bill No. 319:
YEAS—34.
NAYS—DeLong, Dickman, Gallant, Gurr, Hafen, Hansen, Hibbetts, O'Neill—8.
Senate Bill No. 319 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 320.
Bill read third time.
Roll call on Senate Bill No. 320:
YEAS—42.
NAYS—None.
Senate Bill No. 320 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 321.
Bill read third time.
Roll call on Senate Bill No. 321:
YEAS—42.
NAYS—None.
Senate Bill No. 321 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 322.
Bill read third time.
Roll call on Senate Bill No. 322:
YEAS—42.
NAYS—None.
Senate Bill No. 322 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 325.
Bill read third time.
Roll call on Senate Bill No. 325:
YEAS—42.
NAYS—None.
Senate Bill No. 325 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 326.
Bill read third time.
Roll call on Senate Bill No. 326:

YEAS—42.
NAYS—None.
Senate Bill No. 326 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 327.
Bill read third time.
Roll call on Senate Bill No. 327:
YEAS—27.
NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—15.
Senate Bill No. 327 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 330.
Bill read third time.
Roll call on Senate Bill No. 330:
YEAS—37.
NAYS—Dickman, Gallant, Gray, Gurr, Hafen—5.
Senate Bill No. 330 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 334.
Bill read third time.
Roll call on Senate Bill No. 334:
YEAS—27.
NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—15.
Senate Bill No. 334 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 338.
Bill read third time.
Roll call on Senate Bill No. 338:
YEAS—42.
NAYS—None.
Senate Bill No. 338 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 346.
Bill read third time.
Roll call on Senate Bill No. 346:
YEAS—42.
NAYS—None.

Senate Bill No. 346 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 347.
Bill read third time.
Roll call on Senate Bill No. 347:
YEAS—27.
NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—15.
Senate Bill No. 347 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 349.
Bill read third time.
Roll call on Senate Bill No. 349:
YEAS—42.
NAYS—None.
Senate Bill No. 349 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 350.
Bill read third time.
Roll call on Senate Bill No. 350:
YEAS—28.
NAYS—DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—14.
Senate Bill No. 350 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 358.
Bill read third time.
Roll call on Senate Bill No. 358:
YEAS—42.
NAYS—None.
Senate Bill No. 358 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 359.
Bill read third time.
The following amendment was proposed by Assemblymember Miller:
Amendment No. 640.
SUMMARY—Makes various changes relating to ~~[traffic offenses.]~~ **drivers.** (BDR 43-900)

AN ACT relating to vehicles; revising provisions governing a hearing to contest the determination set forth in a civil infraction citation; requiring a misdemeanor offense and a civil infraction to be included in the same criminal complaint under certain circumstances; **clarifying the locations to which certain statutory duties of a driver involved in a crash apply;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the procedures for a hearing at which a person may contest whether the person committed a violation set forth in a civil infraction citation. (NRS 484A.7041) **Section 4** of this bill replaces a requirement that, before any such hearing, the person must post a bond equal to the amount of the full payment of the monetary penalty, administrative assessment and any fees specified in the civil infraction citation with a requirement that the person must post a bond of not more than that amount. **Section 4** also: (1) authorizes counsel to appear on behalf of a person who requests a hearing; and (2) provides that if counsel appears at the hearing, the person who requested the hearing is not required to attend. **Section 1** of this bill makes certain rules of evidence applicable to the adjudication of contested cases under the Nevada Administrative Procedure Act applicable to any such hearing.

Under existing law, if a person is arrested for a misdemeanor offense arising out of the same facts and circumstances as certain violations of law that are punishable as civil infractions, the offense and the civil infraction may be included in the same criminal complaint. (NRS 484A.7033) **Section 2** of this bill revises this provision to instead require the inclusion of both the offense and the civil infraction in the same criminal complaint.

Existing law: (1) authorizes a prosecuting attorney to elect to treat certain traffic and related offenses that are punishable as a misdemeanor instead as a civil infraction; and (2) provides a procedure for making such an election. Pursuant to this procedure, existing law requires the prosecuting attorney to make the election on or before the time scheduled for the first appearance of the defendant. (NRS 484A.7049) **Section 5** of this bill eliminates this requirement and certain related procedural requirements. **Section 3** of this bill makes a conforming change to remove a reference to provisions eliminated by **section 5**.

Existing law requires the driver of a vehicle involved in a crash to take certain actions, which vary depending on whether the crash involves injury or death or attended or unattended property and whether a police officer is present. (NRS 484E.020-484E.050) Sections 6-9 of this bill clarify the location-based requirements for the responsibilities of a driver following a crash on a highway or premises to which the public has access. Specifically, section 6 requires the driver of a vehicle involved in such a crash that results only in damage to a vehicle or other property driven or attended by a person to stop and, if the vehicle is obstructing traffic and can be moved safely, move it to a safe location. (NRS 484E.020) Section 7 requires the driver of a vehicle involved in such a crash that results in

injury, death or damage to attended property to stop, provide certain information, render aid if needed and report the crash to law enforcement under certain circumstances. (NRS 484E.030) Section 8 clarifies that the duties of a driver who is involved in a crash with unattended property apply when the crash occurs on a highway or premises to which the public has access. (NRS 484E.040) Section 9 provides that the duty to report a crash involving unattended property applies when the crash occurs on a highway. (NRS 484E.050)

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

Section 1. Chapter 484A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A hearing conducted pursuant to NRS 484A.7041 must be conducted in accordance with the provisions of this section by a qualified magistrate as specified in NRS 484A.750.

2. Subpoenas may be issued by:

(a) The magistrate.

(b) The parties.

(c) The attorney of record for a party.

➥ Obedience to the subpoena may be compelled in the same manner as provided in chapter 22 of NRS.

3. At a hearing conducted pursuant to NRS 484A.7041:

(a) Oral evidence may be taken only upon oath or affirmation administered by the magistrate.

(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) 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.

(d) 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.

4. The magistrate may:

(a) Conduct a hearing by telephone, audiovisual means or other electronic means outside of the judicial district in which the magistrate is appointed.

(b) Permit a party or witness residing outside of the judicial district to be deposed or to testify by telephone, audiovisual means or other electronic means.

Sec. 2. NRS 484A.7033 is hereby amended to read as follows:

484A.7033 1. Except as otherwise provided by law, a peace officer in this State who has reasonable cause to believe that a person has violated a provision of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is a civil infraction may halt and detain the person as is reasonably necessary to investigate the alleged violation and issue a civil infraction citation for the alleged violation. A peace officer who has halted and detained a person pursuant to this section may also:

(a) Detain the person in accordance with NRS 171.123 if circumstances exist that warrant such a detention;

(b) Search the person to ascertain the presence of a weapon in accordance with NRS 171.1232 and take any other action authorized pursuant to that section or any other provision of law; and

(c) Arrest the person in accordance with NRS 171.1231 if probable cause for the arrest exists.

2. If a person is arrested pursuant to paragraph (c) of subsection 1 for an offense that arises out of the same facts and circumstances as the civil infraction and is punishable as a misdemeanor, the offense and the civil infraction ~~[may]~~ ***must*** be included in the same criminal complaint.

Sec. 3. NRS 484A.7035 is hereby amended to read as follows:

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

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

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

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

(d) The state registration number of the person's vehicle, if any;

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

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

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

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

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

(j) A statement that the person must respond to the citation as provided in NRS 484A.703 to 484A.705, inclusive, within 90 calendar days.

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

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

Sec. 4. NRS 484A.7041 is hereby amended to read as follows:

484A.7041 1. If, pursuant to subsection 3 of NRS 484A.704, a person receiving a civil infraction citation requests a hearing to contest the determination that the person has committed the civil infraction set forth in the citation, the hearing must be conducted in accordance with this section.

2. Except as otherwise provided in this subsection, before a hearing to contest the determination that a person has committed a civil infraction, the

court shall require the person to post a bond. ~~[equal to]~~ ***The court shall fix the amount of the bond at not more than*** the amount of the full payment of the monetary penalty, the administrative assessment and any fees specified in the civil infraction citation. In lieu of posting such a bond, the person may instead deposit cash with the court in the amount of the bond required pursuant to this subsection. Any bond posted or cash deposited with the court pursuant to this subsection must be forfeited upon the court's finding that the person committed the civil infraction. Any person whom the court determines is unable to pay the costs of defending the action or is a client of a program for legal aid in accordance with NRS 12.015 must not be required to post a bond or deposit cash with the court in accordance with this subsection.

3. The person who requested the hearing may, at his or her expense, be represented by counsel. ~~[, and a city attorney or district attorney, in his or her discretion and as applicable,]~~ ***If counsel appears at the hearing, the person who requested the hearing is not required to attend. A prosecuting attorney*** may represent the plaintiff.

4. A hearing conducted pursuant to this section must be conducted by the court without a jury. In lieu of the personal appearance at the hearing by the peace officer who issued the civil infraction citation, the court may consider the information contained in the civil infraction citation and any other written statement submitted under oath by the peace officer. If the court has established a system pursuant to NRS 484A.615, the peace officer may, if authorized by the court, use the system to submit such a statement. The person named in the civil infraction citation may subpoena witnesses, including, without limitation, the peace officer who issued the citation, and has the right to present evidence and examine witnesses present in court.

5. After consideration of the evidence and argument, the court shall determine whether a civil infraction was committed by the person named in the civil infraction citation. The court must find by a preponderance of the evidence that the person named in the civil infraction citation committed a civil infraction. If it has not been established by a preponderance of the evidence that the infraction was committed by the person named in the citation, the court must enter an order dismissing the civil infraction citation in the court's records. If it has been established by a preponderance of the evidence that the infraction was committed, the court must enter in the court's records an order pursuant to NRS 484A.7043.

6. An appeal from the court's determination or order may be taken in the same manner as any other civil appeal from a municipal court or justice court, as applicable, except that:

(a) The notice of appeal must be filed not later than 7 calendar days after the court enters in the court's records an order pursuant to NRS 484A.7043;

(b) If the appellant is the person charged with the civil infraction, any bond required to be given by the appellant in order to secure a stay of execution of the order of the court during the pendency of the appeal must equal the amount of the monetary penalty and administrative assessments which the court has ordered the appellant to pay pursuant to NRS 484A.7043. Any bond must be forfeited if the order of the court is affirmed on appeal; and

(c) If a prosecuting attorney does not represent the plaintiff during the proceedings in the justice court or municipal court, the appellate court shall review the record and any arguments presented by the person charged with the civil infraction and render a decision.

Sec. 5. NRS 484A.7049 is hereby amended to read as follows:

484A.7049 **[1.]** A prosecuting attorney may elect to treat a violation of a provision of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is punishable as a misdemeanor, other than a violation of NRS 484C.110 or 484C.120, as a civil infraction pursuant to NRS 484A.703 to 484A.705, inclusive.

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

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

~~(b) Filing notice of the prosecuting attorney's election with the court having jurisdiction of the underlying criminal charge; and~~

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

~~3. Upon the filing of a notice pursuant to paragraph (b) of subsection 2, the court shall dismiss the underlying criminal charge.~~**]**

Sec. 6. **NRS 484E.020 is hereby amended to read as follows:**

484E.020 1. The driver of any vehicle involved in a crash ***on a highway or premises to which the public has access*** resulting only in damage to a vehicle or other property which is driven or attended by any person shall:

(a) Immediately stop his or her vehicle at the scene of the crash; and

(b) If the driver's vehicle is creating a hazard or obstructing traffic and can be moved safely, move the vehicle or cause the vehicle to be moved out of the traffic lanes of the roadway to a safe location that does not create a hazard or obstruct traffic and, if applicable, safely fulfill the requirements of NRS 484E.030.

2. A person who violates this section is guilty of a misdemeanor.

Sec. 7. **NRS 484E.030 is hereby amended to read as follows:**

484E.030 1. The driver of any vehicle involved in a crash ***on a highway or premises to which the public has access*** resulting in injury to or death of any person or damage to any vehicle or other property which is driven or attended by any person shall:

(a) Give his or her name, address and the registration number of the vehicle the driver is driving, and shall upon request and if available exhibit his or her license to operate a motor vehicle to any person injured in such crash or to the driver or occupant of or person attending any vehicle or other property damaged in such crash;

(b) Give such information and upon request manually surrender such license to any police officer at the scene of the crash or who is investigating the crash; and

(c) Render to any person injured in such crash reasonable assistance, including the carrying, or the making of arrangements for the carrying, of such person to a physician, surgeon or hospital for medical or surgical treatment if it is apparent that such treatment is necessary, or if such carrying is requested by the injured person.

2. If no police officer is present, the driver of any vehicle involved in ~~[such]~~ ***a*** crash ***described in subsection 1,*** after fulfilling all other requirements of subsection 1 and NRS 484E.010, insofar as possible on his or her part to be performed, shall ***, if the crash resulted in injury to or death of any person or occurred on a highway,*** forthwith report ~~[such]~~ ***the*** crash to the nearest office of a police authority or of the Nevada Highway Patrol and submit thereto the information specified in subsection 1.

3. A person who violates this section is guilty of a misdemeanor.

Sec. 8. **NRS 484E.040 is hereby amended to read as follows:**

484E.040 1. Except as otherwise provided in subsection 2, the driver of any vehicle which is involved in a crash ***on a highway or premises to which the public has access*** with any vehicle or other property which is unattended, resulting in any damage to such other vehicle or property, shall immediately stop and shall then and there locate and notify the operator or owner of such vehicle or other property of the name and address of the driver and owner of the vehicle striking the unattended vehicle or other property or shall attach securely in a conspicuous place in or on such vehicle or property a written notice giving the name and address of the driver and of the owner of the vehicle doing the striking.

2. If the vehicle of a driver involved in a crash pursuant to subsection 1 is creating a hazard or obstructing traffic and can be moved safely, the driver shall, before meeting the requirements of subsection 1, move the vehicle or cause the vehicle to be moved out of the traffic lanes of the roadway to a safe location that does not create a hazard or obstruct traffic and minimizes interference with the free movement of traffic.

3. A person who violates this section is guilty of a misdemeanor.

Sec. 9. **NRS 484E.050 is hereby amended to read as follows:**

484E.050 1. The driver of a vehicle which is involved in a crash ***on a highway*** with any vehicle or other property which is unattended, resulting in any damage to such other vehicle or property, shall immediately by the quickest means of communication give notice of such crash to the nearest office of a police authority or of the Nevada Highway Patrol.

2. Whenever the driver of a vehicle is physically incapable of giving an immediate notice of a crash as required in subsection 1 and there was another occupant in the vehicle at the time of the crash capable of doing so, such occupant shall make or cause to be given the notice not given by the driver.

3. A person who violates this section is guilty of a misdemeanor.

Assemblymember Miller moved the adoption of the amendment.
Amendment adopted.
Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 372.
Bill read third time.
Roll call on Senate Bill No. 372:
YEAS—42.
NAYS—None.
Senate Bill No. 372 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 375.
Bill read third time.
Roll call on Senate Bill No. 375:
YEAS—42.
NAYS—None.
Senate Bill No. 375 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 387.
Bill read third time.
Roll call on Senate Bill No. 387:
YEAS—42.
NAYS—None.
Senate Bill No. 387 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 404.
Bill read third time.
Roll call on Senate Bill No. 404:
YEAS—42.
NAYS—None.
Senate Bill No. 404 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 405.
Bill read third time.
Roll call on Senate Bill No. 405:
YEAS—40.
NAYS—Gallant, Hafen—2.
Senate Bill No. 405 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblymember Jauregui moved that Senate Bills Nos. 101, 116, 124, 130, 179, 181, 189, 196, 210, 251, 295, 370, 371, 386, 395, and 426 be taken from their place on the General File and be placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 17, 18, 20, 21, 30, 38, 46, 48, 50, 55, 56, 70, 89, 90, 97, 116, 202, 258, 305, 361, 430, 493, 498, 510, 512, 521; Senate Bills Nos. 4, 8, 9, 10, 11, 13, 16, 17, 19, 21, 24, 25, 26, 28, 30, 38, 44, 45, 49, 52, 66, 72, 84.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblymember D'Silva, the privilege of the floor of the Assembly Chamber for this day was extended to James Shorey.

On request of Assemblymember Gray, the privilege of the floor of the Assembly Chamber for this day was extended to Jim Jackson.

On request of Assemblymember O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Audrey Stieber, Autumn Nash, Carter Donato, Charlotte Smith, Connor Leftwich, Daniel Lee, Demi Fuchs, Dylan Ellis, Ellis Wilkerson, Emme Favaro, Geraldine Ramos-Montes, Hannah Urroz, Jay Malone, Lincoln Rudelbach, Luke Etchison, Mady Avalos, Mia Kabor, Olivia Spurlock, Patton Miguel, Peter Capizzi-Gay, Phoenix Torres, Rion Flynn, Ruth Tryesniewski, Sophie Hodach, Taos Williams, and Thomas Roth.

Assemblymember Jauregui moved that the Assembly adjourn until Friday, May 23, 2025, at 11:30 a.m.

Motion carried.

Assembly adjourned at 2 p.m.

Approved:

STEVE YEAGER
Speaker of the Assembly

Attest: BONNIE BORDA HOFFECKER
Chief Clerk of the Assembly